

PHASE I WRITTEN SUBMISSIONS
SUBMISSIONS MADE BY
THE CITIZENS FOR COMMUNITY RENEWAL (“CCR”):
EXECUTIVE SUMMARY

The Cornwall Public Inquiry (the “Inquiry”) has heard extensive evidence about sexual and physical abuse of children and young people. That evidence dates from as far back as the late 1950s and spans a roughly 40 year time period. The Inquiry has also received evidence about the manner in which local institutions responded or failed to respond to allegations of recent sexual abuse made by children and young people as well as to allegations made by adults about their prior childhood abuse. The latter will be referred to in these submissions as “historic abuse allegations”, the former as “contemporaneous abuse allegations”.

The institutional response evidence dates from approximately the mid 1970s (i.e. the allegations about the treatment of residents of the Second Street Group Home in Cornwall) up to and including the year 2005. We have also heard evidence from institutions as to present day practices.

The Inquiry did not receive any evidence which would allow one to compare Cornwall to other Ontario communities of a similar size so as to ascertain whether Cornwall had a relatively higher incidence rate of sexual abuse of young people than other communities similarly situated.

While this evidence is lacking, there is no doubt that many citizens of Cornwall believed during the 1990s and perhaps continue to believe that there was a sexual abuse crisis in their town, consisting of an epidemic of homosexual pedophilia. There was widespread belief that the perpetrators of acts of homosexual pedophilia were prominent members of the community, were

acting jointly, and were using their positions of influence to ensure that their activities remained undetected and unprosecuted. That belief undermined public confidence in local law enforcement institutions and in civic governance in the community at large. It is not an exaggeration to describe it as a form of “moral panic”.

It is the CCR’s position that there is a critical need for the community to carefully examine the evidence led at the Inquiry concerning the performance of its institutions as they responded to abuse allegations, both historic and contemporary, and to identify clearly the weaknesses in those responses, without resorting to overstatement or unsupported conspiracy theories. The Report of the Inquiry will go a long way towards restoring confidence in Cornwall institutions if its critique of the institutional response is both probing and critical while remaining faithful to the evidence.

It is the overall view of CCR that the Community’s attraction to the conspiratorial “pedophile ring” concept occurred in large measure because local institutions over the period of time examined at the Inquiry **did** fail to respond appropriately when confronted with both historic and contemporaneous abuse allegations. Ironically, many historic abuse allegations in Cornwall would never have been “historic” cases at all had they been handled properly when they were first brought forward as contemporaneous allegations.

Because institutions typically tried to avoid dealing publically with abuse allegations, preferring instead to keep complaints about their employees “internal”, that approach made it easier for the community to believe that they were engaged in active “cover ups”. Because some of the alleged perpetrators who were not charged in the 80s or early 90s were either themselves prominent citizens or connected to prominent citizens, that made it easier to believe that law enforcement and the justice system itself was part of the “cover up”.

Structure of the CCR Submissions

The first major section of these submissions will address the evidence of institutional response **prior** to the year 1992 when the historic abuse allegations of David Silmser were made. It is our submission that when the responses prior to 1992 are analysed there are patterns that can be seen as to how investigatory institutions responded (such as the CAS and the CPS) and in how institutions failed to work effectively with one another. It is CCR's submission that those patterns constitute systemic flaws in the respective institutional responses. In some cases, the same systemic flaws can be seen within different institutions.

The first section will accordingly outline several of the key narratives that were presented in evidence at the Inquiry, will identify what we contend are the key flaws or weaknesses that those narratives demonstrate and will comment on how the community viewed those events.

The second major section of these submissions will address the events put in motion by David Silmser's complaint of historic abuse by a priest and a probation officer, first made in December, 1992. This narrative encompasses the CPS investigation, the decade-long role played by Perry Dunlop and his wife and brother-in-law, the four "waves" of police investigations culminating in Project Truth, the involvement of the CAS, the Project Truth prosecutions, and the roles of Crown and police in those prosecutions.

In the second section we will also comment on the role of Gary Guzzo, Dick Nadeau, the Projecttruth.com website and the mainstream media as influencers of community opinion.

Finally, CCR will present Recommendations primarily aimed at better accountability and transparency within the institutions.

