

**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 274

Held at :

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

Tenue à:

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

Wednesday, September 3, 2008

Mercredi, le 3 septembre 2008

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Brigitte Beaulne	
Ms. Maya Hamou	Commission Counsel
Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Kevin Hille	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Bennett	The Men's Project
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Bishop Paul-André Durocher	Bishop Paul-André Durocher

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment	1
Cross-Examination by/Contre-interrogatoire par Ms. Helen Daley	1
Cross-Examination by/Contre-interrogatoire par Mr. Frank T. Horn	97
Cross-Examination by/Contre-interrogatoire par Mr. Dallas Lee	130
Cross-Examination by/Contre-interrogatoire par Mr. David Bennett	206
Cross-Examination by/Contre-interrogatoire par Mr. David Sherriff-Scott	211
Further Cross-Examination by/Contre-interrogatoire Supplémentaire par Mr. Dallas Lee	227

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2204	(720697) Standard-Freeholder Article "Bishop clarifies position on public inquiry" dated 17 Mar 03	66
C-2205	(129959) Examination for Discovery Volume I of Paul-André Durocher dated 22-Sep-06	153
C-2206	(129956) Examination for Discovery Volume II of Paul-André Durocher dated 22-Sep-06	156
P-2207	(200303) Complementary Norms to the 1983 Code of Canon Law	215

1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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 **LE COMMISSAIRE:** Oui, bonjour, tout le
10 monde.

11 Bonjour, Monseigneur.

12 Good morning, Ms. Daley.

13 **MS. DALEY:** Good morning, sir.

14 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

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

16 **DALEY:**

17 **MS. DALEY:** Good morning, Bishop. My name
18 is Helen Daley. I'm counsel to the Citizens for Community
19 Renewal. That's a local group that I know that you're
20 familiar with.

21 I wanted to start with just a little bit of
22 overview information, and I'm sure you have this
23 information handy.

24 In the Diocese of Alexandria-Cornwall,
25 what's the approximate Catholic population?

1 **BISHOP DUROCHER:** About 50,000 Catholics.

2 **MS. DALEY:** Okay. On a percentage basis
3 that would represent a substantial majority of the people
4 in the community?

5 **BISHOP DUROCHER:** I would say about two-
6 thirds of the general population is Roman Catholic.

7 **MS. DALEY:** All right.

8 And that's been consistently so, I take it,
9 during the time you've been here as Bishop?

10 **BISHOP DUROCHER:** Yes.

11 **MS. DALEY:** And I would take it, sir, that
12 in relation to the Catholics in the community, you have a
13 direct leadership role. That's the community that you
14 speak to as a Bishop, as the leader?

15 **BISHOP DUROCHER:** That's correct.

16 **MS. DALEY:** Do you also see yourself as
17 playing a somewhat broader leadership role in the community
18 at large, and that is to say the non-Catholic or non-
19 religious community in this town?

20 **BISHOP DUROCHER:** I do.

21 **MS. DALEY:** And I'll come to this at some
22 point this morning, but from time-to-time you would write
23 letters to the editor; you would make public statements
24 about the abuse situation in Cornwall. And I take it that
25 you were intending your words to reach everybody, not just

1 the Catholic members of your community; correct?

2 **BISHOP DUROCHER:** That's correct.

3 **MS. DALEY:** All right. So let's back up for
4 a moment.

5 I want to put to you the elements of the
6 situation in the community as you would have found them
7 when you arrived here in June of 2002 to take on your
8 duties. And it might help us, in order to understand the
9 community temper at that moment, to just review some of
10 these background facts and I'll see if you were aware of
11 them.

12 Obviously when you arrived here in June of
13 2002, you were quite aware that there were four priests in
14 the Diocese who had been subject of criminal charges. Some
15 of those charges had very, very recently been terminated.
16 So you knew about the charges pertaining to Fathers Charles
17 MacDonald, Dubé, Lapierre and Major?

18 **BISHOP DUROCHER:** Yes.

19 **MS. DALEY:** You knew that coming here?

20 **BISHOP DUROCHER:** I found -- if I didn't
21 know coming here, I found out relatively quickly.

22 **MS. DALEY:** Shortly thereafter.

23 **BISHOP DUROCHER:** Yes.

24 **MS. DALEY:** So the total number of priests
25 in the Diocese at that point was roughly what?

1 **BISHOP DUROCHER:** Thirty (30).

2 **MS. DALEY:** Thirty (30).

3 And four of them had been subject to
4 criminal charges?

5 **BISHOP DUROCHER:** Yes.

6 **MS. DALEY:** In addition, I think you knew
7 when you arrived, and it was the case when you arrived,
8 that all of these priests were incardinated in this Diocese
9 and with the sole exception of Father Lapierre at a later
10 time, no limits had been placed on their public ministry.
11 Is that correct?

12 **BISHOP DUROCHER:** I wasn't quite aware of
13 what limits had been placed or not when I arrived.

14 **MS. DALEY:** Oh. Should I take it from that
15 that as far as you were aware, no limits had been placed?

16 **BISHOP DUROCHER:** I wasn't aware. I didn't
17 go back -- when I arrived, I didn't go back to read all
18 these histories.

19 **MS. DALEY:** All right.

20 Did the outgoing Bishop inform you of any
21 limits on the faculties of these priests?

22 **BISHOP DUROCHER:** No, he did not.

23 **MS. DALEY:** All right.

24 Did you, on an operating basis then, just
25 assume there were no limits?

1 **BISHOP DUROCHER:** No, I'm saying I was not
2 aware. I found out, for example, later, after my arrival
3 sometime, that Father Charlie MacDonald had been suspended
4 from -- all his faculties had been removed from ministry.
5 I found out that Father Major had been removed from
6 ministry. I found out that consideration had been given
7 but the decision was made not to remove Father Dubé. I
8 found all this out afterwards.

9 **MS. DALEY:** At a later time. All right.

10 But from what the community, I guess, might
11 be aware of at the time that you arrived, the community
12 would have known that charges were brought against these
13 priests. The community would not have been -- would have
14 understood they were still incardinated here?

15 **BISHOP DUROCHER:** I don't know that the
16 community at large knows what the word incardination means.

17 **MS. DALEY:** They would perceive they were
18 practising as priests or they were unable to practise as
19 priests?

20 **BISHOP DUROCHER:** They would know that some
21 of them were in parishes and some of them weren't.

22 **MS. DALEY:** All right.

23 Now, in relation to some of these
24 situations, I take it -- and I'll use Father Charles as an
25 example -- but did you come to learn that the victims --

1 the alleged victims of Father Charles had come to the
2 Church first?

3 **BISHOP DUROCHER:** I only know that Mr.
4 Silmser had come to the Diocese.

5 **MS. DALEY:** All right.

6 **BISHOP DUROCHER:** I found that out from
7 Bishop LaRocque.

8 **MS. DALEY:** All right. So at least you had
9 an awareness that in that instance, one of the alleged
10 victims had come to the Diocese first to complain and had
11 only at a later time gone to the police?

12 **BISHOP DUROCHER:** That's correct.

13 **MS. DALEY:** All right.

14 And did you know whether or not the alleged
15 victims of the other three priests I named, had they come
16 to the Church first to make a complaint or do you know?

17 **BISHOP DUROCHER:** I have no knowledge if
18 they came to the Church first.

19 **MS. DALEY:** All right.

20 So that's -- if I could put a period behind
21 our conversation that we've just had, that's one element of
22 what you found when you arrived, charges, fairly current
23 charges involving four priests?

24 **THE COMMISSIONER:** Sir?

25 **MR. SHERRIFF-SCOTT:** I just want to clarify

1 for the record that the evidence, I believe, was Mr.
2 Silmsler went to the police before the Diocese.

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

4 **MR. SHERRIFF-SCOTT:** The other individual
5 who wrote the letter subsequently had already been
6 interviewed by Ms. Sebalj.

7 Thank you.

8 **MS. DALEY:** All right, sir.

9 In addition to the four sort of more current
10 situations, I take it you knew when you arrived or you were
11 told about the Deslauriers situation that had occurred in
12 the mid-1980s; correct?

13 **BISHOP DUROCHER:** Yes.

14 **MS. DALEY:** And you came to learn, I take
15 it, sir, that that was a situation in which there were
16 numerous victims of Father Deslauriers over a prolonged
17 period; correct?

18 **BISHOP DUROCHER:** That's correct.

19 **MS. DALEY:** And you came to learn that that
20 had occurred in the context of the school where he was
21 providing counselling services? Did you have that detail?

22 **BISHOP DUROCHER:** Well, particularly in the
23 context of his work with young people, yes.

24 **MS. DALEY:** Yes.

25 And I take it from your reaction here when

1 you were asked about this on Friday, you personally were
2 very appalled by that situation?

3 **BISHOP DUROCHER:** I was.

4 **MS. DALEY:** And you could understand when
5 news of that came out in the community, the community here
6 would be equally appalled?

7 **BISHOP DUROCHER:** Obviously, but these were
8 events that had taken place 15 years before I arrived.

9 **MS. DALEY:** Understood. I understand that.

10 **BISHOP DUROCHER:** So I believed that that
11 was part of the past history of the Diocese. I did not see
12 that as affecting the Diocese at the time I came, and no-
13 one within the Diocese brought that matter up with me as I
14 arrived here. So I felt it did not impact on my arrival in
15 the Diocese or on my perception of how the Diocese was
16 functioning.

17 **MS. DALEY:** Did you appreciate, sir, that
18 even though it was 15-year old history at the time you got
19 here, it was still a part of this community's history that
20 created concerns in relation to how the community saw the
21 Church?

22 **BISHOP DUROCHER:** As a matter of fact, I
23 found that there was very little reference made to the
24 Deslauriers matter. I felt it was a sign of the -- how can
25 you say -- the two solitudes working in Canada. It was as

1 if the Father Deslauriers matter was a matter affecting the
2 French sector of the Diocese and the Project Truth matter
3 was affecting the English side of the Diocese, so the
4 Project Truth material was what was in the consciousness of
5 the people when I arrived here. The Father Deslauriers
6 matter was not.

7 Whenever I read in the paper, for example,
8 no reference was made to the Father Deslauriers material.
9 So I really believe the Father Deslauriers material was not
10 in -- was not present in the consciousness of the people
11 when I arrived here. That was my reading of it. I might
12 be mistaken.

13 **MS. DALEY:** That's fair enough.

14 Can you help me with one thing? In terms of
15 the members of your Diocese, the roughly 50,000-56,000 you
16 mentioned, what would be the breakdown Francophone versus
17 Anglophone?

18 **BISHOP DUROCHER:** I would say in terms of
19 nominal membership, probably half and half now.

20 **MS. DALEY:** Certainly -- but what you shared
21 with us is that you were aware of Deslauriers history, that
22 piece of the history, but your perception, rightly or
23 wrongly, is that the community had moved on from it?

24 **BISHOP DUROCHER:** That?

25 **MS. DALEY:** That the community had moved

1 past it.

2 BISHOP DUROCHER: That -- yes.

3 MS. DALEY: All right.

4 Now, I take it you would also have learned
5 upon arrival or perhaps earlier, that the situation of
6 sexual abuse by the clergy here had received a great deal
7 of media attention starting in January of 1994?

8 BISHOP DUROCHER: Oh, I wouldn't know
9 starting on which date but I was aware that it had -- yes,
10 it was a question in the media.

11 MS. DALEY: Right. And setting aside that
12 you -- you know, you weren't paying attention to dates, did
13 you have an awareness that the issue had been vetted in the
14 media over a considerable period of years before you
15 arrived?

16 BISHOP DUROCHER: I don't know what you mean
17 by the word vetted.

18 MS. DALEY: Just addressed in the media,
19 discussed in the media.

20 BISHOP DUROCHER: Addressed in the media,
21 yes, I was.

22 MS. DALEY: All right. And one of the focal
23 points of the media coverage had been Mr. Silmsler and what
24 was referred to as a "pay-off" which I'll put quotes around
25 of Mr. Silmsler by the Church. And you were aware that that

1 had been addressed in the media?

2 **BISHOP DUROCHER:** I became aware of that
3 when I arrived, yes.

4 **MS. DALEY:** All right. And the mainstream
5 media if I can call it that -- and I'm referring to the
6 local paper, the Ottawa paper -- had positioned the story
7 in such a way that a reader might think that the Church had
8 paid off Mr. Silmsler so that his allegations about Father
9 Charles would never see the light of day. That's how the
10 story was presented.

11 **BISHOP DUROCHER:** Yes.

12 **MS. DALEY:** And the Bishop of course -- or
13 sorry, let me add to that -- did you come to learn that in
14 relation to Silmsler the Church had, in fact, participated
15 in a settlement agreement that was in fact illegal. You
16 came to learn that?

17 **BISHOP DUROCHER:** I came to learn that the
18 Church had participated -- the Bishop had agreed to a
19 settlement and that he subsequently -- he told me
20 subsequently found out that there was a clause in it that
21 was illegal.

22 **MS. DALEY:** And the illegality was that the
23 clause purported to prevent Mr. Silmsler from continuing to
24 cooperate with the police and a police investigation of his
25 allegations concerning Father Charles; correct?

1 **BISHOP DUROCHER:** Yes, that was public
2 knowledge.

3 **MS. DALEY:** All right. And, again, staying
4 with how the community learned of these events, did you
5 come to learn that initially both the former Bishop and his
6 counsel, Mr. Leduc, had told the public that there was no
7 such restriction in the settlement, but they had been wrong
8 and they had to subsequently tell the public that indeed
9 there was a restriction. Did you learn about that detail?

10 **BISHOP DUROCHER:** Yes, I did.

11 **MS. DALEY:** And I would assume that you
12 could extract from that that the media reportage that the
13 community would have read here presented a picture of, if
14 you will, collusion.

15 In other words, it created an aura that
16 perhaps the Church and the police authorities were jointly
17 trying to suppress information about sexual abuse by
18 clergy. That's how the story was framed?

19 **BISHOP DUROCHER:** I understand that some
20 people took that as their conclusions. I don't know if
21 that's the way the story was framed.

22 **MS. DALEY:** All right. But regardless of
23 that you weren't necessarily looking at every media piece,
24 you came here, I take it, appreciating or you learned
25 shortly after you did, that some people in fact thought

1 that there had been a cover-up?

2 **BISHOP DUROCHER:** Yes.

3 **MS. DALEY:** And they still thought that
4 eight years after the fact in 2002?

5 **BISHOP DUROCHER:** Yes.

6 **MS. DALEY:** So that was a firmly entrenched
7 view?

8 **BISHOP DUROCHER:** Oh, yeah, the -- and I'm
9 aware that some people still believe that.

10 **MS. DALEY:** All right.

11 Now, in addition to the mainstream media, I
12 take it you also learned about a website, correct, a
13 private website?

14 **BISHOP DUROCHER:** Yes.

15 **MS. DALEY:** And was that website still
16 operating when you arrived in 2002 or was some offshoot of
17 the website?

18 **BISHOP DUROCHER:** I think the material that
19 was on the website -- the website was no longer operating
20 but I think the material was available on other websites.

21 **MS. DALEY:** All right. So you learned then
22 that that material was also out in the public domain in
23 Cornwall for people to look at and be influenced by?

24 **BISHOP DUROCHER:** Yes.

25 **MS. DALEY:** Okay.

1 So I'm assuming that you came pretty quickly
2 to an understanding then that this community had suffered a
3 loss of faith, if you will, in the institutional church, in
4 particular, in its ability to manage allegations of sexual
5 abuse by clergy?

6 **BISHOP DUROCHER:** I'm not willing to say
7 that the community has lost; I would say that parts of the
8 community have.

9 **MS. DALEY:** So can you flush out that
10 perception for us?

11 **BISHOP DUROCHER:** What I'm saying is that
12 there are members of this community who have maintained
13 trust in the Roman Catholic church and the various
14 institutions in this area. There are other people who
15 haven't. So to say the community is to brush with a broad
16 stroke everyone that lives here.

17 I would say that there's a variety of
18 opinions that are out there.

19 **MS. DALEY:** Can you -- in your view, can you
20 quantify what you've said? In other words, do you -- is it
21 your perception that amongst the catholic community for
22 starters, just starting there, some of them have faith in
23 the church's ability to handle these allegations and others
24 just don't?

25 **BISHOP DUROCHER:** Well, I -- there's that

1 broad spectrum of opinion, yes.

2 **MS. DALEY:** All right. And so when you --
3 when we take it more broadly and we look outside the
4 Catholic community to the community as a whole, is it your
5 perception that at least some part of that broader
6 community also has lost faith in your church's ability to
7 deal with these types of allegations?

8 **BISHOP DUROCHER:** I find the expression "to
9 lose faith" awkward in this context, you know.

10 **MS. DALEY:** Use whatever words you choose.

11 **BISHOP DUROCHER:** There's certainly elements
12 of the community who have never accepted that the Diocesan
13 leadership here has -- was correct in its administration of
14 these issues.

15 **MS. DALEY:** Right. Would you agree though
16 that when you assumed the role, part of your thoughts going
17 into this would have been focussed on the matters that I
18 have just reviewed with you, in the fact that the church
19 was lacking credibility, at least in the eyes of some ---

20 **BISHOP DUROCHER:** Yes.

21 **MS. DALEY:** --- on this issue?

22 **BISHOP DUROCHER:** Yes.

23 **MS. DALEY:** You were concerned about that?

24 **BISHOP DUROCHER:** Yes, I was.

25 **MS. DALEY:** Concerned enough to make it one

1 of your three priorities?

2 **BISHOP DUROCHER:** Concerned enough to -- not
3 so much how the community was seeing things here. You're
4 putting it in terms of how the community sees things.

5 **MS. DALEY:** Yes.

6 **BISHOP DUROCHER:** I was putting it in terms
7 of the reality of it. What I was saying is I've wanted to
8 make it one of my three priorities; that we would make sure
9 the children are safe in the Diocese.

10 And that -- and particularly that because
11 this was another concern that was very -- that was
12 articulated to me within the first few weeks that I arrived
13 here, that a number of priests had been -- innocent priests
14 had been falsely accused.

15 So those were the two things that I felt I
16 had to address.

17 **MS. DALEY:** All right.

18 **BISHOP DUROCHER:** And that I could address.

19 **MS. DALEY:** I want to pick up on this point
20 later with you, sir, but you said something there that I
21 want to explore a little bit further, and you used the word
22 "children", right?

23 **BISHOP DUROCHER:** Yes.

24 **MS. DALEY:** Now, the four instances where
25 there had been charges, did you come to know that for the

1 most part the alleged victims in those instances were
2 teenage males?

3 **BISHOP DUROCHER:** I found that out, yes.

4 **MS. DALEY:** All right. And when you came to
5 look at the problem did you, in your mind, distinguish the
6 abuse of children, and let me just define what I mean by
7 that.

8 **BISHOP DUROCHER:** Yes.

9 **MS. DALEY:** There's an expression, a legal
10 expression, "children of tender years" which used to refer
11 to children maybe up to the age of 10 or 11 but before
12 puberty, right?

13 Obviously children that are in their teenage
14 years are still children but I wonder, did you distinguish
15 in your mind between those two groups of parishioners?
16 That is to say little kids under the age of puberty versus
17 teenagers?

18 **BISHOP DUROCHER:** Well, I learned the
19 distinction between pedophilia and ephebophilia and I
20 discovered that what was the problem here, at least in
21 terms of allegations and of subsequent incrimination, was
22 not a question of pedophilia but a question of
23 ephebophilia.

24 **MS. DALEY:** Right.

25 **BISHOP DUROCHER:** So in that sense, yes,

1 there's a distinction.

2 **MS. DALEY:** All right.

3 **BISHOP DUROCHER:** Is there a distinction in
4 my mind in terms of saying I want to have children
5 protected and not teenagers? No, obviously not.

6 **MS. DALEY:** All right.

7 **BISHOP DUROCHER:** I would want all, you
8 know, vulnerable people protected in our Diocese.

9 **MS. DALEY:** So the teenage group was of
10 equal concern?

11 **BISHOP DUROCHER:** Absolutely.

12 **MS. DALEY:** All right. Did you -- when I
13 said "distinguish", did you appreciate that maybe those are
14 two different types of abuse and perhaps would merit a
15 different reaction for that reason or not?

16 **BISHOP DUROCHER:** Well, they're two
17 different types of abuse and certainly they merit different
18 types of reaction in terms of treatment and in terms of
19 prevention also, yes.

20 **MS. DALEY:** Did you consider, sir, that --
21 just moving further up the age spectrum, let's talk about
22 somebody who is maybe 18, 19, 20, somebody in that range.

23 Did you consider someone of that age might
24 be the victim of sexual abuse if there had been a power
25 relationship with a priest that had been abused?

1 **BISHOP DUROCHER:** I'm very aware that
2 sometimes people in positions of authority could use their
3 authority so that what would normally be a consensual
4 relationship is not.

5 **MS. DALEY:** And did that factor enter the
6 protocol that you worked on?

7 **BISHOP DUROCHER:** Our protocol does not deal
8 with that.

9 Excuse me, that's not true. Our protocol
10 also deals with the question of sexual aggression against
11 adults.

12 **MS. DALEY:** Just remind me how it does that?

13 **BISHOP DUROCHER:** It identifies it as one of
14 the triggers towards the duty to report within the Diocese
15 and the responsibilities of the advisory committee.

16 **MS. DALEY:** I could be wrong and I won't
17 belabour it, but I thought that the protocol dealt with
18 adults in a slightly different way; adults who were
19 vulnerable because they had some disability; no?

20 **BISHOP DUROCHER:** No, not -- I don't know
21 the protocol by heart, by in my mind, no.

22 **MS. DALEY:** All right. Sorry, sir, I took a
23 little bit of a sidestep there.

24 **BISHOP DUROCHER:** That's okay.

25 **MS. DALEY:** I'm taking you back then to your

1 initial activities in the community, your arrival here and
2 what you're faced with. And I would assume, without
3 knowing, that it would be a completely unusual circumstance
4 were the public to be protesting a Bishop's installation?

5 **BISHOP DUROCHER:** Yes.

6 **MS. DALEY:** And yet that's what occurred.
7 That's what met you when you arrived here?

8 **BISHOP DUROCHER:** Yes.

9 **MS. DALEY:** And that must have been very
10 upsetting to you?

11 **BISHOP DUROCHER:** It was.

12 **MS. DALEY:** Did you take that as a signal
13 about the depth of the issues here; about the depth of the
14 concern that people have, rightly or wrongly?

15 **BISHOP DUROCHER:** I took it as a signal of
16 the depth of the concern that certain people had, yes.

17 I'd just like to point out there were 60
18 protesters and there were 600 people who were not
19 protesting, you know. So I saw that there was a group
20 within the area who really were concerned about this.

21 **MS. DALEY:** All right.

22 Sir, did you, when you'd had a chance to
23 reflect on what had occurred beforehand, I take it you came
24 to know that your predecessor, Bishop LaRocque, had, in
25 fact, not followed protocols that existed from time-to-time

1 in relation to allegations of abuse. Did you come to know
2 that?

3 **BISHOP DUROCHER:** I came to realize that in
4 the case of Father Dubé he had not followed the protocol,
5 yes.

6 **MS. DALEY:** All right.

7 Did you come to realize that in the case of
8 David Silmser, in addition the protocol had not in fact
9 been implemented?

10 **BISHOP DUROCHER:** No, I discovered this
11 through these hearings.

12 **MS. DALEY:** Okay. And I thought from what
13 you said -- and I'm putting together the testimony you gave
14 here two years ago, the context testimony with your more
15 recent testimony -- but I took from it that you could not
16 really, when you arrived, point to any evidence that
17 protocols had, in fact, been applied?

18 **BISHOP DUROCHER:** I couldn't point to
19 evidence that protocols had ---

20 **MS. DALEY:** Had been applied.

21 **BISHOP DUROCHER:** --- been applied?

22 **MS. DALEY:** Yes.

23 **BISHOP DUROCHER:** Well, I knew for example
24 that Father Major had been removed when he was charged so
25 the protocol had been applied in that case. So, yes, there

1 was evidence that protocols had been applied there.

2 **MS. DALEY:** All right. What I was more
3 focussed on is the processes that the protocols, whatever
4 protocols existed, they talked about interviews and talking
5 to the victim, investigating all that ---

6 **BISHOP DUROCHER:** I did not ---

7 **MS. DALEY:** --- kind of stuff.

8 **BISHOP DUROCHER:** I did not turn my mind to
9 examining how past protocols had been or not been applied
10 in the Diocese.

11 **MS. DALEY:** All right. Did the Bishop give
12 -- your predecessor give you any information about that?

13 **BISHOP DUROCHER:** We did not talk about
14 that, no.

15 **MS. DALEY:** All right. Okay. So your state
16 of mind was neutral on that. You wouldn't have known one
17 way or the other what he'd done?

18 **BISHOP DUROCHER:** That's right.

19 **MS. DALEY:** To get back just momentarily to
20 the Deslauriers situation, did you know that in that
21 situation the first victims who came forward and made the
22 issue public were the Brissons who were very faithful
23 members of the community. And that the prior Bishop,
24 LaRocque, had given them the impression that Deslauriers
25 had been removed from public ministry?

1 **BISHOP DUROCHER:** I ---

2 **MS. DALEY:** Did you know that detail?

3 **BISHOP DUROCHER:** Those details around the
4 whole Deslauriers affair, I learned here.

5 **MS. DALEY:** All right. So your present
6 knowledge, would you agree with this proposition that at
7 least in that circumstance, it appeared that what the
8 Bishop had told the complainant didn't, in fact, occur
9 because it was found that Deslauriers was exercising
10 ministry in Hull? You came to know that?

11 **BISHOP DUROCHER:** I -- all of those things
12 are still unclear for me exactly what happened there.

13 **MS. DALEY:** All right. In any event, it was
14 -- did it ever become known to you that there was that
15 element attached to the Deslauriers case? That is to say,
16 if I could label it with a theme, the element of a priest
17 who's a problem but who's allowed to move elsewhere?

18 **BISHOP DUROCHER:** I ---

19 **MS. DALEY:** Have you ever ---

20 **BISHOP DUROCHER:** I've become aware of that
21 through this Inquiry, particularly, yes.

22 **MS. DALEY:** All right. And again, that's
23 another theme that becomes a bit of a touchstone as we're
24 dealing with abuse and it's part of your protocol?

25 **BISHOP DUROCHER:** Yes. But you're trying to

1 set my state of mind as I arrived here. Those issues were
2 not part of my state of mind then.

3 **MS. DALEY:** Okay.

4 In order obviously to be a responsible
5 leader of your community and to the extent that you're a
6 community leader at large, did you educate yourself to the
7 extent possible about what you were stepping into before
8 you arrived here?

9 **BISHOP DUROCHER:** To the extent possible, I
10 guess, it would have been possible for me, for example, to
11 go back and read all the files of the priests and I never
12 did that, no.

13 **MS. DALEY:** All right.

14 How much time did Bishop LaRocque spend with
15 you giving you the information you needed to step into the
16 role?

17 **BISHOP DUROCHER:** Very little time. We had
18 very little discussion about the situation in the Diocese.

19 **MS. DALEY:** And I take it there's almost
20 nothing from that discussion pertaining to clergy sexual
21 abuse that sticks out in your mind?

22 **BISHOP DUROCHER:** Well, we spoke about the
23 Silmser situation. He explained to me that his take on
24 that story of the, as you said in quotes, "pay out". So we
25 did discuss that.

1 He told me, I believe that's when he told me
2 why he had not applied the protocol in the case of Father
3 Dubé because he's told he had information that Father Dubé
4 was indeed innocent. So to that extent, we spoke about it,
5 but not more than that.

6 **MS. DALEY:** I'm assuming that Father Stone
7 never came up in this conversation you had with the Bishop?

8 **BISHOP DUROCHER:** Absolutely not.

9 **MS. DALEY:** Okay. So you learned about that
10 here for the first time?

11 **BISHOP DUROCHER:** No, I learned that when we
12 were served with a lawsuit.

13 **MS. DALEY:** I see.

14 **THE COMMISSIONER:** Can we go back just a
15 minute ---

16 **MS. DALEY:** Certainly.

17 **THE COMMISSIONER:** --- to when you became
18 aware that you had the opportunity of becoming Bishop here.
19 Did you receive any instructions or details saying, "Look
20 it" -- if I can put it in a vernacular -- "You're being
21 assigned here to take care of this problem"?

22 **BISHOP DUROCHER:** No.

23 **THE COMMISSIONER:** No, no, some people are
24 asking those questions.

25 **BISHOP DUROCHER:** Yeah. No, no. It's -- I

1 think that the general process in the Roman Catholic Church
2 is when they look for a bishop to come into a diocese, they
3 look at the pastoral situation of the diocese.

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

5 **BISHOP DUROCHER:** And they look at the
6 candidates that are at hand and they chose the best person
7 for the situation.

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

9 **BISHOP DUROCHER:** But I was not given an
10 assignment.

11 **THE COMMISSIONER:** No marching orders ---

12 **BISHOP DUROCHER:** No marching orders ---

13 **THE COMMISSIONER:** --- or anything like
14 that?

15 **BISHOP DUROCHER:** --- nothing like that.

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

17 **MS. DALEY:** Following up on Mr.
18 Commissioner's point, did you appreciate or was it
19 disclosed to you that you were stepping into, if you
20 accepted it, a very difficult Diocese?

21 **BISHOP DUROCHER:** I realized that there were
22 a number of challenges facing this Diocese, yes.

23 **MS. DALEY:** All right.

24 Sorry, let me just finish off on the Stone
25 situation, and you've explained that you learned about it

1 at a later time. And when you do, I'm assuming that your
2 response would have been that that was not the right way to
3 handle it?

4 **BISHOP DUROCHER:** What are you speaking
5 about specifically?

6 **MS. DALEY:** Well, I mean we know with Father
7 Stone there were difficulties in the United States; there
8 was a warrant related to abuse of children. Your
9 predecessor, at a much earlier point-in-time, allowed him
10 privileges here and he had -- knowing of the background?

11 **BISHOP DUROCHER:** You're talking about the
12 1958 situation with Bishop Brodeur when Bishop Brodeur
13 received him into the Diocese?

14 **MS. DALEY:** Yes.

15 **BISHOP DUROCHER:** Let's just say I would not
16 have proceeded that way, no.

17 **MS. DALEY:** Right, okay. All right, so
18 let's move forward then. Sorry, just give me a second,
19 sir.

20 **THE COMMISSIONER:** Certainly.

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

22 **MS. DALEY:** I'm going to show you a press
23 article that coincided with your installation.

24 Madam Clerk, it should be Document 720654.

25 **THE REGISTRAR:** Twenty-one eighty-three

1 (2183).

2 MS. DALEY: Thank you.

3 THE COMMISSIONER: Twenty-one eighty-three
4 (2183).

5 MS. DALEY: I'm going to be focussing on the
6 Friday, June 14th, 2002, Freeholder article, sir, which
7 should be the top article there.

8 BISHOP DUROCHER: Yes.

9 MS. DALEY: You have it, Mr. Commissioner?

10 THE COMMISSIONER: Oh yes.

11 MS. DALEY: Okay.

12 Sir, this is a piece that was written in the
13 Standard Freeholder -- I take it it's on the editorial page
14 -- shortly before your installation as Bishop and I'm
15 assuming you would have read this at the time?

16 BISHOP DUROCHER: Yes.

17 MS. DALEY: And without spending a lot of
18 time on it, what this piece is saying is that it is time
19 for the Church to deal seriously, openly and honestly with
20 the scandal of clergy sexual abuse, that being his opening
21 line. And I take it, sir, you fully appreciated that the
22 community saw this is a priority at the time you arrived
23 here?

