

**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 154

Held at :

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

Monday, October 29 2007

Tenue à:

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

Lundi, le 29 octobre 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Mr. Deirdre Harrington M ^e Simon Ruel	Commission Counsel
Mr. John E. Callaghan Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
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. Carson Chisholm

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1 --- Upon commencing at 12:36 p.m./

2 L'audience débute à 12h06

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning.

10 **MR. CALLAGHAN:** Good morning, Mr.
11 Commissioner.

12 **THE COMMISSIONER:** Mr. Bourgeois.

13 Do you understand you are still under oath,
14 sir?

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

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

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

18 **CALLAGHAN:** (Continued/Suite)

19 **MR. CALLAGHAN:** Thank you, Your Honour.

20 **THE COMMISSIONER:** All right. So let's
21 start.

22 **MR. CALLAGHAN:** Mr. Bourgeois, last day we
23 spent a lot of time going over documents because you no
24 longer have a file and I'm just curious. When Mr.
25 Sherriff-Scott was cross-examining you had -- he put to you

1 that you had spoken to Officer Genier and told him there
2 would be a public inquiry. Do you remember that?

3 **MR. BOURGEOIS:** I remember that it was in
4 his notes.

5 **MR. CALLAGHAN:** Right, but do you recall --
6 you don't recall that conversation with Officer Genier?

7 **MR. BOURGEOIS:** Not the specifics of it, no.

8 **MR. CALLAGHAN:** All right. Do you recall
9 during that period of time that you were under the belief
10 that there should be a public inquiry?

11 **MR. BOURGEOIS:** Not particularly.

12 **MR. CALLAGHAN:** Well, you don't dispute the
13 notes -- that if Officer Genier were to come here and
14 testify that that's what you said, you wouldn't dispute
15 that?

16 **MR. BOURGEOIS:** No.

17 **MR. CALLAGHAN:** And so I'm just curious as
18 to why you would destroy whatever documents you might have
19 had if you thought there would be a public inquiry?

20 **MR. BOURGEOIS:** I don't even ---

21 **MR. RUEL:** Excuse me.

22 I don't think the witness has said that the
23 document had been destroyed. He said that they were turned
24 it over to his client. So just to ---

25 **THE COMMISSIONER:** Well, no, no, just a

1 second now. There's two things. There's the documents
2 that you give over to a client and there are the ones that
3 you would keep yourself.

4 **MR. CALLAGHAN:** Right, and that's the latter
5 category, the ones you keep yourself.

6 It just strikes me, Mr. Bourgeois, if you
7 thought this was going to be a cause celebre as some would
8 say it has become, why wouldn't you keep the documents?

9 **MR. BOURGEOIS:** Like I told you, you've been
10 living the case. Once I got off the case it's been over.

11 **MR. CALLAGHAN:** You'd be surprised how
12 little I've been living it, but nonetheless I'm trying to
13 sort of -- you had also said that you thought the policy
14 for retention in seven years, but you must be aware that
15 there is a discoverability principle in litigation?

16 **MR. BOURGEOIS:** No.

17 **MR. CALLAGHAN:** You're not aware that
18 someone can sue you as a lawyer if they discover negligence
19 many years down the road?

20 **MR. BOURGEOIS:** Not particularly.

21 **MR. CALLAGHAN:** And do you have a routine of
22 destroying documents in your office? Do you mark them by
23 year to destroy them in seven years or do you recall any of
24 that?

25 **MR. BOURGEOIS:** No.

1 **MR. CALLAGHAN:** All right.

2 And there is some confusion to us as to what
3 documents you would have had. Did you have a filing system
4 in your office?

5 **MR. BOURGEOIS:** Back then probably not.

6 **MR. CALLAGHAN:** All right. So how would you
7 keep it, scattered around your office or would you keep it
8 in accordion files or would you keep it in banker's boxes.
9 Do you recall?

10 **MR. BOURGEOIS:** No, I don't recall.

11 **MR. CALLAGHAN:** So you can't be certain as
12 to what you had at any given time. Is that fair?

13 **MR. BOURGEOIS:** That'd be fair.

14 **MR. CALLAGHAN:** All right.

15 If we then go to the Exhibit 672. We were
16 reviewing last day the November 13th affidavit and we then
17 quickly touched on the Amended Statement of Claim, and I'd
18 like to direct your attention to page 43. So it's Exhibit
19 672, page 43.

20 And as was discussed last day with others,
21 paragraph 81 through approximately 87, this is information
22 regarding the clan of pedophiles and the VIP meeting you're
23 getting from Ron Leroux, correct? That's where this --
24 that's where this information comes from?

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

1 **MR. BOURGEOIS:** Which paragraphs?

2 **MR. CALLAGHAN:** Well, paragraphs 81 through
3 87. Now, 87 is a plea that deals with the earlier
4 paragraphs, so 81 through 86.

5 **MR. BOURGEOIS:** He would have been one of
6 the resources for sure, yeah.

7 **MR. CALLAGHAN:** Well, I find that curious
8 because you're talking about the VIP meeting, for example,
9 in paragraph 84. Did anybody else witness anything close
10 to a VIP meeting?

11 **MR. BOURGEOIS:** Not that I can remember,
12 sir.

13 **MR. CALLAGHAN:** And paragraph 81 refers to
14 this clan of pedophiles. I take it C-8 and the Renshaws
15 never described a clan of pedophiles. They described
16 interaction with Mr. Seguin, Father MacDonald and Malcolm
17 MacDonald but that's it? Isn't that correct? The only one
18 who described a clan of pedophiles was one Ron Leroux;
19 right?

20 **MR. BOURGEOIS:** To the best of my memory.

21 **MR. CALLAGHAN:** All right.

22 So can we agree that these statements --
23 these allegations, paragraph 1 to 86 -- 81 to 86 -- come
24 from the information that you received from Ron Leroux?

25 **MR. BOURGEOIS:** There might have been other

1 information, that's what I'm saying, but he certainly was
2 probably the key resource.

3 MR. CALLAGHAN: Okay. Well, where is the
4 other information coming from?

5 MR. BOURGEOIS: M'hm.

6 MR. CALLAGHAN: Other than Ron Leroux you
7 can't think of anybody. Fair to say?

8 MR. BOURGEOIS: I can't think of any but I
9 don't want to say that I don't remember ---

10 MR. CALLAGHAN: Well, there are any other --
11 there's nobody that we have reviewed here -- pardon me.
12 There is no one other than the people we have reviewed here
13 that gave the information are there, like talked about the
14 Renshaw's, C-8? Is there somebody else that gave you
15 information?

16 MR. BOURGEOIS: There could have been, I
17 just ---

18 MR. CALLAGHAN: All right. Would there be
19 statements that were destroyed?

20 MR. BOURGEOIS: Not that I can think of.

21 MR. CALLAGHAN: Were there tape recordings
22 that were destroyed?

23 MR. BOURGEOIS: Not that I can think of.

24 MR. CALLAGHAN: But you're not certain. You
25 wouldn't swear things weren't -- statements and tape

1 recordings weren't destroyed? You wouldn't sit here and
2 swear that that was the case?

3 **MR. BOURGEOIS:** Do you mean in terms of
4 people that I would remember that gave information helpful
5 to this?

6 **MR. CALLAGHAN:** I asked a very clear
7 question, that whether there were statements that you would
8 say were destroyed and you said you can't think of any. I
9 guess what you're saying is you can't say they weren't,
10 though?

11 **MR. BOURGEOIS:** I don't know everything that
12 Perry obtained, is what I'm saying.

13 **THE COMMISSIONER:** Would you have destroyed
14 any statements?

15 **MR. BOURGEOIS:** No.

16 **MR. CALLAGHAN:** How do you know that?

17 **MR. BOURGEOIS:** What do you mean?

18 **MR. CALLAGHAN:** Well, do you have a list of
19 the things you destroyed?

20 **MR. BOURGEOIS:** No.

21 **MR. CALLAGHAN:** Right. Well, how do you
22 know he didn't destroy any statements?

23 **MR. BOURGEOIS:** I don't think so, sir, but -
24 --

25 **MR. CALLAGHAN:** Okay. But I mean -- no, you

1 don't think so but you can't say for certain; correct?

2 MR. BOURGEOIS: I guess that's correct but I
3 can't say 100 percent that I can remember but ---

4 MR. CALLAGHAN: What about notes of
5 conversations that weren't turned into statements?

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

7 MR. CALLAGHAN: Well, you would have had --
8 you talked about having a number of conversations with C-8
9 and I don't see any statement taken by you of C-8.

10 MR. BOURGEOIS: In terms of notes of ---
11 what notes though? What do you mean?

12 MR. CALLAGHAN: You sit down. You talk to
13 somebody like any prudent litigator would and take notes of
14 what they tell you so that you could, as you say,
15 incorporate it into an Amended Statement of Claim, for
16 example.

17 MR. BOURGEOIS: Oh, handwritten notes.

18 MR. CALLAGHAN: Your handwritten notes?

19 MR. BOURGEOIS: Oh, possible, yes.

20 MR. CALLAGHAN: All right.

21 So you would have had conversations with
22 people, taken handwritten notes and you would have
23 destroyed those notes; correct?

24 MR. BOURGEOIS: I'm saying that it's
25 possible that I would have, yes.

1 **MR. CALLAGHAN:** Well, did you take notes of
2 any conversations with C-8?

3 **MR. BOURGEOIS:** I can't remember one way or
4 another.

5 **MR. CALLAGHAN:** We have no statement that
6 appears to be have been taken by you from C-8. We have two
7 statements that appear to be taken by Mr. Dunlop.

8 **MR. BOURGEOIS:** Okay.

9 **MR. CALLAGHAN:** All right.

10 And those two statements ---

11 **MR. BOURGEOIS:** I thought there was one by
12 Mr. Porter.

13 **MR. CALLAGHAN:** Well, there is an earlier
14 one by Mr. Porter, you're correct, and then there are two,
15 December 12th and January 23rd, and there are significant
16 changes in there. And what I'm trying to elicit from you
17 is to whether you made notes which are now destroyed that
18 might record an earlier version of the story.

19 **MR. BOURGEOIS:** Yeah, I guess I'd have to
20 say it's possible.

21 **MR. CALLAGHAN:** And the same would go with
22 Ron Leroux.

23 You might have notes of an earlier
24 discussion, for example, your notes of the October 30th
25 meeting we've seen related to Helen Dunlop? Would you have

1 taken notes on that occasion?

2 MR. BOURGEOIS: It's possible, sir.

3 MR. CALLAGHAN: Well, it's not -- wasn't
4 possible. You would have had to take notes in order to
5 produce the affidavit on October 31st?

6 MR. BOURGEOIS: Unless Mr. Dunlop did.

7 MR. CALLAGHAN: Well, it's in your
8 handwriting, sir.

9 MR. BOURGEOIS: No, the handwriting -- the
10 affidavit was mine.

11 MR. CALLAGHAN: Right.

12 MR. BOURGEOIS: Unless Mr. Dunlop took notes
13 and I used those to make the affidavit, is what I'm saying.

14 MR. CALLAGHAN: Okay. Well, we have no
15 notes from Mr. Dunlop of October 30th. So did he give them
16 to you to store?

17 MR. BOURGEOIS: I don't know.

18 MR. CALLAGHAN: You realize, and then we're
19 going to see more of it, that these stories change and it
20 might have well been important that we had your notes to
21 compare with how these stories change. Would you agree
22 with me that earlier notes would be helpful?

23 MR. BOURGEOIS: Could be.

24 MR. CALLAGHAN: Now let's take a look at
25 paragraph 84. I'm actually -- this is the -- this is in

1 part the conversation, or pardon me, the evidence that you
2 get on November 13th from Mr. Leroux. You see where Dunlop
3 states that on or about late August '93, early September
4 '93. Do you see that, paragraph 84?

5 **MR. BOURGEOIS:** Yep.

6 **MR. CALLAGHAN:** And you'll recall the last
7 day we went over that change?

8 **MR. BOURGEOIS:** Yep.

9 **MR. CALLAGHAN:** All right.

10 And then we go over the page and it says:

11 "Dunlop also pleads that in
12 attendance at the above-noted meeting
13 were, amongst others, the following
14 people..."

15 And he lists six: Bishop Eugene LaRocque,
16 Father Charles MacDonald, Malcolm MacDonald, late Ken
17 Sequin, Claude Shaver and Murray MacDonald. Do you see
18 that?

19 **MR. BOURGEOIS:** Yes.

20 **MR. CALLAGHAN:** And we talked about how
21 Murray MacDonald seems to be added into the conversation by
22 Mr. Leroux differently from October 31st to November 13th.
23 Do you remember that?

24 **MR. BOURGEOIS:** We discussed that, yes.

25 **MR. CALLAGHAN:** Yeah, all right.

1 And I'm suggesting that you put these people
2 here is because you put Claude Shaver on behalf of the
3 Cornwall Police Service and Murray MacDonald because he
4 gave advice to the Cornwall Police Service and that, for
5 the purpose of the conspiracy, it was important to have the
6 legal advisor so that the Cornwall Police said they didn't
7 rely on legal advice. Would you agree with me that's why
8 you put Murray MacDonald in there?

9 **MR. BOURGEOIS:** No.

10 **MR. CALLAGHAN:** Why did you put Murray
11 MacDonald in?

12 **MR. BOURGEOIS:** Like I said, I don't
13 remember how -- what was in my mind at that time, so.

14 **MR. CALLAGHAN:** Well, could my hypothesis
15 possibly be right since you don't recall what was in your
16 mind?

17 **MR. BOURGEOIS:** No.

18 **MR. CALLAGHAN:** Couldn't be? All right.

19 Let's go on then. So now we have the late
20 Ken Seguin and Father Charles MacDonald and their lawyer
21 was Malcolm MacDonald; correct?

22 **MR. BOURGEOIS:** Whose lawyer?

23 **MR. CALLAGHAN:** Father Charles MacDonald and
24 the late Ken Seguin had Malcolm MacDonald as their lawyer.
25 You're aware of that, aren't you?

1 **MR. BOURGEOIS:** For what?

2 **MR. CALLAGHAN:** To do the deal, the cover-
3 up, the allegation that there was a settlement on that
4 meeting?

5 **MR. BOURGEOIS:** Oh, yeah.

6 **MR. CALLAGHAN:** All right.

7 You'll agree with me Malcolm MacDonald was
8 Father Charlie MacDonald and the late Ken Sequin's lawyer;
9 correct?

10 **MR. BOURGEOIS:** I knew he was for Father
11 MacDonald, yes.

12 **MR. CALLAGHAN:** Right. We went through that
13 yesterday. We went through the public complaints material
14 and we saw in there the letters sent. Remember that?

15 **MR. BOURGEOIS:** Yes.

16 **MR. CALLAGHAN:** All right.

17 So you knew that. And then you have Bishop
18 Eugene LaRocque. Do you see that? Number one?

19 **MR. BOURGEOIS:** Yes.

20 **MR. CALLAGHAN:** All right.

21 Who was his lawyer?

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

23 **MR. CALLAGHAN:** Well, let me suggest to you,
24 you do know, and let me suggest to you that you knew it was
25 Jacques Leduc?

1 MR. BOURGEOIS: No.

2 MR. CALLAGHAN: No? Okay.

3 Do you know up until this point Jacques
4 Leduc is not mentioned being at the VIP meeting? Are you
5 aware of that?

6 MR. BOURGEOIS: No.

7 MR. CALLAGHAN: You're not. Are you aware
8 that on December 1st, Ron Leroux was back in your office
9 being interviewed by Perry Dunlop?

10 MR. BOURGEOIS: No, I'm not aware of that.

11 MR. CALLAGHAN: Well, let's take a look.
12 Exhibit 568.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. BOURGEOIS: Yes.

15 MR. CALLAGHAN: So you don't recall that Ron
16 Leroux was interviewed in your office on December 1st, 1996?

17 MR. BOURGEOIS: Not the exact day, no.

18 MR. CALLAGHAN: But you recall him being
19 video-taped interviewed?

20 MR. BOURGEOIS: There was at some point,
21 yeah.

22 MR. CALLAGHAN: All right.

23 And he read out -- I'm going to suggest to
24 you that he read his November 13th statements onto the
25 videotape. Do you recall that?

1 **MR. BOURGEOIS:** Not in particular, but if
2 you say so, I'm sure it's there.

3 **MR. CALLAGHAN:** Well, yesterday -- last time
4 you said the reason why they did this videotape was because
5 Perry Dunlop wanted to have on videotape the allegations
6 regarding the alleged hit on him. That's what you told us
7 last time, that's why it was done?

8 **MR. BOURGEOIS:** That's my best memory.

9 **MR. CALLAGHAN:** Well, you might find it
10 interesting, in 48 pages, aside from what might have been
11 in those November statements, the only time he talks about
12 the hit is at the bottom of page 47 and a little bit, maybe
13 about 7 or 8 questions. In fact, when asked by Dunlop:

14 "Okay, now I want to talk a little bit
15 ..." ---

16 **THE COMMISSIONER:** Where are you?

17 **MR. CALLAGHAN:** Bottom of page 47:

18 "Okay, now I want to talk a bit about
19 the hah, ah, m'hm -- [that's Leroux].
20 It's just there was too much to
21 believe, that's why I didn't really. I
22 think it's just the rantings and
23 ravings of a bunch of old men getting
24 together. When I saw the look on
25 Charlie's face when he said it, I want

1 them all dead."

2 Do you see that?

3 **MR. BOURGEOIS:** Yep.

4 **MR. CALLAGHAN:** And then Perry pushes him a
5 little further, but this is the discussion regarding the
6 hit. The remainder of it is filling in the detail. Okay?

7 I want to take you back to page 23 and one
8 of the details I'm going to suggest to you was to put
9 Jacques Leduc at the VIP meeting, that now we know never
10 happened.

11 In the middle of the page:

12 "Okay, good. Set these back here.

13 I've got no specific order in placing
14 these pictures back. Okay, now, m'hm,
15 was also somebody you, ah, may have
16 seen at the meeting, maybe -- maybe a
17 side view of picture but it was at the
18 meeting.

19 Leroux: Number three.

20 Dunlop: And, ah, who. Can you tell us
21 for the purpose of the tape just --
22 I'll -- I'll, ah, bring the pictures to
23 you so you don't have to get up.

24 Leroux: Jacques Leduc.

25 Dunlop: Jacques Leduc who was -- who

1 was a -- he was at the meeting in the
2 island?

3 Leroux: Yes.

4 Do you see that?

5 **MR. BOURGEOIS:** Yep.

6 **MR. CALLAGHAN:** Okay. So I'm going to
7 suggest to you, sir, that when you got your pleading done,
8 you forgot to put Jacques Leduc in and you wanted to place
9 Jacques Leduc at the meeting so the Bishop couldn't say he
10 took legal advice to get out of your conspiracy claim?

11 **MR. BOURGEOIS:** No.

12 **MR. CALLAGHAN:** Well, then how is it that
13 Jacques Leduc all of a sudden shows up at the VIP meeting?

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

15 **MR. CALLAGHAN:** Well, look at this, sir.
16 When you read this, doesn't it appear that Perry Dunlop is
17 aware that we're going to have some disclosure that Jacques
18 Leduc was at the meeting? Wouldn't you agree that that's
19 the way it reads?

20 **MR. BOURGEOIS:** Not necessarily.

21 **MR. CALLAGHAN:** "Maybe just a side view of a
22 picture but it was at the meeting." How can you not say
23 that when this question was asked, Mr. Dunlop knew what the
24 answer was?

25 **MR. BOURGEOIS:** You're asking me to respond

1 for what's in Mr. Dunlop's mind?

2 **MR. CALLAGHAN:** Well, I'm asking you this.

3 "There was also somebody you may have seen at the meeting,
4 maybe just a side view of a picture, but he was at the
5 meeting"?

6 You suggest to him that picture number three
7 was at the meeting. I'm suggesting to you, sir, the
8 December 1st tape was a set-up. That you and Mr. Dunlop
9 worked with Mr. Leroux and got the additional information
10 you needed on the tape. Am I right or am I wrong?

11 **MR. BOURGEOIS:** No, you're wrong.

12 **MR. CALLAGHAN:** Let's go on.

13 There's a 32-minute gap in this tape we saw
14 last time. Do you recall -- it's at page 30.

15 Do you recall when we watched the videotape,
16 Mr. Commissioner:

17 "Dunlop: How young would the boy have
18 been? Pause."

19 That pause if you recall when we watched the
20 videotape when Mr. Leroux is in the box, 32 minutes passed
21 before they picked up the conversation again. It was noted
22 on the record.

23 **THE COMMISSIONER:** Isn't that the part that
24 Mr. ---

25 **MR. CALLAGHAN:** You might be thinking --

1 there was another break in one of the OPP tapes.

2 **THE COMMISSIONER:** Right.

3 **MR. CALLAGHAN:** But this is a different
4 break where I showed 32 minutes.

5 Sir, I'm suggesting to you -- your office is
6 it near a Kelsey's or a Casey's?

7 **MR. BOURGEOIS:** No.

8 **MR. CALLAGHAN:** There is nothing like a
9 roadhouse near your office in Newmarket?

10 **MR. BOURGEOIS:** No.

11 **MR. CALLAGHAN:** No? Nowhere near your
12 office in Newmarket?

13 **MR. BOURGEOIS:** No.

14 **THE COMMISSIONER:** At the time?

15 **MR. BOURGEOIS:** No.

16 **MR. CALLAGHAN:** Because Mr. Leroux talked
17 about going out and having drinks when he was doing some of
18 the work with you in your office?

19 **MR. BOURGEOIS:** Well, go there and you'll
20 see. There's no cases or ---

21 **MR. CALLAGHAN:** Sir, do you know where they
22 went for 32 minutes?

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

24 **MR. CALLAGHAN:** We can go to Exhibit 569.

25 Now this is a statement dated December 4th, 1996. And do

1 you have any knowledge as to why this statement was taken
2 on December 4th, 1996?

3 **MR. BOURGEOIS:** No.

4 **MR. CALLAGHAN:** Do you know who took it?

5 **MR. BOURGEOIS:** No.

6 **MR. CALLAGHAN:** Okay, Mr. Leroux advises
7 that he was in Toronto for a period of time, obviously
8 December 1st. He was then tempted to make a train back to
9 Cornwall and didn't get there and had to take an overnight
10 bus -- that someone in your office put him on a bus back to
11 Cornwall. Do you recall that?

12 **MR. BOURGEOIS:** No.

13 **MR. CALLAGHAN:** And he says during his stay
14 in Toronto, in fact, that David Silmsler was there and that
15 he was asked to take David Silmsler out for drinks. Was
16 David Silmsler in Toronto at any time?

17 **MR. BOURGEOIS:** I don't remember. He could
18 have been, but ---

19 **MR. CALLAGHAN:** Well, I think David Silmsler
20 says -- Silmsler says he was. So you don't recall?

21 **MR. BOURGEOIS:** No.

22 **MR. CALLAGHAN:** And you don't recall sending
23 them out to drink?

24 **MR. BOURGEOIS:** No.

25 **MR. CALLAGHAN:** You don't recall giving him

1 a drive or to drive back?

2 MR. BOURGEOIS: No.

3 MR. CALLAGHAN: You don't recall asking
4 David -- or asking Ron Leroux to pump David Silmsen for
5 information?

6 MR. BOURGEOIS: No.

7 MR. CALLAGHAN: Do you recall going out till
8 three in the morning with them?

9 MR. BOURGEOIS: No.

10 MR. CALLAGHAN: Do you recall Ron Leroux,
11 pardon me, do you recall being put into a cab at three in
12 the morning by Ron Leroux, drunk?

13 MR. BOURGEOIS: No.

14 MR. CALLAGHAN: You say it didn't happen or
15 do you say you can't recall?

16 MR. BOURGEOIS: Which one?

17 MR. CALLAGHAN: Any of it. You just said no
18 to it all.

19 MR. BOURGEOIS: I don't remember any of it.

20 THE COMMISSIONER: Well, come on now.

21 MR. CALLAGHAN: Well.

22 THE COMMISSIONER: Well.

23 MR. CALLAGHAN: Well, let's -- we can work
24 back. Is there any of it you would say could have
25 happened? Anything that -- David Silmsen could have been

1 in your office; right?

2 MR. BOURGEOIS: Could have been, I guess. I
3 don't remember, so.

4 MR. CALLAGHAN: Could you have sent Ron
5 Leroux out with David Silmser?

6 MR. BOURGEOIS: Like I said, I don't
7 remember.

8 MR. CALLAGHAN: Could you have gone drinking
9 with David Silmser and Ron Leroux?

10 MR. BOURGEOIS: I don't think so, sir.

11 MR. CALLAGHAN: Okay. Could you have gone
12 drinking just with Ron Leroux?

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

14 MR. CALLAGHAN: So let's take a look at the
15 second page of this document. I would suggest to you --
16 this is just to finish off the issue with Jacques Leduc, at
17 the bottom. It says:

18 "I also recognize Jacques Leduc,
19 picture number three, as being at the
20 VIP meeting at Malcolm's cottage. I
21 remember Leduc as having reddish beard
22 and reddish hair."

23 Do you see that?

24 THE COMMISSIONER: That's the last
25 paragraph.

1 **MR. BOURGEOIS:** Yes, I do now, sir.

2 **MR. CALLAGHAN:** All right.

3 So was it your intent that at some point to
4 get this material signed by Ron Leroux, to get these
5 statements signed by Ron Leroux, so you'd have it in the
6 future?

7 **MR. BOURGEOIS:** I don't remember one way or
8 another.

9 **MR. CALLAGHAN:** Okay. Can you tell whether
10 this is a font that's used at your office?

11 **MR. BOURGEOIS:** No, I can't one way or
12 another.

13 **MR. CALLAGHAN:** And if you can go to the
14 fifth page, second last -- or third last paragraph:

15 "I know for a fact that Ken Seguin,
16 Malcolm MacDonald and Charlie MacDonald
17 were homosexual lovers."

18 Do you see that?

19 **MR. BOURGEOIS:** Yep.

20 **MR. CALLAGHAN:** Did you ever go back to the
21 October 10th statement and see whether anything that Mr.
22 Leroux said was consistent with the October 10th statement?
23 That would be Exhibit 563. Did you ever undertake that
24 exercise?

25 **MR. BOURGEOIS:** I can't remember if I did or

1 not, sir.

2 **MR. CALLAGHAN:** Well, let's take a look at
3 Exhibit 563 on this small point. I can tell you Exhibit
4 563 doesn't mention the clan of pedophiles. It doesn't
5 mention the VIP meeting. On the second page at the bottom
6 -- sorry, Madam Clerk, I apologize.

7 Okay. Do you see where it says, "It is my
8 opinion"? It says:

9 "It is my opinion that Ken
10 Seguin, Father MacDonald and Malcolm
11 MacDonald are all homosexuals. They
12 all gave off a certain air and I put
13 the bits and pieces together."

14 Do you see that?

15 **MR. BOURGEOIS:** Yes.

16 **MR. CALLAGHAN:** There he says it's his
17 opinion and then in this later statement he now knows. Do
18 you remember ever questioning him about that difference?

19 **MR. BOURGEOIS:** No.

20 **MR. CALLAGHAN:** All right.

21 We're going to come back to that sentence in
22 a second. Do you recall that Ron Leroux and Carson
23 Chisholm went to Florida?

24 **MR. BOURGEOIS:** I recall being told about
25 it.

1 **MR. CALLAGHAN:** All right.

2 You didn't arrange it?

3 **MR. BOURGEOIS:** No.

4 **MR. CALLAGHAN:** Ron Leroux testified that
5 when he came back that night after taking -- or that day
6 after taking the overnight bus, he was met at the train
7 station, Cornwall, and whisked down to Florida where he met
8 with and took a statement in the presence of Carson
9 Chisholm -- of the hotel proprietor at the Salt Air. Did
10 you know any of that?

11 **MR. BOURGEOIS:** No.

12 **MR. CALLAGHAN:** Well, there's a document at
13 Exhibit 570.

14 **MR. BOURGEOIS:** Five what, sir?

15 **MR. CALLAGHAN:** Exhibit 570.

16 **MR. BOURGEOIS:** Oh, right. Yes.

17 **MR. CALLAGHAN:** Okay. Now if you go to the
18 last page, it seems to be dated the 7th of December 1997,
19 struck off in '96. Do you see that?

20 **MR. BOURGEOIS:** Yes.

21 **MR. CALLAGHAN:** All right.

22 We've heard from both Ron Leroux and Carson
23 Chisholm that Ron Leroux, on December 7th, 1996, was in
24 Florida. So do you know how this statement was signed?

25 **MR. BOURGEOIS:** No.

1 **MR. CALLAGHAN:** No? Let me suggest to you,
2 sir, that on February 7th, 1997 you escorted Mr. Leroux into
3 the OPP office and read this actual statement?

4 **MR. BOURGEOIS:** I can't tell you one way or
5 another.

6 **THE COMMISSIONER:** He didn't read it.

7 **MR. CALLAGHAN:** Sorry?

8 **THE COMMISSIONER:** You said that, "And he
9 read this actual statement"?

10 **MR. CALLAGHAN:** No. I said that Ron Leroux
11 read it.

12 Well, you know you went -- if you look at
13 Exhibit 572, do you see that, February 7th, '97?

14 **MR. BOURGEOIS:** Yes.

15 **MR. CALLAGHAN:** And you're there with Ron
16 Leroux?

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

18 **MR. CALLAGHAN:** You think it's a coincidence
19 that this is 07 December '97 and you went in 07 February
20 '97. Is that a coincidence? Do you know? You have no
21 explanation?

