

**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 152

Held at :

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

Thursday, October 25 2007

Tenue à:

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

Jeudi, le 25 octobre 2007

ERRATA

October 11th, 2007
Volume 148

Page 190, lines 6 and 7

MR. CHISHOLM: I note, yes, there that it implicates the CAS anyway.

Should have read:

MR. CHISHOLM: No, I don't see it in there that implicates the CAS in any way.

October 24th, 2007
Volume 151

Page 131, line 22

--- EXHIBIT NO./PIÈCE No. P-726:
(109981) Transcript of Her Majesty the Queen v. Jacques Ledu, Extract Pre-Trial Motion dated 19 Aug. 04

Should have read:

--- EXHIBIT NO./PIÈCE No. P-725:
(109981) Transcript of Her Majesty the Queen v. Jacques Leduc, Extract Pre-Trial Motion dated 19 Aug. 04

Appearances/Comparutions

| | |
|---|---|
| Ms. Julie Gauthier | Registrar |
| Mr. Deirdre Harrington M ^e Simon Ruel | Commission Counsel |
| Mr. John E. Callaghan | Cornwall Police Service Board |
| Mr. Neil Kozloff Ms. Diane Lahaie | Ontario Provincial Police |
| Mr. David Rose M ^e Claude Rouleau | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Stephen Scharbach | Attorney General for Ontario |
| Mr. Peter Chisholm | The Children's Aid Society of the United Counties |
| Mr. Allan Manson | Citizens for Community Renewal |
| Mr. Dallas Lee | Victims Group |
| Mr. David Sherriff-Scott | Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque |
| Mr. Michael Neville | The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald |
| Mr. Mark Wallace | Ontario Provincial Police Association |
| Mr. Frank T. Horn Mr. Ian Paul | Mr. Carson Chisholm |

Table of Contents / Table des matières

| | Page |
|---|-------------|
| List of Exhibits : | iv |
| CHARLES BOURGEOIS, Resumed/Sous le même serment | 1 |
| Examination in-Chief by/Interrogatoire en-chef par Mr. Simon Ruel (Cont'd/Suite) | 1 |
| Cross-Examination by/Contre-interrogatoire par Mr. Allan Manson | 104 |
| Cross-Examination by/Contre-interrogatoire par Mr. Ian Paul | 175 |
| Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee | 183 |
| Cross-Examination by/Contre-interrogatoire par Mr. Michael Neville | 207 |

LIST OF EXHIBITS/LISTE D'EXHIBITS

| NO. | DESCRIPTION | PAGE NO |
|------------|---|----------------|
| P-729 | (705770) Table of Contents of various Information | 73 |
| P-730 | (716547) Letter fr Perry Dunlop to The Honourable Robert Runciman re: Request for a criminal investigation of the Cornwall Police Service dated 07 Apr 97 | 74 |
| P-731 | (723536) Letter fr R.W. Trew to Perry Dunlop dated 25 Sep 97 | 77 |
| P-732 | (728029) Letter fr Charles Bourgeois to R.W. Trew re: Perry Dunlop dated 08 Oct 97 | 80 |
| P-733 | (713870) Notes of Inspector R.W. Trew dated from 11 Jun 97 to 27 Apr 99 | 85 |
| P-734 | (721628) Note to File of Richard Abell re: Project Blue | 91 |
| P-735 | (721626 7080904) Letter fr Richard Abell to Charles Bourgeois re: Referral of 19 Dec 96 dated 23 Dec 96 | 94 |
| P-736 | (721626 7080896-97) Letter fr Richard Abell to Charles Bourgeois re: Referral of 19 Dec 96 dated 20 Dec 97 / Letter fr Charles Bourgeois to Richard Abell re: Referral of 19 Dec 96 dated 21 Feb 97 | 97 |
| C-737 | Transcript of Her Majesty the Queen vs. C-8 Submissions dated 26 Feb 98 | 190 |
| C-738 | Transcript of Her Majesty the Queen vs. C-8 Reasons for Judgment dated 26 Feb 97 | 191 |
| C-739 | Crown Disclosure Brief | 220 |

1 --- Upon commencing at 9:33 a.m. /

2 L'audience débute à 9h33

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

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 **MR. RUEL:** Good morning, Mr. Commissioner.

9 **THE COMMISSIONER:** Good morning.

10 There you go. Thank you. Good morning,
11 sir.

12 **MR. BOURGEOIS:** Good morning.

13 **CHARLES BOURGEOIS:** Resumed/Sous le même serment

14 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
15 **RUEL:** (Continued/Suite)

16 **MR. RUEL:** So good morning, Mr. Bourgeois.

17 So I guess you've been able to do a bit of
18 reading last night ---

19 **MR. BOURGEOIS:** Yes.

20 **MR. RUEL:** --- and this morning?

21 **MR. BOURGEOIS:** Yes.

22 **MR. RUEL:** I just want to come back briefly
23 on a couple of issues with respect to C-8 and again just
24 pointing to you just to be careful with the ---

25 **THE COMMISSIONER:** Moniker.

1 MR. RUEL: --- moniker.

2 Do you know that C-8 recanted some of the
3 allegations he made against Father MacDonald and Marcel
4 Lalonde?

5 MR. BOURGEOIS: Yes, I know that now from, I
6 think, being told by you.

7 MR. RUEL: And does that surprise you?

8 MR. BOURGEOIS: Yes.

9 MR. RUEL: In what way?

10 MR. BOURGEOIS: I don't believe that's the
11 truth.

12 MR. RUEL: I mean, based on what?

13 MR. BOURGEOIS: On my discussions with him.

14 MR. RUEL: You felt he was truthful?

15 MR. BOURGEOIS: Yes.

16 MR. RUEL: C-8 testified before the
17 Commission and I don't know if you -- well, the testimony
18 was in camera. So I guess you didn't read or heard what he
19 said, but the thrust of his testimony was that when he gave
20 the statement of January 23rd we talked about yesterday, he
21 did that in the presence -- he believed he did that only in
22 the presence of Mr. Dunlop and he felt pressured in giving
23 this statement.

24 So do you have anything to say with respect
25 to this aspect of C-8's testimony?

1 **MR. BOURGEOIS:** I don't believe that's true
2 at all.

3 **MR. RUEL:** Why is that?

4 **MR. BOURGEOIS:** I don't think he was
5 pressured at all.

6 **MR. RUEL:** So now I want to come back. We
7 just started to talk about Mr. Leroux yesterday and Mr.
8 Leroux testified before the Commission in-chief and he was
9 excused from testifying in cross-examination.

10 So are you aware that Mr. Leroux testified
11 before the Commission?

12 **MR. BOURGEOIS:** Yeah, through you again.

13 **MR. RUEL:** Did you listen to Mr. Leroux's
14 testimony or read the transcript?

15 **MR. BOURGEOIS:** I read parts of it that I
16 think you provided me.

17 **MR. RUEL:** Okay. You were aware that Mr.
18 Leroux gave various statements either to Mr. Dunlop or to
19 you or you commissioned some -- I guess some affidavits for
20 Mr. Leroux. Is that correct?

21 **MR. BOURGEOIS:** Yes.

22 **MR. RUEL:** Do you know that he recanted many
23 of the allegations he made in those statements and
24 affidavits?

25 **MR. BOURGEOIS:** Yes.

1 MR. RUEL: Were you surprised to hear that?

2 MR. BOURGEOIS: Absolutely.

3 MR. RUEL: So we talked yesterday about a
4 phone call you had with Mr. Leroux and when he testified,
5 Mr. Leroux said that essentially that you threatened him
6 that he could be charged with obstruction of justice if he
7 did not cooperate with you. Is that something that
8 happened?

9 MR. BOURGEOIS: Not accurate.

10 MR. RUEL: What's that?

11 MR. BOURGEOIS: Not accurate. Not true.

12 MR. RUEL: When you spoke to him on the
13 phone, did you tell him that you were acting for Mr. Dunlop
14 as counsel for a civil suit?

15 MR. BOURGEOIS: Oh, yes.

16 MR. RUEL: You would have explained that to
17 him on the phone?

18 MR. BOURGEOIS: Yes. Yes.

19 MR. RUEL: And did you explain what the
20 civil suit was about?

21 MR. BOURGEOIS: Yes.

22 THE COMMISSIONER: What did you tell him?

23 MR. BOURGEOIS: I can't remember specifics,
24 sir, but clearly the issue was surrounding Mr. Dunlop and
25 what had occurred to him in his career.

1 **MR. RUEL:** So when you spoke to him on the
2 phone, did you feel this was a person of interest for Mr.
3 Dunlop's claim?

4 **MR. BOURGEOIS:** Yes.

5 **MR. RUEL:** In what way?

6 **MR. BOURGEOIS:** Connecting the dots,
7 information that he could provide. He was there at the
8 relevant times, knew the parties and had some information
9 that may be helpful.

10 **MR. RUEL:** Okay. So you've met with Mr.
11 Leroux in Maine. Is that correct?

12 **MR. BOURGEOIS:** Yes.

13 **MR. RUEL:** How many times?

14 **MR. BOURGEOIS:** I believe once.

15 **MR. RUEL:** And is it possible you travelled
16 to Maine between October 7 and October 11, 1996 with Perry
17 Dunlop to meet with Mr. Leroux?

18 **MR. BOURGEOIS:** No, I don't think so.

19 **MR. RUEL:** You don't think so? Do you
20 remember when you travelled to Maine?

21 **MR. BOURGEOIS:** No, I don't remember
22 specifically, just that I went there once.

23 **MR. RUEL:** So what do you remember about
24 those -- well, this meeting or this trip to Maine to meet
25 Mr. Leroux?

1 **MR. BOURGEOIS:** Just that we met with him
2 and gathered information that he provided and ultimately he
3 swore an affidavit.

4 **MR. RUEL:** So when -- were you with Mr.
5 Dunlop when you went to Maine with ---

6 **MR. BOURGEOIS:** Yes, Mr. Dunlop was with me.

7 **MR. RUEL:** Was anyone else present?

8 **MR. BOURGEOIS:** I don't think so.

9 **MR. RUEL:** So do you remember where you met
10 Mr. Leroux in Maine?

11 **MR. BOURGEOIS:** I met him at his residence,
12 at a hotel room as well; I think at a restaurant. It's
13 about it that I can remember.

14 **MR. RUEL:** So how long did the trip last
15 from what you remember?

16 **MR. BOURGEOIS:** I don't remember how many
17 days but at least two days because I know we were at a
18 hotel.

19 **MR. RUEL:** And those meetings that you
20 mentioned, the residence, at the hotel, in a restaurant,
21 was that all the same day or that would have been on
22 different days?

23 **MR. BOURGEOIS:** Probably would have been --
24 it would have been different days.

25 **MR. RUEL:** So do you remember the first

1 meeting you had with him in Maine?

2 MR. BOURGEOIS: It would likely have been at
3 his home.

4 MR. RUEL: Okay. Do you remember what
5 happened there?

6 MR. BOURGEOIS: Discussions with him.

7 MR. RUEL: What was the nature of the
8 discussion, do you remember?

9 MR. BOURGEOIS: It would have been relevant
10 to the case.

11 MR. RUEL: In what sense?

12 MR. BOURGEOIS: What information he had to
13 provide.

14 MR. RUEL: So can you explain a bit more
15 about the information he had?

16 MR. BOURGEOIS: Well, he had information
17 about -- well, ultimately he had information about a
18 conspiracy, threats against the Dunlops, various acts that
19 he had observed, meetings that had taken place that he was
20 privy to, conversations that he overheard, observations of
21 gathering of what he called VIP, things of that nature.

22 MR. RUEL: So those allegations appear in
23 the affidavits he swore ---

24 MR. BOURGEOIS: Yes.

25 MR. RUEL: --- before you; right?

1 **MR. BOURGEOIS:** Yes.

2 **MR. RUEL:** So did you feel -- what was your
3 perception of Mr. Leroux through the meetings you had with
4 him?

5 **MR. BOURGEOIS:** I perceived he was telling
6 the truth just by the nature of the detail he was providing
7 and the locations and, you know, details of colours and
8 descriptions, things of that nature.

9 **MR. RUEL:** What do you mean by colour?

10 **MR. BOURGEOIS:** Well, he would just -- he'd
11 give a lot of detail about colours of things that he
12 observed and ---

13 **MR. RUEL:** Like what for example?

14 **MR. BOURGEOIS:** I don't know, if he
15 mentioned a car or I think there was something about a milk
16 box or something, just all kinds of detail of events and he
17 seemed fairly specific about them.

18 **MR. RUEL:** So you've had at least -- well,
19 you've had a number of meetings, I guess, at least in Maine
20 with him?

21 **MR. BOURGEOIS:** Yes.

22 **MR. RUEL:** Did you feel that through those
23 meetings he was providing you with information which was
24 contradictory? In other words, was he contradicting
25 himself in meetings as compared to information provided in

1 previous meetings?

2 MR. BOURGEOIS: I don't think so, I don't
3 remember any real contradictions. He had additions.

4 MR. RUEL: So you ---

5 MR. BOURGEOIS: So you would add information
6 as you would go along, but he would -- it wasn't
7 subtractions, it was additions.

8 MR. RUEL: So this information was -- I
9 mean, did you have to work hard to get that information or
10 was he volunteering that information to you?

11 MR. BOURGEOIS: He was volunteering the
12 information but, as can be typical, he was certainly was
13 hesitant. They're sensitive subjects and ---

14 MR. RUEL: For example?

15 MR. BOURGEOIS: Well, I think he was very
16 hesitant to -- I think he had his own potential issues to
17 deal with and I think that caused him probably some concern
18 in reflecting on it in hindsight.

19 MR. RUEL: Can you indicate what you are
20 referring to specifically?

21 MR. BOURGEOIS: Well, with respect to C-8
22 and ---

23 MR. RUEL: So what was the issue with
24 respect to C-8. What did he tell you?

25 MR. BOURGEOIS: Nothing. It's just in

1 reviewing it in hindsight he maybe had his own -- his own
2 skeletons in his closet.

3 **MR. RUEL:** So did he tell you that -- well,
4 what you indicated yesterday is that C-8 told you that he
5 had been, I guess, abused by Leroux when he was young. So
6 was that confirmed by Leroux in his discussions?

7 **MR. BOURGEOIS:** No.

8 **MR. RUEL:** So was that the impression you
9 had of him, that this might have happened? You mentioned
10 issues with respect to C-8 so you must have had some
11 information with respect to that.

12 **MR. BOURGEOIS:** Well, he certainly wasn't
13 forthcoming that he did anything improper himself.

14 **THE COMMISSIONER:** Did you ever put it to
15 him?

16 **MR. BOURGEOIS:** I would assume we did, sir.

17 **THE COMMISSIONER:** I know, I know.

18 **MR. BOURGEOIS:** I don't remember
19 specifically putting it to him; I can't say so.

20 All I know in reviewing the material is that
21 it was put to him by Constable Genier in an independent
22 meeting and he denied it there, so.

23 **THE COMMISSIONER:** Yes, yes, that's long
24 after?

25 **MR. BOURGEOIS:** Yeah, yeah, it was.

1 **THE COMMISSIONER:** What we want to know is
2 when you were down there in Maine, when you met him for the
3 first time; right?

4 **MR. BOURGEOIS:** Yes.

5 **THE COMMISSIONER:** You knew that there was
6 an allegation there that he had abused C-8?

7 **MR. BOURGEOIS:** Correct.

8 **THE COMMISSIONER:** All right. So the issue
9 is, the question is simple, do you remember putting it to
10 him?

11 **MR. BOURGEOIS:** No. I don't remember
12 putting it to him.

13 **THE COMMISSIONER:** Okay.

14 **MR. RUEL:** Did you have the impression when
15 you met this person and through the discussions you had
16 with him that he was, you know, a pedophile himself?

17 **MR. BOURGEOIS:** Well, according to C-8 he
18 would have been, yeah.

19 **MR. RUEL:** So did that raise any concerns
20 with you with respect to his -- I don't know, his
21 credibility or anything else?

22 **MR. BOURGEOIS:** Not really, no. No.

23 **MR. RUEL:** So in speaking to him, what type
24 of person -- can you describe him as a person, the
25 character you had in front of you?

1 **MR. BOURGEOIS:** In what respect?

2 **MR. RUEL:** Well, do you feel this was an
3 intelligent man, for example?

4 **MR. BOURGEOIS:** Not overly.

5 **THE COMMISSIONER:** What were your
6 impressions when you first saw him, you know, in those
7 first few days? What kind of person was he?

8 **MR. BOURGEOIS:** Calm, nervous at some times,
9 sort of aloof, but certainly he had a lot of detail, and
10 certainly seemed to have a lot of information to offer, so
11 I took him at face value that -- that that was the
12 information he was providing and it was the truth.

13 **MR. RUEL:** So he provided you with some very
14 explosive information. I would -- you would agree with
15 that?

16 **MR. BOURGEOIS:** Correct.

17 **MR. RUEL:** So did you feel he had something
18 on his chest? I mean, why did you have any reason to --
19 why do you think he gave you this information? Was there a
20 reason, in your view?

21 **MR. BOURGEOIS:** In my view, likely because
22 of the death of his friend.

23 **MR. RUEL:** Who are we talking about?

24 **MR. BOURGEOIS:** Mr. Seguin.

25 **MR. RUEL:** So what's the link here between

1 the death of his friends and the -- of his friend and the
2 information he was giving you?

3 MR. BOURGEOIS: That his friend had this
4 huge guilt about discussions that were being had regarding
5 the Dunlop family and describing how he was sweating and
6 nervous and et cetera, and ultimately then the demise of
7 his friend, and I think that affected him.

8 MR. RUEL: So I guess Leroux told you he had
9 been abused himself?

10 MR. BOURGEOIS: Yes.

11 MR. RUEL: When he was young.

12 MR. BOURGEOIS: Yes.

13 MR. RUEL: So was that a factor? For
14 example, was that either -- bring forward allegations but
15 also for revenge purposes. Was that ever an issue?

16 MR. BOURGEOIS: If Mr. Leroux wanted some
17 form of justice for himself, I am sure he did.

18 MR. RUEL: So in terms of his personality
19 again, is there anything else that you can say. Was he
20 talkative? Was he ---

21 MR. BOURGEOIS: Very talkative, yeah.

22 MR. RUEL: Was he literate? I mean, could
23 he read?

24 MR. BOURGEOIS: As far as I was concerned,
25 yeah.

1 **MR. RUEL:** Because he testified before the
2 Commission, as you may know, that, well, he didn't say he
3 couldn't read but he said that he didn't read the
4 statements that were put to him.

5 **MR. BOURGEOIS:** No, he read the statements.

6 **MR. RUEL:** That's your testimony?

7 **MR. BOURGEOIS:** Oh, absolutely. Absolutely.

8 **MR. RUEL:** So Mr. Leroux testified that he -
9 - to a number of meetings with you and Mr. Dunlop in Maine.
10 He made reference to a meeting at the restaurant. The name
11 was Bar Joe's(sp) and that the meeting lasted -- that's the
12 first formal meeting you allegedly, I mean, according to
13 him -- had with him and that meeting lasted five hours. Is
14 that your recollection?

15 **MR. BOURGEOIS:** No.

16 **MR. RUEL:** And he also said that he was
17 pressured, or he felt pressured, to give information and to
18 quote him, he said:

19 "(You) and Mr. Dunlop were grilling
20 him."

21 Is that something that happened?

22 **MR. BOURGEOIS:** No.

23 **MR. RUEL:** So how did that work? You had
24 Mr. Dunlop and yourself in those interviews, always, or ---

25 **MR. BOURGEOIS:** No, I'm sure -- I'm sure Mr.

1 Dunlop met Mr. Leroux by himself.

2 MR. RUEL: And there's some meetings where
3 you and Mr. Dunlop were there?

4 MR. BOURGEOIS: Yes.

5 MR. RUEL: Are there some meetings you had
6 alone with Mr. Leroux?

7 THE COMMISSIONER: This is all in Maine now,
8 isn't it?

9 MR. RUEL: All in Maine, yes.

10 THE COMMISSIONER: All in Maine. So you are
11 saying there are times when you are in Maine, that Dunlop
12 met with Leroux without you being there?

13 MR. BOURGEOIS: Oh, I'm sorry, sir, I
14 thought he meant generally. No. In Maine, no. I don't --
15 I don't think there would have been any separate meetings
16 of significance, no.

17 MR. RUEL: With you?

18 MR. BOURGEOIS: No, with either one of us.
19 It would have been me, Perry and him.

20 MR. RUEL: Always?

21 MR. BOURGEOIS: Yeah.

22 MR. RUEL: Okay. And how would that work?
23 Who would ask the questions?

24 MR. BOURGEOIS: I think it probably was
25 generally Perry.

1 **MR. RUEL:** Why did you let Perry ask the
2 questions? You were the lawyer on file.

3 **MR. BOURGEOIS:** I don't know.

4 **MR. RUEL:** Mr. Leroux made reference as well
5 to another meeting two days after at the Ramada. I guess
6 it's in Auburn, the town I guess where the meetings took
7 place in Maine. Is that what you were referring to,
8 meeting at the hotel?

9 **MR. BOURGEOIS:** There was a meeting at a
10 hotel, yeah.

11 **MR. RUEL:** So, again, he made reference to
12 being pressured and he said ---

13 **MR. BOURGEOIS:** He wasn't pressured.

14 **MR. RUEL:** Never?

15 **MR. BOURGEOIS:** No. He came to Newmarket by
16 himself. Nobody pressured him to come to Newmarket.

17 **MR. RUEL:** That was later?

18 **MR. BOURGEOIS:** Yeah. He went and gave an
19 interview to the constable -- the OPP constable after I
20 wasn't involved with the case and reiterated again all the
21 same things that he indicated in his affidavit.

22 **MR. RUEL:** Do you remember when you arrived
23 in Maine, do you remember how you met Mr. Leroux? Was it
24 at this house?

25 **MR. BOURGEOIS:** I don't remember

1 specifically.

2 MR. RUEL: So you don't remember the first
3 meeting with Mr. Leroux?

4 MR. BOURGEOIS: Not vividly, no. I just
5 know that we met him down there.

6 MR. RUEL: Do you remember if he offered
7 some resistance to meet you?

8 MR. BOURGEOIS: I don't think he did, no.

9 THE COMMISSIONER: No resistance.
10 Reluctance?

11 MR. BOURGEOIS: Reluctance? I don't think
12 so, sir, no.

13 MR. RUEL: So this meeting -- well, Mr.
14 Leroux talked about the meeting at the Ramada. So from
15 your recollection, was there only one meeting at the hotel
16 or more meetings?

17 MR. BOURGEOIS: I think there was just -- I
18 think there was just one.

19 MR. RUEL: And do you remember how long the
20 meeting lasted?

21 MR. BOURGEOIS: Not specifically, but it
22 would have been a while.

23 MR. RUEL: A while?

24 MR. BOURGEOIS: Yes.

25 MR. RUEL: So during those meetings, did you

1 take notes?

2 MR. BOURGEOIS: I can't remember
3 specifically, but I would say probably.

4 MR. RUEL: Did Mr. Dunlop take notes?

5 MR. BOURGEOIS: Yeah, I'm sure he did.

6 MR. RUEL: Did you record the meetings?

7 MR. BOURGEOIS: I don't think so.

8 MR. RUEL: You didn't tape-record the
9 meetings or video?

10 MR. BOURGEOIS: I think -- well, I remember
11 at one point when Mr. Leroux came to Newmarket, I think it
12 was videotaped. And that was, I think, because Mr. Dunlop
13 had heard those -- those comments regarding himself and
14 felt some threats for his safety.

15 MR. RUEL: Oh, so I see. He wanted that --

16 MR. BOURGEOIS: Yes. He was -- he was -- he
17 had a fear for his family and his daughters.

18 MR. RUEL: So you wanted that on video ---

19 MR. BOURGEOIS: Yes.

20 MR. RUEL: --- to have a proof, I guess, of
21 those allegations.

22 MR. BOURGEOIS: Yes.

23 THE COMMISSIONER: Mr. Leroux, I believe,
24 testifies that there was this machine at the hotel that was
25 recording, a tape recorder?

1 MR. BOURGEOIS: Possible.

2 THE COMMISSIONER: M'hm.

3 MR. BOURGEOIS: Possible. It wouldn't have
4 been mine, sir. I wouldn't have had a recording device.

5 MR. RUEL: So quoting -- it's the same issue
6 I raised earlier but it's been constant through Mr.
7 Leroux's testimony -- he said that, you know, he was told
8 just -- he did what he was told; he is being coerced
9 constantly; he hasn't read the statements; the statements
10 or affidavits were not prepared by him; he never read them.

11 So are those allegations true or untrue?

12 MR. BOURGEOIS: Untrue.

13 In fact, if you look at my -- the affidavit

14 ---

15 MR. RUEL: Yes, I am going to come to that -

16 --

17 MR. BOURGEOIS: Oh.

18 MR. RUEL: --- in a minute.

19 MR. BOURGEOIS: Okay.

20 THE COMMISSIONER: Let's look at it a
21 different way, all right, never mind coercion.

22 MR. BOURGEOIS: Okay.

23 THE COMMISSIONER: Okay. You're a young
24 lawyer at the time?

25 MR. BOURGEOIS: Yes, I was, sir.

1 **THE COMMISSIONER:** Can we leave the phone
2 alone?

3 **MR. BOURGEOIS:** Yes, I will, sir.

4 **THE COMMISSIONER:** M'hm, you're a young
5 lawyer?

6 **MR. BOURGEOIS:** Yes.

7 **THE COMMISSIONER:** You just issued a
8 Statement of Claim for \$87 or \$88 million?

9 **MR. BOURGEOIS:** M'hm.

10 **THE COMMISSIONER:** Not too many people do
11 that. Do you agree with that?

12 **MR. BOURGEOIS:** I agree with that.

13 **THE COMMISSIONER:** Okay. The adrenaline is
14 going, this is probably the biggest case that you had in
15 your career to that date.

16 **MR. BOURGEOIS:** Correct.

17 **THE COMMISSIONER:** Okay. And you're pumped
18 up on it. I mean you're going to Maine, you're going to
19 Mr. Dunlop's house. It's probably consuming a lot of your
20 time.

21 **MR. BOURGEOIS:** Too much, yeah.

22 **THE COMMISSIONER:** M'hm. And when Mr.
23 Dunlop comes to you and says -- or relates to you what C-8
24 has said, there's no reluctance about going down to Maine
25 and getting to see Mr. Leroux; right?

1 **MR. BOURGEOIS:** Correct.

2 **THE COMMISSIONER:** Okay. So let's look at
3 it from his point of view, all right?

4 **MR. BOURGEOIS:** Okay.

5 **THE COMMISSIONER:** Here comes two guys from
6 Ontario, full of spit and vinegar, asking a whole bunch of
7 questions. Is it possible that in your youth and in our
8 exuberance, that he would have perceived that in your
9 eagerness to get to the truth, that he would have perceived
10 that as people wanting to get things out of him?

11 **MR. BOURGEOIS:** It's -- anything's possible.

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

13 **MR. BOURGEOIS:** But it is possible, sir.

14 **THE COMMISSIONER:** But do you see what I
15 mean?

16 **MR. BOURGEOIS:** I do see what you mean. I
17 guess what gives me some comfort is the amount of times we
18 met him, sir, and that he did come to -- again, I'm not
19 trying to be cute -- he came to Newmarket voluntarily.
20 Nobody put him on the plane. So if he was that intimidated
21 and that worried about it, he wouldn't have -- he wouldn't
22 have hopped on a plane voluntarily and came to Newmarket.

23 **THE COMMISSIONER:** Who paid for the plane?

24 **MR. BOURGEOIS:** Mr. Dunlop.

25 **THE COMMISSIONER:** M'hm. No, I guess what

1 I'm trying to get at is it isn't as black and white as
2 coercion. Is it possible that he got on the train as well,
3 or -- and I am saying you people -- I mean, he gave you
4 stuff. Is it possible that you got rolled into his
5 evidence and ran with it?

6 **MR. BOURGEOIS:** I don't -- I mean, if --
7 everything Your Honour said beforehand in terms of the
8 nature of the situation is fair and accurate, but I felt
9 that Mr. Leroux was telling the truth.

10 **THE COMMISSIONER:** I'm not worried -- I am
11 not concerned too much about that part right now.

12 **MR. BOURGEOIS:** Okay, sir.

13 **THE COMMISSIONER:** What I'm thinking is Mr.
14 Ruel is talking about coercion and, you know, coercion is a
15 big word. I think what we have to look at is the nuances
16 and the dynamics of what was going on during that time.

17 And so, of course, it would be clear that if
18 Mr. Leroux took a plane, even if it was paid by Mr. Dunlop,
19 he could have said no, but it's more of a psychological --
20 the dynamics of the psychology that I am interested in
21 finding out.

22 **MR. BOURGEOIS:** Okay.

23 **THE COMMISSIONER:** Right?

24 **MR. BOURGEOIS:** Right, fair enough, sir.

25 **THE COMMISSIONER:** Okay.

1 **MR. RUEL:** When you and Mr. Dunlop
2 questioned Mr. Leroux, what type of approach did you have
3 in terms of putting the questions to him? And more
4 specifically, did you ask him, did you -- were you
5 suggestive in your approach? Like, for example, did you
6 give him names, did you give him information you already
7 had, or you just let him speak?

8 **MR. BOURGEOIS:** Probably a bit of both.

9 **MR. RUEL:** Mr. Dunlop -- but as you said,
10 Mr. Dunlop was doing most of the talking?

11 **MR. BOURGEOIS:** Yes. I am sure there was a
12 bit of both.

13 **MR. RUEL:** Because you had some previous
14 information I gather?

15 **MR. BOURGEOIS:** Yes.

16 **MR. RUEL:** For example from C-8?

17 **MR. BOURGEOIS:** Yes. I am sure there was
18 some questions that were leading.

19 **MR. RUEL:** Is it accurate that some
20 photographs were shown to Mr. Leroux?

21 **MR. BOURGEOIS:** Yeah.

22 **MR. RUEL:** Were did those photographs come
23 from?

24 **MR. BOURGEOIS:** I have no idea.

25 **MR. RUEL:** Was it Mr. Dunlop having them?

1 **MR. BOURGEOIS:** He had them. Mr. Dunlop had
2 them, yes.

3 **MR. RUEL:** So do you remember the
4 photographs of whom?

5 **MR. BOURGEOIS:** Several people.

6 **MR. RUEL:** Like, for example?

7 **MR. BOURGEOIS:** Males. Male parties,
8 mostly, in photographs.

9 **MR. RUEL:** So, why -- I just, I'm going back
10 to, I guess, the Commissioner's line of questioning.

11 **MR. BOURGEOIS:** Yes.

12 **MR. RUEL:** You had a number of meetings with
13 Mr. Leroux. Is that correct?

14 **THE COMMISSIONER:** Are we still talking in
15 Maine now, or generally?

16 **MR. RUEL:** Well, generally.

17 **MR. BOURGEOIS:** Yes.

18 **MR. RUEL:** So why did you need to have
19 several meetings? You and Mr. Dunlop needed to have
20 several meetings with Mr. Leroux.

21 **MR. BOURGEOIS:** Well, I think the Newmarket
22 meeting was more to ---

23 **MR. RUEL:** Sorry, which one are you
24 referring to? It's the video meeting?

25 **MR. BOURGEOIS:** Yes.

1 MR. RUEL: Okay.

2 MR. BOURGEOIS: That was more to protect him
3 and also to --

4 THE COMMISSIONER: Protect him?

5 MR. BOURGEOIS: Mr. Dunlop and his family
6 and to have it on record, and as well to have a more formal
7 document sworn.

8 MR. RUEL: We're going to go through the
9 documents but there's at least, I have here -- there is a
10 statement here signed by Mr. Leroux on October 10. Then
11 there's another statement on October 11. Then there's an
12 affidavit on October 31st. Then there's another affidavit.
13 So there's many statements and affidavits that were taken.

14 Is it possible that through those numerous
15 meetings that Mr. Leroux felt -- without being coerced --
16 that he had to give something because you were coming back
17 at him repeatedly to get information from him?

18 MR. BOURGEOIS: I don't think so, but ---

19 MR. RUEL: You can't speak for him.

20 MR. BOURGEOIS: I can't speak for him.

21 MR. RUEL: So if you can ask the witness ---
22 to go to Exhibit 563.

23 MR. BOURGEOIS: Yes.

24 MR. RUEL: This is a statement made by Mr.
25 Leroux on October 10, 1996 and at the last page, it reads:

1 "The statement was made by me, October
2 10, on my own free will. Ron Leroux."

3 And there is a signature there. It seems to
4 be the signature of Perry Dunlop. Is that possible?

5 **MR. BOURGEOIS:** Yeah, that looks like his
6 signature, and that looks like his handwriting just above
7 that.

8 **MR. RUEL:** So were you involved -- had you
9 read the statement this morning or yesterday?

10 **MR. BOURGEOIS:** Yeah.

11 **MR. RUEL:** So do you remember the statement?

12 **MR. BOURGEOIS:** I remember that he gave a
13 statement, yeah. Do I remember this one here? No.
14 Specifically, no.

15 **MR. RUEL:** So without going through it in
16 details, it speaks mostly about information he had about
17 Ken Seguin and the people surrounding him. It doesn't talk
18 about some of the more explosive allegations, the clan of
19 pedophiles and abuse committed at various places. So that
20 information came later, I guess. So is that -- well, maybe
21 I should put that as a question.

22 On October 10 here, is that possible that he
23 had not provided the most explosive allegation that he
24 referred to later?

25 **MR. BOURGEOIS:** Yes, because I think our

1 meeting was later than that after reading the document.

2 So, yeah.

3 **THE COMMISSIONER:** So you're saying he
4 didn't -- this isn't a statement that was taken in Maine?

5 **MR. BOURGEOIS:** No. No, that wouldn't be,
6 sir. The statement that would have been taken in Maine
7 would be the one that's handwritten in my writing in
8 affidavit form; that he initialled every page and every
9 change.

10 **MR. RUEL:** Just before we go there, this
11 specific statement, do you remember reading it at the time?

12 **MR. BOURGEOIS:** No.

13 **MR. RUEL:** No?

14 **MR. BOURGEOIS:** The one you're dealing with,
15 no.

16 **MR. RUEL:** So when Mr. Dunlop would take
17 statements, would he come to you and say, "Well, here's a
18 statement I took from this person"?

19 **MR. BOURGEOIS:** He would sometimes, yes.

20 **MR. RUEL:** So the document you were
21 referring to is Exhibit 576.

22 **MR. BOURGEOIS:** Yes.

23 **MR. RUEL:** Sorry. I'm very sorry.

24 Before we go there, I just want to go back
25 to the previous exhibit.

1 **MR. BOURGEOIS:** Yes.

2 **MR. RUEL:** Which is 563.

3 **MR. BOURGEOIS:** Yes.

4 **MR. RUEL:** And the last page of the
5 statement, and it's the third paragraph. And Mr. Leroux
6 said:

7 "I knew that all of these guys..."

8 So he is talking about a number of people in
9 the statement:

10 "...all of these guys went to the
11 highland games together. They were
12 like a clan. In fact, when I first met
13 Charlie over..."

14 "Charlie", I guess, is Charlie MacDonald, I
15 believe.

16 **THE COMMISSIONER:** As opposed to you.

17 **MR. RUEL:** "...over at Ken's house. He was
18 sitting on the back porch having a
19 Scotch, and I told a priest joke."