24 BISHOP DUROCHER: I realise that some
25 members in this community saw this as a priority, yes.

1 **MS. DALEY:** Well, in terms of the "some",
2 all I can suggest is -- this is a piece in the Standard
3 Freeholder. Obviously it's written by one individual, but
4 it does reflect a concern that you knew was a fairly broad-
5 based concern. Would you not agree with that?

6 **BISHOP DUROCHER:** Yes.

7 **MS. DALEY:** And in fact that's -- I'm
8 assuming that's why, amongst other things, you made this
9 one of your very first priorities?

10 **BISHOP DUROCHER:** Yes, correct.

11 **MS. DALEY:** You were attempting to be
12 responsive to what the community told you it was worried
13 about?

14 **BISHOP DUROCHER:** Yes. My problem is to
15 always say "the community".

16 **MS. DALEY:** Yes?

17 **BISHOP DUROCHER:** There were a lot of people
18 in the community who felt that the Roman Catholic Church
19 was being unfairly targeted also. That was also out there.
20 There were a lot of people who felt that the priests had
21 become the -- there was an open season on priests. That
22 was also part of some people in the community's thinking.

23 So what I'm saying is there is a spectrum of
24 attitudes towards the Roman Catholic Church. This
25 certainly represents one, how can I say, one current of

1 thought that was in the minds of a lot of people. Yes, I
2 agree with you there.

3 **MS. DALEY:** Would you agree with this
4 proposition. It strikes me that a good protocol,
5 scrupulously administered, would equally protect a priest
6 from a false allegation, would it not?

7 **BISHOP DUROCHER:** Hopefully it would, yes,
8 and that was ---

9 **MS. DALEY:** Right.

10 **BISHOP DUROCHER:** --- one of the reasons
11 that we decided to establish this protocol.

12 **MS. DALEY:** All right. So whichever of
13 those perspectives you adopt, the protocol in your mind was
14 the right solution?

15 **BISHOP DUROCHER:** It was part of ---

16 **MS. DALEY:** Part of the solution.

17 **BISHOP DUROCHER:** --- the solution, yes.

18 **MS. DALEY:** Sir, if I've understood you, the
19 protocol is a forward-looking exercise in the sense that it
20 speaks from the present time forward; correct?

21 **BISHOP DUROCHER:** That's correct.

22 **MS. DALEY:** It doesn't speak to the past?

23 **BISHOP DUROCHER:** That's right.

24 **MS. DALEY:** All right. So the protocol that
25 you brought forward spoke from and after, I believe, July

1 of '03 when you -- I don't know the correct term but you
2 decreed it?

3 **BISHOP DUROCHER:** That's correct.

4 **MS. DALEY:** And victims, or alleged victims,
5 people who said they were victims of clergy abuse prior to
6 June of '03 were not dealt with under that protocol?

7 **BISHOP DUROCHER:** That's correct.

8 **MS. DALEY:** And just to connect it back to
9 where we started, for example, there were three people who
10 alleged they were victims of Father Charles but none of
11 them were addressed under your protocol?

12 **BISHOP DUROCHER:** That's correct.

13 **MS. DALEY:** What that entailed was,
14 notwithstanding that the charges against that priest had
15 been stayed and there had been no adjudication of those
16 charges, these particular complaints were not to be
17 investigated under the new protocol?

18 **BISHOP DUROCHER:** Not under the new
19 protocol, no.

20 **MS. DALEY:** All right. In addition, you
21 made it clear that the victim support aspect of the
22 protocol was not given or offered to those victims. Like
23 you did not consider that you had to do outreach and
24 provide those services to them?

25 **BISHOP DUROCHER:** No, that's not true.

1 You're making a conclusion here that it was not part of the
2 protocol. The protocol did not say we would not deal with
3 anybody who came forward with past allegations. It simply
4 said what we would do with new allegations.

5 So indeed, for example, one person came to
6 me who told me that they had been victimised in the past
7 and that they were looking for some counselling, and I
8 sought counselling for that person.

9 **MS. DALEY:** What I'd understood you to say
10 is that if someone who was a prior victim came and asked
11 for victim support you'd provide it, as you just described?

12 **BISHOP DUROCHER:** That's right.

13 **MS. DALEY:** But the Church did not go to
14 those people. The Church did not initiate ---

15 **BISHOP DUROCHER:** I did not initiate contact
16 with the people who had brought complaints forward in the
17 past, no.

18 **MS. DALEY:** All right.

19 **BISHOP DUROCHER:** To be quite honest, I was
20 expecting when I arrived that I would get a lot of contacts
21 from those people asking to meet with me, but nobody did.

22 **MS. DALEY:** All right. Did you draw any
23 conclusions or inferences from that?

24 **BISHOP DUROCHER:** Possibly that those people
25 had no expectations vis-à-vis the Church, in the sense that

1 they felt that they couldn't get help from the Diocese.

2 **MS. DALEY:** Let me ask you this, sir. To
3 begin, we're all learning from hindsight ---

4 **BISHOP DUROCHER:** Yes.

5 **MS. DALEY:** --- so this is not meant to be a
6 critical comment.

7 Would it not have been a relatively simple
8 thing for the Church to initiate contact with the people
9 who you knew claimed to be victims of priests and to offer
10 support and assistance?

11 **BISHOP DUROCHER:** The only victim of priests
12 that I knew -- there were no recognized victims out of
13 Project Truth, correct? So when you say to contact
14 victims, I didn't know who I would contact. There were
15 allegations. In some of those cases the allegations had
16 not been sustained; in others there were no determinations.

17 Looking in hindsight, perhaps it would have
18 been appropriate for me to send those people a note saying
19 that the case has been, you know, brought to a close, do
20 you feel the need to meet with me to discuss anything, my
21 door is open. It certainly was my attitude. Perhaps, you
22 know, as you say, in hindsight I could have sent them a
23 note to let them know that, yes.

24 **MS. DALEY:** Because, as I perceive it, what
25 happened here is that very quickly there became two camps.

1 There was your camp, who wanted to make changes. There was
2 a camp in which there were some victims who were in
3 conflict with you; right?

4 **BISHOP DUROCHER:** Well, as I say, there were
5 no victims identified. There were complainants.

6 **MS. DALEY:** Let's use that word then.

7 **BISHOP DUROCHER:** Yes.

8 **MS. DALEY:** Okay, let's use that word. I'm
9 not suggesting there's been a judicial determination that
10 someone is a victim.

11 **BISHOP DUROCHER:** That's correct.

12 **MS. DALEY:** However, there were numerous
13 people who said they were victims; correct?

14 **BISHOP DUROCHER:** Yes.

15 **MS. DALEY:** And the judicial process had not
16 determined that they were or weren't in some cases;
17 correct?

18 **BISHOP DUROCHER:** In Father -- in two cases
19 that's correct, yes.

20 **MS. DALEY:** Right. So let's take one of
21 those. That would be Father Charles.

22 **BISHOP DUROCHER:** Yes.

23 **MS. DALEY:** And you were aware of three
24 individuals who said they were victims of Father Charles?

25 **BISHOP DUROCHER:** Yes.

1 **MS. DALEY:** And I guess my simple
2 proposition to you is again wearing hindsight hats.

3 **BISHOP DUROCHER:** Yes.

4 **MS. DALEY:** Would it not have been fairly
5 simple to make contact with them and to say, "Listen..."

6 **BISHOP DUROCHER:** Yes.

7 **MS. DALEY:** "...I understand what's happened
8 in your situation but I'd like to offer you the Church's
9 help and support"?

10 **BISHOP DUROCHER:** These people -- Mr.
11 Silmsler had already dealt with the Diocese, correct?

12 The other two, if I'm not mistaken, had
13 launched lawsuits against the Diocese so the Diocese had
14 been kind of in a conflictual situation. I found it
15 difficult to revisit those issues.

16 **MS. DALEY:** I guess that's what I'm thinking
17 here. To have made that gesture towards them, were you
18 concerned that by making that gesture, you would be doing
19 something detrimental to the Church's position in a
20 lawsuit?

21 **BISHOP DUROCHER:** No, no, no, not at all.

22 **MS. DALEY:** All right.

23 **BISHOP DUROCHER:** My -- my feeling was that
24 these people had been -- they'd been in a conflictual
25 situation ---

1 **MS. DALEY:** Right.

2 **BISHOP DUROCHER:** --- vis-à-vis the Diocese.
3 I felt they were not interested in establishing a dialogue.
4 I kind of said -- I felt, if they're interested, they'll
5 contact me. That was my approach. Maybe I was wrong.

6 **MS. DALEY:** I hear you.

7 **BISHOP DUROCHER:** But on the other hand, I'd
8 just like to point out that nobody -- nobody suggested I do
9 that. What we're talking about here, no one suggested that
10 I -- that I take that step. It never came into my mind,
11 but it came to nobody else's mind, and I'm talking about
12 the groups themselves who you know for example the -- Mr.
13 Scott's group. They never suggested, Bishop, have you
14 thought of contacting these people and letting them know
15 you're open to discussing. Nobody brought that forth.
16 Nobody suggested it, so it kind of wasn't on the radar.

17 Looking back, at the end of this whole
18 process, I realize that it might have been a good thing to
19 do, but I haven't received that education and I think
20 nobody else had received that education by that time.

21 **MS. DALEY:** Was it your frame of mind in
22 part I guess around this, that it was hopeless; like the
23 church would never establish a relationship with these
24 people again so ---

25 **BISHOP DUROCHER:** No ---

1 **MS. DALEY:** No?

2 **BISHOP DUROCHER:** --- there are some people
3 who came to speak with me. I did have dialogue with some
4 people who claimed that they were victims and I had good
5 frank exchanges with them. But there are some who -- there
6 are certainly a segment of people who are convinced that
7 the administration of this Diocese was involved in the
8 conspiracy and they still believe that and I think they'll
9 believe that until they die.

10 **MS. DALEY:** Well, I mean, that may well be,
11 but I was sort of thinking about a narrower situation and
12 that is the possibility of outreach, that's all.

13 **BISHOP DUROCHER:** Yes, and what I'm saying
14 is that I was open to receiving and speaking with anybody
15 who wanted to speak with me. I did have that kind of
16 conversation with some; some didn't come to me. You're
17 suggesting should I have kind of made the first step ---

18 **MS. DALEY:** Picked up the phone.

19 **BISHOP DUROCHER:** --- looking back --
20 looking back after all of this process, I'm saying, well,
21 yeah, maybe if I, you know, was wiser I could have done
22 that, yes.

23 **MS. DALEY:** Okay.

24 We talked about -- I'm going to just revert
25 for a moment to the website, we talked about that -- and

1 you, I guess, read the contents. You knew that there were
2 stories on that site about abuse by clergy, just to put in
3 its simplest terms, and I think I know what your answer
4 will be, but did you consider doing any type of outreach to
5 the people who you saw named on that website and who
6 claimed to be victims of clergy abuse?

7 **BISHOP DUROCHER:** No.

8 **MS. DALEY:** And, again, that's not something
9 that occurred to you?

10 **BISHOP DUROCHER:** What was on that website
11 was Mr. Leroux's affidavit.

12 **MS. DALEY:** Yes.

13 **BISHOP DUROCHER:** I did not consider calling
14 Mr. Leroux, no.

15 **MS. DALEY:** Okay. Don't know you could have
16 changed his mind if you did, but looking at it in
17 hindsight, again, would that have been something that
18 perhaps could have healed the rift, so to speak, that
19 existed?

20 **BISHOP DUROCHER:** In hindsight, no.

21 **MS. DALEY:** So let me just, if you don't
22 mind, take you through a few other documents in which
23 you've made your position known, so to speak, on the public
24 record.

25 And, Madam Clerk, if you could show the

1 witness 720656?

2 **THE REGISTRAR:** Two-one-eight-five (2185).

3 **MS. DALEY:** Thank you, Madam Clerk.

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

5 **MS. DALEY:** Two-one-eight-five (2185).

6 **THE COMMISSIONER:** Exhibit 2185?

7 **MS. DALEY:** Yes, this should be a Freeholder
8 article of June 15th, 2002. Do you have that handy?

9 **BISHOP DUROCHER:** Yes, I do.

10 **MS. DALEY:** Okay. So I guess this piece was
11 written very shortly before your installation and you've
12 had a chance to look it over. Have you been accurately
13 quoted, for the most part, on this article, sir?

14 **BISHOP DUROCHER:** I think that was an
15 accurate article, yes.

16 **MS. DALEY:** All right. And what one would
17 take from this article, I guess, are a few matters I would
18 like to focus you to.

19 Firstly, I think you appreciated that there
20 was anger on the part of the people who were protesting
21 your installation and that they were angry at the Church's
22 handling of sexual abuse, right? You understood that that
23 was the frame of mind, if you will, of the contingent that
24 was opposed to you?

25 **BISHOP DUROCHER:** I think -- I think there

1 was -- when I arrived, the anger was at the justice system.
2 What had happened upon my arrival is that Father
3 MacDonald's trial was stayed.

4 **MS. DALEY:** Yes.

5 **BISHOP DUROCHER:** I think there was a huge
6 amount of anger at the justice system and I think that
7 anger rebounded on me personally.

8 **MS. DALEY:** All right. The message that
9 you're giving in this piece is that you are eager to meet
10 with your critics; correct?

11 **BISHOP DUROCHER:** Well, the reporter, if I
12 remember correctly, was asking me you know what would be my
13 attitude towards these protesters ---

14 **MS. DALEY:** Yes.

15 **BISHOP DUROCHER:** --- and my response was
16 that I would like to meet with them, listen to what they
17 have to say, what is it that they have to suggest.

18 **MS. DALEY:** Right. And if you look at the
19 very last column, the one furthest to the right, it's
20 quoting you as saying that you're open to have people on
21 your committee who have been critical of the Church and its
22 leaders?

23 **BISHOP DUROCHER:** Yes.

24 **MS. DALEY:** And then you used an analogy
25 about the lion and the thorn in its paw?

1 **BISHOP DUROCHER:** Yes.

2 **MS. DALEY:** And you prefaced that by saying
3 that some people are so hurt and frustrated that they're
4 like that lion and when someone is trying to help them,
5 they were acting appropriately; right?

6 **BISHOP DUROCHER:** Yes.

7 **MS. DALEY:** That was the parable that
8 occurred to you?

9 **BISHOP DUROCHER:** Yes.

10 **MS. DALEY:** And I take it, sir, as things
11 moved forward and you did have some interaction with the
12 community groups -- we talked about that yesterday -- your
13 analogy proved to be correct did it not?

14 **BISHOP DUROCHER:** With -- with some people,
15 yes.

16 **MS. DALEY:** Yes, because some people
17 purported that they were victims of abuse themselves and
18 they were reacting with anger and hostility?

19 **BISHOP DUROCHER:** Yes.

20 **MS. DALEY:** And as you saw that, a lot of
21 that could be attributed to their victimization; the fact
22 that they were like the lion with the injured paw ---

23 **BISHOP DUROCHER:** Yes.

24 **MS. DALEY:** --- they were in pain.

25 **BISHOP DUROCHER:** What is -- what is -- what

1 I have difficulty understanding is that there are people
2 who've never presented themselves as victims who also take
3 that kind of stance.

4 **MS. DALEY:** Yes.

5 **BISHOP DUROCHER:** So there's a kind of
6 ingrained animosity. For some, it is obviously borne out
7 of bad experience, whether it was abuse or some other
8 experience. For others, I don't know where that animosity
9 ---

10 **MS. DALEY:** All right ---

11 **BISHOP DUROCHER:** --- comes from.

12 **MS. DALEY:** Fair enough, but certainly for
13 at least part of the contingent, those who purport to be
14 victims of abuse whether it's by clergy or others, you can
15 understand that often anger and frustration and certain
16 inappropriateness in how they express themselves is to be
17 expected?

18 **BISHOP DUROCHER:** Absolutely, absolutely,
19 yes.

20 **MS. DALEY:** All right.

21 If I could ask you this question, sir, and
22 again, I'm not -- well I, you know, I'm not trying to play
23 a trick on you at all, but were there any members of the
24 committee who were, in fact, critical of the Church?

25 **BISHOP DUROCHER:** I think there were members

1 of the committee who were very critical of the way things
2 had been handled in the past, yes.

3 **MS. DALEY:** Which ones were those?

4 **BISHOP DUROCHER:** Well, I would suggest that
5 -- I forget names ---

6 **MS. DALEY:** If you look at Exhibit 58 just
7 for a second, this is an easy way to look at the names. It
8 would be Tab -- one second, sir.

9 **THE COMMISSIONER:** It's Exhibit 58, Madam
10 Clerk. It's in the book, so you might as well ---

11 **MS. DALEY:** Tab 34 of Exhibit 58 is a media
12 release that names the members of the committee.

13 Sir, this was your media release when you
14 formed the committee?

15 **BISHOP DUROCHER:** Yes, that's correct. Yes.

16 **MS. DALEY:** So maybe if we could just walk
17 through these names.

18 **BISHOP DUROCHER:** Yes.

19 **MS. DALEY:** Richard Abell and a Fran Lafave
20 are CAS employees; correct?

21 **BISHOP DUROCHER:** I wasn't aware that -- no,
22 Mrs. Frances Lafave was administrator of the Glen Sto Dun
23 Lodge.

24 **MS. DALEY:** That was a nursing home?

25 **BISHOP DUROCHER:** That's correct.

1 **MS. DALEY:** All right. And Lucie Levesque?

2 **BISHOP DUROCHER:** Was a teacher.

3 **MS. DALEY:** Chris McDonell was a former
4 police officer; correct?

5 **BISHOP DUROCHER:** That's right.

6 **MS. DALEY:** Kevin Maloney, we know who he
7 is?

8 **BISHOP DUROCHER:** That's right.

9 **MS. DALEY:** Ron McClelland?

10 **BISHOP DUROCHER:** Is a lawyer.

11 **MS. DALEY:** Johneen Rennie?

12 **BISHOP DUROCHER:** Is a member of the
13 Presbyterian Church.

14 **MS. DALEY:** And Judy ---

15 **BISHOP DUROCHER:** And also a former
16 administrator of a retirement home.

17 **MS. DALEY:** And what about Mrs. Schaeffer?

18 **BISHOP DUROCHER:** Mrs. Schaeffer was a
19 parent.

20 **MS. DALEY:** And Mr. Samson?

21 **BISHOP DUROCHER:** Mr. Samson was a former
22 educator.

23 **MS. DALEY:** All right. And Robert Smith?

24 **BISHOP DUROCHER:** Mr. Smith is the Director
25 of the Children's Treatment Centre.

1 **MS. DALEY:** Okay. But you say some of those
2 people were very critical of the Church's history in terms
3 of dealing with abuse?

4 **BISHOP DUROCHER:** Oh, yes.

5 **MS. DALEY:** Okay.

6 Sir, could I ask you this question as well?
7 And, I mean, this I guess relates to some of the things
8 that occurred at your installation but perhaps you're
9 generally aware of it through other dealings with the
10 community, but it seems to be a bit of an adjunct to this
11 problem.

12 And that's the issue of homophobia. Did it
13 -- was it brought home to you that there was a -- there's
14 an aura of homophobia through some of the positions that
15 were being put to you about sexual abuse by clergy?

16 **BISHOP DUROCHER:** At the demonstration, one
17 of the -- at my installation, yelled out at me asking me if
18 I was gay.

19 **MS. DALEY:** Right.

20 **BISHOP DUROCHER:** So I think that makes the
21 issue evident, yes.

22 **MS. DALEY:** Did you come across other
23 evidence that there was sort of a general climate of
24 homophobia in this community?

25 **BISHOP DUROCHER:** I'm not aware that there

1 was a general climate of homophobia in the community, no.

2 **MS. DALEY:** Okay. In terms of the people
3 that you found it difficult to work with, difficult to meet
4 with, was it part of -- was homophobia part of their
5 attitude?

6 **BISHOP DUROCHER:** I'm not aware of that, no.

7 **MS. DALEY:** Okay.

8 Now, sir, I take it after the committee is
9 struck and after it starts its work, and you've announced
10 it to the public as we just saw in Exhibit 58, I take it,
11 sir, there was an appreciation that the community at large
12 had high expectations for this project?

13 **BISHOP DUROCHER:** I don't know what the
14 expectations of the community at large were vis-à-vis this
15 project. I know we tried to keep the community at large
16 aware and we made it possible for people to participate in
17 it.

18 As I have mentioned before, there was
19 relatively little response to the invitation to
20 participation.

21 **MS. DALEY:** Just take a quick look if you
22 would at Tab 37 of Exhibit 58, the second page.

23 This appears to be the report of the second
24 committee meeting, and if you look at page 2 under item 3,
25 "Reflection on our History", it indicates that members were

1 sharing for approximately 45 minutes on the church,
2 community and justice system events that are the focus of
3 the work.

4 And if you look at the third bullet down,
5 that's where I took my impression from, that there did at
6 that point -- someone was recording that there were high
7 expectations in the community at large?

8 **BISHOP DUROCHER:** That was what one of the
9 participants said, yes.

10 **MS. DALEY:** All right.

11 And the succeeding or the following bullet
12 point says that Pain To Hope could have provided an
13 excellent framework and guidance if used.

14 But clearly the problem there was it hadn't
15 been used?

16 **BISHOP DUROCHER:** That was the impression of
17 one of the participants, yes.

18 **MS. DALEY:** Okay. Did you disagree with
19 that?

20 **BISHOP DUROCHER:** I had -- I couldn't agree
21 or disagree. I didn't know the history.

22 **MS. DALEY:** All right. I take it then you
23 were prepared to ---

24 **BISHOP DUROCHER:** All I'm pointing out is
25 these are not consensus points in the discussion. They are

1 points that were brought up by individuals in the
2 discussion.

3 **MS. DALEY:** Correct. It says thoughts and
4 feelings were expressed. But I take it, did you consider
5 that these were reasonable thoughts and feelings ---

6 **BISHOP DUROCHER:** Oh, yes.

7 **MS. DALEY:** --- about the circumstances?

8 **BISHOP DUROCHER:** I'm not debating the
9 pertinence of the comments.

10 **MS. DALEY:** All right.

11 And I take it, sir, in your mind, then the
12 priority here was working on the protocol for handling
13 abuse. That very clearly was the initiative that you
14 thought needed to happen here?

15 **BISHOP DUROCHER:** I thought it was the first
16 important step to be taken.

17 **MS. DALEY:** All right.

18 **BISHOP DUROCHER:** That and re-working the
19 protocol on screening and implementing it.

20 **MS. DALEY:** All right. Okay.

21 One minute, sir.

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

23 **MS. DALEY:** I want to take you to Tab 47 of
24 Exhibit 58 and just to refresh your mind, this is the
25 report of the Catholic Mutual.

1 And at Bates page 921 -- it says page 17 at
2 the bottom -- and I'm asking you look at item "E".

3 Now, you were asked some questions about
4 this document, sir, but you were not questioned by Mr.
5 Dumais about this portion of it, so I just have some
6 questions for you.

7 As I understand these words, what this is
8 signalling is that you are accepting that you need to play
9 a leadership role during the recovery process?

10 **BISHOP DUROCHER:** Yes, this was particularly
11 concerning the parishes.

12 **MS. DALEY:** Concerning the parishes?

13 **BISHOP DUROCHER:** That's right. I'm not
14 saying I limit my role to that but I'm saying this comment,
15 "E", was concerning the parish communities.

16 **MS. DALEY:** The parish communities where
17 there had been allegations of abuse by clergy?

18 **BISHOP DUROCHER:** That's correct.

19 **MS. DALEY:** All right. And just help me
20 understand what these words mean:

21 "You must lead during the recovery
22 process by offering assistance and
23 understanding to all who are affected
24 by the allegation of sexual
25 misconduct."

1 And I take it -- well, you tell me. What
2 activity did that represent? What is it that you were to
3 do to assist in the recovery process?

4 **BISHOP DUROCHER:** Well, I -- this, how can I
5 say, the problems that in the protocol, although it's clear
6 that I would do this, it was not specified in the protocol.

7 **MS. DALEY:** Right.

8 **BISHOP DUROCHER:** And so the recommendation
9 of the audit was that it should be specified in the
10 protocol that the Bishop is to be involved in communicating
11 with the parish and the recovery process in the parish.

12 So, for example, I see myself as for example
13 I did when I was in Sudbury. There was a parish where a
14 priest was charged. I went to that parish, presided all
15 the Sunday masses and at the end of the mass announced and
16 explained to the people what was going on, what the
17 situation was, what the steps the Diocese was taking and
18 inviting them to address me with any further concerns that
19 they might have. So that would be, for example, one step,
20 so personally going to communicate the information to the
21 parishioners.

22 I could see, for example, after that holding
23 a parish meeting and regular parish meetings throughout the
24 process to inform the parishioners so that they know what
25 is going on. Possibly setting up a special task force to

1 deal with parishioners needs as they come forward.

2 So all this is is to -- just to spell out
3 what I consider to be a Bishop's responsibility, to spell
4 it out in the protocol in terms of identifying it, but I
5 think the actual way of doing it would have to be
6 determined ad hoc, depending on the situation.

7 **MS. DALEY:** I appreciate that. I was just
8 trying to get a better handle on the recovery process and
9 what that meant.

10 **BISHOP DUROCHER:** Yes.

11 **MS. DALEY:** And I assume what's being meant
12 here is that the Bishop will involve himself personally in
13 a diocesan situation where allegations of abuse have
14 occurred.

15 **BISHOP DUROCHER:** Yes.

16 **MS. DALEY:** And when he does that, he will
17 try to play an understanding role. He'll offer assistance
18 to victims; he will try to be part of the solution in ---

19 **BISHOP DUROCHER:** Yes, but this isn't about
20 the victims. This is about the parishioners here.

21 **MS. DALEY:** All right.

22 **BISHOP DUROCHER:** Now, I agree with the
23 question of the victims but this is a question of the
24 parishioners.

25 **MS. DALEY:** All right. So you don't see

1 this as focused on outreach to victims?

2 **BISHOP DUROCHER:** Not comment "e", no.

3 **MS. DALEY:** Okay. All right. Did you, in
4 fact, pick up on the point they made there and incorporate
5 that in your protocol?

6 **BISHOP DUROCHER:** I believe we did, yes.

7 **MS. DALEY:** All right.

8 All right. Now, you also were asked some
9 questions yesterday about -- I think you were asked about
10 this document. It's Exhibit 632. It was the 2005 update
11 on the Pain to Hope initiative; Tab 14 of Exhibit 632.

12 **THE COMMISSIONER:** Sorry what tab again?

13 **MS. DALEY:** It should be 14.

14 **THE COMMISSIONER:** Yeah. The last one,
15 thank you.

16 **MS. DALEY:** And I just want to very quickly
17 review with you some of the contents of this document and
18 see if we can apply them to your situation, the Cornwall
19 situation.

20 One of the points I took from this -- and I
21 suppose it's a bit of a critique of how the Church has
22 handled things up to this stage. But one of the points I
23 took from this was that the Church was not seen to be
24 "victimcentric", if you will. The notion was that the
25 Church was being more self-protective than truly helpful to

1 victims, and you appreciated that one of the overall
2 critiques that existed?

3 **BISHOP DUROCHER:** Yes.

4 **MS. DALEY:** And personally did you agree
5 with that?

6 **BISHOP DUROCHER:** I would agree that that
7 has happened, yes.

8 **MS. DALEY:** All right. One of the other
9 points, and it's somewhat related to that one, is that when
10 there was litigation in place, as there often was, that the
11 Church seemed to be more concentrated on its successful
12 litigation strategy than interactions with victims.

13 **BISHOP DUROCHER:** The problem is that often
14 a diocese is caught between the litigation strategy, which
15 is determined by its insurers, and its pastoral concerns
16 for the alleged victim. And that is, I think, has been in
17 some dioceses a difficult experience.

18 **MS. DALEY:** In your diocese, if there were a
19 conflict between those two opposing directions; which would
20 prevail?

21 **BISHOP DUROCHER:** I would have to study the
22 particular case. I mean, if an insurance company was to
23 say to me, "If you do not follow our directives, we're
24 pulling out and you're on your own," and I'm facing a -- I
25 don't know, a multi-million-dollar lawsuit, I would have to

1 really study the situation, you know.

2 **MS. DALEY:** So depending on the extent to
3 which the Church's financial interests were at risk ---

4 **BISHOP DUROCHER:** Well, its ability to
5 respond, yes. I mean -- you're asking me to speculate.
6 All I'm saying is that I would have to study issues and see
7 how we could best respond to, on the one hand, our
8 responsibility towards the alleged victim and, on the other
9 hand, our responsibility to manage correctly the goods of
10 the people of this Diocese.

11 **MS. DALEY:** I understand that. So that's an
12 ongoing conflict. There's no easy solution to that.

13 **BISHOP DUROCHER:** If that comes up, I think
14 there's no easy solution to it.

15 **MS. DALEY:** Okay. But you appreciate that
16 from the victims' perspective, their critique is, "The
17 Church seems more concerned about protecting its financial
18 interests than dealing with us on a pastoral basis."

19 **BISHOP DUROCHER:** I can see that somebody
20 can have that perspective, yes.

21 **MS. DALEY:** All right. Another critique
22 that came from this document, sir, is found on page 7 at
23 the bottom, but it's essentially a critique that the care
24 of victims wasn't happening the way it should have done.

25 I'm just taking the second-last sentence of

1 the last paragraph:

2 "Certain recommendations in the report
3 had not been implemented, especially
4 those relating to care for victims."

5 So there seemed to be some deficiency there.

6 **BISHOP DUROCHER:** This -- I believe that
7 here they are reporting the expressions or the concerns of
8 victims who came to speak to the task force. I don't think
9 this is a judgment that the task force is making on the
10 actual implementation of protocols across the country.
11 What they're doing is they're reporting that some of the
12 victims who came to speak to the task force felt that there
13 was not sufficient care for victims.

14 **MS. DALEY:** Right. All right.

15 And if I could take you to page 8, the
16 section "Responsibility of the Bishop". This obviously
17 isn't directed to you. This is a general comment, I guess,
18 that's being reflected here, or a perception, but the third
19 paragraph of that section says:

20 "There was a strong perception that the
21 Bishop is not accountable to anyone.
22 Victims want the Bishop to be
23 responsible for his acts before the
24 community and when sexual abuse occurs
25 by a member of his clergy, to

1 acknowledge his responsibility as well
2 as to express his remorse and his
3 willingness to settle the situation in
4 a pastoral manner."

5 So that was a critique that related to how
6 people saw the role of the Bishop.

7 **BISHOP DUROCHER:** How some of these victims
8 groups saw the role of the Bishop, yes.

9 **MS. DALEY:** All right. And I take it, sir,
10 that -- can you appreciate that that might be a legitimate
11 perspective?

12 **BISHOP DUROCHER:** Oh yes.

13 **MS. DALEY:** All right.

14 And finally the last section, entitled
15 "Greater Transparency", the last paragraph talks about a
16 wish that the Church be more forthcoming with information
17 about sexual abuse, and they refer to case statistics as
18 being information that might be made available;
19 implementation of previous measures, corrective measures,
20 evaluation.

21 So again this is a critique that says that
22 these victims think that the Church has not been
23 forthcoming enough with that type of information.

24 **BISHOP DUROCHER:** That's correct.

25 **MS. DALEY:** And again is that a perspective

1 that you can see some legitimacy to?

2 **BISHOP DUROCHER:** Yes.

3 **MS. DALEY:** Now, you were taken to Exhibit
4 2193 by Maître Dumais yesterday. And that was the first
5 piece of correspondence that you received from three
6 people: Mr. Séguin, Mr. Parisien and Paul Scott. Do you
7 recall that?

8 **BISHOP DUROCHER:** Yes.