22 **MR. BOURGEOIS:** How do you want me to answer
23 that?

24 **MR. CALLAGHAN:** Well I don't know. I don't
25 know how this document ---

1 **MR. BOURGEOIS:** I don't know either.

2 **MR. CALLAGHAN:** Well, let me tell you what
3 the change in the two documents is, sir. Take a look at
4 the second last page.

5 **MR. BOURGEOIS:** Of what document?

6 **MR. CALLAGHAN:** Of the December 7th
7 statement, Exhibit 570. Do you see that sentence:

8 "Where I say I know for a fact that
9 Ken Sequin..."

10 Do you see that?

11 **THE COMMISSIONER:** Okay. So it's on page --

12 -

13 **MR. BOURGEOIS:** I don't know where you ---

14 **THE COMMISSIONER:** Yes, I know, I know.

15 **MR. CALLAGHAN:** Second last page, page 5.

16 **THE COMMISSIONER:** And it's the third full
17 paragraph, "I know for a fact that Ken Sequin". On top, on
18 the top. "I know for a fact".

19 **MR. BOURGEOIS:** Yes.

20 **MR. CALLAGHAN:** Do you see what name is
21 added there? The second name. Do you recognize the second
22 name? That name is added to that sentence. That's the
23 only change -- is in December 4th and December 7th. Did you
24 add that name into that sentence?

25 **MR. BOURGEOIS:** No. None of that

1 handwriting on that document is mine, first of all.

2 MR. CALLAGHAN: No, that's Officer Bell's.

3 MR. BOURGEOIS: Okay, and here there's an
4 initial and a signature.

5 MR. CALLAGHAN: I'm not suggesting there
6 isn't, sir. I'm asking you did you add that name?

7 MR. BOURGEOIS: No.

8 THE COMMISSIONER: I think ---

9 MR. CALLAGHAN: Well, it's a pretty
10 important point. That's the only change and he walks it---

11 THE COMMISSIONER: Of course.

12 MR. CALLAGHAN: --- into the police station.

13 THE COMMISSIONER: Of course.

14 MR. CALLAGHAN: --- on the day that I
15 suspect that has been backdated, and I'm going to put it to
16 him that's it been backdated.

17 THE COMMISSIONER: True. You can put it to
18 him, but he's already said that he doesn't know who made
19 this statement.

20 MR. CALLAGHAN: Well, maybe I ask him -- you
21 didn't have the knowledge of the statements ---

22 MR. BOURGEOIS: I've already made it clear,
23 Mr. Dunlop took other statements that -- on his own.

24 What part of that didn't you get?

25 MR. CALLAGHAN: I get it, sir.

1 **MR. BOURGEOIS:** Okay. So maybe this is his
2 problem ---

3 **MR. CALLAGHAN:** You walked Mr. Leroux into a
4 police station on February 7th, 1997 and had him read this
5 document, sir.

6 **MR. BOURGEOIS:** I don't know one way or
7 another.

8 **MR. CALLAGHAN:** Well, we know you did. It's
9 in the transcript that you did.

10 **MR. BOURGEOIS:** Okay.

11 **MR. CALLAGHAN:** And you don't know how the
12 documents were created but you walked into the police
13 station with Mr. Leroux?

14 **MR. BOURGEOIS:** All I can tell you is that
15 he's got initials down at the bottom and there's his
16 signature on it -- of Mr. Leroux's.

17 **MR. CALLAGHAN:** Well, I can tell you, the
18 initials and the signatures are entirely different from the
19 two statements. You're not suggesting someone has tampered
20 with the statement?

21 **THE COMMISSIONER:** Say that again.

22 **MR. CALLAGHAN:** The initials, if you look at
23 the initials on the previous statement, Exhibit 569,
24 they're not the same and in not the same places as this new
25 statement of the 7th of December '97/'96. The initials are

1 in different places, which is to suggest --there hasn't
2 been a change of the signing page or an alteration. This
3 is a newly signed -- a differently signed document by Ron
4 Leroux, is what I'm suggesting.

5 **THE COMMISSIONER:** So you're saying somebody
6 forged his signature?

7 **MR. CALLAGHAN:** I'm not. I'm saying to the
8 contrary. I'm trying to make the point that this is
9 another statement that was prepared after the December 4th
10 statement. It could not have been December 7th because Mr.
11 Leroux and Carson Chisholm were in Florida. And all I know
12 is there's one change which seems rather malicious and it's
13 walked into a police station, by this gentleman. I'm just
14 trying to find out how that happened and if he knows or he
15 doesn't know.

16 **MR. BOURGEOIS:** I can't help you with that,
17 sir.

18 **MR. CALLAGHAN:** Did you discuss the evidence
19 to be given by C-8 with Ron Leroux?

20 **MR. BOURGEOIS:** I can't remember one way or
21 another.

22 **MR. CALLAGHAN:** So you might have?

23 **MR. BOURGEOIS:** It's possible, I guess.

24 **MR. CALLAGHAN:** Okay. Because when Ron
25 Leroux goes to the police on February 7th, '97, he's able to

1 mention to the police that he's aware that C-8 was
2 assaulted by Father Charlie MacDonald. If you go to page
3 73, for instance ---

4 **THE COMMISSIONER:** Page 73 of Exhibit ---

5 **MR. CALLAGHAN:** --- of Exhibit 572.

6 **THE COMMISSIONER:** Yes.

7 **MR. CALLAGHAN:** And this shouldn't be put on
8 the public screen, I suppose.

9 **THE COMMISSIONER:** What page again?

10 **MR. CALLAGHAN:** Page 73.

11 **THE COMMISSIONER:** Sorry. Yes.

12 **MR. CALLAGHAN:** If you go down further,
13 Madam Clerk, you'll go to Anthony again.

14 "Anthony: Ron, perhaps if that group
15 instead of relying on the evidence or
16 something that other people have
17 observed of, that group in paragraph 7;
18 of those individuals, why don't you
19 identify where you personally witnessed
20 an assault taking place."

21 And he said -- if you drop down it says:

22 "Leroux: C-8, that would be -- Father
23 Charlie, that would be C-8."

24 Do you see that?

25 It says it again -- it makes mention of it

1 again over at page 123. See on the screen? They're
2 talking about C-8. He had already been with Father Charles
3 -- molested him. You see that?

4 Now C-8 testified that he never told Ron
5 Leroux of his fabricated claim, having been assaulted by
6 Father Charlie. In fact, Ron Leroux, when he went to see
7 the OPP the second time, said that he wasn't told by C-8 of
8 that event.

9 So what I'm asking you, sir, is I take it
10 you wouldn't disagree that you were feeding information
11 from C-8 -- had given you to Ron Leroux? That could
12 possibly be the reason why Ron Leroux knows about the
13 fabricated allegation of C-8. Is that possible?

14 **MR. BOURGEOIS:** I don't think so, sir.

15 **MR. CALLAGHAN:** Well, how did it happen?
16 Here we go. If you wish, if it helps you to clarify your
17 thinking of Exhibit 574 at page 96. Okay?

18 "So C-8 never disclosed anything to you
19 about what happened with Father Charlie
20 either.

21 Leroux: No."

22 Right at the top of the screen, you'll see
23 it, sir.

24 **MR. BOURGEOIS:** Yes.

25 **MR. CALLAGHAN:** So C-8 said that you knew of

1 his allegations and so did Perry Dunlop, so one of you must
2 have told Leroux; correct? Correct?

3 Or were you spreading the information so
4 wide that in the gossip train, it could have got back ---

5 **MR. BOURGEOIS:** I don't know how you want me
6 to answer that.

7 **MR. CALLAGHAN:** Well, truthfully.

8 **MR. BOURGEOIS:** Well, I mean, I don't get
9 that.

10 **MR. CALLAGHAN:** All right.

11 **THE COMMISSIONER:** Can we -- are you nearly
12 ---

13 **MR. CALLAGHAN:** I'm nearly finished.

14 And going back then to the interview with
15 the OPP, Exhibit 572, I take it that you gave certain
16 information to Ron Leroux before he went into that
17 interview so that he might be able to answer questions that
18 might be put to him? Did you? Like, did you prep him? He
19 says you prepped him.

20 **MR. BOURGEOIS:** I can't remember one way or
21 another, Your Honour.

22 **MR. CALLAGHAN:** Okay. Because I won't take
23 you to it, but for example, Ron Leroux testified here he
24 might have been -- he might have been and we didn't get a
25 chance to challenge him -- but he might have been

1 introduced to Stuart McDonald once and when he's giving a
2 statement to the OPP he's able to give Stuart McDonald's
3 address -- or where he lived, I should say.

4 Do you think you maybe told him where Stuart
5 McDonald lived and where Claude Shaver lived and the
6 others, so that he could sound more truthful?

7 **MR. BOURGEOIS:** No.

8 **MR. CALLAGHAN:** Do you think Mr. Dunlop did
9 that?

10 **MR. BOURGEOIS:** You'll have to ask him.

11 **MR. CALLAGHAN:** Well, we might. But you
12 don't have any information? You weren't involved in any of
13 the discussions that way?

14 **MR. BOURGEOIS:** Stuart was Perry's family
15 member.

16 **MR. CALLAGHAN:** Sorry. I didn't catch that.

17 **MR. BOURGEOIS:** Stuart was Perry's family
18 member.

19 **MR. CALLAGHAN:** Claude Shaver was neither
20 yet he could identify Claude Shaver's address too.

21 **MR. BOURGEOIS:** I didn't know Shaver's
22 address.

23 **MR. CALLAGHAN:** Well you were at Stuart
24 McDonald's house though, weren't you, sir? Didn't you
25 confront him with Carson Chisholm, Helen Dunlop and Perry

1 Dunlop on November 19th?

2 MR. BOURGEOIS: I don't remember that.

3 MR. CALLAGHAN: You don't have any
4 recollection of that?

5 MR. BOURGEOIS: No.

6 MR. CALLAGHAN: Well, did you confront him
7 as consorting with pedophiles? You wouldn't remember if
8 you confronted someone and alleged that they consorted with
9 pedophiles?

10 MR. BOURGEOIS: I don't remember that.

11 MR. CALLAGHAN: Okay. But you think you
12 might have remembered it?

13 I don't understand how you couldn't remember
14 confronting someone as consorting with pedophiles.

15 MR. BOURGEOIS: Well, that -- I don't think
16 you need to know that.

17 MR. CALLAGHAN: I'm not sure I understand
18 the answer to the question.

19 MR. BOURGEOIS: Well, you said, "I don't
20 know how".

21 MR. CALLAGHAN: Well, that's what you did.
22 You ---

23 MR. BOURGEOIS: I'm giving the answer to
24 Your Honour.

25 THE COMMISSIONER: Okay, first of all, we've

1 heard testimony here -- have we yet? Yes.

2 MR. CALLAGHAN: Yes. In Carson's ---

3 THE COMMISSIONER: --- that you went to
4 Stuart McDonald's home.

5 MR. BOURGEOIS: Okay.

6 THE COMMISSIONER: Okay.

7 So what he's saying is, do you have any
8 recollection about that ---

9 MR. BOURGEOIS: No.

10 THE COMMISSIONER: --- because from his
11 perspective, Mr. Callaghan ---

12 MR. BOURGEOIS: Yes.

13 THE COMMISSIONER: --- that was something
14 that would stand out in his mind, at least. If you went
15 over to a lawyer's -- a police officer's place and
16 confronted him with that, you know ---

17 MR. BOURGEOIS: I don't know why, sir. I
18 don't have any memory of that.

19 THE COMMISSIONER: Okay.

20 MR. CALLAGHAN: Just to be absolutely clear.
21 You don't have a physical problem with your memory, do you?
22 We're not experiencing someone who's got early Alzheimer's,
23 as an example?

24 THE COMMISSIONER: Oh.

25 MR. CALLAGHAN: It's not unusual. My

1 brother died of Alzheimer's at the age of 42. So ---

2 **THE COMMISSIONER:** True.

3 **MR. CALLAGHAN:** --- I just want to know
4 whether this is a genuine "I can't remember" because we've
5 heard it a lot.

6 Or do you have a medical problem, sir, that
7 prohibits you from remembering?

8 **MR. BOURGEOIS:** Not that I know of.

9 **MR. CALLAGHAN:** You might want to get
10 checked.

11 **THE COMMISSIONER:** That was completely
12 inappropriate.

13 **MR. CALLAGHAN:** Well, sir ---

14 **THE COMMISSIONER:** Completely inappropriate.

15 **MR. CALLAGHAN:** I'll accept that comment
16 from you, sir, but this is ---

17 **THE COMMISSIONER:** Completely inappropriate.

18 **MR. CALLAGHAN:** All right. Thank you.

19 We'll move on then.

20 Exhibit 610.

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

22 This is the second statement from C-8.

23 **MR. BOURGEOIS:** Yes?

24 **MR. CALLAGHAN:** All right.

25 When we had Mr. C-8 here -- I'm not going to

1 do it because of the time, but if you go down to the third
2 paragraph. Now this is -- happens the day before you take
3 him to the police station.

4 That third paragraph is added to this
5 statement. He gave an earlier statement on December 12th.
6 And we went through it the other day and it bore a striking
7 resemblance, even in the mind of C-8, to Exhibit 262 which
8 is David Silmser's statement.

9 Do you recall ever reading this and saying
10 that, "Boy, this is awful familiar with the D.S.
11 statement?"

12 **MR. BOURGEOIS:** No.

13 **MR. CALLAGHAN:** No? Did you question when
14 you heard the story that was added to this document at page
15 3 about the trip to Toronto? Do you remember questioning
16 why that wasn't in the first statement?

17 **MR. BOURGEOIS:** No.

18 **MR. CALLAGHAN:** And I take you didn't
19 question as to the similarity between Ron Leroux's comment
20 about the candles in the rectum and the statement at page 2
21 of this regarding candles and the rubbing of the butt under
22 the cassock. Do you remember questioning saying, "My,
23 that's awful familiar"?

24 **MR. BOURGEOIS:** No, I can't say I did, sir.

25 **MR. CALLAGHAN:** Do you recall having a

1 thought, "Boy, that's just like the cult that Mr. Rubino
2 talked about"?

3 MR. BOURGEOIS: No.

4 MR. CALLAGHAN: If I could then -- if -- you
5 had contact with Officer Trew of the Cornwall Police
6 regarding documents -- do you recall that?

7 MR. BOURGEOIS: I recall it ---

8 MR. CALLAGHAN: Yeah ---

9 MR. BOURGEOIS: --- because of this process.

10 MR. CALLAGHAN: And I take it that you were
11 truthful to Constable Trew that you handed over everything
12 in your possession except for solicitor and client
13 information?

14 MR. BOURGEOIS: Where are you referring to,
15 sir?

16 MR. CALLAGHAN: Well, I thought yesterday
17 you'd said that ---

18 THE COMMISSIONER: Well, first of all, it
19 wasn't yesterday, it was last day.

20 MR. CALLAGHAN: --- last day, you had said
21 that you had handed over everything that was not of a
22 solicitor and client nature.

23 MR. BOURGEOIS: To?

24 MR. CALLAGHAN: Constable -- Inspector Trew?

25 THE COMMISSIONER: Monsieur Ruel?

1 **MR. RUEL:** I don't think there's ever been
2 any discussion with this witness handing over documents to
3 the OPP or to the Cornwall Police. I think it's the
4 client, so -- Mr. Dunlop. So, I think the distinction
5 should be made.

6 **MR. CALLAGHAN:** I don't think he testified
7 to that effect.

8 **THE COMMISSIONER:** Well, I think somebody
9 went through with his interaction with Officer Trew.

10 **MR. CALLAGHAN:** Right.

11 **THE COMMISSIONER:** I think one of the
12 things, Mr. Callaghan, you're living this cross-examination
13 and I'm even having trouble looking -- you know, following
14 where you're going, you're switching so quickly on this.

15 **MR. CALLAGHAN:** Well, I'm trying to -- I'm
16 conscious of the time and I'm conscious of the 45 minutes I
17 said. I'm just trying to get confirmation from the witness
18 that he had a discussion ---

19 **THE COMMISSIONER:** Well, show him the
20 document again. Show him the document again, that you're
21 referring to.

22 **MR. CALLAGHAN:** I don't have the documents
23 in front of me. I didn't think this would be an issue.

24 I thought we'd -- that he was asked, and I
25 thought the answer today -- that I just want to confirm

1 whether there was any follow-up discussion. But I'd
2 thought he'd said that you advised them that everything but
3 solicitor and client communication would be turned over by
4 Mr. Dunlop.

5 **THE COMMISSIONER:** This is in the ---

6 **MR. CALLAGHAN:** This is all 1997.

7 **THE COMMISSIONER:** Right, but isn't this
8 that part of the cross-examination when Dunlop was talking
9 about, "I got inadequate legal advice as to what I should
10 turn over" and -- oh, right, right, right.

11 Now, Trew had sent a letter -- somebody had
12 sent an order to Dunlop saying, "Please have this delivered
13 by October 3rd". You write back on October 8th saying,
14 "Okay, I've talked to my client. We're going to have
15 everything turned over to you by October 10th, save and
16 except solicitor-client material".

17 **MR. CALLAGHAN:** And I just want to confirm
18 to -- confirm with the witness that having had the
19 discussion, that that's what the situation was. That in
20 his mind, as far as he's aware, everything but solicitor
21 and client communication was turned over, as far as you're
22 aware.

23 **THE COMMISSIONER:** And you've already
24 answered that last week, that it was yes. Did he not say
25 that?

1 **MR. CALLAGHAN:** I wasn't clear on the record

2 ---

3 **THE COMMISSIONER:** Okay, so this is ---

4 **MR. CALLAGHAN:** --- but I just want to make
5 sure it's absolutely clear that that's exactly what the
6 answer is.

7 **MR. RUEL:** Mr. Commissioner, I -- maybe Mr.
8 Callaghan should go back to transcript because those
9 questions were put to the witness and my recollection is
10 that they he know whether or not the documents were turned
11 over by -- or, which documents were turned over by Mr.
12 Dunlop.

13 **MR. CALLAGHAN:** No, my -- that's not my
14 recollection. I'm just trying to get confirmation whether
15 this -- I'm assuming this witness knew what a solicitor-
16 client communication was and that it was his intention that
17 everything but solicitor and client communication be turned
18 over.

19 I think his answer was, "I didn't know all
20 the stuff that Pierre[sic] Perry had elsewhere" is what I
21 thought the answer was, but I -- that's why I wanted to get
22 it clarified.

23 **THE COMMISSIONER:** Okay. Can you help us
24 out at all?

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

1 wouldn't be able to tell you what was sent over, sir. I
2 don't have a memory of that.

3 **MR. CALLAGHAN:** And sir -- so you don't have
4 any memory that you tried to comply or to assist Mr. Dunlop
5 in complying, I should say. To assist Mr. Dunlop in
6 complying with the order from Inspector Trew.

7 **THE COMMISSIONER:** Well, what exhibit is the
8 letter from Trew?

9 **MR. RUEL:** It's Exhibit 732.

10 **THE COMMISSIONER:** Okay. Let's look at
11 Exhibit 732, just to give the witness a fair chance here.
12 All right, that's the one.

13 **MR. CALLAGHAN:** There, October 8th, '97.

14 All I'm trying to get from you clearly is
15 that -- I'm just trying to get from you clearly that you
16 understood, as indicated by this letter, that Mr. Dunlop
17 was going to turn over all the material with the exception
18 of that under solicitor and client privilege; correct?

19 **THE COMMISSIONER:** No, actually if you want
20 to be really fair about it -- except for any materials
21 previously provided to the OPP and any materials that fall
22 under solicitor-client privilege.

23 **MR. CALLAGHAN:** Right.

24 **THE COMMISSIONER:** So those two you weren't
25 going to turn over?

1 **MR. CALLAGHAN:** And that -- I'm just trying
2 to clarify that that's clearly what you understand was
3 going to happen.

4 **MR. BOURGEOIS:** That's what the letter says.
5 I -- you know -- do I have a memory of that? No.

6 **MR. CALLAGHAN:** All right.

7 I'm just -- I just want to be clear and I
8 guess what I'm trying to drive at ---

9 **MR. BOURGEOIS:** Yes.

10 **MR. CALLAGHAN:** --- is that you didn't know
11 where Perry Dunlop kept all the information. That's --
12 that was why -- that's why I'm going here.

13 **MR. BOURGEOIS:** Fair enough.

14 **MR. CALLAGHAN:** To clarify with you. All
15 right.

16 **MR. BOURGEOIS:** Fair enough.

17 **MR. CALLAGHAN:** And did you know that Perry
18 Dunlop had a safety deposit box, for example?

19 **MR. BOURGEOIS:** No, I wouldn't know that.

20 **MR. CALLAGHAN:** All right.

21 Did you know that he stored information at
22 his neighbour's home?

23 **MR. BOURGEOIS:** No.

24 **MR. CALLAGHAN:** So I take it than that when
25 you gave this statement, you thought that that's what Perry

1 Dunlop was going to do and that's what you told him to do;
2 correct?

3 **MR. BOURGEOIS:** I assumed that he would --
4 that that's what would have been done, but, yeah.

5 **MR. CALLAGHAN:** All right.
6 Those are all my questions, thank you.

7 **THE COMMISSIONER:** Thank you.

8 Ms. Lahaie?

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

10 **LAHAIE:**

11 **THE COMMISSIONER:** Good afternoon.

12 **MS. LAHAIE:** Good afternoon, Mr. Bourgeois.
13 My name is Diane Lahaie and I'm counsel for the Ontario
14 Provincial Police.

15 **MR. BOURGEOIS:** Okay. Hi.

16 **MS. LAHAIE:** I have three areas that I would
17 like to canvass with you this afternoon and I would like to
18 ask that you search your memory.

19 I realize it's been a very long three plus
20 days for you and that your memory of these events is
21 difficult to retrieve, but I'd like to use some of the
22 documents to attempt to refresh your memory and hopefully
23 you can assist because Mr. Commissioner has to make some
24 findings and you're an important witness with respect to
25 some of the incidents that occurred and some of the facts;

1 okay?

2 **MR. BOURGEOIS:** Okay.

3 **MS. LAHAIE:** The three areas that I'm going
4 to canvass with you, sir, are the index of material
5 included in the Fantino binder ---

6 **MR. BOURGEOIS:** Okay.

7 **MS. LAHAIE:** --- and your covering letter.

8 The second area I'm going to cover with you
9 is the area of C-8. I'm not going to go over a lot of what
10 was already discussed with other counsel, but C-8 and those
11 -- metamorphosis of his statements and ask you a few
12 questions with respect to timing, and the final area is
13 going to be questions with respect to the timeline of the
14 OPP's knowledge of who you represented throughout 1996 and
15 1997; okay?

16 **MR. BOURGEOIS:** Okay.

17 **MS. LAHAIE:** All right.

18 So the first area, the index of material
19 included in the Fantino binder and your covering letter, I
20 would like to take you to Exhibit 729, which is Document
21 Number 705770.

22 **MR. BOURGEOIS:** Yes.

23 **MS. LAHAIE:** Now that is the index of the
24 binder that was sent to Chief Fantino. Is that correct?

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

1 **MS. LAHAIE:** The -- if I -- you searched
2 your memory last week -- were you not prepared to concede
3 that this was in fact the index in the Fantino binder that
4 was sent with your covering letter?

5 **MR. BOURGEOIS:** No. I think I told Your
6 Honour that it could be, but I don't know one way or
7 another.

8 **MS. LAHAIE:** Okay. If we take -- we don't
9 have to pop it up on the screen yet because I'm going to be
10 referring to the index but, certainly, in your letter you
11 indicate that you're including a binder with particulars
12 relevant to the case.

13 And this index with -- the Table of Contents
14 with the index, does this look like information which was
15 available to you around that relevant time of December 18th,
16 1996?

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MR. BOURGEOIS:** Possible.

19 **MS. LAHAIE:** Okay. Suffice it to say that
20 you had put together a binder for Chief Fantino's review
21 containing a compilation of what you felt was relevant at
22 the time to provide to Chief Fantino, and what -- what -- I
23 see your face change when I said that.

24 Perhaps what you and Perry Dunlop felt would
25 be relevant material for Chief Fantino to look at as a

1 starting point to get law enforcement involved in these
2 matters. Is that fair?

3 **MR. BOURGEOIS:** There was something sent to
4 him, for sure, yes.

5 **MS. LAHAIE:** Okay. And you were seeking
6 guidance, you indicated, from law enforcement? You wanted
7 to get this thing on the right track for investigative
8 purposes?

9 **MR. BOURGEOIS:** I believe so, yes.

10 **MS. LAHAIE:** Okay. And who decided that it
11 would be Chief Fantino who would receive the materials?

12 **MR. BOURGEOIS:** I don't know how that came
13 about, Your Honour. I'm sorry.

14 **MS. LAHAIE:** Were you aware of his dealings
15 with Project Guardian?

16 **MR. BOURGEOIS:** I don't know if I was or
17 not.

18 **MS. LAHAIE:** And would the decision have
19 been made by either you or Perry Dunlop?

20 **MR. BOURGEOIS:** Not necessarily.

21 **MS. LAHAIE:** Who else could it have been
22 made by?

23 **MR. BOURGEOIS:** It could have just been
24 somebody who gave us a referral. I don't know.

25 **MS. LAHAIE:** But then from the referral, one

1 of you has to decide, or both of you have to decide
2 together, that you're going to undertake to send this
3 material to him, so it has to be one of the two of you?

4 **MR. BOURGEOIS:** I would assume so.

5 **MS. LAHAIE:** Okay. And who decided what
6 would be included in his binder?

7 **MR. BOURGEOIS:** Oh, I don't know.

8 **MS. LAHAIE:** You don't know?

9 **MR. BOURGEOIS:** No.

10 **MS. LAHAIE:** Was there anything specific
11 that you can point to that would have prompted you to do
12 this on the 18th of December, 1996?

13 **MR. BOURGEOIS:** No.

14 **MS. LAHAIE:** There isn't any reason why it
15 had to happen at that particular point in time?

16 **MR. BOURGEOIS:** No.

17 **MS. LAHAIE:** We're going to go through the
18 timeline and it just seems like a -- an interesting date to
19 have selected. You can't think of anything off-hand as to
20 why you personally would have been interested in sending
21 this material to him on December 18th, 1996.

22 **MR. BOURGEOIS:** No.

23 **MS. LAHAIE:** Could the suggestion have come
24 from Perry Dunlop?

25 **MR. BOURGEOIS:** I can't tell you one way or

1 another.

2 **MS. LAHAIE:** If we do take this possibility
3 that -- as you've indicated, it's possible that this was
4 the Table of Contents in the Fantino binder, we see that
5 there is the index and then there is the Dunlop Statement
6 of Claim.

7 Now, if this is the Table of Contents of
8 what you sent on December 18th, 1996 we have to assume that
9 you sent the Amended Statement of Claim only, right,
10 because that was completed on the 15th of November 1996.
11 You would have sent the most recent of the two?

12 **MR. BOURGEOIS:** Well, I wouldn't be prepared
13 to assume that.

14 **MS. LAHAIE:** You think that you -- it's
15 possible that you would have sent the first one in time and
16 not the amended one?

17 **MR. BOURGEOIS:** I couldn't tell you one way
18 or another.

19 **MS. LAHAIE:** Okay. That wouldn't make very
20 much sense though, would it? You wouldn't want to send the
21 best possible information that you could to have Chief
22 Fantino look into the allegations as you've indicated in
23 your covering letter that it was for -- to ensure the
24 safety of the Dunlop family; safety of the children in the
25 community; the victims that you had already spoken to and

1 Mr. Dunlop had already spoken to.

2 So the most serious of those claims are in
3 the Amended Statement of Claim. Isn't that correct?

4 **MR. BOURGEOIS:** It's certainly more
5 detailed, yeah.

6 **MS. LAHAIE:** Okay. Then we see three
7 statements -- the three statements of David Silmsler.

8 And then at numbers six and seven we see
9 affidavit of Ron Leroux and statement of Ron Leroux.

10 And so if we go through the entire list,
11 those are the only documents emanating from Ron Leroux. So
12 how did you decide, or Mr. Dunlop decide, which one to put
13 in. Do you recall?

14 **MR. BOURGEOIS:** No.

15 **MS. LAHAIE:** If I tell you that at that
16 point -- well, firstly, you would have had all of his
17 statements and affidavits and interview reports in your
18 file at that point on December 18th, 1996? These were being
19 collected with a view of the civil proceedings; correct?

20 **MR. BOURGEOIS:** Could Perry have had other
21 documents? It's possible.

22 **MS. LAHAIE:** But if these affidavits and
23 statements are being gathered for the purpose of a civil
24 claim, he would have provided you with copies of all of
25 those, would he not?

1 **MR. BOURGEOIS:** No necessarily.

2 **MS. LAHAIE:** Okay. So you had some of them.
3 You had more than one I think you can safely say. You were
4 an attesting witness on occasion?

5 **MR. BOURGEOIS:** I'd be guessing, but -- I'd
6 be guessing, Your Honour, but likely that I'd have have
7 more than one.

8 **MS. LAHAIE:** Okay.

9 **MR. BOURGEOIS:** But I'd be guessing.

10 **MS. LAHAIE:** If I tell you from a review of
11 the documents that we've seen, at that point in time there
12 was an interview report with Perry Dunlop that's been
13 transcribed. There were two affidavits and six statements
14 in existence as of 18th of December, 1996.

15 **MR. BOURGEOIS:** Okay.

16 **MS. LAHAIE:** So nine documents.