20 So this -- you don't remember reading this?

21 **MR. BOURGEOIS:** No, this would have probably
22 been prepared by Perry.

23 **MR. RUEL:** Okay. Because there's the whole
24 issue about where the expression a "clan of pedophile" came
25 from, and Mr. Leroux testified that it didn't come from

1 him. It came from someone else.

2 MR. BOURGEOIS: My memory is that it came
3 from him, but ---

4 THE COMMISSIONER: Came from him?

5 MR. BOURGEOIS: Him.

6 THE COMMISSIONER: Who's "him"?

7 MR. BOURGEOIS: Excuse me. Mr. Leroux.

8 THE COMMISSIONER: M'hm.

9 MR. RUEL: So Exhibit 576, is this the
10 document you referred to?

11 MR. BOURGEOIS: Yes.

12 MR. RUEL: A handwritten affidavit. So the
13 first page, it's written:

14 "Affidavit of Ron Leroux."

15 And the last -- sorry, the last page, it's:

16 "Sworn before me, Charles Bourgeois,
17 October 31st, 1996."

18 So do you remember Mr. Leroux swearing an
19 affidavit before you in Maine on October 31st, 1996?

20 MR. BOURGEOIS: Yes, I remember this
21 document.

22 MR. RUEL: So just to clarify some points.
23 Mr. Leroux said that there was a number of meetings in
24 Maine between -- well, early in October and then it seems
25 that you went back to Maine to have this affidavit to be --

1 to swear the affidavit of Mr. Leroux. So there would have
2 been two meetings or two trips to Maine that you would have
3 made to meet Mr. Leroux?

4 MR. BOURGEOIS: I didn't make two trips to
5 Maine.

6 MR. RUEL: You haven't?

7 MR. BOURGEOIS: No.

8 MR. RUEL: You are certain about that?

9 MR. BOURGEOIS: I don't remember two trips
10 to Maine. I remember just one. Perry, I'm sure, went more
11 than once.

12 MR. RUEL: So this one at least you must
13 have been there because you took ---

14 MR. BOURGEOIS: Yeah, I was there for that
15 one, yes.

16 MR. RUEL: Okay. So is this your
17 handwriting?

18 MR. BOURGEOIS: Yes.

19 MR. RUEL: So why is it handwritten?

20 MR. BOURGEOIS: I don't know.

21 MR. RUEL: And the information that appears
22 in this affidavit, where did you get it from?

23 MR. BOURGEOIS: From Mr. Leroux.

24 MR. RUEL: So was that from your notes,
25 personal notes?

1 **MR. BOURGEOIS:** Or whatever Perry had.

2 **MR. RUEL:** So how did that work? I guess --
3 you are a lawyer and we're -- there's a number of lawyers
4 here. I guess there is a standard procedure for drafting
5 affidavits, but maybe you can explain the process you've
6 adopted for drafting this one in terms of getting the
7 information and putting it together.

8 **MR. BOURGEOIS:** All I can say is that at the
9 time I did it to the best of my ability and I drafted the
10 document as I thought it should be drafted. Mr. Leroux did
11 read everything. He initialled every change and every
12 page.

13 **MR. RUEL:** So when you say, "He read
14 everything", did he do that in your presence?

15 **MR. BOURGEOIS:** Yes.

16 **MR. RUEL:** How long did that take?

17 **MR. BOURGEOIS:** I don't know.

18 **MR. RUEL:** Was it five minutes, half an
19 hour, an hour? You know, can you give a ballpark figure?

20 **MR. BOURGEOIS:** No, I can't. I don't have a
21 memory of how long it took, but I can just assume.

22 **MR. RUEL:** If you look at the bottom, for
23 example, of the first page.

24 **MR. BOURGEOIS:** Yes.

25 **MR. RUEL:** There are some initials in the

1 right corner. It seems to be an ---

2 MR. BOURGEOIS: "RL".

3 MR. RUEL: "RL". So would those be -- is
4 this your handwriting?

5 MR. BOURGEOIS: No.

6 MR. RUEL: So is this -- should I understand
7 that this is Mr. Leroux?

8 MR. BOURGEOIS: Yes.

9 MR. RUEL: Writing his initials on the page?

10 MR. BOURGEOIS: Yes.

11 MR. RUEL: Which, I guess, meant he read the
12 page if he initialled it?

13 MR. BOURGEOIS: Yes.

14 MR. RUEL: Did you ask him to do that?

15 MR. BOURGEOIS: Yes.

16 MR. RUEL: If you can take paragraph -- or
17 page 11 of this affidavit.

18 In the margin on the left side, there's some
19 words that are struck and some initials -- well, an initial
20 there in the corner. So is that the same thing? Mr.
21 Leroux making changes and-or striking some words and making
22 his ---

23 MR. BOURGEOIS: Yes, he initialled all the
24 changes to confirm that that was his statement.

25 THE COMMISSIONER: What's the word that has

1 the bars across? Is it active?

2 **MR. BOURGEOIS:** That's what it looks like to
3 me, sir, yes.

4 **THE COMMISSIONER:** But it looks like it was
5 done as you were writing as opposed to something that would
6 have been blocked off and changed on top. Do you know what
7 I mean?

8 **MR. BOURGEOIS:** Where, sir?

9 **THE COMMISSIONER:** What I'm saying is that
10 the word started off and it looks like it was you were
11 writing "ceremonious" and then you started writing the word
12 and you struck it out and you put "ritual of candles".

13 **MR. BOURGEOIS:** Yes.

14 **THE COMMISSIONER:** Okay. So it wasn't
15 something that when after he was reading it over he said,
16 "No, I don't like that word"?

17 **MR. BOURGEOIS:** Correct, sir.

18 **THE COMMISSIONER:** Okay.

19 **MR. BOURGEOIS:** Correct, sir.

20 **MR. RUEL:** Did Mr. Dunlop have any role in
21 preparing this document?

22 **MR. BOURGEOIS:** No, not that one. Well, the
23 role in terms of information but not in drafting it.

24 **MR. RUEL:** Why did you take an affidavit
25 from Mr. Leroux?

1 **MR. BOURGEOIS:** The nature of the
2 allegations.

3 **MR. RUEL:** Meaning?

4 **MR. BOURGEOIS:** Very serious.

5 **MR. RUEL:** So you wanted him to swear those
6 or make those allegations under oath. Is that ---

7 **MR. BOURGEOIS:** Correct.

8 **MR. RUEL:** Because there was no -- I guess
9 in the civil trial, you wouldn't normally use affidavit
10 evidence?

11 **MR. BOURGEOIS:** Correct.

12 **MR. RUEL:** So this was not for the purpose
13 of bringing the evidence before the court. It's for the
14 purpose, as you said, to make sure that the allegations
15 were made -- would be sworn so that -- because of the
16 seriousness of the allegations?

17 **THE COMMISSIONER:** You want to nail down his
18 evidences?

19 **MR. BOURGEOIS:** Yes, I suppose, really.

20 **MR. RUEL:** I just want to go through some of
21 the paragraphs briefly with you. Paragraph 6, for example,
22 and Mr. Leroux's affidavit reads:

23 "I can advise and I have witnessed the
24 clan of pedophiles which were comprised
25 of the following:..."

1 And he lists a number of people. So that
2 would have been told to you by Mr. Leroux?

3 **MR. BOURGEOIS:** Correct.

4 **MR. RUEL:** Those are very serious
5 allegations, I guess, being abused of -- being accused of
6 being a member of a clan of pedophiles would you agree is
7 probably one of the most problematic allegation that you
8 can make against a person?

9 **MR. BOURGEOIS:** Yes, I agree.

10 **MR. RUEL:** So you took the affidavit to make
11 sure that this would come from ---

12 **MR. BOURGEOIS:** As Your Honour said, to nail
13 it down.

14 **MR. RUEL:** Did you make any other
15 verification with respect to those allegations before
16 including them in the affidavit? Did you feel you had to?

17 **MR. BOURGEOIS:** No.

18 **THE COMMISSIONER:** Did you make any?

19 **MR. BOURGEOIS:** No.

20 **MR. RUEL:** You know he recanted part -- I
21 mean, in large part this allegation about the clan of
22 pedophiles?

23 **MR. BOURGEOIS:** Yes.

24 **MR. RUEL:** So paragraph 7, and I won't go
25 through each paragraph, but he says:

1 "I have witnessed sexual improprieties,
2 molestation, fondling, oral sex,
3 intercourse between the above named
4 clan members and minors through the
5 period of 1960 or '61 to 1993."

6 So I guess that appeared in the State of
7 Claim we discussed yesterday that exact allegation?

8 **MR. BOURGEOIS:** Yes.

9 **MR. RUEL:** What appears here is clearly
10 criminal conduct. You would agree with that?

11 **MR. BOURGEOIS:** That part, yes.

12 **MR. RUEL:** So if I suggest to you that it
13 would have been reasonable upon getting that information to
14 go immediately to the police to report it, is that
15 something that would have been a reasonable assumption?

16 **MR. BOURGEOIS:** I guess so.

17 **THE COMMISSIONER:** Did you consider that at
18 the time?

19 **MR. BOURGEOIS:** At the time, no.

20 **THE COMMISSIONER:** Why not?

21 **MR. BOURGEOIS:** I don't know, sir.

22 **MR. RUEL:** I guess we're going to come to
23 that but this information, or part of this information, was
24 delivered to the Chief of London Police later on ---

25 **MR. BOURGEOIS:** Yes.

1 MR. RUEL: --- I believe in December.

2 MR. BOURGEOIS: It did come to a point where
3 it was realized and brought, but Your Honour said ---

4 THE COMMISSIONER: It was realized and what?

5 MR. BOURGEOIS: It did come to a point where
6 at some point, I don't know exactly when, sir, where the
7 information needed to be brought to the authorities. If
8 you're asking if it dawned on me right at that moment, no.

9 MR. RUEL: So I gather we're going to come
10 to that, but this is October -- end of October '96 and you
11 went to the -- or you forwarded the information to the
12 Chief of London Police, Chief Fantino, in December of 1996.
13 Is that correct?

14 MR. BOURGEOIS: Yeah, on or around that
15 time.

16 MR. RUEL: Mr. Commissioner, just a second.

17 THE COMMISSIONER: M'hm.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. RUEL: You talked, I believe, of -- I
20 believe you mentioned a VIP meeting earlier in your
21 testimony; I'm not sure. I think you did mention VIP.

22 THE COMMISSIONER: Yes, he did.

23 MR. RUEL: That appears in the affidavit as
24 well?

25 MR. BOURGEOIS: Right.

1 **MR. RUEL:** A meeting at Malcolm MacDonald's
2 cottage where a number of people would have conspired to
3 derail, I guess, the investigation involving Father
4 MacDonald and Ken Seguin. So that was told to you -- Mr.
5 Ron Leroux told that to you and that's in the affidavit?

6 **MR. BOURGEOIS:** Yes.

7 **MR. RUEL:** Okay. I just want to refer you
8 to a document which is Exhibit 712.

9 **(SHORT PAUSE/COURTE PAUSE)**

10 **THE COMMISSIONER:** Do you have it, sir?

11 **MR. BOURGEOIS:** Yes, I do.

12 **MR. RUEL:** So, Mr. Bourgeois, this document
13 has been entered in evidence before the Commission. This
14 is, we gather, the notes taken by the wife of Mr. Dunlop,
15 Helen Dunlop, and she refers to a conversation that she
16 would have had with you on October 30th, 1996, and you will
17 remember -- so apparently -- well, I'll read you the
18 paragraph, the first paragraph:

19 "Conversation with Charles Bourgeois
20 from Ramada Inn in Auburn, Maine, Room
21 265 on October 30th, 1996, 5:15.

22 Told me to write this down, make
23 copies, put it in a safe place."

24 And then she refers to you and Perry
25 speaking or interviewing Ron and so there's reference to a

1 call. So I guess that's the call to a clan of pedophiles.

2 So do you remember speaking to Helen Dunlop
3 on October 31st, 1996, speaking to Helen Dunlop?

4 **MR. BOURGEOIS:** Yes.

5 **MR. RUEL:** So why -- do you remember the
6 substance of this conversation as she wrote it down?

7 **MR. BOURGEOIS:** Just that the only thing
8 that I would remember is that the allegations were
9 significant and to note them down in case something
10 happened.

11 **MR. RUEL:** What do you mean something
12 happens?

13 **MR. BOURGEOIS:** Well, there was -- Mr.
14 Leroux was saying that there was some threats against the
15 Dunlops and their family so that was more the concern at
16 that point.

17 **MR. RUEL:** So you felt that this information
18 should be protected?

19 **MR. BOURGEOIS:** Yes, I guess so.

20 **THE COMMISSIONER:** Now, you must have been
21 fairly excited ---

22 **MR. BOURGEOIS:** Oh, very much so.

23 **THE COMMISSIONER:** --- nervous ---

24 **MR. BOURGEOIS:** Yes.

25 **THE COMMISSIONER:** --- you were phoning her

1 up, the adrenaline was going ---

2 MR. BOURGEOIS: Absolutely, sir.

3 THE COMMISSIONER: --- and you saying, "Look
4 it, you better take this down because ---"

5 MR. BOURGEOIS: Very much so.

6 THE COMMISSIONER: M'hm.

7 MR. BOURGEOIS: Very active.

8 MR. RUEL: So those threats against the
9 Dunlop family, so you got that from Mr. Leroux?

10 MR. BOURGEOIS: Correct.

11 MR. RUEL: And who was threatening to --
12 according to Mr. Leroux, who was threatening Dunlop and his
13 family?

14 MR. BOURGEOIS: There was meetings with Mr.
15 Seguin, Father MacDonald, Malcolm MacDonald, a lawyer. I
16 think those are the three I remember.

17 MR. RUEL: So was that reported to the
18 police?

19 MR. BOURGEOIS: I believe so, yes.

20 MR. RUEL: Which police force do you
21 remember ---

22 MR. BOURGEOIS: I think that he maintained
23 that throughout and I think there's an interview with the
24 OPP. And I believe he indicated that with that meeting
25 with Constable Genier.

1 **MR. RUEL:** Just coming back on the affidavit
2 again, I'm sorry Mr. Commissioner, the Exhibit 576 and it's
3 at paragraph 14 and I would refer you to paragraph 11.
4 We've looked at it earlier. In the middle of the
5 paragraph, page 11.

6 **MR. BOURGEOIS:** Yes.

7 **MR. RUEL:** There's reference there to a
8 ritual at a cottage at Cameron's Point where altar boys
9 were, I guess -- rituals with candles and altar boys and
10 sheets over them. Do you remember this allegation?

11 **MR. BOURGEOIS:** Yes.

12 **MR. RUEL:** That came from Leroux as well?

13 **MR. BOURGEOIS:** Yes.

14 **MR. RUEL:** He told you that?

15 **MR. BOURGEOIS:** Yes.

16 **MR. RUEL:** So then, Mr. Bourgeois, I would
17 like you to go to Exhibit 567.

18 **THE COMMISSIONER:** Before we go there, in
19 the notes that we attribute to Mrs. Dunlop of your
20 conversation, did you realize that night that, true, they
21 had talked about -- Mr. Leroux was telling you that folks
22 had talked about doing serious harm to the Dunlop family.
23 Did you realize that that was in 1993 and you're now three
24 years down the road?

25 **MR. BOURGEOIS:** No, I didn't. I don't think

1 that really crossed my mind. I just thought there was
2 still potentially a threat ---

3 **THE COMMISSIONER:** Yeah.

4 **MR. BOURGEOIS:** --- certainly, as Your
5 Honour puts it, it's clearly later.

6 **THE COMMISSIONER:** I'm not diminishing the
7 fact that, you know, someone would -- no one would like to
8 have to hear that.

9 **MR. BOURGEOIS:** Yes.

10 **THE COMMISSIONER:** I'm wondering if that
11 came in equation at the time?

12 **MR. BOURGEOIS:** It didn't, and certainly we
13 were alarmed and as you described it would be an accurate
14 way we were feeling.

15 **THE COMMISSIONER:** Sure.

16 **MR. RUEL:** Exhibit 567.

17 **MR. BOURGEOIS:** Yes?

18 **MR. RUEL:** This is an affidavit of Ron
19 Leroux dated November 13, 1996 and sworn before you in
20 Newmarket. Do you remember this document?

21 **MR. BOURGEOIS:** Yes.

22 **MR. RUEL:** So why did you get another
23 affidavit from Mr. Leroux?

24 **MR. BOURGEOIS:** Probably just to get one in
25 typed form, you know. I don't know really why we did that.

1 MR. RUEL: At page 2 of the affidavit ---

2 MR. BOURGEOIS: Yes.

3 MR. RUEL: --- there is a new allegation and
4 it reads that:

5 "I . . ."

6 So it means Leroux:

7 ". . . was at several parties at Ken
8 Seguin's house, Malcolm MacDonald's
9 summer residence and St. Andrews Parish
10 House where I observed among others . .
11 ."

12 And a number of people there at -- listed
13 there, so this allegation did not appear in the previous
14 statement and affidavit. Would you agree with that?

15 MR. BOURGEOIS: I have no reason to disagree
16 with you if you want, if you say it's not there.

17 MR. RUEL: So do you remember where this
18 allegation came from?

19 MR. BOURGEOIS: No, no.

20 MR. RUEL: It must have come from Mr. Leroux
21 himself?

22 MR. BOURGEOIS: It would have come from him,
23 but if you're asking how that came about to that extra
24 information, I don't remember how that arrived there.

25 MR. RUEL: Paragraph 31. I guess, just for

1 the record, we referred to the allegation about some ---

2 **THE COMMISSIONER:** Death threats.

3 **MR. RUEL:** --- death threats against Mr.
4 Dunlop, so that appears here at paragraph 31; that's
5 correct?

6 **MR. BOURGEOIS:** Yeah.

7 **MR. RUEL:** If you can go to Exhibit 568. So
8 Mr. Bourgeois, this is the transcript of a videotaped
9 interview of Ron Leroux. The date of the interview is
10 December 1st, 1996 and the place of the interview, law
11 office of Charles Bourgeois, Newmarket. So you referred to
12 that earlier and were you present during that interview?

13 **MR. BOURGEOIS:** I don't think so.

14 **MR. RUEL:** You must have met Mr. Leroux at -
15 --

16 **MR. BOURGEOIS:** Oh, yeah, I'm sure I did.

17 **MR. RUEL:** --- at your office on that day.
18 Do you remember it? Do you remember meetings or
19 discussions with Mr. Leroux on or about December 1st, 1996?

20 **MR. BOURGEOIS:** No.

21 **MR. RUEL:** So your testimony with respect to
22 this interview was for Mr. Dunlop to get a record
23 concerning the threats that were made against him; right?

24 **THE COMMISSIONER:** Let's go a little
25 differently I think. You get a statement -- you swear an

1 affidavit ---

2 MR. BOURGEOIS: Yes, sir.

3 THE COMMISSIONER: --- in writing?

4 MR. BOURGEOIS: Yes.

5 THE COMMISSIONER: And 13 days later, you
6 get it typed up and sworn and now a few days later, you're
7 getting him to do it on a videotape.

8 So there's got to be some explanation there
9 how that was -- why that was going on. Do you have any?

10 MR. BOURGEOIS: I don't -- I don't, sir.
11 All -- I do remember wanting to put it on videotape for
12 security reasons, right or wrong, exaggerated fear -- that
13 was, I think, the reason for that.

14 THE COMMISSIONER: M'hm. Okay.

15 MR. RUEL: If you can go to Exhibit 572.

16 MR. BOURGEOIS: Yes.

17 MR. RUEL: This is the transcript of a
18 videotaped interview dated February 7th, 1997. It's at the
19 -- in Orillia, the OPP, Ontario Provincial Police, and
20 present were Dan Anthony from the OPP, Cathy Bell, and
21 yourself, and the witness is Ron Leroux.

22 So do you remember attending the OPP Orillia
23 Detachment on or about that day with Mr. Leroux for an
24 interview?

25 MR. BOURGEOIS: I remember attending the

1 Orillia Detachment at one point, yeah.

2 MR. RUEL: So how did that come about?

3 MR. BOURGEOIS: I don't -- I don't remember
4 how it came about, but I'm going to assume it was through
5 the Fantino disclosure.

6 MR. RUEL: Is it ---

7 THE COMMISSIONER: What do you mean by that?

8 MR. BOURGEOIS: Well, because I remember
9 that Chief Fantino had referred -- referred us to go to
10 Project "P" at the OPP, and that's how we came about going
11 to the OPP. So that's my recollection how this would have
12 come about, sir.

13 THE COMMISSIONER: So after you folks had
14 videotaped Leroux, you sent off the material to Fantino.

15 MR. BOURGEOIS: Correct.

16 THE COMMISSIONER: And did you meet with
17 Fantino?

18 MR. BOURGEOIS: I don't think so, sir, not
19 personally, no.

20 MR. BOURGEOIS: So you had a conversation
21 with him over the phone?

22 MR. BOURGEOIS: Just over the phone.

23 THE COMMISSIONER: That would have been you
24 or Dunlop or both?

25 MR. BOURGEOIS: I had one conversation with

1 Chief Fantino.

2 THE COMMISSIONER: Okay.

3 MR. RUEL: Mr. Commissioner, I'm sorry.
4 It's in my plan. We are going to go there right after.

5 THE COMMISSIONER: Okay.

6 MR. RUEL: Is it possible you initiated the
7 contact with the OPP for Mr. Leroux to be interviewed?

8 MR. BOURGEOIS: It's possible. I don't -- I
9 don't remember whether I did or not.

10 MR. RUEL: Do you remember speaking to
11 Inspector Dixon from the Orillia Detachment, Detachment
12 Commander, on February 7th, 1997 about Mr. Leroux and, you
13 know, offering Mr. Leroux for an interview?

14 MR. BOURGEOIS: No.

15 MR. RUEL: Just so that I'm clear, the
16 purpose of having Mr. Leroux there speak to the OPP was
17 what?

18 MR. BOURGEOIS: That's the guidance that we
19 got.

20 MR. RUEL: The guidance?

21 MR. BOURGEOIS: That we got from Chief
22 Fantino.

23 MR. RUEL: Oh, I see. So reporting the
24 allegations to ---

25 MR. BOURGEOIS: Yes.

1 MR. RUEL: --- to the OPP?

2 MR. BOURGEOIS: Yes.

3 MR. RUEL: So you complied with those
4 directions?

5 MR. BOURGEOIS: We did what he suggested.

6 MR. RUEL: So I gather that during this
7 interview, Mr. Leroux read some -- the Affidavit that was
8 sworn before you.

9 MR. BOURGEOIS: Yes, I'm sure he did.

10 MR. RUEL: And the statement?

11 MR. BOURGEOIS: Yes.

12 MR. RUEL: I believe you referred to another
13 document, and I'm pointing that out to you because you
14 mention it. It's Exhibit 574A.

15 MR. BOURGEOIS: Yes.

16 MR. RUEL: This is an interview with the
17 witness or the individual giving or speaking, I guess, to
18 the OPP, is Ron Leroux. That's November 25th, 1997.
19 Present: Don Genier; "D.C. Genier", we know it's Don
20 Genier, I'm sorry; the OPP and "P.R. Hall".

21 So I gather that on that day, you were not
22 counsel for Mr. Dunlop anymore?

23 MR. BOURGEOIS: No, I wasn't.

24 MR. RUEL: So you would have had no
25 involvement with Mr. Dunlop or Mr. Leroux on that day?

1 Have you reviewed that transcript?

2 **MR. BOURGEOIS:** Yeah, just in reviewing it,
3 I did, yes.

4 **MR. RUEL:** So was it your view that Mr.
5 Leroux repeated the same allegations he had made ---

6 **MR. BOURGEOIS:** Yes.

7 **MR. RUEL:** --- earlier to you and others?

8 **MR. BOURGEOIS:** Yes.

9 **MR. RUEL:** So now, I just want to go to
10 another subject.

11 Just before we go there, did you recollect
12 any other meeting or discussion with Mr. Leroux that would
13 be of importance for the Commission?

14 **MR. BOURGEOIS:** No, not that I can remember.

15 **MR. RUEL:** So the other area I want to talk
16 about is -- and my friend, Mr. Sherriff-Scott talked a bit
17 about that yesterday, is Mr. Dunlop meeting or interviewing
18 a number of people, including victims or alleged victims of
19 abuse in -- with your presence, in your presence or without
20 -- in your absence.

21 So is it your knowledge that Mr. Dunlop had
22 some contacts with various individuals, including victims
23 and alleged victims during the period you were counsel for
24 him?

25 **MR. BOURGEOIS:** Yes, I'm sure he did. Yes.

1 **MR. RUEL:** Well, you're saying, "I'm sure";
2 is it your knowledge?

3 **MR. BOURGEOIS:** Yes. Mr. Dunlop was
4 definitely speaking to several individuals during that
5 timeframe. A lot of them would approach him, call him.

6 **MR. RUEL:** So to your knowledge, how would
7 that happen? Would he get calls? Would he call people?

8 **MR. BOURGEOIS:** To my knowledge, he would
9 get calls. He would get -- I think people even showed up
10 at his house, and I'm sure he definitely called people too.

11 **MR. RUEL:** So who were those people? Do you
12 remember who they were? Like generally; I'm not asking for
13 names but ---

14 **MR. BOURGEOIS:** Well, the only ones that
15 would jump out to me would be C-8, the Renshaws, Monsieur
16 Leroux. Those would be the ones that really jump out to
17 me. I know that Perry spoke to other individuals on top of
18 that.

19 **MR. RUEL:** So did that have any link with
20 you and the civil claim?

21 **MR. BOURGEOIS:** I'm sure some of it didn't.

22 **MR. RUEL:** And in some cases it did?

23 **MR. BOURGEOIS:** In some cases it did.

24 **MR. RUEL:** So is it not accurate to say that
25 Mr. Leroux -- not Mr. Leroux -- for example and to your

1 knowledge, that Mr. Dunlop was receiving allegations of --
2 about criminal activity, people being abused by other
3 people, he was getting that information?

4 MR. BOURGEOIS: I think on an ongoing basis,
5 yes.

6 MR. RUEL: And did he pass that information
7 to you?

8 MR. BOURGEOIS: Whatever he passed, he
9 definitely passed some on to me, the ones I named you.

10 MR. RUEL: Okay. When he spoke to -- this
11 is to your knowledge -- when he spoke to those people, was
12 he acting in his capacity as a police officer?

13 MR. BOURGEOIS: I don't believe so.

14 MR. RUEL: Can you explain that?

15 MR. BOURGEOIS: I don't think he was working
16 as a police officer at the time.

17 MR. RUEL: Why is that?

18 MR. BOURGEOIS: I just -- I don't think he
19 was. I think he was not active as a police officer.

20 MR. RUEL: Is it accurate to say that at
21 some point he was on disability? He was on leave?

22 MR. BOURGEOIS: I think so. That's -- I'm
23 pretty sure he wasn't working during that relevant time
24 actively as a police officer.

25 MR. RUEL: So he was doing that, in your

1 view, as a private citizen? Is that a ---

2 **MR. BOURGEOIS:** That certainly, I'm sure,
3 was his impression.

4 **THE COMMISSIONER:** How do you know that?

5 **MR. BOURGEOIS:** He certainly didn't say
6 otherwise to me, sir. Certainly, on reflection and looking
7 at it now, it certainly looks like it crossed both venues,
8 but I'm not sure that he believed that at the time. I
9 think he was -- he felt he was acting in good faith, and I
10 don't think he was conducting himself as an officer, i.e.
11 that he would show a badge or tell them that they have to
12 speak to him or anything like that.

13 Did it impact people speaking to him? I
14 can't tell you one way or another, sir, whether it did.

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

16 **MR. RUEL:** So without getting into any
17 advice or discussion you may have had with him, or the
18 substance, did you ever give him direction or advice with
19 respect to those interviews or those discussions?

20 **MR. BOURGEOIS:** I can't answer that.

21 **THE COMMISSIONER:** No, no. Okay, let's try
22 it again.

23 Did you ever give him any instruction on how
24 to take the interviews, just to process things, not ---

25 **MR. BOURGEOIS:** No, I don't think I did,

1 sir.

2 **THE COMMISSIONER:** Is that what you meant,
3 Mr. Ruel?

4 **MR. RUEL:** Well yes. And, for example, how
5 to take the interviews; what to do with the information?

6 **MR. BOURGEOIS:** No, I don't think so.

7 **MR. RUEL:** Do you know that, I guess between
8 the time you were retained as counsel and the time you
9 finished your retainer with Mr. Dunlop, so June '96 to
10 November 1997, do you know that there were two ongoing
11 criminal proceedings involving -- one involving Father
12 MacDonald as an accused and the other involving Marcel
13 Lalonde?

14 **MR. BOURGEOIS:** Yes.

15 **MR. RUEL:** Do you know if Mr. Dunlop was
16 speaking to the complainants in those two cases during the
17 time those cases were active?

18 **MR. BOURGEOIS:** He definitely did, yes.

19 **MR. RUEL:** And you knew that at the time?

20 **MR. BOURGEOIS:** Yes.

21 **MR. RUEL:** So did you have any concern with
22 respect to that?

23 **MR. BOURGEOIS:** No.

24 **MR. RUEL:** Why is that?

25 **MR. BOURGEOIS:** I don't know -- I don't know

1 why.

2 **MR. RUEL:** You don't know why? The
3 possibility of interference, for example, with police
4 investigating -- well, with ---

5 **THE COMMISSIONER:** The criminal process.

6 **MR. RUEL:** --- criminal prosecutions?

7 **MR. BOURGEOIS:** I don't think that was his
8 relationship with these people. I think it was more as a
9 crutch. That's sort of how he was viewed by them, sir. So
10 right or wrong, I didn't think of it that way.

11 **MR. RUEL:** Did you ever participate on
12 meetings with victims or alleged victims of abuse with Mr.
13 Dunlop -- I'm sorry, meetings where a number of those
14 people would be present together?

15 **MR. BOURGEOIS:** I don't know what you mean
16 by meetings. Did I meet with ---

17 **MR. RUEL:** Well, for ---

18 **MR. BOURGEOIS:** Did I meet with the victims,
19 yes.

20 **THE COMMISSIONER:** Like a group though.

21 **MR. RUEL:** A group meeting.

22 **THE COMMISSIONER:** A group meeting to
23 discuss possible litigation or anything like that?

24 **MR. BOURGEOIS:** No. I think there were a
25 few of the victims that certainly spoke to me about wanting

1 to do litigation at some point, yes, but in terms of doing
2 it as a group, I think at some point there might have been
3 a discussion that they wanted to do it as a group and then
4 it was going to go to a more suited firm to deal with that,
5 i.e. more lawyers, more resources.

6 **MR. RUEL:** Okay. So you don't remember
7 participating in any group meeting with those types of
8 people?

9 **MR. BOURGEOIS:** I met with them
10 individually. There may have been the occasions where
11 there was more than one of them there but it was more in
12 that sort of forum.

13 **MR. RUEL:** Now, a distinct subject I guess.
14 Have you ever heard the name Stuart McDonald?

15 **MR. BOURGEOIS:** Yes.

16 **MR. RUEL:** Do you remember who he was or who
17 he -- well, who he was at the time in terms of his job?

18 **MR. BOURGEOIS:** No.

19 **MR. RUEL:** If I tell you ---

20 **MR. BOURGEOIS:** There's a MacDonald that was
21 a Crown attorney.

22 **MR. RUEL:** If I tell you he was a police
23 officer with the Cornwall Police Service; don't remember?

24 **MR. BOURGEOIS:** Right.

25 **THE COMMISSIONER:** Isn't he the one who is

1 Dunlop's brother-in-law?

2 MR. RUEL: I believe so.

3 THE COMMISSIONER: Okay. Did you ever, in
4 your travels with Mr. Dunlop, have reference to a Stuart
5 McDonald who is on the police force who happens to be
6 Dunlop's brother-in-law?

7 MR. BOURGEOIS: Yes.

8 THE COMMISSIONER: Okay.

9 MR. RUEL: So did you ever meet with this
10 person?

11 MR. BOURGEOIS: I can't remember that I met
12 with him but I might have.

13 MR. RUEL: Going to his house to obtain his
14 versions of certain events. Do you remember that?

15 MR. BOURGEOIS: No.

16 MR. RUEL: Can you tell us a bit about Mr.
17 Carson Chisholm? Have you heard about -- have you ever met
18 this person?

19 MR. BOURGEOIS: Yes.

20 MR. RUEL: So who was he with respect to Mr.
21 Dunlop?

22 MR. BOURGEOIS: He is Mrs. Dunlop's brother.

23 MR. RUEL: And did he have any involvement
24 with respect to the civil claim, for example, meeting with
25 witnesses, taking statements?

1 **MR. BOURGEOIS:** I don't remember him taking
2 statements.

3 **THE COMMISSIONER:** What was his role in all
4 of this, from your perspective?

5 **MR. BOURGEOIS:** From my perspective, a big
6 crutch to the -- he was the crutch for the Dunlop family,
7 sir. He was their -- I guess, when they were feeling down,
8 he would help them out and support them. He believed in --
9 he believed in their cause. So in that regard, I'm sure he
10 helped them as much as he could, feeling that he was doing
11 the right thing.

12 **THE COMMISSIONER:** All right. So that's one
13 part.

14 **MR. BOURGEOIS:** Yes.

15 **THE COMMISSIONER:** The other part is, do you
16 know that he went to Florida?

17 **MR. BOURGEOIS:** No, I don't think I knew it,
18 outside of being told by my colleague. My colleague told
19 me that he went to Florida.

20 **MR. RUEL:** But you have no personal
21 knowledge of that?

22 **MR. BOURGEOIS:** No.

23 **THE COMMISSIONER:** So what was his
24 involvement at the time as far as you knew?

25 **MR. BOURGEOIS:** I think he would have

1 supported the family. Anything that Perry I'm sure would
2 have asked him to assist him with, sir, he would have. So
3 if it was to pick up a witness, make a phone call, anything
4 like that, I'm sure he would have done it, sir.

5 **THE COMMISSIONER:** Okay.

6 **MR. BOURGEOIS:** He was definitely very vocal
7 and strong in his position.

8 **THE COMMISSIONER:** Colourful language?

9 **MR. BOURGEOIS:** Yes, yes, definitely.

10 **MR. RUEL:** So did he ever act under your
11 direction to meet with witnesses or ---

12 **MR. BOURGEOIS:** No.

13 **MR. RUEL:** No. So if you can go now -- Mr.
14 Commissioner, I'm moving to another area. I don't know if
15 you want to take a break now or ---

16 **THE COMMISSIONER:** What time is it?

17 **MR. RUEL:** It's 10 to 11:00.

18 **THE COMMISSIONER:** I'm sorry. Did you say
19 something?

20 **MR. BOURGEOIS:** No, I just told him that I'm
21 okay to go if he wants.

22 **THE COMMISSIONER:** No, let's keep -- well,
23 yes, let's take the break now and we'll come back in 15.

24 **MR. BOURGEOIS:** Okay, sir.

25 **MR. RUEL:** Thank you.

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

3 This hearing will resume at five after
4 11:00.

5 --- Upon recessing at 10:50 a.m. /

6 L'audience est suspendue à 10h50

7 --- Upon resuming at 11:10 a.m. /

8 L'audience est reprise à 11h10

9 **THE REGISTRAR:** This hearing is now resumed.
10 Please be seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Maître Ruel?

12 **CHARLES BOURGEOIS:** Resumed/Sous le même serment

13 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.