9 **MS. DALEY:** I'm paraphrasing the letter a
10 little bit but I'm focusing on the bold-faced text because
11 those are the questions that have been posed to you in this
12 document, and if you look at the first and second of the
13 bolded questions what you're being asked about there is the
14 release of statistics ---

15 **BISHOP DUROCHER:** Yes.

16 **MS. DALEY:** --- regarding allegations.
17 So I take it, sir, you would agree that
18 there's some legitimacy to that point? That's also
19 something that the CCCB has commented on in the 2005
20 review.

21 **BISHOP DUROCHER:** Yes.

22 **MS. DALEY:** Okay. So you don't fault them
23 for asking you that question?

24 **BISHOP DUROCHER:** Oh no, no.

25 **MS. DALEY:** You can see that ---

1 **BISHOP DUROCHER:** I don't fault them for
2 asking any question.

3 **MS. DALEY:** All right. And the other
4 primary issue that this letter wants you to address has to
5 do with confidentiality of settlements.

6 **BISHOP DUROCHER:** Yes.

7 **MS. DALEY:** Do you see that, sir?

8 **BISHOP DUROCHER:** Yes.

9 **MS. DALEY:** And I guess the very final set
10 of questions that you're being asked by these people are
11 the last two bullet points on the third page, which is
12 essentially what is your -- do you support or not support
13 an inquiry, right?

14 **BISHOP DUROCHER:** Yes.

15 **MS. DALEY:** Okay. So I take it then, just
16 working through these point by point, you could appreciate
17 the request for statistics and in fact, the Church was
18 hearing that elsewhere from other groups of people as well.
19 Correct?

20 **BISHOP DUROCHER:** Yes.

21 **MS. DALEY:** And in terms of confidentiality
22 of settlements, I take it, sir, from your testimony --
23 maybe I'm inferring a little bit from what I heard you say,
24 but that was also a legitimate issue from your perspective?

25 **BISHOP DUROCHER:** Absolutely.

1 **MS. DALEY:** Right. And in fact you said to
2 this group at a later time that you'd brought in a policy
3 that was against confidential settlements?

4 **BISHOP DUROCHER:** Against confidentiality
5 clauses in settlements.

6 **MS. DALEY:** In settlements, yes.

7 **BISHOP DUROCHER:** Yes. We debated this at
8 length at the advisory -- not the advisory committee but
9 the ad hoc committee that set up the policy.

10 **MS. DALEY:** Yes.

11 **BISHOP DUROCHER:** And it was -- everybody
12 agreed that there should not be that kind of
13 confidentiality clause.

14 **MS. DALEY:** I need you to help me with one
15 thing. Just hold that thought for one second, and could
16 you just quickly look at Exhibit 2199. That's another
17 piece of correspondence in this chain of correspondence,
18 and if you'd look at point number 6 on page 2.

19 **BISHOP DUROCHER:** Yes.

20 **MS. DALEY:** And you're stating there that:

21 "The Diocese has enacted a policy that
22 we will not impose confidentiality
23 agreements in future settlements."

24 **BISHOP DUROCHER:** That's correct.

25 **MS. DALEY:** All right. Now, I'm just -- I'm

1 not again trying to be mean here, but is that policy
2 incorporated in writing somewhere, because I've not seen
3 that in the policy documents that we've got?

4 **BISHOP DUROCHER:** If it's not in the
5 protocol then it's not written elsewhere.

6 **MS. DALEY:** Yeah, it's not in the protocol.

7 **BISHOP DUROCHER:** Okay, so then it's not
8 written anywhere.

9 **MS. DALEY:** All right. So it's an unwritten
10 policy?

11 **BISHOP DUROCHER:** That's right. It would be
12 included -- as I was saying, when this Inquiry is over
13 we'll be revamping to make a broader policy document around
14 all these issues and that would be included there.

15 **MS. DALEY:** That's going to be part of it?
16 My worry about the unwritten policy is what
17 happens if, God forbid, you get hit by a bus? How would
18 people in your Diocese know that this was a policy?

19 **BISHOP DUROCHER:** I guess ---

20 **MS. DALEY:** In other words, is it ---

21 **BISHOP DUROCHER:** I guess the members of the
22 committee, the staff, my Diocesan counsel, knows this.

23 I mean, we've settled a number of claims in
24 the past few years and there are no confidentiality
25 clauses, and our counsel knows that, and our insurance

1 companies know it also. So, I mean, it's not just in my
2 head.

3 MS. DALEY: All right. So in any event the
4 intent, though, is to document it in a policy document ---

5 BISHOP DUROCHER: It will, yes.

6 MS. DALEY: --- in the future?

7 BISHOP DUROCHER: Yes, yes.

8 MS. DALEY: All right. But, again, the
9 point that was raised by this community group was in your
10 mind a valid point; right?

11 BISHOP DUROCHER: Whether there should be --

12 -

13 MS. DALEY: Yes.

14 BISHOP DUROCHER: Yes, that's right and it's
15 why I responded to it, yeah.

16 MS. DALEY: All right.

17 Not to belabour it, but I take it that you
18 lost patience in responding to this group because you felt
19 they were too confrontational?

20 BISHOP DUROCHER: Too confrontational. At
21 times unwilling to accept my answers; that whole question
22 around the media. There's also something that happened
23 after this that involved this group. Accusations were
24 launched in the press that basically called me a liar, so
25 all of that created a very difficult situation.

1 **MS. DALEY:** Clearly, that was very offensive
2 to you?

3 **BISHOP DUROCHER:** Pardon?

4 **MS. DALEY:** I'm assuming that was very
5 offensive to you.

6 **BISHOP DUROCHER:** Being called a liar?

7 **MS. DALEY:** Yes.

8 **BISHOP DUROCHER:** Well, it's not just the
9 fact of being called a liar. It's -- what happens then is
10 no dialogue is possible any more because then anything you
11 say is no longer receivable, in a sense. It's not so much
12 my personal reputation as creating an atmosphere where
13 nothing can move forward.

14 **MS. DALEY:** All right.

15 Can you understand, applying some lessons
16 learned, that some members of this constituency felt a need
17 to be confrontational?

18 **BISHOP DUROCHER:** Well ---

19 **MS. DALEY:** Given the history we've talked
20 about.

21 **BISHOP DUROCHER:** Yes, but this is what I
22 couldn't understand. Here I was coming in as a new person
23 expressing my interest in moving forward, expressing my
24 interest in meeting with people, and to all of a sudden to
25 be -- to find myself being accused.

1 I can legitimate the stance. I can
2 understand that people have been hurt. They've lost
3 confidence and these come confrontationally, but that kind
4 of triggers a kind of a back-up stance on my part, you
5 know, a stance where I say, "Well, wait a minute here. I
6 can't enter into this kind of conversation, not with this
7 kind of cloud over us."

8 And so maybe I should have hired a, how can
9 you say, a conflict resolution expert to come and work with
10 us. Maybe that would have helped us move forward. It
11 didn't happen.

12 **MS. DALEY:** I understand that. I mean, I
13 think what you're saying is that there was a human element
14 on both sides of this encounter; right?

15 **BISHOP DUROCHER:** Yes, but I'd like to point
16 out that I was working with other groups where it was very
17 positive too. I mean, you're bringing up one group here
18 that was difficult but there are other groups that I met,
19 you know, service providers that I met, where we had good
20 dialogue and where the input was helping me as a leader in
21 the community to move forward.

22 **MS. DALEY:** But in fairness to all, you did
23 invite your critics to speak to you; right?

24 **BISHOP DUROCHER:** Yes, I did. Yes, yes.

25 **MS. DALEY:** And ---

1 **BISHOP DUROCHER:** And what I'm saying is
2 that some critics did come forward and I did sit with some
3 critics ---

4 **MS. DALEY:** Understood.

5 **BISHOP DUROCHER:** --- and have some
6 wonderful conversations.

7 **MS. DALEY:** Understood.

8 **BISHOP DUROCHER:** Yeah.

9 **MS. DALEY:** And this group ---

10 **BISHOP DUROCHER:** But it didn't always work
11 out.

12 **MS. DALEY:** Fair enough. This group clearly
13 had a critical perspective on the past and also the
14 present; correct?

15 **BISHOP DUROCHER:** Yes.

16 **MS. DALEY:** I wondered -- I've got a bit
17 more to cover, sir. I wondered if you want to break here.

18 **THE COMMISSIONER:** Would you like that?

19 **MS. DALEY:** Sure.

20 **THE COMMISSIONER:** Okay. Let's take the
21 morning break then. Thank you.

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

24 The hearing will resume at 11:05 a.m.

25 --- Upon recessing at 10:51 a.m./

1 L'audience est suspendue à 10h51

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

3 L'audience est reprise à 11h12

4 **THE REGISTRAR:** Order; all rise. À l'ordre;
5 veuillez vous lever. The hearing is now resumed.

6 Please be seated. Veuillez vous asseoir.

7 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

9 **MS. DALEY (cont'd./suite):**

10 **MS. DALEY:** Thank you, sir.

11 Just picking up from where we stopped, sir,
12 you had also been asked for your position on the need for
13 an Inquiry, if you recall that. That was another topic for
14 discussion, and you did in fact state a public position on
15 that topic.

16 If you could look at Document 720697 with me
17 please? Do you have that yet?

18 **BISHOP DUROCHER:** No.

19 **MS. DALEY:** Okay.

20 **THE COMMISSIONER:** Thank you.

21 Exhibit 2204 is an exhibit, aside from
22 showing Lasik Vision 20/20 is also showing letters to the
23 editor, and that seems to be from the Seaway News, Friday,
24 June 13th, 2003.

25 I'm sorry?

1 **MS. DALEY:** No, I'm sorry; 720697?

2 **BISHOP DUROCHER:** This is 709.

3 **THE COMMISSIONER:** Okay. So we give back
4 the exhibit for the Lasik Vision.

5 **MS. DALEY:** We don't care about Lasik
6 Vision.

7 **THE COMMISSIONER:** Here we go; Exhibit 2204
8 is a newspaper article from the Freeholder, Monday, March
9 17th, 2003.

10 **---EXHIBIT NO./PIÈCE NO P-2204:**

11 (720697) Standard-Freeholer Article 'Bishop
12 clarifies position on public inquiry' dated
13 17 Mar 03

14 **MS. DALEY:** Thank you.

15 Sir, I took this to be a letter that you
16 wrote to the editor and that the paper published. So these
17 are your words?

18 **BISHOP DUROCHER:** Yes.

19 **MS. DALEY:** And if I could extract your
20 position at this time concerning an inquiry, and I'm
21 looking at the -- I guess the third paragraph on the left-
22 hand column, you state that you have expressed your serious
23 reservations about the usefulness of such an inquiry. And
24 you go on to say that you have two reasons which you
25 explain in the balance of this letter; correct?

1 **BISHOP DUROCHER:** Yes.

2 **MS. DALEY:** And that indeed was your public
3 position at that time?

4 **BISHOP DUROCHER:** Yes.

5 **MS. DALEY:** One of the reasons that caused
6 you to doubt that an inquiry would be useful is, I guess to
7 use your words, it would be hurtful to the community; it
8 would result in the public retrial of people who have
9 already been put on trial. And that's also in the left-
10 hand column about maybe four paragraphs up from the bottom.
11 Do you see that?

12 **BISHOP DUROCHER:** Yeah.

13 **MS. DALEY:** And again, that's one of your
14 two reasons for questioning the Inquiry. You thought it
15 would put people who had already been tried back in the
16 public eye?

17 **BISHOP DUROCHER:** That's right.

18 **MS. DALEY:** And I take it the people you're
19 referring to in that paragraph would be diocesan priests
20 who had faced charges but had had charges stayed or
21 terminated or acquitted in some cases?

22 **BISHOP DUROCHER:** Particularly those who had
23 faced allegations and never been charged.

24 **MS. DALEY:** Yes. Right.

25 And that would encompass some of the people

1 whose names were on the website that we talked about?

2 **BISHOP DUROCHER:** That's correct.

3 **MS. DALEY:** And I take it you were concerned
4 about the reputation of those individuals?

5 **BISHOP DUROCHER:** That's right.

6 **MS. DALEY:** Were you concerned that an
7 inquiry would somehow besmirch their reputation?

8 **BISHOP DUROCHER:** It's not that the Inquiry
9 would besmirch their reputation but bring back those
10 allegations into the public sphere. And whenever you do,
11 then doubts arouse again. At least that's the experience
12 of the people whose names are so put forward.

13 **MS. DALEY:** All right.

14 So your reasoning was that to re-examine
15 that whole circumstance would again generate doubts about
16 people who were innocent?

17 **BISHOP DUROCHER:** That's correct.

18 **MS. DALEY:** All right. Thank you, sir.

19 Now, I'm going to move to another topic, and
20 I think one way to address this with you is to ask you to
21 go back, if you don't mind, and look at Exhibit 58, Tab 47.
22 And just to remind you, that's the Catholic Mutual Review.
23 Now, I'm going to ask you to look at page 16, Item C.

24 And again, just to refresh your mind, you
25 were asked by my friend Maître Dumais about part of this

1 but you were not asked about the very last sentence of that
2 section, and that's what I want to focus you on. So just
3 take a moment and look at that.

4 (SHORT PAUSE/COURTE PAUSE)

5 MS. DALEY: Can you help me at all with the
6 very last sentence? For starters, I'm not sure what it
7 means. Do you have an understanding of what the reviewer
8 meant?

9 BISHOP DUROCHER: I would imagine that
10 you're distinguishing here between criminal activity and
11 activity which is not criminal in nature but could be a
12 complaint nevertheless.

13 MS. DALEY: So the reviewer is suggesting
14 that the protocol should make that distinction?

15 BISHOP DUROCHER: It's not clear for me
16 where he's inviting us to make that distinction. He's
17 saying the distinction needs to be documented. So I would
18 imagine that that documentation would be in the notes or
19 the minutes of the delegate.

20 MS. DALEY: If a delegate were listening to
21 a complaint, the delegate would make note of whether it
22 involved consensual activity or something else. Is that
23 your thought per se?

24 BISHOP DUROCHER: That's my understanding of
25 it, yes.

1 **MS. DALEY:** All right.

2 Is there any element in this or in the
3 diocesan policy as a whole that distinguished what we spoke
4 about earlier, pedophilia versus hebephilia and dealing
5 with allegations pertaining to teenagers? Is there any
6 part of the protocol that distinguished how those might be
7 dealt with?

8 **BISHOP DUROCHER:** No.

9 **MS. DALEY:** And it appeared to me that the
10 literature that you put out in the Church was primarily
11 directed at pedophilia in a sense of it's talking about the
12 abuse of children of tender years.

13 **BISHOP DUROCHER:** That's possible.

14 **MS. DALEY:** Is that ---

15 **BISHOP DUROCHER:** For example -- you're
16 probably right. When I went -- when we developed that --
17 you're talking about the flyer that we put out in the
18 parish?

19 **MS. DALEY:** Let me just help you. It's
20 Exhibit 58, Tab 48. The one that's called "Worried About
21 Sexual Abuse".

22 **BISHOP DUROCHER:** I don't have that.

23 **THE COMMISSIONER:** It's at -- I'm sorry?

24 **BISHOP DUROCHER:** I don't have it, sir. I'm
25 up to 55 here.

1 **THE COMMISSIONER:** No, then it's -- but it
2 is Tab 48.

3 **BISHOP DUROCHER:** I heard 58, sorry. Forty-
4 eight (48)?

5 **MS. DALEY:** Exhibit 58, Tab 48 of that
6 exhibit.

7 **THE COMMISSIONER:** Exhibit 58 is the book.

8 **BISHOP DUROCHER:** Oh, sorry, Tab 48.

9 **MS. DALEY:** Do you have that?

10 **BISHOP DUROCHER:** I've got it. Thank you.

11 **MS. DALEY:** Okay. So I take it, sir, this
12 is a ---

13 **BISHOP DUROCHER:** Yes.

14 **MS. DALEY:** --- photocopy of your diocesan
15 pamphlet?

16 **BISHOP DUROCHER:** That's right.

17 **MS. DALEY:** And I premise my comments on,
18 mostly reading the second page, it seemed to me that it was
19 primarily directed to children under the age of puberty.

20 **BISHOP DUROCHER:** You're correct. And what
21 you're saying is -- how can I say -- it wasn't part of my
22 mindset, but now that you mention it, it is true.

23 For example, on the right-hand side, the
24 last column, "Are my concerns grounded?", listing warning
25 signs that a child is being sexually abused, what I went --

1 what I did was I went on some websites to inform myself as
2 to signs of sexual abuse. But these websites dealt with
3 the abuse of children, as you say.

4 I wasn't distinguishing in my mind between
5 child and teenager. It was just a minor. But possibly
6 those websites were focusing on children as opposed to
7 teenagers. And I -- you know, looking at this and, as you
8 pointed out, I think we would have to kind of modify this
9 to make sure that we were also integrating the abuse of
10 teenagers here.

11 **MS. DALEY:** In you mind, sir, is there merit
12 in perhaps crafting a different type of protocol that's
13 dealing with teenagers or what we would call young adults?

14 **BISHOP DUROCHER:** No, not at the level of
15 the protocol. It's at the level of the response that we
16 have to be attentive to those differences.

17 **MS. DALEY:** All right.

18 **BISHOP DUROCHER:** But the protocol is about
19 how do we deal with an allegation.

20 **MS. DALEY:** Generically.

21 **BISHOP DUROCHER:** Yes.

22 **MS. DALEY:** But you would -- you'd
23 appreciate that you should perhaps approach differently a
24 person who's alleging abuse as a teenager or a young adult
25 from the sexual or ---

1 **BISHOP DUROCHER:** Sure, I mean concretely
2 what could happen, for example, with a teenager is the
3 teenager himself or herself would bring the complaint
4 forward. Well, typically for a child, it would be the
5 parent or the guardians. So right away you see that there
6 is a huge difference there.

7 **MS. DALEY:** Yes. All right. Thank you,
8 sir. All right.

9 Let me move to a different topic altogether,
10 and I'm wondering again whether you can help me with this.
11 I'm going to take you to some of the American positions on
12 this issue and in particular the essential norms, which I'm
13 sure you know about. But overall what I want you to tell
14 us is whether or not in your mind there is a gold standard,
15 if you will, in terms of how the church should deal with
16 allegations of sexual abuse including historical sexual
17 abuse by clergy. And I take it you're familiar with the
18 American approach are you?

19 **BISHOP DUROCHER:** I'm aware of it. I've
20 read it a few times, yes.

21 **MS. DALEY:** You should -- do you have
22 Exhibit 59 handy? I hope you do. That should be a report
23 that is dated in 2004. It's a report on the crisis in the
24 Catholic Church in the U.S.

25 **THE COMMISSIONER:** So you're saying Exhibit

1 49?

2 MS. DALEY: I believe it's 59, sir.

3 THE COMMISSIONER: Fifty-nine (59).

4 MS. DALEY: Yeah.

5 THE COMMISSIONER: The report on the crisis
6 in the Catholic Church in the United States.

7 MS. DALEY: That's it.

8 THE COMMISSIONER: M'hm.

9 MS. DALEY: Now, I think at an earlier point
10 in your testimony, here, sir, you made -- you drew some
11 distinctions between Canadian versus U.S. experience on the
12 issue, but I just want to see the extent to which you would
13 agree or disagree with the U.S. approach and whether or not
14 it is a gold standard.

15 And if you look at Bates page 204 of this
16 exhibit, which should be page 47, just going by the
17 pagination on the bottom. It talks about a charter which
18 was adopted in 2002 and are you familiar with that
19 circumstance, sir?

20 BISHOP DUROCHER: Yes, I am.

21 MS. DALEY: The charter also contained a set
22 of national standards. The charter is what they call
23 "Essential Norms", with a capital "E" and a capital "N".

24 And I take it the key feature of the
25 Essential Norms is that it is essentially a zero tolerance

1 rule which means that a single act of abuse by a minor
2 would lead to removal from ministry?

3 **BISHOP DUROCHER:** I don't think that's the
4 heart of the Essential Norms. I think it's an aspect of
5 it.

6 **MS. DALEY:** All right.

7 **BISHOP DUROCHER:** I mean, that article could
8 different and the Essential Norms would still stand as a
9 very important document.

10 **MS. DALEY:** All right.

11 **BISHOP DUROCHER:** So that's -- in that
12 sense, it's not an essential aspect, it's an element.

13 **MS. DALEY:** I'm just carrying on with that
14 thought. Looking over at the top of page 48, this document
15 I think is explaining what happened in the U.S., and to
16 paraphrase it, it appears that it was recognized that the
17 Norms in some respects conflicted with canon law, but that
18 issue was resolved by some stuff by the Vatican.

19 And the end result is that the Essential
20 Norms apply on a national basis. Is that correct? In
21 other words, they apply to every diocese in the United
22 States?

23 **BISHOP DUROCHER:** That's correct. The Pope
24 has made this mandatory policy for all the dioceses of the
25 United States.

1 **MS. DALEY:** So just how help us understand,
2 and if you want -- if you need to give a technical answer
3 under canon law, that's fine.

4 What process was adopted to lead to that
5 result because we've talked here about the impossibility of
6 articulating law for any diocese other than your own.

7 So explain to us, if you don't mind, step-
8 by-step, how it happened in the United States?

9 **BISHOP DUROCHER:** Well, the American
10 situation as far as I understand it is unique in the
11 history of the church, that these bishops wanted to have a
12 common protocol assigned to all the dioceses.

13 They do not have the power to do that, so
14 they petitioned the Holy See asking the Pope to establish
15 what we call particular law, which means law that applies
16 only to a diocese; the Pope has that power. The Pope
17 could, for example, decide to apply a particular law to
18 this Diocese if he chose to do so. It's very, very rarely
19 done.

20 And so they petitioned the Vatican to
21 establish this as a particular law for all the dioceses of
22 the Unites States. So the Pope basically took their
23 recommendations and made them individual laws for each
24 diocese individually in the United States.

25 **MS. DALEY:** And it's by that means that the

1 United States has a national approach to any instances of
2 allegations of ---

3 **BISHOP DUROCHER:** That they have national
4 law. Canada also has a national approach. It's not in the
5 -- not in terms of law. but in the States it's a law.

6 **MS. DALEY:** All right. It's a law which
7 they call the Essential Norms?

8 **BISHOP DUROCHER:** That's correct.

9 **MS. DALEY:** How many dioceses are there in
10 Canada?

11 **BISHOP DUROCHER:** About 60, I believe.

12 **MS. DALEY:** Do you know roughly how many
13 there'd be in the States?

14 **THE COMMISSIONER:** Just a minute. How many
15 dioceses?

16 **BISHOP DUROCHER:** Sixty.

17 **MS. DALEY:** Six-zero.

18 **THE COMMISSIONER:** In Canada?

19 **BISHOP DUROCHER:** In Canada, yes; six zero.
20 That's a rough estimate. It might be 50, it might 70 there
21 but 60 in my mind.

22 **MS. DALEY:** Okay. Do you have any
23 information about how many comparatively dioceses there are
24 in the U.S.?

25 **BISHOP DUROCHER:** Three-hundred (300),

1 maybe, in the United States, 350.

2 MS. DALEY: Okay.

3 BISHOP DUROCHER: I'm -- these are ballpark
4 figures.

5 MS. DALEY: That's fine, but substantially
6 more than here, obviously?

7 BISHOP DUROCHER: Oh, yes, definitely.

8 MS. DALEY: Now, has any thought ever been
9 given at the Canadian Catholic Counsel of Bishops level
10 about doing the same thing? In other words, petitioning
11 the Pope for a law that will apply to all Canadian dioceses
12 pertaining to allegations of sexual abuse?

13 BISHOP DUROCHER: No, the history in
14 Canada's quite different. Canada faced the crisis with
15 Mount Cashel and the Diocese of St. John's affair in the
16 late '80s.

17 This provoked a response immediately within
18 the Canadian Catholic Church. They looked at this and they
19 decided that what was needed was that each diocese
20 establish a protocol.

21 And they -- basically, a committee studied
22 all this, made recommendations to the dioceses, and that
23 was From Pain To Hope. This was the early '90s.

24 By this time, the United States had done
25 nothing in that area. In the United States, it blew up at

1 the end. Ten (10) later it blew up at the end of the
2 1990's. And in the blowing up in the Unites States, they
3 realized that it was such a severe situation that they
4 needed to take a drastic step.

5 Canada, we had already dealt with the
6 situation. The Canadian Bishops and I believe the great
7 majority of the public that is involved with this, feels
8 that Canada has a good solution and we've moved very firmly
9 and concretely and taken huge steps forward on this.

10 The Americans were facing a very different
11 crisis and chose that tool. We could debate about the
12 appropriateness of the tool, calling it a golden standard,
13 I'm not sure. I think the Canadian solution allows for
14 recognition of the variety of the dioceses. There are
15 particular situations that allows each dioceses to craft
16 responses that are appropriate for that diocese.

17 So in that sense, the Canadian approach is a
18 different approach than the American approach. Ours was
19 done much earlier than theirs and there's been no thought
20 of moving to the American approach.

21 **MS. DALEY:** As we sit here today, we're an
22 Inquiry, we've got plenty of opportunities to think outside
23 the existing situation. Do you see any benefit in having
24 or bringing about a process whereby there could be a
25 national rule in all Canadian dioceses as well? Do you see

1 any benefit to that?

2 **BISHOP DUROCHER:** Not particularly. What I
3 like about the American approach is the accountability at
4 the national level. They now have committees that are
5 studying the responses of the various dioceses in the
6 States and making reports.

7 We're doing that through -- in Ontario
8 through contracting out with Catholic Mutual as I was
9 saying, who are doing those audits and making public
10 reports.

11 What's interesting about the States is
12 they're doing that at a national level with a group that is
13 dedicated to that. I think that's an interesting approach.

14 **MS. DALEY:** Just help me with one thing.
15 Are you suggesting that the Catholic Mutual report is
16 available to the public?

17 **BISHOP DUROCHER:** Absolutely.

18 **MS. DALEY:** Is it on your website? Is that
19 how one -- how would one access ---

20 **BISHOP DUROCHER:** The full report is not.
21 The -- what is -- what was made available to the public was
22 the introductory overview that was the résumé, I could say,
23 of their study which highlighted the main aspects of it.
24 The rest is quite technical in terms of the language of the
25 protocol and everything.

1 MS. DALEY: Right.

2 BISHOP DUROCHER: So we didn't put that on
3 the website.

4 MS. DALEY: That's not publicly available
5 but the over ---

6 BISHOP DUROCHER: It's -- but it's available
7 and anybody who wants it can have it.

8 MS. DALEY: Oh, I see.

9 BISHOP DUROCHER: But it's not just on our
10 website.

11 MS. DALEY: It's not on the website. All
12 right.

13 Is there information on the website about
14 how to access the larger document if one wishes to see it
15 or do you know?

16 BISHOP DUROCHER: I don't think so, no.

17 MS. DALEY: Okay.

18 BISHOP DUROCHER: And we've received no
19 requests to have it.

20 MS. DALEY: All right. I take it you would
21 be, based on your comments to M. Dumais, you personally
22 don't agree with the zero tolerance approach?

23 BISHOP DUROCHER: No, I don't.

24 MS. DALEY: Was it also part of the
25 Essential Norms that statistics and information be

1 available to the public about incidents of abuse?

2 **BISHOP DUROCHER:** I'm not sure about that.

3 **MS. DALEY:** All right. Are there any other
4 features or aspects of the Essential Norms that you
5 particularly admire that we haven't adopted here yet?

6 **BISHOP DUROCHER:** No, I think the general
7 thrust is identical to the Canadian approach.

8 **MS. DALEY:** Except for zero tolerance, I
9 guess?

10 **BISHOP DUROCHER:** Except for zero tolerance,
11 yes.

12 **MS. DALEY:** Is that the main distinction
13 between the Essential Norms and the policies that have
14 evolved in Canada?

15 **BISHOP DUROCHER:** No, the essential
16 distinction is the obligatory aspect of the Essential
17 Norms. That's the essential distinction to the Canadian
18 approach.

19 **MS. DALEY:** In terms of the content, in
20 terms of, you know, the actual substance, is that the main
21 differentiation?

22 **BISHOP DUROCHER:** I don't know if it's the
23 main. It's an obvious one, I guess.

24 **MS. DALEY:** All right.

25 **BISHOP DUROCHER:** The Canadian approach is

1 to study the case on an ad hoc basis.

2 **MS. DALEY:** Fair enough. Let me just ---

3 **THE COMMISSIONER:** So, excuse me. Did the
4 no -- the one ---

5 **BISHOP DUROCHER:** One strike you're out.

6 **THE COMMISSIONER:** One strike you're out.
7 Can you give me an example of where you would see a priest
8 who has been found guilty of abusing adolescents or young
9 people or children be permitted to go back into the
10 ministry?

11 **BISHOP DUROCHER:** I -- I've never kind of
12 set my mind to that. I suppose if it was a situation where
13 it was acknowledged both by the victim and by the -- by the
14 priest, that it was a single incident, that the priest had
15 expressed deep regret for it, that the victim was satisfied
16 with that, that the priest had gone for treatment, and that
17 possibly there was a ministry that did not involve young
18 people, for example, being chaplain to a prison or being
19 chaplain to a community of cloistered nuns where there
20 would be no contact with young people.

21 So that might be a possibility where you
22 are, at the same time, protecting completely the young
23 people and you have indication that this problem is
24 resolved. That might be a kind of a situation.

25 I'm not sure. That's -- all I -- all I'm

1 saying is I have difficulty -- what I don't like is making
2 a rule which automatically stops considerations of
3 particular cases. I agree with the principle; I agree with
4 the principle. All I'm saying is I want -- I think we
5 should be open to the fact that there are exceptions to
6 those principles.

7 **THE COMMISSIONER:** Okay, well, and I'm
8 looking at the public perception, you know, and I think
9 some of the public, as you've indicated, have no appetite
10 for that kind of -- they want one strike and you're out.

11 **BISHOP DUROCHER:** Yes, I recognize that,
12 yes.

13 **THE COMMISSIONER:** What about if you thought
14 of it the other way and say, unless in exceptional
15 circumstances -- because that's what you're describing --
16 it is one strike or out. And then go into -- and the
17 exceptions we're going to use here, the guidelines that
18 we're going to do to assess whether or not ---

19 **BISHOP DUROCHER:** Well, I would be fine with
20 that, but then it's not one strike you're out anymore, you
21 know. I would say as a general principle, you establish
22 that and you say except in situations similar to this. I
23 would agree with something like that.

24 **THE COMMISSIONER:** No, no, but then you also
25 put the onus on the applicant, which is the priest ---

1 **BISHOP DUROCHER:** Yes.

2 **THE COMMISSIONER:** --- if he doesn't
3 displace the onus ---

4 **BISHOP DUROCHER:** That's right.

5 **THE COMMISSIONER:** --- he's still out.

6 **BISHOP DUROCHER:** That's right.

7 **THE COMMISSIONER:** Do you see the
8 difference?

9 **BISHOP DUROCHER:** Yes, yes, yeah, yeah,
10 yeah. I would be open to something like that.

11 **THE COMMISSIONER:** Okay.

12 **MS. DALEY:** Can you understand -- and much
13 as I appreciate your philosophy that justice should be
14 administered on a case-by-case, I understand that, but can
15 you also appreciate that there are circumstances where,
16 unfortunately, a crisis has occurred, there's such a
17 pervasive lack of faith in really how an institution has
18 dealt with things, that perhaps the only way forward is
19 zero tolerance, whether or not it also has some features
20 that we don't particularly subscribe to?