17 You don't know how the selection process was
18 undertaken as to which one of those would be included?

19 **THE COMMISSIONER:** Assuming that -- see, I
20 don't know -- the foundation for this is just a little
21 tenuous.

22 **MS. LAHAIE:** It's all we've got,
23 unfortunately. I'm just trying to -- trying to nail down
24 as best I can and perhaps it would -- something will jog
25 his memory, Mr. Commissioner.

1 **THE COMMISSIONER:** Okay. I'll let you
2 proceed on the basis you're trying to jog his memory.

3 **MS. LAHAIE:** Thank you.

4 You don't know how the selection process was
5 undertaken?

6 **MR. BOURGEOIS:** No.

7 **MS. LAHAIE:** All right.

8 Now, with respect to the next item,
9 statement of C-8, at that point in time C-8 -- just to
10 assist you and I know we've been reviewing these items with
11 you, C-8 provided a statement which is reflected in notes
12 of Officer Dunlop on June 9th, 1996. Do you know if you had
13 those in your possession?

14 **MR. BOURGEOIS:** I don't know what I -- I
15 can't remember what I had.

16 **MS. LAHAIE:** Okay.

17 **MR. BOURGEOIS:** I would have had some things
18 from C-8 for sure.

19 **THE COMMISSIONER:** Be careful now.

20 **MS. LAHAIE:** Just -- thank you.

21 And then June 24th, 1996, we have a statement
22 that was taken by Randy Porter. You would have had that
23 one because he was retained by you. Is that correct?

24 **MR. BOURGEOIS:** Yes.

25 **MS. LAHAIE:** All right.

1 **MR. BOURGEOIS:** I would assume so.

2 **MS. LAHAIE:** Okay. And that -- in that
3 statement, if we could go to that statement, which is at
4 Exhibit C-605, Document 720058.

5 **MR. BOURGEOIS:** Yes.

6 **MS. LAHAIE:** If we turn to the fourth page
7 which is at Bates number 7072786, mid-way. This is a
8 discussion with respect to Father Charles MacDonald:

9 "Father Charles MacDonald, Father at
10 St. Andrews Church; been to his place
11 at rectory; put on quite a spread for
12 the boys. I've known him for years. He
13 made a pass at me when I was 13 years
14 at St. Clements Parish. It went no
15 farther than that. I realized he was a
16 queer and I didn't want anything to do
17 with it."

18 So this statement would appear to be
19 exculpatory for Father Charles MacDonald. Would you agree
20 with that? Nothing more than a pass here -- no abuse?

21 **MR. BOURGEOIS:** That's what it says, yes.

22 **MS. LAHAIE:** Okay. And so you had this in
23 your possession, you've indicated, and it goes on to
24 implicate Ron Leroux, I would suggest. If you read on:

25 "I lived with a guy since..."

1 **THE COMMISSIONER:** No, no, just let him read
2 that, you know, because ---

3 **MS. LAHAIE:** Certainly, yes.

4 If you read the next paragraph to the end of
5 that page and the first line of the next page, we see words
6 like "groom" and it would appear to implicate Mr. Leroux.
7 Is that correct?

8 **(SHORT PAUSE/COURTE PAUSE)**

9 **MR. BOURGEOIS:** It depends what you make of
10 that.

11 **MS. LAHAIE:** We'll let Mr. Commissioner
12 determine that issue then.

13 If we turn to the final statement that would
14 have been in existence -- the next and final statement in
15 existence with respect to C-8, and that would be Exhibit
16 606 at Document 117614.

17 **MR. BOURGEOIS:** Yes.

18 **MS. LAHAIE:** Now, in this statement -- I
19 think a few counsel have reviewed this with you now -- we
20 don't see any mention of Ron Leroux in this statement as
21 being an abuser. Is that correct?

22 **MR. BOURGEOIS:** If you say so.

23 **MS. LAHAIE:** Well, do you want a minute to
24 review it?

25 **MR. BOURGEOIS:** I accept it.

1 **MS. LAHAIE:** You accept it, okay. And in
2 fact on the third page at Bates 1111919, Ron Leroux is
3 actually depicted here as a victim, in the third paragraph
4 following the numbers?

5 **MR. BOURGEOIS:** Correct.

6 **MS. LAHAIE:** And the fourth page of the
7 letter, 1111920.

8 **MR. BOURGEOIS:** Yes.

9 **MS. LAHAIE:** Towards the upper middle:
10 "My life has been messed up since
11 Father Charles MacDonald sexually
12 assaulted me. It got worse when Marcel
13 Lalonde assaulted me. I would like to
14 heal and I would like to make sure that
15 other children do not have to go
16 through what I went through when I was
17 growing up. I would like both Marcel
18 Lalonde and Father Charles MacDonald to
19 be charged for sexually assaulting me."

20 So in this letter he clearly has two
21 abusers. You will agree with that?

22 **MR. BOURGEOIS:** Yes.

23 **MS. LAHAIE:** And the stated purpose of
24 giving this statement, or coming forward, is set out in the
25 second-to-last paragraph of this statement:

1 "The reason I am coming forward is that
2 these men who molest children have got
3 to be stopped. I knew that eventually
4 this would all come out and that this
5 group of pedophiles would be stopped."

6 Do you see that?

7 **MR. BOURGEOIS:** Yes.

8 **MS. LAHAIE:** Now, throughout the letter as
9 well there is an enumerated list of 27 individuals whose
10 names would appear in the Amended Statement of Claim?

11 **MR. BOURGEOIS:** Okay.

12 **MS. LAHAIE:** And so I would suggest to you
13 that this would be likely -- if we're seeing on the index
14 at Exhibit 729 -- if we're seeing at number 8, "Statement
15 of C-8", this is likely the one that was included in the
16 brief; correct?

17 **MR. BOURGEOIS:** Well ---

18 **MS. LAHAIE:** I just want to draw your
19 attention if we could go back to Exhibit 606, please?

20 **MR. BOURGEOIS:** Yes.

21 **MS. LAHAIE:** Just to see the first page,
22 please -- if this helps, if you could just scroll a bit to
23 the right?

24 You'll recall that at Exhibit 729, the Table
25 of Contents, it was the eighth item listed there. Do you

1 see the top right-hand corner, "Source: Book 1, Tab 8"?
2 Appearing at the same tab as on that Table of Contents?

3 **THE COMMISSIONER:** Because ---

4 **MR. BOURGEOIS:** --- from Dunlop in 2000.

5 **MS. LAHAIE:** We have to scroll more to the
6 right, Madam Clerk, please.

7 Okay, Source Book 1, Tab 8. Do you see
8 that?

9 **MR. BOURGEOIS:** Yes.

10 **MS. LAHAIE:** On top? So the same tab as
11 listed on the Table of Contents.

12 So can we safely assume, knowing that the
13 purpose is to bring forward to Chief Fantino's attention
14 this problem in Cornwall with the clan of pedophiles and a
15 conspiracy and a planned hit on the Dunlop family, knowing
16 that it's at the same tab and knowing that this statement
17 is the most consistent with that stated objective in your
18 covering letter, can we safely assume that this is the
19 statement that would have been included?

20 **MR. BOURGEOIS:** No, can't safely assume
21 that.

22 **MS. LAHAIE:** Pardon?

23 **MR. BOURGEOIS:** You can't safely assume
24 that.

25 **MS. LAHAIE:** Is it more likely that it is?

1 **MR. BOURGEOIS:** It says underneath that:
2 "Received from Dunlop, February 9th,
3 2000."

4 **MS. LAHAIE:** This would be -- and another
5 witness will come forward to attest to whose initials those
6 are, but you agree it's Book 1, Tab 8? This was the first
7 book created of disclosure of Perry Dunlop's
8 investigations, isn't it, the Fantino binder?

9 **MR. BOURGEOIS:** You're saying that you
10 disregard what's underneath that?

11 **MS. LAHAIE:** Perhaps this came in -- this
12 particular letter came into possession of an officer on
13 February 9th, 2000. You are not here to attest to that
14 because your retainer came to an end on November 21st, 1997.
15 What I'm trying to get at, sir ---

16 **THE COMMISSIONER:** Let's put it this way.
17 If you're saying that in the table of the index or contents
18 that people are suggesting was included in the package that
19 went to Chief Fantino from this gentleman's office, that on
20 the index it says "Tab 8" and on Tab 8 or number eight on
21 the list, it's exactly the statement attributed to C-8;
22 that's it.

23 All right, that's consistent with. I think
24 that's the best you are going to get.

25 **MS. LAHAIE:** Thank you, sir.

1 **THE COMMISSIONER:** And after the hundreds of
2 thousands of pages that we have in all of this, I query
3 whether some other Tab 8 is available someplace else. But
4 I'm sure when Chief Fantino comes to testify he'll be able
5 to tell us all of this.

6 **MS. LAHAIE:** We hope so.

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

8 **MS. LAHAIE:** I'm not involved in his
9 preparation at all so I'm not aware.

10 **THE COMMISSIONER:** Oh, Pontius Pilate.

11 **(LAUGHTER/RIRES)**

12 **MS. LAHAIE:** Right. If we could turn to
13 your covering letter, which is Exhibit 719, Document
14 103216?

15 **THE COMMISSIONER:** I'm sorry, what exhibit
16 number?

17 **MS. LAHAIE:** Seven-one-nine (719), Mr.
18 Commissioner.

19 **THE COMMISSIONER:** Yes.

20 **MS. LAHAIE:** Document 103216.

21 **MR. BOURGEOIS:** Yes.

22 **MS. LAHAIE:** If your file were still
23 available, you would use correspondence and notes to
24 refresh your memory. This is your letter. You identified
25 this for my friend, Mr. David Sherriff-Scott, your letter

1 dated December 18th, 1996 to Chief Fantino in London when he
2 was the Chief of the London police.

3 You indicate in your first paragraph that
4 you were including a binder with particulars relevant to
5 this issue, and we've gone through the Table of Contents of
6 what is potentially the binder that was included.

7 In the third paragraph you indicate:

8 "During our investigation and
9 preparation of the Dunlop civil suit,
10 it was discovered that serious criminal
11 acts were committed and may well be
12 continuing. We have gained knowledge
13 of covert plans to cover-up and impede
14 police investigations, as well as a
15 planned hit on the Dunlop family."

16 In the next sentence you enumerate -- the
17 next two sentences you enumerate your three concerns:

18 "We have great concern for the safety
19 of the Dunlop family and the safety of
20 the children in the community. We are
21 also very concerned for the victims we
22 know are out there."

23 So presumably you meant the victims you had
24 already spoken to as included in that list? Do you
25 remember sending this letter?

1 **MR. BOURGEOIS:** Yes.

2 **MS. LAHAIE:** Okay. The last paragraph on
3 that page:

4 "We are aware of your tremendous work
5 and dedication in the founding of
6 Project Guardian. My clients feel that
7 you are the last hope of getting an
8 investigation headed in the right
9 direction."

10 When you used the words, "last hope", you
11 were aware of course that no law enforcement agency had
12 investigated anything but the David Silmser allegations at
13 that point in time, were you not?

14 **MR. BOURGEOIS:** I wouldn't be aware of what
15 other forces would have done.

16 **MS. LAHAIE:** But you knew at that point, you
17 had gathered statements with Mr. Dunlop. You were sending
18 it to Chief Fantino to get his guidance and direction
19 because you knew that this was time now to get this into
20 the criminal sphere, to get this into a criminal
21 investigation because you were aware that there were crimes
22 being committed against children. You wanted to protect
23 the children, correct, and no other police force had looked
24 into anything? This was the starting point for a police
25 investigation. Is that not right?

1 **MR. BOURGEOIS:** It's likely but I can't
2 remember exactly.

3 **MS. LAHAIE:** And the next sentence:
4 "After so many failed attempts, they
5 feel you are the man for the job."
6 What failed attempts were you referring to
7 there?

8 **MR. BOURGEOIS:** I can't remember.

9 **MS. LAHAIE:** Now you indicated in the
10 sentence previous that it was time to get an investigation
11 headed in the right direction. You are a criminal lawyer,
12 sir, now? You practice primarily in criminal law?

13 **MR. BOURGEOIS:** Now, yeah.

14 **MS. LAHAIE:** And you know the importance
15 when you receive a package from a Crown attorney that if
16 you have a statement from a complainant that you would
17 receive all of the complainant's statements, utterances,
18 discussions with respect to the event, which is the subject
19 of criminal charges. Is that correct?

20 **MR. BOURGEOIS:** Now, yeah.

21 **MS. LAHAIE:** Whether they would be
22 exculpatory or they would assist the prosecution, they all
23 must be disclosed?

24 **MR. BOURGEOIS:** Correct.

25 **MS. LAHAIE:** Otherwise you can't get an

1 investigation going in the right direction; correct?

2 **MR. BOURGEOIS:** Correct.

3 **MS. LAHAIE:** Now, if only one of the
4 affidavits of Ron Leroux and one statement of Ron Leroux,
5 and one statement of C-8 were included in that brief, that
6 wasn't in retrospect the way to get the investigation in
7 the right direction. Is that fair?

8 **MR. BOURGEOIS:** I don't know what you mean
9 by that.

10 **MS. LAHAIE:** Well, is it not fair that if,
11 for instance, C-8 states in a statement on June 24th, 1996
12 that Father MacDonald made a pass at him and then in a
13 statement of December 12th, 1996 he indicates he was a
14 victim of sexual assault at the hands of Father Charles
15 MacDonald, it would be important to disclose both of those
16 in order to get an investigation going in the right
17 direction, wouldn't it?

18 **MR. BOURGEOIS:** Yep. But that's looking at
19 it now.

20 **MS. LAHAIE:** That's what you know now?

21 **MR. BOURGEOIS:** Yeah.

22 **MS. LAHAIE:** You weren't practicing criminal
23 law to any great extent at that point?

24 **MR. BOURGEOIS:** None at all, really.

25 **MS. LAHAIE:** I want to turn now to another

1 area.

2 Mr. Commissioner, I'm in your hands if you
3 wish to have a break, or if you want me to continue, I'm
4 certainly able to do that.

5 **THE COMMISSIONER:** How long do you think
6 you'll be?

7 **MS. LAHAIE:** I would expect another 20 to 25
8 minutes or so.

9 **THE COMMISSIONER:** Okay, go ahead.

10 **MS. LAHAIE:** Thank you.

11 Now, we know that C-8 testified before this
12 Inquiry that he had always made it clear to Perry Dunlop
13 that his primary abusers were Mr. Leroux and Marcel
14 Lalonde. Did he ever indicate that to you, sir?

15 **MR. BOURGEOIS:** Not that I can remember.

16 **MS. LAHAIE:** Okay. And you'll agree, having
17 reviewed the June 9, 1996 notes of Perry Dunlop which were
18 filed as C-624, Document 116241, that those notes put Ron
19 Leroux in a negative light? They are the ones that speak
20 of ---

21 **THE COMMISSIONER:** So Exhibit 624, sir.

22 **MR. BOURGEOIS:** Thank you, Your Honour.

23 **MS. LAHAIE:** C-624 Mr. Commissioner.

24 **THE COMMISSIONER:** C-624, yes.

25 **MS. LAHAIE:** If we go to Bates 1091444.

1 **THE COMMISSIONER:** Do you have it? If you
2 look in the top left-hand corner of Exhibit 624.

3 **MR. BOURGEOIS:** Yes, Your Honour.

4 **THE COMMISSIONER:** So we're looking at
5 1091444 at the top left, yes, right there.

6 **MR. BOURGEOIS:** Okay, sir, yes.

7 **THE COMMISSIONER:** Now, where do you want
8 him to go?

9 **MS. LAHAIE:** The fourth line:

10 "C-8 told me he worked hard all of
11 his life and that Ron had made him feel
12 insecure as he was growing up. When he
13 would try to get a girlfriend, Ron
14 would interfere. He said he hated Ron.
15 He said Ron used to parade him around
16 like he was his boyfriend. He
17 indicated to me he has a hard time
18 establishing relationships with women.
19 He indicates he has used alcohol and
20 drugs to get his mind off the past but
21 feels like he lost 15 years of his
22 life."

23 **THE COMMISSIONER:** So this is what Officer -
24 - well, Mr. Dunlop wrote in his notes about the
25 conversation he would have had with C-8 relating to Ron.

1 MR. BOURGEOIS: Yes.

2 MS. LAHAIE: Have you ever seen these notes,
3 sir?

4 MR. BOURGEOIS: I can't tell you one way or
5 another.

6 MS. LAHAIE: The formal statement that he
7 gave to Mr. Porter on June 24th, 1996, we've already
8 reviewed that and again we see references to "grooming" by
9 Ron Leroux and we see an exculpatory statement with respect
10 to any involvement with Father Charles MacDonald.

11 THE COMMISSIONER: What is it? You're
12 asking him to refer to that again?

13 MS. LAHAIE: Yes, that's C-605720058.

14 THE COMMISSIONER: Exhibit 605 for your
15 purposes, sir.

16 MR. BOURGEOIS: Thank you. Yes.

17 THE COMMISSIONER: So this is a statement
18 that you would have taken, sir?

19 MS. LAHAIE: This would be a statement to
20 Mr. Porter?

21 THE COMMISSIONER: Oh, Mr. Porter, sorry.

22 MS. LAHAIE: At Mr. Bourgeois's direction.

23 THE COMMISSIONER: Okay. And where do you
24 want to ---

25 MS. LAHAIE: Just drawing his attention

1 again, Mr. Commissioner, to the statements where he
2 indicates -- at the fourth page of that statement, 7072786.
3 We reviewed that a moment ago. It's exculpatory with
4 respect to Father Charles MacDonald but implicates Ronald
5 Leroux in that next paragraph.

6 **THE COMMISSIONER:** All right.

7 **MS. LAHAIE:** And I just want to refer to
8 passages from the transcripts of C-8, and I'm mindful, Mr.
9 Commissioner, that these were done in camera, and I will
10 only quote passages which would not tend to identify the
11 individual.

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

13 **MS. LAHAIE:** If we go to the in camera
14 transcript, Volume 129. The evidence of C-8 given on
15 August 22, 2007.

16 **THE COMMISSIONER:** Not on the public screen.
17 Thank you.

18 **MR. BOURGEOIS:** What page?

19 **MS. LAHAIE:** Page 76, sir.

20 **THE COMMISSIONER:** Let's be careful with the
21 C-8.

22 **MR. BOURGEOIS:** Thank you, sir.

23 **THE COMMISSIONER:** Where are you, 76?

24 **MR. BOURGEOIS:** Yes.

25 **MS. LAHAIE:** Page 76, line 21. I'm going to

1 quote from this because there's a link that seems to be
2 drawn between the timing of C-8 coming forward with respect
3 to allegations on Father Charles MacDonald and his
4 difficulties encountered with the prosecution involving his
5 niece.

6 So if we go to that, line 21:

7 "MR. ENGELMANN: Now you have recanted
8 some specific allegations. You've said
9 that they were false about Father
10 Charles?

11 C-8: That's correct. I felt
12 pressured. All my life everybody tried
13 to control me and it seems that way.
14 It seems like only people who want to
15 get to know you unless you want
16 something otherwise do they really want
17 to know you?

18 MR. ENGELMANN: And who are you
19 suggesting was pressuring you to get
20 something on Father Charlie?

21 C-8: I went to see Perry and my main
22 concern was about Ron Leroux and Marcel
23 Lalonde and Perry just kept pushing and
24 pushing. It felt like you know, I had
25 to give him something. I ran into a

1 problem with my niece. I did something
2 wrong I should have never done. I made
3 a mistake and I felt like I had no
4 friends. I was suicidal. I was --
5 couldn't believe I had done something
6 like that. The only friend I had was
7 Perry at the time and I kept telling
8 him about Leroux and I kept telling him
9 about Marcel Lalonde. But his interest
10 wasn't really into Leroux. He needed
11 Leroux apparently. He was too much of
12 a witness for him and he knew too much
13 ..." ---

14 **THE COMMISSIONER:** --- "or he knew too
15 much".

16 **MS. LAHAIE:**
17 ..."or he knew too much. So none of the
18 charges ever went down on Leroux and
19 nobody has ever paid any attention to
20 what I've said about it. I had given
21 Perry a statement on Leroux and haven't
22 seen a statement on that. At the time,
23 with my niece and that was all going
24 down, I -- you know, he kept bugging
25 me. So, you know -- 'Do you remember

1 anything on Charlie? Come on. You've
2 got to remember something.' And I just
3 couldn't.
4 We left Perry's house one morning. I
5 was with Perry and Charlie.
6 THE COMMISSIONER: Charlie Bourgeois?
7 C-8: Bourgeois. And then he wanted me
8 to write the statement that morning
9 because Charlie was going to defend me
10 in court with my niece. So I ended up
11 going next door with Perry to his
12 neighbour's house and Charlie said he
13 couldn't go. He said, 'your statement'
14 and then he says 'and I'll take you'.
15 So I go into the neighbour's house. I
16 do the statement up with Perry in his
17 front of his neighbour, the woman that
18 was there -- she was kind of keeping to
19 herself -- did up the statement. I
20 left the neighbour's house and went
21 into Perry's house and then Charlie and
22 I took off and we went to the police
23 station in Lancaster and I gave my
24 statement, my false statement, because
25 I had to do something to appease him."

1 **THE COMMISSIONER:** --- "because I felt I had
2 to do something to appease him."

3 **MS. LAHAIE:** I apologize. Correct.
4 ... "because I felt I had to do something
5 to appease him.
6 And then from there, I left with
7 Charlie and he defended me on my case
8 with my niece.
9 That's a little too fast.

10 **MR. ENGELMANN:** Sorry you got ahead of
11 me. But I think we're talking about
12 the day you went to court about your
13 niece and you had some interviews with
14 the OPP. I believe you are talking
15 January 23rd, 1997?

16 C-8: I guess so.

17 **MR. ENGELMANN:** Okay, so let's just
18 come back in time. So you felt
19 pressured to give some information
20 about Charles MacDonald?

21 C-8: He was always on me. He was
22 bugging me. He wouldn't leave me
23 alone. I just told him; I said, 'Look
24 I don't remember anything. I don't,
25 you know.' And then all this shit came

1 down with my niece and then you know he
2 was like the only friend I had. I had
3 nobody around and Perry was taking me
4 to his place all the time for meals and
5 you know, I was a family figure, you
6 know, meet his kids, everything is
7 good, you know, he's playing music, you
8 know; I feel like I'm part of the
9 family. How do I let them down? You
10 know. And it's like, you know, my
11 niece stuff; that was just -- I was
12 just, didn't know what to do. I felt
13 like I had to give him something. I
14 just couldn't remember so I felt I had
15 to fabricate something.

16 MR. ENGELMANN: All right. So this
17 trouble with your niece and this time
18 frame that we are dealing with now, if
19 I'm not mistaken, the end of 1996 and
20 beginning of 1997.

21 I guess so.

22 It was ten years ago, so it would be."

23 And if you go down just a little further.

24 Line 19; C-8 indicates in answer to Mr. Engelmann's
25 question:

1 "I've never done anything wrong in my
2 life besides lie for Perry and the
3 problem with my niece."

4 Just to go back to the statement we were in,
5 sir; the June statement, whether it's June 24th or not, C-
6 605. There's a reference on that page we were on,
7 underneath the reference to Father Charlie that says --
8 it's the fourth page near the bottom -- it says:

9 **THE COMMISSIONER:** Whoa, whoa, whoa, whoa.

10 **MS. LAHAIE:** Yes.

11 And I'll let you read that.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **MR. BOURGEOIS:** I've read it.

14 **THE COMMISSIONER:** He's read it.

15 **MS. LAHAIE:** So my question to you, sir, is
16 it appears from C-8's recollection that the reason that he
17 fabricated the allegations against Father Charles MacDonald
18 is very much linked in time to the trouble he was
19 experiencing with his niece. You were retained for his
20 defence of that sexual assault. Do you recall any
21 discussions with him about disclosure of abuse at the hands
22 of Father Charles coinciding in time with the abuse on his
23 niece?

24 **MR. BOURGEOIS:** No.

25 **MS. LAHAIE:** So if it was as described by C-

1 8, that he felt pressured to give him something, you
2 weren't part of the creation of those allegations, which
3 are now known to be falsehoods?

4 **MR. BOURGEOIS:** There's two or three
5 questions there. If what?

6 **MS. LAHAIE:** We now know that the
7 allegations against Father Charlie were falsehoods. On
8 March 12th, 2002, C-8 recanted completely all of his
9 allegations of abuse at the hands of Father Charles.
10 You're aware of that?

11 **THE COMMISSIONER:** We know that he's
12 recanted.

13 **MR. BOURGEOIS:** We know he's recanted. Yes.
14 That's all I'm prepared to say on it.

15 **MS. LAHAIE:** And you weren't part of the
16 creation of the statement on December 12th, which creates
17 these allegations against Father Charles MacDonald?

18 **MR. BOURGEOIS:** I don't know one way or
19 another, Your Honour. I don't know how to answer that.

20 **MS. LAHAIE:** Okay.

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

22 **MS. LAHAIE:** The statement is prepared on
23 December 12th, 1996, where those allegations are made and
24 where Ron Leroux's name no longer appears in C-8's
25 statement and Father Charles' name is in, in terms of

1 allegations of abuse.

2 **MR. BOURGEOIS:** Okay.

3 **MS. LAHAIE:** Correct?

4 On the 16th of December, you telephone Chief
5 Fantino to tell him that it's time to bring these
6 allegations to the forefront. Is there anything to the
7 timing of that telephone conversation and the letter which
8 follows on December 18th?

9 **MR. BOURGEOIS:** Not that I can remember in
10 any particular.

11 **MS. LAHAIE:** Now on December 19th, 1996, C-8
12 is arrested for that sexual assault on his niece and we
13 know from notes in an officer's notebook which will be
14 verified at a later date, that you're in telephone
15 communication with Constable Génier, on that date, the day
16 that C-8 is arrested. Do you recall that telephone
17 conversation?

18 **MR. BOURGEOIS:** Not the details of it; no.

19 **MS. LAHAIE:** In the brief -- the Crown brief
20 for C-8, Mr. Commissioner, the notes of ---

21 **THE COMMISSIONER:** Exhibit number?

22 **MS. LAHAIE:** I'm afraid I'll have to ask for
23 assistance. I believe it went in through Mr. Neville's
24 cross-examination.

25 **THE COMMISSIONER:** I believe then, it's --

1 no. Can anyone help?

2 **THE REGISTRAR:** C-739.

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

4 **THE REGISTRAR:** C-739.

5 **THE COMMISSIONER:** C-739; that would make
6 sense. Yes, it is. That's right. C-739.

7 Okay. So where are we going on this?

8 **MS. LAHAIE:** We're going to the notes of
9 Officer Génier of December 19th, 1996. I don't think this
10 brief has Bates pages. But if we turn to the notes of
11 Officer Génier ---

12 **THE COMMISSIONER:** Sure it does.

13 **MS. LAHAIE:** --- of December 19th, 1996.

14 **THE COMMISSIONER:** Well, don't we have a
15 1102473?

16 **MS. LAHAIE:** Oh, wonderful.

17 Madam Clerk is handing me the brief that has
18 the Bates page numbers on it. Let me just have a moment,
19 please?

20 Bates 1102491.

21 Do you see -- it's one -- six pages from the
22 back. Okay? So do you have it?

23 **MR. BOURGEOIS:** Yes, I do. I do your
24 honour.

25 **THE COMMISSIONER:** All right.

1 MS. LAHAIE: At 11:15.

2 THE COMMISSIONER: At 11:15.

3 MS. LAHAIE: Constable Genier records:

4 "Contacted C--8 on cell phone [the
5 number is given]. He stated he was at
6 his neighbour's residence, having
7 problems with his truck. C-8 stated
8 that he has spoken to his lawyer and
9 chooses not to speak of incident at
10 this time. I advised him that I would
11 attend in 20 minutes. 11:53, C-8's
12 residence [the address is given] C-8 on
13 the phone in residence. 11:55, C-8
14 passed phone to me, and stated, 'My
15 lawyer wants to speak to you.' I got
16 on the phone and asked who he was. He
17 stated Charles Bourgeois and I
18 identified myself. He said he would be
19 in area tomorrow and, if we could wait
20 until then to talk to C-8, he said, 'C-
21 8 is like a pebble in the sand in the
22 ocean.' I advised Bourgeois that I
23 finally located C-8 and we're dealing
24 with this right now. C-8 (sic) was
25 becoming louder..."

1 Pardon me.

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

3 **MS. LAHAIE:** "...Bourgeois was becoming
4 louder and stated he was speaking with
5 Staff Sergeant Luloff and it was okay
6 for us to wait until tomorrow before
7 interviewing C-8."

8 Now, arranging with the Staff Sergeant who
9 doesn't know, presumably, anything about this impending
10 arrest, and arranging for an arrest to occur on a day after
11 this, and holding off on the statement takes some
12 negotiating and planning.

13 Would you agree with that?

14 **MR. BOURGEOIS:** Obviously, if I did, I would
15 have had to discuss with him.

16 **MS. LAHAIE:** Right.

17 And Officer Genier contacted C-8 and 20
18 minutes later was at his residence. So you had to know
19 that this was something that was going to be happening
20 before the 19th of December. Is that fair?

21 **MR. BOURGEOIS:** Well, I'll assume so.

22 **MS. LAHAIE:** Okay; so do you remember how
23 many days before?

24 **MR. BOURGEOIS:** No.