14 **RUEL:** (Continued/Suite)

15 **MR. RUEL:** Mr. Bourgeois, before ---

16 **THE COMMISSIONER:** Excuse me. We're waiting
17 for people. Are you guys ready?

18 Thank you. Go ahead.

19 **MR. RUEL:** Mr. Bourgeois, before moving to -
20 - I want to talk about the Renshaws for a few minutes, but
21 before that, just generally without revealing any
22 conversations you may have had with Mr. Dunlop, what's your
23 perception? What was your perception of the man at the
24 time you dealt with him, generally?

25 **MR. BOURGEOIS:** A good person, a person that

1 felt strongly about his convictions, felt wronged. In some
2 ways he was fragile and in some ways he was strong.

3 **MR. RUEL:** When you say his convictions,
4 what are you referring to?

5 **MR. BOURGEOIS:** What he believed in and ---

6 **MR. RUEL:** Which is?

7 **MR. BOURGEOIS:** The truth, that he believed
8 that he was doing the right thing in terms of bringing this
9 matter forward in the manner he dealt with it.

10 **MR. RUEL:** So what about his perception,
11 without revealing any conversations?

12 **THE COMMISSIONER:** Hold on, before we go
13 there, you say he was strong in some ways and weak in
14 others?

15 **MR. BOURGEOIS:** Yeah.

16 **THE COMMISSIONER:** No, fragile -- fragile,
17 not weak.

18 **MR. BOURGEOIS:** Fragile, yeah.

19 **THE COMMISSIONER:** So flesh that out for me,
20 please.

21 **MR. BOURGEOIS:** Well, he -- you know, he was
22 an individual that emotionally was certainly conflicted if
23 you want, Your Honour, in that he felt that he had lost his
24 career that he enjoyed and his faith had been, according to
25 him, compromised. So in that regard, I think ---

1 **THE COMMISSIONER:** His faith, you mean
2 religious faith?

3 **MR. BOURGEOIS:** Yes, yes, sir. Yes.

4 **THE COMMISSIONER:** Okay.

5 **MR. BOURGEOIS:** And I think that those
6 things made him emotionally fragile, but he was strong in
7 terms of his pursuit of what he believed was the right
8 cause.

9 **THE COMMISSIONER:** Okay.

10 **MR. RUEL:** I'm just asking for your opinion
11 now, if I may. Do you have any views as to whether he
12 could have pursued this cause in a different way?

13 **THE COMMISSIONER:** No. I don't think that -
14 - I think that's a -- never mind that part. Would you --
15 could you have done it differently or -- but I don't know
16 that's that a relevant question at this point.

17 **MR. RUEL:** So let me move now to the
18 Renshaws, so Gerald Renshaw. You've heard that name?

19 **MR. BOURGEOIS:** Yes.

20 **MR. RUEL:** So how did you come in contact
21 with him?

22 **MR. BOURGEOIS:** It would have been through
23 Perry, I'm sure.

24 **MR. RUEL:** So you -- is it accurate to say
25 that you took an affidavit from him?

1 MR. BOURGEOIS: I believe so, yes.

2 MR. RUEL: So you've met with the person, of
3 course, if you took an affidavit?

4 MR. BOURGEOIS: Yes.

5 MR. RUEL: So did you explain to him why you
6 would be -- or you were meeting with him?

7 MR. BOURGEOIS: I can't remember.

8 MR. RUEL: So I'll just bring you to Exhibit
9 552.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. RUEL: So this ---

12 MR. BOURGEOIS: Excuse me, Your Honour, I
13 don't have anything in my binder for 552.

14 THE COMMISSIONER: M'hm, 552. It's okay,
15 neither do I.

16 We have an audio-taped interview. Is that
17 what you wanted?

18 MR. RUEL: No, that's the affidavit of
19 Gerald Renshaw.

20 THE COMMISSIONER: Okay.

21 MR. RUEL: That's the number I have. Maybe
22 I ---

23 THE COMMISSIONER: No, no. It probably is
24 correct. It's right there, there we go. And it is an
25 exhibit? And there's a publication on ban on that, we're

1 okay.

2 Do you recognize the document, Mr.
3 Bourgeois?

4 **MR. BOURGEOIS:** Yes, I do.

5 **MR. RUEL:** Just a point, Mr. Commissioner.
6 You mentioned -- is there a publication ban on this ---

7 **THE COMMISSIONER:** Yes, there is.

8 **MR. RUEL:** --- this document?

9 **THE COMMISSIONER:** A publication ban, yes.

10 **MR. RUEL:** On the content?

11 **THE COMMISSIONER:** I don't know. The
12 publication ban is put -- we put it on the document to
13 alert those who wish to publish documents that they must
14 satisfy themselves whether it's publication ban on the
15 whole document. More likely, it's on names.

16 **MR. RUEL:** Okay. Because it was not my
17 understanding that the document in its entirety was subject
18 to a publication ban, but I'm aware that there's some names
19 in there that would be subject to a ---

20 **THE COMMISSIONER:** That's right.

21 **MR. RUEL:** --- publication ban.

22 **THE COMMISSIONER:** Yes, you got that right.

23 **MR. RUEL:** So, Mr. Bourgeois, do you
24 remember taking that affidavit from Mr. Renshaw?

25 **MR. BOURGEOIS:** Yes.

1 MR. RUEL: At the bottom of the first page,
2 again, there's some initials in the right corner.

3 MR. BOURGEOIS: Yes.

4 MR. RUEL: Are those the initials of Mr.
5 Renshaw?

6 MR. BOURGEOIS: Yes, and mine.

7 MR. RUEL: Did you prepare this?

8 MR. BOURGEOIS: Somebody at my office
9 prepared it, yeah.

10 MR. RUEL: So I gather ---

11 THE COMMISSIONER: What he means, obviously
12 somebody typed it up.

13 MR. BOURGEOIS: Yes.

14 THE COMMISSIONER: But did you pen it?

15 MR. BOURGEOIS: Yeah, I penned it.

16 MR. RUEL: Based on what?

17 MR. BOURGEOIS: On the information I would
18 have had from Mr. Renshaw.

19 MR. RUEL: Directly or through Mr. Dunlop?

20 MR. BOURGEOIS: Probably both.

21 MR. RUEL: So is it accurate to say that in
22 this -- and I won't go through it because there's -- I
23 don't want to breach a publication ban, but you got some
24 confirmation as to some of the people that were seen by
25 other people at Mr. Séguin's residence.

1 **MR. BOURGEOIS:** Correct.

2 **MR. RUEL:** Okay.

3 So now I would ask you to go to Exhibit 348.

4 **THE COMMISSIONER:** Thank you. Exhibit 348
5 is an audio-taped report between Perry Dunlop and Robert
6 Renshaw.

7 **MR. RUEL:** And it's dated February 8th, 1997;
8 it's in Newmarket. So do you remember meeting or being a
9 participant in this interview in Newmarket in the presence
10 of Perry Dunlop and Robert Renshaw?

11 **MR. BOURGEOIS:** I remember meeting him at
12 some point, yes.

13 **MR. RUEL:** But being the participant or
14 being there during the interview?

15 **MR. BOURGEOIS:** No, I don't remember that
16 specifically, but I do know I met him.

17 **MR. RUEL:** So at Exhibit 334 ---

18
19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. RUEL:** So this is an affidavit of Robert
21 Renshaw dated February 10, 1997 and commissioned for you in
22 Newmarket. Do you remember this?

23 **MR. BOURGEOIS:** That is my signature and I
24 do remember meeting with Mr. Renshaw and doing an
25 affidavit.

26 **MR. RUEL:** So the same question as for Mr.

1 Renshaw. Did you prepare or pen this ---

2 MR. BOURGEOIS: Yes.

3 MR. RUEL: Okay. And Mr. Renshaw testified
4 before the Commission. Just for the record, he indicated
5 that he didn't believe that you went over the content of
6 the affidavit with him or asked him to read it over on his
7 own. Is that accurate?

8 MR. BOURGEOIS: I can't tell you one way or
9 another. If you're asking me do I think that's accurate,
10 no, but ---

11 MR. RUEL: So ---

12 MR. BOURGEOIS: I don't see his initials in
13 the corner. I have to note that to be fair.

14 MR. RUEL: So in this affidavit, I gather
15 that Mr. Renshaw was making connections again between ---

16 MR. BOURGEOIS: Correct.

17 MR. RUEL: --- some of the people that were
18 seen at Mr. Séguin's home?

19 MR. BOURGEOIS: Correct.

20 MR. RUEL: Including Father MacDonald, Ron
21 Leroux, Claude Shaver and a number of other people; right?

22 MR. BOURGEOIS: Yes.

23 MR. RUEL: So now I would like to talk about
24 the discussions you had with Mr. Fantino.

25 So you made reference to that earlier and I

1 would ask you to explain to the Commissioner the
2 discussions you had so, when the contacts with Mr. Fantino,
3 how many contacts, and the nature of the discussions you
4 had with him.

5 **MR. BOURGEOIS:** I think I already answered
6 that.

7 **THE COMMISSIONER:** Do it again.

8 **MR. RUEL:** Did you have one, you have two
9 discussions, two contacts, that's what I ---

10 **MR. BOURGEOIS:** I believe I only had one
11 with him. I think I called and he returned my call. But
12 that would be my best memory.

13 **THE COMMISSIONER:** Okay, well let's go back
14 then ---

15 **MR. BOURGEOIS:** Yes, sir.

16 **THE COMMISSIONER:** --- to the decision to
17 send things to Mr. Fantino. Whose decision was it to send
18 that material to him?

19 **MR. BOURGEOIS:** I can't remember how that
20 came about, sir. I wish I could give you more detail, but
21 obviously at some point it dawned on us, I would say
22 collectively, maybe? But I'm sorry I can't give you any
23 more detail than that.

24 **MR. RUEL:** Collectively with whom?

25 **MR. BOURGEOIS:** With Mr. Dunlop.

1 **MR. RUEL:** Okay.

2 **THE COMMISSIONER:** But -- so you're telling
3 me then that you would have sent this material without a
4 heads-up to Mr. Fantino that it was coming?

5 **MR. BOURGEOIS:** No, no, no, no. We would
6 have ---

7 **THE COMMISSIONER:** Well, that's what I'm
8 saying.

9 **MR. BOURGEOIS:**---called them and told them -
10 --

11 **THE COMMISSIONER:** So who called them.

12 **MR. BOURGEOIS:** It would have been me, sir.

13 **THE COMMISSIONER:** What did you tell them?

14 **MR. BOURGEOIS:** I would just be guessing,
15 but it would have certainly been to the effect that we
16 would need his assistance and have some serious matters
17 here that we don't know what -- how to deal with, and could
18 you provide us some guidance. It was more in terms of a
19 guidance role. And, ultimately, that's what he did, he
20 referred us to the Project P or a specific inspector within
21 that unit, I believe, sir.

22 **THE COMMISSIONER:** So he did that -- you
23 sent it off in early December, or in December sometime.
24 From the letter you wrote, it said that you're going to be
25 away in New Brunswick for the Christmas holidays and you

1 wanted to hear from him on January 5th.

2 MR. BOURGEOIS: Okay.

3 THE COMMISSIONER: And that's what the
4 letter says.

5 MR. BOURGEOIS: Okay.

6 MR. RUEL: So why don't we go to that
7 letter. I don't believe it's been tendered as evidence.
8 It's document 103216.

9 (SHORT PAUSE/CAUSE PAUSE)

10 THE COMMISSIONER: I thought it was an
11 exhibit yesterday, but ---

12 MR. RUEL: I'm sorry, Mr. Commissioner.

13 (SHORT PAUSE/CAUSE PAUSE)

14 Mr. Bourgeois, I don't know if you had time
15 to review this letter last night or this morning. If not,
16 maybe you will want to take a few seconds to do that.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. BOURGEOIS: Okay.

19 MR. RUEL: So do you remember sending this
20 letter to Chief Fantino on December 18, 1996?

21 MR. BOURGEOIS: No.

22 MR. RUEL: You don't?

23 MR. BOURGEOIS: No.

24 MR. RUEL: Is it ---

25 MR. BOURGEOIS: But that's definitely a

1 letter.

2 MR. RUEL: Okay.

3 THE COMMISSIONER: He doesn't have an
4 independent recollection of doing it. He doesn't object
5 and contest the fact that the letter was sent ---

6 MR. BOURGEOIS: Right.

7 THE COMMISSIONER: --- under his signature.

8 MR. BOURGEOIS: Absolutely, sir.

9 MR. RUEL: Just ---

10 MR. BOURGEOIS: Definitely my signature.

11 MR. RUEL: Just going to try to briefly try
12 to prompt your memory with some of the statements made in
13 the letter here.

14 You mentioned Project Guardian and the fact
15 that he -- well, he was involved in this project. So what
16 is Project Guardian? Do you remember?

17 MR. BOURGEOIS: No. It was -- it would have
18 been a project involving investigation of sexual assaults
19 on minors, and I don't know who was heading it up and who
20 were the parties.

21 MR. RUEL: So do you remember why you went
22 to Mr. Fantino specifically as opposed to another ---

23 MR. BOURGEOIS: No.

24 MR. RUEL: --- police force?

25 MR. BOURGEOIS: No.

1 **MR. RUEL:** And in the middle of this letter
2 here, it's -- you indicate:

3 "During our investigation and
4 preparation of the Dunlop civil suit,
5 it was discovered that serious criminal
6 acts were committed and may well be
7 continuing. We've gained knowledge of
8 a cover plan to cover up the police
9 investigation as well as a planned hit
10 on the Dunlop family. We have great
11 concern for the safety of the Dunlop
12 family and the safety of children in
13 the community. We're also concerned
14 for the victims we know are out there."

15 So I guess it was a concern that you were
16 getting, you or Mr. Dunlop, information about criminal
17 behaviour and you wanted to refer that to the police.
18 That's the thrust of the letter, right?

19 **MR. BOURGEOIS:** Yes.

20 **MR. RUEL:** So at the -- as the Commissioner
21 -- Mr. Commissioner indicated, you mention here at page 2:

22 "We would greatly appreciate your
23 opinions and direction concerning this
24 matter and await your reply on Monday
25 [sic] 6, 1997."

1 So did you get a reply from Mr. Fantino?

2 **MR. BOURGEOIS:** We must have.

3 **MR. RUEL:** You have no independent
4 recollection?

5 **MR. BOURGEOIS:** I don't have any independent
6 recollection but I know that he, at some point, somehow,
7 guided us to this -- these people.

8 **MR. RUEL:** Okay. When you say, "These
9 people" ---

10 **MR. BOURGEOIS:** Project -- the OPP, I think
11 it was called Project P or something of that ---

12 **MR. RUEL:** Okay. And there is reference to
13 a binder relevant to this case being included or attached
14 to the letter. And I'm going to show you a document which
15 is document 705770.

16 And, Mr. Commissioner, there is a couple of
17 names there that would be subject to publication ban so ---

18 **THE COMMISSIONER:** And then we'll ---

19 **MR. RUEL:** --- we'll just mark it as such.

20 **THE COMMISSIONER:** Thank you.

21 **MR. RUEL:** So, Mr. Bourgeois, my
22 understanding is that this is the index or the binder that
23 was forwarded to Mr. Fantino on December 18, 1996. So is
24 that so? Is that ---

25 **MR. BOURGEOIS:** I don't know.

1 MR. RUEL: Sorry, can you speak to the
2 microphone?

3 MR. BOURGEOIS: I said I don't know.

4 MR. RUEL: So there's -- yes, can we have an
5 exhibit number for this?

6 THE COMMISSIONER: Yes, this is Exhibit 729,
7 which is entitled Table of Contents.

8 ---EXHIBIT NO./PIECE No. 729:

9 (705770) Table of Contents of various
10 information

11 MR. RUEL: So there is a number of
12 statements here, apparently included in this binder, and
13 statements, affidavits, pictures. Is it possible that ---

14 MR. BOURGEOIS: As I say, I don't have an
15 independent recollection of that. Is it possible that
16 that's what it is? It could be.

17 MR. RUEL: Okay.

18 MR. BOURGEOIS: We definitely sent them a
19 lot of stuff.

20 MR. RUEL: When you say "stuff", what do you
21 remember sending to Mr. Fantino?

22 MR. BOURGEOIS: We would have sent them the
23 statements and the information that was gathered.

24 MR. RUEL: From people you met or people
25 that Mr. Dunlop met or both?

1 **MR. BOURGEOIS:** Both. Both

2 **MR. RUEL:** So I would ask you to go to
3 Document Number 716547. And I don't believe this one has
4 been entered as an exhibit either.

5 **THE COMMISSIONER:** Thank you.

6 Exhibit Number 730 is letter to the
7 Honourable Robert Runciman, dated April 7th, 1997, from
8 Perry Dunlop, Constable No. 76, Cornwall Police Service.

9 **---EXHIBIT NO./PIECE No. 730:**

10 P-730: (716547) Letter from Perry Dunlop to
11 The Honourable Robert Runciman re: Request
12 for a criminal investigation of the Cornwall
13 Police Service dated April 7, 1997

14 **MR. RUEL:** So just, Mr. Bourgeois, to
15 explain to you what this is, this is a letter from Mr.
16 Dunlop to the Solicitor General for Ontario at the time.
17 He's informing Mr. Runciman about the facts of the case,
18 about his situation, and about allegations he gathered
19 through interviews, and he's apparently attaching
20 statements and affidavits and a number of other documents
21 and so it seems to be in a similar nature as to the
22 document or the information you sent to Chief Fantino. So
23 are you aware of that Mr. Dunlop sent this correspondence
24 to the then Solicitor General for Ontario?

25 **MR. BOURGEOIS:** I vaguely remember that he

1 might have. I -- this matter doesn't ring a bell to me.

2 **MR. RUEL:** Okay. Now the issue I want to
3 talk about is the issue of disclosure of information that
4 was in possession of Mr. Dunlop to the OPP at the request
5 of the OPP and at the request of the Cornwall Police.

6 Just as an introduction, we know, and I am
7 going to go through that, that there is some requests that
8 were made on Mr. Dunlop to produce the result of his
9 dealings with a number of people for the purpose of
10 investigating those allegations, and you apparently gave
11 some direction to Mr. Dunlop. So we're going to go through
12 that to see what your involvement in any -- if any you had
13 in those matters.

14 So, my question is, the first question is,
15 are you aware at some point the OPP -- an OPP investigation
16 was launched into the allegations that were brought up by
17 Mr. Dunlop?

18 **MR. BOURGEOIS:** Not until this morning, when
19 you showed me those documents.

20 **MR. RUEL:** Have you ever heard about the
21 investigation called "Project Truth"?

22 **MR. BOURGEOIS:** Yes.

23 **MR. RUEL:** So did you hear about that before
24 this morning?

25 **MR. BOURGEOIS:** Yes.

1 MR. RUEL: So when did you hear about it?

2 MR. BOURGEOIS: I wouldn't -- around '96,
3 '97, I guess, time.

4 MR. RUEL: You wouldn't remember an
5 investigation, an OPP investigation, being formally
6 launched in the spring of 1997 into the allegations brought
7 forward by Mr. Dunlop?

8 MR. BOURGEOIS: I know that they started. I
9 don't know the exact timing.

10 MR. RUEL: Okay. Do you remember that at
11 some point the OPP wanted to get the information that Mr.
12 Dunlop had collected through his interviews with a number
13 of people?

14 MR. BOURGEOIS: They -- well, you showed me
15 correspondence today that -- this morning that would
16 confirm that.

17 MR. RUEL: But do you remember that
18 independently?

19 MR. BOURGEOIS: No.

20 MR. RUEL: Do you know who is Mr. Rick Trew?

21 MR. BOURGEOIS: Rings a bell, but ---

22 MR. RUEL: If I tell you he was an Inspector
23 with the Cornwall Police ---

24 MR. BOURGEOIS: Okay.

25 MR. RUEL: --- would that ---

1 MR. BOURGEOIS: Yes, now ---

2 MR. RUEL: You would remember that?

3 MR. BOURGEOIS: Yup.

4 MR. RUEL: Do you remember ever dealing with
5 him with respect to disclosure issues involving Mr. Dunlop?

6 MR. BOURGEOIS: No, I don't.

7 MR. RUEL: So I would ask you to go to
8 Document Number 723536.

9 Madam Clerk, I don't know if we have an
10 exhibit number for this. I don't believe so.

11 THE COMMISSIONER: Thank you.

12 Exhibit Number 731 is a letter addressed to
13 Constable Perry Dunlop, September 25th, 1997 from R.W. Trew,
14 T-R-E-W, Inspector.

15 --- EXHIBIT NO./PIÈCE No. P-731:

16 (723536) Letter from R.W. Trew to Perry
17 Dunlop dated September 25, 1997

18 MR. RUEL: Mr. Bourgeois, have you -- I
19 showed you this letter this morning. Have you read it?
20 Would you want to take a few minutes or seconds to read it
21 now?

22 MR. BOURGEOIS: No, I read it this morning
23 when you provided -- you showed me it this morning.

24 MR. RUEL: Do you remember receiving, or ---

25 MR. BOURGEOIS: No.

1 **MR. RUEL:** -- this letter, or being given
2 this letter by Mr. Dunlop sometime in 1997?

3 **MR. BOURGEOIS:** I don't have an independent
4 recollection, no.

5 **MR. RUEL:** So what this letter says, in the
6 middle paragraph, is that Mr. Trew was saying that Mr.
7 Dunlop had been asked or advised by Inspector Smith from
8 the OPP that his -- all of his information such as notes,
9 tapes, statements, et cetera, relating to the sexual
10 assault cases that you may have knowledge of had to be
11 disclosed, and apparently Mr. Dunlop agreed to disclosure
12 of those documents. So do you remember this at the time?

13 **MR. BOURGEOIS:** No.

14 **THE COMMISSIONER:** Well, I don't know if he
15 -- well, he said he'd have to go through his lawyer to get
16 them.

17 **MR. RUEL:** Yes.

18 **MR. BOURGEOIS:** Yes, so my -- Mr. Ruel also
19 showed me a letter this morning, sir, where I respond to a
20 ---

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

22 **MR. BOURGEOIS:** I didn't remember that
23 either but he did show me the letter and it seems to be my
24 letter.

25 **MR. RUEL:** Yes, there is at the bottom of

1 the -- the last paragraph, or second to last, there's an
2 order here and it's from Mr. Trew ordering Mr. Dunlop here
3 and it reads:

4 "I therefore order you to disclose to
5 Inspector Tim Smith or his investigator
6 all your notes, tapes, statements, et
7 cetera that you may have made or
8 received relating to Inspecting Smith's
9 request of August 7th, 1997."

10 So it's all issues surrounding alleged
11 sexual assault cases. So do you remember this order that
12 was issued by Mr. Trew?

13 **MR. BOURGEOIS:** No.

14 **MR. RUEL:** So if you can go to Document
15 Number 728029.

16 **THE COMMISSIONER:** We don't have that yet,
17 sir. It's a new exhibit.

18 Exhibit Number 732 is a letter to the
19 Cornwall Police Service, Inspector R.W. Trew, from Charles
20 Bourgeois dated October 8th, 1997.

21 **--- EXHIBIT NO./PIÈCE No. P-732:**

22 (728029) Letter from Charles Bourgeois to
23 R.W. Trew re: Perry Dunlop dated October 8,
24 1997

25 **MR. BOURGEOIS:** That's the letter that I was

1 referring to that my friend showed me this morning, sir.

2 That is my signature.

3 **THE COMMISSIONER:** Okay. So he was ordered
4 to do the disclosure by October 3rd; you're writing on
5 October 8th and telling the OPP that all the relevant
6 materials will be forwarded to them by October 10th, 1997
7 except for the materials either previously provided or
8 materials that fall under the solicitor/client privilege?

9 **MR. BOURGEOIS:** Correct.

10 **THE COMMISSIONER:** Thank you.

11 **MR. RUEL:** Mr. Commissioner, just on one
12 point I guess for the witness. You -- under your decision
13 yesterday, I guess, I am allowed to ask question on any
14 advice that Mr. Bourgeois may have given to Mr. Dunlop with
15 respect to this considering the waiver.

16 **THE COMMISSIONER:** Well, it wasn't a waiver.
17 It was -- he invoked the fact that he questions the advice
18 that he received with respect to the issue of disclosure.
19 So on that basis, sir, you are to answer those questions.

20 **MR. BOURGEOIS:** Okay.

21 **THE COMMISSIONER:** Thank you.

22 **MR. RUEL:** So Mr. Bourgeois, do you remember
23 -- well, is this your letter?

24 **MR. BOURGEOIS:** Yeah.

25 **MR. RUEL:** So do you remember sending it to

1 the Cornwall Police?

2 MR. BOURGEOIS: No.

3 MR. RUEL: You don't?

4 MR. BOURGEOIS: No.

5 MR. RUEL: So you are indicating here that:

6 "I can advise that my client ..."

7 -- as Mr. Commissioner has read:

8 " ...will forward to the OPP all relevant
9 materials in his possession by 4:30
10 p.m. on October 10th, 1997, except any
11 materials previously provided to the
12 OPP or any materials that fall under
13 solicitor/client privilege."

14 So, my question is, what did you understand
15 the -- I guess you indicated that some information would
16 potentially be protected under solicitor/client privilege;
17 correct?

18 MR. BOURGEOIS: Yeah, my handwritten notes
19 and working materials.

20 MR. RUEL: So is that what you were
21 referring to?

22 MR. BOURGEOIS: Like I said, I don't have an
23 independent recollection but that's what I would assume I
24 was referring to.

25 MR. RUEL: So let me just ask you a few

1 questions on this point.

2 So your understanding of the materials that
3 would fall under solicitor/client privilege would be your
4 materials, the information that you had with respect to the
5 case?

6 **MR. BOURGEOIS:** Right.

7 **THE COMMISSIONER:** I'm sorry, I must have
8 missed that. Are we talking about what he would have
9 retained, what you thought was solicitor/client privilege?

10 **MR. BOURGEOIS:** Yes.

11 **MR. RUEL:** Yes.

12 **THE COMMISSIONER:** Okay. So we're talking
13 about your handwritten notes?

14 **MR. BOURGEOIS:** That's what I would -- to
15 the best -- I don't really have an independent memory, sir.
16 So I don't really remember the transaction but that would
17 have been -- my belief would have been my handwritten
18 notes.

19 **MR. RUEL:** What about Mr. Dunlop's
20 materials? For example, if Mr. Dunlop had notes that he
21 himself wrote when he met with different people, was that
22 something that should have been protected or was protected
23 under solicitor/client privilege?

24 **MR. BOURGEOIS:** I don't remember.

25 **MR. RUEL:** Do you remember -- you indicate

1 here in the letter that Constable Dunlop is presently
2 reviewing all material in his possession to comply with
3 your order as set in the said letter.

4 So was Mr. Dunlop reviewing those materials
5 at your office, for example?

6 **MR. BOURGEOIS:** I don't remember.

7 **MR. RUEL:** You don't remember if you had any
8 involvement in reviewing those materials with Mr. Dunlop?

9 **MR. BOURGEOIS:** No, I don't.

10 **MR. RUEL:** Or giving him advice?

11 **MR. BOURGEOIS:** No.

12 **MR. RUEL:** Or selecting the documents that
13 would be given and the others?

14 **MR. BOURGEOIS:** No, I don't have an
15 independent recollection of that.

16 **THE COMMISSIONER:** So what you're telling
17 me, as a young lawyer, you're getting a letter and you're
18 saying that this was not something that would be stuck in
19 your memory as "Oh, my God, what am I going to do now?" and
20 getting advice from another lawyer, anything like that?
21 This is just a routine thing for you?

22 **MR. BOURGEOIS:** There was nothing nefarious.
23 They would have gotten everything we had. There is no
24 reason to not send them whatever should have been sent.

25 **THE COMMISSIONER:** Okay.

1 **MR. BOURGEOIS:** So I don't -- there is
2 nothing that would stick out. If Mr. Dunlop had other
3 stuff, I can't talk about that. I don't know about that.

4 **THE COMMISSIONER:** Well, you can talk about
5 it but you don't know about it.

6 **MR. BOURGEOIS:** Well, I don't know if he had
7 other materials or not that weren't given to the
8 authorities, sir. This is what I'm getting at. But
9 whatever we would have had, we're the ones that contacted
10 prior to this. We initiated contacting the authorities.

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

12 **MR. BOURGEOIS:** So that was the mindset of
13 providing these materials.

14 **THE COMMISSIONER:** I guess I just want to
15 understand what was the problem then in the trial process
16 where Mr. Dunlop questioned the viability or wisdom of the
17 legal advice.

18 **MR. RUEL:** Well, you've heard what the
19 excerpts that were read yesterday concerning Mr. Dunlop and
20 the advice he received from you with respect to disclosure.

21 **MR. BOURGEOIS:** Yes, I did hear those
22 excerpts.

23 **MR. RUEL:** So do you remember giving him
24 advice on this issue?

25 **MR. BOURGEOIS:** I can't recollect

1 specifically, but I don't agree with him that I gave him
2 bad advice with respect to disclosure.

3 **MR. RUEL:** Because if I may be getting into
4 the facts is that following those -- well, shortly after
5 you sent this letter, Mr. Dunlop forwarded some information
6 to the OPP but did not include, at that point, his notes,
7 his personal notes that he took from various people.

8 And it's -- from what I could gather from
9 Mr. Dunlop's testimony before the criminal trials, that
10 would be pursuant to the advice he received from you. So
11 do you have any comment to make in that regard?

12 **MR. BOURGEOIS:** I don't remember giving him
13 that type of advice.

14 **MR. RUEL:** I'd like to show you -- just
15 before that, at the time, so we're talking 1997. How much
16 experience did you have in criminal law?

17 **MR. BOURGEOIS:** Not much, very little.

18 **MR. RUEL:** I would ask you to -- Mr.
19 Commissioner, I'd like to use Document number 713870.

20 **THE COMMISSIONER:** When we use the word
21 "Document", it's still not an exhibit.

22 **MR. RUEL:** Oh, okay.

23 **THE COMMISSIONER:** Thank you. Exhibit 733
24 is what?

25 ---EXHIBIT NO./PIÈCE No. P-733:

1 (713870) Notes of Inspector R.W. Trew
2 dated from 11 Jun 97 to 27 Apr 99

3 **MR. RUEL:** Those, Mr. Commissioner, I gather
4 they will need to be formally identified by the Cornwall
5 Police and maybe Mr. Callaghan can confirm this today.
6 Those, from what I gather, are notes from Inspector Trew
7 from the Cornwall Police.

8 And what I want to do obviously is I want to
9 cross-examine the witness on those notes. They're not his,
10 but I just want to prompt his memory because he's making
11 reference to discussions he seemed to have had with Mr.
12 Bourgeois around that time.

13 So I just wanted to read that to the witness
14 if I may or some of it to the witness and maybe Mr.
15 Callaghan can confirm that those are the notes of Inspector
16 Trew at that point.

17 **THE COMMISSIONER:** Is there any contest on
18 that? No. Thank you.

19 **MR. RUEL:** So if you -- there is handwritten
20 page numbers in the right top corner of the document and I
21 would ask you to go to page 13, and it's at the bottom of
22 the page.

23 So just to situate you in the chronology, we
24 just reviewed the letter addressed to Mr. Dunlop that was
25 dated September 25, 1997. And then there is your letter of

1 October 8, 1997 and here, there is a reference to a phone
2 call and a discussion between you and Inspector Trew on
3 October 6, 1997.

4 I'm just going to read it to you and I just
5 want to obtain your comments as to whether you remember
6 this conversation. It reads:

7 "I returned lawyer Bourgeois' phone
8 call. We discussed the issue of
9 Constable Dunlop complying to the
10 written order. Bourgeois did state
11 that Constable Dunlop was at his law
12 firm going over material to see if he
13 had missed anything that was not
14 already given to the OPP through his
15 brief. I advised Mr. Bourgeois that
16 Constable Dunlop was a police officer
17 when he had interviews with victims and
18 witnesses. Therefore, notes should
19 have been made of these events. There
20 was a conversation by Dunlop's lawyer
21 stating that he has already complied by
22 turning over a brief to the OPP. More
23 comments about some of Constable
24 Dunlop's notes might be client/lawyer
25 privileged. Also stated notes made by

1 police officers concerning criminal
2 offences have to be disclosed to proper
3 authorities when asked for. I advised
4 Mr. Bourgeois that the Cornwall Police
5 would want something in writing from
6 his office stating Constable Dunlop is
7 trying to comply. Mr. Bourgeois said
8 he would send something by fax on
9 Tuesday, October 7, 1997."

10 Do you remember the substance of this
11 conversation with Inspector Trew?

12 **MR. BOURGEOIS:** No.

13 **MR. RUEL:** And discussing the fact that some
14 -- apparently there was a discussion. From what I gather,
15 there was a comment from you that some of Constable
16 Dunlop's notes might be client/lawyer or solicitor/client
17 privileged.

18 No recollection?

19 **MR. BOURGEOIS:** No.

20 **MR. RUEL:** Is that your view? I mean, now
21 you have no recollection but if I'm asking you now if Mr.
22 Dunlop took various statements from a number of people,
23 some of them for his lawsuits, some others for other
24 purposes, do you think those notes would have been
25 protected by solicitor/client privilege in any way?

1 **MR. BOURGEOIS:** Depends what it was. I
2 don't think they were -- they were only concerned with
3 potential criminal activity, right? So it depends what it
4 was referring to. If it was referring to anything that
5 could be relevant at all, then those are disclosable, yes.

6 **MR. RUEL:** Relevant to criminal activity?

7 **MR. BOURGEOIS:** Yes.

8 **MR. RUEL:** Whether or not it was collected
9 for the purpose of a lawsuit?

10 **MR. BOURGEOIS:** Correct, correct.

11 **MR. RUEL:** So did you know what was
12 disclosed by Mr. Dunlop to the OPP?

13 **MR. BOURGEOIS:** No.

14 **MR. RUEL:** You have no ---

15 **MR. BOURGEOIS:** I have no recollection of
16 that.

17 **MR. RUEL:** Mr. Bourgeois, the last subject I
18 would like to talk to you about is the contacts that you
19 had, or may have had, with the Children's Aid Society here
20 in Cornwall.

21 Do you remember any contact, having any
22 contact with the Children's Aid Society during the period
23 you represented Mr. Dunlop?

24 **MR. BOURGEOIS:** Yes, once, I believe, with
25 somebody from Children's Aid Society.

1 MR. RUEL: Do you remember who?

2 MR. BOURGEOIS: I wouldn't have been if it
3 wasn't for your assistance, Mr. Abell, but ---

4 MR. RUEL: Sorry? I missed that.

5 MR. BOURGEOIS: Mr. Abell, I believe.

6 MR. BOURGEOIS: Mr. Richard Abell?

7 MR. BOURGEOIS: Yes, Richard Abell. And
8 that's just through reading, but ---

9 MR. RUEL: So do you remember when you spoke
10 to Mr. Abell?

11 MR. BOURGEOIS: It would have been like you
12 said, during the timeframe that I represented Perry.

13 MR. RUEL: And do you remember the substance
14 of the conversation?

15 MR. BOURGEOIS: Not really.

16 MR. RUEL: If I suggest to you that you
17 called Mr. Abell and provided him with a list of suspected
18 pedophiles, is that something that may be possible?