21 **BISHOP DUROCHER:** I think the American
22 bishops faced that situation that you're describing and so
23 I do not blame the American bishops for having taken that
24 decision, and if I had been a bishop in the States in that
25 situation, I might have voted for it given the situation in

1 which it was occurring. I wouldn't be surprised down the
2 road the American bishops do not revisit that issue though.

3 **MS. DALEY:** And do I understand it correctly
4 that the severity of the situation they faced was, amongst
5 other things, financial because we were looking at
6 settlements in Boston in the \$90 million range?

7 **BISHOP DUROCHER:** Certainly, there's a
8 consideration of the financial problems of the United
9 States that many dioceses are facing; some dioceses have
10 gone bankrupt.

11 **MS. DALEY:** Correct.

12 **BISHOP DUROCHER:** But I don't think that
13 zero tolerance is linked to that particular issue. I don't
14 see it personally. Maybe it is; I don't know.

15 **MS. DALEY:** You think it's more strongly
16 linked to public attitudes about the church?

17 **BISHOP DUROCHER:** I -- I think it is very
18 strongly linked to public perception in this case, yes.

19 **MS. DALEY:** So one other question on this
20 area before I move to my last general area. Help me make
21 sure I've understood this correctly.

22 The Canadian approach, the ad hoc approach,
23 the use of protocols, is it still the case that a protocol
24 in a diocese can be bypassed by a bishop if he thought fit
25 to do that?

1 **BISHOP DUROCHER:** Well, as I explained
2 yesterday, a bishop is the legislator in his diocese, so as
3 the legislator he has the power to suspend legislation at
4 will. What I've endeavoured to do in this Diocese is to
5 write up the protocol in such a way that if the Bishop did
6 -- if I did that or if one of my successors did it, it
7 would -- it would trigger a response on the part of the
8 delegate and of the advisory committee, such that the
9 Bishop would have to justify this in public. So I've tried
10 to integrate into the policy itself some kind of safeguards
11 from that happening.

12 **MS. DALEY:** What about this? It occurs to
13 me that this might also be a beneficial step you might
14 take.

15 I understand that, technically, you're free
16 to step away from the protocol, but you don't intend to do
17 so. You intend to ensure that the protocol is followed
18 here?

19 **BISHOP DUROCHER:** Absolutely.

20 **MS. DALEY:** Apart from this mechanism that
21 you've created inside the protocol, what about making a
22 public commitment or a public statement?

23 **BISHOP DUROCHER:** We've already done that.

24 **MS. DALEY:** Have you done that?

25 **BISHOP DUROCHER:** I've done it and all the

1 priests of the Diocese have made a public commitment to
2 implementing this protocol and following it.

3 **MS. DALEY:** All right. So you've made your
4 position clear here, that under no circumstances will you
5 not follow the protocol if it's called for?

6 **BISHOP DUROCHER:** That's right.

7 **MS. DALEY:** Okay.

8 Just a few questions about the governance
9 aspect of matters, and you've made it very clear to us that
10 both the Federal and the Provincial Conference of Catholic
11 Bishops, of course, do not play a governance role in any
12 given diocese; correct?

13 **BISHOP DUROCHER:** That's correct.

14 **MS. DALEY:** Is there an executive of those
15 bodies?

16 **BISHOP DUROCHER:** Yes.

17 **MS. DALEY:** Are you on the executive of
18 either one of them?

19 **BISHOP DUROCHER:** I'm on the executive of
20 the Canadian Conference of Catholic Bishops presently.

21 **MS. DALEY:** And what's your position?

22 **BISHOP DUROCHER:** I'm co-treasurer.

23 **MS. DALEY:** Does the executive meet, you
24 know, separately from the board and deal with matters of an
25 executive nature?

1 **BISHOP DUROCHER:** Yes, it does.

2 **MS. DALEY:** Does that body, the Canadian
3 body, offer any training or educational initiatives to
4 bishops? It's a broad question, but ---

5 **BISHOP DUROCHER:** At the request of the
6 bishops -- if the bishops -- if a group of bishops would
7 like to have a training session on a certain topic and the
8 plenary council agrees, then a session can be organized for
9 the bishops who so desire to attend the workshop like that.

10 **MS. DALEY:** And since you have been
11 associated with the Canadian Council of Catholic Bishops,
12 have there ever been any sexual abuse workshops or programs
13 on the agenda to help bishops deal with the issue?

14 **BISHOP DUROCHER:** There have been items for
15 discussion within the plenary when we gather, but there
16 have been no workshops that I can think of.

17 **MS. DALEY:** In your capacity as a Bishop of
18 this Diocese which has, I guess, particular issues around
19 that subject, have you ever considered -- tried to put it
20 on the agenda in the national organization?

21 **BISHOP DUROCHER:** No, I haven't. I must --
22 probably -- how can I say -- the regional assembly, for
23 example, the Ontario Conference of Catholic Bishops, is a
24 less structured body in terms of rules and regulations and
25 business issues, so that our meetings are much more free-

1 flowing in a sense, and I would say that is where the
2 formation of bishops takes place. It's at the provincial
3 level when we gather, when we discuss issues, when we
4 exchange expertise, when we bring in somebody to talk about
5 a particular issue for us or with us.

6 So, for example, at the provincial level
7 we've had people to come in to speak about some of the
8 issues attached to protocols, attached to sexual abuse and
9 things like that. So it's more at the provincial level
10 that those discussions occur.

11 **MS. DALEY:** Is the provincial body somewhat
12 subordinate to the national body or ---

13 **BISHOP DUROCHER:** It is ---

14 **MS. DALEY:** does it meet with equal
15 frequency, for example?

16 **BISHOP DUROCHER:** It's a completely
17 different structure. It is not ---

18 **MS. DALEY:** Yes.

19 **BISHOP DUROCHER:** --- how can you say ---

20 **MS. DALEY:** They're not related?

21 **BISHOP DUROCHER:** They're not related, so
22 that the -- at the plenary session at the CCCB, each region
23 will make a short report of its activities, just to inform
24 the other regions of what's going on, and each region also
25 gets to elect a member to the Permanent Council, but that's

1 the extent of the relationship between regions and the
2 CCCB.

3 The Secretary General of the CCCB often will
4 come to the regional meetings just for exchange of
5 information, but the regional organization is -- varies
6 from region to region. There are four: one for Atlantic
7 Canada; one for Quebec; one for Ontario; one for Western
8 Canada.

9 In Ontario we have two plenary sessions a
10 year that last three days per plenary session. We're about
11 25 bishops around the table at that meeting.

12 **MS. DALEY:** And your recollection is at the
13 Ontario level there have been sessions with bishops in
14 which sexual abuse training of some sort has been offered -
15 --

16 **BISHOP DUROCHER:** Yes.

17 **MS. DALEY:** --- or the topic has been
18 discussed?

19 **BISHOP DUROCHER:** Yes, yes. I must also
20 add, and I hadn't thought about this, but Southdown also
21 offers training to bishops and leaders of religious orders
22 on these issues, and I've been to workshops offered by
23 Southdown on this, as have a number of my colleagues.

24 **MS. DALEY:** I'm wondering if you can help me
25 with this, sir. Is there a consensus of thinking, whether

1 it be at the provincial or the federal level, as to the
2 appropriate role that a bishop should play when there are
3 allegations of sexual abuse in his diocese?

4 **BISHOP DUROCHER:** Every diocese has a
5 protocol and I imagine each bishop certainly is committed
6 to following that protocol and to implementing it in his
7 diocese.

8 **MS. DALEY:** Apart from the protocol itself,
9 which involves the bishop's designate and investigation,
10 et cetera, remember we spoke a while ago about your
11 intention to be part of the recovery process in the
12 parishes? Is there a consensus as to what role a bishop
13 should play in his diocese when allegations of sexual abuse
14 are out there, or is it an ad hoc thing; it's a matter of
15 what the individual bishop feels appropriate in his
16 diocese?

17 **BISHOP DUROCHER:** I can't answer that.

18 **MS. DALEY:** Okay. All right.

19 So turning to the final area, sir, I took it
20 from one of your comments, I think it was yesterday, that
21 in a way your Church is out of the business of receiving
22 complaints because primarily no new complaints of sexual
23 abuse are coming forward to the Church. For the most part,
24 if someone has a complaint to make, he or she takes it to
25 another authority; correct?

1 **BISHOP DUROCHER:** That's my experience and
2 the experience of a lot of bishops I've spoken to you, yes.

3 **MS. DALEY:** All right.

4 So one way of looking at this is to say,
5 well, you've now developed a very detailed protocol but
6 you're essentially out of business because people don't
7 come forward with complaints that you can resolve under
8 your protocol. I mean, is that a fair way of looking at
9 the situation?

10 **BISHOP DUROCHER:** I would -- yes.

11 **MS. DALEY:** Now, as a bishop, what is your
12 feeling about that? Does it bother you that people no
13 longer come to the Church to complain if they feel they've
14 been abused by a priest?

15 **BISHOP DUROCHER:** No. I would prefer that
16 if people have a complaint that it be brought to the
17 appropriate authorities.

18 **MS. DALEY:** As opposed to the Church?

19 **BISHOP DUROCHER:** As opposed to the Church.
20 That would be my first preference. What we need to do is
21 have a protocol in place for the person who prefers not to
22 go to the police, so that we can handle it in a transparent
23 and accountable way.

24 My other reaction is I think there has been
25 an awakening in the past 15 years, 20 years around these

1 issues to the point where perhaps the great majority of
2 reportable offences have been reported now and we're over a
3 hump. That's my hope.

4 With the new training that we give to
5 seminarians, with the new awareness of the situations, I
6 really -- it really is my hope that we're beyond the worst
7 of this question in our Church.

8 **MS. DALEY:** What's your perception as to
9 why, for the most part, people no longer bring their
10 allegations to the Church first? Do you have some
11 awareness as to why that might be?

12 **BISHOP DUROCHER:** I think people -- well,
13 no, I'd just be speculating. I don't think that would be
14 fair.

15 **MS. DALEY:** All right.

16 Now, you spoke in your recommendations about
17 the importance of Phase 2 and reconciliation. I just have
18 a few questions for you about that. Within Phase 2, is the
19 Church attempting to effect reconciliation with the people
20 who allege they were victims of abuse by a priest in this
21 Diocese?

22 **BISHOP DUROCHER:** I've been invited, for
23 example, as part of Phase 2 to meet with a group of victims
24 and that meeting is being organized as we're speaking.
25 I've accepted to be part of that and to participate in it.

1 **MS. DALEY:** Would you agree with me that in
2 general terms reconciliation -- one of the elements of
3 reconciliation is often an apology?

4 **BISHOP DUROCHER:** Yes.

5 **MS. DALEY:** And given what you've told me
6 previously about some of the difficulties you had speaking
7 with victims at an earlier point in time, do you continue
8 to think that the Church needs a mediator role between
9 itself and those victims at this point in order to have a
10 meaningful process?

11 **BISHOP DUROCHER:** I'd just like to correct
12 you on ---

13 **MS. DALEY:** Sure, if I've ---

14 **BISHOP DUROCHER:** --- a premise there you
15 said. My difficulty was not with victims. My difficulty
16 was with a group ---

17 **MS. DALEY:** Understood.

18 **BISHOP DUROCHER:** --- that was concerned.

19 **MS. DALEY:** Understood.

20 **BISHOP DUROCHER:** Okay? So ---

21 **MS. DALEY:** I'm just -- I'm picking up your
22 mediation concepts ---

23 **BISHOP DUROCHER:** Yes, yes.

24 **MS. DALEY:** --- from there.

25 **BISHOP DUROCHER:** But to come back to the

1 heart of your question, would a mediation process help? I
2 think it could and I've been in discussion with Ben
3 Hoffman, who's a member of the advisory panel for Part 2,
4 about organizing such kinds of sessions, yes.

5 **MS. DALEY:** What role -- I mean, I'll wind
6 up on this topic but just help me with your thinking. What
7 role do you believe the Bishop, in particular you, needs to
8 play to effect reconciliation in this community?

9 **BISHOP DUROCHER:** I think the Bishop has to
10 be available for meeting people who want to meet with him.
11 I think the Bishop has to be a listener, has to take to
12 heart any suggestions or recommendations that are made, has
13 to show willingness to commit himself to changing
14 situations that need to be changed.

15 I think also he has to be proactive in
16 helping bring about meetings, roundtables, discussion
17 groups on these issues.

18 **MS. DALEY:** So you would recognize that in
19 part you should be a listener if someone approaches you,
20 but you also need to do some further outreach to make
21 reconciliation possible?

22 **BISHOP DUROCHER:** Yes.

23 **MS. DALEY:** Thank you, sir. Those are my
24 questions.

25 **THE COMMISSIONER:** Thank you.

1 Mr. Horn?

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

3 MR. HORN:

4 MR. HORN: My name is Frank Horn and I'm
5 representing the Coalition for Action, and we're a citizens
6 group that has been agitating for a public inquiry. And I
7 think that one of the things that we believe is that when
8 these things were happening back in the late eighties and
9 early nineties, at that time it was a crucial time, not
10 only in the City of Cornwall but basically generally in
11 society; that suddenly there was an awareness that
12 something had to be done about very bad situations, and
13 people came forward and they were agitating for change and
14 that the people had a right to do so because there's a lot
15 of very hurt people who were the ones that were
16 spearheading a lot of this agitation.

17 I think that what I'm saying is that you
18 came into a situation in which there was a lot of anger, a
19 lot of bitterness on the part of people who had been
20 abused, and I think that when the three individuals that
21 you met, sir, Parisien and Mr. Seguin and I think it was
22 Paul Scott came to see you and you were suggesting somehow
23 that they had to prove that they represent -- who did they
24 represent.

25 I think it should have been quite obvious to

1 you who they represented. There was a groundswell of
2 people in this city who wanted something done and they were
3 representative of these people and they were coming forward
4 to you and you should have known who you were dealing with.

5 Why did you feel that they had to prove
6 themselves to you? To prove who they were?

7 **BISHOP DUROCHER:** I didn't know who they
8 were. I didn't know who they were representing.

9 **MR. HORN:** There's been petitions. One
10 petition in which Perry Dunlop went to the Children's Aid
11 Society. Ten thousand (10,000) people signed the petition
12 and said that he did the right thing.

13 And then there was another petition for --
14 with about 13,000 people who came forward and in the city -
15 - I mean, we're talking about a city of 45,000-50,000
16 people. That would be about half the people, half the
17 adult population of the city, signed a petition to have a
18 public inquiry.

19 **THE COMMISSIONER:** Wait a minute. I thought
20 there was one petition of 10 and the other one of 13 or ---

21 **MR. HORN:** Thirteen-thousand (13,000).

22 **THE COMMISSIONER:** Okay, so both of them
23 together come up to 23, which is half.

24 **MR. HORN:** Yeah, 23,000, yes.

25 **THE COMMISSIONER:** Okay.

1 **MR. HORN:** So the 13,000 were the ones that
2 were signing in order to have this public inquiry or a
3 public inquiry was being asked for by the public, by the
4 adult public in the City of Cornwall. And these are the
5 ones that you were meeting with.

6 You were meeting with this situation when
7 you came to Cornwall and you're saying that you didn't
8 really realize who you were dealing with?

9 **BISHOP DUROCHER:** I've signed petitions.
10 When I sign the petition I'm not giving power to the
11 organizers of the petition to speak on my behalf. The
12 petition is addressed to a body and I sign it.

13 I could not take it for granted that somehow
14 these people were representing the people who had signed
15 that petition. There's no such kind of relationship.

16 We were in a situation at this point where,
17 as I expressed before, the people that I had met had, I
18 felt, as I used the expression "ambushed by them" by
19 bringing in media when they had not warned me.

20 They refused to accept the truth of things
21 that I was saying. I would try to explain to them the
22 limitations of my powers of Bishop. They did not accept
23 this.

24 There were a number of issues that arose
25 afterwards that ended up with my being called a liar in the

1 local press by a writer. All of this created a situation
2 of tension between me and the members of this group.

3 So before moving forward I wanted to know
4 exactly for whom they were speaking. Did they have an
5 association, did this association meet, were they elected,
6 did they get a mandate from anybody or were they acting on
7 their own behalf and on their own behest.

8 That's all I was asking.

9 **MR. HORN:** Okay. So you asked them for
10 their credentials and you're saying the fact that they were
11 telling you that they were there as a citizen's group who
12 were concerned and they were basically the ones that were
13 the most vocal. They were the ones that were the most
14 active. That wasn't enough for you? Maybe other people
15 didn't want to come forward and weren't as vocal and as
16 irritated as they were.

17 But this is a very hot situation. Abuse is
18 a very serious thing. And there's a lot of people out
19 there who had been abused and they were very angry.

20 **MR. SHERRIFF-SCOTT:** My friend is making
21 long speeches and not asking questions. He gives a sort of
22 25 sentence speech and then asks a question that may or may
23 not be related.

24 Second, M. Dumais covered this and so did my
25 friend behind me in some detail. And third, I'm really not

1 sure how probative this is to this Inquiry in any event.

2 An Inquiry was called and the testimony is
3 unfolding. So we're not, I assume, trying to write a
4 retrospective so I just don't see this as a really -- an
5 area of any probative value to the Commission.

6 **MR. HORN:** I think that I'm trying to lay
7 the groundwork as to the direction in which our
8 organization is going. I mean we are -- I represent a
9 group that felt that they were basically -- not only us,
10 but other groups, were being slighted by yourself who was
11 new to the area and they were coming to see you.

12 And we -- they felt that you had been
13 slighting them and treating them as if they -- who -- they
14 have to prove themselves. I mean I'm just saying that's --
15 -

16 **THE COMMISSIONER:** Whoa, whoa ---

17 **MR. SHERRIFF-SCOTT:** This just goes right
18 beyond the pale. Now he's giving evidence. Moreover, as
19 he should know, for example Mr. Parisien ended up on the
20 victims' care committee of the Diocese. The very person
21 that was one of the signatories to the letter. So I think
22 this is just totally inappropriate to be making speeches
23 and giving evidence and making allegations.

24 It's not only inappropriate but it's
25 unproductive from the point of view of the Inquiry.

1 **THE COMMISSIONER:** Well, okay, yes
2 unproductive in the sense that I think that while it may
3 have started that way, there is a lot of water under the
4 bridge since then and we should be concentrating, I think,
5 on the more positive aspects, if there any; I don't know.
6 But it seems if Mr. Parisien did go with -- you know, if
7 there has been since then some communications and the
8 bridges are starting to be built, I think that to go back
9 and to rehash all of this is not very probative.

10 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, can I
11 just also note parenthetically that my friend does not act
12 for any of the three signatories to that letter. Mr. Lee
13 acts for two and Ms. Daley acts for one.

14 **THE COMMISSIONER:** So first of all, Mr.
15 Horn, no more speeches, please.

16 **MR. HORN:** Okay.

17 **THE COMMISSIONER:** This is cross-
18 examination. You can lay groundwork and you can ask
19 questions. I certainly don't want to in any way limit you
20 in any relevant questions you may have.

21 I want you to know that and I'm going to try
22 to give you as much leeway as possible, but right now
23 you're too many speeches and not enough questions.

24 **MR. HORN:** Okay.

25 One of the interesting things that I saw in

1 the protocol, the -- I'd like you to look at Document
2 Number 101517.

3 **THE COMMISSIONER:** Is it an exhibit, sir?

4 **MR. HORN:** Yes, an exhibit, 101517.

5 **THE COMMISSIONER:** One-zero-one ---

6 **MR. HORN:** And it's a report of the ad hoc
7 committee on safeguarding against sexual abuse.

8 **THE COMMISSIONER:** But you don't have the
9 exhibit number?

10 **MR. HORN:** Pardon?

11 **THE COMMISSIONER:** It would be helpful if
12 you had the exhibit number. It's okay. It's okay.

13 **MR. HORN:** Two thousand and two (2002),
14 December the 17th.

15 **MS. HAMOU:** Mr. Commissioner?

16 **THE COMMISSIONER:** Yes.

17 **MS. HAMOU:** If I may, I just want to help
18 you out here. This document's already an exhibit. It's
19 Tab 58 -- Tab 44 of Exhibit 58.

20 **MR. HORN:** Okay, so ---

21 **THE COMMISSIONER:** Forty-four (44)?

22 **MS. HAMOU:** Yes.

23 **MR. HORN:** Exhibit ---

24 **THE COMMISSIONER:** So this is the ad hoc
25 committee report of 2002. Okay.

1 **MR. HORN:** Yes.

2 **THE COMMISSIONER:** This is before Monsignor
3 Durocher showed up?

4 **MR. SHERRIFF-SCOTT:** No, sir, this is the --
5 you remember he established a working group with a number
6 of members and they worked towards establishing the final -
7 --

8 **THE COMMISSIONER:** Right. I should have
9 read the second line. All right.

10 **MR. HORN:** What I'm interested in is in the
11 glossary.

12 **BISHOP DUROCHER:** In the glossary.

13 **MR. HORN:** Where -- at page 8 of the
14 document the glossary, the advisory committee giving
15 definition. I know this was discussed previously, the
16 wording here.

17 **THE COMMISSIONER:** Okay. Where are we?

18 **MR. HORN:** Yes, the advisory committee --
19 about seven lines down, seven or eight lines down, it says:

20 "The primary duty of the committee is
21 to investigate whether there are
22 reasonable and probable grounds to
23 determine that there -- that an offence
24 had been committed."

25 Now, what -- I understand that this is --

1 this was something that was discussed and probably will be
2 changed, but initially these are the -- this is the wording
3 that was put in.

4 Now, what that -- I want to ask you, is it
5 as though you were usurping -- the committee was trying to
6 usurp the position of the police?

7 **BISHOP DUROCHER:** No.

8 **MR. HORN:** Because the police are the ones
9 that are -- to lay the charges and they have -- they're
10 reasonable probable grounds to lay the charges, and so was
11 the committee saying, "We will be the ones determining this
12 and we will make that determination"?

13 **BISHOP DUROCHER:** No.

14 **MR. HORN:** And then decide whether we're
15 going to go ahead with this or not.

16 **THE COMMISSIONER:** You answered "no"?

17 **BISHOP DUROCHER:** No.

18 **THE COMMISSIONER:** No.

19 **MR. HORN:** No. So you're saying that --
20 okay, what was the background of that wording, do you know?
21 How did they get into the document?

22 **BISHOP DUROCHER:** The wording was not
23 specific. We could have used other words. It's just the
24 words that came to mind.

25 **MR. HORN:** Okay. You're saying that that's

1 not what it meant but this is the wording that was used, it
2 has a certain meaning to it, and have you decided as yet
3 what wording you will be using?

4 **BISHOP DUROCHER:** To answer your first
5 question, I would suggest that you are reading into the
6 words a meaning that we did not ascribe to those words. If
7 I can give an example. When you say "suspend a priest" I
8 understand what you're meaning, you're meaning just stop
9 him from exercising ministry. But in canon law "suspend"
10 has a very specific meaning. I know you don't mean that
11 meaning because you don't know it.

12 In the reverse way, we used these words not
13 realising it had a specific meaning in civil law or
14 criminal law. We did not know this. So in response to the
15 first question, we didn't know.

16 Second, have we given thought about what
17 words we will use? No, we haven't.

18 **MR. HORN:** Who was sitting on the committee?
19 Were there any police officers sitting on the committee?

20 **BISHOP DUROCHER:** There was one retired
21 police officer on the committee.

22 **MR. HORN:** And so obviously he would know
23 what that meant?

24 **BISHOP DUROCHER:** I don't know. You'd have
25 to ask him.

1 **MR. HORN:** So you had somebody who was a
2 police officer on the committee who may have been the one
3 that put that in or maybe suggested it. Do you think it's
4 possible?

5 **BISHOP DUROCHER:** I don't know.

6 **THE COMMISSIONER:** So your point is -- what
7 is the point you're trying to make? I'm just trying to ---

8 **MR. HORN:** Okay, what I'm trying to say is
9 that what they're -- what it looks like is that the
10 committee was trying to usurp the position of the Crown
11 Attorneys, police -- being the ones that have allocated
12 themselves that decision-making position of determining
13 whether they're going to go ahead with these charges or
14 not, and they're not leaving it to the civil authorities to
15 do so.

16 **THE COMMISSIONER:** Okay. First of all, the
17 police don't allocate to themselves words. The Parliament
18 imposes regulations and laws and gives them the test. This
19 witness has said, "Look, we used those words and, you know,
20 maybe we used the wrong words".

21 They may be, as well, using words that will
22 lead people to apply the wrong test that they really need
23 in these circumstances, and that's something that I think
24 we can discuss in submissions, we can do, but I think the
25 point that you're trying to make, that these words have

1 different meanings for police officers and such, is a good
2 one.

3 To say that you were trying to usurp the
4 work of the police, the witness has said "No" and I find it
5 difficult to contemplate that that would be the motive of
6 this committee, given all of the rest of the report.

7 **MR. HORN:** Okay. Okay, not all the public
8 but a lot of the public would think that what you're --
9 what was being done was saying, "We're going to set up a
10 committee and we're going to make -- and keep this thing
11 in-house". Is that what was the purpose of setting up the
12 committee?

13 **MR. SHERRIFF-SCOTT:** I object to this
14 question. I'm not sure where my friend gets his
15 information about public opinion; whether he's done a
16 Gallup poll or some other fashion of divining the currents
17 of public opinion. Maybe that's something that's clear to
18 him. I don't think it's an appropriate way to be casting
19 questions. He's giving evidence again.

20 **THE COMMISSIONER:** Mr. Horn ---

21 **MR. HORN:** Okay, I'll ---

22 **THE COMMISSIONER:** Mr. Horn, what did you
23 say?

24 **MR. HORN:** I'll ---

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

1 **MR. HORN:** I'm just saying I'm going to re-
2 phrase my question.

3 **THE COMMISSIONER:** Okay, because the general
4 public -- if we were going to make a poll, I'm confident
5 that reasonable and probable grounds wouldn't resonate to
6 them.

7 **MR. HORN:** Okay. Well, that ---

8 **THE COMMISSIONER:** The lawyers ---

9 **MR. HORN:** Okay.

10 Do you agree that many people in the public
11 -- would you agree with that? They may think that what you
12 were doing was you were -- you were doing the work of the
13 police?

14 **BISHOP DUROCHER:** No. On the contrary, I
15 think the great majority of the public who responded to
16 this draft found that it was excellent work. They
17 supported it. All those who wrote in to make suggestions
18 didn't speak about this word at all. Nobody had any
19 problems with it. The only people I've ever found who have
20 had problems with it are yourself and your clients, and
21 it's new to me.

22 So we will fix this to make sure that it
23 corresponds to our intention. Our intention was never to
24 stop people from going to the police. On the contrary, I
25 think Dr. Legault was very clear in his response to those

1 what I would call allegations.

2 **MR. HORN:** Can you explain this to me. The
3 Church have set up a committee before they're going to go
4 ahead with going to the police or CAS. What other
5 organization has that right to do so? They say, "We're
6 going to set up a committee before we're going to go to the
7 police or the CAS or anybody else". Is that what the
8 Church is doing?

9 **MR. SHERRIFF-SCOTT:** I really don't
10 understand what he's saying -- I really don't understand
11 what he's saying or ---

12 **MR. HORN:** No, the ---

13 **MR. SHERRIFF-SCOTT:** --- excuse me -- or how
14 the document could have, on any conceivable basis, bear
15 such an interpretation. The document is clear about
16 reporting obligations and so forth, and there's no
17 conception nor no evidence to found that. And again he's
18 saying that, you know, many people in the public believe
19 this.

20 The witness has -- excuse me -- the witness
21 has already answered the question about public perception
22 and the reaction of the submissions that he got. There's
23 no reasonable possible way to interpret the document in
24 this fashion and the witness has already responded.

25 **THE COMMISSIONER:** You see, I think, Mr.

1 Horn, your comments might work if we were dealing with
2 Father Deslauriers and the protocol they established there,
3 but this is a different story, isn't it?

4 **MR. HORN:** What I'm trying to establish is
5 this. Has the Church set up a protocol, advisory
6 committees, ad hoc committees, for the purposes of going
7 through committees and going through all this process
8 before they go and lay a charge against somebody who's
9 committing a crime? That's what I'm trying to establish.

10 **THE COMMISSIONER:** Wait a minute now. You
11 see, listen to what you just said. "Did this Diocese set
12 up all these committees to stop someone from laying a
13 charge?" Well, the Diocese has nothing to do with laying
14 of charges. They're not going to lay charges. Police lay
15 charges. People make complaints.

16 **MR. HORN:** Complaints. All right then,
17 we'll use the proper word.

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

19 **MR. HORN:** Someone in the Diocese, a priest
20 or someone working for the Diocese, has committed a crime;
21 right?

22 **THE COMMISSIONER:** Is accused of committing

23 ---

24 **MR. HORN:** Accused of committing a crime.

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

1 **MR. HORN:** Why didn't the Church, just like
2 everybody else, leave investigation to the police? Why are
3 they the ones setting up committees to do the investigation
4 before they go to the police? Why was that ---

5 **THE COMMISSIONER:** Why was that? No, no.

6 **MR. HORN:** Yes. I'm asking him, why would
7 they set it up that way? Nobody else is allowed to do
8 that.

9 **THE COMMISSIONER:** First of all, what
10 protocol are you talking about? The one that this Bishop
11 has organized?

12 **MR. HORN:** Yes.

13 **THE COMMISSIONER:** Okay, so you're saying
14 that the one that's in existence now ---

15 **MR. HORN:** That's right.

16 **THE COMMISSIONER:** --- 2005, right?

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

18 **THE COMMISSIONER:** Is that the one,
19 Monsignor? Okay, so where is that? Show me. What exhibit
20 is that?

21 **MR. SHERRIFF-SCOTT:** The final iteration is
22 Tab 50, Commissioner.

23 **THE COMMISSIONER:** Tab 50, okay. So let's
24 go through that, Mr. Horn, okay.

25 So number 1, Report Guidelines; right?

1 **MR. HORN:** That's right.

2 **THE COMMISSIONER:** So the first one says:

3 "Anyone serving the Church in ministry
4 employment or a volunteer position who
5 receives an allegation of sexual abuse
6 of a child..." ---

7 that's a child:

8 "...on the part of the clergy,
9 religious employees or volunteers, has
10 a legal obligation to report it to the
11 Children's Aid Society."

12 So do you agree, Monsignor?

13 I don't want to put words in your mouth, but
14 that under your present policy, if someone comes up to the
15 janitor at your Diocese and says, "Father so-and-so has
16 abused me and I'm under 16", that the caretaker is under an
17 obligation to go to the Children's Aid Society?

18 **BISHOP DUROCHER:** That's what the policy
19 says, yes.

20 **THE COMMISSIONER:** Okay.

21 **MR. HORN:** Immediately?

22 **BISHOP DUROCHER:** Yes.

23 **THE COMMISSIONER:** Okay.

24 **MR. HORN:** So you don't have to set up any
25 committees? You don't have to discuss it? There's no more

1 discussion, no more committees, nothing ---

2 **THE COMMISSIONER:** Well ---

3 **MR. HORN:** --- you immediately go to the
4 police. Is that the situation?

5 **THE COMMISSIONER:** No, no, no, you're not
6 listening. We're talking about the Children's Aid Society
7 now. Somebody under 16 coming over and telling anyone
8 that's under the jurisdiction of this Bishop he was abused
9 by a priest, he will have to report it to the Children's
10 Aid Society.

11 Now, let's go to the second sentence. He or
12 she, also has the obligation to report it to the Bishop's
13 delegate who will also contact the Children's Aid Society
14 to report the said allegation; okay? So is that right?

15 **BISHOP DUROCHER:** That's correct.

16 **THE COMMISSIONER:** So it doesn't go to any
17 committee. There's no decision made beforehand. It goes
18 directly there. Is that right?