25 **MS. LAHAIE:** "I advised Bourgeois that

1 Luloff was not familiar, totally, with
2 the case and that because of certain
3 circumstances, he will be dealt with
4 today for the August 1996 incidents.
5 Bourgeois then was talking louder and
6 began to be ignorant, so I told him C-8
7 will be arrested now and taken to
8 detachment for he could call him back.
9 I passed the phone to C-8."

10 And I believe there was -- I'm sorry, before
11 that:

12 "Bourgeois then asked what police are
13 doing about the pedophiles in the area
14 and asked if I was taking good notes
15 because there is going to be a public
16 inquiry and I'd better have good
17 notes."

18 Sorry, I skipped over that paragraph.

19 So at that point -- just a couple of other
20 questions -- there is no Project Truth in the area at that
21 point. We know Project Truth started in the spring of
22 1997, and you're speaking of a public inquiry at that point
23 in time.

24 Do you know why you would have said that?

25 **MR. BOURGEOIS:** No.

1 **MS. LAHAIE:** Okay.

2 And other than the planned disclosure of all
3 of these things -- pardon me, the disclosure of these
4 things which occurred the day before, to Chief Fantino
5 other than that there is no -- there has been no police
6 involvement apart from D.S.'s original investigation;
7 correct?

8 **THE COMMISSIONER:** Well, how would he know
9 that?

10 **MS. LAHAIE:** There -- is he aware of --
11 there were no other -- there was no other law enforcement
12 of any of the allegations that are in the Fantino binder.
13 We've -- he's indicated to us that this was the starting
14 point of the police being involved with this alleged
15 problem in the community of a clan of pedophiles; a
16 conspiracy, a planned hit on the Dunlops. These things
17 have not been investigated, to date.

18 **MR. BOURGEOIS:** I don't know if I would have
19 known or not, I mean ---

20 **MS. LAHAIE:** You don't know if you'd have
21 known or not what?

22 **MR. BOURGEOIS:** Well, you're asking me would
23 I know if there is anybody that would have investigated
24 this. That's a pretty broad-scoping question.

25 **MS. LAHAIE:** Well, you know, Mr. Dunlop and

1 yourself are gathering witness statements, and you're not
2 turning those over to any of the police forces, are you?

3 You haven't turned them over to a police
4 force?

5 **MR. BOURGEOIS:** Not at that point, I don't
6 think so.

7 **MS. LAHAIE:** Okay.

8 And so:

9 "There's going to be a public inquiry
10 in the area."

11 was quite clairvoyant, wasn't it?

12 **MR. BOURGEOIS:** I don't know how to answer
13 that.

14 **MS. LAHAIE:** Okay.

15 So you were aware of C-8's impending
16 criminal charges and you are retained by him at that point
17 in time, to defend him in his criminal -- with his criminal
18 difficulties; correct?

19 **MR. BOURGEOIS:** At what point in time?

20 **MS. LAHAIE:** Pardon?

21 **MR. BOURGEOIS:** At what point in time?

22 **MS. LAHAIE:** At that point, on December 19th,
23 1996.

24 **THE COMMISSIONER:** When he's arrested; when
25 you're talking to him.

1 **MR. BOURGEOIS:** Yeah.

2 **MS. LAHAIE:** All right.

3 And you'll agree with me that that's the
4 first appearance of Charles Bourgeois with the local OPP
5 enforcement team of any kind?

6 You're not on record with the OPP as
7 representing the Dunlops; you're not on record with the OPP
8 as representing Ron Leroux; you're not on record with the
9 OPP in any capacity, to your knowledge; this is the first
10 introduction of Charles Bourgeois to the local OPP
11 officers. Is that fair?

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

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

14 **MR. BOURGEOIS:** I couldn't say with
15 certainty, but ---

16 **MS. LAHAIE:** Now, on January 22nd, 1996, we
17 see an entry, again, in Constable Genier's notes of a
18 telephone conversation that he has with you, and ---

19 **THE COMMISSIONER:** Where are we?

20 **MS. LAHAIE:** January 22nd 1996. And if I can
21 just have one moment -- 1997, pardon me. January 22nd 1997,
22 and that is exhibit 740.

23 **MR. BOURGEOIS:** Yes.

24 **MS. LAHAIE:** Okay. You'll see an entry at
25 Bates 7106386, at 15:24 hours.

1 Do you have that, Mr. Bourgeois?

2 **MR. BOURGEOIS:** That's not a ---

3 **MS. LAHAIE:** Okay.

4 **MR. BOURGEOIS:** This is not a reference to
5 what you just said, Ma'am.

6 **MS. LAHAIE:** Okay. I'm just looking at
7 exhibit 740 ---

8 **MR. BOURGEOIS:** Yeah.

9 **MS. LAHAIE:** --- which is on your screen
10 now.

11 **THE COMMISSIONER:** It's a three-page
12 document.

13 **MS. LAHAIE:** Yes.

14 **MR. BOURGEOIS:** Okay.

15 **MS. LAHAIE:** And if we could just ---

16 **THE COMMISSIONER:** And what page of the
17 document?

18 **MS. LAHAIE:** At Bates 7106386.

19 **THE COMMISSIONER:** We don't have that.

20 **MS. LAHAIE:** Okay. It could be under the
21 same notebook page as reflected at Bates 1112093.

22 **THE COMMISSIONER:** That's ---

23 **MR. BOURGEOIS:** Yes.

24 **MS. LAHAIE:** Okay.

25 **THE COMMISSIONER:** So which page did you

1 want there?

2 **MS. LAHAIE:** And that is at the entry at
3 15:24 hours.

4 **THE COMMISSIONER:** Right.

5 **MS. LAHAIE:** "Received call from Charles
6 Bourgeois, lawyer for C-8. He will
7 contact me tomorrow morning after court
8 to speak of C-8's past problems with
9 Lalonde."

10 You see that entry?

11 **MR. BOURGEOIS:** Yeah, yes.

12 **MS. LAHAIE:** Okay. Now, you only mentioned
13 that you're coming forward -- we know the statement given
14 to the OPP is the next day, January 23rd, 1997. You've gone
15 through that a number of times, now. But on the day
16 before, this is the day you believe you traveled from
17 Newmarket to come to Cornwall, and you stayed overnight at
18 Perry Dunlop's house. You remember that? You remember
19 testifying to that?

20 **MR. BOURGEOIS:** Yeah.

21 **MS. LAHAIE:** So the day before, you call and
22 you indicate to Constable Genier that you're going to be
23 bringing additional information forward on the next day,
24 regarding Marcel Lalonde only.

25 Do you remember why you wouldn't have

1 disclosed that you were also coming forward with C-8 to
2 give information about Charles MacDonald?

3 **MR. BOURGEOIS:** Those are notes of Detective
4 Genier.

5 **MS. LAHAIE:** Okay. That's fair. So you're
6 thinking perhaps he might have left that out?

7 **MR. BOURGEOIS:** I don't know one way or
8 another.

9 **MS. LAHAIE:** You don't remember whether you
10 were armed with that knowledge at that point? Was it clear
11 in your head that there -- that he was going to be coming
12 forward about abuse by two perpetrators?

13 **MR. BOURGEOIS:** I couldn't tell you.

14 **MS. LAHAIE:** All right.

15 And you travel to Cornwall and you stay over
16 at the Dunlop residence the night of the 22nd -- we know
17 that; correct? That's the day before the court appearance
18 in Alexandria. Do you remember going to the appearance
19 with C-8 in Alexandria? This is his first appearance out
20 of custody.

21 **MR. BOURGEOIS:** I don't know if I went to
22 that appearance or not.

23 **MS. LAHAIE:** Okay.

24 **THE COMMISSIONER:** Was he ever in custody?

25 **MS. LAHAIE:** Yes, he was in custody

1 following his arrest and then later released from bail
2 court in December, Mr. Commissioner.

3 On January 23rd, if we could move ahead on
4 that same document, the next page, we changed dates and
5 we're now at January 23rd, 1997 and we're at the detachment
6 now in Lancaster where C-8 is about to give his statements.
7 And, we now know, Mr. Bourgeois, that both those statements
8 contain falsehoods.

9 The first statement contained allegations
10 regarding Father Charles MacDonald, which he's now -- he
11 recanted in 2002. The second statement with respect to
12 Marcel Lalonde contains statements that he was abused on
13 school trips.

14 So both of those are falsehoods for which he
15 indicated at this Inquiry that he regrets; that they were
16 mistakes.

17 I just want to draw your attention to 1410
18 hours:

19 "C-8 and lawyer, Charles Bourgeois, at
20 detachment. C-8 has statement prepared
21 and will read into video. I read
22 statement while all in video room.

23 1442: C8 broke down in tears, excused
24 himself to washroom.

25 1448: Overheard C-8 crying. I asked

1 Bourgeois to go see him. I continued
2 reading statement."

3 So we see that the Commissioner of Oaths
4 then comes in at 1510 hours, so for 20 minutes or so I take
5 it you would have gone to speak with C-8 to console him.
6 Do you remember that?

7 **MR. BOURGEOIS:** Not particularly, but ---

8 **MS. LAHAIE:** You don't remember him breaking
9 down and crying and having to be consoled by you? That's
10 something that would stand out if this was one of your only
11 criminal cases, isn't it?

12 **MR. BOURGEOIS:** It really doesn't.

13 **MS. LAHAIE:** It doesn't stand out for you?

14 **MR. BOURGEOIS:** No.

15 **MS. LAHAIE:** That you would have gone up and
16 tried to console him because he was crying?

17 **MR. BOURGEOIS:** I'm not doubting that I did.

18 **MS. LAHAIE:** Okay.

19 **MR. BOURGEOIS:** Or saying that it's not
20 possible. I just don't have an independent recollection of
21 that.

22 **MS. LAHAIE:** Okay, because I'm just
23 wondering if someone is about to read two statements under
24 oath at an OPP detachment and that both statements are
25 false ---

1 **THE COMMISSIONER:** Well, just a minute.

2 Both statements were ---

3 **MS. LAHAIE:** Contained falsehoods.

4 **THE COMMISSIONER:** Yes.

5 **MS. LAHAIE:** Thank you, Mr. Commissioner.

6 Contained falsehoods. Why that person would
7 be crying and it makes me think, did he discuss why he was
8 crying because he would -- if you did console him would he
9 not be either saying, "I can't go through with this; I
10 can't read these false statements into the record" or that
11 he's misleading you and saying, "I was abused. I'm now
12 coming to grips with this and I'm now coming forward and
13 trying to go on with my life".

14 Do you remember if it was either of those
15 two scenarios?

16 **MR. BOURGEOIS:** No, not in particular, but
17 he could have been crying for a myriad of reasons. I don't
18 know.

19 **MS. LAHAIE:** Okay. But he -- he did not
20 indicate to you, or do you have any recollection that he
21 indicated, "I can't go through this --

22 **MR. BOURGEOIS:** No.

23 **MS. LAHAIE:** --- go through with this.
24 These are falsehoods."

25 **MR. BOURGEOIS:** No.

1 **MS. LAHAIE:** And you weren't part of the
2 creation of either of those typewritten statements. Is
3 that correct? These were things that were prepared in your
4 absence or do you recall? C-8 testified that he went to
5 the neighbours, that Perry Dunlop would have typed this out
6 for him?

7 **MR. BOURGEOIS:** I don't recall.

8 **MS. LAHAIE:** You don't remember. You don't
9 remember if you were standing there when those things were
10 created?

11 **MR. BOURGEOIS:** I don't.

12 **MS. LAHAIE:** Okay. I'm moving to the final
13 area which is going to be brief. Just to review with you
14 timelines with respect to the OPP's involvement with you or
15 your involvement with the OPP.

16 We, the OPP, my client, become aware of you
17 as being C8's lawyer firstly on December 19th, 1996.
18 There's no reason for you to believe that they would have
19 known that you were representing the Dunlops prior to this
20 date. Is that correct?

21 **MR. BOURGEOIS:** No reason for me to believe
22 that, but that's as much as I can go.

23 **MS. LAHAIE:** All right.

24 And on -- I just want to go to the statement
25 -- the video statement of January 23rd -- the second video

1 statement of C8.

2 **THE COMMISSIONER:** Which is Exhibit ---

3 **MS. LAHAIE:** Exhibit -- it's Document
4 721090. It would be -- I wonder if anyone else can assist?

5 **THE COMMISSIONER:** Do we have an exhibit
6 number? I'm sorry? Six-zero-eight (608)? Thank you.

7 **MS. LAHAIE:** Thank you. C-608.

8 This is a videotaped interview report number
9 two, so you'll recall that there was one video statement
10 given with respect to alleged abuse at the hands of Father
11 Charles MacDonald and a second videotaped statement with
12 respect to abuse at the hands of Marcel Lalonde.

13 If we go to Bates page 7075264?

14 **THE COMMISSIONER:** Page 15 of 19.

15 **MS. LAHAIE:** Oh, I'm sorry. It would be the
16 one before; 7075263.

17 **THE COMMISSIONER:** So page 14.

18 **MS. LAHAIE:** And you were present for both
19 of those statements, correct? Mr. Bourgeois?

20 **MR. BOURGEOIS:** Yes.

21 **MS. LAHAIE:** Okay. And if we go to just
22 below the middle of the page? This is the point that was
23 discussed in earlier cross-examination. This is where
24 Constable Genier asks C8:

25 "Have you been assaulted sexually by

1 anybody else?

2 C8: Except for the people -- I'd been
3 insulted[sic] a lot. I'm fucking being
4 honest. Many times by different people
5 in my past. I was assaulted by Ron.

6 Genier: Ron?

7 C8: Leroux, when I was young. I did
8 end up moving in there at 15 years
9 old."

10 **THE COMMISSIONER:** M'hm, m'hm, m'hm.

11 **MS. LAHAIE:** Pardon me.

12 And the statement goes on very briefly to
13 discuss abuse at the hands of Ron Leroux and this is the
14 first disclosure, you'll agree with me, to law enforcement
15 of Ron Leroux as an abuser. Is that your recollection?
16 This is the first time he is disclosed to be an abuser?

17 **MR. BOURGEOIS:** How do you want me to answer
18 that?

19 **MS. LAHAIE:** You don't remember?

20 **MR. BOURGEOIS:** Well, you want me -- you
21 want me to tell you that this is the first time it was
22 disclosed. How would I know that?

23 **MS. LAHAIE:** To your knowledge.

24 **MR. BOURGEOIS:** Oh, to my knowledge, yes.

25 **MS. LAHAIE:** Okay. And then two weeks --

1 actually 15 days later -- February 7th, 1997, Ron Leroux
2 attends the Orillia Detachment of the OPP with you to give
3 a statement of his own abuse and the events that he
4 witnessed.

5 Do you recall that? Do you recall going
6 with him to Orillia?

7 **MR. BOURGEOIS:** Yes.

8 **MS. LAHAIE:** And you were going there as his
9 lawyer?

10 **MR. BOURGEOIS:** No, I don't believe so.

11 **MS. LAHAIE:** Pardon?

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

13 **MS. LAHAIE:** You were never retained by Ron
14 Leroux or told to look out for his interests?

15 **MR. BOURGEOIS:** No.

16 **MS. LAHAIE:** There's no reason for him to
17 believe that he could look to you for legal guidance, that
18 you were his legal representative? Because if I show you a
19 note from Constable Genier of November 25th, 1997 ---

20 **THE COMMISSIONER:** Is this in exhibit
21 already?

22 **MS. LAHAIE:** I don't believe so. I provided
23 it to -- it's Document 116184.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit 748, excerpts of Detective Constable

1 Genier. Exhibit 748.

2 Okay, so where do you want to go on this?

3 --- EXHIBIT NO./PIÈCE No. P-748:

4 P-748: (116184 1081796-97) Charles Bourgeois
5 - Det. Cst. Don Genier - Officer's notes
6 from 17 Sep, 97 to 25 Nov, 97

7 MS. LAHAIE: I just wanted to turn the
8 witnesses attention to November 25th, 1997 ---

9 THE COMMISSIONER: So it's page 2?

10 MS. LAHAIE: Bates 1081797.

11 You see at the end of that page, the entry
12 at 13:18 hours?

13 Just to place you in context, Constable
14 Genier attends Maine to interview Mr. Leroux and he, at the
15 end of the interview, there is a notation in Constable
16 Genier's notes:

17 "Leroux will contact his lawyer,
18 Bourgeois, to possibly release
19 requested documentation such as photos,
20 student lists, ..."

21 And it goes on.

22 So he indicates that you are his lawyer.

23 Was he mistaken?

24 MR. BOURGEOIS: Yeah.

25 MS. LAHAIE: Okay.

1 **MR. BOURGEOIS:** I'm not even on the case at
2 that date.

3 **MS. LAHAIE:** Pardon?

4 **MR. BOURGEOIS:** I'm not even on the case at
5 that date.

6 **MS. LAHAIE:** You're no longer retained by
7 Mr. Dunlop. That retainer came to an end on November 21st,
8 '97; is that correct?

9 **MR. BOURGEOIS:** Yes.

10 **MS. LAHAIE:** Okay. So at no time did you
11 lead Mr. Leroux to believe that you were his lawyer;
12 correct, despite being beside him for that -- for that
13 statement in Orillia on February 7th, 1997; correct?

14 **MR. BOURGEOIS:** Correct.

15 **MS. LAHAIE:** Okay.

16 He didn't have any other lawyers to your
17 knowledge?

18 **MR. BOURGEOIS:** I don't know, ma'am.

19 **MS. LAHAIE:** I just want to -- the final
20 item of the timeline in terms of your introduction to the
21 local officers of the OPP, I'd like to turn to the notes of
22 Inspector Tim Smith of March 19th, 1997 and I have given
23 Madam Clerk document 111111.

24 **THE COMMISSIONER:** Exhibit 749 are extracts
25 of Officer Smith's notes.

1 --- EXHIBIT NO./PIÈCE NO. P-749:

2 (111111 1054328-29) Charles Bourgeois - Det.
3 Cst. Tim Smith - officer's notes from 18
4 Mar, 97 to 20 Mar, 97

5 **MS. LAHAIE:** You'll see at the entry there
6 at the 19th of March, 1997 Constable Genier at 14:15
7 indicates that Helen Dunlop, her telephone number. There
8 is a discussion with respect to the threats allegations.
9 And if you go down to the fifth line before the bottom, she
10 states her lawyer:

11 "... Bourgeois has info that will
12 help."

13 And if I indicate to you that this is the
14 first reference that I could locate with respect to Charles
15 Bourgeois being involved with the Dunlops in the OPP
16 materials; do you have any information which could assist
17 that you were representing the Dunlops any earlier than
18 that in the OPP's -- from the OPP's standpoint?

19 **MR. BOURGEOIS:** First of all, I wasn't her
20 lawyer but I guess if she wanted to consider it because I
21 was her husband's lawyer. But you're saying the OPP in
22 general wouldn't have known that before that day; is that
23 what you're saying?

24 **MS. LAHAIE:** Do you have any information
25 that they would have known before that date?

1 **MR. BOURGEOIS:** No, none that I can
2 remember.

3 **MS. LAHAIE:** And then you remember going
4 down to the OPP detachment with Mrs. Dunlop so that she
5 could provide a statement about the threats on the 21st of
6 March 1997?

7 **MR. BOURGEOIS:** No.

8 **MS. LAHAIE:** All right.

9 And if I indicate to you that Const --
10 pardon me -- Inspector Hall or, as he then was, S/Sgt Pat
11 Hall has an indication in his notes that you attended the
12 OPP detachment locally with Helen Dunlop to give her
13 statement on the 21st of March 1997. Does that ring a bell
14 at all?

15 **MR. BOURGEOIS:** No.

16 **MS. LAHAIE:** Do you remember being present
17 with her when she gave a statement about threats?

18 **MR. BOURGEOIS:** No, I don't. I don't -- I
19 don't deny that it happened.

20 **MS. LAHAIE:** You were located at 66 Prospect
21 Street in Newmarket, Ontario at the time?

22 **MR. BOURGEOIS:** On Prospect, yes.

23 **MS. LAHAIE:** And you were with the firm of
24 Corbett, Losell & Bourgeois, were you at the time?

25 **MR. BOURGEOIS:** Yeah.

1 **MS. LAHAIE:** Okay. And is this the -- other
2 than the interview at the OPP detachment as C-8's lawyer on
3 January 23rd, 1997. This is the next time you were at a
4 detachment locally assisting someone in this area?

5 **MR. BOURGEOIS:** If I did go which I don't
6 doubt if that's in his notes, I can't think of any other.

7 **MS. LAHAIE:** Okay. Those were the only two
8 times that you can think of?

9 **MR. BOURGEOIS:** Like I said, I can't think of
10 any other.

11 **MS. LAHAIE:** Thank you, Mr. Bourgeois.
12 Those are all my questions.

13 **MR. BOURGEOIS:** Thank you.

14 **MS. LAHAIE:** Thank you.

15 **THE COMMISSIONER:** Mr. Wallace.

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

17 **WALLACE:**

18 **MR. WALLACE:** Good afternoon Mr. Bourgeois.
19 My name is Mark Wallace and I'm the lawyer for the Ontario
20 Provincial Police Association. So from a practical
21 standpoint that's all the members of the OPP of the rank of
22 staff sergeant and below that; okay?

23 **MR. BOURGEOIS:** Okay.

24 **MR. WALLACE:** I'm going to be very brief.
25 I'm only going to be asking you a few questions concerning

1 your representation of C-8 and the proceedings on the 26th
2 of February before Judge Renault.

3 MR. BOURGEOIS: Okay.

4 MR. WALLACE: The 26th of February '97, you
5 appeared on behalf of C-8 in front of Judge Renault and at
6 that time your client entered a plea of guilty to a charge
7 of sexual assault and you made submissions and your client
8 was sentenced that day; correct?

9 MR. BOURGEOIS: Yeah, we reviewed that, yes.

10 MR. WALLACE: And in the course of making
11 the submissions on behalf of your client, you indicated to
12 be considered as a mitigating circumstance the fact that
13 your client himself had been the victim of three
14 perpetrators of sexual abuse; correct?

15 MR. BOURGEOIS: Yes.

16 MR. WALLACE: And you were referring of
17 course to Father Charlie, Marcel Lalonde and Ron Leroux;
18 correct?

19 MR. BOURGEOIS: Yeah.

20 MR. WALLACE: Now, you'd agree with me with
21 the basic proposition of advocacy, that as an officer of
22 the court you're only going to make submissions to a judge
23 that you believe to be true; correct?

24 MR. BOURGEOIS: Correct.

25 MR. WALLACE: Therefore, when you made those

1 submissions to Judge Renault, you believed as a fact that
2 C-8 had been abused by Father Charlie, Marcel Lalonde and
3 Ron Leroux; correct?

4 **MR. BOURGEOIS:** I take it, yes.

5 **MR. WALLACE:** Yes. There would be two
6 significant implications as far as Mr. Leroux are concerned
7 that I would like to draw to your attention. The first one
8 is that, as you have acknowledged a number of times, Mr.
9 Leroux was of crucial importance to the success of the
10 civil suit that you were undertaking on behalf of Mr.
11 Dunlop; correct?

12 **MR. BOURGEOIS:** He was an important witness.

13 **MR. WALLACE:** Yes, and this fact, the fact
14 that he was an abuser, this reflected badly on his
15 integrity as an individual; correct?

16 **MR. BOURGEOIS:** Looking at it now, yeah.

17 **MR. WALLACE:** And also, secondly, if you
18 believe that C-8 was in fact abused by Mr. Leroux, it would
19 then mean that Mr. Leroux wasn't honest or telling the
20 truth when he said to you, as you told us he had, that he
21 didn't abuse C-8; correct?

22 **THE COMMISSIONER:** Where did he say that he
23 had -- that he's told -- where is it in the evidence that
24 there is -- that this gentleman, Mr. Bourgeois had a
25 discussion with Leroux saying that did you abuse him, and

1 the answer being no.

2 **MR. WALLACE:** My recollection was in his
3 evidence in-chief. The question was put, "did you confront
4 Mr. Leroux about these facts?" And he would have said, "I
5 assume we did" and he denied it. That's my recollection of
6 his evidence in-chief.

7 **THE COMMISSIONER:** Oh, okay.

8 **MR. WALLACE:** And I think that's a fair
9 interpretation that I am putting on the evidence now.

10 **THE COMMISSIONER:** Okay.

11 **MR. WALLACE:** So that -- would you agree
12 with me that you -- what I've just said as far as your
13 evidence was concerned or do you want me to step back and
14 ask the questions?

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

16 **MR. WALLACE:** Well, firstly, you were aware
17 of the fact that C-8 was alleging that Mr. Leroux was
18 abusing him; correct?

19 **THE COMMISSIONER:** Had abused him.

20 **MR. WALLACE:** Had abused him.

21 **MR. BOURGEOIS:** Had. Had in the past.

22 **MR. WALLACE:** Had, in the past. And as a
23 matter of common sense, you would have put that to him;
24 correct? That is to Mr. Leroux?

25 **MR. BOURGEOIS:** You're saying as a matter of

1 common sense.

2 MR. WALLACE: Well, when you gave your
3 evidence in-chief, you indicated, I assume we did this?

4 MR. BOURGEOIS: Exactly, I assume.

5 MR. WALLACE: Okay, and you would have done
6 that simply as a matter of good judgment; correct?

7 MR. BOURGEOIS: Maybe I did. Maybe I
8 didn't. I don't know.

9 MR. WALLACE: Your recollection, however, do
10 you have any recollection of Mr. Leroux ever indicating
11 that he had abused C-8?

12 MR. BOURGEOIS: No.

13 MR. WALLACE: And in fact your recollection
14 is that he denied it; correct?

15 MR. BOURGEOIS: My best evidence would be
16 that he certainly never admitted it.

17 MR. WALLACE: Given the fact that if you
18 told us that you believed C-8 when he told you that Mr.
19 Leroux had abused him, given that fact ---

20 MR. BOURGEOIS: Yes.

21 MR. WALLACE: Did it ever occur to you or
22 Mr. Dunlop ---

23 THE COMMISSIONER: Well, no, start with him
24 first.

25 MR. WALLACE: Well, okay.

1 **THE COMMISSIONER:** How can he answer if it
2 never occurred to Mr. Dunlop, unless he had a response to
3 it?

4 **MR. WALLACE:** Well, did it ever occur to you
5 that you had to look very closely at anything Mr. Leroux
6 told you?

7 **MR. BOURGEOIS:** Not that I can remember.

8 **MR. WALLACE:** Thank you. Those are my
9 questions.

10 **MR. BOURGEOIS:** Thank you.

11 **THE COMMISSIONER:** Thank you.

12 Yes sir, for the Attorney General. You have
13 reserved your right to the end?

14 **MR. KOZLOFF:** Yes we did, Mr. Commissioner,
15 and we have no questions.

16 **THE COMMISSIONER:** Thank you. Maître Ruel,
17 do you have any re-examination?

18 **MR. RUEL:** No questions.

19 **THE COMMISSIONER:** Thank you.

20 Mr. Bourgeois, it's been a long journey for
21 you. I want to thank you for coming back on Monday. Best
22 of luck to you. Thank you.

23 **MR. BOURGEOIS:** Thank you, sir.

24 **(WITNESS IS EXCUSED/LE TÉMOIN EST LIBÉRÉ)**

25 **THE COMMISSIONER:** We'll break until 3:00.

1 **THE REGISTRAR:** Order. All rise. À
2 l'ordre. Veuillez vous lever.

3 This hearing will resume at 3:00 p.m.

4 --- Upon recessing at 2:40 p.m./

5 L'audience est suspendue à 14h40.

6 --- Upon resuming at 3:05 p.m./

7 L'audience est reprise à 15h05

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

10 **THE COMMISSIONER:** Good afternoon, Mr.
11 Engelmann.

12 **MR. ENGELMANN:** Good afternoon, Mr.
13 Commissioner. The next witness for the Commission is Mary
14 Lynn Young. If the witness could be sworn, please.

15 **THE COMMISSIONER:** Yes, thank you.

16 **MARY LYNN YOUNG:** Sworn/Assermentée

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
18 **ENGELMANN:**

19 **THE COMMISSIONER:** Good afternoon, Ms.
20 Young.

21 **DR. YOUNG:** Good afternoon.

22 **THE COMMISSIONER:** How are you doing today?

23 **DR. YOUNG:** I'm well.

24 **THE COMMISSIONER:** Good. A few little
25 rules. Keep the microphone in front so we can catch

1 whatever you are saying. If we come up with material,
2 you'll get a hard copy and you'll get the screen as well,
3 so you can use either or. There is a speaker in front of
4 you, a little box on your left. There is a volume control,
5 so you can deal with that. There is water there. If there
6 is anything you don't understand about the question, please
7 don't let him go on. Just stop him and then we'll see
8 where we go. If ever you need a break or there is
9 something you don't understand, you can turn to me and I
10 will try to help you out.

11 **DR. YOUNG:** Okay, thank you.

12 **THE COMMISSIONER:** Okay, Mr. Engelmann.

13 **MR. ENGELMANN:** Good afternoon, Dr. Young.

14 **DR. YOUNG:** Good afternoon, Peter.

15 **MR. ENGELMANN:** Thank you for coming to be
16 here. I know you've travelled from British Columbia and we
17 appreciate your being here with us.

18 Mr. Commissioner, Dr. Young has prepared a
19 report on the media coverage of allegations of historical
20 abuse of young persons in the Cornwall area. It covers the
21 timeframe 1986 to 2004, and it's contained in the Book of
22 Documents for Dr. Young. And what I'd like to do just at
23 this time is see that you get a copy and that the witness
24 has a copy. I will then seek to qualify her and if so
25 qualified, ask that it be marked the next exhibit.