19 MR. BOURGEOIS: May be possible.

20 MR. RUEL: But you don't remember?

21 MR. BOURGEOIS: No.

22 MR. RUEL: Again, I'm going to refer you to
23 some notes and, not for the purpose of -- those are not
24 your notes, but they -- just to prompt your memory, this is
25 Document Number 721628.

1 **THE COMMISSIONER:** Exhibit 734 is entitled
2 "Project Blue, Note to File, December 21st 1996".

3 **--- EXHIBIT NO./PIÈCE No P-734:**

4 (721628) Note to File of Richard Abell
5 re: Project Blue

6 **MR. RUEL:** Mr. Commissioner, again, this
7 will need to be confirmed if and when Mr. Abell is called
8 to testify. Maybe I can ask the Children's Aid Society to
9 confirm, for the moment, that this comes to their
10 knowledge, from Mr. Abell.

11 **THE COMMISSIONER:** In the absence of any
12 objection, I think you can assume that that's correct.
13 Thank you.

14 **MR. RUEL:** Just for the record, Mr.
15 Commissioner.

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

17 **MR. RUEL:** So those are notes from a Mr.
18 Richard Abell dated December 21st, 1996. I am going to read
19 you the two or three first paragraphs:

20 "Phone call at my home approximately
21 nine o'clock from Charles Bourgeois,
22 lawyer. I had left messages for him
23 during the day. Told him I wanted any
24 supporting information he had
25 concerning the list of suspected

1 pedophiles he had phoned me on
2 Thursday, December 19. During that
3 call, he said he would be giving me
4 statements he had. Charles was again
5 reluctant to provide us with further
6 information. Claims to be concerned
7 with possible conflict of interest in
8 our organization. Mentioned a CAS
9 staffer organizing a roast for Father
10 Kevin Maloney. I again told him he has
11 given me nothing more than his
12 conjecture on this supposed conflict
13 and that if he was expecting me to act
14 on his list, I needed his supporting
15 information."

16 So do you remember having a conversation of
17 that nature with Mr. Abell?

18 **MR. BOURGEOIS:** No.

19 **MR. RUEL:** Providing the list and ---

20 **MR. BOURGEOIS:** No.

21 **MR. RUEL:** --- not disclosing the details?

22 Now, I would like to refer you to a couple
23 of documents. In fact, it's one document containing
24 correspondence between you and Mr. Abell.

25 **THE COMMISSIONER:** So can we -- well, there

1 is an interesting discussion I find at the bottom.

2 **MR. RUEL:** Sure.

3 **THE COMMISSIONER:** Where, Page 1, you were
4 asked to call the Ministry if you didn't trust the
5 Children's Aid Society, and then it seems that Miss Lenore
6 Jones, you would have said:

7 "...had taken the position that if he had
8 no present concerns about specific
9 children, then he had no duty report.
10 He insisted and repeated several times
11 that this was the case. Everything he
12 had was historical. We got into a
13 lengthy debate about whether an
14 individual's history of abuse presented
15 a present risk to children, a debate he
16 found frustrating in that he seemed to
17 not want to have to deal with the
18 judgment call that those circumstances
19 require."

20 Do you remember that part of it?

21 **MR. BOURGEOIS:** No, I don't sir, sorry.

22 **MR. RUEL:** You don't remember, but when you
23 wrote to Chief Fantino, as confirmed, I guess, by your
24 letter, you wrote at the time:

25 "We are also very concerned for the

1 victims we know are out there."

2 So that seems to contradict your -- what
3 seemed to be the discussion that seemed to have taken place
4 here about everything is historical. So can you provide an
5 explanation as to the discrepancy?

6 **MR. BOURGEOIS:** I can't, but obviously if I
7 was calling Mr. Abell out of the blue, it was to report
8 something.

9 **MR. RUEL:** Okay.

10 **MR. BOURGEOIS:** I just don't have an
11 independent recollection of it. That's all.

12 **MR. RUEL:** I just want you to confirm a few
13 letters, and it's Document Number 721626.

14 **THE REGISTRAR:** What is it?

15 **MR. RUEL:** It's three letters -- sorry,
16 721626.

17 **THE REGISTRAR:** What's the Bates page?

18 **MR. RUEL:** Well, I only have three pages
19 here. Is this a larger document? If it is, it's 7080904.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit number 735 is a letter from Richard
22 Abell to Mr. Charles Bourgeois dated December 23rd, 1996.

23 --- **EXHIBIT NO./PIÈCE No P-735:**

24 (721626 7080904) Letter from Richard
25 Abell to Charles Bourgeois re: Referral

1 of 19 Dec 96 dated December 23, 1996

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. RUEL: Mr. Commissioner, I don't know
4 how we should enter this as exhibits. This appears to be a
5 larger document with -- but I'm only referring to three
6 letters which seem to be contained in that document. So
7 either we enter them as separate exhibits. This is one.

8 The other one is ---

9 THE COMMISSIONER: So they will be separate
10 exhibits.

11 MR. RUEL: Separate exhibits, okay.

12 So the first letter, Exhibit 735, is
13 December 23, 1996. It's correspondence to you by Mr.
14 Abell.

15 MR. RUEL: Do you remember this
16 correspondence?

17 MR. BOURGEOIS: Vaguely because of the
18 letterhead.

19 MR. RUEL: And he's providing you apparently
20 with the pamphlet titled "Reporting Child Abuse - Your
21 responsibilities under the *Child and Family Services Act*"
22 and he writes:

23 "I specifically wish to bring to your
24 attention page 4 which addresses the
25 obligation to report child abuse. You

1 will know that both of these sections
2 clearly indicate that the individual
3 making the report shall report the
4 suspicion and the information on which
5 it is based to a Children's Aid
6 Society."

7 And he finishes his letter by saying:

8 "With respect to your recent report of
9 suspected pedophiles, it is our view
10 that we have not been given the
11 information on which it is based and
12 which will be necessary if the Society
13 is to carry out its mandate in this
14 matter."

15 So do you remember the substance of this
16 letter?

17 **MR. BOURGEOIS:** Like I said, I vaguely
18 remember, just because of the letterhead; vaguely remember
19 this letter.

20 **MR. RUEL:** From what you can remember, was
21 there -- you gave some information. So you did report
22 something to the CAS; right?

23 **MR. BOURGEOIS:** That's the only reason I
24 would have contacted Mr. Abell, so I will say yes because
25 of that.

1 **MR. RUEL:** But from your recollection, like
2 more generally, do you remember having any concern with
3 respect to the independence or any conflict of interest
4 dealing that would -- with respect to the Cornwall
5 Children's Aid Society?

6 **MR. BOURGEOIS:** Due to Perry, yes.

7 **MR. RUEL:** In what sense?

8 **MR. BOURGEOIS:** Well, he had some concerns.

9 **MR. RUEL:** So the two other letters, Mr.
10 Commissioner, it's the same document and it's page 7080897.

11 **THE COMMISSIONER:** Thank you.

12 Exhibit Number 736 is the letter dated March
13 20th, 1997 to Mr. Charles Bourgeois from Richard Abell.

14 **--- EXHIBIT NO./PIÈCE No. P-736:**

15 (721626 7080896-97) Letter from Richard
16 Abell to Charles Bourgeois re: Referral
17 of 19 Dec 96 dated December 20, 1997 /
18 Letter from Charles Bourgeois to
19 Richard Abell re: Referral of 19 Dec 96
20 dated February 21, 1997

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

22 Oh, okay. On the same page, Exhibit 736,
23 there is a flip side which is a letter from -- to the
24 Children's Aid Society dated February 21st, to the
25 Children's Aid Society from Mr. Charles Bourgeois. There

1 you go.

2 **MR. RUEL:** Mr. Bourgeois, do you have this
3 document in front of you now, yes?

4 This is a letter from you to the Children's
5 Aid Society to Mr. Abell. Do you remember sending this
6 letter? No?

7 **MR. BOURGEOIS:** No, but that's definitely my
8 signature. So ---

9 **MR. RUEL:** So you indicated in response that
10 you had provided the information that you were required to
11 provide under the Act; right? That was your position,
12 apparently from this letter.

13 **MR. BOURGEOIS:** Apparently, yes.

14 **MR. RUEL:** And the last document is Document
15 7080896. Sorry, that's Bates page.

16 **THE REGISTRAR:** It's on the other side of
17 it.

18 **MR. RUEL:** Oh, it's on the other side? Oh,
19 I'm sorry, but the other document, is it on the other side
20 of -- it's a letter March 20, 1997 from Richard Abell to
21 Mr. Bourgeois. Okay, sorry. Sorry, Madam Clerk. This is
22 Exhibit?

23 **THE REGISTRAR:** Seven-thirty-six (736).

24 **MR. RUEL:** So do you -- Mr. Bourgeois, do
25 you recall this letter?

1 **MR. BOURGEOIS:** Again, just because of the
2 letterhead.

3 **MR. RUEL:** So Mr. Abell is saying to you
4 that you and him have a difference of view as to the
5 application of the *Child and Family Services Act* reporting
6 obligation and was he formally requesting that -- that's
7 the third paragraph:

8 "I believe the matter can be very
9 simply resolved. I am formally
10 requesting that for each of the named
11 suspected pedophiles you have provided
12 to us you provide detailed written
13 account that supports your concerns
14 regarding that individual. We require
15 all of the information you have
16 available in order that we can make a
17 determination if in fact children may
18 be at risk of harm."

19 Do you remember this?

20 **MR. BOURGEOIS:** Not the specific contents of
21 the letter but ---

22 **MR. RUEL:** Do you remember if ---

23 **MR. BOURGEOIS:** I don't deny receiving it.
24 Is that what you're asking?

25 **MR. RUEL:** Sorry?

1 **MR. BOURGEOIS:** I don't deny receiving it,
2 if that's what you're asking.

3 **MR. RUEL:** Okay. Do you remember if you had
4 any other contact, either by letter or otherwise, with Mr.
5 Abell after this?

6 **MR. BOURGEOIS:** Not that I would remember.

7 **MR. RUEL:** So in looking at this, if I may
8 do that, in hindsight, so you read the documents. Was
9 there any -- can you explain why this information was not
10 provided to the CAS at the time? You had provided a list
11 and they were asking for more. So can you explain like
12 based on what you've read now?

13 **MR. BOURGEOIS:** No.

14 **MR. RUEL:** I have ---

15 **MR. BOURGEOIS:** We had provided it already
16 though to the authorities.

17 **THE COMMISSIONER:** To what authorities?

18 **MR. BOURGEOIS:** I think by then, sir, that
19 it had been provided to the -- to Fantino.

20 **THE COMMISSIONER:** Oh, yes. Oh, yes, in
21 December.

22 **MR. BOURGEOIS:** Yeah.

23 **THE COMMISSIONER:** So three months before.
24 So why not just photocopy it, package it up and send it to
25 the Children's Aid Society as well?

1 **MR. BOURGEOIS:** I don't know, sir. I don't
2 know.

3 **MR. RUEL:** Just a couple of questions; I'm
4 almost done, Mr. Commissioner.

5 We talked about Mr. Dunlop's disclosure
6 issues. Did the police or the Crown ever ask you to
7 produce your notes or your materials that could be useful
8 for any investigation or prosecution?

9 **MR. BOURGEOIS:** No.

10 **MR. RUEL:** If I can ask you this, we're
11 dealing here with the institutional response of public
12 institutions, including the police and the Crown, and so
13 you've had some dealings with public institutions. You had
14 dealings with the OPP. You had dealings with the CAS.

15 So do you have any comments to make with
16 respect to the response of those institutions as it relates
17 to your interactions with them?

18 **MR. BOURGEOIS:** In what regard?

19 **MR. RUEL:** Well, it's a general question, if
20 you have any comments?

21 **THE COMMISSIONER:** Is there anything that,
22 in hindsight, could have been done differently by the
23 institutions so that we might not have been here?

24 **MR. BOURGEOIS:** I think everybody could have
25 done stuff differently, quite frankly, sir.

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

2 **MR. BOURGEOIS:** Including myself, but that's
3 where we are.

4 I mean, to me it's pretty obvious. You have
5 an individual that got paid out; a person pled guilty to
6 obstruct justice. So that was the catalyst of what
7 happened and then how individuals responded to that, I
8 don't now really, sir, if I'm capable of giving appropriate
9 recommendations on how to do things better. The only thing
10 I can do is reflect on how I did things and do things
11 better myself in the future.

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

13 **MR. BOURGEOIS:** I certainly don't think
14 there should be sanctions against individuals that -- I'm
15 not talking about this matter, but there shouldn't be any
16 sanctions on individuals that bring forward potential
17 sexual assaults on minors. I mean, that's an absolute --
18 should be a primary protection in our community. But
19 that's not for me to decide, so I'll leave that for someone
20 else.

21 **MR. RUEL:** So, Mr. Bourgeois, thank you very
22 much.

23 Those would be my questions, Mr.
24 Commissioner. Good luck sir.

25 **THE COMMISSIONER:** How about if we go for

1 lunch, Mr. Manson?

2 **MR. MANSON:** Are you inviting me, Mr.
3 Commissioner?

4 **(LAUGHTER/RIRES)**

5 **THE COMMISSIONER:** Well ---

6 **MR. MANSON:** I apologize.

7 **THE COMMISSIONER:** No, no, no. You need not
8 apologize. It's just we would have to flip to see who'd
9 pay. And on the stipend that we have, I don't know that
10 either one of us could afford it.

11 Quarter-to-two? Let's make up the time.

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

14 This hearing will resume at 1:45 p.m.

15 --- Upon recessing at 12:14 p.m. /

16 L'audience est suspendue à 12h14

17 --- Upon resuming at 1:52 p.m. /

18 L'audience est reprise à 13h52

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

21 This hearing is now resumed. Please be
22 seated. Veuillez vous asseoir.

23 **CHARLES BOURGEOIS:** Resumed/Sous le même serment

24 --- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.

25 **RUEL:** (Continued/suite):

1 **MR. RUEL:** Mr. Commissioner, good afternoon.

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

3 **MR. RUEL:** One quick question to the
4 witness, I'm sorry.

5 Mr. Bourgeois, we talked yesterday about the
6 criminal file of C-8 and you were to check with your office
7 whether or not you still had the criminal file or any file
8 with respect to C-8. So did you verify that with your
9 office?

10 **MR. BOURGEOIS:** Yes.

11 **MR. RUEL:** And what's the result?

12 **MR. BOURGEOIS:** There is none.

13 **MR. RUEL:** Thank you.

14 **THE COMMISSIONER:** Mr. Manson.

15 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
16 **MANSON:**

17 **MR. MANSON:** Mr. Commissioner, there is a
18 lot of material but I have spoken with other counsel and
19 I've divided up some of the areas.

20 **THE COMMISSIONER:** Okay.

21 **MR. MANSON:** So I don't intend to be
22 comprehensive, so it shouldn't indicate any disinterest on
23 my part with respect to those issues.

24 **THE COMMISSIONER:** No, but I appreciate that
25 counsel are spreading things out. It saves time and a

1 change of scenery.

2 **MR. MANSON:** Mr. Bourgeois, I introduced
3 myself to you yesterday. My name is Allan Manson and I
4 represent the Citizens for Community Renewal.

5 One of the things I want to point out is
6 that my clients have no interest to protect and no interest
7 to promote to this Inquiry other than to try and to help
8 the Inquiry do a full and fair job.

9 I was interested just at the end of your
10 examination in-chief in Exhibit 734, the communications
11 with the CAS, and I don't want to get into any of the
12 details of that but they suggest that you were concerned
13 about a conflict of interest; correct?

14 **MR. BOURGEOIS:** In the letter, yeah.

15 **MR. MANSON:** And was that your concern or
16 someone else's concern that you were conveying?

17 **MR. BOURGEOIS:** Certainly, Mr. Dunlop had a
18 concern.

19 **MR. MANSON:** And you understood that concern
20 and you communicated it?

21 **MR. BOURGEOIS:** That's most likely what
22 occurred, yes.

23 **MR. MANSON:** Can you explain to me your
24 understanding of conflict of interest, please? Just in
25 completely general terms.

1 **MR. BOURGEOIS:** That the parties may
2 otherwise be better off to review it if they have some
3 personal relationships.

4 **MR. MANSON:** What do you mean by conflict of
5 interest? Not how does one respond to it but what does
6 that phrase mean to you?

7 **MR. BOURGEOIS:** Depends in which context;
8 could mean a myriad of things.

9 **MR. MANSON:** But it usually means divided
10 loyalties; correct?

11 **MR. BOURGEOIS:** Those are your words.

12 **MR. MANSON:** Would you not agree that that's
13 ---

14 **MR. BOURGEOIS:** No, I wouldn't agree with
15 that.

16 **MR. MANSON:** I'd like to go through the
17 pleadings, Mr. Bourgeois, and I want to talk about the
18 pleadings and your interaction with witnesses but I'll try
19 to do it chronologically. I know this happened a long time
20 ago and I think it might be easier.

21 **MR. BOURGEOIS:** Okay, sir.

22 **MR. MANSON:** So if we start with the
23 Statement of Claim which I believe is Exhibit 671. The
24 notice of action is 671; the Statement of Claim is 726.

25 **MR. BOURGEOIS:** Okay.

1 **MR. MANSON:** Can we have Exhibit 726,
2 please?

3 **MR. BOURGEOIS:** Okay.
4 So this was issued by you on July 5th, 1996;
5 correct?

6 **MR. BOURGEOIS:** It would appear so, yes.

7 **MR. MANSON:** And at that time, you had
8 already collected some information from C-8, from Gerry
9 Renshaw and from Mr. Dunlop himself; correct?

10 **MR. BOURGEOIS:** Correct.

11 **MR. MANSON:** This document has 107
12 paragraphs; it must have been the result of an enormous
13 amount of work on your part.

14 **MR. BOURGEOIS:** I'm sure it was.

15 **THE COMMISSIONER:** Madam Clerk? Madam
16 Clerk? Would you go and help the witness with his binder
17 there? No, no. It just opened up so let her take care of
18 that and you can continue and ask questions.

19 **THE REGISTRAR:** Which one do you need?

20 **THE COMMISSIONER:** No, no. Just put it back
21 in the binder, Madam Clerk.

22 **MR. MANSON:** I take it you were retained by
23 Mr. Dunlop some months before this, before July '96. Is
24 that correct?

25 **MR. BOURGEOIS:** Yes.

1 **MR. MANSON:** And did you have a written
2 retainer?

3 **MR. BOURGEOIS:** No.

4 **MR. MANSON:** Nothing in writing with Mr.
5 Dunlop?

6 **MR. BOURGEOIS:** I wouldn't have had a
7 written retainer back then, no.

8 **MR. MANSON:** I take it you expected to be
9 paid for this work?

10 **MR. BOURGEOIS:** I expected, yes.

11 **MR. MANSON:** Was that to be on a contingency
12 basis?

13 **MR. BOURGEOIS:** I don't think so, sir.

14 **MR. MANSON:** So at some point you expected
15 to be reimbursed for the hours that you put in?

16 **MR. BOURGEOIS:** Yes, I'm sure I did, yeah.

17 **MR. MANSON:** Now this Statement of Claim,
18 the 107 paragraphs, it's a bit unusual. I want to suggest
19 to you that the first rule of pleading in civil procedures
20 that you plead the material allegations needed to establish
21 the cause or causes of action. Do you agree with that?

22 **MR. BOURGEOIS:** Yeah. I have already told
23 the Commissioner that I accept that I would do it
24 differently now, so if you're trying to go that would I do
25 it differently and all that stuff; if that's your goal, go

1 ahead. I mean that's very clear to me. I've pointed it
2 out.

3 MR. MANSON: Well ---

4 MR. BOURGEOIS: In hindsight now, I would do
5 it a lot differently.

6 MR. MANSON: Because you agree that the
7 second rule of pleadings is that you don't plead evidence;
8 correct?

9 MR. BOURGEOIS: Correct.

10 MR. MANSON: And that this document is
11 filled with evidence; okay?

12 MR. BOURGEOIS: I agree with that.

13 MR. MANSON: Now, let's just look through
14 some of the paragraphs; paragraph 17 for example. You'd
15 agree with me that this is pure evidence and it's pleaded
16 in a narrative style; correct?

17 MR. BOURGEOIS: As is most of it.

18 MR. MANSON: Paragraph 22, same thing?

19 MR. BOURGEOIS: Yeah.

20 MR. MANSON: In paragraph 25 which in fact
21 is a synopsis of the details of the DS complaint. That's
22 all evidence, isn't it?

23 MR. BOURGEOIS: M'hm.

24 MR. MANSON: Paragraph 26. That's all
25 evidence; correct?

1 **MR. BOURGEOIS:** What's your point?

2 **THE COMMISSIONER:** Whoa, whoa. You're to
3 answer the questions and nothing more. Is that understood?

4 **MR. BOURGEOIS:** Yeah.

5 **MR. MANSON:** Thank you.

6 **THE COMMISSIONER:** I do have a point ---

7 **MR. BOURGEOIS:** Okay.

8 I want to read part of paragraph 26. Dunlop
9 states:

10 "It appeared to him the victim had a
11 very good memory, remembering smells,
12 sights and places. As a police
13 officer, Dunlop had taken and read
14 many statements and Dunlop's of the
15 opinion the statements made by the
16 victim in his witness statement were
17 solid and credible."

18 Paragraph 27 is also evidence, and again in
19 a narrative form; correct?

20 **MR. BOURGEOIS:** Yeah.

21 **MR. MANSON:** And the same for paragraph 29,
22 paragraph 30?

23 **THE COMMISSIONER:** Not so quick there, Mr.
24 Manson.

25 **MR. MANSON:** Yes? Paragraph 35; correct?

1 MR. BOURGEOIS: Yes.

2 MR. MANSON: And paragraph -- Mr. Bourgeois,
3 I am not doing this to embarrass you and I know this may seem
4 tedious, but I do need to go through this.

5 Paragraphs 37 and 38 would be in the same
6 category as evidence in a narrative form?

7 MR. BOURGEOIS: Yes.

8 MR. MANSON: And the same with paragraph 47?

9 MR. BOURGEOIS: Yes.

10 MR. MANSON: And paragraph 55?

11 MR. BOURGEOIS: Yes.

12 MR. RUEL: I would just suggest, my friend,
13 to focus his cross-examination. I believe we got the gist of
14 the testimony from the witness on this point. I don't see a
15 need to go through the list of all the allegations to prove
16 the point he's trying to make, just to ---

17 THE COMMISSIONER: Thank you.

18 You can carry on, Mr. Manson.

19 MR. MANSON: Thank you, Mr. Commissioner.

20 Paragraph 55 it says is a summary intake of
21 the complaint by DS. It's more evidence.

22 If I could direct you to paragraph 65. I
23 want to point out that this is the reference to the greater
24 conspiracy of prominent individuals.

25 Dunlop pleads:

1 "This was part of a greater conspiracy
2 to keep a lid on allegations of sexual
3 abuse involving prominent individuals
4 in Cornwall which included Father
5 Charles MacDonald and the late Ken
6 Seguin."

7 I am not suggesting that that's an improper
8 pleading, I'm just pointing that out.

9 Paragraph 69 is an account of a presentation
10 given by Allan O'Brien, Dunlop's legal counsel, to a group of
11 senior police officials.

12 **MR. BOURGEOIS:** M'hm ---

13 **MR. MANSON:** And that's purely evidence;
14 correct?

15 **MR. BOURGEOIS:** Yes.

16 **MR. MANSON:** Paragraph 73, can you explain
17 the point of paragraph 73 for me, please.

18 I'll read it:

19 "As a result of the various incidents
20 involved in this case, a great deal of
21 publicity and media coverage has been
22 generated. Some of the media reports
23 have focussed on the conduct of the
24 Cornwall Police and Dunlop, as well as
25 the allegations of sexual assault

1 against Father Charles MacDonald and
2 the late Ken Seguin."

3 That can't have any pleading value, can it?

4 **MR. BOURGEOIS:** No.

5 **MR. MANSON:** Paragraph 92. Can that have
6 any pleading value?

7 "When the out-of-court settlement
8 became public knowledge, Dunlop states
9 that there were outrage in many
10 circles."

11 **MR. BOURGEOIS:** No.

12 **MR. MANSON:** I want to suggest to you, Mr.
13 Bourgeois, that this document was crafted certainly to
14 establish Mr. Dunlop's claim for damages, but also to put his
15 entire story on the public record. Wasn't that the point of
16 crafting it in this way?

17 **MR. BOURGEOIS:** No.

18 **MR. MANSON:** No?

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

20 **MR. MANSON:** And it was issued July 7, 1996?
21 Or July 5th, rather?

22 **MR. BOURGEOIS:** Yes.

23 **MR. MANSON:** And on July 18th, you're in the
24 Standard Freeholder talking about it?

25 **MR. BOURGEOIS:** If you say so.

1 MR. MANSON: Well, can we have Exhibit 727?

2 MR. BOURGEOIS: I don't disbelieve you, sir,
3 I am just saying you're saying these things like I remember
4 all this stuff. You've been living this case, not me. I've
5 carried on with life.

6 MR. MANSON: I appreciate that, but if we
7 can just show you Exhibit 727, you saw it yesterday.

8 MR. BOURGEOIS: I don't disbelieve you.

9 MR. MANSON: You do agree that it was in the
10 Standard Freeholder within two weeks?

11 MR. BOURGEOIS: Yes.

12 MR. MANSON: Can we move along
13 chronologically to October of 1996 and to meeting with Ron
14 Leroux in Maine?

15 MR. BOURGEOIS: Yes, sir.

16 MR. MANSON: Before going to Maine, you knew
17 that Perry Dunlop had made contact with Ron Leroux; correct?

18 MR. BOURGEOIS: I would have known that,
19 sir, yes.

20 MR. MANSON: And Ron Leroux testified that
21 you had spoken to him as well. Can you recall that?

22 MR. BOURGEOIS: I don't recall that part.

23 MR. MANSON: And I know Mr. Ruel, the
24 counsel for the Commission, Mr. Ruel, asked you this question
25 but Leroux's testimony indicated that you were aggressive and

1 explaining that he could be charged with obstruct justice
2 over a death, probably Ken Seguin, and your view was that
3 never happened; correct?

4 **MR. BOURGEOIS:** No, no.

5 **MR. MANSON:** I take it from your testimony
6 this morning you only made one trip to Maine?

7 **MR. BOURGEOIS:** That's my memory, sir.

8 **MR. MANSON:** Maine's a long way from
9 Newmarket, Mr. Bourgeois.

10 **MR. BOURGEOIS:** I agree.

11 **MR. MANSON:** Can we take that recollection
12 to the bank, that you only made one trip to Maine?

13 **MR. BOURGEOIS:** I only remember going to
14 Maine once.

15 **MR. MANSON:** Mr. Dunlop's notes indicate
16 that he was in Maine on October 7th and October 10th and 11th.

17 **MR. BOURGEOIS:** I believe he -- he may have
18 gone there by himself with his spouse.

19 **MR. MANSON:** Before your trip?

20 **MR. BOURGEOIS:** Correct.

21 **MR. MANSON:** Do you know whether he made one
22 or two trips to Maine?

23 **THE COMMISSIONER:** With or without him?

24 **MR. MANSON:** Oh, I'm talking about in this
25 October 7th to 11th period.

1 **MR. BOURGEOIS:** I don't know, sir, but, m'hm
2 -- a vague recollection of him going there at least once
3 without me.

4 **MR. MANSON:** You would have been in close
5 contact with him during this period, October, '96?

6 **MR. BOURGEOIS:** Like, if he wanted to
7 contact me, he could, yes.

8 **MR. MANSON:** What I am asking you is do you
9 know whether he may have gone down on October 7th and then
10 gone back on October 10th?

11 **MR. BOURGEOIS:** I don't know, sir. I don't
12 know.

13 **MR. MANSON:** I am asking you because if we
14 look at Exhibit 563 ---

15 **MR. BOURGEOIS:** Yes, sir.

16 **MR. MANSON:** --- this is the statement by
17 Ron Leroux ---

18 **MR. BOURGEOIS:** Yes.

19 **MR. MANSON:** ---co-signed by Perry Dunlop,
20 dated October 10th, 1996; correct?

21 **MR. BOURGEOIS:** Yes, sir.

22 **MR. MANSON:** Mr. Leroux's testimony was that
23 you were with Mr. Dunlop on that visit. I take it you
24 dispute that?

25 **MR. BOURGEOIS:** Yes.

1 **MR. MANSON:** Mr. Leroux's testimony was also
2 that certainly by October 10th and 11th, Mr. Dunlop had
3 photos to show him. That's why I'm asking whether he could
4 have gone on the 7th, come back to Cornwall, and made a
5 second trip for the 10th and 11th. You have no knowledge of
6 that?

7 **MR. BOURGEOIS:** I don't, sir.

8 **MR. MANSON:** Can we look at the third page
9 of Exhibit ---

10 **MR. BOURGEOIS:** Yes, sir.

11 **MR. MANSON:** --- of this exhibit, 563? I
12 think it's the next page.

13 Do you see the third paragraph:

14 "I knew that all of these guys went to
15 the highland games, they were like a
16 clan. In fact, when I first met
17 Charlie over at Ken's house, he was
18 sitting on the back porch."

19 Do you see that reference to, "They were
20 like a clan"?

21 **THE COMMISSIONER:** I think we've got the
22 wrong -- do you have the right page?

23 **MR. BOURGEOIS:** I do, sir.

24 **THE COMMISSIONER:** Okay. I can't find it
25 but that's ---

1 **MR. BOURGEOIS:** Yeah, I see that, Your
2 Honour. Yes, I do see that, sir.

3 **MR. MANSON:** When Mr. Leroux was here giving
4 testimony, he explained that this was just a joke about a
5 bunch of Scottish men who hung out together and went to the
6 highland games.

7 **MR. BOURGEOIS:** Okay.

8 **MR. MANSON:** So that when we move to the
9 next exhibit, 576 in the sequence, your handwritten
10 affidavit.

11 **MR. BOURGEOIS:** Yes, sir.

12 **MR. MANSON:** Mr. Leroux testified that that
13 was the first time he'd seen or heard, "A clan of
14 pedophiles", and said it was not his phrase. Was it your
15 phrase?

16 **MR. BOURGEOIS:** No. No. That would have
17 been Mr. Leroux's.

18 **MR. MANSON:** That would have been Mr.
19 Leroux's?

20 **MR. BOURGEOIS:** Absolutely.

21 **MR. MANSON:** But you agree it's not in the
22 October 10th document.

23 **MR. BOURGEOIS:** No.

24 **MR. MANSON:** There's just a joke about the
25 highland games; correct?

1 **MR. BOURGEOIS:** Well, I'm not going to say
2 it's a joke. I don't think this is a joke. But ---

3 **THE COMMISSIONER:** No, it's -- this is not a
4 joke. What he's looking at is, he's saying that Mr. Leroux
5 characterized the saying as being his attempt at levity,
6 that he called them a bunch of old -- a clan of old Scots,
7 and that was the joke, the levity. Not to be taken
8 seriously, he says.

9 **MR. BOURGEOIS:** That certainly wasn't my
10 impression of dealing with him throughout, sir, including -
11 - I don't think that would be the impression that one would
12 get if you read when he did the interview with Mr. Genier.

13 **MR. MANSON:** Well, let's go back to Maine.
14 It looks like he probably went down sometime round October
15 30th; correct?

16 **MR. BOURGEOIS:** That would seem like that,
17 sir, yes.

18 **MR. MANSON:** And you recall making a phone
19 call to Helen Dunlop?

20 **MR. BOURGEOIS:** Like I said, not the
21 specifics, but I remember that at some point there was a
22 concern and a call was made, so ---

23 **MR. MANSON:** Well, let's take a look at her
24 notes, Exhibit 712.

25 **MR. BOURGEOIS:** Yes.

1 **MR. MANSON:** This is the first time in the
2 documents in this case that we see any reference to candles
3 and sheets. That's on page 2; correct?

4 **MR. BOURGEOIS:** Yeah.

5 **THE COMMISSIONER:** You can confirm that it's
6 on page 2. I don't ---

7 **MR. MANSON:** It's on page 2, Mr. Bourgeois,
8 two-thirds of the way down.

9 **MR. BOURGEOIS:** Yes.

10 **MR. MANSON:** Was this the first time you'd
11 heard this story about candles and sheets?

12 **MR. BOURGEOIS:** I don't know. I don't know
13 whether it was or not.

14 **MR. MANSON:** It's a pretty shocking story.

15 **MR. BOURGEOIS:** It is. It is, very.

16 **MR. MANSON:** And I want to suggest to you
17 that when you were driving down to Maine -- you did drive,
18 didn't you, to Maine?

19 **MR. BOURGEOIS:** Somebody drove. I don't
20 know if it was me or Perry.

21 **MR. MANSON:** But on the way down, you didn't
22 have any idea about candles and sheets, did you?

23 **MR. BOURGEOIS:** I don't think so.

24 **MR. MANSON:** Did you have any idea about
25 this alleged "hit" that's explained at the bottom of page

1 1?

2 MR. BOURGEOIS: I wouldn't think so either,
3 sir.

4 MR. MANSON: Mrs. Dunlop also records on
5 page 1:

6 "He said the information that was
7 obtained from New York lawyer, Stephen
8 Robino ..."

9 THE COMMISSIONER: Exhibit 712, and it's on
10 the screen if you want to have a look at it.

11 MR. BOURGEOIS: Okay, thank you. Yes.

12 MR. MANSON: "He" -- that being you, this is
13 the conversation with you, apparently:

14 "He said the information that was
15 obtained from New York lawyer, Stephen
16 Robino concerning pedophiles in the
17 church in the U.S. with links to this
18 cult here."

19 Do you recall saying that to Helen Dunlop?

20 MR. BOURGEOIS: No, I don't recall saying
21 that to Ms. Dunlop.

22 MR. MANSON: Could she have misinterpreted
23 what you had said?

24 MR. BOURGEOIS: I don't know, sir.

25 MR. MANSON: You'll notice further up she's

1 talking about an "R.C. cult"; correct?

2 MR. BOURGEOIS: It's her notes, I don't
3 know. You'd have to ask her.

4 MR. MANSON: But you'd agree with me that
5 there's no mention of a clan of pedophiles in this note of
6 hers?

7 MR. BOURGEOIS: I guess not.

8 MR. MANSON: When Mr. Leroux gave his
9 evidence, he said that when you and Mr. Dunlop came to
10 Maine, he could tell that you wanted information and the
11 juicier the better. Do you agree with that statement?

12 MR. BOURGEOIS: No.

13 MR. MANSON: And he said he was prepared to
14 give it to you. He did give you a lot of juicy
15 information, didn't he?

16 MR. BOURGEOIS: Yeah.

17 MR. MANSON: And so you get there probably
18 on the 30th, you think?

19 MR. BOURGEOIS: Yes.

20 MR. MANSON: And you stay at the Ramada Inn?

21 MR. BOURGEOIS: I don't remember but at a
22 hotel.

23 MR. MANSON: And it's you and Perry who go
24 down; correct?

25 MR. BOURGEOIS: Yes.

1 **MR. MANSON:** Does the hotel have a karaoke
2 bar?

3 **MR. BOURGEOIS:** Oh, I don't know.

4 **MR. MANSON:** Can you recall being in a
5 karaoke bar?

6 **MR. BOURGEOIS:** No.

7 **MR. MANSON:** Can you recall Mr. Dunlop
8 playing music in a bar in ---

9 **MR. BOURGEOIS:** No.