19 **BISHOP DUROCHER:** That's right.

20 **THE COMMISSIONER:** Okay.

21 Okay, so number 2, Mr. Horn ---

22 **MR. HORN:** Yes.

23 **THE COMMISSIONER:** --- says:

24 "Anyone serving the church and ministry
25 employment or a volunteer position who

1 receives an allegation of sexual
2 assault of an adult on the part of the
3 clergy, religious employees or
4 volunteers has an obligation to report
5 it to the Bishop's delegate."

6 Okay?

7 **MR. HORN:** M'hm.

8 **THE COMMISSIONER:** All right.

9 **MR. HORN:** After he's gone to the police?

10 **THE COMMISSIONER:** No.

11 **MR. HORN:** Or the Children's Aid Society?

12 **THE COMMISSIONER:** Just a second, Mr. Horn.

13 Is there a legal obligation to report it to the police?
14 Legal.

15 **MR. HORN:** When a crime is committed? I
16 think so. If a crime has been committed ---

17 **THE COMMISSIONER:** Yes.

18 **MR. HORN:** --- then I think anybody in
19 society has an obligation to ---

20 **THE COMMISSIONER:** A legal ---

21 **MR. HORN:** --- to tell the ---

22 **THE COMMISSIONER:** --- a legal obligation --

23 -

24 **MR. HORN:** --- to tell the police that a
25 crime has been committed.

1 **THE COMMISSIONER:** A legal obligation?

2 **MR. HORN:** That's a societal norm that we
3 live under and that's an obligation ---

4 **THE COMMISSIONER:** Well ---

5 **MR. HORN:** --- that everybody in society
6 has.

7 **THE COMMISSIONER:** Well ---

8 **MR. HORN:** If they see a crime ---

9 **THE COMMISSIONER:** --- Mr. Horn ---

10 **MR. HORN:** --- they're not just to sit there
11 and watch it happen.

12 **THE COMMISSIONER:** Mr. Horn, show me some
13 law to that effect and we can talk.

14 What I'm trying to do is go through the
15 reporting guidelines here with you and see whether or not,
16 on the face of it, you have a basis to ask that question,
17 and from what I can see -- you see, the delegate will
18 contact -- I'm reading number 3 just to go through it.

19 "The delegate will contact the
20 complainant immediately to verify the
21 allegation and advise the complainant
22 about his or her right to contact the
23 police, as well as his or her legal
24 obligation to report in case of a
25 sexual abuse of a child."

1 So no committee yet. The minute something
2 comes up, they go to the delegate and the delegate does
3 what he has to do.

4 So where is it in here that -- show me
5 someplace in this protocol where something goes to a
6 committee before it goes to an authority.

7 **MR. HORN:** Okay. Does a committee have to
8 be set up in order for somebody to go to the police or the
9 CAS if there's a crime that's committed? I'm just asking
10 him if he knows.

11 **THE COMMISSIONER:** Well, I know you're
12 asking him, but please use correct terminology. It's an
13 allegation; right?

14 **MR. HORN:** Okay. And the police should be
15 the ones finding out if the allegation substantiates a
16 charge; if there's reasonable, probable grounds to lay a
17 charge, not some committee.

18 **THE COMMISSIONER:** Well, Mr. Horn, I don't
19 see anything in the reporting guidelines that lays a
20 foundation for you to say that and I'm inviting you -- and
21 I may be wrong because I haven't read this in a while, you
22 know, in a serious way, but Monsignor, can you answer this
23 question because you're a little more familiar with the
24 guidelines than I am at this point?

25 Is there anything in here that would start

1 the committee process without having it reported (a) to the
2 Children's Aid Society if the child is under 16?

3 **BISHOP DUROCHER:** No, that's the first step
4 that has to be taken.

5 **THE COMMISSIONER:** Okay.

6 **BISHOP DUROCHER:** It has to go to the
7 Children's Aid.

8 **THE COMMISSIONER:** Okay. And what about for
9 anybody else? An adult comes in and reports.

10 **BISHOP DUROCHER:** If an adult comes in with
11 a complaint, they're encouraged to go to the police.

12 **THE COMMISSIONER:** And if they don't, you
13 can continue on with your process?

14 **BISHOP DUROCHER:** If they choose not to go
15 to the police, then we continue with that process.

16 **THE COMMISSIONER:** So take it from there,
17 Mr. Horn.

18 **MR. HORN:** Okay. So they have the right not
19 to go to the police or not to go to the CAS. They come
20 through your process instead. Is that what you're saying?

21 **BISHOP DUROCHER:** If it's a minor, we have
22 the obligation to advise the Children's Aid. We will do
23 it. If it's an adult and the person does not want to
24 involve the police, that's that person's choice and we will
25 try to respect that person's choice. It is not our

1 preference. We would prefer them to go to the police, but
2 if they choose not to go to the police, then we will work
3 with them.

4 **MR. HORN:** I just wanted to find out exactly
5 what the position is and I wanted to -- that's why I'm
6 asking these questions ---

7 **THE COMMISSIONER:** Very good.

8 **MR. HORN:** --- because I was worried that a
9 crime's committed, we set up a committee, make a decision
10 whether we go to the police or not. A lot of people might
11 think that that's what really was set up.

12 **THE COMMISSIONER:** Well, those of us
13 listening here today will now know that as far as the
14 Diocese is concerned, that is not their policy. Good
15 question.

16 **MR. HORN:** I mean, that's the reason why I
17 wanted to ask this ---

18 **THE COMMISSIONER:** Exactly.

19 **MR. HORN:** --- question.

20 **THE COMMISSIONER:** Good.

21 **MR. HORN:** Because I wanted to clarify it to
22 the public.

23 **THE COMMISSIONER:** Are you satisfied with
24 that?

25 **MR. HORN:** To the general public, yes.

1 THE COMMISSIONER: Satisfied on that issue?

2 MR. HORN: Well, I'm -- I ---

3 THE COMMISSIONER: No, you ---

4 MR. HORN: It's -- it's -- he's answered it;
5 he's answered it.

6 THE COMMISSIONER: Let's move on.

7 MR. HORN: What's your position on the --
8 you indicated in your recommendations yesterday that some
9 of the things that you wanted -- basically, you wanted
10 maybe possibly some outside government possible legislation
11 to deal with these kinds of situations in the future. Am I
12 correct in what you were saying?

13 BISHOP DUROCHER: No.

14 MR. HORN: No?

15 THE COMMISSIONER: Are you talking about the
16 ombudsman thing?

17 MR. HORN: The ombudsman or legislation to
18 make a clarification as to when there was a duty to ---

19 THE COMMISSIONER: Oh, okay ---

20 MR. HORN: --- report.

21 THE COMMISSIONER: --- okay.

22 BISHOP DUROCHER: Yes, I'm suggesting that
23 the clarification on the duty to report to Children's Aid
24 be made clear.

25 MR. HORN: Okay.

1 Now, what about government legislation that
2 would make it illegal to put confidential clauses in any
3 kind of a deal that you might make -- contracts -- settling
4 these deals -- settling these kind of claims.

5 Would you want that to be done by the
6 government intruding into the contractual basis of settling
7 these claims? Would you want the government to get in
8 there and say that that's illegal now?

9 **BISHOP DUROCHER:** You're asking me questions
10 about contractual law which are beyond my -- I cannot
11 answer that question.

12 **MR. HORN:** I know that in some of the grand
13 -- in the United States, it was suggested by some of the
14 grand juries that that should be done. Do you know
15 anything about that?

16 **BISHOP DUROCHER:** I do not.

17 **MR. HORN:** That they were trying to impose
18 that on the church?

19 **BISHOP DUROCHER:** I don't.

20 **MR. HORN:** Exactly what do the words,
21 "Screening of either workers or priests" mean to you?

22 **BISHOP DUROCHER:** Screening is part of
23 general good management of human resources and it's making
24 sure that the person is in the appropriate position given
25 the person's background, expertise, interests.

1 **MR. HORN:** Are we looking only at new people
2 coming out of seminaries, new priests coming in? What
3 about the ones that are already there?

4 **BISHOP DUROCHER:** Our screening policy
5 applies to all our volunteers and employees right now so
6 that everyone -- everyone in positions of responsibility
7 have been screened.

8 **MR. HORN:** So anyone that works with
9 children or young people ---

10 **BISHOP DUROCHER:** That's correct.

11 **MR. HORN:** --- have to be screened and that
12 includes everyone?

13 **BISHOP DUROCHER:** That's correct.

14 **MR. HORN:** And that's in effect right now in
15 this Diocese ---

16 **BISHOP DUROCHER:** It is.

17 **MR. HORN:** --- or across Canada?

18 **BISHOP DUROCHER:** It's in effect in this
19 Diocese. I cannot answer for the rest of the dioceses of
20 Canada.

21 **MR. HORN:** And the ombudsman that was
22 suggested, what powers do you think that he should have in
23 order to supervise what was going on in the Diocese? How
24 much power should he have? Should he be able to go in
25 there and ---

1 **MR. SHERRIFF-SCOTT:** Excuse me. My friend,
2 the witness didn't say any of this. The witness said there
3 should be an ombudsman to receive complaints and act as
4 sort of a broker-mediator between institutions and the
5 complainant so as to sort of give total transparency and
6 greater accessibility to victims feeling they can come
7 forward. In other words, the victim doesn't feel he can go
8 to an institution, goes to the ombudsman, who will
9 interact, make recommendations, advise, say, "You should do
10 the following things".

11 **THE COMMISSIONER:** Well, I don't know if he
12 said all of that.

13 **MR. SHERRIFF-SCOTT:** Well, I think that's
14 the import, but it sounds good.

15 **THE COMMISSIONER:** I don't want you to give
16 too much evidence there, Mr. Sherriff-Scott.

17 **MR. SHERRIFF-SCOTT:** Fair enough.
18 What I didn't hear him say is that he should
19 be going in and executing a search warrant.

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

21 **MR. HORN:** Okay. Now, is this ombudsman
22 someone that is a part of your -- of the Church or is it an
23 outside ombudsman looking at the Church?

24 **THE COMMISSIONER:** Well, I -- go ahead,
25 answer the question.

1 **BISHOP DUROCHER:** I'm suggesting that an
2 independent person or body should be established in the
3 region for a five-year period to -- that is completely
4 independent from all the organizations or institutions that
5 have to deal with these issues, to act as a facilitator in
6 bringing about -- in helping people bring forward
7 complaints or concerns. It's not someone from the Church.

8 **MR. HORN:** Okay. Do you think that it would
9 be -- it would help if that was legislated by Parliament or
10 the legislature in Toronto ---

11 **BISHOP DUROCHER:** I ---

12 **MR. HORN:** --- and make it mandatory that
13 somebody was appointed in that position to oversee all
14 dioceses or all churches to make sure this sort of thing
15 never happens again?

16 **BISHOP DUROCHER:** My recommendation is a
17 local recommendation for a limited period of time. How
18 that is to be implemented, I have no idea.

19 **MR. HORN:** But what's your feeling about
20 someone who has been appointed by the government in order
21 to do that job, to go in and investigate, to make sure that
22 nothing like this ever happens again? What's your feeling
23 on that?

24 **BISHOP DUROCHER:** I would simply point out
25 that there are many organizations that have been dealing

1 with the problem of sexual abuse of minors in the past. If
2 there needs to be oversight of all the institutions and
3 organizations in Canada dealing with young people and the
4 government feels that that is necessary, we will
5 collaborate with that.

6 **MR. HORN:** Thank you.

7 **THE COMMISSIONER:** Mr. Horn, how much longer
8 do you have, do you think?

9 **MR. HORN:** Not much longer.

10 **THE COMMISSIONER:** Okay. It's just it's
11 lunchtime soon.

12 **MR. HORN:** Okay. Just one other thing that
13 I wanted to ask you.

14 It's a model that comes from scripture. We
15 talked about that earlier, and that's where the high priest
16 Eli had two sons that were priests under him and they were
17 doing wrong. And because he did not do his job to
18 supervise his lower priests, he was judged more seriously
19 than the priests that were doing the wrong.

20 You know that story?

21 **BISHOP DUROCHER:** Do you ---

22 **MR. HORN:** How do you feel about ---

23 **THE COMMISSIONER:** Hold it. Hold it.

24 Do you know that story?

25 **BISHOP DUROCHER:** Well, he told it to me

1 earlier today, so I know it from ---

2 **MR. SHERRIFF-SCOTT:** You know, I observed
3 the interaction and I didn't think it related to the
4 evidence. I thought Mr. Horn was showing him his book, as
5 it were, and so I didn't intervene to stop it. Perhaps I
6 should have.

7 **THE COMMISSIONER:** Mr. Horn, do you not --
8 -

9 **MR. HORN:** It's the Bible.

10 **THE COMMISSIONER:** Right. Right. But Bible
11 or not, do you not realize that you're not supposed to talk
12 to the witness while he's still being examined?

13 **MR. HORN:** Oh.

14 **THE COMMISSIONER:** No, no, but ---

15 **MR. HORN:** I understand that.

16 **THE COMMISSIONER:** Yeah, but ---

17 **MR. HORN:** I ---

18 **THE COMMISSIONER:** --- why did you do that?

19 You are not to talk to witnesses until they're finished.

20 So, okay, we'll call that an admonishment.

21 Don't do it again.

22 **MR. HORN:** Okay.

23 **THE COMMISSIONER:** Thank you. Now ask the
24 question.

25 **MR. HORN:** The high priest was judged more

1 severely and judged more severely by God because he didn't
2 do his job to supervise the lower priests.

3 Do you believe that that is the way it
4 should be, not only in the religious realm but in the
5 secular realm?

6 **BISHOP DUROCHER:** You're asking me to
7 comment on how God judges?

8 **MR. HORN:** I'm just saying that do you agree
9 that that's a model that should be appropriate for people
10 in positions of supervision and authority over other
11 priests, like bishops or archbishops?

12 **BISHOP DUROCHER:** I don't understand the
13 question. I'm sorry.

14 **MR. HORN:** I'm saying, do you agree that
15 that is the way it should be, a person like yourself in a
16 supervisory position, and if you know that there's
17 something wrong going on, that you should be held
18 responsible for what they do even though you may not be the
19 one directly ---

20 **BISHOP DUROCHER:** You're suggesting that the
21 sins of the children should be visited on the fathers?

22 **MR. HORN:** Not really. I'm just saying that
23 the -- I'm just saying that the -- that the supervisors,
24 the bishops, should be responsible for the actions of their
25 priests if they're committing crimes or anything else.

1 **BISHOP DUROCHER:** No, I don't agree with
2 that.

3 **MR. HORN:** Just one more question.
4 What's your feeling on Perry Dunlop going to
5 the Children's Aid Society with the complaint about what
6 happened; when he went to the Children's Aid Society? Have
7 you taken a position on that, that when he went there and
8 reported that there was something wrong?

9 **BISHOP DUROCHER:** I don't have enough
10 information about that story to be able to make a judgment.

11 **MR. HORN:** Thank you.

12 **THE COMMISSIONER:** Thank you.

13 Any idea of how much more cross-examination,
14 how much time we're going to take here? Mr. Lee, how long
15 do you think you're going to be?

16 **MR. LEE:** I should most definitely be done
17 by the afternoon break, hopefully around an hour or so.

18 **THE COMMISSIONER:** Okay. Where am I now?
19 Mr. Bennett?

20 **MR. BENNETT:** Maybe five minutes at the
21 most.

22 **THE COMMISSIONER:** All right.

23 Ms. ---

24 **MS. ALLINOTTE:** Nothing.

25 **THE COMMISSIONER:** All right.

1 Mr. Rose?

2 **MR. ROSE:** Nothing so far.

3 **THE COMMISSIONER:** Mr. Hille?

4 **MR. HILLE:** No questions.

5 **THE COMMISSIONER:** Ms. Lalji?

6 **MS. LALJI:** Nothing so far.

7 **THE COMMISSIONER:** All right.

8 OPP?

9 **MS. LAHAIE:** No questions at this time.

10 **THE COMMISSIONER:** OPPA?

11 **MR. WALLACE:** I'm not expecting any.

12 **THE COMMISSIONER:** School boards? No.

13 Mr. Sherriff-Scott?

14 **MR. SHERRIFF-SCOTT:** Fifteen (15) to 20

15 minutes.

16 **THE COMMISSIONER:** All right. Thank you.

17 So we should be finished by sometime today?

18 All right. Let's take the lunch break until

19 2:00.

20 **THE REGISTRAR:** Order; all rise. À l'ordre;

21 veuillez vous lever.

22 The hearing will resume at 2:00 p.m.

23 --- Upon recessing at 12:33 p.m./

24 L'audience est suspendue à 12h33

25 --- Upon resuming at 2:02 p.m./

1 L'audience est reprise à 14h02

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

4 The hearing is now resumed. Please be
5 seated. Veuillez vous asseoir.

6 **LE COMMISSAIRE:** Parfait. Merci.

7 Mr. Lee, how are you today?

8 **MR. LEE:** I'm well. How are you, Mr.
9 Commissioner?

10 **THE COMMISSIONER:** Good, good.

11 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

12 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

13 **MR. LEE:** Bishop Durocher, my name is Dallas
14 Lee. I act for the Victims Group.

15 I have a few areas I'd like to go through
16 with you. I don't plan on being terribly long.

17 **THE COMMISSIONER:** Don't believe him.

18 **(LAUGHTER/RIRES)**

19 **MR. LEE:** Can we -- I missed some of Bishop
20 LaRocque's testimony. I was doing other things. Were you
21 here when he testified?

22 **BISHOP DUROCHER:** I watched a lot of it.

23 **MR. LEE:** Via the webcast or television?

24 **BISHOP DUROCHER:** On both.

25 **MR. LEE:** And have you had an opportunity to

1 review the transcripts?

2 BISHOP DUROCHER: Not extensively, no.

3 MR. LEE: What about the media coverage; did
4 you keep an eye on that while he was testifying?

5 BISHOP DUROCHER: I did.

6 MR. LEE: And have you been briefed by your
7 lawyers in relation to his testimony?

8 BISHOP DUROCHER: Not particularly.

9 MR. LEE: What about discussions with some
10 of your priests?

11 BISHOP DUROCHER: Very little.

12 MR. LEE: Parishioners?

13 BISHOP DUROCHER: Some.

14 MR. LEE: And what about Bishop LaRocque
15 himself; have you spoken with him since he testified here?

16 BISHOP DUROCHER: No, I haven't.

17 MR. LEE: Is it fair to say, given what
18 you've just told us, you have at least a fairly good idea
19 of what he testified to here?

20 BISHOP DUROCHER: Yes.

21 MR. LEE: And I take it you heard about the
22 general apology he offered at the end of his testimony?

23 BISHOP DUROCHER: I did.

24 MR. LEE: And I take it you're aware that he
25 admitted to having made some mistakes?

1 **BISHOP DUROCHER:** Yes.

2 **MR. LEE:** And I take it you're aware that he
3 was questioned by several people about how he handled
4 allegations made against a number of priests of the
5 Diocese?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** And obviously you know that he was
8 asked about Gilles Deslauriers, as an example?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** And Father Charles MacDonald quite
11 extensively?

12 **BISHOP DUROCHER:** Yes.

13 **MR. LEE:** And you know that he was asked
14 about others too; as an example, Paul Lapierre?

15 **BISHOP DUROCHER:** Yes.

16 **MR. LEE:** And Hollis Lapierre?

17 **BISHOP DUROCHER:** I don't recall that
18 specifically.

19 **MR. LEE:** Don Scott?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** Carl Stone?

22 **BISHOP DUROCHER:** Yes.

23 **MR. LEE:** And there were others as well.
24 You're aware of that?

25 **BISHOP DUROCHER:** Yes.

1 **MR. LEE:** You told us last week during chief
2 that you had several discussions with Bishop LaRocque prior
3 to you being installed as Bishop here. Do you recall that?

4 **BISHOP DUROCHER:** Yes.

5 **MR. LEE:** And what you told us is that you
6 must have discussed issues relating to sexual abuse with
7 him, but you don't have a clear memory of exactly what was
8 discussed. Is that right?

9 **BISHOP DUROCHER:** That's right.

10 **MR. LEE:** And I take it you therefore don't
11 have a clear memory about who was discussed?

12 **BISHOP DUROCHER:** That's correct.

13 **MR. LEE:** Did you take notes of those
14 discussions at all?

15 **BISHOP DUROCHER:** No.

16 **MR. LEE:** Did you not take notes of
17 discussions relating to sexual abuse or did you not take
18 notes at all during your preliminary meetings up here?

19 **BISHOP DUROCHER:** We were speaking -- I was,
20 if I recall correctly, being asked if I had had any
21 discussions with Bishop LaRocque before being named here.
22 Those discussions were during coffee breaks at meetings, so
23 I took no notes whatsoever. I have no notes of discussions
24 with anyone generally.

25 **MR. LEE:** I'm speaking more of once you came

1 to understand you'd be the next Bishop.

2 **BISHOP DUROCHER:** Once I came here I took no
3 notes, no.

4 **MR. LEE:** You took no notes.

5 I take it you would have spoken with many,
6 many people during those initial visits to Cornwall after
7 you'd been announced as Bishop?

8 **BISHOP DUROCHER:** I wasn't here very often
9 before my installation. I would have spoken mostly with
10 staff at the Diocesan Centre, members of the Priests'
11 Council.

12 **MR. LEE:** No notes of any of that?

13 **BISHOP DUROCHER:** No.

14 **MR. LEE:** You told us that as Auxiliary
15 Bishop of Sault Ste. Marie you were not dealing with sexual
16 abuse issues at all. Is that correct?

17 **BISHOP DUROCHER:** That's correct.

18 **MR. LEE:** Had you ever dealt with these
19 issues in any other role ---

20 **BISHOP DUROCHER:** No, I hadn't.

21 **MR. LEE:** --- prior to coming to Cornwall?

22 So it's fair to say you had no experience
23 whatsoever dealing with issues of sexual abuse prior to
24 coming here?

25 **BISHOP DUROCHER:** Well, as I said, I had

1 been called to announce to a parish the fact that a priest
2 had been charged up in Sudbury, so I had some experience
3 dealing with communities, parishes. I was aware of the
4 fact that in the Sudbury area there were a few priests that
5 had been charged, so I had had some discussion about these
6 issues with parishioners, priests, but that's the extent of
7 my experience.

8 **MR. LEE:** Not in a management capacity?

9 **BISHOP DUROCHER:** No, not at all.

10 **MR. LEE:** You were also asked a little bit
11 in-chief about Father Deslauriers and specifically about
12 your reaction to having read the ad hoc report.

13 **BISHOP DUROCHER:** Yes.

14 **MR. LEE:** You recall that? And is it fair
15 to say that you had a strong reaction to having read that
16 report?

17 **BISHOP DUROCHER:** I did.

18 **MR. LEE:** And you told us that you were
19 ashamed?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** And your comments here indicated
22 that you were angry?

23 **BISHOP DUROCHER:** Yes.

24 **MR. LEE:** You teared up a little bit telling
25 us about it here. Is it -- would it be fair for me to

1 suggest that it was a shock to you when you read that
2 report?

3 **BISHOP DUROCHER:** I was aware that Bishop
4 (sic) Deslauriers had clearly ---

5 **THE COMMISSIONER:** Not "Bishop".

6 **BISHOP DUROCHER:** Sorry, Father Deslauriers
7 had pleaded guilty to a number of charges, but I was not
8 aware of the -- how can you say -- the extent of the damage
9 that had been caused. So I was not shocked in the sense of
10 being surprised at this. I was shocked at the -- what he
11 had done, I guess, reading the details about it.

12 **MR. LEE:** The ad hoc report is a rather
13 extraordinary document. They spoke to a number of people?

14 **BISHOP DUROCHER:** They did.

15 **MR. LEE:** Not only to victims and to
16 families of victims, but they spoke quite candidly to other
17 priests of the Diocese?

18 **BISHOP DUROCHER:** Yes.

19 **MR. LEE:** You'll agree with me -- I know
20 you're not a lawyer, but it was a bit of an open season for
21 information. It wasn't like a courtroom with rules of
22 evidence and everything else. People were talking about
23 what somebody told them 20 years ago, about what somebody
24 else had told them, and there's a lot of information there.
25 You would agree with me?

1 **BISHOP DUROCHER:** That's correct.

2 **MR. LEE:** And it paints quite a picture of
3 what Father Deslauriers had done?

4 **BISHOP DUROCHER:** Yes.

5 **MR. LEE:** And the effects?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** And I take it you were -- that
8 struck you as -- the severity of that situation?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** Am I right that you'd not read
11 that ad hoc report until you had been installed here as
12 Bishop?

13 **BISHOP DUROCHER:** Yes.

14 **MR. LEE:** And so prior to being installed,
15 when you came up and had the few conversations you may have
16 had with Bishop LaRocque where you say that there must have
17 been issues of sexual abuse discussed, you don't remember
18 what any of that information was?

19 **BISHOP DUROCHER:** Not specifically, no.

20 **MR. LEE:** Once you were installed as Bishop,
21 you told us that you sat down and went through Diocese
22 files. Is that correct?

23 **BISHOP DUROCHER:** Slowly over the course of
24 the following years, yes.

25 **MR. LEE:** And it's during that process, I

1 take it, that you would have come across the Deslauriers ad
2 hoc report?

3 **BISHOP DUROCHER:** That's right.

4 **MR. LEE:** What would have led you to read
5 that file in particular?

6 **BISHOP DUROCHER:** If I remember correctly, I
7 was looking at the files of former priests of the Diocese
8 and I saw this big binder and wondered what it was, and
9 pulled it out and saw that it was the ad hoc committee
10 report and started reading it.

11 **MR. LEE:** And Father Deslauriers would have
12 been out of the Diocese by then?

13 **BISHOP DUROCHER:** Yes.

14 **MR. LEE:** Did you understand at that point
15 in time, shortly after being installed, as you're going
16 through these files, that you needed to be able to
17 understand the past in order to move forward?

18 **BISHOP DUROCHER:** I needed to acquaint
19 myself with some issues, yes.

20 **MR. LEE:** Sorry, you needed to acquaint
21 yourself ---

22 **BISHOP DUROCHER:** To acquaint myself with a
23 certain number of issues, yes.

24 **MR. LEE:** And would you have reviewed the
25 priests' personnel files as part of your review?

1 **BISHOP DUROCHER:** Not as a general rule, no.

2 **MR. LEE:** Did you review any of the
3 personnel files?

4 **BISHOP DUROCHER:** Slowly over the course of
5 the years I did. Some of the priests asked me if they --
6 if I would do that, and I did slowly, yes.

7 **MR. LEE:** Do you recall if you went back and
8 looked at Deslauriers' personnel file?

9 **BISHOP DUROCHER:** Yes, I imagine I did.

10 **MR. LEE:** And what about Father Charles
11 MacDonald's?

12 **BISHOP DUROCHER:** Yes. I can't remember the
13 circumstances, but I did, yes.

14 **MR. LEE:** And I take it at that point in
15 time you would have been a little bit -- you would have
16 been aware somewhat of which files might be of more
17 interest to you than others, given what was going on in the
18 media and with the website and with Project Truth?

19 **BISHOP DUROCHER:** Yes.

20 **MR. LEE:** You had an idea by that point who
21 had been accused of things and who had not been accused of
22 things?

23 **BISHOP DUROCHER:** Oh yes, certainly.

24 **MR. LEE:** And did you take it upon yourself
25 to go back to some of the files of persons who had been

1 named to take a look for yourself what was in there?

2 **BISHOP DUROCHER:** Those that were -- how can
3 I say -- those that were relevant to -- active -- you could
4 say active cases.

5 **MR. LEE:** Let me give you an example; Paul
6 Lapierre?

7 **BISHOP DUROCHER:** No, I didn't go read his
8 file.

9 **MR. LEE:** What about Lucien Lussier?

10 **BISHOP DUROCHER:** No.

11 **MR. LEE:** You know this as a matter of fact
12 or you're guessing?

13 **BISHOP DUROCHER:** Well, Father Lussier --
14 there was no complaint against Father Lussier until quite a
15 few years after I arrived. There was no reason to go read
16 his file.

17 **MR. LEE:** What about Carl Stone?

18 **BISHOP DUROCHER:** No.

19 **MR. LEE:** So you didn't go back to those
20 historic ones right after taking over?

21 **BISHOP DUROCHER:** Why would I? There are
22 about a hundred different files of priests who have passed
23 through the Diocese. There was no reason for me to go pick
24 out Father Stone's file until there was a lawsuit launched
25 against the Diocese naming him.

1 **MR. LEE:** We spoke a moment ago about
2 understanding the past to move forward.

3 **BISHOP DUROCHER:** Yes.

4 **MR. LEE:** Did it occur to you that part of
5 understanding the past would be to review all these files
6 and ---

7 **BISHOP DUROCHER:** No, never, and nobody ever
8 suggested it either.

9 **THE COMMISSIONER:** How about to make sure
10 there are no other surprises?

11 **BISHOP DUROCHER:** Well, in the process of
12 this Inquiry we -- part of our process was going through
13 all of those hundred and so files to make sure that
14 anything that was relevant and pertinent to this Inquiry
15 was handed over. So now, yes, we've been through
16 everything.

17 **THE COMMISSIONER:** Okay.

18 **MR. LEE:** Was the disclosure process of this
19 Inquiry really where you got your full introduction to the
20 history of the Diocese?

21 **BISHOP DUROCHER:** No, it was a gradual
22 process. I think there were a number of cases since I've
23 been here that have surfaced. A dozen lawsuits have been
24 launched against the Diocese, which compelled me to go and
25 review ancient files. So over the years I've become more

1 and more acquainted with the history of the Diocese and the
2 various priests who worked here.

3 **MR. LEE:** Let's fast-forward in time a
4 little bit to when this Inquiry is called and the decision
5 is made that the Diocese is going to participate, you would
6 have come to understand shortly after that time I take it
7 that the Diocese had disclosure responsibilities?

8 **BISHOP DUROCHER:** Yes.

9 **MR. LEE:** That every file of relevance
10 needed to produced to the Commission?

11 **BISHOP DUROCHER:** Yes.

12 **MR. LEE:** And I take it that would have been
13 quite a task ---

14 **BISHOP DUROCHER:** Yes.

15 **MR. LEE:** --- to review files and to satisfy
16 yourself and for the lawyers to satisfy themselves that
17 everything was being produced?

18 **BISHOP DUROCHER:** That's correct.

19 **MR. LEE:** And how were you involved in that
20 process, sir?

21 **BISHOP DUROCHER:** Well, I was involved
22 basically with giving access to the files, with allowing
23 personnel to do some research. I did some research myself
24 personally in some of the files.

25 Our filing system is not a very, how can I

1 say ---

2 **THE COMMISSIONER:** Updated?

3 **BISHOP DUROCHER:** --- superbly organized.

4 And so sometimes there were elements that had to kind of
5 guess, to try to find if there was any document where it
6 might be and so I was involved with those kinds of issues.

7 **MR. LEE:** And I take it you would have come
8 to understand at some point that your neck was on the line
9 in a sense given that you're the head of the Diocese and --
10 -

11 **BISHOP DUROCHER:** That's correct.

12 **MR. LEE:** --- you would be the one swearing
13 the certificate of production?

14 **BISHOP DUROCHER:** It became -- I was told
15 that I had to do that at one point, yes.

16 **MR. LEE:** You recall signing a document at
17 some point?

18 **BISHOP DUROCHER:** I don't recall
19 specifically, no.

20 **MR. LEE:** Okay. And so you testified for
21 the first time here at the Inquiry in August of 2006?

22 **BISHOP DUROCHER:** That's correct.

23 **MR. LEE:** And I take it by that time you
24 would be up to speed on what's happened in your Diocese in
25 the past as reflected in the records?