1 **THE COMMISSIONER:** All right, thank you.

2 **MR. ENGELMANN:** Dr. Young, do you have a
3 copy of your Book of Documents?

4 **DR. YOUNG:** Yes, I do.

5 **MR. ENGELMANN:** Mr. Commissioner, Commission
6 counsel will be seeking to have Dr. Young qualified as an
7 expert in media analysis, with a special focus on the
8 justice system.

9 **THE COMMISSIONER:** Yes.

10 **MR. ENGELMANN:** Now Dr. Young at Tab 1 of
11 this Book of Documents, can you tell us what we have there?

12 **DR. YOUNG:** It's my C.V.

13 **MR. ENGELMANN:** All right, and to your
14 knowledge is it accurate and up-to-date?

15 **DR. YOUNG:** Yes, it is.

16 **MR. ENGELMANN:** Dr. Young, what I'd like to
17 do is just go through some of your background and I will
18 lead you through most of this. It's not controversial at
19 all.

20 Starting with your employment record, if I
21 may, I understand that you are currently the acting
22 director of the Graduate School of Journalism at the
23 University of British Columbia?

24 **DR. YOUNG:** Yes, that's true.

25 **MR. ENGELMANN:** And that you have been in

1 that position since July of this year?

2 DR. YOUNG: Correct.

3 MR. ENGELMANN: And I also understand that
4 you are an Associate Professor with the School of
5 Journalism?

6 DR. YOUNG: Yes.

7 MR. ENGELMANN: And that you have been so
8 since approximately January of the year 2000?

9 DR. YOUNG: Correct.

10 MR. ENGELMANN: Can you give us a sense of
11 what subjects that you are teaching or have taught over the
12 last few years?

13 DR. YOUNG: The main focus of my teaching at
14 the school is best practices news writing. We're doing
15 that now in a multi-platform online environment where we
16 train journalists to write, research, and report across
17 mediums. At the same time, I am also expected to teach
18 theory, a present society class as well about media theory
19 and how we think about media power.

20 MR. ENGELMANN: And are your students up and
21 coming journalists or are some of them already journalists?

22 DR. YOUNG: Yes. Actually our students are
23 up and coming. We have one at CBS. We have some at the
24 Globe. They do very well.

25 MR. ENGELMANN: Okay. Approximately how

1 many students do you have?

2 DR. YOUNG: We have 25 students
3 approximately each year for a total of 50 students at the
4 graduate level in the school at a time.

5 MR. ENGELMANN: All right, so this is a two-
6 year Masters programme?

7 DR. YOUNG: Correct.

8 MR. ENGELMANN: And I understand as well
9 before joining the faculty at UBC, you were an instructor
10 at Ryerson University in Toronto?

11 DR. YOUNG: Yes.

12 MR. ENGELMANN: And can you give us a sense
13 as to when you were there and what you were doing?

14 DR. YOUNG: I was there prior to leaving for
15 the University of British Columbia and there my role was
16 more best practices, applied training model.

17 MR. ENGELMANN: All right, and there was a
18 faculty devoted to journalism at Ryerson?

19 DR. YOUNG: Correct, there is a journalism
20 school at Ryerson.

21 MR. ENGELMANN: And prior to that, I
22 understand you had some experience as a reporter?

23 DR. YOUNG: Yes, I was a crime reporter
24 actually at a number of daily newspapers in Canada and the
25 United States. I started at the Hamilton Spectator where I

1 was the night police reporter. From there, I moved to the
2 Vancouver Sun where I was a crime reporter for
3 approximately three years. From there, I moved to the
4 Houston Post where I was the senior crime reporter and
5 responsible for the crime bureau in your Masters thesis,
6 Did your PhD dissertation have something to do with the
7 media?

8 **DR. YOUNG:** Yes. Most of my research has
9 been focussed on the media. For my doctoral dissertation,
10 I looked at actually a 50-year time period, but I examined
11 16 years of media content and I isolated -- I tried to make
12 a link between media economics and competition and whether
13 newspapers increased the amount of sensational crime
14 content when the environment became more competitive.

15 **MR. ENGELMANN:** Right.

16 **DR. YOUNG:** And so I isolated four different
17 competitive events and I compared them over time and across
18 regions.

19 **MR. ENGELMANN:** Can you give us a sense as
20 to what those events were and where and when?

21 **DR. YOUNG:** The majority were newspaper
22 wars. The first was in the '50s, in Toronto, involving the
23 Toronto Star and the Toronto Telegram. The second was the
24 launch of the Toronto Sun. The third was the launch of the
25 first hour-long supper hour newscast in Canada, in

1 Vancouver. And the fourth was the launch of the National
2 Post. And each of these were based on theoretical issues
3 in the literature that I was trying to examine.

4 **MR. ENGELMANN:** Did you do some content
5 analysis when you were doing that work?

6 **DR. YOUNG:** Yes, I did both quantitative and
7 qualitative analysis similar to what I've done in this
8 report, although using more inferential statistics. I used
9 -- I did 16 years of content analysis; four years per
10 event.

11 **MR. ENGELMANN:** All right. We're going to
12 get in a bit later about what content analysis is and some
13 of that. But the work you did on your dissertation; is it
14 somewhat similar to the work we asked you to do?

15 **DR. YOUNG:** Very similar.

16 **MR. ENGELMANN:** I just want to ask you a
17 little bit about some of your written work.

18 I understand at page 4, under the caption
19 "Scholarly Output", you've referenced some publications
20 you've had in referee journals?

21 **DR. YOUNG:** Yes.

22 **MR. ENGELMANN:** Can you tell us just by
23 looking at those, if they are similar to some of the work
24 you've done here in some ways?

25 **DR. YOUNG:** Yes. Again, the bulk of my work

1 is on content analysis around either media economics and
2 competition or crime. So in the first instance, it looked
3 at the impact of a lack of media competition.

4 **MR. ENGELMANN:** This is your article
5 entitled, "Conversion or Consolidation"?

6 **DR. YOUNG:** Correct. And we examined the
7 changing nature of Canadian news websites in an early
8 period when major media outlets were actually launching
9 these websites.

10 The second piece referred to content
11 analysis of major crime stories that received interest in
12 the United States and so we did a review of the legal
13 issues surrounding what happened to these cases and how
14 they were covered.

15 The third one looked at the quality --
16 again, something similar to what I was asked to look at
17 here -- of nutritional information on news websites most
18 referenced by Canadians.

19 And the most recent one was a qualitative
20 framing analysis of the media coverage of the Pickton or
21 the missing women's case in Vancouver where 65 women went
22 missing over 30 years.

23 **MR. ENGELMANN:** All right. So you have
24 done, in all of those publications, some media analysis?

25 **DR. YOUNG:** Yes; in either print or web.

1 **MR. ENGELMANN:** So then I want to ask you
2 then as well about similar work you might have done in some
3 of the presentations you've given.

4 If we could look, starting at page 2 of Tab
5 1? I'm just going to cite a couple that may be examples
6 and if there are others; please let me know.

7 In February of 2007, you have a presentation
8 on First Nations in the media in the missing women trial.

9 **DR. YOUNG:** Yes. Part of my work on the
10 missing women trial was ongoing. I run a website called
11 the Feminist Media Project and I commission random opinion
12 polls on the nature of the media coverage and the public
13 attitudes toward the media coverage. I also commission
14 students to examine the journalism of the media coverage of
15 the Pickton trial and whether -- and how it frames the
16 issues with respect to these missing women.

17 **MR. ENGELMANN:** So that's been an ongoing
18 piece of work for some time?

19 **DR. YOUNG:** Correct.

20 **MR. ENGELMANN:** You've got something
21 entitled "Gendered Practices and Media Panics", July 2005.

22 **DR. YOUNG:** And that comes out of my
23 dissertation. It was some of the research that came out of
24 my dissertation.

25 **MR. ENGELMANN:** You also have something

1 entitled "Media Credibility in Canada", October 2004?

2 **DR. YOUNG:** Yes, I was part of an
3 interdisciplinary national research team of a number of
4 universities and we did an independent audience study of
5 Canadian attitudes toward media credibility. More often
6 than not, these studies are done by media outlets
7 themselves and so they lack credibility or they're seen as
8 biased because they elicit from the industry.

9 We paid for a study to be done of 3000
10 randomly sampled Canadians and we did for the first time,
11 we actually replicated questions from a major US study of
12 media credibility. And we also replicated questions from
13 other global studies of media credibility to see how
14 Canadians compared in their attitudes toward the quality of
15 their media content.

16 **MR. ENGELMANN:** Were you actually called as
17 a witness as a result of that work?

18 **DR. YOUNG:** Yes.

19 **MR. ENGELMANN:** It wasn't in a quasi-
20 judicial setting but it was before a Senate subcommittee;
21 is that correct?

22 **DR. YOUNG:** Correct.

23 **MR. ENGELMANN:** The Senate committee.

24 **DR. YOUNG:** The Senate committee was
25 travelling around the country and they came and actually

1 they held hearings at our school and I was called to
2 testify.

3 **MR. ENGELMANN:** And there's another one I
4 just wanted to mention; August 2004, top of page 3,
5 "Sensationalism and Resources, US/Canada Differences and
6 Attitudes Towards Media Credibility". Can you tell us what
7 that was about and whether it might be relevant to what
8 you're doing here?

9 **DR. YOUNG:** That came out of the media study
10 as well and it just took a small bit of it in terms of
11 attitudes toward media sensationalism and compared them to
12 American attitudes toward media sensationalism. So it
13 comes out of that larger study.

14 **MR. ENGELMANN:** Are there any other
15 presentations that might have a direct impact or relevance
16 to what we're doing that you'd like to reference?

17 **DR. YOUNG:** No, I think that's ---

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

19 Then Dr. Young, I note at the beginning
20 under "Qualifications", we see "exemplary writer" and
21 "media analyst". Approximately how long would you say
22 you've been doing media analysis work?

23 **DR. YOUNG:** For the past eight years, since
24 I've been at the University of British Columbia.

25 I was also a national business columnist

1 with the Globe for three years during that period.

2 **MR. ENGELMANN:** All right.

3 I note as well, under "Qualifications", you
4 say "experienced in quantitative and qualitative methods
5 across media". What do you mean by across media?

6 **DR. YOUNG:** Web, print largely; limited
7 television.

8 **MR. ENGELMANN:** Mr. Commissioner, those are
9 my questions on Dr. Young's qualifications. As I said at
10 the outset, seeking to qualify her as an expert in media
11 analysis with a special focus on the justice system.

12 I don't know if my friends have any
13 questions. I didn't have an opportunity to canvas them
14 beforehand on this. I'll just let them speak if they do.

15 **THE COMMISSIONER:** All right.

16 Does anybody have any questions of this
17 expert at this point, for the purposes of qualifying her
18 for discussing the report that she has prepared?

19 All right. So Ms. Daley; no?

20 **MS. DALEY:** No questions, sir.

21 **THE COMMISSIONER:** Mr. Horn?

22 Mr. Neville?

23 **MR. NEVILLE:** No, thank you.

24 **THE COMMISSIONER:** Mr. Chisholm?

25 **MR. CHISHOLM:** No sir, thank you.

1 THE COMMISSIONER: Mr. Neuberger?

2 MR. NEUBERGER: No, thank you.

3 THE COMMISSIONER: Mr. Kloeze?

4 MR. KLOEZE: No, thank you, sir.

5 THE COMMISSIONER: Mr. Sherriff-Scott?

6 MR. SHERRIFF-SCOTT: Yes, I do.

7 --- CROSS-EXAMINATION ON QUALIFICATIONS BY/CONTRE-

8 INTERROGATOIRE SUR QUALIFICATIONS PAR MR. SHERRIFF-SCOTT:

9 MR. SHERRIFF-SCOTT: Good afternoon, Doctor.

10 My name is David Sherriff-Scott. I act for the local
11 Diocese of Alexandria-Cornwall.

12 I just wondered if you could very briefly
13 tell me whether or not any of your training or graduate or
14 post graduate work related to statistics or whether you use
15 other statisticians for the purpose of your research?

16 DR. YOUNG: I took a course in my Masters
17 level course in my Masters level training with Anthony Doob
18 on qualitative and quantitative methods.

19 MR. SHERRIFF-SCOTT: Okay. When you refer
20 to qualitative and quantitative methods in your
21 qualification segment; is that what you're referring to or
22 is ---

23 DR. YOUNG: Yes.

24 MR. SHERRIFF-SCOTT: Okay.

25 DR. YOUNG: As well as my doctoral

1 dissertation, which I completed on my own.

2 **MR. SHERRIFF-SCOTT:** You would have needed
3 that background?

4 **DR. YOUNG:** Yes.

5 **MR. SHERRIFF-SCOTT:** Right. Okay.

6 Do you use other experts or do you rely on
7 your own statistical analysis?

8 **DR. YOUNG:** For the purposes of this
9 research, I relied on my own because it's very descriptive
10 and based on cross-tabulation so there's not high level
11 inferential statistics. If I have a question in other
12 research, I will sometimes go to someone else or rely on my
13 own expertise depending on the nature.

14 **MR. SHERRIFF-SCOTT:** Thank you. Those are
15 my questions.

16 **THE COMMISSIONER:** Thank you.

17 Mr. Callaghan?

18 Oh, I'm sorry, Ms. Lalji?

19 **MS. LALJI:** No questions.

20 **THE COMMISSIONER:** All right.

21 Ms. Costom?

22 **MS. COSTOM:** No questions.

23 **THE COMMISSIONER:** Sorry.

24 Mr. -- is it Wallace now still? All right.

25 You're still here?

1 **MR. WALLACE:** No, thank you.

2 **THE COMMISSIONER:** All right.

3 Okay. So submissions. Any submissions with
4 respect to whether or not we can qualify this witness as an
5 expert? No one rising.

6 So Mr. Engelmann?

7 **MR. ENGELMANN:** I have no further comments.

8 **THE COMMISSIONER:** All right.

9 **MR. ENGELMANN:** I just would submit that she
10 should be qualified as asked and that would be as an expert
11 in media analysis with a special focus on the justice
12 system.

13 **THE COMMISSIONER:** All right. So ordered.

14 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN-CHEF PAR MR.**
15 **ENGELMANN (Cont'd/Suite):**

16 **MR. ENGELMANN:** So if we could have Dr.
17 Young's Book of Documents marked as the next exhibit?

18 **THE COMMISSIONER:** Certainly and that will
19 be 750.

20 --- **EXHIBIT NO./PIÈCE NO. P-750:**

21 Dr. Mary Lynn Young - Book of Documents

22 **MR. ENGELMANN:** Dr. Young I just want to
23 take you through very briefly the different tabs if we can,
24 for starters.

25 **DR. YOUNG:** M'hm.

1 **MR. ENGELMANN:** I understand at Tab 2 we
2 have your report?

3 **DR. YOUNG:** Yes.

4 **MR. ENGELMANN:** And then at 2A we have
5 appendix A to your report, which is called a coding sheet?

6 **DR. YOUNG:** Correct.

7 **MR. ENGELMANN:** At the next Tab, 2B, we have
8 appendix B to your report?

9 **DR. YOUNG:** Yes.

10 **MR. ENGELMANN:** And then at 2C, we have
11 appendix C to your report?

12 **DR. YOUNG:** Yes.

13 **MR. ENGELMANN:** At Tab 3, we have a selected
14 bibliography?

15 **DR. YOUNG:** Correct.

16 **MR. ENGELMANN:** These are just articles that
17 you thought might be of interest to us?

18 **DR. YOUNG:** Yes, and I quote them.

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

20 **DR. YOUNG:** I thought they were relevant to
21 this material.

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

23 And then you have actually included a few of
24 these articles for us?

25 **DR. YOUNG:** Yes.

1 **MR. ENGELMANN:** Tab 4 is an article by
2 Barnhurst and Mundst on American Journalism and the Decline
3 in Event-Centred Reporting?

4 **DR. YOUNG:** Correct.

5 **MR. ENGELMANN:** Tab 5 is an article by
6 Professor Entman, "Framing Toward Clarification of a
7 Fractured Paradigm"?

8 **DR. YOUNG:** Yes.

9 **MR. ENGELMANN:** And at Tab 6, this is an
10 article, I think, we referred to earlier, that you co-wrote
11 with a colleague -- oh, no, not with a colleague, but with
12 a professor from Concordia University. A Professor Jiwani

13 **DR. YOUNG:** Yes.

14 **MR. ENGELMANN:** Missing and Murdered Women
15 Reproducing Marginality in News Discourse.

16 **DR. YOUNG:** Correct.

17 **MR. ENGELMANN:** Now, what do we have at Tab
18 7?

19 **DR. YOUNG:** Tab 7 was just meant to be a web
20 reference. It's an earlier version of a very prominent
21 journalistic methods book in the United States.

22 **MR. ENGELMANN:** And who is the author?

23 **DR. YOUNG:** Philip Myer.

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

25 And this is -- this was reproduced as

1 something that's available the web?

2 DR. YOUNG: Yes. It's available for free
3 because it's a 1991 version. I use the most recent version
4 in the report.

5 MR. ENGELMANN: Which comes out about when?

6 DR. YOUNG: 2001.

7 MR. ENGELMANN: All right. All right.

8 So lets turn then to Tab 2.

9 Dr. Young, I believe, although your report
10 was produced approximately a week ago, you have a new
11 version -- there's a new version for us today that just had
12 some corrections on document numbers?

13 DR. YOUNG: Yes, the Bates numbers, and
14 there is a lot of duplication in the samples. So there's a
15 few corrected document numbers included.

16 MR. ENGELMANN: All right.

17 And you actually have the new version now?

18 DR. YOUNG: Yes, I do.

19 MR. ENGELMANN: All right. Perfect.

20 So, just starting then and I'm not sure if
21 that changed my page numbers but if it did it was minor.
22 Starting on page 3, if we could, and I'm just looking at
23 the introduction, can you tell us what your study examines
24 and explain to us the scope of your research.

25 DR. YOUNG: My study is an analysis of the

1 media coverage contained in the Inquiry database. It looks
2 at media from -- media content from 1986 to December 31st,
3 2004.

4 It begins in 1986 because that's when the
5 first article originates in the database, and it ends in
6 December 2004 because the focus of the media coverage at
7 that time becomes on the Inquiry and I was told to stop at
8 that point.

9 MR. ENGELMANN: Okay, about having an
10 Inquiry ---

11 DR. YOUNG: Yes.

12 MR. ENGELMANN: --- as opposed to what
13 institutional players are doing, et cetera.

14 DR. YOUNG: Correct.

15 MR. ENGELMANN: All right.

16 Now, you reference in -- under Introduction
17 in B "Changes or Trends." What do you mean by that?

18 DR. YOUNG: Well, often in media content
19 analysis you're trying to look at whether the nature of the
20 content, either in a quantitative sense, the number of
21 sources, the kinds of news and information available or
22 whether the narratives shift over the time and so,
23 generally, that's what I was trying to look at in this
24 case.

25 MR. ENGELMANN: Now is this report similar

1 to other type of work you've done?

2 DR. YOUNG: Yes.

3 MR. ENGELMANN: And I think you've given us
4 a couple of examples, but just to refresh my memory on
5 that, your dissertation work for example.

6 DR. YOUNG: Well, my dissertation looked at
7 whether an external competitive event or a new enter in the
8 media marketplace changed the nature of crime content -- of
9 sensational crime content on the front page. And so I did
10 a very similar but much more complex statistical analysis
11 of media content to determine whether there was change over
12 time.

13 MR. ENGELMANN: Okay. But there's some
14 other reports that you have done that are similar?

15 DR. YOUNG: The quality of nutrition content
16 on media websites, again, looked at -- tried to identify
17 the nutrition information, and whether it was similar to
18 the Canadian Food Guide, and looked at that over many
19 different media outlets online.

20 MR. ENGELMANN: Okay. And when you use the
21 term media, as you do here about media coverage, how were
22 you defining that term?

23 DR. YOUNG: Well, media generally are
24 considered channels of information or entertainment. It's
25 a very generic term. In this case though, obviously I'm

1 focussed on channels of information in specific kinds of
2 media outlets.

3 MR. ENGELMANN: Okay. And you named some of
4 those outlets later on in your report.

5 DR. YOUNG: Yes, and across certain mediums;
6 print, radio ---

7 MR. ENGELMANN: Okay.

8 DR. YOUNG: --- television and online.

9 MR. ENGELMANN: All right.

10 And I note at the bottom of page 3 you have
11 a number of research questions set out. And I'd just like
12 to start by asking you: Were these questions developed by
13 you? Were they questions developed by the Commission? Or
14 was it some combination of the two? Can you give us some
15 sense of that?

16 DR. YOUNG: They were developed by me out of
17 the scope of research statement that I received from the
18 Commission, and they're fairly generic questions that one
19 might ask a media text or a large body of document
20 information like this.

21 MR. ENGELMANN: All right.

22 So, these questions or questions of this
23 nature are familiar to you?

24 DR. YOUNG: Yes.

25 MR. ENGELMANN: Perhaps you could go through

1 them with us and just give us a sense as to why a
2 particular research question was chosen, and what we might
3 hope to learn by answering the questions.

4 **DR. YOUNG:** Well the first question was
5 basically:

6 "What information about allegation of
7 historical abuse of young persons in
8 Cornwall was communicated to the public
9 and did it change over time?"

10 That was similar to the work that I've done
11 on Picton and the missing women, and it was a way to
12 determine whether the frames or the facts that journalists
13 selected or how they reported on what caused the social
14 problem, what the social problem was, how that may have
15 changed over time.

16 The second research question was -- and
17 that's more or a qualitative research question, which I
18 will define later in the document.

19 **MR. ENGELMANN:** Okay.

20 **DR. YOUNG:** The second question referred to
21 key themes that emerged and in turn were disseminated to
22 the public and it's, again, similar to the first one, you
23 know:

24 "Did the media text actually have
25 specific focus when you look at it as a

1 general body of literature?"

2 And that's more qualitative.

3 The third one is:

4 "Who were the key voices and agenda
5 setters represented in the media
6 coverage and how were they framed over
7 time?"

8 And that's a basic question that tends to be
9 done in most media analysis and quantitative; the account
10 who's saying what and who's quoted as saying what.

11 **MR. ENGELMANN:** Okay.

12 **DR. YOUNG:** Who's voices are being used in
13 the media. And there's a large body of literature on that.

14 The next one was:

15 "How were issues presented? As events
16 centred news or larger in depth
17 information?"

18 **MR. ENGELMANN:** What do you mean by those
19 two terms?

20 **DR. YOUNG:** Well, I'm sure everyone is
21 familiar with media coverage. It can range from short news
22 event or short news stories to longer forum features,
23 investigative news, and the nature or the quality of the
24 information available in the public realm changes as a
25 result of the genre. And so I was looking for whether most

1 of the coverage was short news stories or longer forum
2 investigative journalism.

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

4 And in the second question there was:

5 "What key media genres were used to
6 cover the allegations of abuses that
7 unfolded?"

8 **DR. YOUNG:** Yes, and that's ---

9 **MR. ENGELMANN:** So those were two examples
10 of genre?

11 **DR. YOUNG:** Correct.

12 **MR. ENGELMANN:** All right.

13 **DR. YOUNG:** The next one was:

14 "What was the geographic diffusion
15 pattern?"

16 And basically that was just a sense of --
17 again, a quantitative sense of trying to describe the body
18 of content. Where did the content originate from? Was it
19 local media, the Standard Freeholder, the Seaway News? Was
20 it regional media; for instance The Citizen, the Ottawa
21 Sun, or affiliates of the larger broadcast outlets in
22 Ottawa or would it have been national media like the Globe
23 and Mail or the National Post?

24 **MR. ENGELMANN:** And is that something that's
25 commonly looked at when you're doing media analysis?

1 DR. YOUNG: Yes, depending on the nature of
2 the question that you're looking at, but in this case it
3 would be ---

4 MR. ENGELMANN: Yeah.

5 DR. YOUNG: --- considered relevant.

6 And the last question is:

7 "What are the peak coverage times?"

8 And that relates -- that's a quantitative
9 way of trying to look at which frames may have received the
10 most prominence in the media coverage and trying to chart
11 where the large bulk of the media coverage happened over a
12 period.

13 MR. ENGELMANN: All right.

14 The next page under the caption 'Key Goal'
15 you've described for us, I believe, the key goal here and
16 I'm just wondering if you could set that out for us.

17 DR. YOUNG: The key goal -- basically, what
18 was the media content or information available that may
19 have influenced the institutions and their response and
20 established a sense of what the community may have
21 understood about the social problem identified in Cornwall.

22 MR. ENGELMANN: All right.

23 This may be an impossible question to answer
24 and I'm not asking you now whether media coverage did
25 influence or change institutional response in this case.

1 I'm just asking you in your experience might it or can it
2 change the institutional response?

3 DR. YOUNG: That's a very complex question
4 and a lot of the academic literature is inconclusive in
5 that it doesn't -- it's not able to link a direct media
6 content or media strategy in a causal way to a specific
7 outcome. However, studies identify media as part of a
8 general shift. And I'll give two examples. The first one
9 would be drunk driving and the Mothers Against Drunk
10 Driving campaign, which was a significant social movement
11 that ended up changing policy; social norms, cultural norms
12 around drinking and driving. And so it would be inaccurate
13 and simplistic to locate the genesis of that shift in the
14 media coverage of MADD, but they also obviously played a
15 part. It's an emotive story, mothers who lose their
16 children in drunk driving incidents. They mobilize.

17 And so in order to look at that social
18 movement you have to look at the group, the media coverage
19 as well as the cultural context and shifting social norms
20 about drinking and driving, is that a safe thing to do,
21 youth, responsabilizing youth. So it's a much larger
22 question.

23 A second example would be in the nature of
24 the sexual assault. And the academic literature identifies
25 an increase in the amount of sexual assault coverage in the

1 '80s and '90s and they link that to victims feeling more
2 comfortable to come forward. So but again you have to look
3 at it in the cultural and social context. So it's not just
4 media. It's in the larger context of what's happening in
5 the community.

6 **MR. ENGELMANN:** So the number of variables
7 may be difficult to isolate the impact of the media
8 variable?

9 **DR. YOUNG:** Right, and that goes back to the
10 key goal, what it may have impacted -- one factor that may
11 have impacted institutional response.

12 **MR. ENGELMANN:** In other matters that you
13 have examined or analyzed are you able to tell us how, if
14 at all, media coverage or perhaps a lack of media coverage
15 has had an impact on how institutions in the justice system
16 might respond?

17 **DR. YOUNG:** Well, my most recent work is
18 unfortunate in that it identifies actually media silence or
19 lack of media content and it's having an impact in the
20 Pickton case and the missing women. The first woman went
21 missing in 1978 and there was very limited media coverage
22 and very limited community -- actually push or activists
23 coming together to try and find out what was happening as
24 numerous women went missing in the downtown east side in
25 Vancouver.

1 And so it wasn't until early -- late 1990s,
2 early 2000, after 50 women had gone missing that you start
3 to see increased media attention and increased
4 institutional attention to this case. And so this is a
5 case where lack of attention was a problem and had an
6 impact.

7 **MR. ENGELMANN:** Therefore, your paper
8 "Reproducing Marginality in News Discourse"?

9 **DR. YOUNG:** Correct.

10 **MR. ENGELMANN:** The methodology -- you talk
11 about it at page four of your report -- can you take us
12 through this and tell us what you mean by methodology and
13 explain the methodology that you utilized?

14 **DR. YOUNG:** Well, in looking at such a large
15 body of media coverage over a sustained period of time it's
16 relevant to get a general sense and a numeric sense or a
17 quantitative sense of what the coverage looks at, and then
18 it's relevant to look at what the narratives were as that
19 coverage unfolded. And so that's what the methodology
20 refers to is whether -- are the types of ways that I
21 examined the media content.

22 **MR. ENGELMANN:** Okay. You say in your first
23 sentence the study employed both quantitative and
24 qualitative content analysis and I note you have a
25 descriptor at your first footnote. And can you give us a

1 sense as to what you mean by content analysis?

2 DR. YOUNG: Content analysis ---

3 MR. ENGELMANN: Quantitative or qualitative?

4 DR. YOUNG: It's the established way that
5 media studies or media analysts examined communication
6 content across a wide variety of mediums and contexts.
7 Quantitative analysis is systematic, objective and
8 quantitative and basically tries to examine who said what
9 to whom, with what purpose and was it effective? I mean,
10 it comes from a large tradition of media analysis in the
11 field.

12 The qualitative analysis is more subjective.
13 It's also systematic, however, and tends to look more at
14 narrative trends, framing trends which, again, I'll touch
15 on later and where the theory is that I take that from.

16 MR. ENGELMANN: All right.

17 You refer to mainstream media information
18 and then you talk about local, regional, national print and
19 media broadcast outlets. Can you give us some examples of
20 what you mean there?

21 DR. YOUNG: Well, mainstream media would be
22 the media that are regularly referred to as media in an
23 area. It would be the main daily newspapers, main radio
24 stations, main broadcast outlets where people get most of
25 their news and information content. It's relevant in the

1 context of increasing growth of citizen journalism that,
2 you know, you have to differentiate between the mainstream
3 media outlets and other kinds of information.

4 **MR. ENGELMANN:** Right. Well, just looking
5 at some of those other types of information for a minute
6 you describe in this second paragraph of methodology a few
7 examples of media content from smaller, specialized
8 publications such as The Wanderer and The Orator. It's
9 also contained in the database. What are those
10 publications to your knowledge?