10 **MR. MANSON:** Mr. Leroux testified that
11 during a meeting with you and Mr. Dunlop, that aside from
12 talking about Cornwall, there was a lot of drinking.

13 **THE COMMISSIONER:** Well, I don't know about
14 a lot, but there was ---

15 **MR. MANSON:** We can go to the transcripts,
16 but the suggestion was, as I recall -- let me suggest to
17 you that Mr. Leroux gave evidence that it was more like a
18 party atmosphere than a serious business meeting?

19 **MR. BOURGEOIS:** Absolutely not.

20 **MR. MANSON:** Now, coming back to ---

21 **THE COMMISSIONER:** Just before -- are you
22 going to talk about some more about the drinking or were
23 you going to leave that now?

24 **MR. MANSON:** I might come back to that but I
25 have something else I want ---

1 **THE COMMISSIONER:** Okay, fine.

2 **MR. MANSON:** --- to talk about.

3 I want you to explain to me the process of
4 taking the handwritten affidavit, Exhibit 576. Was this --
5 -

6 **MR. BOURGEOIS:** Yes, sir.

7 **MR. MANSON:** Was this done after a number of
8 discussions with Mr. Leroux?

9 **MR. BOURGEOIS:** I would think so.

10 **MR. MANSON:** Who took notes during those
11 discussions?

12 **MR. BOURGEOIS:** I don't remember, like
13 pecifically, I don't remember.

14 **MR. MANSON:** And I take it other than this
15 handwritten affidavit, no notes of these discussions seem
16 to be available. Is that correct?

17 **MR. BOURGEOIS:** Oh, I don't know about that.

18 **MR. MANSON:** But from your knowledge, you
19 have no file with notes?

20 **MR. BOURGEOIS:** No, I don't.

21 **MR. MANSON:** So the record of the
22 conversation is turned into this affidavit; correct?

23 **MR. BOURGEOIS:** I don't -- I really can't
24 answer that.

25 **MR. MANSON:** Well, I take it you're saying

1 if Perry Dunlop has other notes, that's his business, you
2 don't know?

3 MR. BOURGEOIS: Well, exactly.

4 MR. MANSON: Okay. This affidavit was
5 intended to be a sworn document right from the beginning?

6 MR. BOURGEOIS: I don't know that, sir.

7 MR. MANSON: Well, you drafted it in
8 affidavit form; correct?

9 MR. BOURGEOIS: Oh, yeah.

10 MR. MANSON: And it was sworn by you as a
11 commissioner; correct?

12 MR. BOURGEOIS: Yes.

13 MR. MANSON: Did you advise Mr. Leroux that
14 it was a crime to swear false affidavits?

15 MR. BOURGEOIS: I can't remember whether I
16 did or not, sir.

17 MR. MANSON: But you accepted its contents
18 as true?

19 MR. BOURGEOIS: Yes.

20 MR. MANSON: And you were there as the
21 trusted lawyer of the trusted Mr. Dunlop; correct?

22 MR. BOURGEOIS: I don't know if -- what do
23 you mean by those words "trusted", "by the trusted".
24 Trying to coin a term?

25 MR. MANSON: Mr. Leroux, at this point,

1 trusts you and Mr. Dunlop; correct?

2 MR. BOURGEOIS: I don't know.

3 MR. MANSON: Okay, that's fair.

4 MR. MANSON: If we look at the transcript of
5 June 28th of 2007, at the bottom of page 127, with reference
6 to the candle incident ---

7 THE COMMISSIONER: So just a minute. This
8 is Mr. Leroux's evidence?

9 MR. MANSON: Yes.

10 THE COMMISSIONER: At the Inquiry here in
11 June. Okay, this transcript?

12 MR. BOURGEOIS: Oh, okay. This is in-Chief?

13 THE COMMISSIONER: M'hm, sure.

14 MR. MANSON: Yes.

15 MR. BOURGEOIS: He wasn't cross-examined;
16 right?

17 THE COMMISSIONER: Doesn't matter.

18 MR. MANSON: He was by me, but I didn't
19 finish it.

20 MR. BOURGEOIS: Okay.

21 MR. MANSON: But we got started.

22 THE COMMISSIONER: So page 127.

23 MR. BOURGEOIS: Yes, I have it, sir.

24 MR. MANSON: And this is after a discussion
25 with Commission counsel about the candle incident, Mr.

1 Leroux says -- Commission counsel says:

2 "Did you ever tell Mr. Bourgeois or
3 Dunlop, 'Look, I didn't really see this
4 but I heard it from the tailor at the
5 tailor shop', or did you say to them,
6 'I saw this, and you never did tell
7 them'?"

8 Leroux:

9 "No, I gave them names of different
10 people and where they were from and
11 what happened to them."

12 "The Commissioner: Right."

13 "Mr. Leroux: And we put it all
14 together and this is what we came up
15 with."

16 He's suggesting that this was a
17 collaborative effort by Mr. Dunlop, himself and yourself.
18 Do you disagree with that?

19 **MR. BOURGEOIS:** Absolutely.

20 **THE COMMISSIONER:** I'm sorry? You disagree
21 with that?

22 **MR. BOURGEOIS:** Yes.

23 **MR. MANSON:** And then at page 129, line 13:

24 "What did you tell Mr. Dunlop? What
25 did you tell Mr. Bourgeois? Did you

1 tell them the same thing you told
2 everybody else before, that you
3 witnessed this ritual, or did you tell
4 them, 'No, I just heard about it from
5 someone at the tailor shop'?"

6 "Mr. Leroux: Some of the things I'd
7 heard about, some of the things they
8 put together, I mean, it's
9 orchestrated."

10 "Mr. Engelmann: Mr. Leroux, I'm trying
11 to get an answer to that one question."

12 Do you dispute Mr. Leroux's testimony that
13 it was orchestrated?

14 **MR. BOURGEOIS:** Excuse me?

15 **THE COMMISSIONER:** He doesn't understand the
16 question, Mr. Manson.

17 **MR. BOURGEOIS:** No, no, because I see after,
18 he says:

19 "I might have told them I saw it."
20 Right below.

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

22 **MR. MANSON:** Yes.

23 **THE COMMISSIONER:** But what he's saying is -
24 - aside from that, Mr. Leroux is saying:

25 "I mean, it's orchestrated."

1 MR. BOURGEOIS: No.

2 THE COMMISSIONER: So his question is was it
3 orchestrated?

4 MR. BOURGEOIS: No.

5 MR. MANSON: But you're right, he does say
6 on the next page:

7 "I might have told them I saw it."

8 And then he goes on to say:

9 "So you're telling us now that you did
10 not come clean with him on this one
11 either?"

12 Answer:

13 "No."

14 Correct?

15 MR. BOURGEOIS: Yeah, I see that, sir, yes.

16 MR. MANSON: If I could just have one
17 second, Mr. Commissioner.

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. MANSON: When you were present in Maine,
20 did Mr. Dunlop have his binder of photos with him?

21 MR. BOURGEOIS: He had some photos with him,
22 yes.

23 MR. MANSON: And he was showing these to Mr.
24 Leroux?

25 MR. BOURGEOIS: Yes.

1 **MR. MANSON:** And can you explain how he
2 conducted this exercise?

3 **MR. BOURGEOIS:** Don't remember exactly how
4 he conducted it, but I do remember there was pictures
5 there, sir.

6 **MR. MANSON:** Did he take them out of the
7 binder one at a time and show them to Mr. Leroux and say,
8 "Can you identify this person?"

9 **MR. BOURGEOIS:** I can't remember whether he
10 did it -- what manner he did it, sir, but he certainly -- I
11 remember that he had the photos and showed them to Mr.
12 Leroux.

13 **MR. MANSON:** Now, Mr. Leroux explains that
14 when he was meeting with you and his lawyer -- with you and
15 Mr. Dunlop, rather, you're the lawyer -- that:

16 "We'd be drinking in the motel room.
17 There was usually beer bottles."

18 Is that correct?

19 **MR. BOURGEOIS:** No, not while we're working.

20 **MR. MANSON:** Mr. Engelmann asked him at page
21 104:

22 "Were you drunk at some of these
23 meetings?"

24 -- referring to Mr. Leroux, and Mr. Leroux said:

25 "Possibly."

1 Is it possible that he was intoxicated while
2 you were interviewing him?

3 **MR. BOURGEOIS:** No.

4 **MR. MANSON:** If we could just look more
5 carefully at Exhibit 576, you would agree with me that this
6 isn't a statement like a police officer would take;
7 correct? It's not questions and answers?

8 **MR. BOURGEOIS:** Yeah, fair enough.

9 **MR. MANSON:** Is it your language or Mr.
10 Leroux's language?

11 **MR. BOURGEOIS:** I'm sure there's some
12 legalese in it, but it's his testimony, I guess, it's the
13 best way to explain it, sir.

14 **MR. MANSON:** So if we look at paragraph 7,
15 for example.

16 **MR. BOURGEOIS:** Yes.

17 **MR. MANSON:** "I can advise and have
18 witnessed molestation, fondling, oral
19 sex, intercourse between the above-
20 named clan members."

21 **THE COMMISSIONER:** "I can advise"?

22 **MR. MANSON:** Oh, "I have witnessed". I'm
23 sorry, my eyes are going.

24 "I have witnessed sexual improprieties,
25 molestation, fondling..."

1 I would suggest to you that's not Mr.
2 Leroux's language; correct?

3 **MR. BOURGEOIS:** It might not be. He would
4 have said those things, but maybe in different words.

5 **MR. MANSON:** In paragraph 23 ---

6 **MR. BOURGEOIS:** But for example, the rest of
7 it would all be his words.

8 **THE COMMISSIONER:** The rest of it?

9 **MR. BOURGEOIS:** Well ---

10 **MR. MANSON:** The rest of that paragraph?

11 **MR. BOURGEOIS:** --- I wouldn't know nothing
12 about any of those locations that he talked about, any of
13 those individuals. I would have no knowledge of any of
14 that at all. So that obviously came from him.

15 **MR. MANSON:** Oh, the information came from
16 him, I accept that, but the language is yours, I'm
17 suggesting.

18 **MR. BOURGEOIS:** Well, like I said, the meat
19 of it is his. In terms of putting certain things in
20 legalese, I accept that there was likely some of that, yes.

21 **MR. MANSON:** And paragraph 23, the phrase:

22 "I am privy and present during several
23 conversations".

24 Certainly Mr. Leroux doesn't talk like that.

25 **MR. BOURGEOIS:** I don't have that here, sir,

1 sorry. Twenty-three (23) you said?

2 **MR. MANSON:** Twenty-three (23).

3 **THE COMMISSIONER:** Paragraph 23.

4 **MR. BOURGEOIS:** Oh, I don't have that.
5 Twenty-three (23) says, "On or about June or July '93".
6 That's what it has here for me.

7 **MR. MANSON:** Can we ---

8 **MR. BOURGEOIS:** Is that the wrong one?

9 **THE COMMISSIONER:** No, no, that's what I see
10 as paragraph 23.

11 **MR. MANSON:** It's the one in front of it
12 then. It's 22.

13 **MR. BOURGEOIS:** Sorry.

14 **MR. MANSON:** I apologize.

15 **THE COMMISSIONER:** All right. Paragraph 22?

16 **MR. MANSON:** Yes.

17 **MR. BOURGEOIS:** No problem.

18 **THE COMMISSIONER:** "From March 1st, 1993 to
19 the end of August ... I am privy and
20 present during several conversations."

21 **MR. BOURGEOIS:** Okay. Excuse me. You're
22 saying that ---

23 **MR. MANSON:** Mr. Leroux doesn't talk like
24 that.

25 **MR. BOURGEOIS:** I would accept that, sir.

1 **MR. MANSON:** And if we look at paragraph 6:
2 "I can advise and have witnessed a clan
3 of pedophiles which were comprised of
4 the following people:..."

5 I would suggest that not only the language
6 but the phrase "clan of pedophiles" must have come from
7 you.

8 **MR. BOURGEOIS:** No, that was Mr. Leroux.

9 **MR. MANSON:** He's responsible for coining
10 that famous phrase?

11 **MR. BOURGEOIS:** Yes.

12 **MR. MANSON:** That's mentioned throughout
13 this document; correct?

14 **MR. BOURGEOIS:** Yes, and which he mentioned
15 again in his interview with Genier after my retainer, alone
16 with an officer.

17 **MR. MANSON:** Now, we'll come to that in a
18 minute.

19 Paragraph 6, I'll just read it again:

20 "I can advise and have witnessed a clan
21 of pedophiles which were comprised of
22 the following people:..."

23 **MR. BOURGEOIS:** Okay.

24 **MR. MANSON:** You're satisfied that that's
25 what he told you?

1 MR. BOURGEOIS: Yes.

2 MR. MANSON: And at the time you were
3 satisfied that that was true; correct?

4 MR. BOURGEOIS: Yes.

5 MR. MANSON: Can we go to the next document
6 in the sequence, which is 567?

7 This is the November 13th affidavit.

8 MR. BOURGEOIS: Yes.

9 MR. MANSON: It's based -- I would suggest
10 it's based on the October 31st affidavit with some
11 interesting additions; correct?

12 MR. BOURGEOIS: Well, I don't know how you
13 want me to answer that?

14 THE COMMISSIONER: Okay. No, no, ---

15 MR. BOURGEOIS: With interesting additions -
16 --

17 MR. MANSON: Well, let me just point out ---

18 MR. BOURGEOIS: I'm not trying to be
19 difficult but what do you mean by that?

20 MR. MANSON: Let me point two things about
21 the October 31st Exhibit 576.

22 This is the first mention of the VIP meeting
23 on Stanley Island; correct? Paragraph -- this comes out of
24 the October 31st affidavit; correct?

25 MR. BOURGEOIS: I -- you're saying that for

1 the first time something different is mentioned where;
2 sorry?

3 MR. MANSON: October 31st is the first
4 mention of the Stanley Island meeting; correct?

5 THE COMMISSIONER: So October 31st ---

6 MR. MANSON: That's Exhibit 576.

7 THE COMMISSIONER: --- is your handwritten -
8 --

9 MR. BOURGEOIS: Yes, okay.

10 THE COMMISSIONER: Okay.

11 MR. MANSON: And this would have been a real
12 shocker for you and Mr. Dunlop; correct?

13 MR. BOURGEOIS: Oh, absolutely.

14 MR. MANSON: And the story about the
15 Mercedes and the man with the gun, that would have been
16 even a bigger shocker; correct?

17 MR. BOURGEOIS: No, I wouldn't say that
18 would be a bigger shock, no.

19 MR. MANSON: But it was a shocker too;
20 correct?

21 MR. BOURGEOIS: It's his information.

22 MR. MANSON: But you agreed earlier that
23 this October 31st affidavit was explosive; correct? Or the
24 allegations in it were explosive?

25 MR. BOURGEOIS: Well, there's no doubt, yes.

1 **MR. MANSON:** No doubt. It's got the hit.
2 It's got the VIP meeting.

3 **MR. BOURGEOIS:** Yeah.

4 **MR. MANSON:** It's explosive. And you wanted
5 that sworn to nail down Mr. Leroux; correct?

6 **MR. BOURGEOIS:** Correct.

7 **MR. MANSON:** November 13th, he's in your
8 office in Newmarket; correct?

9 **MR. BOURGEOIS:** It would appear so, sir,
10 yes.

11 **MR. MANSON:** And he swears a revised version
12 of the same affidavit; correct?

13 **MR. BOURGEOIS:** I can't agree with you but
14 if you say there's revisions to it ---

15 **MR. MANSON:** Well, I'll show you the
16 revisions in a minute, but my question is, why you needed
17 this for the civil litigation? You had him nailed down.

18 **MR. BOURGEOIS:** I don't know.

19 **MR. MANSON:** It looks pretty official though
20 with the style of cause, doesn't it?

21 **MR. BOURGEOIS:** If you say so.

22 **MR. MANSON:** Certainly, it would look
23 official to a layperson, wouldn't it? It's got the court
24 file number.

25 **MR. BOURGEOIS:** Okay.

1 MR. MANSON: Correct?

2 MR. BOURGEOIS: It has a court file number,
3 yeah.

4 MR. MANSON: But it's a document churned out
5 of your office; correct?

6 MR. BOURGEOIS: Yes.

7 MR. MANSON: It mentions "clan" six times.
8 I've counted them but ---

9 MR. BOURGEOIS: Okay.

10 MR. MANSON: --- you can take -- do you
11 agree with me?

12 MR. BOURGEOIS: I would -- I'll accept -- if
13 you say it was six times, I'll accept that.

14 MR. MANSON: Take a look at paragraph 6.
15 This is a list of people who Mr. Leroux swears were at
16 parties at Ken Seguin's, Malcolm MacDonald's and St.
17 Andrews Parish; correct?

18 MR. BOURGEOIS: Correct.

19 MR. MANSON: And there's 33 specific names.
20 I'm not going to go into them but there are 33 specific
21 names; correct?

22 MR. BOURGEOIS: Correct.

23 MR. MANSON: What was the point of this
24 list?

25 MR. BOURGEOIS: I don't know.

1 **MR. MANSON:** I want to suggest to you that
2 it's a nasty way to bring other people into this web that's
3 been created by these documents.

4 **MR. BOURGEOIS:** Well, it certainly wasn't my
5 evidence. It was Mr. Leroux's.

6 **MR. MANSON:** Whose idea was it to create the
7 list?

8 **MR. BOURGEOIS:** I don't know.

9 **MR. MANSON:** Did Mr. Leroux arrive in
10 Newmarket and say, "I'd like to revise my affidavit by
11 including a list of people"?

12 **MR. BOURGEOIS:** I don't know one way or
13 another. I doubt it.

14 **MR. MANSON:** Did you discuss this list with
15 Mr. Dunlop?

16 **MR. BOURGEOIS:** Not that I can remember.

17 **MR. MANSON:** But looking back now, you'd
18 agree with me that some of these people might be completely
19 innocent of any wrongdoing; correct?

20 **MR. BOURGEOIS:** It's possible.

21 **MR. MANSON:** All you've got is somebody
22 saying to you, "These are people who I have seen in the
23 presence of Seguin, MacDonald or Father MacDonald";
24 correct? It doesn't say anything more than that, does it?

25 **MR. BOURGEOIS:** For some of them, yes,

1 that's true.

2 MR. MANSON: And then it's followed up with
3 paragraph 7, "I can advise and have witnessed the clan of
4 pedophiles"; correct?

5 MR. BOURGEOIS: Yes.

6 MR. MANSON: I want to suggest to you that
7 the juxtaposition of the list and the allegation of the
8 clan could have no advantage in the litigation at all.
9 Would you agree with that?

10 MR. BOURGEOIS: No, I wouldn't agree with
11 that.

12 MR. MANSON: I would suggest that the
13 juxtaposition is just nasty.

14 MR. BOURGEOIS: It might be viewed that way,
15 but there was some pretty significant evidence from Mr.
16 Leroux regarding some nasty things potentially against the
17 Dunlops as well.

18 MR. MANSON: Not with respect to this list
19 of people; correct?

20 MR. BOURGEOIS: Some of them, yes.

21 MR. MANSON: But not all of them; correct?

22 MR. BOURGEOIS: I agree with that, sir.

23 MR. MANSON: And many of them may have been
24 completely innocent of any wrongdoing; correct? You don't
25 know otherwise.

1 **MR. BOURGEOIS:** I don't know otherwise.

2 **MR. MANSON:** This list is very similar to
3 the list in C-8's statement, Exhibit 606, that was taken
4 shortly afterwards; correct? Can we just see Exhibit 606?
5 It has slightly fewer names but it's the same format.

6 **MR. BOURGEOIS:** Okay. On page 2, yes there
7 is a list.

8 **MR. MANSON:** You'd agree with me that, other
9 than the fact that there are slightly fewer names, it
10 appears the same as the Ron Leroux list; correct?

11 **MR. BOURGEOIS:** There's a list, yes.

12 **MR. MANSON:** It's Exhibit 606. Can we just

13 ---

14 **THE COMMISSIONER:** M'hm. That should be
15 confidential ---

16 **MR. MANSON:** C-8, yes.

17 **THE COMMISSIONER:** So it's not on the public
18 -- okay, sorry.

19 **MR. MANSON:** That's all right.

20 **THE COMMISSIONER:** Go to page two, please,
21 Madam Clerk? There you go.

22 **MR. MANSON:** Instead of saying that I was at
23 several parties, this says I remember several parties, and
24 it only refers to ---

25 **THE COMMISSIONER:** Whoa, whoa, just a

1 minute, just a minute.

2 It says, "I remember parties".

3 **MR. MANSON:** Oh, parties.

4 **THE COMMISSIONER:** You say certain parties,
5 so be careful now.

6 **MR. MANSON:** I apologize, Mr. Commissioner.
7 The Leroux affidavit says:

8 "I was at several parties."

9 This one says:

10 "I remember parties. Some of the
11 people I remember being there ..."

12 And then we have a list. It's the same format as the
13 Leroux affidavit list; isn't it?

14 **MR. BOURGEOIS:** I'm not going to agree with
15 that, I'd have to -- I mean, it's a list of names same as
16 the other one's a list of names.

17 **MR. MANSON:** And it's not making specific
18 allegations against this list of names, other than they
19 were people seen apparently with Ken Seguin or Malcolm
20 MacDonald; correct?

21 **MR. BOURGEOIS:** Yeah.

22 **MR. MANSON:** I want to suggest to you that
23 this was part of a strategy to expand the clan of
24 pedophiles, a least in the public perception. Would you
25 agree with that?

1 MR. BOURGEOIS: No.

2 MR. MANSON: But these are certainly
3 documents that you started distributing; correct?

4 MR. BOURGEOIS: Distributing?

5 MR. MANSON: Well, you sent them to Chief
6 Fantino; correct? They were part of that package.

7 MR. BOURGEOIS: I don't know that. I'm not
8 saying they weren't, sir. I am not saying they were. I
9 don't know.

10 MR. MANSON: Two days after the new revised
11 Leroux affidavit, you issued the Amended Statement of
12 Claim, on November 15th, 1996; correct?

13 This is Exhibit 672.

14 MR. BOURGEOIS: Yes.

15 MR. MANSON: It has 138 paragraphs; correct?

16 MR. BOURGEOIS: I'm trying to find it.

17 Excuse me, sir.

18 MR. MANSON: It's Exhibit 672.

19 MR. BOURGEOIS: I don't have that one here.

20 THE COMMISSIONER: No, it's okay, it's
21 coming.

22 (SHORT PAUSE / PAUSE COURTE)

23 MR. BOURGEOIS: Yes?

24 MR. MANSON: It's 63 pages long, 138
25 paragraphs; correct?

1 **MR. BOURGEOIS:** Sixty-four (64) pages.

2 **MR. MANSON:** Sixty-four (64) pages.

3 And it mentions the VIP meeting in
4 paragraphs 84 to 86; correct?

5 **(SHORT PAUSE / PAUSE COURTE)**

6 **MR. BOURGEOIS:** Yes.

7 **MR. MANSON:** And, again, I submit that
8 that's mostly evidence, isn't it? It really doesn't have
9 to be in a pleading, does it?

10 **MR. BOURGEOIS:** I'm not sure about that one.

11 **MR. MANSON:** And it's, in fact, evidence of
12 the greater conspiracy that you've already pleaded in your
13 19 -- July 5th Statement of Claim at paragraph 65. Would
14 you agree with that?

15 **MR. BOURGEOIS:** I have a different 65, sir.

16 **THE COMMISSIONER:** A different 65.

17 **MR. MANSON:** Oh, I'm talking about the
18 original Statement of Claim.

19 **MR. BOURGEOIS:** Oh.

20 **MR. MANSON:** In the original statement of
21 claim of July 5th, Exhibit 726, you pleaded a general
22 conspiracy of prominent individuals; correct?

23 **MR. BOURGEOIS:** I don't know, I don't have
24 it right here.

25 **THE COMMISSIONER:** Seven-twenty-six (726).

1 Madam Clerk, can you help him out?

2 **MR. MANSON:** I believe it's 726, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** That's a Statement of
5 Claim, yes, 726.

6 So you are comparing which paragraphs?

7 **MR. MANSON:** Sixty-five (65) on the first
8 Statement of Claim.

9 **THE COMMISSIONER:** Yes.

10 **MR. MANSON:** Where you after naming various
11 police officers, you say Dunlop pleads this was part of a
12 greater conspiracy to keep a lid on allegations of sexual
13 abuse.

14 And now if you look at paragraphs 81 to 86
15 of the amended Statement of Claim, you now have evidence of
16 the greater conspiracy; correct?

17 Start of paragraph 84, the VIP meeting.
18 That's evidence of the greater conspiracy that you already
19 pleaded; correct?

20 **MR. BOURGEOIS:** Might be repetitive, but
21 some of it is pleadings, some might be evidence, sir.

22 **MR. MANSON:** But it certainly fills in the
23 allegation that you make in paragraph 65 of the greater
24 conspiracy, doesn't it?

25 **MR. BOURGEOIS:** I don't know. What do you

1 mean by "fills in"?

2 MR. MANSON: Well ---

3 THE COMMISSIONER: --- gives details.

4 MR. BOURGEOIS: That was the information.

5 MR. MANSON: That you got from Ron Leroux?

6 MR. BOURGEOIS: Yes.

7 MR. MANSON: I understand that Mr. Leroux
8 was at your office on December 1st, 1996 and we have Exhibit
9 568A, a transcript of a video-taped statement that Mr.
10 Dunlop took, but at your office; correct?

11 MR. BOURGEOIS: Yes.

12 MR. MANSON: Did he hang around from mid-
13 November to December or did he come back?

14 THE COMMISSIONER: Who's "he"? Mr. Leroux?

15 MR. MANSON: Mr. Leroux.

16 MR. BOURGEOIS: I would assume he came back,
17 sir.

18 MR. MANSON: Then on December 18th, you write
19 to Mr. Fantino, Exhibit 719; correct?

20 THE COMMISSIONER: And that's a single
21 letter ---

22 MR. BOURGEOIS: I just don't know the date,
23 but I know, I was showed today that letter that I sent to
24 Fantino.

25 MR. MANSON: Yes. December 18th, 1996, and

1 it's marked Exhibit 719.

2 **THE COMMISSIONER:** Can I see that, please?

3 **(SHORT PAUSE/COURTE PAUSE)**

4 **MR. MANSON:** Yes.

5 **MR. MANSON:** Can we go three-quarters of the
6 way down ---

7 **THE COMMISSIONER:** The first page, yes?

8 **MR. MANSON:** First page.

9 **MR. MANSON:** "The press coverage has been
10 extensive over the past three years and
11 my clients have numerous records and
12 tapes of their findings. They have
13 recently retained the services of
14 Adrienne McLennan as their press
15 consultant."

16 Can you tell us who Adrienne McLennan is,
17 please?

18 **MR. BOURGEOIS:** No, I can't.

19 **MR. MANSON:** But you obviously -- did you
20 make this arrangement or did Mr. Dunlop make it on his own?

21 **MR. BOURGEOIS:** He must have made it on his
22 own, sir.

23 **MR. MANSON:** So somebody felt that they
24 needed a press consultant in December of 1996. Is that
25 correct?

1 MR. BOURGEOIS: I guess so.

2 MR. MANSON: But it wasn't your idea?

3 MR. BOURGEOIS: I don't think so. I don't
4 remember that.

5 MR. MANSON: I want to move to February 7th,
6 1996 when you go with Mr. Leroux to the OPP in Orillia. My
7 friend, Mr. Ruel asked you about that.

8 MR. BOURGEOIS: Yes.

9 MR. MANSON: You recall, you recall the
10 occasion?

11 THE COMMISSIONER: That's at the OPP station
12 to give a statement.

13 MR. MANSON: Orillia.

14 MR. BOURGEOIS: Yes, I recall that. I
15 recall that at some point we went to a police station, yes.

16 MR. MANSON: And I want to just remind you
17 of your conversation with Mr. Ruel yesterday about C-8. At
18 this point, you are representing C-8, are you not?

19 MR. BOURGEOIS: I don't think so.

20 MR. MANSON: I am not going to get into the
21 details, maybe other counsels will, but C-8 was -- the plea
22 and the sentencing was February 26th, '97?

23 MR. BOURGEOIS: Okay.

24 THE COMMISSIONER: You're confident of that?

25 MR. MANSON: Yes.

1 **THE COMMISSIONER:** Okay. Sorry, sorry.

2 **MR. MANSON:** Yesterday, you thought it was
3 January 23rd, when you had the meeting with -- you were
4 referred to as a female justice, but I want to suggest to
5 you that the plea and the sentencing took place on February
6 26th in front of Justice Renaud.

7 **MR. BOURGEOIS:** Okay.

8 **MR. MANSON:** So on February 7th, you are
9 representing C-8.

10 **MR. BOURGEOIS:** Oh, I don't know that.

11 **MR. MANSON:** Well, yesterday you told us you
12 appeared at a pre-trial on January 23rd, '97, for Mr.
13 Seguin.

14 **MR. BOURGEOIS:** The date must have been
15 suggested to me, because I wouldn't recollect what date I
16 appeared for C-8 eleven years ago.

17 **MR. MANSON:** But you don't dispute that when
18 you went with Mr. Leroux to Orillia, you were representing
19 C-8?

20 **MR. BOURGEOIS:** Oh, I do dispute that.

21 **MR. MANSON:** You do dispute that?

22 **MR. BOURGEOIS:** I don't know that's a fact.

23 **MR. MANSON:** Do you recall telling us
24 yesterday about appearing in front of a female justice?

25 **MR. BOURGEOIS:** Yes.

1 **MR. MANSON:** And Mr. Ruel suggested to you
2 yesterday that that was January 23rd, 1997 and you agreed.

3 **MR. BOURGEOIS:** Well, because he suggested
4 it. I told I didn't have an independent recollection of
5 the exact date.

6 **MR. MANSON:** But that was the same date that
7 a statement was taken because you went with Mr. -- with C-8
8 -- to the OPP on the same day. Correct?

9 **MR. BOURGEOIS:** Which is what day?

10 **MR. MANSON:** It would be January 23rd, 1997.

11 **MR. BOURGEOIS:** Okay.

12 **MR. MANSON:** And I am suggesting to you now,
13 and if you want I'll show you the documents, that the
14 sentencing in front of Justice Renaud was February 26th,
15 1997.

16 **MR. BOURGEOIS:** Okay.

17 **MR. MANSON:** And so in between is February
18 7th. Correct?

19 **MR. BOURGEOIS:** I am not getting where
20 you're going.

21 **MR. MANSON:** Where I am going is simply when
22 you go with Mr. Leroux to the OPP on February 7th ---

23 **MR. BOURGEOIS:** Okay.

24 **MR. MANSON:** --- at that point, you're
25 representing C-8. Correct?

1 **MR. BOURGEOIS:** Well, are you not saying
2 that the date, because I don't know the exact -- I don't
3 remember the exact date. Are you not saying that the date
4 that I appeared in court is post the interview with Mr.
5 Leroux?

6 **MR. MANSON:** I am saying you probably
7 appeared twice for him. But all I'm ---

8 **MR. BOURGEOIS:** How do you know that?

9 **MR. MANSON:** Well, it's because your
10 evidence was you appeared in front of a -- at a pre-trial
11 with a female justice. Correct?

12 **MR. BOURGEOIS:** Yes, and I told Your Honour
13 we did the pre-trial and did the plea the same day.

14 **MR. MANSON:** Well, if we can go to Exhibit
15 608 just quickly; just the first page. This is the
16 interview with Detective Genier.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. BOURGEOIS:** Okay.

19 **MR. MANSON:** You told us yesterday that you
20 did the pre-trial and then you went to the OPP with C-8.
21 Correct?

22 And if you look at the first paragraph ---

23 **MR. BOURGEOIS:** No, that's not -- that's not
24 correct. I didn't -- no.

25 **MR. MANSON:** Well, the date of this

1 interview with Genier is January 23rd, '97. Correct?

2 **THE COMMISSIONER:** That's what it ---

3 **MR. BOURGEOIS:** According to the document,
4 yes.

5 **MR. MANSON:** And at that point, you were
6 representing C-8. Correct? You don't dispute that, right?

7 **MR. BOURGEOIS:** In what capacity?

8 **MR. MANSON:** Well, C-8 has been charged with
9 a criminal offence, and you're representing him; correct?

10 **MR. BOURGEOIS:** I am not sure if I'm
11 representing him on that date or not. I may have. I may
12 not have.

13 **MR. MANSON:** Is this the same date that you
14 went to the pre-trial?

15 **MR. BOURGEOIS:** This date of this ---

16 **MR. MANSON:** The date of the interview with
17 Genier.

18 **MR. BOURGEOIS:** Oh, I don't know if it's the
19 same day.

20 **MR. MANSON:** Well, yesterday, your testimony
21 was that it was all done on the same day; that you took a
22 new statement from C-8; you went to the OPP.

23 **MR. BOURGEOIS:** I don't think so. That was
24 suggested to me ---

25 **THE COMMISSIONER:** Just a second. Mr. Ruel

1 is rising.

2 MR. RUEL: We should check the transcript.
3 I don't believe the witness said this happened the same
4 day. I think he said it may have happened on different
5 days.

6 THE COMMISSIONER: Okay. I thought ---

7 MR. RUEL: We should check the transcript.

8 THE COMMISSIONER: I was under the
9 impression it was the same day.

10 MR. MANSON: I am going to leave it, Mr.
11 Commissioner.

12 THE COMMISSIONER: Yes.

13 MR. MANSON: Because I know other counsel
14 are going to look into the issue of the guilty plea and the
15 sentencing. And so I am going to leave it. I just want to
16 focus on February 7th, okay?

17 February 7th, 1997, Mr. Bourgeois?

18 MR. BOURGEOIS: Yes.

19 MR. MANSON: You called the OPP because you
20 received the advice from Chief Fantino that you should be
21 putting these matters in the hands of the OPP. Correct?

22 MR. BOURGEOIS: At some point, yes.

23 MR. MANSON: And then on -- you do recall
24 going with Mr. Leroux to the OPP in Orillia for an
25 interview with Constables Bell and Anthony. Correct?

1 **MR. BOURGEOIS:** I remember attending there
2 at some point, yes.

3 **MR. MANSON:** We have the transcript, and we
4 have the video tape and we've all watched the video tape.
5 I know you haven't, but we have.

6 **MR. BOURGEOIS:** Okay.

7 **MR. MANSON:** And I am going to get to the
8 transcript in a minute, but can you tell me what your role
9 was in going there with Mr. Leroux?

10 **MR. BOURGEOIS:** I don't know.

11 **MR. MANSON:** Were you representing Mr.
12 Leroux?

13 **MR. BOURGEOIS:** No, I don't think so, no.
14 No.

15 **MR. MANSON:** Can we look at document 709569,
16 please.

17 This is a note that appears to have OPP
18 information in it.

19 **THE COMMISSIONER:** Is that Exhibit 709 you
20 said sir?

21 **MR. MANSON:** No, no. We haven't got an
22 exhibit for it yet.

23 **THE COMMISSIONER:** Hold on.

24 **MR. BOURGEOIS:** Oh!

25 **THE REGISTRAR:** 709569?

1 **MR. MANSON:** Seven, zero, nine, five, six,
2 nine (709569), yes. You don't have it?

3 Well, let me just suggest to you that
4 Inspector Dixon noted that you called and said you were
5 coming with Mr. Leroux and describes you as a source of
6 support for Mr. Leroux. Does that comport with your
7 recollection?

8 **MR. BOURGEOIS:** Probably accurate.

9 **MR. MANSON:** And then when we get to the
10 Orillia office, we're now looking at 572-A.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** It's three o'clock, Mr.
13 Manson, do you mind if we take a break at this point?

14 **MR. MANSON:** No, Mr. Commissioner.

15 **THE COMMISSIONER:** Yes, Mr. Ruel?

16 **MR. RUEL:** Mr. Commissioner, I know that
17 many counsel here are concerned about tomorrow. What I'm
18 going to do, during the break I'm going to canvass parties,
19 counsel with respect to how much time we need in cross-
20 examination, and get back to you after.

21 **THE COMMISSIONER:** Sure, thank you.

22 **MR. MANSON:** I only have about another 10-15
23 minutes, Mr. Commissioner.

24 **THE COMMISSIONER:** I know, but we've been
25 going since quarter to three, if you don't mind.

1 Thank you.

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

4 This hearing will resume at 3:15.

5 --- Upon recessing at 3:01 p.m./L'audience est suspendue à
6 15h01

7 --- Upon resuming at 3:20 p.m./L'audience est reprise à
8 15h20

9 **THE REGISTRAR:** This hearing is now resumed,
10 please be seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** Thank you.

12 **CHARLES BOURGEOIS:** Resumed/Sour le même serment

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

14 **MANSON:** (Continued/Suite)

15 **MR. MANSON:** Mr. Bourgeois, we've got the
16 transcript, Exhibit 572A, on the screen. But I just want
17 to make sure that you recall this event. It's you and
18 Leroux going to the Orillia OPP for a lengthy videotaped
19 interview with Constables Anthony and Bell. You do recall
20 that?

21 **MR. BOURGEOIS:** Yes.

22 **MR. MANSON:** The night before, did you meet
23 with Leroux?

24 **MR. BOURGEOIS:** I don't know.

25 **MR. MANSON:** In Mr. Leroux' testimony, he

1 said that you met with him to go over the statements. He
2 also said that you coached him.

3 Now, let -- the word he used was,
4 "rehearsed."

5 If we can look to the transcript of June
6 28th, at page 42 to 43 -- before we go there, Mr. Bourgeois,
7 I want to clarify that Mr. Leroux was very careful to say
8 that neither you nor Mr. Dunlop asked him to lie or mislead
9 the OPP.

10 So that is in the transcript as well. He
11 was very careful to say that.

12 **MR. BOURGEOIS:** Okay.

13 **MR. MANSON:** But at page 42 and 43 ---

14 **MR. BOURGEOIS:** Of what, sir? Sorry.

15 **MR. MANSON:** This is ---

16 **THE COMMISSIONER:** The transcript.

17 **MR. MANSON:** --- the transcript of Leroux'
18 testimony ---

19 **MR. BOURGEOIS:** Okay.

20 **MR. MANSON:** --- June 28th, 2007.

21 **THE COMMISSIONER:** I have it. I don't know
22 if the witness might have it on his desk, Madam Clerk?

23 **MR. BOURGEOIS:** Okay.

24 **THE COMMISSIONER:** Page 42.

25 **MR. MANSON:** Oh, I may have the wrong date.

1 **THE COMMISSIONER:** No, no you don't. Page
2 42 of Volume 122?

3 **MR. MANSON:** June 28th, yes.

4 **THE COMMISSIONER:** Yes. Go to page 43.

5 **MR. BOURGEOIS:** Yes, sir.

6 **THE COMMISSIONER:** Oh, no, actually it says
7 -- wait a minute, wait a minute. There's me again.

8 No, if you look at page 42, Mr. ---

9 **MR. MANSON:** Yes.

10 **THE COMMISSIONER:** All right.

11 **MR. MANSON:** Right in the middle it's the
12 Commissioner.

13 **THE COMMISSIONER:** Yeah, that's me again.

14 **MR. MANSON:** That's you again.

15 **THE COMMISSIONER:** But actually, just before
16 I intervene, Mr. Leroux says -- oh, no ---

17 **MR. MANSON:** Yes. At the top of the page,
18 the Commissioner and Mr. Leroux are talking about the
19 interview with Cathy Bell and Dan Anthony. The
20 Commissioner says:

21 "And Charles Bourgeois is there."

22 Leroux:

23 "Oh, yes."

24 The Commissioner:

25 "All right. So they were talking to

1 you about -- you were talking about a
2 planned hit against Perry Dunlop."

3 Mr. Leroux:

4 "Oh, we went over that and that was --
5 we rehearsed that all night. For this
6 I shouldn't be -- okay, okay..."

7 The Commissioner:

8 "Wait a minute. Wait a minute."

9 Mr. Engelmann:

10 "What do you mean?"

11 The Commissioner:

12 "You say you rehearsed that all night?"

13 Mr. Leroux:

14 "Yes."

15 The Commissioner:

16 "Last night?"

17 Mr. Leroux:

18 "No, no, no, no, no, no."

19 The Commissioner:

20 "Okay."

21 Mr. Leroux:

22 "No, before we went over there."

23 The Commissioner:

24 "Before you went over to Orillia?"

25 Mr. Leroux:

1 "Bourgeois had stayed up very late with
2 me, went through documents, and he's
3 reading them to me. `All right. This
4 is what you're going to say, or this is
5 what you're going to say here. This is
6 what you're going to say here. This is
7 what you're going to say here. Okay?'
8 And over it and over it and over it."

9 Do you recall meeting with Mr. Leroux on
10 February the 6th to go over his statement?

11 **MR. BOURGEOIS:** No.

12 **MR. MANSON:** At page 49 of the same day,
13 starting at the middle of the page:

14 Mr. Engelmann:

15 "I'm going to suggest to you that Mr.
16 Leroux..."

17 Well, please start a little higher up:

18 Mr. Engelmann:

19 "You named some people, and I'm going
20 to take you to some names, but you
21 named some people."

22 Mr. Leroux:

23 "Yes."

24 Mr. Engelmann:

25 "I'm going to suggest to you that"

1 Mr. Leroux:

2 "When I saw the names there, I said, 'I
3 don't know those people. Leave them
4 there, someone else knows them'."

5 Mr. Engelmann:

6 "But sir, when you spoke to the police
7 and you read those names, I'm going to
8 suggest to you, you didn't even know
9 some of those individuals."

10 Mr. Leroux:

11 "No."

12 Mr. Engelmann:

13 "Is that correct?"

14 Mr. Leroux:

15 "That's correct."

16 The Commissioner:

17 "So who told you to leave the names
18 there?"

19 Mr. Leroux:

20 "Lawyer. The lawyer and Mr. Dunlop."

21 Do you dispute that you told Mr. Leroux,
22 prior to going to Orillia to leave all the names there?

23 **MR. BOURGEOIS:** Yes.

24 **MR. MANSON:** You dispute that?

25 **MR. BOURGEOIS:** Yes.

1 **MR. MANSON:** And earlier on, you agreed that
2 you were there as a support person, on February 7th?

3 **MR. BOURGEOIS:** I take it that was my role.
4 I don't know exactly; to bring him there, I guess.

5 **MR. MANSON:** Can we look at the transcript
6 for June 26th, page 175; starting at line 15?

7 **THE COMMISSIONER:** I'm sorry, what page?

8 **MR. MANSON:** One seventy-five (175), Mr.
9 Commissioner.

10 **THE COMMISSIONER:** Oh, sorry ---

11 **MR. MANSON:** June 26th.

12 **THE COMMISSIONER:** Yes, sorry.

13 **MR. MANSON:** Again, this is the in-chief of
14 Leroux. Starting at line 14:

15 “So you were with the OPP for a fair
16 bit of time on or about February 7th,
17 '97 and Mr. Bourgeois was there with
18 you?”

19 Answer:

20 “Oh, yes.”

21 Mr. Engelmann:

22 “Did you -- I'll come back to it but
23 did you ever retain him or hire him as
24 your lawyer?”

25 Mr. Leroux:

1 "No."

2 Mr. Engelmann:

3 "Okay. Do you know why he was there
4 with you?"

5 Mr. Leroux:

6 "To coach me."

7 Was that your role there, Mr. Bourgeois, to
8 coach Mr. Leroux?

9 **MR. BOURGEOIS:** Not that I remember it, no.

10 **MR. MANSON:** And then it goes on:

11 "All right. Did you ask for him to be
12 there?"

13 Mr. Leroux:

14 "No."

15 Mr. Engelmann:

16 "Who asked for him to be there?"

17 Mr. Leroux:

18 "Perry."

19 Do you recall that Mr. Dunlop asked you to
20 go with Mr. Leroux?

21 **MR. BOURGEOIS:** Sorry?

22 **MR. MANSON:** Do you recall that Mr. Dunlop
23 asked you to go with Mr. Leroux?

24 **MR. BOURGEOIS:** No.

25 **MR. MANSON:** Do you dispute that?

1 **MR. BOURGEOIS:** I don't recall it one way or
2 another, sir.

3 **MR. MANSON:** Mr. Leroux says, at line 6:
4 "I asked Perry if he was coming with
5 us. He said, 'No, I'm sending
6 Bourgeois with you. He'll help you
7 with this'."

8 Do you dispute that?

9 **MR. BOURGEOIS:** It's not a ---

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

11 **MR. BOURGEOIS:** It's a conversation between
12 him and Mr. Dunlop.

13 **MR. MANSON:** But he's suggesting that Mr.
14 Dunlop sent you.

15 **MR. BOURGEOIS:** I can't answer that, what
16 him and Perry discussed.

17 **MR. MANSON:** But you don't agree that Mr.
18 Dunlop sent you to go with him?

19 **MR. BOURGEOIS:** I don't remember one way or
20 another, I said.

21 **THE COMMISSIONER:** Would you be billing the
22 file for these attendances?

23 **MR. BOURGEOIS:** I don't know, sir, one way
24 or another.

25 **THE COMMISSIONER:** Okay.

1 **MR. BOURGEOIS:** I don't know. I can't -- I
2 can't tell you.

3 **MR. MANSON:** Could we please go back to --
4 this is the last area, Mr. Commissioner, to Exhibit 572A,
5 the transcript?

6 **THE COMMISSIONER:** Yeah. This is the
7 videotaped interview recorded in Orillia?

8 **MR. MANSON:** That's right. And I'm only
9 going to be dealing with the first part, which is 572A.

10 **THE COMMISSIONER:** Yeah.

11 **MR. MANSON:** You'd agree with me, Mr.
12 Bourgeois, that one of the purposes of this interview was
13 to get on the record Mr. Leroux's November 13th affidavit;
14 correct?

15 **MR. BOURGEOIS:** I think it was already on
16 the record.

17 **MR. MANSON:** Well, on the record with the
18 OPP?

19 **MR. BOURGEOIS:** Yes.

20 **MR. MANSON:** You think it was already on the
21 record with the OPP?

22 **MR. BOURGEOIS:** I think we had already
23 provided the information, sir.

24 **MR. MANSON:** How did you do that?

25 **MR. BOURGEOIS:** To Fantino.

1 **MR. MANSON:** Okay, but Mr. Fantino was not
2 with the OPP; correct? He was with the London Police.

3 **MR. BOURGEOIS:** Correct; and referred it to
4 them.

5 **MR. MANSON:** And if I can just turn you to
6 the third statement -- third page rather.

7 **MR. BOURGEOIS:** Yes.

8 **MR. MANSON:** Constable Bell says:

9 "Okay, Ron, I understand that you
10 brought with you a -- a prepared
11 statement of events you wish to discuss
12 with us today and that your intention
13 is to read actually two statements to
14 us."

15 Do you recall that, Mr. Bourgeois?

16 **MR. BOURGEOIS:** No, I can't say I do, but
17 it's on transcript.

18 **MR. MANSON:** And then I would suggest to you
19 that he goes on to read into the record at different points
20 during the interview documents, one of which is the
21 November 13th, '96 affidavit.

22 Do you agree with that? Do you want to take
23 a minute to look through this?

24 **MR. BOURGEOIS:** I accept if you said that it
25 was read in, sir.

1 **MR. MANSON:** Well, let's look at Bates page
2 7048630.

3 **THE COMMISSIONER:** This isn't ---

4 **MR. MANSON:** It's in the same exhibit. It's
5 ---

6 **THE COMMISSIONER:** Yes, it's on the left-
7 hand corner. The Bates page is on the left-hand corner.

8 What number page is it at the bottom?
9 That's a lot easier.

10 **MR. MANSON:** It's 72 of 127.

11 **THE COMMISSIONER:** Page 72. If you look at
12 the bottom, it says 1 of 127.

13 **MR. BOURGEOIS:** Yes.

14 **THE COMMISSIONER:** So look at page 72 that
15 way.

16 **MR. BOURGEOIS:** Okay. Yes, sir?

17 **MR. MANSON:** It starts:

18 "I can advise and have witnessed a clan
19 of pedophiles..."

20 Do you see that?

21 **MR. BOURGEOIS:** Yes, I do see that.

22 **MR. MANSON:** And I want to suggest to you
23 that this is word-for-word paragraph 7 from the November
24 13th affidavit, which is Exhibit 567. Is that not correct?

25 **MR. BOURGEOIS:** Outside of semantics, yes.

1 **MR. MANSON:** And then if we turn the page,
2 let me just read, and I will leave the names out, Mr.
3 Commissioner.

4 **THE COMMISSIONER:** Thank you.

5 **MR. MANSON:** With one exception.

6 "Okay, m'hm, the late Monsignor [...], I
7 only got a slap from him. M'hm, the
8 late John McPhail..."

9 -- I'm going to come back to that one, and there's a few
10 other names and then he says -- now, the reason why there's
11 other priests in here that were mentioned:

12 "M'hm, the late John McPhail. These
13 are from other witnesses. M'hm, let's
14 see. Did someone else pick him out."

15 I'm suggesting to you that Leroux is saying,
16 "I don't know about John McPhail"; isn't he?

17 **MR. BOURGEOIS:** You have to ask Leroux that.

18 **MR. MANSON:** Is that not what that
19 transcript indicates that he's saying?

20 "These are from other witnesses. Let's
21 see. Did someone else pick him out."

22 **MR. BOURGEOIS:** I don't know what that
23 means.

24 **MR. MANSON:** But you were there when he did
25 this statement; right?

1 **MR. BOURGEOIS:** Yes.

2 **MR. MANSON:** Well, let's turn to page 78,
3 which is Bates page 7048636, a quarter of the way down:

4 "Constable Bell is going through a list
5 of names and she gets to Father David
6 Ostler."

7 **MR. BOURGEOIS:** Is that page 78, did you
8 say, sir?

9 **THE COMMISSIONER:** Yes, 78.

10 **MR. MANSON:** Yes. You see where she --

11 "Constable Bell: Okay. What about
12 Father David Ostler? Pause."

13 You notice the phrase, "Pause"?

14 **MR. BOURGEOIS:** Yep.

15 **MR. MANSON:** And Mr. Leroux says:

16 "Somebody else will have him."

17 Do you not agree with me that he's admitting
18 that he knows nothing about David Ostler and he's
19 suggesting that some other witness knows about David
20 Ostler?

21 **MR. BOURGEOIS:** It would seem like that,
22 sir.

23 **MR. MANSON:** And I'll tell you ---

24 **MR. BOURGEOIS:** That's his -- I can't go in
25 his mind, right?

1 **MR. MANSON:** And I'll tell you, Mr.

2 Bourgeois, that when we watched this video ---

3 **MR. BOURGEOIS:** Yes.

4 **MR. MANSON:** --- during that pause, Mr.

5 Leroux looks right over at you and then he says, "Somebody
6 else will have him".

7 Do you remember that?

8 **MR. BOURGEOIS:** No, but I don't -- if you
9 say that that's what occurred, that's what occurred.

10 **MR. MANSON:** And let's turn over to the next
11 page, page 79, halfway down:

12 Bell:

13 "The late John McPhail?"

14 Leroux:

15 "The late John McPhail? Pause."

16 And again, Mr. Bourgeois, I'm telling you
17 that when we saw that video, he paused and looked right
18 over at you. Do you dispute that?

19 **MR. BOURGEOIS:** If you're telling me that's
20 what occurred, I won't dispute it.

21 **MR. MANSON:** And then he says:

22 "Somebody else has him."

23 Correct?

24 **MR. BOURGEOIS:** That's what it says on the
25 transcript, yeah.

1 **MR. MANSON:** Can we put Exhibit 567 back up,
2 please?

3 **THE COMMISSIONER:** Sorry? Say it again?

4 **MR. MANSON:** It's 567. This is the November
5 13th affidavit.

6 **MR. BOURGEOIS:** Yes.

7 **MR. MANSON:** Can we look at paragraph 7,
8 please?

9 Let me just read it to you:

10 "I can advise and have witnessed a clan
11 of pedophiles, which were comprised of
12 the following people..."

13 And in that list are David Ostler and the
14 late John McPhail; correct?

15 **MR. BOURGEOIS:** Yes.

16 **MR. MANSON:** And this is in the first person
17 of Ron Leroux, "I can advise and have witnessed..."; correct?

18 **MR. BOURGEOIS:** Yes.

19 **MR. MANSON:** And you took this to be true
20 when he swore it in front of you on November 13th; correct?

21 **MR. BOURGEOIS:** Yes.

22 **MR. MANSON:** And on February 7th, during the
23 interview with Bell and Anthony, you now know that this is
24 false don't you?

25 **MR. BOURGEOIS:** No, I don't.

1 **MR. MANSON:** Well, when asked by Bell and
2 Anthony what he knew about the late John McPhail and Father
3 David Ostler, his answer, after looking at you, was,
4 "Somebody else has them."

5 Isn't he saying, "I don't know about them;
6 another witness has given us that information". Isn't that
7 what he's saying?

8 **MR. BOURGEOIS:** I mean, I can't go in his
9 mind.

10 **MR. MANSON:** But I'm suggesting to you that
11 he's admitting on that tape that he knows nothing about
12 Father David Ostler and John McPhail. He says, "Someone
13 else has them".

14 **THE COMMISSIONER:** Yes?

15 **MR. MANSON:** I'm almost finished, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** No, well, he's objecting
18 though.

19 **MR. RUEL:** Just a comment maybe.

20 This seems to be an area of cross-
21 examination for Mr. Leroux. I'm not sure this is an area
22 of cross-examination for Mr. Bourgeois. Mr. Leroux has not
23 been cross-examined. Mr. Dunlop has not been cross-
24 examined. So I just want to make sure that the -- well,
25 has not testified -- so that testimony or cross-examination

1 today will not -- the witness will not be taken as a
2 substitute for witnesses who have not testified.

3 So this is my only comment with respect to
4 -- I think those questions should have been directed to Mr.
5 Leroux, not Mr. Bourgeois.

6 **MR. MANSON:** Well ---

7 **THE COMMISSIONER:** Let's not go there.

8 **MR. MANSON:** No, I ---

9 **THE COMMISSIONER:** Well --

10 **MR. MANSON:** If you recall, I wasn't here,
11 but for our alternative cross-examination, this was one
12 area which Mr. Canto raised, Mr. Commissioner.

13 **THE COMMISSIONER:** Yes, and so continue.
14 And I don't see this as cross-examination of Mr. Leroux. I
15 see it as trying to see what knowledge is in this
16 gentleman's mind as a lawyer for Mr. Dunlop.

17 **MR. MANSON:** I want to suggest to you, Mr.
18 Bourgeois, that as of February 7th, 1997, you knew that at
19 least part of the Leroux affidavit was false. Do you agree
20 with me?

21 **MR. BOURGEOIS:** No, I don't.

22 **MR. MANSON:** Did you know that the Leroux
23 affidavit of November 13th, 1996, was posted on the Project
24 Truth website in Cornwall?

25 **MR. BOURGEOIS:** No.

1 **MR. MANSON:** Your answer is no? I'm sorry?

2 **MR. BOURGEOIS:** I don't recollect that, no.

3 **MR. MANSON:** You don't know that?

4 **MR. BOURGEOIS:** No.

5 **MR. MANSON:** Do you know that it's been
6 posted on conspiracy theory websites around the world?

7 **MR. BOURGEOIS:** Absolutely not.

8 **THE COMMISSIONER:** You have to speak up.

9 **MR. BOURGEOIS:** Sorry. Absolutely not. No,
10 I didn't know that.

11 **MR. MANSON:** Do you know that the Leroux
12 affidavit of November 13th has been referred to at Queen's
13 Park as valid sworn evidence? Do you know that?

14 **MR. BOURGEOIS:** Nope.

15 **MR. MANSON:** And as of February 7th, 1997,
16 parts of that affidavit, to your knowledge from being there
17 in the room, were false. He had no first-hand knowledge of
18 McPhail and Ostler; correct?

19 **MR. BOURGEOIS:** That's your interpretation.

20 **MR. MANSON:** So I take it you haven't, after
21 February 7th, you didn't do anything to correct any of the
22 errors in the Leroux affidavit?

23 **MR. BOURGEOIS:** I can't remember any.

24 **MR. MANSON:** Thank you Mr. Bourgeois. Those
25 are all my questions.

1 **THE COMMISSIONER:** Mr. Horn? Oh, Mr. Paul?

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

3 **PAUL:**

4 **MR. PAUL:** Mr. Bourgeois, my name is Ian
5 Paul. I appear for the Coalition for Action, a citizens
6 group. And I have a few questions for you, starting
7 perhaps in the area of the contact with Mr. Leroux. With
8 regards to Mr. Leroux, we've heard that you attended Maine
9 personally for a trip to see Mr. Leroux?

10 **MR. BOURGEOIS:** Yes.

11 **MR. PAUL:** I just want to understand. How
12 long you were there; the number of days you were there?

13 **MR. BOURGEOIS:** I don't remember exactly the
14 amount of days, but it was definitely more than one day
15 because we slept there; so two or more. It wasn't a long
16 visit.

17 **MR. PAUL:** Before you got to the point of
18 preparing a statement or affidavit, how many hours would
19 you have actually spent with Mr. Leroux discussing the
20 events?

21 **MR. BOURGEOIS:** I'd be guessing.

22 **MR. PAUL:** In terms of the level of details,
23 were you comfortable with the level of details he was
24 giving about the events?

25 **MR. BOURGEOIS:** Yes.

1 **MR. PAUL:** And how well did you actually get
2 to know him as a person to be able to get a sense of
3 whether he was telling the truth or not?

4 **MR. BOURGEOIS:** I certainly -- I can't say
5 that I got to know him as a person per se. I don't know
6 what you mean by that.

7 **MR. PAUL:** Did you get to the point where
8 you were believing what he was saying was truthful?

9 **MR. BOURGEOIS:** Yes.

10 **MR. PAUL:** And as far as the affidavit, you
11 asked some questions about the purpose of an affidavit. In
12 part, was that to try to impress on the individual the
13 importance of telling the truth?

14 **MR. BOURGEOIS:** Might have been; I don't
15 recollect. I would assume it was more what Your Honour
16 indicated here earlier that to make sure it was firm.

17 **MR. PAUL:** Was the -- the affidavits in
18 question, they were actually filed with the court?

19 **MR. BOURGEOIS:** I don't remember one way or
20 another; I don't think so.

21 **MR. PAUL:** You did mention there is a
22 reference made to a list of names in the affidavits. So I
23 want to go back before that. I think you also mentioned
24 there were photographs put to Mr. Leroux by Mr. Dunlop?

25 **MR. BOURGEOIS:** Correct.

1 **MR. PAUL:** I just want to understand when
2 the photographs were put to Mr. Dunlop -- by Mr. Dunlop to
3 Mr. Leroux, does Mr. Leroux appear to identify only the
4 faces of these people or does he also automatically
5 identify the names?

6 **MR. BOURGEOIS:** I can't remember.

7 **MR. PAUL:** Okay. Does he need assistance
8 from Mr. Dunlop in terms of the name aspect as opposed to
9 the face?

10 **MR. BOURGEOIS:** I can't remember
11 specifically.

12 **MR. PAUL:** In terms of preparation of the
13 typed affidavits with a list of names, are the photos there
14 for Mr. Leroux to look at as the affidavit is prepared?

15 **MR. BOURGEOIS:** There was photos there so I
16 would say he certainly had an opportunity to see them, yes.

17 **MR. PAUL:** Okay. Is there any possibility
18 that while you're preparing affidavits, he has the photos
19 to recall what the people looked like, but when he is
20 interviewed by the police perhaps he doesn't have the same
21 photos? He only has -- he doesn't have the photos to
22 recall how the people appeared?

23 For example, when he is in Orillia with the
24 police, he wouldn't necessarily have those same photos;
25 correct?

1 **MR. BOURGEOIS:** I don't think -- I don't
2 know, I don't remember whether there was photos in Orillia
3 or not.

4 **MR. PAUL:** All right. But in terms of the
5 statement with the police in Orillia, have you given him
6 the chance to look over the affidavits prior to that?

7 **MR. BOURGEOIS:** Like I said, I don't
8 recollect that, one way or another.

9 **MR. PAUL:** Now, as far as you're concerned,
10 you're not aware of any pressure or coercion against Mr.
11 Leroux by anybody?

12 **MR. BOURGEOIS:** I wasn't aware of any, no.

13 **MR. PAUL:** And had you been aware of that,
14 is that something you would have tolerated?

15 **MR. BOURGEOIS:** No.

16 **MR. PAUL:** And as far as an individual being
17 intoxicated, would it be fair to say that you would not
18 proceed with taking an affidavit if a person was
19 intoxicated?

20 **MR. BOURGEOIS:** Correct.

21 **MR. PAUL:** Just about Mr. Leroux generally,
22 did you come to any kind of belief or understanding as to
23 what his role was as to whether he was saying he was a
24 spectator with regards to pedophiles or whether he was
25 actually a participant? Or did that never really get

1 addressed?

2 **MR. BOURGEOIS:** I can't remember him
3 admitting something like that.

4 **MR. PAUL:** Okay. So as far as his role, it
5 was not completely clear to you whether he was a spectator
6 or a participant?

7 **MR. BOURGEOIS:** With respect to the ---

8 **MR. PAUL:** To the events where he alleges a
9 clan and seeing the various persons involved, did he appear
10 to you to be saying he was participant or a spectator?

11 **MR. BOURGEOIS:** He would certainly come off
12 as indicating he was a spectator. I don't remember him
13 ever admitting that he was a participant.

14 **MR. PAUL:** Now, as far as the list of names
15 that were individuals that were at the cottage, the list of
16 names in Mr. Leroux' affidavit, you would agree that merely
17 being at the cottage is not necessarily anything
18 inappropriate. You would agree with that?

19 **MR. BOURGEOIS:** Yes.

20 **MR. PAUL:** However, if you get an individual
21 such as Chief of Police, Mr. Shaver, is present and if it's
22 alleged he's in presence or associating or socializing with
23 Mr. Seguin or Father Charlie MacDonald, does that become
24 relevant to Mr. Dunlop's civil action in the aspect of
25 people socializing who, first of all, in terms of Mr.

1 Shaver is in the chain of command with respect to Mr.
2 Dunlop? Does that become relevant to the civil action?

3 **MR. BOURGEOIS:** Yes.

4 **MR. PAUL:** And does it become relevant that
5 you're talking about some people on that list that have
6 authority with respect to prosecution and charges with
7 respect to Father MacDonald and Mr. Seguin and they're
8 socializing, allegedly socializing with those people. That
9 becomes relevant?

10 **MR. BOURGEOIS:** Yes.

11 **MR. PAUL:** Just another area; in terms of
12 police contact with you, I would take it since you haven't
13 said anything about it that you were never served with any
14 form of search warrant by any police force in relation to
15 your files?

16 **MR. BOURGEOIS:** No.

17 **MR. PAUL:** And had that been done, you would
18 have cooperated with any lawful search warrant?

19 **MR. BOURGEOIS:** Yes.

20 **MR. PAUL:** Now in terms of court
21 applications, there was never any court application
22 directed at disclosure of documents from your law office
23 served on you?

24 **MR. BOURGEOIS:** I don't think so, no.

25 **MR. PAUL:** Okay.

1 **THE COMMISSIONER:** Well, you're talking by a
2 police force?

3 **MR. PAUL:** Yes.

4 **THE COMMISSIONER:** Okay.

5 **MR. PAUL:** Or I'm sorry, by a police force
6 or by Crown or defence in relation to any criminal
7 proceedings?

8 **THE COMMISSIONER:** I think he was asked by
9 this Inquiry to produce documents; were you not?

10 **MR. BOURGEOIS:** By this Inquiry sir. I took
11 it he meant in a criminal proceeding.

12 **THE COMMISSIONER:** No, no. I just wanted to
13 make sure that we cover that as well.

14 **MR. BOURGEOIS:** Okay.

15 **MR. PAUL:** But you were requested at some
16 point by, I believe, Inspector Trew to produce documents to
17 the OPP? Is there a written -- just a written request?

18 **MR. BOURGEOIS:** I don't think so.

19 **MR. PAUL:** Okay. So you don't recall any
20 request?

21 **MR. BOURGEOIS:** Excuse me?

22 **MR. PAUL:** You don't recall any request from
23 police force to send documents from your office or from Mr.
24 Dunlop ---

25 **MR. BOURGEOIS:** Yeah, I think Mr. Trew with

1 respect to Mr. Dunlop.

2 MR. PAUL: Okay. And was that the first
3 request you had was the one from Inspector Trew?

4 MR. BOURGEOIS: I can't remember any other.

5 MR. PAUL: Okay. And by the time you get
6 that request from Inspector Trew, how long had you been
7 involved in the file with Mr. Dunlop.

8 MR. BOURGEOIS: You know when that date was
9 when I got that letter?

10 MR. PAUL: Some time towards late 1997.

11 THE COMMISSIONER: October.

12 MR. PAUL: October. I think he sends the
13 letter back October 1997. I don't know when he received
14 it.

15 MR. BOURGEOIS: So it would have been a bit
16 over a year, I would take, sir.

17 MR. PAUL: A year? Okay. And in that year
18 or so, there is nobody requesting information from you,
19 from the police forces?

20 MR. BOURGEOIS: I don't believe so, no.

21 MR. PAUL: And by the time Inspector Trew
22 sent that request to you, is it your understanding that the
23 files, or the proceedings, investigations, are beyond the
24 Cornwall Police and are with the OPP at that point? Is
25 that your understanding?

1 **MR. BOURGEOIS:** Yes, a lot of the document -
2 - a lot of the materials had been provided to the OPP.

3 **MR. PAUL:** Okay.

4 **MR. BOURGEOIS:** To the recommendation of
5 Fantino.

6 **MR. PAUL:** Those are my questions. Thank
7 you.

8 **THE COMMISSIONER:** Thank you.

9 Mr. Lee?

10 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

11 **MR. LEE:** Mr. Bourgeois, my name is Dallas
12 Lee; I am counsel for the victims' group.

13 **MR. BOURGEOIS:** Okay.

14 **MR. LEE:** I have a few areas I would like to
15 discuss with you; I don't expect to be terrible long.

16 I want to start off with your representation
17 of C-8, in 1997, on a criminal matter.

18 **MR. BOURGEOIS:** Okay.

19 **MR. LEE:** And this was the one where he was
20 charged with sexually assaulting a young woman.

21 You told us today about attending a judicial
22 pre-trial coming to a joint position and then making
23 submissions that same day, as far as you recollect; is that
24 right?

25 **MR. BOURGEOIS:** That's my best memory of it,

1 yes.

2 **MR. LEE:** And you told us during your
3 examination in-chief that the disposition of those charges
4 was influenced by the fact that C-8 was himself a victim of
5 abuse. Do you recall telling us that?

6 **MR. BOURGEOIS:** I believe that was the case
7 as discussed in the Chambers.

8 **MR. LEE:** Do you recall, sir, that the
9 submission that you made to the court in that regard was
10 that not only was C-8 a victim of abuse, he was a victim of
11 abuse at the hands of three perpetrators?

12 **MR. BOURGEOIS:** I don't remember. I don't
13 remember what my submissions were, Mr. Lee. I am sorry.

14 **MR. LEE:** Mr. Commissioner, we have -- we
15 were produced to us by Mr. Neville, earlier this week, two
16 documents, one of them being submissions in that matter.

17 **THE COMMISSIONER:** Yes.

18 **MR. LEE:** And the other being the reasons
19 for judgment. I think I am going to need to put
20 submissions at this point to Mr. Bourgeois. I don't have a
21 document number for that because it's not part of the ---

22 **THE COMMISSIONER:** No, we don't have it.
23 Right? Do we have it?

24 **MR. LEE:** All parties, all parties were
25 brought copies to my understanding of that.

1 **THE COMMISSIONER:** No, no, no, no. I
2 understand. But I am going to go back.

3 Do we, Mr. ---

4 **MR. RUEL:** We don't have document numbers
5 for those documents. I gather they were forwarded to us by
6 Mr. Neville this week.

7 So maybe you will want to ask Mr. Neville to
8 explain the source of those documents and the reason why
9 they were not formally produced with the Commission this
10 week.

11 **THE COMMISSIONER:** Mr. Neville?

12 **MR. NEVILLE:** Thank you, Mr. Commissioner.

13 I couldn't find them in the Commission
14 database and I went looking for them in our office. I can
15 tell you we have some eight or 10 boxes of material.

16 **THE COMMISSIONER:** Right.

17 **MR. NEVILLE:** And in fact found them in a
18 box marked Preliminary Inquiry Transcripts.

19 **THE COMMISSIONER:** Right.

20 **MR. NEVILLE:** Which was actually a mis-
21 filing of them. But I found them.

22 **THE COMMISSIONER:** Right.

23 **MR. NEVILLE:** I circulated them and I
24 brought copies for Commission.

25 **THE COMMISSIONER:** Yeah. You see, my

1 problem is that as part -- there's a give and take as being
2 party to this Inquiry is that you're supposed to give us
3 all the documents.

4 **MR. NEVILLE:** Yes, sir.

5 **THE COMMISSIONER:** So that Inquiry staff can
6 go through that.

7 **MR. NEVILLE:** Well, I can tell you, Mr.
8 Commissioner, when it came to transcripts that we had
9 purchased, I believe that a document you have, and Mr.
10 Cipriano dealt with it and wrote to this effect, that we
11 were not going to turn over transcripts, for two reasons:
12 first of all, they were significantly marked up as work
13 product of ours.

14 And more importantly, they were the
15 copyright product of the court reporter, or court monitor
16 who is entitled to be paid and the transcript should be
17 ordered directly from them. And that's what I understand
18 was done.

19 So these ones were, unfortunately, provided
20 in the wrong box from where they should have been.

21 Now, it seems to me, sir, that when I get
22 the outline of the expected evidence which hadn't been
23 confirmed with Mr. Bourgeois at the interview, that was the
24 intention to cover it with him is representing of Mr. C-8,
25 at what actually happened. This was the best possible

1 piece of evidence.

2 **THE COMMISSIONER:** I have no ---

3 **MR. NEVILLE:** And I couldn't imagine why the
4 Commission, or counsel for the Commission, wouldn't want to
5 have it.

6 **THE COMMISSIONER:** The problem, sir ---

7 **MR. NEVILLE:** Oh, I understand the problem;
8 it should have been sent earlier, we couldn't do it because
9 we had it in the wrong box.

10 **THE COMMISSIONER:** Good.

11 I'm going to give you 15 days for you to
12 review everything single document that you have with
13 respect to this matter and report to me; to make sure that
14 any other oversights is done. Is that understood?

15 **MR. NEVILLE:** I think that's understood, Mr.
16 Commissioner.

17 **THE COMMISSIONER:** Thank you. Thank you.

18 **MR. PAUL:** We'll do our best.

19 **THE COMMISSIONER:** I'm sure you will. Thank
20 you. Fifteen (15) days.

21 **MR. BOURGEOIS:** Your Honour, can I put a
22 comment on the record?

23 **THE COMMISSIONER:** M'hm, no.

24 Let's go.

25 So now we have copies of this document? And

1 these are transcripts? Is there anything in there that
2 should be covered -- yes, oh yes.

3 **MR. LEE:** Well, they relate to C-8 so they
4 don't ---

5 **THE COMMISSIONER:** All right, so they will
6 be definitely marked as confidential.

7 **MR. LEE:** Yes.

8 **THE COMMISSIONER:** So one of the problems is
9 that while these documents are floating around and we don't
10 have knowledge of it, it may affect the way the examination
11 in-chief could have gone; it could lead to other things and
12 again, I stress that the importance of people having
13 documents, to make sure as they are duty-bound, to make
14 sure that they come before us so that we can share them
15 with everyone else and not at the last minute.

16 **MR. LEE:** As I said, sir, we have two
17 documents; one is titled "Submissions" and one is titled
18 "Reasons for Judgment". I may need to go to Reasons for
19 Judgment ---

20 **THE COMMISSIONER:** Wait a minute. Wait a
21 minute. Just -- so now Mr. Neville distributed these all?

22 **MR. LEE:** Yes.

23 **THE COMMISSIONER:** So, Mr. Neville, I don't
24 know about your argument about; "Well, we're not going to
25 distribute it because of copyright." Now that you've

1 decided you want to do it, there's no problem?

2 **MR. NEVILLE:** Well, because I am instructed
3 to do it. I was told by Commission counsel's office to
4 bring copies for the Commissioner. I brought six copies
5 and was told to make hard copies for all parties and that
6 was the protocol that you sent.

7 **THE COMMISSIONER:** Pardon me?

8 **MR. NEVILLE:** That was the protocol that you
9 created, as I understand it, under the rules. So I
10 followed it.

11 **THE COMMISSIONER:** Okay.

12 **MR. LEE:** I'd like to deal with the document
13 entitled "Submissions". I've checked with the Clerk; she
14 has -- I don't have a document number to give her but she
15 knows the document I mean, if we can show the witness that,
16 please.

17 **THE COMMISSIONER:** All right, so make sure
18 that it is a confidential exhibit, both of them.

19 So they are submissions of a hearing being
20 held before Judge Renaud on Monday, February 26th, 1998 with
21 Mr. Bourgeois, counsel for the accused.

22 **MR. LEE:** I believe there's an error in the
23 date. It's February 26th, 1997.

24 **THE COMMISSIONER:** Lovely. How did he do
25 that?

1 C-8 submissions dated 26 Feb 98

2 --- EXHIBIT NO./ PIÈCE No. C-738:

3 C-738: Transcript of Her Majesty the
4 Queen vs. C-8 reasons for judgment
5 dated 26 Feb 97

6 THE COMMISSIONER: Yes?

7 MR. RUEL: Mr. Commissioner, I'm sorry, just
8 a comment.

9 I am just reading here the submissions of --
10 in that case, and at the second page, it's written here:

11 "Protected from publication by Section
12 38 of the *Young Offenders Act*."

13 So I'm -- as I said, I haven't read this
14 document. We just got it. But I am wondering in the
15 circumstances, if this is not only an issue of
16 confidentiality of a name or it's a broader issue of a
17 broad, of a broader publication ban. It seems that the
18 whole thing is protected by a publication ban.

19 So in the circumstances, I guess you would
20 have no choice to make sure that all the information is --
21 I don't know if you need to issue a new ban but I am just
22 pointing out that the document or the information is
23 protected by a publication ban.

24 So it's not only the name, it appears to be
25 all of the information that was discussed during those

1 submissions and the same thing for the reasons.

2 **THE COMMISSIONER:** All right. Any comments?

3 **MR. LEE:** If we're marking it as a C
4 document, sir, does it ---

5 **THE COMMISSIONER:** Well, it depends what --
6 I guess it depends on what kind of questions are going to
7 be put.

8 **MR. LEE:** I can speak for myself. I am
9 going to ask a very general question in these submissions
10 about the fact that he suggested that C-8 had been the
11 victim of three perpetrators and that's all in that
12 document and in the reasons for judgement, if I go there,
13 if I need to refresh the witnesses memory, we'll deal
14 solely with the judge's treatment of that suggestion that
15 he had been a victim of abuse.

16 I am not getting into anything to do with
17 the charges themselves. I'm not getting into anything with
18 the victim of the crime.

19 **THE COMMISSIONER:** All right.

20 Mr. Scharbach, you're from the Attorney
21 General's office. You are the expert on YOA matters.

22 **MR. SCHARBACH:** I'm sorry, sir, I don't have
23 any submissions to make on that matter now.

24 **THE COMMISSIONER:** Thank you.

25 **MR. RUEL:** Just one last point. You could -

1 - I guess, the publication get banned could be either
2 respected through this order or you could issue another
3 publication ban. The problem is the web. The web ---

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

5 First of all, I've issued a confidentiality
6 order, all right, so that no one here is going to see it.
7 And one of the differences is that the public doesn't see
8 it, and that's why I'm concerned about what exactly the
9 extent of the questions are going to be with respect to
10 this matter.

11 So I don't know that I see any problems with
12 Mr. Lee asking this gentlemen whether or not submissions
13 were made that he was abused by three people. I don't
14 think that's a problem. So we'll go with you and see how
15 we go, Mr. Lee.

16 **MR. LEE:** Thank you. Mr. Bourgeois ---

17 **MR. BOURGEOIS:** Your Honour, before we enter
18 into this, can I get a break at this time. I'd like to
19 consider these documents.

20 **THE COMMISSIONER:** You'd like to consider
21 these documents.

22 **MR. BOURGEOIS:** Yes. These documents were
23 transcribed in '99.

24 **THE COMMISSIONER:** Yes. So?

25 **MR. BOURGEOIS:** How did they just make their

1 way here now.

2 **THE COMMISSIONER:** That's not -- no, no, we
3 already had a little discussion about that and we'll see in
4 fifteen days how well that goes. That's none of your
5 concern. Your concern ---

6 **MR. BOURGEOIS:** Well, I know there's an ---

7 **MR. NEVILLE:** (off mic) ...an observation,
8 sir.

9 **THE COMMISSIONER:** Well, you come up to the
10 mic first.

11 **MR. NEVILLE:** Yes, I'd be happy to.

12 In the database of the Commission, Mr.
13 Commissioner, is document 111255 which is the testimony, a
14 preliminary enquiry of Father MacDonald of C-8.

15 **THE COMMISSIONER:** Yes.

16 **MR. NEVILLE:** And this document that we're
17 talking about was used in the cross-examining of him.

18 **THE COMMISSIONER:** Right.

19 **MR. NEVILLE:** About his own matter.

20 **THE COMMISSIONER:** Yes.

21 **MR. NEVILLE:** In -- actually that year.

22 **THE COMMISSIONER:** Yes.

23 **MR. NEVILLE:** And so it's reviewed
24 extensively with him.

25 **THE COMMISSIONER:** Right.

1 **MR. NEVILLE:** I'm just trying.

2 Just so you know, sir, that this issue of
3 what his sentence was and how it was obtained was fully
4 explored with him.

5 **THE COMMISSIONER:** Yes.

6 **MR. NEVILLE:** Using that transcript.

7 **THE COMMISSIONER:** Yes.

8 **MR. NEVILLE:** And we had ordered it because
9 we had learned of what had happened with him.

10 **THE COMMISSIONER:** Yes.

11 **MR. NEVILLE:** So that's why it's dated 1999.
12 It was ordered by our office. I don't know what the
13 problem is myself.

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

15 **MR. NEVILLE:** With the date on it ---

16 **THE COMMISSIONER:** No, no, that's -- Mr.
17 Bourgeois is out-of-line with respect to that.

18 **MR. NEVILLE:** Right.

19 **THE COMMISSIONER:** All I'm saying is that
20 regardless of what happened in the other proceeding, I'm
21 concerned with the provisions of the YOA. Right.

22 **MR. NEVILLE:** You should know that the
23 complainant , I think that's the reason, sir, was under --
24 was 14.

25 **THE COMMISSIONER:** No.

1 **MR. NEVILLE:** Yes.

2 **THE COMMISSIONER:** Okay, yes. Yes.

3 **MR. NEVILLE:** It was his niece.

4 **THE COMMISSIONER:** Yes. Just a second.

5 Okay. Yes, okay, I got you.

6 **MR. NEVILLE:** And that's why.

7 **THE COMMISSIONER:** All right. And that's
8 good. Thank you.

9 All right. So that assoige is my concern in
10 the sense that the -- for a minute there I thought that C-8
11 was a youth when this thing was committed, but it wasn't,
12 the protecting under the YOA because of the victim. Okay.

13 So now all we now have to do is make sure --
14 although old dogs have been throwing names around that we
15 do not connect the victim with C-8.

16 So we will take a five-minute break and, Mr.
17 Bourgeois, you can review those documents as you wish, and
18 then we'll come back and see where we go.

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

21 This hearing will resume at 4:15 p.m.

22 --- Upon recessing at 4:04 p.m. /

23 L'audience est suspendue à 16h04

24 --- Upon resuming at 4:19 a.m. /

25 L'audience est reprise à 16h19

1 **THE REGISTRAR:** This hearing is now resumed,
2 please be seated. Veuillez vous asseoir.

3 **THE COMMISSIONER:** Thank-you.

4 Mr. Bourgeois, do you have anything that you
5 want to talk about.

6 **MR. BOURGEOIS:** Can I maybe think about it
7 and I'll address you later?

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

9 **MR. BOURGEOIS:** As opposed to saying it
10 immediately.

11 **THE COMMISSIONER:** Mr. Lee?

12 **CHARLES BOURGEOIS, Resumed/Sous le même serment:**

13 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**
14 **(Continued/Suite)**

15 **MR. LEE:** Mr. Bourgeois, can I have you turn
16 up Exhibit C-737, that's the one titled "Submissions",
17 please?

18 **MR. BOURGEOIS:** Yes.

19 **MR. LEE:** You'll see at the top of the first
20 page that the court asked you, Mr. Bourgeois, your
21 submissions and I'm interested in the second page.

22 The second time that you address the court
23 on that page you say:

24 "And, Your Honour, I believe it's
25 necessary for the record to note that

1 my client is in fact the victim himself
2 of three perpetrators himself. Even
3 though it certainly does not condone at
4 all his actions, he feels very bad that
5 he has committed this himself and
6 confused and, definitely, as you will
7 see in the joint submission, he's
8 prepared to accept any type of
9 counselling that's recommended by his
10 probation officer and fully intends to
11 follow those instructions. In fact,
12 has already taken steps, Your Honour,
13 to get some counselling at this time
14 for himself."

15 Do you see that there, sir,?

16 **MR. BOURGEOIS:** Yes.

17 **MR. LEE:** So you'll agree with me obviously
18 that you pointed out to the court the fact that C-8 had
19 been the victim of three perpetrators. Is that right?

20 **MR. BOURGEOIS:** Yes.

21 **MR. LEE:** And obviously the suggestion
22 you're making is that that should in some way mitigate
23 against the sentence that Mr. C-8 was going to receive. Is
24 that right?

25 **MR. BOURGEOIS:** Correct.

1 **MR. LEE:** It was a factor to be considered
2 by the court that he himself was a victim of abuse when
3 considering how to deal with his own abuse of someone else?

4 **MR. BOURGEOIS:** Yes, yes.

5 **MR. LEE:** And Justice Renaud, I take it was
6 a woman, you've told us?

7 **THE COMMISSIONER:** No.

8 **MR. LEE:** No? Justice Renaud accepted that
9 argument essentially and did in fact take that into
10 account. Do you recall that?

11 **MR. BOURGEOIS:** Yes.

12 **MR. LEE:** That was a part of the judge's
13 reasonings in imposing a lighter sentence than he might
14 have otherwise. Is that right?

15 **MR. BOURGEOIS:** Yes, that -- in reading it
16 that seems to certainly be the case.

17 **MR. LEE:** The question I have for you, sir,
18 is, do you remember who the three perpetrators you were
19 referring to were?

20 **MR. BOURGEOIS:** The ones previously named,
21 Father MacDonald, Marcel Lalonde and Ron Leroux.

22 **MR. LEE:** Those were the three you were
23 referring to?

24 **MR. BOURGEOIS:** Yes.

25 **MR. LEE:** And I take it that this was in

1 open court that you were making these submissions, sir?

2 MR. BOURGEOIS: Yes.

3 MR. LEE: You would agree with me, I take
4 it, that the allegations against all three of those men at
5 that time were alleged. There had been no criminal
6 convictions at that point of anyone?

7 MR. BOURGEOIS: I don't think there were,
8 no.

9 MR. LEE: So as I understand it, C-8 had
10 told you of the allegations?

11 MR. BOURGEOIS: Yes, he had done that
12 previously.

13 MR. LEE: You believed him?

14 MR. BOURGEOIS: Yes.

15 MR. LEE: You agree with me that Justice
16 Renaud appears to have accepted them at face value for the
17 purposes of sentencing, anyways, not obviously for the
18 merit of the allegation.

19 Are you aware that Marcel Lalonde was
20 subsequently convicted in relation to the allegation made
21 by C-8?

22 MR. BOURGEOIS: I vaguely remember that.

23 MR. LEE: So there's no issue here with C-8
24 not being a victim of abuse, as you submitted to that
25 court. Is that right?

1 We now know he was in fact a victim of
2 abuse. That's been confirmed in a criminal court?

3 **MR. BOURGEOIS:** If you say that that was
4 confirmed, I didn't follow through how it ended up.

5 **MR. LEE:** That's the evidence that we have
6 here.

7 **MR. BOURGEOIS:** Okay. Yes.

8 **MR. LEE:** Sir, if someone were to suggest
9 that the allegations against Father MacDonald specifically
10 were fabricated to get leniency for C-8, would you agree
11 with me that that doesn't hold water given that you had two
12 other perpetrators that you knew of at the time?

13 **MR. BOURGEOIS:** Correct.

14 **MR. LEE:** I want to take you to -- I'm going
15 to switch areas here.

16 I want to take you to Exhibit 719, please.
17 This is a letter that you looked at earlier today. It's
18 your letter to Chief Julian Fantino, then of the London
19 police?

20 **MR. BOURGEOIS:** Yes.

21 **MR. LEE:** If you look at the first paragraph
22 of that letter, it begins:

23 "Further to our telephone conversation
24 on Monday, December 16th, I am sending
25 you the following material for your

1 consideration."

2 Do you see that there?

3 **MR. BOURGEOIS:** Yes.

4 **MR. LEE:** The second paragraph continues:

5 "On such short notice at this
6 particular time of the year, my clients
7 and I sincerely appreciate the
8 considerable time, effort and
9 commitment you'll be affording this
10 case."

11 Do you see that?

12 **MR. BOURGEOIS:** Yes.

13 **MR. LEE:** You've told us that the only
14 contact you recall with Chief Fantino was one telephone
15 call. Is that right?

16 **MR. BOURGEOIS:** That's my recollection.

17 **MR. LEE:** So we can presume then that one
18 telephone call was on Monday, December 16th?

19 **MR. BOURGEOIS:** I could presume that, yes.

20 **MR. LEE:** You follow that up with a letter
21 that talks about the considerable time, effort and
22 commitment that he's going to be affording to the case.

23 Do you recall what he said that gave you the
24 impression that he would be spending a considerable time,
25 effort, and commitment on this?

1 **MR. BOURGEOIS:** I just -- I take it that he
2 was going to be spending some time and respected that he
3 was doing that outside of his duties, I guess, his regular
4 duties as a Chief.

5 **MR. LEE:** Do you have any specific
6 recollection of that conversation; what he might have said
7 to you?

8 **MR. BOURGEOIS:** No.

9 **THE COMMISSIONER:** Do you really think that
10 that's a necessary implication, what he's saying? Like it
11 could be that this is nothing coming from the Chief. I
12 mean the Chief gets a phone call that says "I'm going to be
13 sending you some stuff, and I need your guidance and help."
14 And from his side, this is a unilateral comment.

15 **MR. LEE:** It may well be. I'm asking the
16 witness if he recalls whether or not there was anything in
17 the conversation that led him to make that comment.

18 **THE COMMISSIONER:** I believe he says he
19 doesn't recall the conversation.

20 **MR. LEE:** I hadn't intended to follow up on
21 that either.

22 **THE COMMISSIONER:** Okay.

23 **MR. LEE:** He said that he doesn't recall
24 anything and that's fine.

25 **THE COMMISSIONER:** Okay.

1 **MR. LEE:** An issue was raised today dealing
2 with the pleadings in the Dunlop lawsuit. You told us, I
3 believe, that you were two years out of Law School at the
4 point that you took on that file?

5 **MR. BOURGEOIS:** Yes.

6 **MR. LEE:** When you look back on those
7 pleadings today, and you've gone through them at least a
8 little bit in the last couple of days, I'm going to suggest
9 to you, and I'm wondering if you agree that, looking at it
10 now, it looks like you pretty much plead everything you
11 knew at the time. If you had information, it got into the
12 claim. Would you agree with that?

13 **MR. BOURGEOIS:** I would agree about it.

14 **MR. LEE:** Sorry?

15 **MR. BOURGEOIS:** Yeah, it would appear so,
16 yes.

17 **MR. LEE:** And then we know there's an
18 amended claim, and when I read the amended claim, it reads
19 to me that you got some more information, and you put all
20 of that in too. Would you agree with that?

21 **MR. BOURGEOIS:** I don't know if it was all,
22 but certainly there's a lot of -- like Mr. Manson said,
23 there's a lot of facts in there, for sure.

24 **MR. LEE:** Can I take you to the claim for a
25 minute.

1 MR. BOURGEOIS: Yup.

2 MR. LEE: It's Exhibit 726.

3 MR. BOURGEOIS: I have it, Your Honour.

4 Yes.

5 MR. LEE: Can I take you to the second page
6 please.

7 MR. BOURGEOIS: Okay.

8 MR. LEE: Paragraph 1A(e) claims against
9 Claude Shaver, "general damages for conspiracy in the
10 amount of \$500,000."

11 Do you see that?

12 MR. BOURGEOIS: Yes.

13 MR. LEE: If you look at page 3, that's
14 against Carl Johnston, (e) "general damages for
15 conspiracy."

16 Do you see that?

17 MR. BOURGEOIS: Yes.

18 MR. LEE: Page 4, Joe St-Denis -- Joseph St-
19 Denis rather -- (e) "general damages for conspiracy."

20 On page 5, against Lucien Brunet, "general
21 damages for conspiracy."

22 Do you see that?

23 MR. BOURGEOIS: Yes.

24 MR. LEE: It goes on like that. Would you
25 agree with me that everything you're learning -- not

1 everything -- a great quantity of what you're learning, as
2 you go along, supports the idea of a conspiracy in
3 Cornwall?

4 **MR. BOURGEOIS:** There seems to be a lot of
5 evidence that would point that way.

6 **MR. LEE:** So you put in a claim. Isn't that
7 what you're thinking at that point in your career, sir?

8 **MR. BOURGEOIS:** Yes.

9 **MR. LEE:** You are alleging conspiracy? You
10 talk to a witness who talks about a conspiracy, you put it
11 in a claim?

12 **MR. BOURGEOIS:** Yes.

13 **MR. LEE:** So those are my questions for you.
14 Thank you very much.

15 **THE COMMISSIONER:** Thank you. Mr. Neville?
16 I'm sorry, go ahead.

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

18 **NEVILLE:**

19 **MR. NEVILLE:** Thank you, Mr. Commissioner.
20 Mr. Bourgeois, I just wanted to ask you a
21 few questions. By the way, my name is Michael Neville. I
22 represent Father MacDonald. I think you know that.

23 **MR. BOURGEOIS:** I'm well aware of that.

24 **MR. NEVILLE:** Right. And I just want to ask
25 you a few brief questions about your legal background, your

1 legal career. You were called to the Bar, as I recall from
2 your evidence, in '94.

3 MR. BOURGEOIS: Yes, sir.

4 MR. NEVILLE: All right. And your
5 undergraduate degree was in Business Administration and
6 then you did your law degree?

7 MR. BOURGEOIS: Yeah.

8 MR. NEVILLE: And you were called to the
9 Bar. Did you go straight into the practice of law upon
10 your call?

11 MR. BOURGEOIS: Yes.

12 MR. NEVILLE: I'm sorry?

13 MR. BOURGEOIS: Yes.

14 THE COMMISSIONER: You have to speak up, and
15 you can get closer to the microphone.

16 MR. BOURGEOIS: Oh, sorry, sir. Yes.

17 MR. NEVILLE: And you told the Commissioner
18 yesterday in-chief that, at that point in your career, the
19 phrase you used was "a little bit of criminal law" at the
20 first stage of your career.

21 MR. BOURGEOIS: I would say so.

22 MR. NEVILLE: Okay. What do you mean by a
23 little bit? Do you mean a case here, a case there?

24 MR. BOURGEOIS: Yeah, I would say so.

25 MR. NEVILLE: Okay. And so was your

1 practice as you -- I think you described it labour and
2 employment law and other types of civil litigation.

3 MR. BOURGEOIS: Fair enough.

4 MR. NEVILLE: And then you told the
5 Commissioner that now your practice is all criminal law.

6 MR. BOURGEOIS: Almost exclusively, yes.

7 MR. NEVILLE: Right. And for how many years
8 has it been all criminal law or virtually all? This is
9 2007, near the end of this year.

10 MR. BOURGEOIS: Maybe approximately four or
11 five years, sir.

12 MR. NEVILLE: Four or five years, all right.
13 And as a criminal defence counsel, do you handle all types
14 of cases?

15 MR. BOURGEOIS: Mostly impaireds.

16 MR. NEVILLE: Mostly impaireds. Have you
17 handled any cases involving allegations of sexual
18 misconducts, such as sexual assault?

19 MR. BOURGEOIS: I think I did one case, I
20 think, sir.

21 MR. NEVILLE: Okay. Was that a case that
22 went to a trial?

23 MR. BOURGEOIS: No. The charges were
24 withdrawn.

25 MR. NEVILLE: All right. Now, do you recall

1 attending in the City of Ottawa on February 24th, 1997, for
2 the start of Father MacDonald's preliminary inquiry?

3 **MR. BOURGEOIS:** I wouldn't remember the
4 exact date, sir, but I do know that I went to Ottawa, yes.

5 **MR. NEVILLE:** All right. And the
6 preliminary inquiry started, and you were in the courtroom
7 for Day One?

8 **MR. BOURGEOIS:** I've seen you -- I saw you
9 there and ---

10 **MR. NEVILLE:** That's not my question. I
11 just want to ask you to confirm that you sat through the
12 first day's proceedings?

13 **MR. BOURGEOIS:** I definitely sat in the
14 court -- I don't know if it was just one day, but
15 definitely one day.

16 **MR. NEVILLE:** Yes.

17 **MR. BOURGEOIS:** It might have been more.

18 **MR. NEVILLE:** Why were you there?

19 **MR. BOURGEOIS:** I can't tell you off the top
20 of my head right now, sir, why I was there.

21 **MR. NEVILLE:** M'hm. Wasn't C-8 sitting in
22 the courtroom all that day as well?

23 **MR. BOURGEOIS:** I don't know. I know Mr.
24 Dunlop was there.

25 **MR. NEVILLE:** Do you recall Mrs. Dunlop

1 being there?

2 MR. BOURGEOIS: Oh, I'm sure she was.

3 MR. NEVILLE: Do you recall an incident
4 outside the courtroom with a camera and Mrs. Dunlop?

5 MR. BOURGEOIS: I remember an incident with
6 Mr. Silmsen I think.

7 MR. NEVILLE: Well, there was certainly one
8 of those. My question was do you recall an incident with
9 Mrs. Dunlop taking pictures outside the courtroom?

10 MR. BOURGEOIS: I can't -- I don't deny that
11 it happened, sir, but I don't recall that. I recall -- I
12 know, I recall when -- what I do recall is an incident with
13 Mr. Silmsen.

14 MR. NEVILLE: All right. He caused a
15 disturbance in the courtroom.

16 MR. BOURGEOIS: Yes, he did.

17 MR. NEVILLE: Or courthouse. Right.

18 MR. BOURGEOIS: Yes.

19 MR. NEVILLE: And I am going to suggest that
20 there was also an incident with Mrs. Dunlop, where she was
21 taking photographs, including Mr. Pelletier and myself, and
22 it led to a confrontation in the hallway. Do you remember
23 that?

24 MR. BOURGEOIS: Not really.

25 MR. NEVILLE: Do you remember the fact that

1 you took the camera from her, put it in your briefcase and
2 left?

3 **MR. BOURGEOIS:** I can't, I can't deny that
4 it happened, but I don't have an independent recollection
5 of ---

6 **MR. NEVILLE:** Your answer is you don't deny
7 it happened. You just don't remember anymore
8 independently. Right?

9 **MR. BOURGEOIS:** I don't remember
10 independently. I remember being there. I remember an
11 incident with Silmsler. I don't remember another incident,
12 but I don't deny that it happened sir.

13 **MR. NEVILLE:** All right. Now, you told Mr.
14 Commissioner that your assessment of C-8 was that he was
15 truthful in his allegations.

16 **MR. BOURGEOIS:** That's what I believed.

17 **MR. NEVILLE:** And you've become aware, I
18 take it, that in fact he has -- and I am talking now in
19 relation to Father MacDonald -- that he has fully recanted
20 all allegations he had made against Father MacDonald. Are
21 you aware of that?

22 **MR. BOURGEOIS:** I've been told that by Mr.
23 Ruel, yes.

24 **MR. NEVILLE:** Were you told of the
25 circumstances in which he made that recantation?

1 **MR. BOURGEOIS:** No.

2 **MR. NEVILLE:** Were you told that it happened
3 in fact in a pre-trial interview with the Crown attorney?
4 Not here at the inquiry, but with the Crown?

5 **MR. BOURGEOIS:** No, I didn't know that, sir.

6 **MR. NEVILLE:** Can we look, Mr. Commissioner,
7 at document 105525? It's Exhibit, as well, C-625. It
8 should come up on the screen there for you.

9 **THE COMMISSIONER:** Well, we have it in
10 binders as well. You say 625?

11 **MR. NEVILLE:** One zero five ---

12 **THE COMMISSIONER:** No, I go by exhibit
13 number.

14 **MR. NEVILLE:** Oh, sorry, Your Worship, Your
15 Honour. It's Exhibit C-625. And its doc number is 105525.

16 **MR. BOURGEOIS:** Yes, sir.

17 **MR. NEVILLE:** Do you have it?

18 **MR. BOURGEOIS:** Yep.

19 **MR. NEVILLE:** Now, if you just look at the
20 third or final page, you will see it's the final notes of a
21 Kevin Phillips, dated March 14th, 2002 and I can advise you,
22 I believe Mr. Commissioner would be aware of this that Mr.
23 Phillips was one of the two prosecutors in the trial that
24 started eventually at the end of April 2002 for Father
25 MacDonald, all right?

1 And if you look on the first page, you'll
2 see the heading that it's C-8 being interviewed on the 12th
3 of March 2002, and present were Detective Seguin -- I think
4 that should be a "g" for Seguin -- Lorne McConnery, who I
5 can advise you was the senior lead Crown.

6 Do you know Mr. McConnery, by the way, as a
7 Crown?

8 **MR. BOURGEOIS:** Yes, I do know him.

9 **MR. NEVILLE:** He is now the senior Crown in
10 Barrie, is he not?

11 **MR. BOURGEOIS:** He is the Crown attorney in
12 Barrie, yes.

13 **MR. NEVILLE:** Right. And me, meaning Mr.
14 Phillips, and C-8. If we could look together on page 2.

15 **MR. BOURGEOIS:** Yes, sir.

16 **MR. NEVILLE:** Just above the middle of the
17 page, we see the following:

18 "Mr. C-8 began to cry. He says, in
19 quotes..."

20 **THE COMMISSIONER:** No, okay, sir, sir. One
21 of the things we've done in the past -- well, you may think
22 it's funny but I don't think ---

23 **MR. NEVILLE:** I don't think it's funny, sir.

24 **THE COMMISSIONER:** I don't think C-8 thinks
25 it's very funny. Maybe a suggestion is when you're cross-

1 examining, if you're going to refer to these things, you
2 can take one of your staff to scratch out and put C-8.
3 That might be a way because I am very serious that we have
4 to maintain confidentiality here. Is that clear?

5 **MR. NEVILLE:** I understand that. Am I
6 correct, Mr. Commissioner, that the confidentiality for
7 this gentleman is because of the publication ban?

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

9 **MR. NEVILLE:** No?

10 **THE COMMISSIONER:** C-8's evidence was heard
11 in camera.

12 **MR. NEVILLE:** I understand that. So that is
13 across the board.

14 **THE COMMISSIONER:** I am sorry?

15 **MR. NEVILLE:** It's across the board
16 confidentiality for him. I understood it had something to
17 do with order of the prelim. I may be wrong.

18 **THE COMMISSIONER:** Oh, boy.

19 **MR. NEVILLE:** Well, I'll move on. I'll call
20 -- I'll try my best to call him C-8.

21 **THE COMMISSIONER:** Oh, you'd better do a lot
22 better than your best, because we cannot go on like this.
23 This is being broadcast. People can see this around the
24 world so to speak. And so you're going to have to do
25 better.

1 **MR. NEVILLE:** I'll do that.

2 **THE COMMISSIONER:** Good, thank you. Carry
3 on.

4 **MR. NEVILLE:** Thank you.
5 I'll carry on, sir.

6 "Unprompted, C-8 goes back to
7 impressing upon us that he never wanted
8 to make a complaint about Father
9 Charles in the first place. He says
10 that while he was talking to Dunlop
11 [and then in quotation marks] 'I felt
12 like more was better' and that he
13 included Father Charles [in quotes] 'to
14 satisfy Perry'. C-8 says that he felt
15 pressured as a result of being rushed
16 around all the time. 'He (Dunlop) kept
17 pushing the fucking priest. I felt
18 like I had to do all of this' [again in
19 quotation marks]."

20 Then there's a reference in Mr. Phillips'
21 notes to the witness crying. And if we look at the third
22 entry from the bottom:

23 "Lorne [meaning Mr. McConnery] begins
24 to put to him that he will have some
25 problems as a witness. Out of the

1 blue, C-8 blurts, 'That never happened
2 at my father's funeral. I felt like I
3 had to give more. Dunlop said to me:
4 "What about the candles? What about
5 the candles?"' Lorne says: 'Are you
6 saying that it didn't happen at your
7 father's funeral, or it didn't happen?'
8 C-8's answer, 'What I said happened
9 there never happened.'"

10 Now, when did you become aware that this is
11 what took place with C-8? When did you become aware that
12 these were the circumstances of his recantation in a Crown
13 preparatory interview? When did you learn that; just this
14 minute?

15 **MR. BOURGEOIS:** In terms of C-8?

16 **MR. NEVILLE:** No, in terms of C-8.

17 **THE COMMISSIONER:** Okay, C-8. C-8.

18 **MR. BOURGEOIS:** When C-8 recanted?

19 **THE COMMISSIONER:** When did you learn about
20 it?

21 **MR. NEVILLE:** When did you learn?

22 **THE COMMISSIONER:** He recanted in 2002,
23 March 14th.

24 **MR. NEVILLE:** Shortly before Father
25 MacDonald's trial which started on April 29th. This was his

1 interview to prepare him for that trial. And as it says
2 here, unprompted, he advised Mr. McConnery, the officer
3 present, and Mr. Phillips that all of his allegations
4 against Father Charles never happened.

5 When did you learn that he had done that?

6 **MR. BOURGEOIS:** Through these proceedings.

7 **MR. NEVILLE:** During these proceedings?

8 **MR. BOURGEOIS:** That's the best of my
9 knowledge.

10 **MR. NEVILLE:** So until either Commission
11 counsel or somehow you learned that that had happened and
12 you learned that for the first time this week in 2007; is
13 that correct?

14 **MR. BOURGEOIS:** Regarding C-8 ---

15 **MR. NEVILLE:** Let me put it to you this way,
16 sir. Did you know before this week that C-8 had recanted
17 the entire story against Father MacDonald?

18 **MR. BOURGEOIS:** I didn't know that he had
19 recanted the entire story. I did get -- I did have some
20 very big discussions with Mr. McConnery who indicated there
21 was some problems with the case.

22 **MR. NEVILLE:** In proximity to this
23 interview?

24 **MR. BOURGEOIS:** I don't know when it was.

25 **MR. NEVILLE:** Did he call you?

1 **MR. BOURGEOIS:** Call me or saw me.

2 **MR. NEVILLE:** And he advised you there was a
3 problem with the case vis-à-vis C-8. Is that right?

4 **MR. BOURGEOIS:** There's a problem with the
5 case. I don't know what he meant by that. It could have
6 been an 11(b) problem, sir, a delay problem or something,
7 but he indicated there was a problem with the case.

8 **MR. NEVILLE:** Well, did he call you before
9 Mr. Justice Chilcott's ruling staying the proceedings or
10 after?

11 **MR. BOURGEOIS:** I don't know.

12 **MR. NEVILLE:** Did he, at any point, indicate
13 to you specifically a problem with C-8 and his story about
14 Father MacDonald?

15 **MR. BOURGEOIS:** I don't remember if he --
16 what he said specifically.

17 **MR. NEVILLE:** Now, let me just -- so we can
18 get the dates straight in part from when you were being
19 questioned by Mr. Manson. You have available to you the
20 two transcripts that relate to the plea and sentencing in
21 late February '97 for C-8.

22 **MR. BOURGEOIS:** Yes, sir.

23 **MR. NEVILLE:** You've got those and you've
24 had a chance to look at them?

25 **MR. BOURGEOIS:** Yes.

1 **MR. NEVILLE:** And could we have visible
2 please, Mr. Commissioner, document 116282?

3 **THE COMMISSIONER:** Is that a new document?

4 **MR. NEVILLE:** It's one I gave notice of.
5 This is the -- so you know, Mr. Commissioner, is the Crown
6 brief for the C-8 case.

7 **THE COMMISSIONER:** So is this more things
8 that you hadn't disclosed or is that already ---

9 **MR. NEVILLE:** It's in the database.

10 **THE COMMISSIONER:** Oh, good. See, getting
11 along better already. Exhibit C -- no, not C. Can I see
12 that?

13 **MR. NEVILLE:** It's not an exhibit, sir.
14 It's only a scanned ---

15 **THE COMMISSIONER:** No, but for these
16 proceedings, it is and if it has -- yes, this is on -- I'm
17 sorry. What is this?

18 **MR. NEVILLE:** This is the Crown Disclosure
19 Brief.

20 **THE COMMISSIONER:** Right. So there will be
21 a note that it -- there's a -- it's a confidential document
22 for the purpose of this Inquiry.

23 --- **EXHIBIT NO./ PIÈCE No. C-739**

24 Crown Disclosure Brief

25 **MR. NEVILLE:** And for purposes of our

1 proceedings here, Mr. Commissioner, I only wish to refer to
2 a couple of documents. What I'm attempting to do here is
3 to clarify dates and Mr. Bourgeois' status as counsel. All
4 right?

5 And if you could look, Mr. Bourgeois, it's
6 -- for some reason, these pages don't seem to be numbered
7 -- if you can look at, it's about halfway through, third to
8 halfway, and you will find the charge document, the
9 information. And you will also find C-8's release
10 document, his Undertaking to a Justice. Have you found it?

11 **MR. BOURGEOIS:** No, just a second, sir.

12 **MR. NEVILLE:** It's not quite halfway
13 through.

14 **THE COMMISSIONER:** It's about a third I
15 would say.

16 **MR. NEVILLE:** I think that's right.

17 **MR. BOURGEOIS:** Okay.

18 **MR. NEVILLE:** Have you found it?

19 We might save time, Mr. Commissioner, by
20 simply approach Mr. Bourgeois and show him the page.

21 **THE COMMISSIONER:** Do you mind, Mr.
22 Bourgeois?

23 **MR. BOURGEOIS:** No. Not at all, sir.

24 Okay. I have it now sir.

25 **MR. NEVILLE:** (off mic) Just after the page

1 (off mic) the Commissioner with the information.

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

3 **MR. NEVILLE:** And you yourself have been
4 able to find it?

5 **THE COMMISSIONER:** Yes.

6 **MR. NEVILLE:** It's called "Undertaking given
7 to a Justice or a judge", and you will see it relates to C-
8 then, Mr. Bourgeois.

9 **MR. BOURGEOIS:** Yes.

10 **MR. NEVILLE:** And if you look over at the
11 next page -- well, on that page, you can see it's the 19th
12 of December is when he enters in his Undertaking.

13 **MR. BOURGEOIS:** Yes.

14 **MR. NEVILLE:** All right? And if you turn
15 onto the next page, you'll see his court appearance is
16 Thursday, 23 January 1997.

17 **THE COMMISSIONER:** Well, actually, I think
18 it's in the released document.

19 **MR. NEVILLE:** I'm sorry?

20 **THE COMMISSIONER:** It's in the released --
21 okay, just a minute. It's Appendix A?

22 **MR. NEVILLE:** Yes.

23 **THE COMMISSIONER:** Yes, there's the
24 Undertaking; the next page ---

25 **MR. NEVILLE:** Yes, yes. Yes.

1 **THE COMMISSIONER:** You see it says, "Court
2 date: Thursday, 23rd of January 1997" and then there's the
3 Terms of Release.

4 **MR. NEVILLE:** In fact, it appears on both
5 pages, sir.

6 **THE COMMISSIONER:** Oh, okay.

7 **MR. NEVILLE:** The front page, it's headed
8 "Undertaking"; you see:

9 "I may be released from custody. I
10 undertake to attend court on Thursday,
11 twenty-third day of January 1997".

12 Do you see that?

13 **MR. BOURGEOIS:** On the top, yeah.

14 **MR. NEVILLE:** Right. So C-8 is arrested and
15 released on the 19th of December.

16 **MR. BOURGEOIS:** Yes.

17 **MR. NEVILLE:** And his first appearance is
18 the 23rd of January '97. Right?

19 **MR. BOURGEOIS:** Okay.

20 **MR. NEVILLE:** And we know from other
21 documents that we will look at in a minute that the 23rd of
22 January 1997 is also when you take your client to be
23 interviewed at the Lancaster Detachment. Right?

24 **MR. BOURGEOIS:** According to the document,
25 yes.

1 **MR. NEVILLE:** All right. You are not
2 questioning the document I take it?

3 **MR. BOURGEOIS:** No, I'm not questioning the
4 document.

5 **MR. NEVILLE:** And it's our Exhibit C-607,
6 Mr. Commissioner, document 117362.

7 **THE COMMISSIONER:** I'm sorry, Exhibit?

8 **MR. NEVILLE:** C-607.

9 **THE COMMISSIONER:** Yes, okay.

10 **MR. NEVILLE:** Document number 117362.

11 **THE COMMISSIONER:** All right. So there's
12 the videotaped interview on the 23rd of January of C-8.

13 **MR. NEVILLE:** And you can see the persons
14 present include Officer Genier, C-8 and yourself?

15 **MR. BOURGEOIS:** Yes.

16 **MR. NEVILLE:** And it's at 3:14 in the
17 afternoon until 3:33.

18 **MR. BOURGEOIS:** Yes.

19 **MR. NEVILLE:** And it's a taped interview in
20 which, for all intents and purposes, C-8 reads onto the
21 video the statement. Right?

22 **MR. BOURGEOIS:** Well, he reads some of it
23 and then answers some questions.

24 **MR. NEVILLE:** I agree.

25 **MR. BOURGEOIS:** Okay.

1 **MR. NEVILLE:** And we have also -- and you
2 have it up there, I think, with you -- we have as document
3 734805, which is Exhibit C-610, Mr. Commissioner.

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

5 **MR. NEVILLE:** The actual typed statement of
6 this gentleman and if you look at the last page of it, it's
7 dated the 23rd of January 1997.

8 **MR. BOURGEOIS:** Okay.

9 **MR. NEVILLE:** Now, the Commission has heard
10 some evidence that you slept overnight at Mr. Dunlop's
11 house, so that you could accompany your client to court
12 that morning. It's for his first appearance. And then you
13 went from court in Alexandria to Lancaster and did these
14 two videos, one for Father MacDonald and one in relation to
15 Mr. Lalonde. Right?

16 **MR. BOURGEOIS:** I don't know about the first
17 appearance. Do you have a copy of the info to see if I was
18 present or not? Because I don't remember if I was or not.
19 As you would know in that work ---

20 **MR. NEVILLE:** Well, that's the evidence.
21 Right. Well, let's put it ---

22 **MR. BOURGEOIS:** You don't have to be there
23 at the first appearance.

24 **MR. NEVILLE:** No, you absolutely don't have
25 to. Let me ask you this, sir. Do you recall going to

1 court with him for his first appearance?

2 MR. BOURGEOIS: I recall -- I only have an
3 independent recollection of going there the day that it was
4 disposed of. I'm not saying I didn't go. I just don't
5 remember that.

6 MR. NEVILLE: You don't remember. All
7 right. Well, I take it you remember, independently and
8 otherwise, that you ended up in the afternoon at the
9 Lancaster Detachment with C-8?

10 MR. BOURGEOIS: Yeah, I remember, I remember
11 that.

12 MR. NEVILLE: And doing the taped
13 statements, two of them. Right?

14 MR. BOURGEOIS: Not two of them, but
15 remember being there with the officer.

16 MR. NEVILLE: Well, wasn't there a taping in
17 relation to Father Charles and then a separate taped
18 statement in relation to Mr. Lalonde?

19 MR. BOURGEOIS: I wouldn't remember that one
20 way or another. I just remember independently going there.
21 If I read the documents to refresh my memory, I'm not
22 disagreeing with you that that's how it happened but ---

23 MR. NEVILLE: Fine. Now, the document that
24 is read onto the tape, we've also heard evidence that this
25 document was prepared from a written version that no longer

1 exists and that it was typed or composed on a computer with
2 C-8 and Mr. Dunlop at Mr. Dunlop's next door neighbour's.
3 Are you aware of that?

4 **MR. BOURGEOIS:** As I think I indicated
5 yesterday, I can't say it didn't happen one way or another.

6 **MR. NEVILLE:** Now, we see ---

7 **MR. BOURGEOIS:** I know those resources were
8 being used, sir.

9 **MR. NEVILLE:** We see on the face of the
10 statement, and you've mentioned it in your evidence in-
11 chief, that something is written on in your writing.

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

13 **MR. NEVILLE:** Did you do that the date of
14 the statement?

15 **MR. BOURGEOIS:** I don't know sir.

16 **MR. NEVILLE:** Now, a previous exhibit in
17 relation to this same witness, Exhibit C-606, document
18 117614.

19 **MR. BOURGEOIS:** I have it now.

20 **MR. NEVILLE:** You have it. And you
21 recognized this one in-chief as a statement done on the 12th
22 of December 1996 with C-8's signature and indicated for Mr.
23 Commissioner that you would, at some point, have seen and
24 read this. That's what you told us yesterday.

25 **MR. BOURGEOIS:** I'm sure that at some point

1 I saw it.

2 MR. NEVILLE: All right. Well, can we look
3 at the two statements side by side.

4 MR. BOURGEOIS: Okay.

5 MR. NEVILLE: Well, we know that C-8's date
6 of birth was December 1964, right? It's on the statement,
7 both copies.

8 MR. BOURGEOIS: Okay.

9 MR. NEVILLE: All right?

10 MR. BOURGEOIS: Yes, sir.

11 MR. NEVILLE: And in the first one, in
12 December, he alleges sexual assault at the church at the
13 ages of 12 and 13 while an altar boy; right?

14 MR. BOURGEOIS: In the first sentence, yeah.
15 Okay.

16 MR. NEVILLE: M'hm.

17 MR. BOURGEOIS: Yup.

18 MR. NEVILLE: And further down in the
19 paragraph, it says:

20 "I have a hard time remembering if it
21 was in the Sacristy area of the church
22 or in the parish house."

23 Do you see that?

24 MR. BOURGEOIS: Yup.

25 MR. NEVILLE: Now, if we look at the next

1 one, from January '97 ---

2 MR. BOURGEOIS: Yes, sir.

3 MR. NEVILLE: --- Exhibit C-610, he talks in
4 the first full paragraph after his biographical
5 introduction, he became an altar boy or was an altar boy
6 when 11 years old; right?

7 MR. BOURGEOIS: It says that, yeah.

8 MR. NEVILLE: M'hm. And he talks about
9 wanting to be an altar boy and being sent to speak to
10 Father Charles. That Father Charles was the head priest.
11 That he would serve Sunday Mass at 11 o'clock, and he
12 remembers Father Charles being the first person to assault
13 him. And then he says:

14 "For the next two years, I found I
15 would often be alone with Father
16 Charlie."

17 You see all that?

18 MR. BOURGEOIS: Yup.

19 MR. NEVILLE: Now, what investigation did
20 you do, as Mr. Dunlop's lawyer, as to whether these details
21 were true or not?

22 MR. BOURGEOIS: What do you mean,
23 "investigations"?

24 MR. NEVILLE: Well, you put forward Mr. C-8
25 as part of Dunlop's case, right? He was one of the

1 witnesses in support of his litigation.

2 MR. BOURGEOIS: Yeah.

3 MR. NEVILLE: Right. And his story is that
4 he is sexually assaulted by this priest for some two years
5 starting -- it would have to be in 1975 and on, while
6 serving Mass with Father Charles at Saint Columbus; right?

7 MR. BOURGEOIS: I don't know if it says for
8 two years but ---

9 MR. NEVILLE: Yes, it does.

10 MR. BOURGEOIS: Oh, okay, if it does ---

11 MR. NEVILLE: I just read it to you:

12 "For the next two years, I found I
13 would often be alone with Father Charlie."

14 MR. BOURGEOIS: Okay.

15 MR. NEVILLE: Right? He then goes on to say
16 at the bottom of the page that he served at his father's
17 funeral.

18 And on the next page, describes in detail an
19 act of sexual assault that included a candle in his -- and
20 I use the exact words, "butt." Do you see that?

21 MR. BOURGEOIS: Yup.

22 MR. NEVILLE: Now, what investigation did
23 you do as to when C-8's father passed away and had his
24 funeral? Any?

25 MR. BOURGEOIS: No.

1 **MR. NEVILLE:** You didn't do any, did you?

2 **MR. BOURGEOIS:** No.

3 **MR. NEVILLE:** Do you know that the objective
4 facts, sir, are -- were then and are now, that Father
5 Charles was gone from that Parish by July of 1975?

6 **MR. BOURGEOIS:** I can't answer that one way
7 or another, sir, sorry.

8 **MR. NEVILLE:** Did you know that the facts
9 are that on the date of the funeral of C-8's father, Father
10 Charles was saying Mass in another place, and at 10 o'clock
11 was at a meeting in yet another city? Did you know any of
12 those facts?

13 **MR. BOURGEOIS:** No.

14 **THE COMMISSIONER:** I take it you're going to
15 have someone to confirm those facts?

16 **MR. NEVILLE:** Those facts are available.

17 **THE COMMISSIONER:** Okay.

18 **MR. NEVILLE:** Again, I can tell you, Mr.
19 Commissioner, that in the extensive cross-examination of C-
20 8 at the Preliminary Inquiry, all of that was brought
21 forward, including the supporting documents.

22 **THE COMMISSIONER:** No, I know, but what's
23 the relevance here, then?

24 **MR. NEVILLE:** Well, simply to determine that
25 these objective facts, that completely contradict this

1 story, were never investigated.

2 THE COMMISSIONER: Right.

3 MR. NEVILLE: The story was put forward ---

4 THE COMMISSIONER: Right.

5 MR. NEVILLE: --- including in support of a
6 plea in mitigation of sentence, none of which happened.

7 And all were recanted ---

8 THE COMMISSIONER: Right.

9 MR. NEVILLE: --- in 2002.

10 THE COMMISSIONER: Yes.

11 MR. NEVILLE: But it was put in the public
12 domain ---

13 THE COMMISSIONER: M'hm.

14 MR. NEVILLE: --- against Father Charles, in
15 part, through this witness.

16 THE COMMISSIONER: Right. But are you
17 saying that there's a duty if you get a sworn affidavit
18 from a witness saying this is what happened -- you're
19 saying there's a positive duty written someplace that this
20 witness must do that?

21 MR. NEVILLE: I would suggest the careful
22 practitioner would check some of these things out, sir,
23 before putting a story like that in the public domain.

24 THE COMMISSIONER: So you, as a criminal
25 lawyer, if someone comes up and swears an affidavit for you

1 for someone who's charged with a bank robbery, and comes up
2 with an alibi, so someone comes up and says, "Sir, I was
3 with him all night and I'm willing to swear an affidavit to
4 that."

5 **MR. NEVILLE:** M'hm.

6 **THE COMMISSIONER:** And so that you would go
7 out and say, Fine, I take that affidavit and then I'm going
8 to go out and hire a detective and do all kinds of things
9 to verify whether that witness is credible?

10 **MR. NEVILLE:** I certainly would.

11 **THE COMMISSIONER:** Okay.

12 **MR. NEVILLE:** And I would then follow
13 through on my obligation to disclose it in a timely fashion
14 to the Crown and the police so they could check it out.

15 **THE COMMISSIONER:** In a criminal proceeding.

16 **MR. NEVILLE:** Exactly.

17 **THE COMMISSIONER:** Right. This is a civil
18 proceeding.

19 **MR. NEVILLE:** Well -- except this led to a
20 criminal proceeding against my client.

21 **THE COMMISSIONER:** That -- that is separate
22 and apart -- he wasn't the prosecutor.

23 **MR. NEVILLE:** I'm sorry?

24 **THE COMMISSIONER:** He wasn't the prosecutor.

25 **MR. NEVILLE:** Mr. Bourgeois?

1 **THE COMMISSIONER:** Right.

2 **MR. NEVILLE:** No, of course not.

3 **THE COMMISSIONER:** Of course not.

4 **MR. NEVILLE:** Of course not.

5 **THE COMMISSIONER:** Right.

6 **MR. NEVILLE:** I'm simply saying to the Mr.
7 Commissioner, and I suggest to Mr. Bourgeois, that some of
8 these objective facts were easily verified but nobody did
9 it.

10 **THE COMMISSIONER:** Well, just a minute now.
11 And I don't want -- from what I understand is this
12 gentleman and Dunlop got this information in October 1996.

13 **MR. NEVILLE:** Well, that's debatable but
14 certainly it's available in some form, in a written
15 statement, in December of '96, I agree.

16 **THE COMMISSIONER:** Right. Writes away to
17 Chief Fantino; "What are we going to do with this? This is
18 getting too big."

19 In February, oh, he's gotten Leroux going
20 over ---

21 **MR. NEVILLE:** Well, Mr. Commissioner, this
22 witness took this document and had his client give it under
23 oath at the Lancaster Detachment.

24 **THE COMMISSIONER:** His client, Mr. Leroux.
25 No, C-8.

1 **MR. NEVILLE:** C-8.

2 **THE COMMISSIONER:** Yes.

3 **MR. NEVILLE:** Fine.

4 **THE COMMISSIONER:** Right.

5 **MR. NEVILLE:** And put it forward as accurate
6 and truthful and told you that he considered this person to
7 be a truthful person.

8 **THE COMMISSIONER:** Right. But all I'm
9 trying to get is -- see, the duty is once it goes to the
10 Lancaster -- I mean, he's given it to the officials so
11 wouldn't you want to ask those folks whether or not they
12 went through their due diligence, in the criminal matter,
13 to determine that?

14 **MR. NEVILLE:** We may get there.

15 **THE COMMISSIONER:** We may get there.

16 So what I'm saying though is, I can't see
17 the relevance -- you know, I mean, you've asked him, "Did
18 you do any steps?" "No." Okay. So where else ---

19 **MR. NEVILLE:** That's fine. That's
20 essentially my point, sir.

21 **THE COMMISSIONER:** Okay.

22 **MR. NEVILLE:** Is that there were eminently
23 checked -- verifiable facts, none of which were verified.
24 Which, if checked -- the simplest being the CV of the
25 priest and/or the date of the funeral, might lead one being

1 at all careful to say, "What do I have here?"

2 **THE COMMISSIONER:** Well, I think ---

3 **MR. NEVILLE:** That's my position.

4 **THE COMMISSIONER:** Then I think we'll look
5 at the standard of care of a solicitor who is bringing a
6 civil action, and maybe we'll determine whether or not
7 there was some wilful blindness or whatever.

8 **MR. NEVILLE:** Well, we'll go a little
9 further than that, if I could, briefly, if I may.

10 Mr. Bourgeois, when you got to the Lancaster
11 Detachment did you know that your client was going to be
12 asked to give this statement under oath?

13 **MR. BOURGEOIS:** I can't remember one way or
14 another.

15 **MR. NEVILLE:** You've got the transcript ---

16 **MR. BOURGEOIS:** Yeah, it's ---

17 **MR. NEVILLE:** --- of the videotaped
18 interview; right?

19 **MR. BOURGEOIS:** Right.

20 **MR. NEVILLE:** It's in the format of what
21 we've come to recognize as a KGB-type statement; right?
22 It's under oath with warnings.

23 **MR. BOURGEOIS:** Okay.

24 **MR. NEVILLE:** He's warned on page 2 of the
25 document, Mr. Commissioner, that he's under oath, it is

1 considered sworn testimony; lying under oath is a criminal
2 offence, doing so may result in perjury charges. Right?

3 **MR. BOURGEOIS:** Okay.

4 **MR. NEVILLE:** Now, this gentleman was your
5 client on a charge of sexual assault; right?

6 **MR. BOURGEOIS:** Okay.

7 **MR. NEVILLE:** And he goes and gives a sworn
8 statement at the police department. What was the purpose
9 of him doing that on that date?

10 **MR. BOURGEOIS:** Provide the information to
11 the authorities.

12 **MR. NEVILLE:** Which would allow you, I
13 suggest, to do what you did on the 26th of February and that
14 is to plead on behalf of your client that he was a sexual
15 assault victim in mitigation of sentence and had filed a
16 complaint. Isn't that right?

17 **MR. BOURGEOIS:** I think of all people, you
18 would know I don't think there would be any distinction
19 whether you are a victim of one or three.

20 **MR. NEVILLE:** Well, I would ask you not to
21 speak for me, if you don't mind, sir.

22 **MR. BOURGEOIS:** I'm sorry.

23 **MR. NEVILLE:** I will speak for a judge who's
24 hearing the submission.

25 **MR. BOURGEOIS:** Okay.

1 **MR. NEVILLE:** Who's told that his client,
2 who is seeking mitigation, is a victim of three
3 perpetrators.

4 **MR. BOURGEOIS:** Correct.

5 **MR. NEVILLE:** We know one now, is a complete
6 fabrication. Are you aware, for example, that a result of
7 investigation and review of a file by the Crown
8 prosecutors, that no charges were laid against Mr. Leroux
9 on the say-so of C-8? Did you know that?

10 **MR. BOURGEOIS:** No.

11 **MR. NEVILLE:** No. Thank you.

12 **THE COMMISSIONER:** But sir, in fairness, in
13 fairness, it may not have anything to do with the
14 credibility or whether or not the assault took place. It
15 has to do with a lot of things; maybe consent, maybe the --
16 what's the Crown Attorney's word there ---

17 **MR. NEVILLE:** Mr. Commissioner, I quite
18 agree with you.

19 My point simply being that the mitigating
20 facts of three perpetrators are based entirely on the say-
21 so of C-8. There was nothing to verify it, other than his
22 say-so. And in fact, in relation to my client's
23 allegation, it was an entire fabrication.

24 **THE COMMISSIONER:** That's what he says.

25 **MR. NEVILLE:** So I suggest to you, Mr.

1 Commissioner, that to that extent, I'm not saying
2 intentionally by Mr. Bourgeois, a fraud was committed, in
3 part, on Judge Renaud. That's what happened.

4 Now ---

5 **THE COMMISSIONER:** Well, leave that for
6 submissions.

7 **MR. NEVILLE:** Mr. Bourgeois, you appreciate,
8 I'm sure, the devastating impact an allegation of child
9 sexual abuse could have on a person's reputation in the
10 community?

11 **MR. BOURGEOIS:** Yes.

12 **MR. NEVILLE:** Short of maybe homicide, it's
13 maybe the most damaging, from a personal level, to be
14 charged as a child abuser.

15 **MR. BOURGEOIS:** I agree with that.

16 **MR. NEVILLE:** All right. And you would
17 want, I suggest to you, you do defence work, you would like
18 to think that the authorities would carefully consider the
19 evidence before charging someone with such a serious
20 damaging offence; right?

21 **MR. BOURGEOIS:** Yup.

22 **MR. NEVILLE:** But I take it when you put
23 this type of allegation forward in a civil matter, it
24 doesn't require that kind of checking?

25 **MR. BOURGEOIS:** That's for somebody else to

1 determine, sir.

2 MR. NEVILLE: No that's for you. You put it
3 forward.

4 MR. BOURGEOIS: We had affidavits. He was
5 maintaining that was the truth.

6 MR. NEVILLE: Mr. Bourgeois, did you make
7 any attempt to find out whether Father Charles was even at
8 that church?

9 THE COMMISSIONER: No, okay. Hold it. You
10 have asked that question.

11 MR. NEVILLE: All right.

12 THE COMMISSIONER: I thought we had our
13 discussion, and I thought we had ---

14 MR. NEVILLE: I'll move on.

15 THE COMMISSIONER: --- we had agreed that
16 you had made your point and we'd go ---

17 MR. NEVILLE: Yes.

18 Now, one of the documents referred to is the
19 affidavit of Robert Renshaw.

20 MR. BOURGEOIS: Okay.

21 MR. NEVILLE: Mr. Commissioner, it's
22 Document 721879.

23 THE COMMISSIONER: M'hm.

24 MR. NEVILLE: It's presently Exhibit 334.

25 THE COMMISSIONER: We have it in the loose

1 material some place.

2 MR. BOURGEOIS: Is that Robert Renshaw?

3 MR. NEVILLE: Yeah.

4 MR. BOURGEOIS: Yes.

5 MR. NEVILLE: Yes.

6 Now, this document has on the first page a
7 Style of Cause in the General Division, as it was then
8 known, and it has an actual court file number, which is the
9 court file number for Perry Dunlop's action that you had
10 carriage of; correct?

11 MR. BOURGEOIS: Yes.

12 MR. NEVILLE: Now, what was the purpose of
13 this affidavit?

14 MR. BOURGEOIS: I really can't remember what
15 the purpose was, sir.

16 MR. NEVILLE: You swore it.

17 MR. BOURGEOIS: Yes.

18 MR. NEVILLE: You're the Commissioner on the
19 last page?

20 MR. BOURGEOIS: Yes.

21 MR. NEVILLE: What was it going to be used
22 for in the context of a civil action with the Style of
23 Cause of Mr. Dunlop's claim?

24 MR. BOURGEOIS: I can't remember what it was
25 going to use for.

1 **MR. NEVILLE:** Paragraph 2, Renshaw says
2 under oath that he went to the Rectory, the parish house,
3 in September of 1981 and alleges certain things happened
4 there; right? Correct?

5 **MR. BOURGEOIS:** Yup.

6 **MR. NEVILLE:** And what he alleges is serious
7 sexual misconduct against another person; right?

8 **MR. BOURGEOIS:** Yes.

9 **MR. NEVILLE:** What investigation, checking
10 of facts did you do before putting this sworn allegation
11 forward?

12 **MR. BOURGEOIS:** In term of a specific
13 investigation for this?

14 **MR. NEVILLE:** Of Mr. Renshaw's allegation.

15 **MR. BOURGEOIS:** No, nothing.

16 **MR. NEVILLE:** Nothing.

17 Did you know, sir, or do you realize now
18 that as of 1981, Father Charles had not been at that parish
19 for six years?

20 **THE COMMISSIONER:** Had not been; you mean
21 assigned to that parish?

22 **MR. NEVILLE:** Correct.

23 **THE COMMISSIONER:** Could have made a guest
24 appearance though.

25 **MR. NEVILLE:** Oh, I guess anything's

1 possible, sir.

2 **THE COMMISSIONER:** Anything's possible.

3 **MR. NEVILLE:** Anything's possible.

4 **THE COMMISSIONER:** So anyway, in any event,
5 the answer is no, he didn't do any investigation.

6 **MR. NEVILLE:** He did no investigation as to
7 what parish he was even assigned to?

8 **MR. BOURGEOIS:** No.

9 **MR. NEVILLE:** Just took anything what this
10 man had to say at face value and put it in an affidavit?

11 **MR. BOURGEOIS:** It was his affidavit.

12 **MR. NEVILLE:** Do you remember the questions
13 I asked you a few minutes ago about the importance of not
14 wrongfully charging someone with such a serious matter as
15 sexual assault?

16 **THE COMMISSIONER:** Just a second, sir. He's
17 not charging anybody.

18 **MR. NEVILLE:** Mr. Renshaw became a
19 complainant -- I can tell you, Mr. Commissioner, he became
20 a complainant against my client, based entirely on this
21 affidavit.

22 **THE COMMISSIONER:** Of course, he did. Of
23 course he did.

24 **MR. NEVILLE:** So that's what it was used
25 for.

1 **THE COMMISSIONER:** No. So wait a minute.
2 You're telling me -- you're alleging that this document
3 with the Style of Cause was used to go to the police and
4 start the motions going?

5 **MR. NEVILLE:** For this complainant.

6 **THE COMMISSIONER:** Yes, of course.

7 **MR. NEVILLE:** Yeah.

8 **THE COMMISSIONER:** I can understand that.

9 **MR. NEVILLE:** Yes.

10 **THE COMMISSIONER:** But again, I don't see
11 that -- what you said is that this was the document that
12 was used for the prosecution. And ---

13 **MR. NEVILLE:** Well, that and other
14 interviews.

15 **THE COMMISSIONER:** Well, of course, of
16 course. But this was the starting point where they started
17 the thing but that has nothing to do with Mr. ---

18 **MR. NEVILLE:** Well, I can advise you, Mr.
19 Commissioner, that when Mr. Renshaw was cross-examined by
20 me ---

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

22 **MR. NEVILLE:** --- he gave evidence that he
23 thought this was a police statement leading to the laying
24 of a charge.

25 **THE COMMISSIONER:** Yes.

1 **MR. NEVILLE:** And I can give you the
2 references, if you so wish. But that's what he thought was
3 going on.

4 **THE COMMISSIONER:** Well ---

5 **MR. NEVILLE:** And he was asked to explain,
6 if that's the case, why does it have that Style of Cause?

7 **THE COMMISSIONER:** Well, Mr. Renshaw gave
8 evidence here; did he not?

9 **MR. NEVILLE:** He did.

10 **THE COMMISSIONER:** So I'm sure he was cross-
11 examined by your associates, so we don't have to go there.

12 **MR. NEVILLE:** I'll move on.

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

14 **MR. NEVILLE:** Could I just ask you, sir, to
15 look at the fourth page of the -- sorry, the fifth page --
16 let me try again; at the -- I guess it's the sixth page.
17 It has a number in the bottom right corner, 10313.

18 **THE COMMISSIONER:** Are we looking at the ---

19 **MR. NEVILLE:** I am looking at the Renshaw
20 affidavit.

21 **THE COMMISSIONER:** What paragraph?

22 **MR. NEVILLE:** Nineteen (19).

23 **THE COMMISSIONER:** Okay.

24 **MR. BOURGEOIS:** Yes.

25 **MR. NEVILLE:** Is that typical wording in an

1 affidavit to be used in court?

2 MR. BOURGEOIS: No.

3 MR. NEVILLE: No.

4 Now, I asked you some questions about
5 putting forward allegations against someone that has not
6 been properly verified. I talk with you about the civil
7 versus the criminal. And Mr. Commissioner had his own
8 comments; correct? We talked about that.

9 MR. BOURGEOIS: Yeah.

10 MR. NEVILLE: Now, during your representing
11 of Mr. Dunlop, were you put on notice by lawyers for some
12 of the people against whom allegations were made about what
13 you were doing and naming them?

14 MR. BOURGEOIS: I may have.

15 MR. NEVILLE: Can we look, Mr. Commissioner,
16 at document 721626, page 20?

17 THE COMMISSIONER: Is it an exhibit already?

18 MR. NEVILLE: No.

19 THE COMMISSIONER: Let's see what it is,
20 please. No, it's not an exhibit yet, Mr. Bourgeois.

21 MR. BOURGEOIS: Oh, sorry.

22 MR. NEVILLE: In fact, Mr. Commissioner, I
23 can tell you that there are four very similar letters and I
24 can give you the page numbers from the document.

25 THE COMMISSIONER: Well, let's just see.

1 It's more for that clerk ---

2 **MR. NEVILLE:** Yes.

3 **THE COMMISSIONER:** --- I understand what she
4 has to pick out.

5 **MR. NEVILLE:** If it will assist Madam Clerk,
6 sir, the first one I am talking about is pages 20 to 23.
7 The second one is 24 to 27; 10 to 12 and 14 to 16. Now, I
8 put them in that order because chronologically that's more
9 correct.

10 **THE COMMISSIONER:** Do you have it Madam
11 Clerk? While there's a break, how long do you ---

12 **MR. NEVILLE:** I am almost done.

13 **THE REGISTRAR:** Seven two one six two six
14 (721626).

15 **MR. NEVILLE:** Yes, 721626.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. NEVILLE:** I think the problem is not a
18 problem. It may be in the database in two different
19 places.

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

21 **MR. NEVILLE:** These are ---

22 **THE COMMISSIONER:** We should have it. Well,
23 you're right.

24 **MR. NEVILLE:** It's there, but -- that's why
25 I printed it out.

1 **MR. SHERRIFF-SCOTT:** It's part of the
2 Commission's notice of documents to be entered.

3 **THE COMMISSIONER:** Yes.

4 **MR. RUEL:** This one here I think that Mr.
5 Neville is referring to is document 121979.

6 **MR. NEVILLE:** It is the same.

7 **MR. RUEL:** So we can go to ---

8 **THE COMMISSIONER:** So do you have that one,
9 Madam Clerk?

10 **THE REGISTRAR:** I have 721626 but I need the
11 Bates page number.

12 **MR. NEVILLE:** Yes, I can give it to you;
13 7080793. We also have the other ones here if you want me
14 to use those numbers.

15 **THE COMMISSIONER:** Let see what Madam Clerk
16 comes up with.

17 **THE REGISTRAR:** I have 708089 ---

18 **MR. NEVILLE:** No, 7080793.

19 **THE COMMISSIONER:** And the other one
20 Monsieur ---

21 **MR. NEVILLE:** That's the number that's ---

22 **MR. RUEL:** So let's try my numbers maybe.
23 Document number 120 --- you need the Bates page? Would it
24 be easier?

25 **THE REGISTRAR:** Doc number first.

1 **MR. RUEL:** Doc number is 121979. I can give
2 you the four document numbers that Mr. Neville is intending
3 to refer to. The other one is 121978; 121975; and 121976.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. NEVILLE:** Well, I wonder if I could
6 suggest this, Mr. Commissioner. I can provide a copy to
7 the witness again, if there's no objection to my (off mic).
8 Perhaps it would be fair to be passed up to you before I
9 show it to the witness but ---

10 **THE COMMISSIONER:** Oh, yeah.

11 **MR. NEVILLE:** What it is, sir, I am not sure
12 why it's not coming up because I found all numbers to be
13 sent off and it's in Commission counsel's notice as well.
14 So I'm not sure why it's not coming up. I just don't know.

15 Madam Clerk tells me, sir, that the number I
16 am giving is a Bates page number. I don't know why it's
17 not coming up.

18 **THE COMMISSIONER:** We'll see. So do you
19 have the documents, Madam Clerk?

20 **(SHORT PAUSE/COURTE PAUSE)**

21 **THE COMMISSIONER:** So what are we going to
22 do?

23 **MR. NEVILLE:** Please, Commissioner, let me
24 just help out a bit here just to save all the time and wear
25 and tear on everybody. I've spoken to my friend, Mr.

1 Sheriff-Scott, and advised him what the purpose of these
2 documents is and he will deal with it in his questioning
3 and we can -- on that basis, I'll close up.

4 **THE COMMISSIONER:** Thank you very much.
5 Thank you.

6 **MR. NEVILLE:** I'd like to know what the
7 answer is to why we can't find them because it's a little -
8 --

9 **THE COMMISSIONER:** No, no, no, no. Tomorrow
10 morning, we'll have them. It's ---

11 **MR. NEVILLE:** I hope it doesn't happen again
12 because it's inconvenient to everybody.

13 **THE COMMISSIONER:** Absolutely.

14 **MR. RUEL:** I am told, in fairness to Mr.
15 Neville, that he provided notice.

16 **THE COMMISSIONER:** Oh, no, no, of course, of
17 course.

18 **MR. RUEL:** It's not the Bates page. So he
19 provided notice that he wanted to use those documents but
20 did not refer to the pages. So we have a bit of a
21 misunderstanding here. We'll address that with the Clerk
22 if you want when we can ---

23 **THE COMMISSIONER:** Yes, we'll deal with it
24 after.

25 So how much -- so where are we now? We're

1 with Mr. Chisholm and so -- okay, wait a minute, no.
2 Before we go further, how much time do we need left to
3 complete the cross-examination? That's the question.

4 **MR. RUEL:** Well, I was told by counsel that
5 in total there were going to be seven hours and 15 minutes
6 of cross-examination.

7 **THE COMMISSIONER:** Seven one five (715)?

8 **MR. RUEL:** Seven point 15 (7.15).

9 **THE COMMISSIONER:** Yes.

10 **MR. RUEL:** So we're -- I guess we've gone
11 through two hours, two hours and something. So I guess
12 there would be -- Mr. Callaghan had indicated three hours
13 and so I think we're -- if they stick to their numbers, it
14 would still be around more than three, four hours of cross-
15 examination from what I gather.

16 **THE COMMISSIONER:** Okay. I suggest, because
17 I'm feeling a little tired and warm in here for some
18 reason, that we adjourn for tonight and we come back and we
19 start at nine o'clock tomorrow morning. Nine o'clock; all
20 right? Okay.

21 Thank you.

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

24 **THE COMMISSIONER:** And I will be leaving at
25 three o'clock. So we're not sitting any further than

1 three. Thank you.

2 **THE REGISTRAR:** This hearing is adjourned
3 until tomorrow morning at 9:00 a.m.

4 --- Upon adjourning at 5:23 p.m. /

5 L'audience est ajournée à 17h23

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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