1 **BISHOP DUROCHER:** Moreso, yes.

2 **MR. LEE:** And one of the things that you
3 told us at that time was:

4 "I've produced to the Commission
5 everything that we have on file dealing
6 with any allegation of sexual abuse of
7 a minor."

8 And to the best of your knowledge that
9 answer was accurate at the time?

10 **BISHOP DUROCHER:** I believe so, yes.

11 **MR. LEE:** And I take it that any new
12 information that would have been discovered since then
13 would have been subsequently produced to the Commission?

14 **BISHOP DUROCHER:** I would imagine.

15 **MR. LEE:** And your understanding as you sit
16 here today is that every document of relevance has been
17 produced?

18 **BISHOP DUROCHER:** It has.

19 **MR. LEE:** Now, clearly, I take it if a
20 document on its face related directly to sex abuse, for
21 example, if it had the word sex in it or the word abuse it
22 would obviously be produced.

23 Can you help me understand how you otherwise
24 reviewed documents to determine what was relevant and what
25 was not? Do you recall what the test was that was set up

1 at the Diocese to determine what was relevant?

2 BISHOP DUROCHER: No, sir.

3 MR. LEE: What about personnel files of
4 accused priests if they did not specifically contain the
5 word sex or abuse or something similar, would those have
6 been produced?

7 BISHOP DUROCHER: I don't think so. I'm not
8 sure.

9 MR. LEE: Let's take Romeo Major as an
10 example.

11 BISHOP DUROCHER: Yes.

12 MR. LEE: Do you know whether or not you
13 produced his entire personnel file?

14 BISHOP DUROCHER: I do not know by heart the
15 list of material that we presented, no.

16 MR. LEE: You told us yesterday about having
17 excardinated priests from this Diocese ---

18 BISHOP DUROCHER: Yes.

19 MR. LEE: --- and about how you sent their
20 entire file to the new Diocese ---

21 BISHOP DUROCHER: Yes.

22 MR. LEE: --- is that correct? And I got
23 the impression from your testimony that you feel that's
24 important for you to do?

25 BISHOP DUROCHER: For the incardination or

1 excardination of a priest, yes.

2 **MR. LEE:** Full disclosure, essentially?

3 **BISHOP DUROCHER:** Yes.

4 **MR. LEE:** And you told us that you would
5 demand the same if a priest were ---

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** --- seeking to come into this
8 Diocese?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** And can I take it that part of the
11 reason that you would require an incoming priest's file to
12 be sent to you is so that you could review it for yourself?

13 **BISHOP DUROCHER:** Yes.

14 **MR. LEE:** You could make sure that nothing
15 has slipped through the cracks?

16 **BISHOP DUROCHER:** That's right.

17 **MR. LEE:** I'd like to take you back to the
18 transcript of your testimony from 2006. Madam Clerk, it's
19 Volume 47, please.

20 **THE COMMISSIONER:** What page, sir?

21 **MR. LEE:** The page I'm specifically
22 interested in is 194, but I'll explain a little bit of
23 context before I get started.

24 **THE COMMISSIONER:** M'hm. Monsignor, this is
25 a -- you'll have to watch it. We've -- you'll see that the

1 four pages on one so just follow along that way. And I'll
2 follow on the ---

3 **MR. LEE:** Bishop Durocher, this is -- at
4 this point-in-time you were being cross-examined by Mr.
5 Manson, who is a colleague of Ms. Daley's, representing the
6 Citizens for Community Renewal.

7 And prior to page 194, he was discussing the
8 Dallas charter and the history of the church in the United
9 States as it compares to Canada. And one of the things
10 that he put to you is our Exhibit 59, which is the report
11 on the crisis in the Catholic church in the United States.
12 Do you see that on page 194 where he refers to that?

13 **BISHOP DUROCHER:** I do.

14 **MR. LEE:** And he goes down and he reads a
15 fairly lengthy quote to you over the next page-and-a-little
16 bit about aspects of the failure to respond properly to
17 sexual abuse of minors by priests included and he gives a
18 list of five items. Do you see that?

19 **BISHOP DUROCHER:** Yes.

20 **MR. LEE:** And as the cross-examination
21 continues over the next couple of pages on page 196 you say
22 that you would have great difficulty saying it applied --
23 that list applies to this Diocese.

24 And I'll come back to that in a moment, but
25 as you continue on on page 196 towards the middle of the

1 page at line 17 specifically -- just waiting for the
2 screen. Page 196, line 17.

3 **THE COMMISSIONER:** Are we there, Madam
4 Clerk?

5 **MR. LEE:** It's not ---

6 **THE COMMISSIONER:** On the screen now?

7 **MR. LEE:** So line 17, Mr. Manson picks back
8 up on the five points, and he says down below one of those
9 five points, a problem that he identifies is transferring
10 offending priests. Do you see that?

11 **BISHOP DUROCHER:** Yes.

12 **MR. LEE:** But if you turn over to the next
13 page he asks you:

14 "Has it ever happened in this Diocese?"

15 And you respond:

16 "I am not aware of it, no."

17 Do you see that? Your answer is at line 6
18 of page 197.

19 **BISHOP DUROCHER:** Okay, we're down further.
20 Yes, okay.

21 **MR. LEE:** And the question had been:

22 "Has it ever happened in this Diocese?"

23 --- meaning the transferring of priests.

24 **BISHOP DUROCHER:** Yes.

25 **MR. LEE:** I take it you would have been

1 aware at the time you gave this answer that Father Lapierre
2 was working outside the Diocese?

3 **BISHOP DUROCHER:** He was.

4 **MR. LEE:** And would you have been aware by
5 this point that Father Stone had essentially been thrown
6 out of the Diocese and the country by Bishop LaRocque?

7 **BISHOP DUROCHER:** I don't know if I knew
8 that then.

9 **MR. LEE:** So this would have been August of
10 2006, which is well into the Inquiry, well into the
11 production phase.

12 **BISHOP DUROCHER:** Yes.

13 **MR. LEE:** Is it fair to say that you would
14 have reviewed documents or been briefed on documents by
15 that point?

16 **BISHOP DUROCHER:** I did not read all the
17 documents that we handed to the Inquiry personally.

18 **MR. LEE:** What about Father Lapierre, is
19 there a reason you wouldn't have mentioned him being
20 outside of the Diocese at this point?

21 **BISHOP DUROCHER:** That's not what I
22 understood the question to mean.

23 **MR. LEE:** What did you understand the
24 question to mean?

25 **BISHOP DUROCHER:** The transfer of Bishops,

1 what was it ---

2 **THE COMMISSIONER:** Transfer of priests
3 outside ---

4 **BISHOP DUROCHER:** Transferring of offending
5 priests to new parishes or other dioceses without informing
6 others of their history.

7 I'm not aware that there were complaints
8 against Father Lapierre until he was charged by Project
9 Truth and after that he was not assigned any new
10 responsibilities.

11 **MR. LEE:** Reading through the questions
12 being put to you by Mr. Manson, sir, I'm going to suggest
13 that it's rather obvious that he was looking for
14 information about offending priests who were once in the
15 Diocese, no longer being in the Diocese.

16 So what I'm asking you is were you
17 intentionally omitting some details of ---

18 **BISHOP DUROCHER:** I have never intentionally
19 omitted any details in my testimony here.

20 **MR. LEE:** Would you agree with me that the
21 overall impression that you tried to convey during your
22 testimony in 2006 was that this Diocese, specifically, did
23 not have a significant problem relating to clergy sexual
24 abuse?

25 **BISHOP DUROCHER:** No, I never said that.

1 **MR. LEE:** And that has not been something
2 that you've been trying to convey during your testimony
3 this summer?

4 **BISHOP DUROCHER:** No.

5 **MR. LEE:** You're aware that the Diocese has
6 been sued many times by victims of abuse?

7 **BISHOP DUROCHER:** Yes, I am.

8 **MR. LEE:** And you've attended as the Bishop
9 of the Diocese on several occasions to be examined for
10 discovery. Is that true?

11 **BISHOP DUROCHER:** I have.

12 **MR. LEE:** Do you recall attending an
13 examination for discovery that took place in September,
14 2006 shortly after your testimony here? It would have been
15 -- I can give you some details -- the -- it would have been
16 a joint examination for discovery in the sense that you
17 were being examined in relation to two actions at once.

18 One of the plaintiffs was a man named Robert
19 Renshaw and another plaintiff was a man named Albert
20 Lalonde?

21 **BISHOP DUROCHER:** I don't remember it
22 specifically, no.

23 **MR. LEE:** You do recall having been examined
24 for discovery various times?

25 **BISHOP DUROCHER:** I was examined at for

1 discovery at numerous times, yes.

2 **MR. LEE:** Madam Clerk, can we take a look,
3 please, at Document 129956?

4 **MR. SHERRIFF-SCOTT:** This is a transcript.
5 This is ongoing litigation. In other words, this is a
6 current piece of litigation before the courts in connection
7 with which there are implied undertakings and
8 confidentiality on transcripts.

9 And so if the transcript is going to be
10 alluded to Commissioner, then I would ask that it be marked
11 "confidential" because it's a piece of ongoing and current
12 litigation. Otherwise, it's available in the public domain
13 which it is not otherwise available -- when it is not
14 otherwise available up to trial.

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

16 **MR. SHERRIFF-SCOTT:** And the trial hasn't
17 been scheduled.

18 **THE COMMISSIONER:** Mr. Lee?

19 **MR. SHERRIFF-SCOTT:** I'm sorry, let me
20 answer that.

21 When I produced those transcripts to your
22 counsel, I made that caution that I would request that
23 relief and that I -- so basically got an assurance that
24 there would be -- that a recognition of the ongoing
25 litigation was effective ---

1 **THE COMMISSIONER:** I certainly don't have
2 any problems. I'm not going -- it depends on -- any other
3 counsel have any comments about being marked confidential
4 for the purposes of ongoing litigation?

5 Mr. Lee?

6 **MR. LEE:** I have no objection to that. My
7 understanding is Mr. Sherriff-Scott isn't seeking
8 confidentiality for the usual reasons; it's more to avoid
9 impacting ongoing litigation.

10 **THE COMMISSIONER:** Exactly.

11 **MR. LEE:** I don't take a position one way or
12 another on whether or not marking this a public exhibit
13 would do that. But if you're satisfied that it might ---

14 **THE COMMISSIONER:** I will ---

15 **MR. LEE:** --- I have no objection.

16 **THE COMMISSIONER:** --- confidential.

17 **MR. LEE:** Do you need the document number
18 again, Madam Clerk?

19 **THE COMMISSIONER:** All right. So make sure
20 you put the "C" on it.

21 C-2205 is Volume I, I think, of Examinations
22 for Discovery of Bishop Durocher on September 22nd, 2006.

23 --- **EXHIBIT NO./PIÈCE NO C-2205:**

24 (129959) Examination for Discovery, Volume
25 I, of Paul-André Durocher dated September

1 22, 2006

2 **MR. LEE:** Do you have that, Bishop?

3 **BISHOP DUROCHER:** Yes.

4 **MR. LEE:** And if I can ask you to turn to
5 page 79 of the transcript; the Bates page is 1169189.

6 Are you there, sir?

7 **BISHOP DUROCHER:** Yes.

8 **MR. LEE:** And we have several names on the
9 page here. Mr. Sherriff-Scott obviously was acting as your
10 counsel on that day. Is that right?

11 **BISHOP DUROCHER:** Yes.

12 **MR. LEE:** And Mr. Talach would have been
13 representing the plaintiffs?

14 **BISHOP DUROCHER:** That's correct.

15 **MR. LEE:** So we have Mr. Sherriff-Scott
16 giving a few answers here and we have a couple from you.
17 And for context, what's happening here is you're being
18 asked about Southdown and about Guest House in Michigan and
19 treatment centres in general. Do you see that?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** And question number 226 is:

22 "Is there a typical treatment centre
23 for a time period that the Diocese
24 favours? Does that assist us in the
25 search? Do we know that they like to

1 use Guest House?"

2 And Mr. Sherriff-Scott responds:

3 "The Diocese has no record of any issue
4 from a sexual point-of-view with any
5 priest prior to Father Deslauriers."

6 Do you see that?

7 **BISHOP DUROCHER:** Yes.

8 **MR. LEE:** And you were in the room at the
9 time he gave that answer, sir?

10 **BISHOP DUROCHER:** Yes.

11 **MR. LEE:** And you did not, if you turn over
12 the page, correct that answer?

13 **BISHOP DUROCHER:** No.

14 **MR. LEE:** And you would have known, I take
15 it at that point-in-time, that the Diocese did indeed have
16 a record of issues relating to sexual matters prior to
17 Father Deslauriers?

18 **BISHOP DUROCHER:** I can't remember. You're
19 asking me to cast back my mind to the moment of this. I
20 can't remember what I knew or what I didn't know
21 specifically at that moment.

22 **MR. LEE:** This is the fall of 2006, sir,
23 we're well underway at this Inquiry.

24 **BISHOP DUROCHER:** Yes.

25 **MR. LEE:** There's been extensive documentary

1 production.

2 BISHOP DUROCHER: Yes.

3 MR. LEE: That would relate to a number of
4 priests, Father Stone, Father Lussier, a number of people.

5 BISHOP DUROCHER: Yes.

6 MR. LEE: You would have known about those,
7 would you not?

8 BISHOP DUROCHER: As I say, there were a lot
9 of documents that were produced at the end of a search that
10 I didn't re-read myself. I can't remember if I knew about
11 Father Stone and the complaint against Father Lussier.

12 MR. LEE: Can we -- this was Volume I, as
13 the Commissioner said.

14 Can we turn to Volume II, please, that is
15 Document 129957, Madam Clerk?

16 THE COMMISSIONER: A "C". C-2206 is a
17 transcript of the Examination for Discovery, Volume II, of
18 Bishop Durocher and the date of that is again September
19 22nd, 2006. What page, please?

20 ---EXHIBIT NO./PIÈCE NO C-2206:

21 (129956) Examination for Discovery, Volume
22 II, of Paul-André Durocher dated September
23 22, 2006

24 MR. LEE: You said C-2206, sir?

25 THE COMMISSIONER: Yeah.

1 **MR. LEE:** Okay. This time if I can take you
2 to page -- Bates page ending in 270, give me one second --
3 that will be page 157 of the transcript. Are you there,
4 sir?

5 **BISHOP DUROCHER:** Yes.

6 **MR. LEE:** Page 157, Madam Clerk, you're at
7 165 now. You just click back a few pages; there we are.
8 And you see question 440, sir?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** It reads:

11 "Is there any record kept within the
12 Diocese of any type of canonical
13 penalty, either be a tribunal or
14 administrative action being imposed on
15 its priests? Is there any listing of
16 disciplinary action?"

17 And it goes on and we eventually get an
18 answer down at line 20; it's clarified, "Other than Gilles
19 Deslauriers". It's the question would have known about.
20 And Mr. Sherriff-Scott's answer at line 21:

21 "Other than yes, historically there's
22 nothing. In other words, we went back
23 to the mists of time."

24 Do you see that?

25 **BISHOP DUROCHER:** Yes.

1 **MR. LEE:** And the question related to
2 canonical penalties be it a tribunal or administrative
3 action being imposed on its priests. And I'm wondering
4 whether Bishop LaRocque throwing Father Stone out of the
5 country and out of the Diocese would count as an
6 administrative action?

7 **BISHOP DUROCHER:** It's not a canonical
8 penalty, no.

9 **MR. LEE:** What about your restriction of
10 Father Lapierre's faculties after his conviction in Quebec.
11 Would that count?

12 **BISHOP DUROCHER:** Yes, that would count.

13 **MR. LEE:** And I'm going to suggest to you
14 that by this time, again the fall of 2006, you would have
15 known about sexual misconduct issues relating to several
16 priests of the Diocese. You obviously would have known
17 about Deslauriers by that time?

18 **BISHOP DUROCHER:** Yes.

19 **MR. LEE:** We can agree on that.
20 Father Charles MacDonald?

21 **BISHOP DUROCHER:** I was aware of the
22 complaints against him, yes.

23 **MR. LEE:** What about Lucien Lussier? During
24 Bishop LaRocque's testimony, we've looked at documents
25 dating back as far as the 1960s, including one in

1 particular that stands out, being a complaint from a
2 parishioner about Father Lussier's dealings with a young
3 man at that point-in-time.

4 Would you have known about Father Lussier at
5 that time, sir?

6 **BISHOP DUROCHER:** I believe I only read
7 Father Lussier's dossier once the lawsuit was launched
8 against him.

9 **MR. LEE:** What about Father Stone and the
10 many documents we have relating to ---

11 **BISHOP DUROCHER:** It would be the same
12 thing. Once the lawsuit was launched, I would have looked
13 as his dossier.

14 **MR. LEE:** So you had no knowledge by the
15 fall of 2006 about his troubles in New York?

16 **BISHOP DUROCHER:** I don't know. I can tell
17 you that I knew once the lawsuits were launched.

18 **MR. LEE:** You're now fairly well up-to-speed
19 on Father Stone, I take it?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** And what about Father Don Scott,
22 sir? Would you have reviewed and, in particular, in his
23 file what we have is some correspondence with Bishop
24 LaRocque, one of which is around the time of the
25 Deslauriers matter where Father Scott is expressing his

1 displeasure at the way Father Deslauriers is being treated
2 as opposed to the way he was treated when he had similar
3 issues? Any knowledge of that?

4 **BISHOP DUROCHER:** Pardon?

5 **MR. LEE:** Do you have any knowledge of that?

6 **BISHOP DUROCHER:** I read Father Scott's file
7 once the lawsuit was launched against Father Scott.

8 **MR. LEE:** What about François Lefebvre?
9 There was ---

10 **BISHOP DUROCHER:** The same thing.

11 **MR. LEE:** --- intimidated litigation in the
12 early '90s and that was followed up later on. But would
13 you have known about those?

14 **BISHOP DUROCHER:** I went and read his file,
15 certainly after a lawsuit was launched under my
16 administration. I'm not saying I didn't read any of these
17 files beforehand. I have no recollection of having done
18 so.

19 **MR. LEE:** So I take it your answer is that
20 you had no recollection at the time of this discovery
21 either then?

22 **BISHOP DUROCHER:** I don't know.

23 **MR. LEE:** Do you still have Volume 47 of the
24 transcript in front of you, sir? That was the one we
25 looked at a little bit earlier.

1 **BISHOP DUROCHER:** I have two documents here.

2 **THE COMMISSIONER:** No, no. He's talking
3 about the transcripts, the book with -- that's the one,
4 yeah. What page, please?

5 **MR. LEE:** Give me one minute, sir.

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

7 **MR. LEE:** Back to page 194, please, which I
8 already flipped past a little while ago.

9 And beginning at line 15, Mr. Manson puts to
10 you, as I said, the direct quote from the report on the
11 crisis in the Catholic Church in the United States. Are
12 you at line 15, sir?

13 **BISHOP DUROCHER:** Okay. Yes.

14 **MR. LEE:** And what Mr. Manson reads to you
15 is:

16 "Aspects of the failure to respond
17 properly to sexual abuse of minors by
18 priests included:

19 (1) inadequately dealing with the
20 victims of clergy sexual abuse, both
21 pastorally and legally;

22 (2) allowing offending priests to
23 remain in positions of risk;

24 (3) transferring offending priests to
25 new parishes or other dioceses without

1 informing others of their history;
2 (4) failing to report instances of
3 criminal conduct by priests to secular
4 law enforcement authorities and;
5 (5) declining to take steps to laicize
6 priests who clearly had violated canon
7 law."

8 Do you see that, sir?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** Mr. Manson continues on and asks
11 if you have any reason to doubt that those are accurate
12 findings as they relate to the United States. And you
13 answer that from what you've been reading, it does seem to
14 correspond. And as I pointed out earlier on page 96, you
15 indicate that at that time, when you testified in August of
16 2006:

17 "I would have great difficulty saying
18 it applies to Alexandria-Cornwall."

19 Do you see that, sir?

20 **BISHOP DUROCHER:** At which line?

21 **MR. LEE:** Page 196, line 11.

22 **BISHOP DUROCHER:** Yes.

23 **MR. LEE:** And so my question for you is
24 given your current understanding of this Diocese's history
25 and in light of the institutional response testimony we've

1 heard here, will you now agree that these five aspects do
2 apply to this Diocese?

3 **BISHOP DUROCHER:** Well, I take exception,
4 for example, with the third, transferring offending priests
5 to new parishes or other dioceses. I'm not aware that --
6 except for the case of Father Deslauriers, who was
7 transferred because of a court ruling, I'm not aware that
8 my predecessor transferred priests knowingly once he knew
9 that they were guilty of having committed sexual abuse. So
10 no, I don't think number 3 applies.

11 **MR. LEE:** We get a little bit tied up in
12 number 3 with the word "transferring", but if we look at
13 the Father Stone situation, as an example, or Bishop
14 LaRocque, rather than telling Father Stone where to go,
15 just told him to get out.

16 **BISHOP DUROCHER:** Yes, but in 1965, there
17 was no -- or in sixty -- what is it? I can't remember the
18 date there.

19 **MR. LEE:** It would have been the sixties.

20 **BISHOP DUROCHER:** In the sixties, he had not
21 -- Father Stone had not committed, as far as we know or
22 knew at that point, any criminal actions. What he had done
23 was he had broken the boundaries set by him not to
24 associate with young men. So he broke a boundary and the
25 Bishop asked him to leave. There was no allegation that a

1 crime had taken place.

2 MR. LEE: Father Stone in the sixties, sir,
3 you'll recall, had moved here from a diocese in New York
4 State?

5 BISHOP DUROCHER: Yes.

6 MR. LEE: And there was certainly an
7 indication in the records from New York State being sent
8 here to this diocese in the late fifties, I believe it was
9 ---

10 BISHOP DUROCHER: Yes.

11 MR. LEE: --- that there certainly had been
12 crimes committed?

13 BISHOP DUROCHER: I don't know if there was
14 proof that crimes had been committed. There were
15 complaints in the late fifties.

16 MR. LEE: And so, in your mind, that doesn't
17 quite amount to an offending priest then?

18 BISHOP DUROCHER: No, that's not what I'm
19 saying. I'm saying that it was not, at least under my
20 predecessor, the practice of transferring priests. I
21 recognize that Bishop Brodeur received Father Stone back
22 then. But I'm not aware that that was -- how can I say --
23 a *modus operandi* within the Diocese.

24 MR. LEE: Based on everything you've learned
25 in the last few years and through the course of this

1 Inquiry in particular, have you come to the view that this
2 particular Diocese had a very significant problem with
3 clergy sexual abuse over the years?

4 **BISHOP DUROCHER:** Yes.

5 **MR. LEE:** Did I understand your evidence to
6 be that you had no knowledge of Paul Lapierre's testimony
7 in the Ontario and Quebec criminal proceedings against him
8 until, let's say, the last few weeks here?

9 **BISHOP DUROCHER:** Basically, yes.

10 **MR. LEE:** You had never pulled the
11 transcript yourself?

12 **BISHOP DUROCHER:** No, I don't remember ever
13 having seen that transcript.

14 **MR. LEE:** Do you recall when you took over
15 as Bishop having heard anything about Father Lapierre?

16 **THE COMMISSIONER:** Anything?

17 **MR. LEE:** Anything related to sexual
18 misconduct or allegations of sexual misconduct?

19 **BISHOP DUROCHER:** Apart from what the trial
20 was -- the ongoing trial, no.

21 **MR. LEE:** And do you recall having
22 discussions with any of your priests about Father Lapierre
23 and ---

24 **BISHOP DUROCHER:** No, Father Lapierre had
25 been away from the Diocese for 40 years.

1 **MR. LEE:** Can we look, please, at Exhibit
2 2202?

3 **THE COMMISSIONER:** Two two zero two (2202).

4 **MR. LEE:** This is one of the letters to you
5 from Paul Scott. This one seems to be sent by Paul Scott
6 alone, not with his co-authors in some of the other
7 letters. And on the first page, in the middle of the page,
8 he prefaces a bulleted list by talking about concerning
9 allegations:

10 "You had mentioned that you were not
11 aware of any allegations against
12 priests other than those who were
13 charged in the public forum. That was
14 a pretty clear statement to us, but now
15 you've added further refinements which
16 are of concern to us."

17 And if you turn onto the second page, the
18 third bullet, Mr. Scott asks:

19 "Are you aware of the allegations
20 against two deceased priests made by
21 Father Lapierre during his trial here?
22 I believe the priests names were Father
23 Scott and another Father Lapierre."

24 Do you see that?

25 **BISHOP DUROCHER:** Yes.

1 **MR. LEE:** After having -- you received this
2 letter, sir?

3 **BISHOP DUROCHER:** Yes.

4 **MR. LEE:** And you read it?

5 **BISHOP DUROCHER:** Yes.

6 **MR. LEE:** After having read this letter, do
7 you recall making any inquiries as to what Mr. Scott was
8 talking about here?

9 **BISHOP DUROCHER:** No, I don't.

10 **MR. LEE:** Why not, sir? Would this not have
11 been of some concern to you?

12 **BISHOP DUROCHER:** They were two deceased
13 priests.

14 **MR. LEE:** I think I need to better
15 understand your position on what you need to know about the
16 past. I mean, do you see the past playing a role in going
17 forward or is it if it's before your tenure it doesn't
18 really matter? I mean, can you articulate to me how you
19 view that?

20 **BISHOP DUROCHER:** You seem to make it into a
21 black and white proposition. It is not. It is a grey
22 proposition. I needed to know the past, but I never felt
23 that I needed to go and explore and examine every aspect of
24 every priest's file.

25 There were issues that I felt that were

1 passed over which I had no control. I didn't spend much
2 time with those issues. Those that were current were those
3 that were facing me at the time. My energy was directed
4 towards the present and towards the future.

5 **MR. LEE:** Have you come to appreciate at
6 some point that segments of this community are very much
7 focused on the past?

8 **BISHOP DUROCHER:** I know.

9 **MR. LEE:** And some segments of those
10 communities, some of my clients included, are holding the
11 past against this Diocese and against you to this day?

12 **BISHOP DUROCHER:** Yes.

13 **MR. LEE:** And that it might be -- have you
14 ever come to the conclusion that it might be helpful for
15 you to be able to engage them fully in a discussion of
16 what's happened here and to give your thoughts on it and
17 your opinions on it?

18 **BISHOP DUROCHER:** Well, I thought this was
19 the purpose of this Inquiry.

20 **MR. LEE:** You recall yesterday being asked
21 quite a number of questions about letters to and from Paul
22 Scott?

23 **BISHOP DUROCHER:** Yes.

24 **MR. LEE:** And you'll recall that many of
25 those letters were drafted not only by Mr. Scott but by

1 Alan Seguin and Steve Parisien?

2 **BISHOP DUROCHER:** Yes.

3 **MR. LEE:** Ms. Daley, who questioned you
4 earlier, represents Mr. Scott now as a member of the
5 Citizens for Community Renewal. Mr. Seguin and Mr.
6 Parisien are both members of my client's group, the Victims
7 Group.

8 Yesterday, one of the -- I can take you to
9 the transcript if you need it, but let me just read it to
10 you and then I'll ask you. You were talking about sort of
11 the breakdown in that relationship and you said:

12 "I just want to say, which is really
13 too bad because I believe Mr. Scott
14 particularly is well intentioned, you
15 know, but it's just that this dialogue
16 which had started, it seemed to me, on
17 the right foot really didn't work after
18 a while."

19 Okay?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** And what I'm wondering is when you
22 say that Mr. Scott particularly is well intentioned, is
23 that intended as a slight against Mr. Seguin or Mr.
24 Parisien?

25 **BISHOP DUROCHER:** It is not, no.

1 **MR. LEE:** And I take it you have no reason
2 to believe that either of my clients was not well
3 intentioned?

4 **BISHOP DUROCHER:** No.

5 **MR. LEE:** When Bishop LaRocque was here, he
6 was asked a number of questions about how he dealt with
7 allegations against Romeo Major. Do you recall that
8 evidence?

9 **BISHOP DUROCHER:** Not specifically, no.

10 **MR. LEE:** Are you aware that Romeo Major's
11 case was discussed here at all?

12 **BISHOP DUROCHER:** I believe it was, yes.

13 **MR. LEE:** One of the things that we learned
14 during that testimony was that the criminal proceedings
15 against Romeo Major were not able to proceed through to
16 trial because the complainant was too ill?

17 **BISHOP DUROCHER:** That's -- I recall that,
18 yes.

19 **MR. LEE:** And you understand that?

20 **BISHOP DUROCHER:** Yes.

21 **MR. LEE:** That's something you know?

22 And what Bishop LaRocque did, according to
23 the records that we have, is that he put Father Major back
24 into a parish almost as soon as the charges were withdrawn.

25 **BISHOP DUROCHER:** Yes.

1 **MR. LEE:** And as a result of there being no
2 trial, you understand, there was no finding of guilt or
3 innocence?

4 **BISHOP DUROCHER:** That's correct.

5 **MR. LEE:** And the Bishop told us that there
6 was no internal investigation by the Diocese; you
7 understand that?

8 **BISHOP DUROCHER:** If he said so, yes.

9 **MR. LEE:** And you've told us that Father
10 Major was still ministering when you were installed as a
11 Bishop.

12 **BISHOP DUROCHER:** That's correct.

13 **MR. LEE:** And that you've learned of the
14 history, I think you told us Father Major told you himself.

15 **BISHOP DUROCHER:** That's right.

16 **MR. LEE:** And did you understand, at that
17 time, that there had not been a trial?

18 **BISHOP DUROCHER:** Yes.

19 **MR. LEE:** And there'd been no decision on
20 the merits?

21 **BISHOP DUROCHER:** That's right.

22 **MR. LEE:** And what you told was that you
23 maintained the status quo when you arrived because you were
24 focused on getting a protocol in place.

25 **BISHOP DUROCHER:** Yes.

1 **MR. LEE:** Did it concern you, at that time
2 that the civil authorities had laid charges and were not
3 able to continue only because of the complainant's health?

4 **BISHOP DUROCHER:** Did it concern me? Did
5 what concern me?

6 **MR. LEE:** The fact that there'd been no
7 decision on the merits and this man was back in ministry.

8 **BISHOP DUROCHER:** Well, there's no doubt
9 that it would have been helpful if a decision had been
10 reached, yes.

11 **MR. LEE:** Did you turn your mind to that
12 conundrum?

13 **BISHOP DUROCHER:** To what conundrum?

14 **MR. LEE:** The fact that you had -- Father
15 Major was investigated; he was charged.

16 **BISHOP DUROCHER:** Yes.

17 **MR. LEE:** The charges ended up being
18 withdrawn because the police could not proceed.

19 **BISHOP DUROCHER:** That's right.

20 **MR. LEE:** There's no decision. There's no
21 finding one way or another by a Court ---

22 **BISHOP DUROCHER:** That's right.

23 **MR. LEE:** --- and he's back in ministry.

24 **BISHOP DUROCHER:** Yes.

25 **MR. LEE:** Would you agree with me that that

1 poses some problems?

2 **BISHOP DUROCHER:** It would today, yes.

3 **MR. LEE:** And what I'm asking you is did you
4 turn your mind to that ---

5 **BISHOP DUROCHER:** No ---

6 **MR. LEE:** --- back at the time?

7 **BISHOP DUROCHER:** --- I was -- it was not my
8 intention to review Bishop LaRocque's decisions.
9 Furthermore, nobody ever approached me to review that.

10 In the following year, when Father Major was
11 exercising ministry, there was not a single person who
12 suggested that he should not be there. And when I say
13 that, not just parishioners, but any other people; victims'
14 groups, protest groups; nobody suggested that I review that
15 decision so I felt it was a decision that was accepted by
16 the community.