11 **DR. YOUNG:** Yes. I'm not familiar with
12 those publications. They did come up on the database,
13 however, and they appear to have -- they appear to address
14 issues surrounding the Catholic Church, affiliation with
15 the Catholic Church, although some of them are quite
16 critical of the church in instances in this case.

17 **MR. ENGELMANN:** So they are some kind of
18 smaller specialized publication that is in some way
19 affiliated with the church?

20 **DR. YOUNG:** I don't know for sure but they
21 are smaller and they do address church-related issues.

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

23 And you weren't familiar with either of them
24 until you saw them in the database?

25 **DR. YOUNG:** No, I wasn't.

1 **MR. ENGELMANN:** You also mention web/news
2 content from mainstream media. What are you referring to
3 by that?

4 **DR. YOUNG:** Well, it's interesting that
5 during this period you see major daily newspapers and media
6 outlets such as the CBC and CTV shifting their content or
7 migrating their news content online. So in the beginning
8 of the period all of the newspaper coverage is in
9 newspapers, whereas toward the end of the period The Sun
10 chain, for instance, will have some of its material on
11 Canoe, which is the website affiliated with The Sun chain.
12 Cbc.ca becomes a much more robust and vibrant news outlet
13 during this period as well.

14 **MR. ENGELMANN:** And this isn't peculiar to
15 this case?

16 **DR. YOUNG:** No, no.

17 **MR. ENGELMANN:** It's happening across the
18 spectrum?

19 **DR. YOUNG:** This is a general trend within
20 the industry.

21 **MR. ENGELMANN:** When approximately was this
22 started?

23 **DR. YOUNG:** Late '90s, early 2000. That's
24 when we see citizen journalism start as well.

25 **MR. ENGELMANN:** Now, you talk about citizen

1 journalism.

2 DR. YOUNG: M'hm.

3 MR. ENGELMANN: Is that the term?

4 DR. YOUNG: Yes.

5 MR. ENGELMANN: And what does that mean?

6 DR. YOUNG: It's a fascinating trend that
7 we're seeing, again, globally. You know, there is a very
8 popular website in Vancouver called nowpublic.com and what
9 they do is they reprint citizen journalism, citizen-created
10 news from all over the world. And so what I see in this
11 case is a number of news websites or blogs even in The
12 Orator could be construed at times as citizen journalism;
13 individual citizens reporting on their own about events in
14 the Cornwall area.

15 MR. ENGELMANN: Were you asked to review
16 citizen journalism at all?

17 DR. YOUNG: Yes, not in that context. I was
18 asked to review some of the websites. I would see them as
19 citizen journalism.

20 MR. ENGELMANN: Now, when you said website
21 citizen journalism you're not referring to mainstream
22 websites?

23 DR. YOUNG: No, no, no. I'm referring to
24 smaller websites that have covered the issues at various
25 time periods throughout the period under study.

1 And while I find it a very fascinating area
2 it's very difficult. All of my website analysis has been
3 done prospectively. So we have started -- we have --
4 methodologically websites are problematic because --
5 especially at the beginning when websites start to become
6 popular, things would go up, they would come down. You
7 wouldn't -- you couldn't be certain about the nature of the
8 information on the site unless you prospectively gathered
9 it in a systematic random or systematic identified time
10 over a certain period.

11 So in this case I didn't have a body of
12 material that I considered robust enough to do an analysis
13 of this area.

14 **MR. ENGELMANN:** So to do it you would have
15 almost had to print it on a regular basis, is that what you
16 are saying?

17 **DR. YOUNG:** Correct, yes.

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

19 And you described it as obviously being a
20 source of information in this area on this topic.

21 **DR. YOUNG:** Yes, it is an increasing source
22 generally in news coverage all over. People are blogging.
23 There is citizen content much more available in the public
24 realm.

25 **MR. ENGELMANN:** And does it surprise you

1 that there would be citizen content here or citizen
2 journalism here?

3 **DR. YOUNG:** No, I think it's part of a
4 larger industry trend generally, globally. I mean, even in
5 South Korea there is OhmyNews which is a very popular
6 citizen journalism site.

7 It also doesn't surprise me in the fact that
8 this is a small community and the -- there is a limited
9 amount of media outlets, so it doesn't surprise me that
10 citizens would feel compelled to -- given the web as a
11 possible medium, compelled to write about the issues on
12 their own.

13 **MR. ENGELMANN:** And you refer to some of
14 this at the second footnote on this page; is that correct?

15 **DR. YOUNG:** Yes.

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

17 Now, over the next two or three pages you
18 have a description under the caption, "Document Sample".

19 And can you give us a sense as to what it is
20 you're describing here, under "Document Sample"?

21 **DR. YOUNG:** Well, it's important to be very
22 clear about the information that I looked at because that's
23 where I'm drawing my conclusions from. And the document
24 sample was created out of the Commission's database of
25 print documents and broadcast files.

1 And it was a long process because there was
2 significant duplication in the database because of its very
3 nature so, after going through it three times, my research
4 assistant and myself ended up with a final database of 1329
5 unduplicated print media articles. The broadcast media
6 were much easier because there are much fewer files.

7 **MR. ENGELMANN:** All right. And you had 21
8 of them?

9 **DR. YOUNG:** Yes.

10 **MR. ENGELMANN:** All right; so you went from
11 2710 to 1329?

12 **DR. YOUNG:** More, because it was 2710
13 newspaper documents plus nine compendium files ---

14 **MR. ENGELMANN:** Okay.

15 **DR. YOUNG:** --- that were just elicited as
16 group files.

17 **MR. ENGELMANN:** And can you tell us what was
18 meant by a compendium file or -- when you looked at it?

19 **DR. YOUNG:** Yeah; it was just a bunch -- it
20 was like a bunch of news reports from a variety of media
21 outlets that parties had collected or people who'd been
22 approached had collected.

23 **MR. ENGELMANN:** All right; so there was a
24 large amount of duplication?

25 **DR. YOUNG:** Yes; significant. And so we ---

1 **MR. ENGELMANN:** We're finding that in other
2 places in the database as well, so I just don't want you to
3 think it's only the media.

4 **DR. YOUNG:** Yeah.

5 **MR. ENGELMANN:** All right; so, you get your
6 numbers down to 1329?

7 **DR. YOUNG:** Correct.

8 **MR. ENGELMANN:** And does that number shrink
9 again, for the basis of what you're studying?

10 **DR. YOUNG:** Well, yes. And in terms of --
11 it's very clear to compare apples to apples -- it's very
12 important to compare apples to apples in a content analysis
13 or when you're trying to look at media content. So, of the
14 1329 unduplicated articles, 224 were letters to the editor.
15 And those would be qualified as citizen's response --
16 citizen feedback, not news reports.

17 **MR. ENGELMANN:** M'hm.

18 **DR. YOUNG:** So I separated those out and
19 looked at them ---

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

21 **DR. YOUNG:** --- under separate analysis.

22 **MR. ENGELMANN:** So that leaves you with
23 approximately 1105?

24 **DR. YOUNG:** Correct.

25 And at that point, the standard way of

1 measuring or coming up with a workable sample, other than
2 looking at the whole database, which is unnecessary in
3 statistical terms is to use what's called a constructed
4 week in media.

5 And by that they mean randomly sampling a
6 week of newspaper articles over a year, two weeks is
7 considered representative of the entire year's of content.
8 And the reason they say a "constructed week" is because
9 Monday there is less resources usually in a newspaper so
10 the Monday content in a Monday paper will be different than
11 the Saturday content where they do longer form journalism.
12 So, you want to make sure that you sample enough across the
13 period.

14 So that's -- two weeks would be considered
15 enough to create a representative sample to draw some
16 conclusions from.

17 **MR. ENGELMANN:** For the purposes of media
18 analysis?

19 **DR. YOUNG:** Right.

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

21 **DR. YOUNG:** For this study, I sampled 50
22 percent of the entire database. I sampled every second
23 article; I chronologically organized them and was much more
24 rigorous in my approach to make sure that I had a
25 significant and ample sized database because of the time

1 period under discussion.

2 MR. ENGELMANN: All right; so, rather than
3 take two weeks out of 52 weeks, you took approximately one
4 out of two documents?

5 DR. YOUNG: Correct.

6 MR. ENGELMANN: Is there a term for that in
7 statistical sampling? When you take such a large sample
8 from your data set?

9 DR. YOUNG: No, a census sample -- the term
10 would be -- that would be the entire sample.

11 MR. ENGELMANN: One for one?

12 DR. YOUNG: Yeah, one for one; but I just
13 took one for two.

14 MR. ENGELMANN: Okay. And when you talked
15 about the norm, when you're doing media analysis of being
16 two out of 52 weeks; would one out of two be an example of
17 over-sampling then?

18 DR. YOUNG: It would likely be over-
19 sampling, but better to have more information than you
20 require than less.

21 And there was also concern from the
22 Commission given the fact that the sample shrunk so much
23 from the Inquiry database that there may have been missed
24 documents or -- so, I wanted to be sure.

25 MR. ENGELMANN: A concern that the numbers

1 drop from the 2700 plus these 9 compendiums down to only
2 1329?

3 DR. YOUNG: Yes.

4 MR. ENGELMANN: All right.

5 So, out of the 1105 that are left after you
6 take the letters of the -- to the editor out, my
7 understanding is your sample subset was 555?

8 DR. YOUNG: Correct.

9 MR. ENGELMANN: Now, can you tell us -- you
10 referenced using something called Factiva at the bottom of
11 page 5 of your report.

12 Can you tell us what you were doing there?

13 I mean, what Factiva is?

14 DR. YOUNG: It's always important to double,
15 triple check your database, to make sure that you have
16 everything. Okay, I didn't want to miss any potential
17 major media story and I wanted to be certain that I had had
18 an accurate sample to start from. I mean, that's extremely
19 important.

20 So, Factiva is the best database in Canada
21 on media. And so, I put in the keywords "Cornwall",
22 "abuse" and "aunt" and excluded re-published news over the
23 same period that I looked at to see -- to look at what
24 kinds of news stories were covered; if I had them; where
25 they came from. Just to make sure that what I had in my

1 sample was consistent with what other databases had.

2 MR. ENGELMANN: All right. And what did you
3 find?

4 DR. YOUNG: I found 213 references for the
5 period using that search string. And I found that
6 basically, I had most of the material that was referred to
7 in that database.

8 MR. ENGELMANN: Why would the number in
9 Factiva be so much lower than the number that we had in our
10 database?

11 DR. YOUNG: Because Factiva would not
12 include the local news publications -- the Seaway News or
13 the Standard Freeholder. And, if it did include the
14 Standard Freeholder, it would be from a Canadian Press Wire
15 story.

16 MR. ENGELMANN: So, it would only include
17 the Standard Freeholder if the story had been picked up and
18 broadcast elsewhere in Canada?

19 DR. YOUNG: Correct.

20 MR. ENGELMANN: And you make a reference to
21 Mount Cashel; why did you do that? What was the purpose?

22 DR. YOUNG: I was just looking at
23 comparisons over the period in similar kinds of cases, to
24 see again if this was a reasonable amount. In these
25 database searches, you have to be very careful that you're

1 getting everything that you need everything that may have
2 been printed and they're not perfect and so, again, I was
3 just checking.

4 **MR. ENGELMANN:** M'hm.

5 **DR. YOUNG:** And that's why I chose Mount
6 Cashel -- to see whether the numbers were consistent, or
7 not.

8 **MR. ENGELMANN:** Now, there's quite a larger
9 number of references to Mount Cashel in Factiva.

10 **DR. YOUNG:** M'hm.

11 **MR. ENGELMANN:** Was that a surprise at all
12 to you?

13 **DR. YOUNG:** No because my recollection is
14 that it was more significant on the national news agenda.

15 **MR. ENGELMANN:** And that was during the same
16 period of time ---

17 **DR. YOUNG:** Yes.

18 **MR. ENGELMANN:** --- essentially.

19 Now, at the top of page 6, you say:

20 "Finally, a significant attribute of
21 the final sample is the seven-year
22 period between 1986 and 1993 in which
23 there is no media coverage."

24 Tell us why that's significant and why you
25 noted that.

1 **DR. YOUNG:** Well, it's important to identify
2 for people who are looking at the report or trying to make
3 sense of my findings to isolate relevant attributes of the
4 sample before you analyze it in terms of creating
5 meaningful results. And in this case, there's a seven-year
6 period where there is no media coverage. There is a few
7 documents in 1986 and then nothing until 1993.

8 **MR. ENGELMANN:** I don't know whether you're
9 able to comment on this and whether it's similar or not to
10 what you suggested with Pickton but when there is no
11 reporting, or a significant gap in reporting; do you have
12 some senses to impact that might have? Or could have?

13 **DR. YOUNG:** I'm not able to comment on that.
14 I mean, I refer to the 1986 media coverage later on in the
15 report.

16 **MR. ENGELMANN:** Okay. And some of the
17 impact that may have had?

18 **DR. YOUNG:** Yes.

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

20 At page 6, you talk about a broadcast
21 sample; and you talk about 21 broadcast clips. And by
22 broadcast clips; what are you referring to?

23 **DR. YOUNG:** I'm referring to audio, radio
24 reports or television news reports on the case.

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

1 reports were, as I understand it, from CBC Radio or CBC
2 television, or CTV television?

3 DR. YOUNG: Yes; and then there were a few
4 local call-in shows or, Ottawa area call-in shows.

5 MR. ENGELMANN: All right. And those would
6 be radio?

7 DR. YOUNG: Yes.

8 MR. ENGELMANN: And you reference a -- you
9 reference some of this at Tab 6.

10 You've got a reference to breach of trust.

11 DR. YOUNG: Yes; there was one significant
12 CBC Radio series that won an investigative journalism award
13 in 1999 for its coverage of the allegations in the Cornwall
14 area. And I refer to it later in the report.

15 MR. ENGELMANN: All right.

16 And there are actually some transcripts of
17 those radio reports?

18 DR. YOUNG: Yes, they're contained in the
19 database as are some of the audio clips.

20 MR. ENGELMANN: And was this a separate
21 series or was this a series that would have been on daily
22 news service on the CBC radio?

23 DR. YOUNG: It would have been a separate
24 series but on CBC radio in the evening, World Tonight.

25 MR. ENGELMANN: All right. So if we're

1 listening to something like the World at Six there would be
2 like a regular spot dealing with this topic over a series
3 of days?

4 DR. YOUNG: Yes.

5 MR. ENGELMANN: Now, let's just skip
6 qualitative analysis right now and go to the quantitative
7 analysis, if we can?

8 You'll see that starts at page seven and I'm
9 just wondering if you could highlight for us the
10 quantitative analysis that you used. I think you've gone
11 into this a little bit already.

12 DR. YOUNG: Yes. So, I isolated half of the
13 sample, 555 media articles, over the period sampling every
14 second article to make sure that chronologically there was
15 no variation that it was the same over time.

16 Then I looked at my research questions as
17 well as the literature on media coverage of crime, media
18 coverage of social problems of this nature which I used to
19 inform the specific questions and I touched on it briefly
20 in the beginning.

21 The variables were genre; how the story was
22 presented and that was whether it was a discreet news
23 event; generically of a certain small time and place; or,
24 larger in-depth information such as a feature in
25 investigative news or longer form journalism content.

1 The next variables involved geography in
2 region and I isolated whether it was local, regional,
3 national or specialized.

4 Then I looked at the number of sources and
5 that refers to the number of people quoted in a news story.
6 It includes whether a person was quoted directly or
7 paraphrased and this is often considered one measure of
8 complexity and quality of a news story is how many people,
9 how much analysis was provided, how much diversity of
10 opinion is contained in a news story.

11 From there I went to kinds of sources and
12 again, in the media studies literature what happens is it's
13 often found that it matters whether it's institutional,
14 government sources. Certain kinds of sources tend to get
15 reported more than other kinds of sources and so I was
16 interested in seeing what kinds of sources were reported in
17 this case over time.

18 Finally, I identified a number of key facts
19 from the literature about media coverage of social problems
20 of sexual abuse. Some refer to the fact that social
21 agencies tend to get constructed negatively such as police,
22 social workers or health agencies around these areas and
23 maybe we should refer to the key facts on page 16, Table
24 1.5, it's also in the appendix in the coding sheet.

25 **MR. ENGELMANN:** So these are variables, if I

1 can call it that, key facts that you selected.

2 DR. YOUNG: These are the key facts that I
3 looked for as a variable of the first fact cited in the
4 media content and, again, the media studies literature
5 talks about how in suspicion of allegations of sexual abuse
6 often there's -- often media or claims-makers resort to
7 talking about rings or certain kinds of rings. They talk
8 about criticism of the institutions -- key institutions as
9 I mentioned.

10 And so I used those -- the literature to
11 inform key facts that I looked for in the media content.

12 MR. ENGELMANN: All right. And you've
13 chosen 11 categories of facts.

14 DR. YOUNG: Yes. And the only one that's
15 different is the suicide of perpetrator or victim and that
16 came out of -- in addition to looking through the
17 literature I looked at the documents first, read through
18 them to see if I could identify any questions that I
19 thought were relevant to the literature might be relevant
20 to the institutional response and one thing that came up on
21 my initial readings involved the references to suicides but
22 they were inconsistent over the period.

23 Some media reports would refer to three,
24 some would report five. I mean, it was in a number of
25 stories across media outlets but there was no systematic

1 coverage so I was curious to see how often ---

2 MR. ENGELMANN: So you included categories
3 for suicide/perpetrator, suicide/victim.

4 DR. YOUNG: Correct.

5 MR. ENGELMANN: All right.

6 DR. YOUNG: And then the tone -- another
7 question often referred to is what was the tone of the
8 media story and this one is more subjective or qualitative
9 in nature and it referred to whether the tone with respect
10 to the official response was negative, positive or neutral.

11 MR. ENGELMANN: All right. And just looking
12 at these different variables -- you set them out in your
13 appendix A. Is that fair?

14 DR. YOUNG: Yes.

15 MR. ENGELMANN: And that we see at Tab 2A.

16 DR. YOUNG: Yes.

17 MR. ENGELMANN: So, for example, on the
18 coding sheet we have under genre you have the five
19 different types from news story to column.

20 DR. YOUNG: Yes.

21 MR. ENGELMANN: Under origin you go from
22 local, regional, national -- what do you mean by
23 specialized.

24 DR. YOUNG: Specialized would be something
25 like MacLeans magazine, The Canadian Lawyer, The Orator,

1 Wanderer -- media outlets that aren't mainstream media.

2 **MR. ENGELMANN:** So not mainstream media --
3 something like MacLeans magazine wouldn't be considered
4 that?

5 **DR. YOUNG:** Well it would still be a
6 specialized magazine -- well not mainstream daily media,
7 news media.

8 **MR. ENGELMANN:** All right. And then under
9 number of sources you just have your range of zero to five
10 depending on the number of sources who reported ---

11 **DR. YOUNG:** It could be zero to how ever
12 many there were.

13 **MR. ENGELMANN:** Yes. All right. And then
14 the various sources are identified and these are all
15 sources of information for the media documents.

16 **DR. YOUNG:** Yes, I had looked at the
17 documents to determine which voices were quoted
18 consistently throughout and created a list.

19 **MR. ENGELMANN:** So for example, Perry Dunlop
20 has his own -- he's listed as a source.

21 **DR. YOUNG:** Yes, because he ended up being
22 mentioned in a significant proportion of the media
23 coverage.

24 **MR. ENGELMANN:** All right. And then under
25 facts cited you have those 11 variables that we just were

1 looking at.

2 DR. YOUNG: Yes.

3 MR. ENGELMANN: All right and then you have
4 the three variables under tone or sub-variables.

5 DR. YOUNG: Correct.

6 MR. ENGELMANN: All right.

7 Now back to page eight, you say you used a
8 statistical software package known as SPSS.

9 DR. YOUNG: Yes, I use it for my
10 dissertation. It's basically a higher level Excel. It's
11 commonly used in social sciences.

12 MR. ENGELMANN: All right. And is that a
13 package that you've used in the past?

14 DR. YOUNG: Yes, I use it for my
15 dissertation. But, again, these were fairly descriptive
16 stats. I didn't do any complex inferential statistics
17 here. They're fairly descriptive, cross-tabulations.

18 MR. ENGELMANN: Was there any need to do
19 complex inferential statistics?

20 DR. YOUNG: I wasn't asked to do that. No.

21 MR. ENGELMANN: Now the next caption you've
22 cited is a media landscape. And can you just give us a
23 sense as to what you mean by media landscape?

24 DR. YOUNG: Well in order to make sense of
25 media content and why it looks the way it does, you have to

1 -- aside from looking at issues in the public realm or
2 events that were happening out there you have to also look
3 at the nature of the media themselves and say what might
4 have been happening to affect the nature or quality of the
5 content.

6 For instance, in my dissertation -- well an
7 outside event might be a world war because if a world war
8 happens that's history and it would change the content in
9 the news outlet, it would all be focussed on a war and then
10 other things would fall off the news agenda.

11 Internally to the news outlet, what may have
12 an impact on content aside from events such as the
13 allegations or institutional response could be ownership --
14 -

15 **MR. ENGELMANN:** M'hm.

16 **DR. YOUNG:** --- could be resources; could be
17 many other things and so in order to rule that out or to
18 look at what the context was of the media, particularly
19 with respect to Cornwall, I did some research on the
20 publications in the city and the area and ---

21 **MR. ENGELMANN:** All right. So do you get --
22 do you get some information generated then as to whether
23 the media outlets are local, regional, national, et cetera?

24 **DR. YOUNG:** Well, first I outline basically
25 how -- who might have covered the event and so it's a

1 circle of radius of influence. You've got your local media
2 who would obviously be most interested -- the Standard
3 Freeholder and the Seaway News radiating it out to the
4 regional, Ottawa Sun, Ottawa Citizen to the national.

5 And each of these news outlets to the
6 broadcast media has different sensibilities with respect to
7 news content. Some are tabloids -- the Ottawa Sun which
8 will have an impact on the nature and quality of the news
9 information compared to the Ottawa Citizen or the Globe and
10 Mail which are considered newspapers of records in their
11 area.

12 So that's relevant to who covered it and how
13 it was covered as well as the quality of information in
14 addition to the fact that the local media changed ownership
15 -- one of the local media outlets changed ownership a
16 significant number of times during this period.

17 I wanted to see if there was a certain
18 ideology coming from a company that may have impacted media
19 coverage on these cases before even looking at the content.

20 **MR. ENGELMANN:** All right. And which of the
21 media outlets changed ownership?

22 **DR. YOUNG:** The Standard Freeholder changed
23 ownership a number of times, as I say, over the period. In
24 fact it was actually owned by almost every major media
25 chain. This is on page 10 -- I've jumped ahead.

1 **THE COMMISSIONER:** It's a sought-after
2 asset.

3 **DR. YOUNG:** Yes it is, obviously.

4 **(LAUGHTER/RIRES)**

5 **THE COMMISSIONER:** It's the only conclusion
6 one can reach.

7 **DR. YOUNG:** Well, it's a fascinating example
8 of changing ownership trends over that period.

9 And evidence of potentially the valuable
10 nature of small publications of this on a revenue basis for
11 large media companies. So those that's the -- so, I talked
12 about the papers of record in the tabloids. They covered
13 it. Then, if you look at the local media, because it
14 changed ownership significantly, I couldn't find a
15 particular ideology from a particular company that would
16 have affected content across the period.

17 **MR. ENGELMANN:** All right. And you talk
18 about that changing ownership at the bottom of page 10, top
19 of page 11?

20 **DR. YOUNG:** Yes.

21 **MR. ENGELMANN:** And you also talk about the
22 ownership of the other local paper that you referenced; the
23 Seaway News?

24 **DR. YOUNG:** Yes; the Seaway News was an --
25 is a local advertiser, unpaid circulation, a weekly, so it

1 would have been different in nature than the Standard
2 Freeholder, which is paid circulation.

3 **MR. ENGELMANN:** And you talk about the
4 ownership shifts in the middle paragraph of page 11?

5 **DR. YOUNG:** Yes.

6 **MR. ENGELMANN:** All right.

7 You say these media properties, and I'm
8 assuming you're talking about something like the Freeholder
9 -- tend to be seen more as financial assets than news
10 agenda setters?

11 **DR. YOUNG:** Yes; and I think that's what
12 comes out of the local research I did, is that aside from
13 having a chain -- you know, certain chains have certain
14 interests, or ways of covering these content, whether it's
15 through resources or through ideology. You could take that
16 out of the Freeholder, but one of the issues with small
17 papers tends to be resources and that they're seen as
18 revenue generators, less than news agenda setters.
19 Compared to something like the Ottawa Citizen which would
20 be seen as important to the news agenda or be worthwhile,
21 potentially, providing more resources to.

22 **MR. ENGELMANN:** All right. And when you say
23 revenue generating, as opposed to -- and I'm just trying to
24 get the reference -- financial assets or revenue generating
25 as opposed to news-agenda setters.

1 What do you mean?

2 **DR. YOUNG:** Well, they're seen as a property
3 that's going to increase the bottom line as opposed to
4 something that's important to create quality information
5 content.

6 **MR. ENGELMANN:** All right.

7 **DR. YOUNG:** Not that they're mutually
8 exclusive but the financial commitment theory, a lot of the
9 studies from media economics suggest that quality content
10 is directly a result of the amount of money that newspaper
11 or media providers can put into a publication or news
12 outlet.

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

14 And when you talk about in this section the
15 origin of print media content; can you tell us a little bit
16 about your findings here? And if you wish to refer to
17 either Table 1.1 or Graph 1.1 please feel free.

18 **DR. YOUNG:** So what I found from the
19 quantitative analysis is that the bulk of the media content
20 originated from local media; 72.1 percent came from local
21 publications.

22 **MR. ENGELMANN:** So when you're saying that
23 you're talking about the Standard Freeholder of the Seaway
24 News?

25 **DR. YOUNG:** Yes.

1 MR. ENGELMANN: All right.

2 DR. YOUNG: And print media.

3 Twenty-three (23) percent came form regional

4 ---

5 MR. ENGELMANN: And the regional descriptors
6 -- the regional ---

7 DR. YOUNG: Ottawa Sun, Ottawa Citizen.

8 National would have been only The Globe and
9 Mail, up until the launch of the National Post.

10 And then ---

11 MR. ENGELMANN: And special?

12 DR. YOUNG: --- specialized would have been
13 the ones that I identified earlier.

14 MR. ENGELMANN: Right. Like Chatelaine,
15 MacLean's, Orator.

16 DR. YOUNG: Orator -- but there is only one
17 Chatelaine's article and it was Orator, The Wanderer, some
18 smaller, the Canadian Lawyer had a piece.

19 MR. ENGELMANN: Okay.

20 DR. YOUNG: And then from there, I looked at
21 the origin of print news content by year. It was a cross
22 tab over the period.

23 MR. ENGELMANN: And does the graph give us a
24 depiction of that?

25 DR. YOUNG: Yes; Graph 1.1 on page 10.

1 **MR. ENGELMANN:** That's a bit hard to -- the
2 screen is much more helpful with the colours.

3 **DR. YOUNG:** Yes.

4 **MR. ENGELMANN:** All right; so the blue,
5 which is the highest line?

6 **DR. YOUNG:** Local.

7 **MR. ENGELMANN:** All right. And, you're
8 seeing certain peaks and valleys; if I can use that term.

9 **THE COMMISSIONER:** Can you scroll down a
10 little?

11 Oh, there you go. It's okay. Thank you.

12 **DR. YOUNG:** Yes. There's consistent peaks
13 and valleys.

14 **MR. ENGELMANN:** So it seems we have a high
15 degree of content in 1994, 1995?

16 **DR. YOUNG:** Yes.

17 **MR. ENGELMANN:** Is that fair?

18 **DR. YOUNG:** M'hm.

19 **MR. ENGELMANN:** And again, we seem to have a
20 peak again in about '99, 2000, 2001 and 2002?

21 **DR. YOUNG:** Well, the key peak year is 2001
22 accounting for 20.9 percent of the media coverage.

23 The next is 2000 followed by 2002 and then
24 1994.

25 **MR. ENGELMANN:** So those were the four large

1 years?

2 DR. YOUNG: Yes. And they correspond with
3 certain events. For instance, in 2001, you have the Leduc
4 trial and issues surrounding the Nadeau website.

5 In 2000, you have initial calls for a public
6 inquiry and Perry Dunlop's resignation.

7 MR. ENGELMANN: That's in 2000?

8 DR. YOUNG: That's in 2000 and 2002 it's the
9 end of Project Truth and the charges against 15 people on
10 115 counts of sexual abuse. And then, 1994 is really the
11 initial coverage of the 1992 complainant's statement to
12 police and the initial issues around Perry Dunlop.

13 So, it's consistent with ---

14 MR. ENGELMANN: Major ---

15 DR. YOUNG: --- major events.

16 MR. ENGELMANN: Or major key events.

17 DR. YOUNG: Within this story, yes.

18 MR. ENGELMANN: Yeah, all right.

19 Now, does the amount of that -- those
20 percentages you referred to -- just going back to Table 1.1
21 -- did that surprise you at all?

22 Seventy two (72) percent essentially, local
23 coverage?

24 DR. YOUNG: It didn't surprise me. It's a
25 local story. I think it's a significant amount though. I

1 think the question is, did it have an impact on the quality
2 or the nature of the information available to the public;
3 especially when that local media coverage would also, from
4 the Standard Freeholder, be distributed across the country
5 along the Canadian Press Wire service.

6 **MR. ENGELMANN:** And what sort of an impact
7 might that have?

8 **DR. YOUNG:** Well, if the quality of the
9 information is good; it would have a beneficial impact on
10 the public institutions, the public realm if the quality is
11 less than inadequate; it might be a problem.