Overview

CCR will be submitting that the following patterns can be seen in the Phase I evidence:

1. Many if not all of the alleged victims of abuse were economically and socially disadvantaged people.
2. Most of the alleged perpetrators were from the opposite background: some were prominent members of the community (lawyers, probation officers, doctors, priests); others, while not being well-known names in town, were nonetheless educated and employed (school teachers, business owners, and a park caretaker who was also the son of a chief of police).
3. From the mid 1970s (and earlier) throughout the 1980s there was a prevailing community mentality that physical discipline including in some cases extremely harsh physical measures, were acceptable when employed by an adult against a disobedient child or young person. This was particularly believed to be so when the child or young adult was viewed as a “problem” case. There is no doubt but that some of this harsh physical punishment had sexual overtones, particularly when male CAS employees were disciplining female wards of the CAS. Another prevailing belief was that children who complained of harsh treatment or sexual abuse were not to be believed. Ironically, the source of this evidence is the CAS, an institution with the statutory mandate of child protection.

While the CAS no doubt correctly stresses that “times have changed” and that that mentality is no longer operative, it is the CCR’s belief that the effect of the “bad old days” still lingers, in that the victims of this treatment are now adults and parents

themselves. Most of these former wards have never received an acknowledgement that their mistreatment within CAS group and foster homes occurred, let alone an apology or counselling. In this respect, Officer Shawn White's 1995 Crown Brief paints an almost Dickensian picture of harsh physical punishment and sexual abuse by CAS workers and foster parents, practised with seeming impunity in the 1970s.

The CCR places emphasis on this situation for two reasons.

Firstly, **even as late as the mid 1990s**, the CAS did not see that "doing the right thing" by its former wards involved, at a minimum, educating itself about its institutional past, doing outreach to wards who had been improperly treated as youths and offering counselling or some other form of after-care.

The second message we see in these facts is this: for behaviour of this sort to have been the "accepted norm" as recently as 30 years ago in Cornwall, is extremely telling. If the CAS, an institution mandated to protect and care for children, treated children in the manner indicated in Shawn White's Crown Brief, then what values must have prevailed in Cornwall society at large?

It is hard to avoid the notion that, at least in the mid to late 1970s, children in foster care were "second class citizens" such that the CAS could not even intellectually entertain the notion that if they said they were abused they were possibly telling the truth. Twenty years later, the behaviour of CAS foster parents and workers concerning corporal punishment may have changed but the agency's attitude towards its past conduct remained one of denial. Even today the CAS acknowledges that it systematically fails to be able to provide former wards with records or information concerning their wardship,

notwithstanding the recognition that the receipt of such information may be critical to their psychological wellbeing.

In a similar vein, one gets the sense that the Probation Office did not have a particularly high regard for its clients, when it effectively allowed the Barque matter to be swept under the rug in 1982 without police investigation and without any effort to determine who else might have been victimized by Barque.

In both instances, the complainants start with a disadvantage: they are not “good children” from stable families and they are on the wrong side of the law. This affects how the institution responds to them.

4. Focusing briefly on the abuse of girls and young women by men, it is noteworthy that virtually all of the girls who did complain contemporaneously about sexual abuse in CAS care (no matter how credible their complaints might be) were regarded as liars who were sexually promiscuous and whose accounts could therefore not be trusted.
5. The term “pedophilia” has a generally accepted meaning, being a sexual attraction to pre-pubescent children. Intriguingly, very few of the cases with which the Inquiry has been concerned can be labelled pedophilia. In almost no cases were victims younger than puberty. (C51, the child whose mother complained of abuse by the former Police Chief’s son was in fact a child in 1985 when the abuse occurred; he is one of the few exceptions.)

Notwithstanding that reality, the media and the community labelled the presumed activity that was occurring a “pedophile ring” and the Dunlops and their supporters labelled what they were doing as being “for the children”. No one questioned these labels even though they did not fit the situation.

Attention must be paid to the reality that homophobia was prevalent in Cornwall. While homophobia is generally a destructive social attitude, it appears to CCR that in Cornwall the effect of that attitude reached extreme proportions. Gay or bi-sexual men took pains to keep their orientation secret. There were suicides which are almost certainly connected with the individual being publically identified as being involved in a homosexual form of sexual offense. Indeed the issue was so paramount to the OPP officers involved in Project Truth that they took pains to ensure that the individuals whom they charged in July 1998 would not attempt to commit suicide. (Even so, one of those individuals did make a suicide attempt and was hospitalized.) One of the alleged victims of Jacques Leduc, C-17, received an anonymous note after he had come forward which threatened him with death and called him a “faggot”.

Reference: Exhibit 2601, bates page 342

One can only imagine the “chilling effect” that homophobia had on male victims’ ability or willingness to disclose abuse. One can only imagine how vulnerable a closeted gay man in Cornwall would be to threats of being “outed” to his employer or within the community at large.

Activities that in a less homophobic community would be seen as benign, in Cornwall became evidence of a pedophile ring. For example, it is hardly abnormal for adult gay men to become friends and to socialize with one another, including vacationing together in Florida. In Cornwall however this activity **alone** became evidence in some people’s minds of membership in the “pedophile ring”. For this equation of homosexuality with “pedophilia” to occur in the 21st century and for people to reason that associated gay men were guilty by association is a reflection of the depth of the community’s homophobia.

While it is recognized that institutional responses evolved over the 30 year time period in question, the CCR considers that the following conclusions are nonetheless valid:

1. There was relatively little contemporaneous reporting made of male on male sexual abuse allegations. As many witnesses have attested, it was and is psychologically difficult for males to make contemporaneous disclosure that they have been abused by another male. It is equally difficult for males to make disclosure of historic abuse by other males.
2. In some instances, allegations that were made contemporaneously (for example, the sexual abuse allegations made by female residents of the Ciezlowicz Foster Home etc.) were summarily dismissed by the authority to whom they were made (the Children's Aid Society, in this case) and were not brought forward to the police for investigation. This would tend to leave the impression that there's little point to making a contemporaneous complaint.
3. The institutions which did respond in some fashion often failed to treat the complaint and the complainant seriously and failed to apply their own "best practice" investigative standards. (CPS's investigation of Antoine's allegations in 1989, for instance, and the 1985 complaint of C51 against Earl Landry Jr.). In more than one instance, complainants had to threaten to go to the media before having their complaint investigated.
4. Institutions which learned of alleged abuse by their employees (either historic or contemporary) did not refer the matter to the police for proper criminal investigation. (Instances of this include the Children's Aid Society in 1976 when allegations of extreme physical abuse were made in relation to the Second Street Group Home, and the Cornwall

Probation and Parole Office in 1982.) Institutions also turned a blind eye to sexual misconduct practised by the employees of other institutions.

A very instructive example relates to Nelson Barque. While the Cornwall Police Services knew that he was inappropriately sexually involved with probationers, it did not see fit to bring this information directly to his employer. His supervisor, Peter Sirrs, was incensed that the CPS knew more than he did concerning the activities of Mr. Barque. By the same token, however, neither Sirrs nor anyone else in authority at the responsible Ministry insisted that the police actually investigate Barque's activities and lay charges if appropriate. Instead, investigation was bypassed in favour of seeking a Crown opinion. The Crown's opinion was that criminal charges were not warranted in part because Mr. Barque had resigned his position as a probation officer: a rather stunning non-sequitur coming from a Crown Attorney. There was no internal review at the Probation and Parole Office to determine if Barque was having sex with other probationers (had there been, there is at least some possibility that Albert Roy would have come to light in 1982, as opposed to being a "historic" abuse case in 1994).

As a result, Barque's sexual involvement with probationers re-surfaced again and again after it first came to light in 1982. Ironically the second set of charges which he faced in the summer of 1998 involved one of the same probationers whom he admitted having had sex with in 1982. These 1998 charges triggered Mr. Barque's suicide.

In this way the Probation Office is very similar to the Diocese: in both cases the response is to "keep it internal" at all costs and to remove the problem employee from his role.

In sum, Barque illustrates how several different law enforcement institutions who must interact with each other responsibly in order to administer justice failed to follow the most basic of their investigatory and analytic processes with catastrophic consequences to both Mr. Barque, the agency's clients and the agency's reputation in the community.

Institutions also failed to interact with one another as required by legislation. The most obvious example is the failure of the CPS to report Silmsler's allegations against Father Charles MacDonald to the Children's Aid Society.

Apart from legislated interactions, there were many occasions in which different police forces were involved in related abuse investigations, including during Project Truth. Many opportunities were missed to coordinate their activities and information, which would have benefitted the investigations, the complainants and the resulting cases once they were before the Courts.

These patterns of weakness in the institutional responses prior to 1992 fed the view that institutions were covering up sexual offences by prominent people. When the Silmsler story hit the press in 1994 it was not difficult for people to believe that the CPS and the Diocese of Alexandria Cornwall (the "Diocese") failed to investigate his complaint and had taken steps to suppress his allegations.