17 **MR. LEE:** Who would you expect would have
18 come to you?

19 **BISHOP DUROCHER:** Anybody. Anybody could
20 have sent me a letter and said, "Bishop, we feel really
21 awkward with the fact that this priest is exercising
22 ministry and no determination was made; we think you should
23 look into this."

24 **MR. LEE:** What initiative did you take to
25 determine whether anybody had an issue?

1 **BISHOP DUROCHER:** It didn't cross my mind.
2 What I'm saying is that it didn't cross my mind. Nobody
3 raised it with me to bring it across my mind either.

4 **MR. LEE:** With the benefit of hindsight, do
5 you recognize that it was a mistake for Bishop LaRocque to
6 place Father Major back in a ministry of ---

7 **BISHOP DUROCHER:** I'm not going to judge
8 Bishop LaRocque. I would say that in a situation -- if a
9 similar situation arose today, our advisory committee would
10 be involved in determining the steps to take.

11 **MR. LEE:** And certainly if a priest, I take
12 it, were charged and the charges were dismissed with
13 anything other than an acquittal; he wouldn't be put back
14 in the ministry?

15 **BISHOP DUROCHER:** I'm not saying he wouldn't
16 be put back in ---

17 **MR. LEE:** Immediately ---

18 **BISHOP DUROCHER:** --- the ministry; I'm
19 saying that it would be studied by the committee.

20 **MR. LEE:** There would be at very least an
21 internal investigation?

22 **BISHOP DUROCHER:** The committee would decide
23 what to do.

24 **MR. LEE:** Can we take a look please at
25 Exhibit 58, Tab 50. This is the current protocol.

1 **THE COMMISSIONER:** That's the book, yes.
2 Forty-eight (48). Which one; 52?

3 **MR. LEE:** Fifty (50).

4 **THE COMMISSIONER:** Fifty (50). So it's
5 Volume 2, Madam Clerk.

6 **MR. LEE:** And I'd like to look at page 5,
7 please; Bates page 950.

8 Are you there, sir?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** I'm looking at number 1 under
11 "Investigative Phase" which reads:

12 "Charges are laid at any time in the
13 following process. The Bishop will
14 immediately place the accused on a
15 leave of absence from parish ministry
16 or from other church-related
17 responsibilities ..."

18 Can you tell me why the administrative leave
19 happens only when the accused is charged?

20 **BISHOP DUROCHER:** It doesn't necessarily
21 happen only when the accused is charged, but it will be
22 automatic if a priest is charged.

23 **MR. LEE:** So if they are charged, it's an
24 automatic administrative leave; is that right?

25 **BISHOP DUROCHER:** That's correct.

1 **MR. LEE:** And in what other situation might
2 you place an accused priest on ---

3 **BISHOP DUROCHER:** If ---

4 **MR. LEE:** --- administrative leave?

5 **BISHOP DUROCHER:** --- if the committee feels
6 it's the right thing to do.

7 **MR. LEE:** So that will be studied by the
8 committee, a recommendation made to you ---

9 **BISHOP DUROCHER:** That's right.

10 **MR. LEE:** --- and the decision lies with
11 you?

12 **BISHOP DUROCHER:** That's right.

13 **MR. LEE:** And is it your understanding that
14 in all of these cases, the question of administrative leave
15 will be considered immediately?

16 **BISHOP DUROCHER:** The -- the reporting
17 guidelines indicate that, if I'm not mistaken, there's a --
18 excuse me for a moment.

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

20 **BISHOP DUROCHER:** So the first thing is that
21 the delegate would contact the complainant immediately;
22 that's number 3.

23 **MR. LEE:** Yes.

24 **BISHOP DUROCHER:** And after that first
25 contact then he would call the meeting of the advisory

1 committee and the advisory committee would consult and then
2 bring to me any recommendations.

3 **MR. LEE:** And is it your understanding that
4 one of -- what I want to know is that your understanding
5 that that's going to be a question posed very, very early
6 in the process?

7 **BISHOP DUROCHER:** Yes, yes.

8 **MR. LEE:** Okay.

9 **BISHOP DUROCHER:** If -- if there's -- if the
10 committee feels that there needs to be an interim -- how
11 can you say -- removal then they will make that
12 recommendation. That should be made very quickly, yes.

13 **MR. LEE:** And Mr. Dumais took you through a
14 number of sort of hypothetical scenarios that you had a bit
15 of trouble trying to juggle in the sense that, I think,
16 it's fair to say that you prefer to deal with the situation
17 concretely when it comes up, but I don't want to go over
18 that.

19 One thing I did want to ask though is
20 whether or not you can be the complainant to initiate the
21 committee process if you received information from whatever
22 source, media, website, rumour in the community?

23 **BISHOP DUROCHER:** I have initiated the
24 process. Complaints have come to me directly and I've
25 contacted the delegate.

1 **MR. LEE:** I'm not necessarily speaking of a
2 situation, however, where you receive a complaint from a
3 victim as an example or from the ---

4 **BISHOP DUROCHER:** No, I've received a
5 complaint from a third party.

6 **MR. LEE:** I guess the gist of my question is
7 it your understanding that you can initiate the committee
8 process when you deem it necessary?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** Sorry, do you have something else?

11 **BISHOP DUROCHER:** No.

12 **MR. LEE:** Would you agree with me that as it
13 relates to how offending priests are dealt with that the
14 American Bishops are now taking a much tougher stance on
15 these issues than the Canadian Bishops?

16 **BISHOP DUROCHER:** No. I -- they have a rule
17 that mandates -- we discussed this this morning that
18 imposes a one strike you're out rule. I think that in
19 Canada, there's no such rule, but as a general rule,
20 priests are not put back into the ministry once they're
21 found guilty of sexual abuse.

22 **MR. LEE:** And is it your understanding that
23 the American Bishops have, in the essential norms as an
24 example or the Dallas Charter have contemplated removal
25 from the clerical state?

1 **BISHOP DUROCHER:** I am not aware of those
2 issues.

3 **MR. LEE:** Are you aware that priests have
4 been removed in the United States fairly recently?

5 **BISHOP DUROCHER:** No, I'm not. I haven't
6 been following that closely.

7 **MR. LEE:** Are you aware of any priests in
8 Canada having been removed from the clerical state
9 recently?

10 **BISHOP DUROCHER:** No.

11 **MR. LEE:** Is removal from the clerical state
12 something that you would at least consider in this Diocese?

13 **BISHOP DUROCHER:** Yes.

14 **MR. LEE:** Are you aware that there are also
15 provisions in some of the U.S. documents relating to or
16 rather prohibiting offending priests from wearing clerical
17 garb?

18 **BISHOP DUROCHER:** I wasn't aware of it.

19 **MR. LEE:** Is there any similar rule here?

20 **BISHOP DUROCHER:** There is no similar rule.
21 It's a possibility. It's among the -- how can you say --
22 possible restrictions that we can apply.

23 **MR. LEE:** It may not be the best word to use
24 for it, but I take it you would agree with me that in one
25 sense a priest Roman collar is his uniform in a sense?

1 **BISHOP DUROCHER:** Yes.

2 **MR. LEE:** And that to many people it's what
3 identifies a priest as a priest?

4 **BISHOP DUROCHER:** Yes.

5 **MR. LEE:** And in your experience, children
6 would recognize a man wearing a Roman collar as a priest?

7 **BISHOP DUROCHER:** Children who know the
8 Catholic Church and frequent the church on a regular basis,
9 yes.

10 **MR. LEE:** I would suspect there are some
11 non-Catholic children out there who might recognize a Roman
12 Catholic priest walking down the street?

13 **BISHOP DUROCHER:** Yes and there are Catholic
14 children who don't know what a Roman collar is.

15 **MR. LEE:** And would you agree with me that
16 the wearing of a collar is a privilege not a right?

17 **BISHOP DUROCHER:** It's neither a privilege
18 nor a right; it's an obligation.

19 **MR. LEE:** Have you ever denied the right to
20 wear a collar to anybody?

21 **BISHOP DUROCHER:** I asked -- I checked with
22 -- as I said yesterday -- Father Lapierre that he was not
23 wearing a Roman collar when he did these non-liturgical
24 prayer sessions at the cemetery.

25 **MR. LEE:** What about when he goes to the

1 grocery store?

2 BISHOP DUROCHER: Oh, I know he doesn't.

3 MR. LEE: You know he -- is he forbidden
4 from wearing a collar?

5 BISHOP DUROCHER: No, no, he's not forbidden
6 from it. No, it's -- most priests in Quebec do not wear
7 their Roman collar.

8 MR. LEE: What about Charles MacDonald? Do
9 you know whether he's still able to wear his collar?

10 BISHOP DUROCHER: He doesn't. He has no --
11 he has no public life.

12 MR. LEE: Could he if he wanted to? Has it
13 been specifically forbidden?

14 BISHOP DUROCHER: It's not been specifically
15 forbidden, no.

16 MR. LEE: Was it your evidence that Father
17 MacDonald is considered to be retired now?

18 BISHOP DUROCHER: Yes.

19 MR. LEE: And have his faculties ever been
20 formally withdrawn?

21 BISHOP DUROCHER: I believe Bishop LaRocque
22 did.

23 MR. LEE: Has he ever been forbidden from
24 celebrating the sacraments?

25 BISHOP DUROCHER: I believe that's not -- he

1 can celebrate the sacraments privately, so he can celebrate
2 mass on his own in his house. I believe I gave permission
3 for him, at the funeral of his brother, to concelebrate at
4 his brother's funeral.

5 **MR. LEE:** Do you know whether there's a
6 written decree forbidding him from celebrating?

7 **BISHOP DUROCHER:** In public I'm not sure. I
8 don't know the decree that Bishop LaRocque established when
9 he removed his faculties.

10 **MR. LEE:** What would happen to you if Father
11 MacDonald were to come to you and request a return to
12 ministry? What would the process be?

13 **BISHOP DUROCHER:** I have no idea. It's such
14 a hypothetical and out of the blue proposal. I know he
15 won't, so I've never stopped to think about it.

16 **MR. LEE:** I'm not sure you can get into his
17 mind, sir. Anything is possible.

18 **BISHOP DUROCHER:** Anything is possible, sir,
19 yes.

20 **MR. LEE:** Just generally, what would the
21 process be with ---

22 **BISHOP DUROCHER:** I have no idea. I would
23 probably sit down with my delegate and with the committee
24 and talk about this and see what we should be doing.

25 **THE COMMISSIONER:** Generally speaking, let's

1 assume there's someone who retired, no allegations
2 whatsoever, and he'd come back and say, "Listen, you know,
3 I retired because I wasn't well. Now I'm feeling great.
4 How about it?"

5 **BISHOP DUROCHER:** Well, most of the priests
6 who retire, retire at a relatively elderly age and what
7 they do is they offer their services replacing on weekends.

8 **THE COMMISSIONER:** M'hm. Right.

9 **BISHOP DUROCHER:** That's kind of the general
10 rule. It's very rare -- usually when priests -- when we
11 say they retire, basically what they're -- they're not
12 retiring from the priesthood; they're retiring from a
13 position of responsibility, say as parish priest.

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

15 **BISHOP DUROCHER:** If a priest got sick at
16 the age of 50 and had to leave his parish and then five
17 years later he was well again and he said, "I could take a
18 parish again," then I would put him on the roster of
19 candidates.

20 **THE COMMISSIONER:** It's your decision and
21 you can do it.

22 **BISHOP DUROCHER:** That's correct.

23 **THE COMMISSIONER:** All right. So with
24 respect to Father MacDonald, if he came, the difficulty
25 will be his ongoing litigation and the history of his

1 charges. Is that it?

2 BISHOP DUROCHER: That's correct, yeah.

3 THE COMMISSIONER: Okay.

4 MR. LEE: So is the gist of your answer that
5 you would discuss it with the delegate?

6 BISHOP DUROCHER: Absolutely, and the
7 committee.

8 MR. LEE: And come up with some kind of game
9 plan?

10 BISHOP DUROCHER: Yes.

11 MR. LEE: And I take it part of that game
12 plan would be a full review of the situation.

13 BISHOP DUROCHER: Absolutely.

14 MR. LEE: You told us during your
15 examination in-chief that you've excardinated two priests
16 since you've been here.

17 BISHOP DUROCHER: Yes.

18 MR. LEE: One to a religious order and one
19 to another Diocese?

20 BISHOP DUROCHER: That's correct.

21 MR. LEE: Had either of those men ever been
22 accused of sexual abuse?

23 BISHOP DUROCHER: One was named in the
24 Leroux document.

25 THE COMMISSIONER: In the what?

1 **BISHOP DUROCHER:** In the Leroux document.

2 **MR. LEE:** The Leroux affidavit.

3 **BISHOP DUROCHER:** Mr. Leroux recanted that.

4 **MR. LEE:** Can I have one moment, sir?

5 **THE COMMISSIONER:** You say Mr. Leroux
6 recanted that. You mean during his testimony at the
7 Inquiry?

8 **BISHOP DUROCHER:** Yes. Well, he said that
9 it never happened. He'd never seen this ---

10 **THE COMMISSIONER:** No assessment has been
11 made or findings made with respect to that.

12 **BISHOP DUROCHER:** That's right.

13 **THE COMMISSIONER:** So I wouldn't take -- as
14 they say, take that to the bank necessarily.

15 **BISHOP DUROCHER:** Okay.

16 **MR. LEE:** In relation to -- so one of the
17 men had been named in the Leroux affidavit, and the other
18 one no allegations of any kind.

19 **BISHOP DUROCHER:** That's right.

20 **MR. LEE:** Okay, put him aside. Let's talk
21 about the one who was named in the Leroux affidavit. Was
22 that fact communicated to the receiving diocese?

23 **BISHOP DUROCHER:** I believe it was.

24 **MR. LEE:** You believe it was or you know it
25 was?

1 **BISHOP DUROCHER:** It's not -- I don't know
2 if it was on the file or not. I sent the whole file over.
3 There is no other allegation. There is no other complaint
4 against this priest in his file.

5 **THE COMMISSIONER:** But if there was a
6 complaint in the file -- there was some mention in the file
7 about the Leroux affidavit?

8 **BISHOP DUROCHER:** I can't remember if it was
9 the Leroux affidavit or not. If the Leroux affidavit was
10 part of his file or not I can't remember.

11 **THE COMMISSIONER:** Okay, so how are you
12 confident that the receiving diocese is aware of that
13 situation? That's what you said, right?

14 **BISHOP DUROCHER:** Yes. I'm not 100 per cent
15 sure that they know that the diocese knew about the Leroux
16 affidavit.

17 **THE COMMISSIONER:** Okay, never mind the
18 Leroux affidavit.

19 **BISHOP DUROCHER:** Yes.

20 **THE COMMISSIONER:** I think his question is
21 "Are you confident that the receiving diocese was aware of
22 this controversy with this priest?"

23 **BISHOP DUROCHER:** Right now I'm not, no, in
24 my mind.

25 **THE COMMISSIONER:** And when was he

1 excardinated?

2 **BISHOP DUROCHER:** Oh, three years ago.

3 **THE COMMISSIONER:** Okay.

4 **MR. LEE:** Regardless of what actually
5 happened in that case and your personal feelings related to
6 the veracity of Mr. Leroux' allegations, will you agree
7 with me that the fact those allegations were made would be
8 something important to include in information flowing to
9 the other diocese?

10 **BISHOP DUROCHER:** I think it would be
11 important to make the receiving diocese aware, yes.

12 **MR. LEE:** During your exam -- I won't be
13 much longer, sir.

14 During your examination in-chief Mr. Dumais
15 asked you about what efforts you had made to contact
16 alleged victims of Father MacDonald's after his stay of
17 proceedings, and Ms. Daley asked you a little bit about
18 that. What about after Paul Lapierre's criminal
19 conviction? Did you contact Claude Marleau?

20 **BISHOP DUROCHER:** No, I did not.

21 **MR. LEE:** Have you ever offered him an
22 apology or sent him a note?

23 **BISHOP DUROCHER:** No, I haven't.

24 **MR. LEE:** Have you ever offered him
25 counselling?

1 **BISHOP DUROCHER:** No, I haven't.

2 **MR. LEE:** Why not?

3 **BISHOP DUROCHER:** I didn't think of it.

4 **MR. LEE:** We have, in relation to this
5 Diocese, Gilles Deslauriers who went through the criminal -
6 - the justice system; was convicted; and we now have
7 identifiable victims. We can drop the "alleged", we can
8 drop the "complainant"; flat-out victims. Benoît Brisson
9 is one of them that's testified here that I represent.

10 In relation to Paul Lapierre we have Claude
11 Marleau, who again we can -- we can call the victim.

12 We then have this other group of people that
13 we refer to here as alleged victims. Some of the alleged
14 perpetrators died before a complaint was ever made. Others
15 didn't go through the process at all for whatever reason.
16 Others -- Charles MacDonald is a good example -- there was
17 a stay; it was never decided on the merits.

18 You've spoken to us in the last few days
19 about dealing with victims and finding it easier sometimes
20 than other times. Do you find it difficult in your role as
21 Bishop to deal with alleged victims?

22 **BISHOP DUROCHER:** It's difficult because we
23 don't know where the truth lies. It's made more difficult
24 when there are lawsuits involved in the process.

25 **MR. LEE:** You'll agree there are many, many

1 alleged victims out there without lawsuits involved?

2 **BISHOP DUROCHER:** Pardon?

3 **MR. LEE:** You'll agree there are many
4 victims out there who have not litigated this matter --
5 their matters?

6 **BISHOP DUROCHER:** Victims of priests?

7 **MR. LEE:** Yes.

8 **BISHOP DUROCHER:** No, I'm not aware of that,
9 except for Father Deslauriers.

10 **MR. LEE:** Claude Marleau is a good example?

11 **BISHOP DUROCHER:** Yes.

12 **MR. LEE:** What I'm interested in is how you
13 -- what goes on in your mind when you sit down across a
14 table from alleged victims of clergy abuse and where you
15 don't have that independent confirmation in that judicial
16 finding that they're true victims, if you can allow me to
17 use that. There is still some question in your mind and
18 the allegations that were made against priests.

19 I mean it's -- do you see any problems
20 having a fruitful discussion with people when you can't be
21 certain that the allegations they've made against priests
22 are legitimate or not?

23 **BISHOP DUROCHER:** I'm open to having
24 discussions. I'm open to doing what I can to help them
25 deal with what they perceive to be their problem. I've

1 offered, for example, to pay for counselling of somebody
2 who's -- how can you say it exactly -- in the state that
3 you're speaking of. So yes, I see myself able to enter
4 into dialogue with these people.

5 **MR. LEE:** Do you ever find yourself sitting
6 down and thinking that you're in an awkward position
7 because you can't bring yourself to believe that the
8 complaints are true?

9 **BISHOP DUROCHER:** It's not a question of I
10 can't bring myself to believe the complaints are true,
11 particularly when the priest has denied them. You're
12 asking me to decide who's the truth teller and who's the
13 liar. That's a very awkward position to be in.

14 **MR. LEE:** And you have situations where the
15 priest died 30 years before you arrived in Cornwall.

16 **BISHOP DUROCHER:** No, I'm talking about
17 present situations.

18 **MR. LEE:** Well, there are -- I mean, I can
19 tell you I represent men who allege abuse by clergy ---

20 **BISHOP DUROCHER:** Yes, yes, I realize that.

21 **MR. LEE:** --- who will never have their day
22 in court.

23 **BISHOP DUROCHER:** I'm sorry, I didn't
24 understand your question. Can you rephrase it?

25 **MR. LEE:** The gist of the question is

1 whether or not you ever find yourself in a situation where
2 you're sitting across from somebody who you simply can't
3 bring yourself to believe that they're actually a victim of
4 clergy abuse?

5 **BISHOP DUROCHER:** I have not found myself in
6 that situation. Well ---

7 **MR. LEE:** You still ---

8 **BISHOP DUROCHER:** --- I would say the people
9 that I've met, I have never found myself in a situation
10 where I find myself incapable of imagining that they are
11 victims.

12 **MR. LEE:** You've spoken a little bit about
13 your reservations about the one strike and you're out
14 system.

15 **BISHOP DUROCHER:** Yes.

16 **MR. LEE:** And you were asked a little bit
17 about -- by Mr. Dumais about the question of Paul Lapierre
18 being dismissed from the clerical state ---

19 **BISHOP DUROCHER:** Yes.

20 **MR. LEE:** --- and whether or not that's
21 something you considered. And as I understood your
22 evidence, you essentially feel there's no point in doing it
23 because he's elderly and incapable of performing ministry
24 anyways.

25 **BISHOP DUROCHER:** And he's not a risk to

1 anyone.

2 **MR. LEE:** And -- because of his age, I take
3 it?

4 **BISHOP DUROCHER:** That's right --- and his
5 physical ---

6 **MR. LEE:** And his physical condition?

7 **BISHOP DUROCHER:** --- and his physical and
8 mental condition.

9 **MR. LEE:** And the Commissioner pressed you a
10 little bit on that, asking whether or not you had turned
11 your mind from the practicalities of the situation to sort
12 of the emotional side of it and you know, there's a dual
13 mandate at this Inquiry; part of it is healing and
14 reconciliation and I'm sure you can imagine a situation
15 where a victim or family members of a victim would take
16 some solace in the fact that an abusing priest has been
17 removed from it and removed from the priesthood entirely.

18 I take it you can appreciate some may feel
19 that way?

20 **BISHOP DUROCHER:** I can appreciate that some
21 feel that way, yes.

22 **MR. LEE:** And I'm not sure you're aware of
23 this or not, but we had Lise Brisson, who is the mother of
24 Benoit Brisson, who testified here that her son was abused
25 by Gilles Deslauriers and you know, we're 20 plus years

1 since that happened and to this day, she still thinks she
2 would get something from having him laicized. Were you
3 aware of that, sir?

4 **BISHOP DUROCHER:** No, I wasn't.

5 **MR. LEE:** And another answer you gave us in
6 relation to Paul Lapierre related to restrictions in canon
7 law dealing with a ten-year statute of limitations. Do you
8 recall that?

9 **BISHOP DUROCHER:** Yes.

10 **MR. LEE:** And as I understood your evidence,
11 the limitation period, the clock starts ticking when the
12 victim reaches 18 years old.

13 **BISHOP DUROCHER:** That's correct.

14 **MR. LEE:** And it ticks for ten years.

15 **BISHOP DUROCHER:** That's right.

16 **MR. LEE:** So until the victim's 28 years
17 old.

18 **BISHOP DUROCHER:** That's right.

19 **MR. LEE:** And after that, you're out of
20 luck.

21 **BISHOP DUROCHER:** That's correct.

22 **MR. LEE:** And you're essentially statute
23 barred from proceeding; is that right?

24 **BISHOP DUROCHER:** That's the fundamental
25 canon law, yes.

1 **MR. LEE:** And I take it, as it relates to
2 Paul Lapierre, that's problematic because Claude Marleau
3 was older than 28 years old when he came forward and hence
4 we have the limitations problem. Is that your
5 understanding?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** Have you ever sought an opinion on
8 that from Rome?

9 **BISHOP DUROCHER:** I think there's no opinion
10 to be sought, it is clear. There's always a possibility to
11 ask Rome for a specific dispensation of that proscription
12 period.

13 **MR. LEE:** What does that mean?

14 **BISHOP DUROCHER:** It means that you can
15 write to Rome and say to Rome, I realize the proscription
16 period has been dépassé ---

17 **THE COMMISSIONER:** Passed.

18 **BISHOP DUROCHER:** --- passed, but I'm asking
19 permission to initiate a canonical process in spite of
20 this. Rome can dispense in that case.

21 **MR. LEE:** Can we take just a very quick
22 look, please, at Exhibit 59?

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** What page?

25 **MR. LEE:** Do you have it, sir? Down at the

1 bottom, page 52; Bates page 209. And I'd just like you to
2 look at that page. At the top, you'll see a heading, "The
3 Essential Norms", just so you know what sort of chapter
4 we're in here. And then I'd like to turn you to page 55,
5 please. Are you there, sir?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** And it's speaking on page 55 of
8 Norm 8 and the little sub-paragraph or quote we have there
9 talks about permanent removal from ecclesiastical ministry,
10 not excluding dismissal from the clerical state. Do you
11 see that?

12 **BISHOP DUROCHER:** Yes.

13 **MR. LEE:** And then it talks about the
14 limitation period and it talks about the dispensation of
15 the statute of limitations you've just spoken to us about.

16 **BISHOP DUROCHER:** That's right.

17 **MR. LEE:** And if you look down at footnote
18 29, it reads:

19 "In February, 2003 the Vatican
20 promulgated procedures whereby a priest
21 who had engaged in sexual abuse of a
22 minor could be involuntarily laicized
23 without recourse to the full range of
24 canonical procedures. These changes
25 are separate from those imposed by the

1 essential norms and unlike the
2 essential norms are operative
3 throughout the world not just in the
4 United States."

5 Do you see that, sir?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** Can you help me out with any
8 information on what that's referring to?

9 **BISHOP DUROCHER:** Yes, they're referring to
10 an administrative procedure where the Pope can directly
11 remove from the clerical state by an administrative decree
12 that is non-appealable.

13 **MR. LEE:** Upon application by the Diocesan
14 Bishop I take it?

15 **BISHOP DUROCHER:** Yes, normally.

16 **MR. LEE:** Or the congregation of the
17 doctrine of the faith perhaps?

18 **BISHOP DUROCHER:** That's right.

19 **MR. LEE:** And as I understand your answer
20 then, that would not require a full canonical proceeding
21 here?

22 **BISHOP DUROCHER:** That's correct.

23 **MR. LEE:** And as I understand canon law,
24 generally, a full canonical proceeding isn't always
25 preferable because it's complicated and it's time

1 consuming.

2 **BISHOP DUROCHER:** No, canon law has a
3 preference for the -- let me clarify, canon law prefers a
4 canonical process, a penal process because the rights of
5 the accused are better respected.

6 It is the administrators, Bishops who prefer
7 to avoid that process because it is complicated.

8 **MR. LEE:** And as I alluded to earlier you
9 spoke to us about your reaction to reading the ad hoc
10 committee relating to Gilles Deslauriers and am I right
11 that there's absolutely nothing you can do about him
12 because he's been transferred to another Diocese?

13 **BISHOP DUROCHER:** No, that's not quite true,
14 I don't think. In a sense, what you're asking me is could
15 I write to Rome and ask him to be removed from the lay
16 state. I think I could write that. I could do that.

17 But the cases you're speaking about -- I'm
18 aware of a couple of examples -- are extreme cases where
19 priests have completely refused direction, obedience and
20 are continuing to create havoc in a Diocese; those are the
21 situations where the Pope has kind of acted unilaterally.

22 I don't think that we're looking at this
23 kind of situation with Father Deslauriers.

24 **MR. LEE:** Have you ever spoken to Gilles
25 Deslauriers?

1 **BISHOP DUROCHER:** Never.

2 **MR. LEE:** Do you know anything about whether
3 or not he's -- not in the religious sense, but generally
4 repentant for what he's done? Is he sorry? Does he admit
5 what he's done?

6 **BISHOP DUROCHER:** I do not know.

7 **MR. LEE:** It's not something you have any
8 knowledge of?

9 **BISHOP DUROCHER:** Pardon?

10 **MR. LEE:** That's not something you have
11 knowledge of?

12 **BISHOP DUROCHER:** No.

13 **MR. LEE:** In relation to Father Lapierre who
14 remains incardinated in this Diocese and who you clearly
15 have authority over, you'll agree with that -- do you see
16 any value in sending a message to the public that you'll
17 not tolerate this kind of behaviour by moving to have him
18 dismissed from the clerical state?

19 **BISHOP DUROCHER:** Removal from the clerical
20 state is like the death penalty. And it's -- in the
21 church, the church's position is the death penalty should
22 only be applied in cases where there is still a risk to
23 society.

24 I see removal from the clerical state in the
25 same situation. I see it as an option that is available

1 for a Bishop to protect people. I do not see it as a tool
2 to punish people.

3 **MR. LEE:** I asked you earlier whether or not
4 you considered the ability to wear a Roman collar as a
5 right or as a privilege and you told me it was an
6 obligation.

7 **BISHOP DUROCHER:** Yes.

8 **MR. LEE:** Don't you think that someone like
9 Father Lapierre has failed in his obligations rather
10 horribly?

11 **BISHOP DUROCHER:** Father Lapierre does not
12 wear the Roman collar.

13 **MR. LEE:** Father Lapierre is being referred
14 to right now as Father Lapierre.

15 **BISHOP DUROCHER:** That's true.

16 **MR. LEE:** And I would imagine that there are
17 others who refer to him as Father -- excuse me, as Father
18 Lapierre.

19 **BISHOP DUROCHER:** Only in this context.

20 **MR. LEE:** Have you ever sought any input
21 from members of the community, victims, members of your own
22 faith, of your own parishes on their thoughts on Father
23 Lapierre remaining a priest?

24 **BISHOP DUROCHER:** I've never sought any and
25 none has been offered to me.

1 **MR. LEE:** During your examination in-chief,
2 Mr. Dumais asked you about whether or not you had turned
3 your mind to what you might do for victims of abuse and
4 alleged victims of abuse that predate the 2003 guidelines.
5 Do you recall that?

6 **BISHOP DUROCHER:** Yes.

7 **MR. LEE:** And what you told us was that you
8 hadn't turned your mind to it?

9 **BISHOP DUROCHER:** At what point? I'm sorry;
10 it's ---

11 **MR. LEE:** I can take you to the transcript
12 reference if you want.

13 **THE COMMISSIONER:** That's what happens when
14 we go past the break, Mr. Lee.

15 **MR. LEE:** I ---

16 **THE COMMISSIONER:** The glucose or the ---

17 **MR. LEE:** I have under 10 minutes, but if
18 you'd like the break, we can.

19 **THE COMMISSIONER:** Yes, we'd like to break.

20 **MR. LEE:** Okay.

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

23 The hearing will resume at 3:30 p.m.

24 --- Upon recessing at 3:14 p.m./

25 L'audience est suspendue à 15h14

1 --- Upon resuming at 3:45 p.m./

2 L'audience est reprise à 15h45

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

5 The hearing is now resumed. Please be
6 seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good
8 afternoon.

9 So, Mr. Lee?

10 **MR. LEE:** Yes.

11 **THE COMMISSIONER:** Have a good break?

12 **MR. LEE:** It was lovely.

13 **THE COMMISSIONER:** Terrific. Let's complete
14 your cross-examination.

15 **MR. LEE:** Thank you.

16 **BISHOP PAUL-ANDRÉ DUROCHER, Resumed/Sous le même serment:**

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE
18 (cont'd/suite):

19 **MR. LEE:** Bishop, just before the break I
20 was awkwardly trying to ask you about the 2003 guideline or
21 protocol or whatever you want to call it, and my
22 understanding of your testimony was that it's a bit of a
23 point in time, that guideline, in the sense that from there
24 forward you're looking towards the future and you're
25 dealing with allegations that come to you after that point

1 in time, and you're not going back and retroactively
2 applying the guideline to pre-2003 cases?

3 **BISHOP DUROCHER:** That's correct.

4 **MR. LEE:** So you're not going back and
5 chasing after David Silmsen with the 2003 guideline?

6 **BISHOP DUROCHER:** That's correct.

7 **MR. LEE:** And as I understood your evidence-
8 in-chief, you're not going back with some of the new things
9 in the 2003 guideline to specifically seek out victims of
10 abuse for the Victim Care Committee, as an example?

11 **BISHOP DUROCHER:** That's right.

12 **MR. LEE:** And what you said to us was that
13 if somebody came forward now, even though they had come
14 forward previously, as I understood it, the provisions of
15 that guideline would apply. Is that correct, in terms of
16 the Victims Care Committee possibly counselling, whatever
17 it might be?