12 I was surprised at the limited -- one thing
13 I was surprised, at the table however is the limited amount
14 of national attention.

15 And that also came up and I looked at the
16 Mount Cashel Factiva database searches just how little
17 national media covered this -- these issues.

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

19 **THE COMMISSIONER:** The issues here in
20 Cornwall?

21 **DR. YOUNG:** Yes.

22 **THE COMMISSIONER:** As opposed to Mount
23 Cashel?

24 **DR. YOUNG:** Yes.

25 **THE COMMISSIONER:** All right.

1 **MR. ENGELMANN:** There's not anything else
2 there that I was going to turn to -- quantitative print,
3 media content.

4 **DR. YOUNG:** M'hm.

5 **MR. ENGELMANN:** And that starts at page 11;
6 your content analysis findings.

7 **THE COMMISSIONER:** Mr. Engelmann, I'm going
8 to ask for a short recess, so if we could take 15 minutes
9 at this point?

10 **MR. ENGELMANN:** Certainly.

11 **THE COMMISSIONER:** Right. Thank you.

12 **THE REGISTRAR:** Order; all rise. / À
13 l'ordre. Veuillez vous lever.

14 This hearing will resume at 4:25.

15 --- Upon recessing at 4:08 p.m. / L'audience est suspendue
16 à 16h08

17 --- Upon resuming at 4:26 p.m. / L'audience est reprise à
18 16h26

19 **THE REGISTRAR:** This hearing is now
20 resumed; please be seated. Veuillez vous assoir.

21 **THE COMMISSIONER:** All right, thank you for
22 that.

23 **MARY LYNN YOUNG:** Resumed/Sous le même serment

24 --- **EXAMINATION IN CHIEF BY/INTERROGATOIRE EN CHEF PAR MR.**
25 **ENGELMANN (Cont'd/suite):**

1 MR. ENGELMANN: Just be one moment.

2 THE COMMISSIONER: Yes.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ENGELMANN: Dr. Young, I think when we
5 left off -- approximately page 11 of your report ---

6 DR. YOUNG: M'hm.

7 MR. ENGELMANN: And I'd just like to take
8 you there right now, if I could.

9 And you've talked a little bit about the
10 peak years or peak periods and you've told us about some
11 major events or key events during those years; correct?

12 DR. YOUNG: M'hm.

13 MR. ENGELMANN: Let's just look at this
14 then; your findings based on the different genre as you've
15 used the term.

16 And that's what we see, is it not, starting
17 with the description, the bottom of page 11.

18 DR. YOUNG: Yes.

19 Table 1.2 isolates the genres used in the
20 media content over time, with the majority of the news
21 content, a basic traditional inverted pyramid news story at
22 67.2 percent.

23 And that means that ---

24 MR. ENGELMANN: What's meant by that --
25 inverted pyramid?

1 DR. YOUNG: Inverted pyramid is that the
2 information is arranged hierarchically and it's just the
3 most important information to the least important
4 information and it's a simple news account or a news event
5 of what happened.

6 MR. ENGELMANN: Right.

7 THE COMMISSIONER: Wait a minute.

8 DR. YOUNG: As opposed to a larger, feature
9 analysis piece and for that I think it's relevant to turn
10 to Tab 4 and there's an article that examined a century of
11 news content in the United States.

12 THE COMMISSIONER: I'm sorry.

13 Tab 4?

14 DR. YOUNG: Tab 4.

15 MR. ENGELMANN: Tab 4.

16 THE COMMISSIONER: Right, okay.

17 MR. ENGELMANN: That's the article by
18 Barnhurst and Muntz?

19 THE COMMISSIONER: M'hm.

20 DR. YOUNG: Why is this relevant? If you
21 look at Barnhurst and Muntz's article, they look at the
22 past century of news coverage to look at whether the
23 quality improved; the level of analysis improved over the
24 past century in the nature of news content in the United
25 States. They look at major respected U.S. publications,

1 the New York Times, the Chicago Tribune and the Oregonian.

2 On page 33 of Tab 4, if you look at the
3 chart, it shows that the amount or the proportion of news
4 stories that looked at how explanations and why increased
5 over the period; so event coverage versus news analysis.
6 On the page before they talk about how news stories are
7 becoming longer and more complex generally.

8 That's relevant to my findings in that the
9 bulk of the material in my sample are fairly simple and I
10 have some examples that come up; news stories with simple
11 information, a few sources.

12 **MR. ENGELMANN:** All right. So let me just
13 stay with the article for a minute just to make sure I
14 understand.

15 You're suggesting we look at the graphs that
16 are at pages 32 and 33?

17 **DR. YOUNG:** Correct.

18 **MR. ENGELMANN:** At 32, we're seeing a trend
19 over the course of the last century, essentially?

20 **DR. YOUNG:** Yes.

21 **MR. ENGELMANN:** The trend is at least from
22 these three major newspapers in the United States, if we're
23 looking at crime reporting, we're seeing longer articles?

24 **DR. YOUNG:** Yes. They looked at crime --
25 media coverage of crime, accidents and jobs.

1 MR. ENGELMANN: Right.

2 But if we're just looking at crime, for
3 example, that's the circle?

4 DR. YOUNG: Yes.

5 MR. ENGELMANN: All right. And clearly ---

6 THE COMMISSIONER: I'm sorry, sir. The
7 circle?

8 MR. ENGELMANN: You'll see there's a dot,
9 sir.

10 THE COMMISSIONER: On page 32?

11 MR. ENGELMANN: Yes.

12 THE COMMISSIONER: Okay. Okay.

13 MR. ENGELMANN: Yes, there's a dot, a
14 triangle and a square.

15 THE COMMISSIONER: M'hm.

16 MR. ENGELMANN: The crime is the circle. Is
17 that correct?

18 DR. YOUNG: Yes.

19 MR. ENGELMANN: We have the three different
20 papers. But we do see a bit of a trend.

21 DR. YOUNG: Yes.

22 MR. ENGELMANN: A trend line going up.

23 DR. YOUNG: Right. To longer news articles.

24 Then the next chart on page 33, you see a
25 trend toward increasing analysis, answering questions of

1 how and why something may have happened as opposed to just
2 reporting that it happened.

3 **MR. ENGELMANN:** All right and how do we then
4 take that analysis, the how and why, into the genre that
5 you've identified?

6 **DR. YOUNG:** When you look at what happened
7 with respect to Cornwall, the fact that the bulk of the
8 stories are news stories and simple, inverted pyramid news
9 stories, which I'll talk about again in a bit more depth in
10 the next chart, shows that the bulk of the coverage is just
11 that something happened; not how or why it might have
12 happened. It's a limited level of analysis, because then
13 if you shift down to feature and in-depth articles, only
14 5.2 per cent of the news content over the period or longer
15 form in-depth news pieces.

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

17 Just to go back to the article for a minute
18 so that I understand the graph and I apologize if I'm slow
19 at this but are we looking at percentages of articles when
20 we're looking at the zero to seventy on the left? What is
21 that?

22 **THE COMMISSIONER:** The valid per cent?

23 **DR. YOUNG:** Yes.

24 **THE COMMISSIONER:** What does valid per cent
25 mean?

1 DR. YOUNG: What does?

2 THE COMMISSIONER: Valid per cent.

3 DR. YOUNG: On which chart?

4 THE COMMISSIONER: Table 1.2. Is that where
5 we are?

6 DR. YOUNG: Table 1.2. We're looking at the
7 per cent. Yes. The per cent of the articles of the
8 sample.

9 THE COMMISSIONER: But the word valid
10 doesn't have any particular meaning then?

11 DR. YOUNG: No, it's just per cent, just the
12 percentage of the articles that were located in that.

13 THE COMMISSIONER: Thank you.

14 MR. ENGELMANN: Sir, I still have a question
15 back on Tab 4, if I can for a minute.

16 THE COMMISSIONER: Oh, go ahead.

17 MR. ENGELMANN: So I'm looking at the graph
18 on page 33.

19 DR. YOUNG: Yes.

20 MR. ENGELMANN: And clearly again, we're
21 seeing an increase in stories that are dealing with how and
22 why. Fair enough?

23 DR. YOUNG: Yes.

24 MR. ENGELMANN: Do we have a sense as to
25 what percentage of stories are dealing with the how and

1 why?

2 **DR. YOUNG:** It says on the left; percentage
3 of articles explaining the how and why of events; on the
4 left-hand scale.

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

6 **DR. YOUNG:** And the mean content of articles
7 rated on a scale, right-scale from one, most specific
8 events in our coverage to ten, most general news analysis.

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

10 **DR. YOUNG:** So the higher on the right-hand
11 side.

12 **MR. ENGELMANN:** So we're getting somewhere
13 in the range of 40 to 45 per cent of the coverage of the
14 stories that are getting into the how and the why?

15 **DR. YOUNG:** Yes.

16 **MR. ENGELMANN:** How does that relate to what
17 you saw here in our database?

18 **DR. YOUNG:** Well, in the database, when you
19 look at the nature of the print news content, the majority
20 of it is basically just that an event happened similar to
21 this study as opposed to how and why it happened; more and
22 more analytical approach.

23 **MR. ENGELMANN:** All right. So you're not
24 seeing a lot of an analytical approach?

25 **DR. YOUNG:** Yes.

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

2 **DR. YOUNG:** And I've got examples coming up
3 in the ---

4 **MR. ENGELMANN:** All right. So then did the
5 percentages that you came up with based on your
6 quantitative work in Table 1.2, page 12; did those
7 percentages surprise you or were they in the range that you
8 expected?

9 **DR. YOUNG:** I thought that there would be a
10 little more in-depth news and information content.

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

12 And that is the third variable down ---

13 **DR. YOUNG:** Yes.

14 **MR. ENGELMANN:** --- the feature in-depth?

15 **DR. YOUNG:** Five point two (5.2) per cent;
16 correct.

17 **MR. ENGELMANN:** So you expected to see a
18 higher percentage?

19 **DR. YOUNG:** Yes.

20 **MR. ENGELMANN:** What about the percentage
21 that you seemed to get for what you call opinion content,
22 where you combine editorials and columns at approximately
23 20 per cent?

24 **DR. YOUNG:** Well that's also interesting
25 here. One in five news articles is opinion; either

1 editorial, written by the news organization or a columnist,
2 writing his or her opinion.

3 MR. ENGELMANN: So those types of genre,
4 you'd expect to be more subjective presumably?

5 DR. YOUNG: Yes.

6 MR. ENGELMANN: How does that relate with
7 the norm that you're used to with respect to percentages
8 for opinion content? You've got about 20 per cent here.

9 DR. YOUNG: Yes. It seems like a
10 significant amount of opinion comment.

11 MR. ENGELMANN: That's essentially one in
12 five articles.

13 DR. YOUNG: Yes.

14 THE COMMISSIONER: Can you venture some kind
15 of number as to what you would think is a norm? If you say
16 this is high, what do you think would be normal?

17 DR. YOUNG: Well, it's high in the context
18 of one, whether it's quality opinion content and then two,
19 in the context of the kinds of news organizations and so it
20 seems high across the sample. But it would vary depending
21 on the news outlet so I couldn't come up with a definite --

22 -

23 THE COMMISSIONER: Okay. Thank you.

24 MR. ENGELMANN: I'll just be a moment.

25 THE COMMISSIONER: M'hm.

1 **MR. ENGELMANN:** Now you see at the top of
2 the page, you're still describing what I believe is the
3 news genre. You say:

4 "This genre forms the mainstay of most
5 traditional print media. And according
6 to research in the U.S. tends to
7 originate for the most part from
8 official sources and/or planned media
9 events because they are considered more
10 reportable according to journalistic
11 norms and practices."

12 What do you mean by that?

13 **DR. YOUNG:** Well, what it means is that
14 still the bulk of news content is a news story. It's the
15 fact that we're seeing increasing levels of analysis in
16 conjunction with that and that's what's lacking here.
17 That's what I find surprising is that the percentage of in-
18 depth analytical pieces are lower than I would think on an
19 issue of this complexity, over this length of time.

20 **MR. ENGELMANN:** And do you view an issue
21 like child sexual abuse or historical abuse of young
22 persons as complex?

23 **DR. YOUNG:** Yes and it's not just the
24 allegations of historical child sexual abuse, it's actually
25 the criminal justice response to those kinds of

1 allegations.

2 **MR. ENGELMANN:** Yes.

3 **DR. YOUNG:** The expert response to those
4 kinds of allegations; I mean, it is complex on a number of
5 levels.

6 **MR. ENGELMANN:** All right.

7 Can you give us a sense of the impact that
8 columnists and/or editorialists have compared to that of
9 reporters writing hard news stories?

10 **DR. YOUNG:** That wasn't within the scope of
11 -- that's an audience question and I'm ---

12 **MR. ENGELMANN:** All right.

13 **DR. YOUNG:** --- looking at just content.

14 **MR. ENGELMANN:** Fair enough. Fair enough.

15 Well, let's talk a little bit then about
16 some of the documents you looked at specifically here, that
17 you might call columns and/or editorials. You've got a
18 reference at footnote 11.

19 You refer, and I'm looking at the middle of
20 page 12. You say the columns for the most part originated
21 from the two Cornwall newspapers and their two main
22 columnists who addressed the problem and allegations from
23 proposing perspectives, often trading barbs with other in
24 print, and you've given us a couple of examples.

25 **DR. YOUNG:** Yes.

1 **MR. ENGELMANN:** Could we perhaps take a look
2 at those?

3 Madam Clerk, the numbers that are indicated
4 are 728752 and 721017 and perhaps we could just do it
5 chronologically. So go first with 721017, followed by
6 728752.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **THE COMMISSIONER:** Exhibit number 751 is a
9 Standard Freeholder article of Claude McIntosh Associate
10 Editor, Saturday 25th of July 1998, and on the flip side, is
11 that -- no, same thing.

12 **DR. YOUNG:** There should be another one.

13 **THE COMMISSIONER:** There will be. Madam
14 Clerk.

15 **DR. YOUNG:** Okay.

16 **THE COMMISSIONER:** Yes, here comes another
17 one.

18 **--- EXHIBIT NO./PIÈCE No. P-751:**

19 (721017) Mary Lynn Young - Standard
20 Freeholder "Not wearing any blinders" -
21 25 July, 98

22 **MR. ENGELMANN:** And if we could mark the
23 next one, which is document number 728752.

24 **THE COMMISSIONER:** All right.

25 And Exhibit 752 is an article from the

1 the tone when they're talking about each other.

2 MR. ENGELMANN: All right.

3 And the first fellow is an associate editor

4 ---

5 DR. YOUNG: Correct.

6 MR. ENGELMANN: --- and a columnist?

7 DR. YOUNG: M'hm.

8 MR. ENGELMANN: Do we know if the second
9 person, Mr. Roth, is an associate editor or an editor or is
10 he just a columnist or do we know?

11 DR. YOUNG: I just know him as a columnist -

12 --

13 MR. ENGELMANN: All right.

14 DR. YOUNG: --- writing his opinion.

15 MR. ENGELMANN: All right.

16 So can you give us a sense as to what you
17 see here looking at 751, for example?

18 DR. YOUNG: Sorry, 017 first?

19 MR. ENGELMANN: Yes, I'm giving you an
20 exhibit number.

21 DR. YOUNG: 751, okay.

22 MR. ENGELMANN: It's the article by Claude
23 McIntosh.

24 DR. YOUNG: Yeah.

25 MR. ENGELMANN: And I'd like you to think

1 about what you've said as well, just on page 12 where you
2 say:

3 "Columns and editorials are
4 traditionally used as vehicles to
5 inject in-depth analysis and opinion
6 into the news agenda."

7 You go on and you talk about what you
8 normally expect from best practices when you're dealing
9 with this type of reporting. And I'm just referring to
10 page 12 of your report.

11 **DR. YOUNG:** Well, when you look at this
12 document, it starts off saying, and I'll quote:

13 "Got to admit it was uncomfortable
14 squeezing a size 7 ball cap over a size
15 12 head, after reading Bob Roth's
16 glowing description of the Scribbler in
17 last week's edition of the Seaway News.
18 You know the one under the headline
19 'Freeholder takes pathetic stand on
20 child abuse issue'. In that column,
21 Roth raved about the Scribbler being
22 his favourite journalist. Articulate
23 scribe Roth said doing first class
24 work."

25 **MR. NEVILLE:** We're not getting it on the

1 screen.

2 **THE COMMISSIONER:** It should ---

3 **MR. NEVILLE:** Oh, we have it; we got it.

4 Thank you.

5 **THE COMMISSIONER:** Okay.

6 **MR. NEVILLE:** I'm sorry to interrupt but we
7 lost it.

8 **DR. YOUNG:** So basically the article is a
9 critique of another columnist and it's a small town, local
10 media. Most of the people likely know each other. I
11 didn't do interviews with the journalists, but it's what
12 happens in small town media and it's very inside baseball
13 about personalities, not about issues related to the events
14 or well-grounded in verification and research.

15 And if you look at the Canadian Association
16 of Journalists Statement of Principles. It was approved in
17 2002 and actually written by my colleague. It outlines
18 standards that journalists should adhere to in terms of
19 accuracy, fairness and balance, defending the public
20 interest, not taking pot-shots in unidentified ways.

21 And when you look at these two examples, it
22 would fall short of best practices journalism standards.

23 **MR. ENGELMANN:** All right.

24 Is there anything else you wanted to draw
25 out of that particular article for us at this time, sorry,

1 column?

2 DR. YOUNG: No.

3 MR. ENGELMANN: All right.

4 What about the response, if I can call it
5 that, from the other fellow, Mr. Roth, which is now Exhibit
6 752? It's under the caption, "Champions of complacency,
7 Claude McIntosh and the Freeholder".

8 DR. YOUNG: Again, there's personal
9 characterizations. The Freeholder's Associate Ed -- this
10 is midway through the second line of text, second column of
11 text, with the sentence starting "instead".

12 "Instead the Freeholder Associate's
13 Editor makes sneering comments about
14 those who want something done."

15 So it's unsubstantiated character discussion
16 as opposed to well-sourced comment or analysis.

17 And partly the nature of local media,
18 everyone does know each other, and I think there is some of
19 that that is relevant to the nature of the local media
20 coverage in that there's a lot of inside information that's
21 not contained in the media reports that likely the
22 community would have just known or may have just known.

23 MR. ENGELMANN: All right.

24 So when you talk about:

25 "Columns and editorials are

1 traditionally used as vehicles to
2 inject in-depth analysis and opinion
3 into the news agenda.”

4 you’ve seen that from these articles and others you’re
5 looking at columns?

6 **DR. YOUNG:** No, some of the articles do
7 address the issue well, but there’s also examples more
8 often than not like this, which is why I include it. And
9 it’s best practices. I’m not saying all columnists address
10 best practices journalism by any means, but this is not
11 what I would consider best practices.

12 **MR. ENGELMANN:** All right.

13 Then when we look, and you’ve given some
14 examples as well, you say some columns also originated from
15 regional and national media, including two columns from the
16 Ottawa Sun in 1999, and refer to some relevant details
17 about the allegations not addressed in other media.

18 And you site a couple of examples from the
19 Ottawa Sun, and the document numbers are set out there.
20 Document number 123364 and 123363, and I’ve got them in
21 that order, sir, just again it’s chronological; 123364 is
22 April 4th, 1999 and the next one after that is April 5th,
23 1999.

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

25 **THE COMMISSIONER:** Thank you.

1 So, I'm sorry, Exhibit 753 is an article in
2 the Toronto Sun, April 4th, 1999, an article entitled,
3 "Cover-Up or Witch-hunt by Michael Harris".

4 **--- EXHIBIT NO./PIÈCE No. P-753:**

5 (738668) Mary Lynn Young - Toronto Sun
6 article, "Cover-Up or Witch-hunt by
7 Michael Harris" - April 4, 1999

8 **MR. ENGELMANN:** I'm sorry, sir, that's 753?

9 **THE COMMISSIONER:** Yes.

10 **MR. ENGELMANN:** Do you know if this fellow
11 works for one of the Sun newspapers or is he covered across
12 the Sun newspapers at that time?

13
14 **DR. YOUNG:** It says that he is in the Ottawa
15 bureau which would likely be a national columnist position.

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

17 **THE COMMISSIONER:** And this was a two-part
18 series?

19 **MR. ENGELMANN:** Yes. Well, I'm not sure.
20 There's at least two parts. I'm not sure if there were
21 more.

22 **THE COMMISSIONER:** Well, it says here
23 "Investigates in a Two-part Series".

24 **DR. YOUNG:** Yes, it does.

25 **MR. ENGELMANN:** So is there something that

1 you wanted to highlight from this exhibit, cover-up or
2 witch hunt question by Michael Harris, Ottawa Bureau?

3 **DR. YOUNG:** Well, the difference here is
4 that Mr. Harris does include opinion and subjective comment
5 in his text, however, he substantiates it. I'm not saying
6 he's right or wrong. I'm just saying he uses evidence to
7 substantiate his claims or his analysis here, which is
8 different from the previous two examples.

9 So he has interviewed a number of people.
10 He has done some research. He is trying to make sense and
11 analyze some of the issues.

12 **MR. ENGELMANN:** All right.

13 And so he's talked to a fellow by the name
14 of Gary Guzzo; correct?

15 **DR. YOUNG:** Yes.

16 **MR. ENGELMANN:** He's talked to someone from
17 the OPP. He has talked to someone from the Ministry of the
18 Attorney General. So some of those sources are cited?

19 **DR. YOUNG:** Yes.

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

21 And when you talk about -- again, going back
22 to your report:

23 "...columns and editorials
24 traditionally used as vehicles to
25 inject in-depth analysis and opinion

1 into the news agenda."

2 Do you see some of that here?

3 **DR. YOUNG:** I see a higher level of it here.

4 **MR. ENGELMANN:** And if we could take a look
5 at 123363, and that's the April 5th, 1999 column by Mr.

6 Harris, "OPP Defend Pedophile Inquiry: Project Truth Cops
7 Deny Cover-up Allegations, by Michael Harris". If that
8 could be the next exhibit?

9 **THE COMMISSIONER:** Sure.

10 **MR. ENGELMANN:** No? No? It should have
11 been 363. Yes, please.

12 We'll have to do it on the screen, sir.

13 **THE COMMISSIONER:** Sure.

14 **MR. ENGELMANN:** I apologize.

15 **THE COMMISSIONER:** Are we on?

16 (SHORT PAUSE/COURTE PAUSE)

17 **THE COMMISSIONER:** Can you -- are we getting
18 the whole page? There you go.

19 **DR. YOUNG:** We're just getting the first
20 part of it.

21 (SHORT PAUSE/COURTE PAUSE)

22 **DR. YOUNG:** So this is just the second part
23 of that series and, again ---

24 **MR. ENGELMANN:** These are all documents you
25 would have reviewed in your research?

1 DR. YOUNG: Yes, in the database and it
2 just, again, refers to evidence that he has gathered in
3 order to make opinion claims or analytical claims as
4 opposed to speculation, rumour, hyperbole, character
5 discussions.

6 I also quote, as you're looking in the text,
7 two of the key media commentators on best practices
8 journalism in North America, Kovach and Rosenstiel and they
9 say that:

10 "Verification is basically what
11 separates journalism from
12 entertainment, propaganda, fiction or
13 art."

14 And all I'm trying to point out here is that
15 Mr. Harris has made an attempt to verify what he is saying.
16 I'm not trying to assert the truth of his claims. He's
17 just made an attempt to try and verify that, whereas the
18 columns identified in the previous exhibits did not.

19 MR. ENGELMANN: All right.

20 And you state a little further in that
21 paragraph some of the concerns you have and I'm looking on
22 page 13 where you say:

23 "Examples of opinion content from some
24 local columns in this sample suggest
25 that journalistic best practices were

1 not followed."

2 DR. YOUNG: Correct.

3 THE COMMISSIONER: I'm sorry, where are we
4 now, on page 13?

5 MR. ENGELMANN: Thirteen (13), sir, in the
6 second paragraph.

7 THE COMMISSIONER: M'hm.

8 MR. ENGELMANN: And in fact a couple of
9 examples of those concerns are set out in the following
10 paragraph, is that right?

11 DR. YOUNG: Yes, they are further examples.

12 MR. ENGELMANN: All right.

13 DR. YOUNG: Do you want to cover those?

14 MR. ENGELMANN: Sir, yes, maybe we'll take a
15 look at one or two of those as well if we can.

16 DR. YOUNG: Yes, how about the U.S. Document
17 720995?

18 MR. ENGELMANN: All right.

19 (SHORT PAUSE/COURTE PAUSE)

20 MR. ENGELMANN: Madam Clerk, do we have that
21 document? It's a column entitled "Rumour Mill is Working
22 in Overdrive", Claude McIntosh, Associate Editor, Standard
23 Freeholder, 4th July, 1998.

24 THE COMMISSIONER: Exhibit 755 is that
25 document as you indicated.

1 --- EXHIBIT NO./PIÈCE NO. P-755:

2 (720995) Mary Lynn Young - Standard
3 Freeholder "Rumour mill is working in
4 overdrive" - July 4, 1998

5 **THE COMMISSIONER:** Did we -- yes. Oh, you
6 have already. Okay, good.

7 So 754, we might as well put it on the
8 record now, is a copy -- is an article of Michael Harris
9 called "OPP Defend Pedophile Inquiry" and that will be
10 Exhibit 754.

11 **MR. ENGELMANN:** Yes, and the document
12 number, just for the record, was 123363.

13 --- EXHIBIT NO./PIÈCE NO. P-754:

14 (123363) Mary Lynn Young - Toronto Sun "OPP
15 defend pedophile inquiry" - April 5, 1999

16 **DR. YOUNG:** And if you go to the third bank
17 of text ---

18 **MR. ENGELMANN:** Okay. So we're now in
19 Exhibit 755, "The Rumour Mill is Working in Overdrive"?

20 **DR. YOUNG:** Yes.

21 **MR. ENGELMANN:** And what was it you wanted
22 to highlight?

23 **DR. YOUNG:** The third bank of text, the
24 second paragraph starting with "The letter". The columnist
25 is talking about a letter that his newspaper -- or he

1 received an anonymous letter and I quote directly from his
2 column:

3 "The letter was shown to an old friend,
4 a former high-ranking U.S. army
5 intelligence officer, who knows a thing
6 or two about analyzing handwritten
7 letters, an art he refined in the
8 espionage game during the Cold War.
9 His brief examination of the letter
10 produced some interesting conclusions.
11 The anonymous author is -- has a
12 female, probably older than 30 but not
13 older than 60, has a post-secondary
14 school education, is determined, has a
15 deep interest in this case and has
16 followed it closely and might even
17 somehow be involved, is interested
18 enough to have built-up a clipping file
19 on the case. I didn't realize a
20 handwriting analysis could determine
21 this. It was probably educated at a
22 Roman Catholic school where nuns
23 taught. This was concluded because of
24 the splendid penmanship, something nuns
25 gave a lot of attention too. 'M'hm',

1 he thinks, 'I know who.'"

2 Just as a point, quoting anonymous sources
3 are only referred to in circumstances and, again, I refer
4 to the Canadian Association of Journalistic Guidelines:

5 "We will identify sources of
6 information except when there is a
7 clear and pressing reason to protect
8 anonymity."

9 So I use this as another example of not best
10 practices journalism where this columnist is quoting an old
11 friend making a number of claims that are problematic.

12 **MR. ENGELMANN:** All right.

13 And I note at the beginning of the paragraph
14 there's a reference to another local columnist, perhaps the
15 same one. We don't have to go to the document but you've
16 quoted some of what's said in the column?

17 **DR. YOUNG:** Yes.

18 **MR. ENGELMANN:** "Listen, we're friends,
19 but I'm talking to you as your lawyer.
20 Did you do it?"

21 That exchange?

22 **DR. YOUNG:** Yes.

23 **MR. ENGELMANN:** And you've cited these as
24 two examples of what?

25 **DR. YOUNG:** Lack of verification and, again,

1 lack of appropriate use of sources or research.

2 MR. ENGELMANN: All right.

3 DR. YOUNG: To provide reasoned analysis.

4 MR. ENGELMANN: You say -- I note you refer
5 to Kovach and Rosenstiel again about how journalists can
6 strip away certain things?

7 DR. YOUNG: Yes, Kovach and Rosenstiel are
8 considered one of the top 25 books of journalism in the
9 past century, in the past 100 years and, according to them:

10 "The only way that journalists can
11 strip away ..."

12 -- and it's a direct quote from the text:

13 "...rumour, the gossip, the failed
14 memory, the manipulative agendas, as
15 well as the limits of your own
16 perception and your own experience to
17 try to capture something as accurately
18 as possible, is to employ objectivity
19 and fairness and balance of method."

20 MR. ENGELMANN: At the bottom of page 13 of
21 your report you talk about the remaining news content and
22 you talk about two different things there: briefs,
23 7 percent; and, features, 5.2 percent. I believe you've
24 described the features in the longer form, journalism. The
25 briefs, is there much more to say than what you say there?

1 **DR. YOUNG:** No. Briefs are relevant in that
2 they're just short news articles, very short, approximately
3 three paragraphs.

4 **MR. ENGELMANN:** All right.
5 And you give some examples in that paragraph
6 of some of the longer form or feature articles you would
7 have found in the database.

8 **DR. YOUNG:** Yes.

9 **MR. ENGELMANN:** Are you getting more of that
10 in-depth analysis or some of that content that you would be
11 looking for in some of those longer form articles?