18 **BISHOP DUROCHER:** Yes.

19 **MR. LEE:** And just so I'm clear, can we --
20 can the people of this community expect that the Diocese
21 under your leadership is going to reach out at least in
22 that way of that offer that there will be ---

23 **BISHOP DUROCHER:** Since I've been here I've
24 been open to -- I've been open to receiving and helping
25 anybody who requests a meeting, help. I've been -- I've

1 taken that stance since I've arrived here.

2 MR. LEE: And does that include persons who
3 come forward now, having previously come forward prior to
4 2003?

5 BISHOP DUROCHER: Yes.

6 MR. LEE: And what about former litigants?

7 BISHOP DUROCHER: I would be open to meeting
8 with them.

9 MR. LEE: If there's a victim of clergy
10 sexual abuse in this community that's hurting and might
11 appreciate the help of the Diocese, what should he or she
12 do? Can you give me some direction?

13 BISHOP DUROCHER: They can either write me
14 or give me a call or call the delegate if they prefer to
15 approach the delegate, Dr. Legault.

16 MR. LEE: Early on in this Inquiry, as I
17 told you earlier, we heard from Lise Brisson ---

18 BISHOP DUROCHER: Yes.

19 MR. LEE: --- who is the mother of Benoit
20 Brisson, Benoit Brisson being a victim of Father
21 Deslauriers'. When those two people testified, apologies
22 were offered on your behalf by your lawyers, and I'm
23 wondering, while we have you here, if there's anything you
24 would like to say personally in that regard?

25 BISHOP DUROCHER: No, I met Mrs. Brisson

1 afterwards to talk about it with her.

2 **MR. LEE:** Is an apology forthcoming from
3 you, sir?

4 **BISHOP DUROCHER:** Regarding whom?

5 **MR. LEE:** Whomever you might wish to
6 apologize to?

7 **BISHOP DUROCHER:** I'll address that in a
8 moment, yes.

9 **MR. LEE:** I realize it may not be your
10 preferred way of proceeding, sir, but I may have some
11 questions for you, and if you intend to make an apology,
12 I'd appreciate hearing it now.

13 **THE COMMISSIONER:** I don't know that I -- I
14 don't know if I'll permit that in the sense that ---

15 **MR. LEE:** Sorry, I missed the first part.

16 **THE COMMISSIONER:** I said I don't know if
17 I'm going to permit that. Like what you want to do is
18 cross-examine this gentleman after he reads some kind of an
19 apology? Is that what you -- you're going to read what
20 exactly?

21 Here we go.

22 **MR. SHERRIFF-SCOTT:** I just -- in the same
23 fashion as the last witness, there's a short text that he
24 wishes to read at the end of his testimony. You know,
25 frankly, it's not strictly speaking within the mandate.

1 It's a gesture which we thought would be helpful and didn't
2 intend for it to be offered up for dissection for cross-
3 examination and various rebukes on, "Well, you're not doing
4 it this way or that way." This is the gesture that he
5 intends to make. I can't see why it would be a subject of
6 cross-examination.

7 **THE COMMISSIONER:** Thank you.

8 **MR. LEE:** Mr. Sherriff-Scott is right that
9 Bishop LaRocque offered an apology at the conclusion of his
10 testimony after cross-examination, and I think it would
11 have been within my rights at that time to ask you to
12 permit me to cross-examine. I didn't see the necessity at
13 that time, but it occurred to me then that it would have
14 been properly offered at the conclusion of his examination
15 in-chief at the time when all witnesses are offered an
16 opportunity to make recommendations or read a statement or
17 whatever it may be.

18 I'm not saying that I'm going to want to
19 cross-examine the Bishop on it. I'm saying I may want to
20 cross-examine the Bishop on it.

21 **THE COMMISSIONER:** Well, we'll cross that
22 bridge when we come to it.

23 **MR. LEE:** Okay. In a similar vein, sir, I
24 understand earlier this morning we had a new document
25 produced by the Diocese. This isn't a matter of a late

1 Rule 38 notice. It's an entirely new document. I'm not
2 going to object to it being entered or to Mr. Sherriff-
3 Scott questioning on it, but I would like to reserve my
4 right to cross-examine, limited to his questions on that
5 document, should that happen.

6 **THE COMMISSIONER:** That's fine.

7 **MR. LEE:** Thank you. Those are my questions
8 and thank you.

9 **THE COMMISSIONER:** Thank you very much.
10 Mr. Bennett, good afternoon, sir. Welcome
11 back.

12 **MR. BENNETT:** Good afternoon, Mr.
13 Commissioner. Thank you.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
15 **BENNETT:**

16 **MR. BENNETT:** Good afternoon, Bishop
17 Durocher. I'm David Bennett. I'm counsel for the Men's
18 Project.

19 **BISHOP DUROCHER:** Yes.

20 **MR. BENNETT:** And I just have a few
21 questions to discuss with you, mostly about the
22 recommendations you gave yesterday. In one of the exhibits
23 -- I don't know if I'll need to actually take it to you --
24 was the letter you wrote to the editor. If you want, we
25 can get it on the screen, but I just -- in that you said:

1 "I will soon be meeting with the
2 Director of the Men's Project, one of
3 the few local services in this regard,
4 to see how the Diocese can support
5 their work."

6 Do you remember writing that in your letter
7 or do we need to ---

8 **BISHOP DUROCHER:** Yes, I did.

9 **MR. BENNETT:** Okay. And I take it that you
10 were aware of the work of the Men's Project?

11 **BISHOP DUROCHER:** I was aware that it
12 existed, yes.

13 **MR. BENNETT:** And that it was one of the few
14 services for male adult survivors of sexual abuse?

15 **BISHOP DUROCHER:** That's correct.

16 **MR. BENNETT:** And that was an important
17 service being provided in this community?

18 **BISHOP DUROCHER:** I believe it is.

19 **MR. BENNETT:** And yesterday in your
20 recommendation you talked about the initiatives that are
21 coming out of Phase 2 and the importance of continuing.
22 And would it be fair to say one of those is the counselling
23 type programs that are coming out of Phase 2 is something
24 you would like to see continued?

25 **BISHOP DUROCHER:** I would tend to agree to

1 that, yes.

2 **MR. BENNETT:** Okay. You also indicated in
3 your testimony that -- part of your recommendation, you
4 said to the Commissioner, "I realize that your
5 recommendations are aimed more at governmental
6 institutions;" however, you welcome suggestions assisting
7 both your organization and other churches in this country.

8 And I take it that that means that any
9 recommendation they make with respect to the Church you
10 will take very seriously?

11 **BISHOP DUROCHER:** Yes.

12 **MR. BENNETT:** Which I was pleased to hear
13 because one of the things that we will be advocating is not
14 only that in your recommendations, Mr. Commissioner, that
15 you ask -- that you recommend support services for male
16 survivors; however, we're going to be advocating, depending
17 on what your findings are, that perhaps the Church
18 contribute to those services.

19 So I just want to give you a heads up that -
20 - and I want to know if that's something you would welcome,
21 those type of recommendations, if the Commissioner thought
22 it was appropriate to say, "Well, maybe the Church should
23 contribute to these type of counselling programs also."

24 **BISHOP DUROCHER:** You're asking me?

25 **MR. BENNETT:** Yeah.

1 **BISHOP DUROCHER:** Well, my first reaction is
2 that one of the things that the Church can do is help
3 provide counselling or pay for counselling for victims.

4 So obviously if a victim chooses that type
5 of counselling, we could contribute to that, yes.

6 **THE COMMISSIONER:** And, frankly, I don't
7 know if it's fair to put the Bishop on the spot and say,
8 "Are you willing to contribute" what essentially is money.

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

10 **THE COMMISSIONER:** And I don't know that
11 that's really fair to him.

12 **MR. BENNETT:** It was more of whether they'd
13 be willing to recognize that that may be coming and that
14 may be something for you as ---

15 **THE COMMISSIONER:** And just ---

16 **MR. BENNETT:** But I'll move on to ---

17 **THE COMMISSIONER:** Well, just a minute.
18 Just on that point, I have ruled that the Diocese, for the
19 purposes of this Inquiry, is a public institution. And so
20 my recommendations are going to be given to them, to the
21 Diocese, as I do to every institution, and so I look at the
22 Diocese for the purposes of this Inquiry as a public
23 institution. So there won't be very much difference in how
24 I approach it.

25 **MR. BENNETT:** My client is happy to hear

1 that.

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

3 **MR. BENNETT:** One of the things in your --
4 when you were talking about they're looking forward to
5 recommendations, you also suggested that it would be useful
6 that maybe those recommendations could be -- go to all the
7 Bishops of Canada and address them to a national Episcopal
8 Conference.

9 And I took it that you meant that you think
10 that suggestions of the Commissioner coming out of this
11 Inquiry may be helpful to other places in this country?

12 **BISHOP DUROCHER:** I would hope so, not just
13 for the Church.

14 **MR. BENNETT:** Yes, certainly.

15 And one of your recommendations yesterday in
16 terms of an ombudsman, would you see that might be
17 something that might be helpful in other communities in
18 this Province?

19 **BISHOP DUROCHER:** I don't know. I think
20 it's something that needs to be studied.

21 **MR. BENNETT:** Okay. Those are all my
22 questions.

23 **THE COMMISSIONER:** Thank you very much.

24 And Mr. Bennett, thank you for opening the
25 door to a speaking tour for me across Canada. Thank you

1 very much.

2 MR. BENNETT: You're welcome.

3 (LAUGHTER/RIRES)

4 MR. SHERRIFF-SCOTT: I think I'm the last --

5 -

6 THE COMMISSIONER: Well, Ms. Allinotte?

7 MS. ALLINOTTE: No.

8 THE COMMISSIONER: No questions. Mr. Rose?

9 MR. ROSE: No questions.

10 THE COMMISSIONER: No questions.

11 Mr. Hill? No questions. And you're next.

12 MR. SHERRIFF-SCOTT: Thank you.

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

14 SHERRIFF-SCOTT:

15 MR. SHERRIFF-SCOTT: Okay, a couple of
16 miscellaneous points first, just bringing you back to the
17 subject of your meetings with Mr. Guzzo -- or the meeting
18 you had that you testified about where he talked about this
19 Minutes of Settlement issue.

20 What, if anything, did you discuss or did he
21 tell you about the OPP?

22 BISHOP DUROCHER: He told me that he felt
23 that the OPP was a corrupt organisation and that he wasn't
24 focused so much on Cornwall as on the OPP, and that he was
25 out to get to the OPP and that he had other irons in the

1 fire as far as the OPP was concerned.

2 MR. SHERRIFF-SCOTT: Okay. Was that the
3 extent of his discussions about that issue?

4 BISHOP DUROCHER: That's what I remember.

5 MR. SHERRIFF-SCOTT: That's what stuck with
6 you.

7 Now, on another completely different
8 subject, your Victims Care Committee. One of the members
9 of that committee is Mr. Parisien?

10 BISHOP DUROCHER: That's correct.

11 MR. SHERRIFF-SCOTT: Steve Parisien?

12 BISHOP DUROCHER: That's right.

13 MR. SHERRIFF-SCOTT: Who is one of the
14 signatories to that letter that Mr. Scott also signed?

15 BISHOP DUROCHER: That's correct.

16 MR. SHERRIFF-SCOTT: Okay, and he's been on
17 that since the start of the Victims Care Committee?

18 BISHOP DUROCHER: That's correct.

19 MR. SHERRIFF-SCOTT: Okay, thank you.

20 And the libel case that you testified about;
21 those were costs assessed by the Court and then were paid?

22 BISHOP DUROCHER: Those are costs assessed
23 by the Court, yes.

24 MR. SHERRIFF-SCOTT: They were not payments
25 to any victims?

1 **BISHOP DUROCHER:** That's correct.

2 **MR. SHERRIFF-SCOTT:** And you're aware, sir,
3 that Father Major -- Bishop LaRocque testified here that
4 he'd sent him to Southdown for an assessment?

5 **BISHOP DUROCHER:** Yes, I'm aware of that.

6 **MR. SHERRIFF-SCOTT:** And that the assessment
7 didn't indicate any risk for ministry?

8 **BISHOP DUROCHER:** That's correct.

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

10 Just to clarify for the Commissioner,
11 because I think there's been from time to time some
12 confusion about it, please describe Pierrefonds; what it
13 is; what it does.

14 **BISHOP DUROCHER:** Pierrefonds is a retreat
15 centre run by the Soeurs de Sainte-Croix. We're speaking
16 about l'Hermitage Sainte-Croix particularly. It is a place
17 where different groups go for retreat purposes.
18 Individuals can go to have a room and meals for a quiet
19 time.

20 Out of l'Hermitage Sainte-Croix there was
21 for many years a kind of a mini sabbatical program run for
22 priests that would last from after Easter till I believe it
23 was the end of June. Many priests from across the country
24 would go to that mini sabbatical program at Pierrefonds.

25 **MR. SHERRIFF-SCOTT:** And it also dealt with

1 formation issues?

2 **BISHOP DUROCHER:** It was a place where
3 workshops were held. Different groups could hold workshops
4 there. Pierrefonds itself, les Soeurs de Sainte-Croix I
5 don't believe organised any programs. They would make
6 their facilities available for groups that wanted to hold
7 workshops.

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

9 Now, there was an issue that arose during
10 Bishop LaRocque's testimony and I alerted the Commissioner
11 to the fact that you may clarify it, and that was the
12 subject of financial limits of Diocesan expenditures.

13 **BISHOP DUROCHER:** Yes.

14 **MR. SHERRIFF-SCOTT:** And you provided me
15 subsequently with two canons from the Code of Canon Law
16 which, Commissioner, I've handed up and my friends have
17 copies of.

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

19 **MR. SHERRIFF-SCOTT:** I also understand that
20 this issue relates to the interplay between canon law and
21 the CCCB as it is in Episcopal Conference.

22 **BISHOP DUROCHER:** Yes.

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

24 **THE COMMISSIONER:** Are we making this an
25 exhibit?

1 **MR. SHERRIFF-SCOTT:** We should, yes.

2 **THE COMMISSIONER:** All right.

3 All right, so Exhibit 2207 is an extract
4 from -- from what? What do we call this book?

5 **MR. SHERRIFF-SCOTT:** Just say the 1983 Code
6 of Canon Law, Commissioner.

7 **THE COMMISSIONER:** Thank you. Good.

8 **--- EXHIBIT NO./PIÈCE NO. P-2207:**

9 (200303) Complementary Norms to the 1983
10 Code of Canon Law

11 **MR. SHERRIFF-SCOTT:** Okay, so first of all,
12 there are a couple of canons here. There's 1277 and then
13 there are decrees. The Commissioner heard some evidence
14 about the lack of ability of the CCCB to issue binding
15 decrees but then you averted to the fact in your testimony
16 that it does have some very limited authority when it's
17 delegated from Rome through canons.

18 So can you explain how this works in terms
19 of Diocesan expenditure limits, what the CCCB's role is in
20 connection with it and what the limits are?

21 **BISHOP DUROCHER:** Yes. First of all, the
22 document quotes canon law but the document itself is not an
23 excerpt of canon law. It's an excerpt of a document of a
24 book published by the CCCB that contains a number of
25 decrees.

1 These decrees -- there are different canons
2 within canon law, particularly with the 1983 revision, that
3 determined that Episcopal Conferences have the role of
4 establishing some particular adaptations for a country, and
5 so throughout the years after 1983, the CCCB had to
6 establish these decrees.

7 One of them, Canon 1292, if I can start with
8 the second one that is referred to here on the third page -
9 - Canon 1292 establishes the -- it says that there's an
10 amount over which the Diocese cannot sell property or goods
11 without the permission of Rome, and that maximum sum has to
12 be established by the Conference.

13 And then the -- and secondly it establishes
14 that a second sum, where the Bishop needs the permission of
15 his College of Consulters and finance committee -- he needs
16 that permission to be able to sell property over that sum.
17 So the CCCB determined that the sum was I believe
18 3,500,000, and 10 per cent of that would kick in for
19 permission needed to be had from the local councils.

20 I refer to that one first because then,
21 going back to the first one, which defines extraordinary
22 acts of administration, these acts determine where the
23 limits of the Bishop's administrative powers are set, and
24 particularly in terms of payments of bills. So if you look
25 at, on the first page, Decree 9 revised.

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

2 **BISHOP DUROCHER:** Number 1, Noncumulative
3 Acts. "Over 5 per cent of the maximum amount approved by
4 the Episcopal Conference and recognised by the Apostolic
5 See for the alienation of Church property."

6 **MR. SHERRIFF-SCOTT:** Can I stop you there,
7 because there are two sort of expressions here and I want
8 to make sure the Commissioner understands them. First of
9 all there's noncumulative acts. Is that expenditures?

10 **BISHOP DUROCHER:** Yes, a one-off
11 expenditure.

12 **MR. SHERRIFF-SCOTT:** Okay. And so the
13 limits are defined by the amount that is set for the
14 alienation of Church property, and it's defined as a
15 percentage limit of that amount?

16 **BISHOP DUROCHER:** That's right.

17 **MR. SHERRIFF-SCOTT:** Which is the latter
18 expression.

19 **BISHOP DUROCHER:** That's right.

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

21 **BISHOP DUROCHER:** So five per cent of
22 3,500,000.

23 **THE COMMISSIONER:** Seventeen thousand five
24 hundred (17,500).

25 **BISHOP DUROCHER:** A hundred and seventy five

1 thousand (175,000).

2 **THE COMMISSIONER:** A hundred and seventy
3 five (175), I forgot a decimal.

4 **(LAUGHTER/RIRES)**

5 **BISHOP DUROCHER:** The numbers have changed
6 since the decree was established. I don't have the numbers
7 by heart.

8 **MR. SHERRIFF-SCOTT:** In fact ---

9 **BISHOP DUROCHER:** The numbers have changed
10 since the decree was established.

11 **MR. SHERRIFF-SCOTT:** In fact, the next page,
12 a marginal note under Commentary No. 3, according to
13 paragraph 1, it refers to 175,000.

14 **BISHOP DUROCHER:** Okay.

15 **MR. SHERRIFF-SCOTT:** Is that what you're
16 talking about?

17 **BISHOP DUROCHER:** Yes.

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

19 **BISHOP DUROCHER:** So basically what the
20 canon is saying is over this sum then the Bishop must have
21 the permission of his Finance Council or his College -- and
22 of his College Consulters to be able to act.

23 **MR. SHERRIFF-SCOTT:** Okay, what was the
24 earlier amount? This one is 175,000.

25 **BISHOP DUROCHER:** I think the earlier amount

1 was 50,000.

2 MR. SHERRIFF-SCOTT: Fifty thousand

3 (50,000)? Okay.

4 BISHOP DUROCHER: In 1983.

5 MR. SHERRIFF-SCOTT: All right.

6 BISHOP DUROCHER: Because the sum has been
7 changed over the years.

8 THE COMMISSIONER: M'hm.

9 BISHOP DUROCHER: But when this decree was
10 originally established I believe the sum was 50,000.

11 So that put the limit on the Bishop's right
12 of ---

13 MR. SHERRIFF-SCOTT: Expenditure.

14 BISHOP DUROCHER: --- expenditure without
15 the approval of these two committees.

16 MR. SHERRIFF-SCOTT: And the committees are
17 what?

18 BISHOP DUROCHER: The Finance Committee of
19 the Diocese and the College of Consulters.

20 MR. SHERRIFF-SCOTT: Well, we've heard in
21 evidence about what both of those are here.

22 BISHOP DUROCHER: Exactly.

23 MR. SHERRIFF-SCOTT: All right.

24 THE COMMISSIONER: But it says lawsuits are
25 governed by -- I'm looking at the Commentary Number 5:

1 "Lawsuits are governed by the
2 prescriptions of 1288."

3 **BISHOP DUROCHER:** Yes. So if I decide to
4 launch a lawsuit. It's not dealing with a lawsuit; it's
5 launching a lawsuit.

6 **THE COMMISSIONER:** Okay. Right.

7 **BISHOP DUROCHER:** So if I'm considering
8 launching a lawsuit, I need the permission of these two
9 groups. If the Diocese ---

10 **THE COMMISSIONER:** Really?

11 **BISHOP DUROCHER:** Yes. The Bishop cannot
12 launch a lawsuit without the permission of these two
13 committees.

14 **THE COMMISSIONER:** I don't know if we
15 canvassed that with Monsignor LaRocque when he brought the
16 libel and slander ---

17 **MR. SHERRIFF-SCOTT:** Yeah, I don't think we
18 did.

19 **BISHOP DUROCHER:** If I can clarify, that was
20 not a Diocesan lawsuit. That was a lawsuit launched by a
21 number of individuals.

22 **THE COMMISSIONER:** Paid for by the Diocese?

23 **BISHOP DUROCHER:** It was paid for by the
24 Diocese, but it was not a lawsuit where the Corporation of
25 the Diocese of Alexandria-Cornwall was the Plaintiff.

1 **THE COMMISSIONER:** So the Bishop in that
2 case can draw down as much as he wants up to five percent
3 of the thing to finance a lawsuit for priests of the
4 Diocese ---

5 **BISHOP DUROCHER:** For individuals, as long
6 as it's not the corporation that is suing.

7 **THE COMMISSIONER:** Okay.

8 **MR. SHERRIFF-SCOTT:** Now, you referred to
9 the fact that my friend talked about Madame Brisson who
10 testified here?

11 **BISHOP DUROCHER:** Yes.

12 **MR. SHERRIFF-SCOTT:** And you had occasion to
13 meet with her following her testimony?

14 **BISHOP DUROCHER:** I did.

15 **MR. SHERRIFF-SCOTT:** And did you have
16 occasion to meet with her son, Benoit Brisson?

17 **BISHOP DUROCHER:** No, Madame Brisson was
18 concerned that because of the existing lawsuit, that we
19 leave Benoit out of this right now.

20 **MR. SHERRIFF-SCOTT:** And did you make the
21 overture that you were available to do that?

22 **BISHOP DUROCHER:** I told her I wanted to do
23 this the way she wanted to do this.

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

25 Then just to clarify another area, there is

1 the question of seminary formation. I understand that
2 you've taken some steps -- first of all, as Diocesan
3 Bishop, you'd have to be aware, would you, of seminary
4 formation?

5 BISHOP DUROCHER: Yes.

6 MR. SHERRIFF-SCOTT: And I want to make sure
7 that the Commission has a clear picture of what the process
8 is now ---

9 BISHOP DUROCHER: Yes.

10 MR. SHERRIFF-SCOTT: --- for formation in
11 terms of what steps are taken that particularly related to
12 the mandate, for example, screening and testing and so
13 forth.

14 BISHOP DUROCHER: Yes.

15 MR. SHERRIFF-SCOTT: If you could describe
16 that for us?

17 BISHOP DUROCHER: Yes. Well, seminaries are
18 basically independent from each other. Generally, they
19 belong to a diocese. So for example, St. Augustine's
20 Seminary is part of the Corporation of the Archdiocese of
21 Toronto; St. Peter's Seminary, of London. They are under
22 the jurisdiction of the local bishop.

23 We have no seminary here in our Diocese, so
24 we sent our candidates to other seminaries. Some
25 seminaries belong to religious orders. For example, le

1 Grand séminaire de Montréal, I believe, belongs to les
2 Pères de Saint-Sulpice and St. Paul's, where I attended,
3 belongs to the Oblate Fathers.

4 But the general rules, provisions, for the
5 functioning of seminaries is set by a Roman document called
6 the *Ratio Studiorum*. The *Ratio Studiorum* needs then to be
7 adapted to the local country. Again, this is a
8 responsibility of the National Episcopal Conference. So
9 the present *Ratio Studiorum* was approved, for example, by
10 the Bishops of Canada, I believe, in the early 90s and then
11 recognized by Rome, and this is the foundational document
12 that establishes the rules by which seminaries are to
13 function.

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

15 **BISHOP DUROCHER:** Over the past 30 years,
16 there's been a great deal of move in that *Ratio*, in the
17 text.

18 If I can summarize it this way, when I was a
19 seminarian 25 years ago, what people were concerned were
20 for a seminarian, the knowledge, so the theology and the
21 course content and, secondly, the spiritual life.

22 When I got to seminary there started to be
23 greater concern about the pastoral ability of the future
24 priest, so not only the fact that he know and that he pray,
25 but was he going to be a good priest. And starting in --

1 with From Pain to Hope, the recommendations came out that
2 we also have to look at the human formation of the
3 candidate and to evaluate that at the time that the
4 candidate is brought in and to follow that formation
5 process during the years of seminary.

6 So the new *Ratio Studiorum* for Canada
7 specifically quotes the recommendations of From Pain to
8 Hope and has incorporated a number of those
9 recommendations. Particularly the whole area of human
10 development, including psychosexual integration, the
11 capacity to commit themselves to celibacy and to live
12 chastely are all new elements that have been in place now
13 in the seminaries of Canada for the past 15 years
14 approximately.

15 **MR. SHERRIFF-SCOTT:** And do those involve
16 psychological testing and screening?

17 **BISHOP DUROCHER:** Those involve
18 psychological testing according to the situation of the
19 candidate and the policy of the seminary. Most seminaries
20 do psychological -- the seminaries I deal with do
21 psychological testing before candidates are accepted.

22 Screening is at least a police background
23 check. A criminal background check is mandatory for the
24 seminaries in Canada. As well, background references from
25 the family's former employees -- employers, sorry.

1 So there's a -- how can you say -- a great
2 deal invested in the vetting of a candidate before the
3 candidate actually enters the seminary.

4 **MR. SHERRIFF-SCOTT:** And are there interview
5 processes as well?

6 **BISHOP DUROCHER:** There are interview
7 processes, yes.

8 **MR. SHERRIFF-SCOTT:** And do those involve
9 the references as well as the candidate?

10 **BISHOP DUROCHER:** I'm not sure about the
11 references; they certainly involve the candidate.

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

13 And lastly, sir, we referred to the text
14 that you'd like to read.

15 **BISHOP DUROCHER:** With your permission?

16 **THE COMMISSIONER:** Certainly. So you won't
17 be posing anymore questions?

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

19 **THE COMMISSIONER:** You may sit down.

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

21 **THE COMMISSIONER:** You're welcome.

22 **BISHOP DUROCHER:** In my first year as Bishop
23 of the Diocese of Alexandria-Cornwall, I published a
24 pastoral letter to all the parishioners. It was read in
25 all our parishes at each Sunday Mass of the first Sunday of

1 Lent that year.

2 In it, I expressed deep regret for any abuse
3 that had been committed by priests of our Diocese and for
4 the pain that had been caused by the mishandling of
5 allegations in the past and I committed myself to renewing
6 our approach on these issues and to move forward in a
7 positive, life-giving way.

8 Today I want to repeat this commitment, not
9 only to the parishioners of the Diocese but to all the
10 people of our area and echo for myself the apology that
11 Bishop LaRocque gave last week.

12 And so I want all to know of my deepest
13 regrets for all the pain that has been experienced in this
14 community, either because of the actions of some priests or
15 because of the response of our Diocese to the hurt that had
16 been caused by those priests.

17 As leader of this Diocese, I apologize to
18 all those who have been sexually abused. I apologize to
19 all who were disappointed by the way their complaints or
20 concerns were handled, and I commit myself again to
21 continued action in building a better future for those who
22 were directly or indirectly hurt and for all members of our
23 community.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Lee, did you ---

1 **MR. LEE:** Not relating to the apology, sir.

2 **THE COMMISSIONER:** All right. Well, then
3 just a minute; maybe we should go back and start with the
4 order.

5 So what I have to do now is open things up.
6 Does anybody have any questions solely relating to the new
7 document that was presented, which is the canon law
8 document?

9 So Ms. Daley?

10 **MS. DALEY:** No, sir.

11 **THE COMMISSIONER:** Mr. Horn is not here.

12 So, Mr. Lee?

13 --- **FURTHER CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE**
14 **SUPPLÉMENTAIRE PAR MR. LEE:**

15 **MR. LEE:** Bishop Durocher, would you agree
16 with me that you don't know what Bishop LaRocque's practice
17 was in 1993 as it related to the finance committee?

18 **BISHOP DUROCHER:** Can you be more specific?

19 **MR. LEE:** Do you have any information for us
20 as to what Bishop LaRocque's typical practice was as it
21 related to expenditures and the use of the finance
22 committee?

23 **BISHOP DUROCHER:** I imagine it was basically
24 the same as when I arrived. I didn't change that.

25 **MR. LEE:** Do you have any knowledge of what

1 Bishop LaRocque's practices were in 1993?

2 **THE COMMISSIONER:** As in did he have an
3 informal thing that he would say, that he would normally
4 consult with the finance committee for any expenditures
5 over a certain amount, or did he consult every time or
6 never?

7 **BISHOP DUROCHER:** I don't know. When I
8 arrived here, I simply followed the procedures that had
9 been established under him. So in that sense, I do have
10 knowledge of his way of functioning because I basically
11 followed the lead ---

12 **THE COMMISSIONER:** All right.

13 **BISHOP DUROCHER:** --- of Mr. Gordon Bryan.

14 **THE COMMISSIONER:** Which was following the
15 lead of Mr. Gordon Bryan?

16 **BISHOP DUROCHER:** Yes.

17 **MR. LEE:** And you arrived in 2002?

18 **BISHOP DUROCHER:** That's correct.

19 **MR. LEE:** And do you understand from Bishop
20 LaRocque's evidence that he had no training in canon law?

21 **BISHOP DUROCHER:** He had no formal training
22 in canon law. That's what I understand.

23 **MR. LEE:** And that he relied on canonists
24 for his interpretation of canon law; specifically
25 Monseigneur Guindon?

1 **BISHOP DUROCHER:** That's right.

2 **MR. LEE:** And, I believe Bishop LaRocque
3 testified about Jacques Leduc to some extent?

4 **BISHOP DUROCHER:** I believe so.

5 **MR. LEE:** Okay. Thank you.

6 Those are my questions.

7 **THE COMMISSIONER:** Any further questions?

8 Madame Hamou, do you have any questions of
9 the Bishop?

10 **MS. HAMOU:** I have no questions, sir.

11 **THE COMMISSIONER:** Thank you.

12 Monseigneur Durocher, je tiens à vous
13 remercier encore une fois.

14 Thank you very much for coming and
15 attending. There will be some recommendations for your
16 institution and I thank you for your recommendations. I
17 will indeed take them in serious consideration.

18 **MONS. DUROCHER:** Merci.

19 **THE COMMISSIONER:** Now, I understand that
20 tomorrow there's a change in the schedule.

21 Madame Hamou?

22 **MS. HAMOU:** Absolutely, Mr. Commissioner. I
23 have confirmation that we'll be starting at 11:30 if that
24 works with you.

25 **THE COMMISSIONER:** All right. Okay.

1 **MS. HAMOU:** And we'll be starting with a new
2 institution, the Children's Aid Society, with Angelo
3 Towndale.

4 **THE COMMISSIONER:** All right. And so for
5 those who are listening in or who are -- the reason for
6 that is because we've had a change in the lawyer who was
7 going to present the evidence. That lawyer fell ill and so
8 we'll transfer, so we'll need a little more time, I
9 understand, to present the witness.

10 **MS. HAMOU:** Absolutely.

11 **THE COMMISSIONER:** All right. Thank you
12 very much for your assistance. We'll come back at 11:30
13 tomorrow.

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

16 This hearing is adjourned until tomorrow
17 morning at 11:30 a.m.

18 --- Upon adjourning at 4:16 p.m. /

19 L'audience est ajournée à 16h16

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, Dale Waterman 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, Dale Waterman, 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.



Dale Waterman, CVR-CM