12 **DR. YOUNG:** Yes. Some of them try to make
13 links between specific events in the allegations or try and
14 make sense of how and why events may have occurred as
15 opposed to just looking at what happened.

16 **MR. ENGELMANN:** Okay.

17 So let's then go to page 14 and talk about
18 numbers of sources. You did some quantitative work on
19 that.

20 **DR. YOUNG:** Yes. Again, it was fairly
21 straightforward quantitative work. It basically involved
22 counting the number of people quoted in a news or a feature
23 article.

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

25 **DR. YOUNG:** That relates back to complexity

1 and level of analysis. The more sources, the more
2 diversity of sources, the better the quality of news and
3 information content.

4 **MR. ENGELMANN:** So when you're looking at a
5 complex issue, when you're looking at institutional
6 response to historical allegations, allegations of
7 historical abuse, what are you expecting with respect to
8 your numbers of sources? What are you hoping to get?

9 **DR. YOUNG:** Well, you're expecting a variety
10 of sources, from officials to experts to complainants.
11 You're expecting a wide range of institutional and
12 individual sources. As well, often abuse victims come from
13 marginalized groups so you're expecting spokespeople or
14 representatives there, possibly psychologists,
15 psychiatrists, experts in those areas. You'd be expecting
16 a wide range of comment.

17 **MR. ENGELMANN:** How, if at all, would that
18 affect the quality of the coverage?

19 **DR. YOUNG:** Well, it would provide
20 information into the public realm that would address some
21 of the complexities of the issues involved.

22 **MR. ENGELMANN:** What did you find when you
23 were looking through our database with respect to numbers
24 of sources?

25 **DR. YOUNG:** I found that more than half of

1 the news content over the period, 50.9 percent, referenced
2 no source or a single source in the story, and I have some
3 examples that we'll show later on. So it suggests that in
4 more than half of the news articles a very small number of
5 voices were relied on to address the event or issue being
6 discussed.

7 One-third quoted two sources. Even when the
8 articles quoted two or three sources, often they came from
9 the same sphere of influence. For instance, police would
10 reflect one police officer and then maybe a higher level or
11 a different police agency or a municipal government would
12 talk about the mayor and then maybe someone from the Police
13 Services Board and so you had a ---

14 **MR. ENGELMANN:** Just so I'm clear, even when
15 you have two sources, sometimes they're from the same
16 organization.

17 **DR. YOUNG:** Correct.

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

19 **DR. YOUNG:** There were also some good
20 stories with three or more sources. I mean it's a wide
21 body of material and I give some examples of...

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

23 You say something about the import of that
24 in the middle paragraph on the page; you talk about the
25 result.

1 **DR. YOUNG:** Yes. A number of and one of the
2 most prominent media studies by Ericson, Baranek and Chan
3 talk about basically news content not as just created by
4 journalists but as a product of the quality of the sources
5 and the relationship between these journalists and their
6 sources, which is reflected in the quality and nature of
7 the media information, and that they found in their study
8 of crime content in Toronto media outlets, they found that
9 news sources tend to reflect similar values of the
10 journalist that they interact with.

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

12 The comment about news content at the end of
13 that paragraph, is that your comment or is that a
14 paraphrase from the article by Ericson, Baranek and Chan?

15 **DR. YOUNG:** That is my comment.

16 **THE COMMISSIONER:** That's, "A news content
17 and a few identified sources" ---

18 **DR. YOUNG:** Yes.

19 **THE COMMISSIONER:** --- "is even more
20 constraining and has a negative impact on the community as
21 well as citizens' ability to make sense of complex issues
22 or events."

23 **DR. YOUNG:** Correct.

24 **THE COMMISSIONER:** Okay.

25 **MR. ENGELMANN:** So with a story like this

1 you're hoping for multiple sources.

2 **DR. YOUNG:** Yes.

3 **MR. ENGELMANN:** Now, did the outcome
4 surprise you or was it something that you expected in the
5 circumstances?

6 **DR. YOUNG:** Well, it's completely consistent
7 with the proportion of news content devoted to basic news
8 stories and the small proportion of information content
9 devoted to longer form features and in-depth journalism, so
10 it's actually consistent with the other ---

11 **MR. ENGELMANN:** So Table 1.3 is consistent
12 with the results you found in Table 1.2.

13 **DR. YOUNG:** Yes.

14 **MR. ENGELMANN:** And how, if at all, are your
15 results from Table 1.1 factoring in there, that is, the
16 origins of your print media content?

17 **DR. YOUNG:** Well, yes. I mean if you make
18 the correlation that local media may have limited resources
19 or less training or there may be constraint in any number
20 of ways, more so than regional or national media, it would
21 all be consistent.

22 **MR. ENGELMANN:** What about, you know, when
23 we go back to Exhibits 752 and 751 where we've got to
24 columnists duking it out in the newspaper? I mean in a
25 small town it might be part of the entertainment.

1 **DR. YOUNG:** I think that's probably true and
2 everyone knows everyone or knows something of everyone.
3 The corollary is that if it's only entertainment then
4 there's no information for the public to make sense of the
5 public's issues and the public's fear. So as an
6 entertainment genre that's probably good reading.

7 And columnists do use hyperbole. I mean
8 columnists are meant to be a compelling read. It's not
9 that I don't think columnists should be compelling or a
10 good read, it's just they should also contain researched
11 information.

12 **MR. ENGELMANN:** So they have their place in
13 a newspaper, but in your view this type of back and forth
14 is not appropriate in these types of columns.

15 **DR. YOUNG:** It's not not appropriate, it's
16 just it's about fairness and balance across the corpus of
17 material. When you look at election studies and the CBC
18 tries to make sense of whether it was fair and balanced in
19 an election, it doesn't just look at one news story, it
20 actually looks at news stories over the entire election
21 period and looks at that as the content. If you look at
22 this content over the period, entertainment value
23 definitely has a role, community gossip and hyperbole
24 definitely has a role, but when there is not the
25 corresponding in-depth information, that's where the

1 problem becomes.

2 **MR. ENGELMANN:** How well does it help the
3 public figure out what's going on?

4 **DR. YOUNG:** That's the fairness and balance
5 issue, that you've got one side over represented and
6 another kind of information content underrepresented.

7 **MR. ENGELMANN:** Now let's talk then about
8 your findings in Table 1.4. You start this at the bottom
9 of page 14. This is what you call the sources heard first
10 or the first few paragraphs of the news story.

11 Why is that something that you looked at in
12 your quantitative analysis?

13 **DR. YOUNG:** Because that's the frame, that's
14 the most important source that the media identified.
15 Placement of a traditional news story is the most important
16 information goes first and so ---

17 **MR. ENGELMANN:** Is that because we members
18 of the public don't read past the first two paragraphs?

19 **DR. YOUNG:** That's the other -- it's the
20 chicken-and-egg question because readership surveys show
21 that people -- you lose half the audience after the third
22 paragraph. No one has resolved that yet however.

23 **MR. ENGELMANN:** All right.

24 **DR. YOUNG:** But the literature does show
25 that journalists place the people they consider the most

1 important agenda setter first.

2 **MR. ENGELMANN:** So what did you find here
3 when you were looking at your first sources?

4 **DR. YOUNG:** That it was large -- one-third,
5 29.7 percent, were government officials. The next first
6 source was an alleged victim. The next was a member of
7 Project Truth. Then other sources: the Catholic church at
8 7.9 percent, representatives of the Catholic church; Perry
9 Dunlop, 6.5 percent of first sources, so as an individual
10 he got a fairly significant amount of the coverage;
11 Cornwall Police, 6.5 percent. When you combine Cornwall
12 Police and Project Truth you've got 18.9 percent, 19
13 percent, almost one in five stories, devoted to police,
14 originating from police sources, and that's consistent ---

15 **MR. ENGELMANN:** Is that surprising?

16 **DR. YOUNG:** No. That's consistent with the
17 literature in that studies have been replicated throughout
18 North America and the western world that approximately 20
19 percent to 25 percent of news content in print or on
20 broadcast is crime-related, so that's not surprising.

21 Alleged perpetrator ---

22 **THE COMMISSONER:** I'm sorry. Say that
23 again?

24 **DR. YOUNG:** Twenty percent to 25 percent of
25 the news content in either newspapers or on broadcasts ---

1 **THE COMMISSIONER:** Is about crime.

2 **DR. YOUNG:** --- is about crime, and it's
3 replicated -- I mean I can -- over and over, yes.

4 **THE COMMISSIONER:** No. That's fine.

5 **DR. YOUNG:** Even in different national
6 contexts.

7 Alleged perpetrators, 4.5 percent; citizens
8 groups, 3.9 percent, and you see them becoming much more
9 active and prominent toward the end of the period; social
10 agencies, 3 per cent; other media 3 percent; and then
11 experts, 0.4 percent, which normally -- if you look at
12 studies today, the *Globe and Mail*, had a piece on a case in
13 Asia and they had a big in-depth investigation of it and
14 they would have quoted experts. If you look at media
15 coverage of complex news and information generally --

16 **MR. ENGELMANN:** You mean these recent
17 stories, a fellow who was arrested in Asia?

18 **DR. YOUNG:** Yes. Stories like that would
19 quote experts. I mean if you look at larger in-depth news
20 coverage, they would tend to quote an expert or two on
21 whatever the subject matter is, so there's a dearth of
22 experts.

23 **MR. ENGELMANN:** We don't seem to see them
24 being utilized here.

25 **DR. YOUNG:** No.

1 **MR. ENGELMANN:** Now, your total is only 492
2 instead of 555.

3 **DR. YOUNG:** Yes, because some of the -- if
4 you look back to the previous, and I put it -- total end in
5 Table 1.4 ---

6 **MR. ENGELMANN:** Oh, yes, 63 articles had no
7 sources.

8 **DR. YOUNG:** It's right because 63 articles
9 had no sources.

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

11 You note at the bottom of the page that Mr.
12 Dunlop is often a first source as a representative from the
13 Catholic Church, for example.

14 **DR. YOUNG:** Yes.

15 **MR. ENGELMANN:** Is there anything else that
16 you wanted to highlight from that table?

17 **DR. YOUNG:** Well, again this is consistent
18 with what other people have identified, predominance of
19 official sources in the media coverage. It's how they
20 break down that's interesting in this case. Victims, when
21 you look at official sources, actually victims get a fairly
22 -- are second on the list in terms of first sources.

23 **MR. ENGELMANN:** All right.

24 **DR. YOUNG:** But still your predominant
25 coverage are government officials and police, because even

1 Perry Dunlop could be collapsed into the police category,
2 well, he is still employed with them so it's still
3 consistent again with the literature.

4 **THE COMMISSIONER:** Yes, but in the dynamics
5 of the story.

6 **DR. YOUNG:** That's why I broke him out, but
7 I'm just saying technically as a source he could be
8 considered a police officer.

9 **MR. ENGELMANN:** Just on that, when you have
10 government officials, presumably some of those government
11 officials may have been people like Mr. Guzzo who weren't
12 necessarily speaking for the government.

13 **DR. YOUNG:** Correct. They could have been
14 inside outsiders, yeah, outside insiders.

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

16 Let's look at Table 1.5. Tell us what it is
17 we're looking at there when it comes to the first facts
18 cited.

19 **DR. YOUNG:** These are the first facts cited
20 in the media coverage in the sample. Again, what's
21 interesting is that there's nothing surprising in many of
22 these because they're consistent with other literature on
23 the subject in that abuse ring, when you look at Kritcher,
24 who identified later -- he talks about how in allegations
25 of sexual abuse often claims makers up the ante and talk

1 about an abuse ring. So the fact that that's high up on
2 the first fact is consistent with other media coverage of
3 alleged sexual abuse in other communities and in other
4 contexts.

5 **MR. ENGELMANN:** So this is your comment at
6 the bottom of page 16 about the facts conform to
7 journalistic norms that highlight conflict and sensational
8 media content.

9 **DR. YOUNG:** That's the corollary to that, an
10 alleged pedophile sex ring would conform to sensational
11 norms and would definitely be considered, you know,
12 newsworthy for the lead or the top part of the story.

13 **THE COMMISSIONER:** You're saying this is the
14 banner in the article.

15 **DR. YOUNG:** No, the top. The banner would
16 be the headline. The first fact would be the first fact
17 sourced in the news story.

18 **THE COMMISSIONER:** In the news story. Okay.

19 **DR. YOUNG:** Yes.

20 **MR. ENGELMANN:** Right.

21 What you're using as fact are those 11
22 factual variables that you set out earlier. Is that right?

23 **DR. YOUNG:** Yes. Yes.

24 **MR. ENGELMANN:** I note that your total
25 number here for your table is 289, so it's, I don't know,

1 55 percent or so of your total numbers.

2 DR. YOUNG: Yes. I note that the total end
3 is 289 because some of the articles referred to none of the
4 facts.

5 THE COMMISSIONER: Referred to what?

6 DR. YOUNG: None of the facts that I
7 identified, which is reasonable.

8 MR. ENGELMANN: All right.

9 DR. YOUNG: Again, the findings that not
10 thorough by Cornwall Police, a conspiracy against victims,
11 and judicial system not thorough as the next three first
12 facts cited are again consistent with media norms that, you
13 know, we define news as a negative change in the status
14 quo. I mean how many people can remember the last news
15 story that said police did a good job, the criminal justice
16 system did a good job, public inquiry did a good job?

17 THE COMMISSIONER: Well, I can think of a
18 few.

19 MR. ENGELMANN: Wishful thinking.

20 THE COMMISSIONER: Well, no, no. This one
21 is ongoing. I was thinking more of the Walkerton Inquiry
22 and the Ipperwash Inquiry that were great successes.

23 MR. ENGELMANN: Fair enough.

24 DR. YOUNG: But in the day-to-day -- news by
25 its very nature tends to be a negative change in the status

1 quo so again these first facts are not surprising given the
2 context.

3 **MR. ENGELMANN:** That's your comment then at
4 the middle of page 17? I'm sorry, I'm jumping ahead to
5 another table, but again we're talking about negativity
6 when we're dealing with official players and agencies in
7 news coverage.

8 **DR. YOUNG:** Yes.

9 Just a caveat here. A quantitative content
10 analysis is just generalizable comments about the general
11 corpus. We get into more specific frames in the next
12 section, which will make sense of these in a more complex
13 way in terms of narratives, so these are just general
14 descriptions.

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

16 But the criticism against the police, the
17 conspiracy, the criticism about the judicial system, those
18 factual variables that you see and the frequency, you're
19 saying that didn't surprise you.

20 **DR. YOUNG:** No. It's found in other studies
21 of other cases of this nature. It's consistent with news
22 norms about definitions of news.

23 **MR. ENGELMANN:** All right.

24 So let's just jump ahead then to Table 1.6.

25 **THE COMMISSIONER:** Just before we go there,

1 I'm interested in your comments or your No. 13.

2 **MR. ENGELMANN:** Footnote 13.

3 **THE COMMISSIONER:** Footnote 13, yes.

4 **MR. ENGELMANN:** I have a note there too.

5 I'm sorry; I skipped over it.

6 Yes, I wanted to ask you about footnote 13.

7 You have a sentence at the top of page 17 that says:

8 "Journalistic norms preclude media coverage of
9 suicide such that in this case these norms may
10 have hindered full reporting on issues related to
11 the allegations of historical abuse of young
12 persons."

13 You have a footnote there. Could you talk
14 to us about what you mean by those journalistic norms?

15 **DR. YOUNG:** Well, as I said earlier with
16 respect to suicide, when I did an initial examination of
17 the coverage it's one of the inconsistencies in the reports
18 that leapt out were the references to suicides but that
19 changed numbers over the period that I couldn't make sense:
20 well, were there suicides, how many? I didn't try and find
21 fact aside from the media. I'm only referring to the media
22 content.

23 **MR. ENGELMANN:** Yes. You didn't go and
24 investigate.

25 **DR. YOUNG:** I didn't go and investigate

1 whether there were.

2 **MR. ENGELMANN:** Fair enough. So there were
3 some discrepancies about the numbers.

4 **DR. YOUNG:** Right. Significant
5 discrepancies about whether they happened, the numbers, who
6 committed suicide or not.

7 **MR. ENGELMANN:** And are these suicides of
8 alleged perpetrators, of alleged victims or other
9 officials.

10 **DR. YOUNG:** Or victims, whether it's - yes.

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

12 **DR. YOUNG:** Right. But it pops up
13 throughout the period and so in looking at it it's a small
14 -- very small percentage, but part of that is likely that
15 journalists tend not to report on suicide because it's seen
16 as a copy-cat effect, that if we talk about people jumping
17 in front of a subway in Toronto, more people may be
18 inclined to do the same thing.

19 **MR. ENGELMANN:** So is that a standard of
20 practice or is that just something that's developed amongst
21 journalists?

22 **DR. YOUNG:** It's a convention that's
23 developed and I refer to the Poynter website that talks
24 about it in more depth and if you look at the media
25 corporate, suicide is rarely addressed.

1 **MR. ENGELMANN:** So then the somewhat smaller
2 percentages that deal with suicide perpetrator-suicide
3 victim aren't surprising given those norms?

4 **DR. YOUNG:** Yes. Maybe given other reasons,
5 I don't know but, I mean, that's definitely one potential.

6 **MR. ENGELMANN:** Okay. So unless there is
7 something else there then I'll move onto Table 1.6.

8 **THE COMMISSIONER:** Well, I'm thinking of the
9 article -- the fellow, and I'm sorry I forget his name,
10 from the Maple Leaf Gardens who committed suicide and there
11 was a big article in newspapers, and so it seems that if
12 it's related to a cause then I think that convention's out
13 the window. Is that fair?

14 **DR. YOUNG:** It always intermingles if it's
15 an important person ---

16 **THE COMMISSIONER:** Right.

17 **DR. YOUNG:** --- or if it's in a highly -- I
18 don't know the story you're referring to.

19 **MR. ENGELMANN:** This is a victim -- or
20 alleged victim ---

21 **THE COMMISSIONER:** Maple Leaf Gardens.

22 **MR. ENGELMANN:** --- of sexual abuse as a
23 child working in Maple Leaf Gardens ---

24 **THE COMMISSIONER:** And then he ---

25 **MR. ENGELMANN:** Dr. Jaffe told us he ---

1 **THE COMMISSIONER:** --- committed suicide and
2 that keeps coming back here and I'm just wondering if --
3 let's assume that some of the persons in this Inquiry who
4 have committed suicide, whether that would have warranted -
5 - notwithstanding the fact that it's a suicide -- more
6 analysis or more review by the media.

7 **DR. YOUNG:** Well, that's exactly the
8 question I was trying to make sense of.

9 **THE COMMISSIONER:** Okay.

10 **DR. YOUNG:** And because of the inconsistency
11 it likely did -- I mean, it popped up and the numbers
12 changed, it likely did warrant a more thorough approach,
13 and I'm suggesting that this is maybe one reason why, but
14 there are likely other reasons, that there was confusion,
15 lack of evidence, lack of investigative rigour, more
16 complex than that, but that's exactly why I looked at this.

17 **MR. ENGELMANN:** You actually say at the top
18 of the page, "It may have hindered full reporting on issues
19 related the allegations of historical abuse".

20 **DR. YOUNG:** Yes.

21 **THE COMMISSIONER:** All right.

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

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

24 **MR. ENGELMANN:** Table 1.6, this is the last
25 one, the tone, and you've got your three possible outcomes;

1 positive, negative or neutral, and almost two-thirds of the
2 sample had a negative tone.

3 DR. YOUNG: Yes, with respect to official
4 response, and it's not negative about the allegations, it's
5 negative with respect to the official response in the case.

6 MR. ENGELMANN: All right.

7 So a negative comment would be something
8 like, "police investigation was not thorough"?

9 DR. YOUNG: Correct.

10 MR. ENGELMANN: Or "police investigation was
11 inept" or words that effect?

12 DR. YOUNG: Yes. "Incompetent" I quote in a
13 broadcast media.

14 MR. ENGELMANN: All right.

15 DR. YOUNG: Again, that's not surprising.

16 THE COMMISSIONER: No, it's a negative
17 change in the status quo.

18 DR. YOUNG: Yes.

19 MR. ENGELMANN: All right.

20 So you weren't surprised by those numbers?

21 DR. YOUNG: No.

22 MR. ENGELMANN: Were you surprised by -- and
23 I'm just looking -- the low number that were positive was
24 only 7.4. Is that sort of consistent with how these things
25 play out?

1 DR. YOUNG: Well, I think -- you know, there
2 is a reference some inquiries get reported positively. I
3 mean, along with this length of period some things are
4 going to be reported well, like they did a good job here,
5 they did a good job there.

6 I mean, it's hard to compare but that seems
7 reasonable to me, the breakdown.

8 MR. ENGELMANN: So this next section then on
9 page 17 is "qualitative framing analysis" and you start
10 with -- we skipped over a reference to qualitative framing
11 or qualitative analysis earlier. You deal with it in more
12 detail here. Is that fair?

13 DR. YOUNG: Yes, well I ---

14 MR. ENGELMANN: There's a brief reference to
15 this at pages 6 and 7 ---

16 DR. YOUNG: Yes.

17 MR. ENGELMANN: --- of your report and now
18 we're getting into more detail on this same issue here?

19 DR. YOUNG: Yes. I think maybe we should
20 define "framing" before we move forward ---

21 MR. ENGELMANN: Yes, right.

22 DR. YOUNG: --- into that section.

23 MR. ENGELMANN: So can you tell us what you
24 mean by "framing" in this context?

25 DR. YOUNG: Well, it's perhaps better to let

1 the person who has done most of the key work describe it.

2 It's Tab 5 ---

3 **MR. ENGELMANN:** That's Professor Entman?

4 **DR. YOUNG:** Yes.

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

6 On the second page in, does he define

7 "framing" in the first paragraph under the caption?

8 **DR. YOUNG:** Yes, he does.

9 **MR. ENGELMANN:** And would you agree with
10 that definition?

11 **DR. YOUNG:** Yes, I would.

12 **MR. ENGELMANN:** So what is he really saying
13 then?

14 **DR. YOUNG:** He's saying that journalists
15 actually consciously select certain aspects of a social
16 problem or event and make them more or less salient in a
17 news text, which ends up promoting -- which ends up
18 defining a social problem a certain way with certain
19 causes; diagnosing those causes in a certain way and then
20 identifying either judgments or remedies because of the way
21 they've constructed the social problem. So the frame has
22 set-up a way to think about an issue.

23 **MR. ENGELMANN:** All right.

24 It's essentially the framework for how to
25 deal or think with a particular issue?

1 **DR. YOUNG:** Yes, and his argument is that
2 journalists consciously do this when they're actually
3 writing or reporting on the news.

4 **THE COMMISSIONER:** They consciously do this.

5 **DR. YOUNG:** Yes. They consciously approach
6 an issue from a certain perspective and that can go back to
7 how news is defined as a negative change in the status quo
8 or, you know, his allegation about consciousness; people
9 have problematized later to suggest that some of it's
10 unconscious or cultural as well, but that there is an
11 action on the part -- it's not just happening.

12 **MR. ENGELMANN:** Well, you gave us an example
13 much earlier about some possible impact media coverage can
14 have. You gave us an example of Mothers Against Drunk
15 Driving. Can you give us an example of a frame for that?
16 How journalists might view that and frame that issue?

17 **DR. YOUNG:** Well, the issue would be framed
18 in mothers losing their children, which would inspire
19 policy shift or response, as opposed to irresponsible youth
20 of a certain cultural group or a certain demographic doing
21 this poor behaviour.

22 I mean, there's many different ways -- you
23 know, you get racial frames which makes sense of certain
24 crimes in a certain way and culpability.

25 Pickton may be a better case in that if you

1 look at the media frames employed there, they involved
2 women who -- the missing women didn't deserve --were
3 culpable in their own death -- the fact that they were
4 aboriginal sex trade workers, drug addicted.

5 The frame was that somehow that made them
6 culpable and more okay that these things happened -- or not
7 worthy victims.

8 Some academics have identified a victim's
9 scale in the media where if you have a young child go
10 missing or become victim of a crime, that's the most worthy
11 victim, and the media construct that as the most heinous
12 kind of case like an Elizabeth Smart who goes missing.
13 Then there's a kind of a hierarchy from there.

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

15 And that's -- that type of hierarchy then
16 results in different framing?

17 **DR. YOUNG:** Right, and different responses
18 and whether, you know, are these missing women worth
19 mobilizing institutional response for. You know, how
20 proactively do we go after a missing child or how do we
21 respond to the social problem. It's dependent often on the
22 frame and how we make sense of who's doing it and why it's
23 happening.

24 **MR. ENGELMANN:** And Professor Entman's
25 article on this is, as you said, one of the leading

1 articles on this?

2 DR. YOUNG: Yes. It's quoted he's the key
3 scholar in this area.

4 MR. ENGELMANN: All right.

5 Now, you refer to framing then in your
6 report and you talk about some key frames at the bottom of
7 page 17.

8 I think you give three examples of frames
9 that you saw repeating themselves here. Is that fair?

10 DR. YOUNG: Yes.

11 MR. ENGELMANN: Can you just give us your
12 sense of those three frames, what they were and we may get
13 into some actual examples of them?

14 DR. YOUNG: Okay. This, the qualitative
15 framing analysis, just to be clear, I actually read the
16 entire sample, all 1,329 articles. I didn't just focus on
17 the 55 articles from the quantitative content, so this is
18 from the ---

19 MR. ENGELMANN: So you read all of the
20 articles plus all of the letters to the editor.

21 DR. YOUNG: Yes. This is just the news
22 articles, not the letters to the editor.

23 MR. ENGELMANN: All right. So this is the
24 1,105 that you looked at to deal with this issue.

25 DR. YOUNG: Yes. Yes.

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

2 **DR. YOUNG:** So the key frames that emerged,
3 the most prominent and consistent over the period was that
4 basically Cornwall City Police and other levels of the
5 criminal justice system were responsible for the social
6 problem, and if not responsible at least culpable, that
7 somehow through their ineffectiveness or incompetence. The
8 language was framed in that manner.

9 **MR. ENGELMANN:** So when you say responsible
10 for the social problem, are you saying that the frame is
11 that they're responsible for the historical abuse against
12 young persons? That's the frame.

13 **DR. YOUNG:** Yes, that they are somehow
14 culpable, and this is consistent with the literature, which
15 I refer to later.

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

17 **DR. YOUNG:** The second frame is that there
18 were few key voices that come up time and again in that
19 corpus. The most dominant one is Perry Dunlop. To a large
20 extent he becomes constructed as a folk hero throughout the
21 media, and that's the second frame that is very prominent
22 in the media coverage.

23 **MR. ENGELMANN:** And a third frame?

24 **DR. YOUNG:** And a third frame relates to the
25 fact that the content was framed within discrete news

1 events, that there were these discrete events that happened
2 as opposed to a larger systemic problem and that it relates
3 back to the quantitative material that it was little
4 incremental shifts as opposed to larger investigation or
5 in-depth news and so it was a frame of.

6 **THE COMMISSIONER:** I don't understand that
7 word.

8 **DR. YOUNG:** It was a frame of just little
9 events, like this happened here, this happened here, this
10 happened here, as opposed to a larger structural issue in
11 the community or it was framed in a traditional news story
12 manner, more genre or form than just content, and that had
13 an effect on the content. Is that better?

14 **MR. ENGELMANN:** So, am I following
15 correctly, some trees but no forest?

16 **DR. YOUNG:** Yes.

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

18 That comes back to some of the comments you
19 made earlier about a lack of in-depth longer form
20 investigative type journalism.

21 **DR. YOUNG:** Correct. We address this more
22 as we go through the qualitative.

23 **MR. ENGELMANN:** Mr. Commissioner, I'm not
24 sure how long you want to sit tonight.

25 **THE COMMISSIONER:** I'm a little worried

1 about Mr. Neville.

2 MR. ENGELMANN: Okay.

3 THE COMMISSIONER: Is that a good time? Do
4 you think we'll have time to finish everything tomorrow on
5 that basis?

6 MR. ENGELMANN: Yes. I think I'll probably
7 go through 'til the morning break. Let me speak to counsel
8 just briefly now to get a sense of how long they may be. I
9 know that Dr. Young has a flight tomorrow evening back to
10 Vancouver so I'll speak to them.

11 Is there a possibility of starting at 9:00
12 or 9:15 if counsel is going to be lengthy?

13 THE COMMISSIONER: Nine o'clock. So you
14 want to canvass them now.

15 MR. ENGELMANN: Could I?

16 THE COMMISSIONER: Sure. I'll wait right
17 here.

18 MR. ENGELMANN: All right. I'll do it
19 quietly.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. ENGELMANN: They're counting on my math
22 here too in Mr. Lee's absence. I understand he is caught
23 in an airport in the U.S., so I'm not sure if we'll see him
24 tomorrow.

25 THE COMMISSIONER: Are you telling me he

1 went to Vegas for the weekend?

2 **MR. ENGELMANN:** I understand it's Cleveland.
3 I don't think that's quite as exciting but that's what I'm
4 told.

5 Yes. You know what? We'll have no problem
6 starting at 9:30 based on the numbers I have. Thank you.

7 **THE COMMISSIONER:** Okay.

8 Dr. Young, we'll see you tomorrow morning at
9 9:30. How's that?

10 **DR. YOUNG:** Thank you.

11 **MR. ENGELMANN:** Thank you.

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

14 This hearing is adjourned until tomorrow
15 morning at 9:30 a.m.

16 --- Upon adjourning at 5:35 p.m./

17 L'audience est ajournée à 17h35

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C E R T I F I C A T I O N

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

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM