

Cornwall Public Inquiry

Written Submissions of the Episcopal Corporation of the Diocese of Alexandria-Cornwall

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Written Submissions of the Episcopal Corporation of the Diocese of Alexandria-Cornwall

I. Overview

1. The submissions of the Diocese of Alexandria-Cornwall (DAC) are organized under major headings, each of which has a series of subsidiary topics described in the heading format. This overview summarizes many of the main points contained within the individual sections of the document.

A. Mandate of the Cornwall Public Inquiry (CPI)

General Considerations

2. DAC submits that the mandate of the CPI, as disclosed by the Order in Council (OIC) creating it, was to:

- (a) Investigate and report on the institutional response of the justice system and other public institutions, including the interaction of that response with other public and community sectors in relation to allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations.
- (b) Historical allegations of abuse means historical allegations of sexual abuse of young people in Cornwall by persons in positions of trust or authority.
- (c) Historical allegations to which the OIC referred were those that were the focus of Project Truth and the prosecutions stemming from it, as well as the 1992 investigation of Charles MacDonald, the subsequent review by the Ottawa Police Services, the Ontario Provincial Police (OPP) 1994 reinvestigation and any subsequent investigations from that point on to the conclusion of Project Truth.

Considerations Relating to DAC

3. DAC is not a public institution within the meaning of the OIC. It is part of the public and community sector. Therefore, the CPI is not entitled to make findings of fact, law or otherwise as if DAC were a public institution within the meaning of the OIC.

Findings of Misconduct

4. The CPI cannot make findings of criminal or civil liability.

5. The Commissioner must specifically avoid setting out conclusions in a report couched in the language of criminal culpability or civil liability.

6. Findings of misconduct can only be made if they are necessary to fulfill the specific purposes of the CPI, or to carry out its mandate as described in its Terms of Reference.

7. The Commissioner may make a finding that there has been a failure to comply with a certain standard so long as it is clear the standard is not a legally binding one.

8. No finding of misconduct can be made unless procedural fairness has been accorded to the person whose interests are affected. That means no finding of misconduct can be founded on evidence which was not the subject of cross-examination.

B. What Happened in Cornwall

9. The real rate of incidence of historical sexual abuse of young people by persons in positions of trust and authority in Cornwall has not been shown to be any different from what it is or was in any other city, town or place in Ontario, Canada, or elsewhere.

10. What was different, however, about Cornwall, and which resulted in this Inquiry, was the reaction of individual people, the media and institutions to specific events which caused the public's collective consciousness to become gripped with the idea that its institutions were being controlled by a deliberate conspiratorial clan which operated to manipulate the administration of justice, abuse youth and perpetuate its own power. This

concept fundamentally undermined the public's confidence in its institutions and organizations.

11. This scandal emerged in Cornwall, notwithstanding that there was no evidence that the situation in Cornwall was, in reality, any different from anywhere else and in circumstances where there was no evidence of a conspiracy as between institutions or organizations.

12. The scandal in Cornwall arose, and grew to the proportions it did because of a combination of the actions of certain individuals which created an environment of fear, paranoia and powerful negative imagery.

An Environment of Ignorance

13. Allegations which surfaced in Cornwall in the early 1990s were introduced into an environment of social and institutional ignorance. Neither the public, nor institutions had experience handling such allegations. There was an absence of research, scientific models, professional and scientific understanding and social consciousness or acceptance of this problem.

Perry Dunlop

14. Perry Dunlop emerged into this environment of ignorance. After his preliminary disclosure of the David Silmsler statement to the CAS, he became embroiled in a significant conflict with his employer, with the result that he began to suffer serious psychological health challenges which affected his ability and significantly, it is submitted, impaired his judgment.

15. This led to his lawsuit and to the commencement of his investigations. He embarked on this course alone, without training, guidance or supervision while suffering from health challenges which obviously, it is submitted, affected his judgment and ability to function.

What did Perry Dunlop Know Before He Met Ron Leroux?

16. Mr. Dunlop's investigation began with C8. He learned significant information about Ron Leroux from C8 and, importantly, that C8 had been abused by Ron Leroux for greater than a decade. He knew there was hostility between C8 and Ron Leroux. For this reason, as Mr. Dunlop's Will State said:

It became clear to me that Ron Leroux was the inside man. He was the operator who ran with these players. He was the U/C operator of the pedophile world. Although I had never met him as of this time, I believe he was also a pedophile.

How Did Dunlop Deal with C8 as a Witness?

17. Mr. Dunlop's experience with C8 demonstrated a pattern of dealing with witnesses which amounted to manipulation, pressure, incompetence and ignorance. Mr. Dunlop's behaviour towards C8 was also a predictor of how he would interact with other witnesses, including Ron Leroux.

18. C8 was a vulnerable, confused person who had lost his father at 15. C8's testimony amounted to an allegation that the Dunlop family took him into their fold, comforted him, supported him and assumed a type of surrogate family role. This led C8 to treat Mr. Dunlop as a father figure. He wanted to please Mr. Dunlop and the outcome of this kind of contact with the witness was predictable enough. C8 made significantly false allegations, both against Charles MacDonald and Marcel Lalonde. He lied in his statements to police and he did so to please Mr. Dunlop. He testified that Mr. Dunlop pressured him significantly for information that he did not possess.

Enter Ron Leroux

19. In the fall 1996, Mr. Dunlop contacted Ron Leroux. He attempted to persuade him to provide evidence, and when that failed he and Mr. Bourgeois resorted to threats. It is submitted the evidence demonstrates that Mr. Dunlop held out the prospect of C8's evidence over Mr. Leroux's head to compel his cooperation, or otherwise implied that Mr.

Leroux was vulnerable because of his involvement with Ken Seguin. Mr. Leroux interpreted Mr. Dunlop's overtures as a threat, "I seen what was coming" he said.

20. This resulted in Mr. Leroux developing a strategy to tell lies to protect himself and to persuade Mr. Dunlop that he was an invaluable witness. Mr. Dunlop, who had commenced his \$80 million lawsuit and was suffering from the problems he had, was only too willing to pick up the story Mr. Leroux was offering.

21. Mr. Dunlop's relationship with Mr. Leroux was characterized by significant incompetence and recklessness. It is submitted the evidence demonstrates that Mr. Leroux's statements were manipulated and developed with reckless disregard to their truth. The manner in which the investigation took place and the behaviour of Mr. Leroux, Mr. Dunlop and Mr. Bourgeois which has been disclosed demonstrates that Mr. Dunlop's investigation was profoundly out of touch with reality.

22. The manner in which the investigation took place directly contributed to and encouraged Mr. Leroux to lie.

Lies, Lies & More Lies

23. The lies Mr. Leroux told are almost too numerous to count. He attacked anyone and everyone in Cornwall, he raised the spectre of dark ritualistic sex taking place at cottages, a pedophile conspiracy, murder plots, sex in Florida by those running institutions in Cornwall, abuse of minors at locations in Cornwall, including church property. He set out lists of individuals and named them as pedophiles.

24. He resiled from virtually all of his evidence and admitted that the stories he told were lies. It is submitted that the community conspiracy theory and that of a pedophile clan died with Mr. Leroux's acknowledgement of his dishonesty.

Mr. Bourgeois & His Attempts to Suppress C8's Allegations Against Leroux

25. The evidence establishes that both Mr. Dunlop and Mr. Bourgeois actively attempted to suppress information which undermined Leroux's evidence. This

demonstrated the significant lengths to which Mr. Dunlop and Mr. Bourgeois were prepared to go to protect Mr. Leroux's story. Their behaviour fundamentally contributed to the propagation and persistence of the lies Mr. Leroux told.

Dunlop Admissions

26. When Mr. Dunlop was cross-examined in 2004, he gave a series of startling admissions which fundamentally demonstrated the impropriety of his behaviour over a period of years. Amongst other things:

- He admitted that the foundation for much, if not all, of the allegations he made was Ron Leroux:
- By the time Mr. Dunlop met with Mr. Leroux, Mr. Dunlop was suffering from paranoia. He didn't trust anybody, including the OPP, the CPS or any institution, whose members he believed were "actually corrupt." He passed this message on to witnesses.
- Mr. Dunlop violated direct orders of his superiors to produce documents which he was hiding in various locations and consistently refused to comply with those orders throughout 1997 to 2000.
- He ignored police orders not to interfere with witnesses. He interacted with witnesses and facilitated the preparation of statements which turned out to be false.
- He was untruthful in testimony before judges.

27. When the evidence of C8, Mr. Leroux, the Renshaws, Mr. Bourgeois and Mr. Dunlop's own admissions are considered, together with the evidence of those such as C18, there can be no doubt that Mr. Dunlop bears the most serious of responsibility for the controversy in Cornwall. Not only did he actually generate it, but, it is submitted, he preserved, protected and promoted his theories which ultimately had no substance.

Garry Guzzo

28. Mr. Guzzo too bears significant responsibility for the controversy in Cornwall. Mr. Guzzo used his influence as a member of the Legislative Assembly to promote the Dunlop and Leroux story with a series of factual assertions which were wrong, incomplete or without foundation. It is submitted that Mr. Guzzo's behaviour amounted to recklessness and that he promoted theories and allegations which had little or no connection with the evidence he claimed to possess.

Richard Nadeau

29. The finishing piece in the Cornwall scandal was the website www.ProjectTruth.com which promoted all of the false stories of Mr. Leroux, Mr. Guzzo's inaccurate claims and information which brought the scandal to new heights.

C. Corporate Overview**Policy Development & Implementation**

30. Over the twenty plus years following the Deslauriers incident, DAC has undergone significant changes in the development of policies and procedures designed to respond to allegations of sexual abuse.

31. The procedures that developed over the period from 1986 to 2002 were attempts to develop policies and response documents. While some were better than others, they represented a genuine attempt to come to grips with the problem, develop procedures and bring objectivity to the issue that the procedures addressed.

32. DAC's new Bishop, following his installation in 2002, developed new policies with the advice of leading experts such as Father Evervett McNeil, canon lawyers who were involved in the development "From Pain to Hope" as well as from members of the community representing various disciplines, professions and important institutional stakeholders. The policy now in place at DAC represents what amounts to a state of the art protocol, consistent with "From Pain to Hope" and its successors reports. DAC also has

adopted other measures such as screening policies for volunteers consistent with the Ontario Screening Initiative and has taken all necessary steps to address weaknesses in its policies and procedures.

33. Following the implementation of its news policies and procedures, DAC has adhered to them and acted in an objective, transparent manner which is consistent with its obligations at law.

D. Historical Cases

Gilles Deslauriers

34. The following points emerge from the Deslauriers case.

- DAC had no prior knowledge of misbehaviour or problems with Gilles Deslauriers.
- When DAC learned of actions of Gilles Deslauriers, it suspended him from ministry, required him to attend a retreat and psychological or psychiatric therapy.
- Deslauriers was suspended from Ministry and when the Bishop learned he might be engaged in ministry in Hull, Father Menard was sent to Hull to request that he be stopped and the Bishop himself attended to make the same request. Ministry in Hull stopped.
- The Bishop wrote to Rome to report the allegations and to seek its views with respect to a potential breach of the sacrament of confession.
- The Bishop verified the treatment plan and its frequency for Gilles Deslauriers.
- The Bishop informed parents of victims about developments.
- The Bishop constituted the Ad Hoc Investigative Committee and heard evidence of witnesses.

- The Bishop provided a copy of the Ad Hoc Committee Report to Rome.
- A copy of the Report and recommendations of Father Menard were sent to Gilles Deslauriers' psychologist.
- DAC personnel cooperated with police investigations.
- Witnesses and victims of Gilles Deslauriers did not want their complaints taken to police. DAC was influenced by these requests but failed to show leadership and should have engaged the authorities at an early time.
- When police became involved, DAC cooperated. Bishop LaRocque provided extensive information although he refused to provide a statement. Ultimately, he answered his Summons but was not called to testify.
- DAC excommunicated Gilles Deslauriers only after the Bishop received a report from Jacques Jobin testifying to Deslauriers' ability to return to ministry and a probation order which, in practical terms, put Gilles Deslauriers under the custodial supervision of Bishop Proulx and required him to continue to attend therapy for the duration of his probation.
- DAC communicated with victims and offered to fund their counseling sessions which were in fact paid for in some cases.
- DAC had no obligation nor was there any duty to report to the CAS. No victim was a minor within the meaning of child welfare legislation. In any event, Gilles Deslauriers left the jurisdiction on February 13, 1986 and did not return.

Charles MacDonald

35. DAC submits that the following points emerge from the Charles MacDonald case:

- DAC had no prior knowledge that Charles MacDonald was abusive, or propose a risk of abusing young people in advance of the David Silmsers allegations.
- DAC's first interaction with David Silmsers came as a result of contacts from Msgr. Schonenbach in Ottawa who corresponded with DAC to reveal the allegations.
- Once the allegation was revealed, DAC followed its protocol. Its representative met with Charles MacDonald and confronted him with the allegations. Conversations were held with the complainant with whom DAC officials ultimately met. DAC identified that it was prepared to provide counselling to the complainant and that the priest would not be forthcoming with an apology.
- DAC's delegate reported matters as they unfolded to the Bishop.
- DAC had no obligation to report to the CAS. Mr. Silmsers was not a minor when the allegation was made, and there was no evidence that any minor was at risk. As Project Blue ultimately concluded, no such minor could be identified.
- Mr. Silmsers reported his claim to police and DAC knew this.
- DAC did not initiate settlement discussions with Mr. Silmsers. Mr. Silmsers pursued a settlement agenda with DAC and he interacted with the Cornwall Police Service in a fashion which demonstrated that he was using his complaint with police to facilitate a settlement.
- DAC ultimately, unwittingly, became involved in a settlement which contained an unlawful term in a release document.

- The release was drafted contrary to the Bishop's specific instructions that there be no interference with criminal procedures.
- DAC's lawyer admitted that he was negligent in preparing the release.
- There is no evidence which demonstrated DAC knew or had any knowledge of the illegal provisions regarding the settlement until January 1994 when the matter became public. At that time, DAC invited all victims to come forward, advised the complainant that he was free to pursue criminal procedures, and acknowledged the error had taken place.
- Charles MacDonald was not removed from ministry because a variety of pieces of evidence which significantly, in the minds of DAC officials, undermined the credibility of the allegations.
- When additional allegations surfaced, Charles MacDonald was removed from ministry and never returned to it.
- DAC cooperated with all investigations which followed, including Project Blue, the OPP's investigation and Project Truth.
- DAC properly interacted with additional claimants against Charles MacDonald, including C3 and John MacDonald whose allegations already had been reported to the police and CAS or, when DAC received them, immediately reported to the police and CAS. In John MacDonald's case, DAC not only offered to, but paid for, counselling on a without prejudice basis.

Reporting Leroux Allegations to the CAS

36. When DAC officials became aware of the allegations made by Ron Leroux and C15, they were immediately reported to the CAS and to the OPP. DAC acted in an appropriate fashion at all times.

Romeo Major

37. DAC had no knowledge of allegations against Romeo Major until it was advised by Pat Hall on October 31, 1999.

38. Romeo Major was not immediately removed from ministry, but was removed from ministry when he was charged. This was consistent with DAC's protocol.

39. Romeo Major was sent for treatment at Southdown. No problems were identified relating to sexual abuse.

40. When charges against Romeo Major were withdrawn, he was reinstated. The reinstatement was appropriate. It was based on information which the Bishop had which fundamentally undermined the credibility of the allegation and that, together with medical information that he posed no risk, was a sufficient basis for the Bishop to reinstate.

Rene Dube

41. The allegations concerning Rene Dube do not amount to allegations of abuse of a young person in the Cornwall area and as such do not engage the jurisdiction of the CPI.

42. It is submitted that the Bishop's decision not to accept the resignation of Rene Dube was a discretionary one and it was based on a judgment he made at the time which was permissible under DAC's guidelines. However, his actual knowledge regarding Rene Dube's innocence was based on information which, at that time, he appeared unwilling to disclose. He was also not in a position to definitively assess the credibility of that information although, as events proved, he was right about Rene Dube's innocence. The problem was, no one else knew what was going on. This resulted in the Bishop making public statements about his ability to follow his protocol in his discretion which may have undermined the public's confidence in DAC's decision making at a time when public confidence was already low. Therefore, the Bishop might have considered accepting the resignation of Rene Dube until the allegations were handled by the court, or taken another

course which would not have contributed to possible confusion in the public's mind about DAC's decisions.

Paul Lapierre

43. Paul Lapierre left DAC in 1968. DAC was not aware of allegations concerning Paul Lapierre before he was charged in March of 1998. At that time, he had been out of the Diocese for nearly 30 years.

44. Paul Lapierre did not tell DAC about alleged abuse which had taken place in the 1960's by other priests.

45. DAC acknowledges that based on the information received from Paul Lapierre concerning Rene Dube, it should have considered contacting the authorities to advise them of the information.

46. DAC acknowledges that it should have considered some administrative action in connection with Paul Lapierre notwithstanding that he had been gone from the Diocese for nearly thirty years. It should had contacted the Diocese in Montreal where he lived to inform that authority of the facts about which DAC knew. It should have requested that some parallel administrative action be taken in Montreal.

47. DAC acknowledges that the incoming Bishop in 2002 should have been informed about the circumstances relating to the Lapierre matter.

48. After Paul Lapierre's conviction, Bishop Durocher suspended Paul Lapierre, which was made permanent following the dismissal of Paul Lapierre's appeal.

49. A canonical proceeding did not take place because the 10 year limitation period had long expired making it impossible. By the time that issue arose, Father Lapierre was incapacitated living in assisted caring and incapable of ministry.

Ken Martin

50. DAC had no knowledge of allegations against Ken Martin until the spring of 1989 when Pat Hall contacted Bishop LaRocque to identify that he was going to be charged.

51. By that time, Ken Martin had been living out of the Diocese since 1972.

52. DAC acknowledges that upon receipt of the allegations, some risk analysis should have been conducted and administrative action in some form considered. DAC should have communicated with Montreal where Ken Martin was a resident although retired in order to coordinate any response.

Lucien Lussier

53. Concerns were raised about Lucien Lussier in 1967.

54. The details of this matter are unclear given the participants at the time are dead with the exception of Rejean Lebrun.

55. Lucien Lussier was transferred between parishes although it is not known for certain that this related to allegations of abuse.

56. DAC acknowledges that if there was a transfer between parishes based on such an allegation, that was an insufficient response.

Carl Stone

57. No allegations of historical sexual abuse of a young person in Cornwall were ever made regarding Carl Stone and therefore the CPI's jurisdiction does not arise in relation to his case.

58. DAC however acknowledges the following connection with his arrival in 1957:

- (a) That either Father Stone should have been refused entry into the Diocese of Alexandria or, if entry was permitted:

- (i) The Bishop should have had full disclosure of all details of concerns or problems which occurred in Ogdensburg as well as prior to Ogdensburg. In this regard, while it is unknown what oral discussions the Bishop of Alexandria may have had with Ogdensburg or Montfort Fathers, certainly an interview of the officials at Ogdensburg and the Montfort Fathers should have been conducted to learn the details not only of the incident referred to in Exhibit 2066, but the “history to this trouble” as well.
 - (ii) No ministry should have been permitted until a full and detailed explanation of the facts were made available to the Bishop of Alexandria and, if necessary, any other inquiry had been taken.
- (b) No ministry should have been accorded to Father Stone which brought him into contact with any vulnerable person.
 - (c) Upon Father Stone’s departure, a full report should have been delivered both to the Montfort Fathers as well as the Diocese of Ogdensburg detailing the incidents in question. At this point, given the amount of time that has passed, it is not known whether Bishop Brodeur had oral discussions with either of those organizations but, certainly, a full report in writing should have been delivered.

59. In connection with his return to DAC in late 1981, DAC acknowledges that Father Stone should not have been permitted to come back to DAC or if he was allowed to return, he should only have been allowed after the following had occurred:

- (a) Since Bishop LaRocque’s interview of Carl Stone revealed that he had been in treatment in Southdown and had been convicted of an offence, Father Stone should have been required to consent to the full release of information from Southdown and DAC should have obtained a report from Southdown providing a full diagnosis as well as prognosis for Father Stone. This should

have included some form of risk assessment. A continuing treatment plan as well as monitoring for that plan should have also been in place which ensured ongoing contact with DAC.

- (b) Full disclosure of the details of the criminal proceedings should have been obtained by DAC and interviews with any authorities who exercised jurisdiction in relation to Father Stone should have taken place.
- (c) If any work was authorized, it should have been limited based on information received.
- (d) Finally, when Father Stone was asked to leave, a report should have been delivered to the Ministry of Citizenship immediately upon his departure in order to ensure that any remaining time on his visa was terminated. A full written report should have been delivered both to the Montfort Fathers and the Diocese of Ogdensburg in order to ensure they were aware of the developments.

60. Notwithstanding the foregoing, it should be noted that there is no evidence DAC received a complaint that Father Stone was involved in the sexual abuse or abuse of young people in Cornwall during the period he was at DAC in the 1950s, 1960s or 1980s.

Cooperation with OPP

61. DAC fully cooperated with OPP and responded to requests for document reproduction, interviews and information. No OPP officer alleged that DAC failed to cooperate at any time.

Allegations of Ron Leroux & C15

62. It is submitted the evidence demonstrates that the allegations of Ron Leroux and C15 were patently and obviously false and lacking in credibility.

63. Not only could police officers who thoroughly investigated those issues, find no reasonable and probable grounds to lay a charge, but Crown Attorneys reviewing the case reached the same conclusion. In this regard, it is submitted DAC's response was appropriate. Organizations cannot cease to function because people choose to assert false allegations.

E. Conclusions

64. It is submitted that the words of Bishop Paul Andre Durocher best summarize some of the issues that have arisen. As he said in a pastoral letter of February 2007:

As individual Catholics, what can we do to foster the success of the Inquiry?

First, we can pray for the people involved, particularly the victims and their families. They stand in need of care, understanding and compassion. We can also pray for those whose reputations have been harmed by grounds of these allegations.

Secondly, we can humbly recognize the fact that some young people were indeed sexually abused by priests of our Diocese. Two criminal trials in the past have led to convictions and sentencing of priests. I apologize again to the victims and their families, praying for their well-being and peace of mind. We must not diminish the suffering these people endured nor make light of their personal struggles.

Third, we can be patient and withhold judgment until the Commission's Report is published. Let us therefore exercise patience during this process.

65. DAC, like many organizations, struggled over the years to deal with these complex, important and difficult issues. While it made mistakes, it has had successes. It has emerged from the same climate of ignorance which society at large faced in the 1980's and early 1990's.

66. The current leadership of the Diocese has made the issue of responding to sexual abuse by clergy an important topic and has attempted to embrace community concerns. It has developed procedures and policies in collaboration with community stakeholders, police, the Children's Aid Societies, and other organizations and experts whose input has

been sought and obtained. It has developed processes and procedures which reflect current thinking on how to effectively and with compassion respond to allegations.

67. The current Bishop has attempted to embrace the community in an effort to foster a sense of trust between it and the Diocese and to dispel many of the misconceptions and rumours that have affected the Diocese since the 1990's.

68. The Bishop of DAC is committed to continuing community dialogue and to assiduously fostering and restoring the trust which he believes people should freely be able to repose in the Church which is devoted to their interests and well being.

II. The Mandate of the CPI – Jurisdictional Considerations

A. General Considerations

69. The OIC creating the CPI was issued in the wake of public dissatisfaction regarding the manner in which the Project Truth investigations and prosecutions emanating from them were conducted. As the evidence established, public criticisms were largely stimulated by proponents of the false idea that Project Truth was somehow “incompetent” or worse, affected by a conspiracy. This was the primary thesis of people, for example, like Mr. Guzzo who used his position as a member of the Legislative Assembly to constantly repeat this message, attract attention and to persuade both the people of Ontario and its government to adopt his views. Sadly, Mr. Guzzo, when he testified at the CPI, admitted that his allegations were largely unfounded, unsupported or simply wrong. Nevertheless, his persistent criticisms echoed by many led to a public outcry which ultimately caused the government to issue the OIC establishing this Inquiry.

70. Initially, the government refused to call the CPI on the basis there were ongoing police investigations and prosecutions. It was not until these concluded that the government issued the OIC. As the Court of Appeal said, quoting from Handard,

[38] In response to MPP Kormos’ query, Premier Dalton McGuinty expressed his commitment to holding such an inquiry after the expiry of the appeal period in the criminal proceedings.

[39] In Hansard from November 18, 2004, MPP Bronwell made the following remarks:

On November 4, 2004, the Premier stood before this House and committed to the people of my riding that a full public inquiry would be called in the Project Truth investigations once all criminal proceedings were concluded.

I’m happy to announce today that on Monday, November 15, 2004, the last of the criminal proceedings were concluded.

... The Project Truth investigations and subsequent criminal proceedings [that] have clouded over the Cornwall area for the past decade.

[emphasis added]

Ontario Provincial Police v. The Cornwall Public Inquiry, 2008 ONCA 33, paras.38, 39.

71. The OIC that was issued therefore stated:

Whereas allegations of abuse of young people have surrounded the City of Cornwall for many years. The police investigations and criminal prosecutions relating to these allegations have concluded...

2. The Commission shall inquire into and report on the institutional response of the justice system and other public institutions, including the interaction of that response with other public and community sectors, in relation to:

(a) allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations.

[emphasis added]

Ontario Provincial Police v. The Cornwall Public Inquiry, supra..

72. The Court of Appeal interpreted the OIC to mean that the “allegations of abuse” to be investigated by the CPI were those in relation to which police investigations and criminal prosecutions had concluded. Those were the allegations that had surfaced during Project Truth. As the Court of Appeal stated:

[47] As noted, the second sentence narrows the so-called “general inclusive” allegations of abuse referred to in the first sentence to those that formed the subject matter of “police investigations and criminal proceedings related to these allegations [that] have concluded.” Such allegations related to historical sexual abuse of young people in the Cornwall area by persons in authority or positions of trust that were the subject of the Project Truth investigations.

[emphasis added]

Ontario Provincial Police v. The Cornwall Public Inquiry, supra., para.47.

73. In addition, in order to interpret the breadth of the CPI’s mandate expressed in the OIC, the Court of Appeal reviewed the factual background that stimulated the Inquiry. That included what the Court of Appeal summarized as follows:

- (a) An initial complaint was made in 1992 by a 34-year old Cornwall resident who claimed that as a child he was sexually abused by a priest and probation officer.
- (b) A resultant investigation progressed, but ended.
- (c) There was fallout in 1994 when the manner in which the investigation ended was made public.
- (d) Additional alleged victims of the same priest came to light.
- (e) There were resultant *Police Act* charges against an officer (Perry Dunlop) who disclosed the initial complainant.
- (f) There were further investigations.
- (g) Perry Dunlop commenced a civil action that brought him into conflict with a number of "named individuals and organizations."
- (h) Perry Dunlop began to collect information and alleged that there was a clan of pedophiles in Cornwall and a conspiracy to obstruct justice and to murder him.
- (i) The information from the investigations conducted by Perry Dunlop was delivered to OPP.
- (j) Project Truth was launched in 1997. It resulted in 15 persons being charged with 115 offences, involving 34 alleged victims.
- (k) All court proceedings arising from the Project concluded in October 2004, followed by the November announcement of the Premier stating that the government was committed to calling an inquiry into "Project Truth."

Ontario Provincial Police v. The Cornwall Public Inquiry, supra., paras.30-33.

74. The Court of Appeal described this factual information as “fleshing out the meaning of the first two sentences of the preamble of the OIC and makes it clear that” the allegations of abuse of young people that had surrounded the City of Cornwall and its citizens for many years “refers to the allegations of historical sexual abuse of young people by persons in positions of trust or authority that were the focus of Project Truth and the police investigations and criminal prosecutions, in relation to those allegations that had now concluded.”

Ontario Provincial Police v. The Cornwall Public Inquiry, supra., paras.30-33.

75. The Court of Appeal went on to say:

Such allegations would include those that were subject of the Project Truth investigation as well as any similar allegations of historic abuse of young people by persons in authority or positions of trust that were not investigated by Project Truth or that came to light after the Project Truth investigation ended.

[emphasis added]

Ontario Provincial Police v. The Cornwall Public Inquiry, supra., para.55.

76. It is submitted that the reasons of the Court of Appeal on these points demonstrate:

- (a) The mandate of the CPI was always the investigation of those allegations of historical sexual abuse of young people in Cornwall by persons in position of trust that were the subject of investigation by Project Truth or “similar investigations.”
- (b) “Similar investigations” means the investigations that immediately preceded Project Truth such as the investigation of Charles MacDonald in 1992, the Ottawa Police Service review of that investigation in 1993, the OPP investigation in 1994 and any other investigations that took place during 1995 to 1997, pending the call of Project Truth.

77. While the Court of Appeal's judgment goes on to talk about the possibility of the CPI investigating matters as far back as the 1950s, its statements in that regard were, it is submitted, made *per incuriam*. No argument on a specific commencement date for the CPI's mandate was before the Court of Appeal. Indeed, the Court of Appeal had this to say about the meaning of the word "historical":

By defining the words "historical" as he did, the Commissioner gave himself jurisdiction to assess the responses of various institutions... including the justice system, the police, the Children's Aid Societies and the like, to any and all allegations of sexual abuse made by young people in the Cornwall area, including historical allegations of abuse such as those investigated by Project Truth and allegations of sexual assault, such as those reported by C12, presumably from the date of Cornwall's inception in 1834 to April 14, 2005....

Such a wide-ranging mandate is inconsistent with the Commissioner's acknowledgment that the "main focus of Parliament was to highlight the cases that had been in the spotlight in the community at the time of the decision to convene this Inquiry....

Ontario Provincial Police v. The Cornwall Public Inquiry, supra., para.59.

78. There is no doubt that the cases in the spotlight at the time the CPI was called were those arising from Project Truth, and the investigations starting in 1992 into Charles MacDonald.

79. The OIC did not state that the CPI was to investigate how institutions respond to allegations in the 1950s, 1960s or 1970s or 80s. The OIC made no mention of such dates. If 1950 was the starting point for the CPI's jurisdiction, the parties to the CPI were certainly not consulted about it. The date of 1950 was not the subject of submissions at the Court of Appeal, nor was evidence called on that issue. Indeed, if 1950 were the date, there would appear to be rational basis for why the starting date for the jurisdiction of the CPI wouldn't be, say, 1949, 1936, 1955 or any other date.

80. Therefore, the jurisdiction of the CPI is and always has been as follows:

- (a) To investigate and report on the institutional response of the justice system and other public institutions, including the interaction of that response with

other public and community sectors in relation to allegations of historical abuse of young people in the Cornwall area, including the policies and practices then in place to respond to such allegations.

- (b) The allegations of historical abuse means historical allegations of sexual abuse of young people in Cornwall by persons in authority or positions of trust.
- (c) The “allegations” of historical sexual abuse to which the OIC refers were those that were the focus of Project Truth and the prosecutions stemming from it, as well as the 1992 investigation of Charles MacDonald, the subsequent review by the Ottawa Police Services, the OPP’s 1994 reinvestigation and any investigations from that point on to the conclusion of Project Truth.

81. While the CPI did not proceed on the basis that the foregoing represented its mandate, it is submitted that the proper interpretation of the OIC, together with surrounding and supporting textual material such as Hansard and the factual foundation identified by the Court of Appeal, demonstrates that the CPI’s jurisdiction was limited and focused to the identified items described in Paragraph 12 of this section. Therefore, it is respectfully submitted that the CPI is not entitled, at law, to make findings outside of those areas identified in these submissions.

B. Considerations Relating to the Diocese of Alexandria-Cornwall

82. In February 2006, the CPI heard submissions regarding the status of DAC under the OIC. DAC contended that it was part of the public and community sector which interacted with public institutions like the justice institution and accordingly that it was not “a public or governmental institution” referred to in Paragraph 2 of the OIC. As such, DAC contended it should not be investigated as if it had that status.

83. The Commissioner ruled to the contrary. DAC advised the Commissioner that, notwithstanding his ruling, it did not agree that it was a public institution within the meaning of the OIC. DAC stated that it would, for reasons related to public perception, participate in the Inquiry as if it were a public institution. However, DAC was clear in identifying that notwithstanding its participation in order to deflect unwarranted public criticism, it did not accept the jurisdiction of the CPI to treat it as a public institution. In the circumstances, DAC repeats and relies on Paragraphs 1 to 87 of the “Submissions of the Episcopal Corporation of the Diocese of Alexandria-Cornwall Hearing Regarding Terms of Reference of the Cornwall Public Inquiry,” **Exhibit E1**, as well as the more recent decision of the Divisional Court of Ontario in *Donoghue v. Roman Catholic Episcopal Corporation of Ottawa* (2007), 278 DLR (4th) 718 (Div.Ct.) in support of the contention that it is not a public institution within the meaning of Paragraph 2 of the OIC. Therefore any factual finding made by the Commissioner of the CPI based on the premise that DAC is a public or other institution within the meaning of OIC would be unlawful.

C. Findings of Misconduct

84. Public inquiries are investigative tools of government which are used to explore issues, educate the public and make recommendations to improve situations, often tragic, which have occurred in society.

85. Commissions of inquiry are not courts of law. They are not bound by the usual constraints of the judicial process, or the rigours of evidentiary requirements in a courtroom setting. Commissions can admit evidence at an inquiry that is “not even given under oath or affirmation.”

Public Inquiries Act, RSO 1990, c.P-41, s.10.

86. The extent of the powers of a public inquiry have always given rise to concerns about the impact those powers can have on people, their reputations and rights. In this regard, the following comments of the Federal Court are apposite:

Every inquiry created must proceed carefully in order to avoid complaints pertaining to excessive costs, lengthy delay, unduly rigid proceedings or lack of focus. More importantly for the purposes of this appeal is the risk that commissions of inquiry, released from many of the institutional constraints placed upon the various branches of government, are also able to operate free from the safeguards which ordinarily protect individual rights in the face of government action. These are very real dangers that must be carefully considered.

[emphasis added]

Stevens v. Canada (Attorney General), [2004] FC 1746.

87. As McRuer JA noted,

The main individual rights affected by the exercise of investigatory powers are the right to privacy and the right to the enjoyment of one’s property, the right to be left alone, and the right to keep one’s information and ideas to one’s self. In other words, freedom not to speak. The right to the enjoyment of one’s property involves freedom from trespass to one’s lands, buildings and personal property, personal rights [are] affected when power to investigate is given and they are contracted as investigator powers expand. There are rights and interest that fundamental and should be safeguarded

against unjustified encroachment. Their protection requires vigilance.

Royal Commission Inquiry into Civil Rights, Report No.1, February 7, 1968, McRuer JA Commissioner.

88. Again on the same subject, the Supreme Court of Canada said, adopting in part the reasons of Decary JA of the Federal Court of Appeal,

The inquiry's roles of investigation and education of the public are of great importance. Yet those roles should not be fulfilled at the expense of the denial of the rights of those being investigated. The need for careful balancing was recognized by Decary JA when he stated at para.32, "the search for truth does not excuse the violation of the rights of the individuals being investigated." That means that no matter how important the work of an inquiry may be, it cannot be achieved at the expense of the fundamental right of each citizen to be treated fairly.

[emphasis added]

Canada v. Canada (Commission of Inquiry on the Blood System) (1997), Can.LII 323 (SCC) at para.34.

89. Having highlighted the foregoing concerns, the Supreme Court of Canada had this to say about how public inquiries should be constrained to avoid unwarranted damage to individuals:

A commission of inquiry is neither a criminal trial nor a civil action for the determination of liability. It cannot establish either criminal culpability or civil responsibility for damages. Rather, an inquiry is an investigation into an issue, event or series of events. The findings of a commissioner relating to that investigation are simply findings of fact and statements of opinion reached by the commissioner at the end of the inquiry. They are unconnected to normal legal criteria. They are based upon and flow from a procedure which is not bound by the evidentiary or procedural rules of a courtroom. ...A public inquiry is not equivalent to a civil or criminal trial. In a trial, the judge sits as an adjudicator, and it is the responsibility of the parties alone to present the evidence. In an inquiry, the commissioners are endowed with wide ranging investigative powers to fulfill their investigative mandate. The rules of evidence and procedure are therefore considerably less strict for an inquiry than for a court. Judges determine rights as between the parties; the Commission can only "inquire" and "report." Judges may impose monetary or penal

sanctions; the only potential consequences of an adverse finding is that reputations can be tarnished.

Thus, although the findings of a commission may affect public opinion, they cannot have either penal or civil consequences. To put it another way, even if a commissioner's findings could possibly be seen as determinations or responsibility by members of the public, they are not and cannot be findings of civil or criminal responsibility.

A public inquiry was never intended to be used as a means of finding criminal or civil liability. No matter how carefully the inquiry hearings are conducted, they cannot provide the evidentiary or procedural safeguards which prevail at a trial. Indeed, the very relation of the evidentiary rules which is so common to inquiries makes it readily apparent that findings of criminal or civil liability not only should not be made, they cannot be made.

[emphasis added]

Canada v. Canada (Commission of Inquiry on the Blood System), supra. at paras.34 and 53.

90. The concerns expressed by the Supreme Court of Canada are partly repeated in the wording of the OIC which, in s.7, states that the Commissioner of the CPI is prohibited from "expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization."

91. In order to protect individual rights, the Supreme Court of Canada has also expressed a number of requirements which must be fulfilled before any finding of misconduct can be made by a commissioner. These include the following:

- (a) A commissioner cannot make findings of criminal or civil liability. In addition, a commissioner must also specifically avoid setting out conclusions in a report that are couched in the language of criminal culpability or civil liability. Otherwise, the public perception may be that specific findings of criminal or civil liability have been made.
- (b) While a commissioner may make findings of misconduct based on the evidence, such misconduct may only be found when it is specifically

necessary to fulfill the purpose of the inquiry or to carry out its mandate as it is described in the terms of reference. Findings of misconduct are not and have never been the primary purpose of a public inquiry.

- (c) A commissioner may make a finding that there had been a failure to comply with a certain standard of conduct so long as it is clear that the standard is not a legally binding one, such that the finding amounts to a conclusion of law pertaining to criminal or civil liability.
- (d) Before any finding of misconduct is made, a commissioner must ensure there is procedural fairness accorded to the person whose interests are affected.

Canada v. Canada (Commission of Inquiry on the Blood System), supra. at paras.56 and 57.

92. In view of the very real damage which public inquiries can cause to individuals' rights, they must be protected from findings of misconduct which are not based on solid, credible and fully tested evidence. Therefore, no finding of misconduct can be made against an individual unless the evidence supporting it was called and subjected to cross-examination by the person whose "interest" the finding may affect. That is why ss.5(1) of the *Public Inquiries Act* states:

A commission shall accord to any person who satisfies it that the person has a substantial and direct interest in the subject matter of its inquiry an opportunity during the inquiry to give evidence and to call and examine or to cross-examine witnesses personally or by counsel on evidence relevant to the person's interest.

[emphasis added]

Public Inquiries Act, supra., s.5(1).

93. Subsection 5(2) of the *Public Inquiries Act* states that:

No finding of misconduct on the part of any person shall be made against the person in any report of a commission after an inquiry unless that person had reasonable notice of the substance of the alleged misconduct and was allowed full opportunity during the inquiry to be heard in person or by counsel.

Public Inquiries Act, supra., s.5(2).

94. Subsections 5(1) and 5(2) must be read together. Findings of misconduct affect a person's interests. Therefore, the Act, it is submitted, gives a clear directive to commissioners of public inquiries that they cannot make findings of misconduct, unless a person whose interests are affected thereby has had a full opportunity to test that evidence through cross-examination.

Public Inquiries Act, supra., s.5(1) and (2).

Vandermere v. Ontario (1992), 90 DLR (4th) 409 (Ont. Div. Ct.).

95. Therefore, any evidence tendered by way of an "overview of documentary evidence," documents adduced, but whose authors or originators were not called, or any other unsworn evidence, or evidence untested by cross-examination, should not and cannot form the basis for a finding of misconduct against any person.

III. What Happened in Cornwall

96. What happened in Cornwall in the 1990s and in the first few years of this decade? Was it any different from what happened, or has happened anywhere else?

97. In reality, the real rate of incidence of historical sexual abuse of young people by persons in positions of trust or authority in Cornwall has not been shown to be any different from what it is, or was, in any other city, town or place in Ontario, Canada or elsewhere. The Commission did not lead, nor has it heard, any evidence to suggest that the rate of incidence of historical sexual abuse of young people by those in positions of trust in Cornwall was any different qualitatively or quantitatively from anywhere else. As Officer Aikman testified:

I don't know that Cornwall has a higher prevalence, per se, than another community town – Brockville or Belleville for example.

Evidence of D. Aikman, CPI Transcript Vol.18, p.31, l.9-12.

98. What was different, however, was how certain actors, the media, and as a result the public reacted to events as they unfolded in an era which was, in reality, the dawn of the public's open consciousness of issues relating to historical sexual abuse. It was the nature of the reaction to those events that caused the public's collective consciousness to become gripped with the idea that the heads of its institutions (such as local and provincial police forces, schools), government organizations and community organizations (such as churches), were all involved in a widespread, organized, deliberate, clandestine conspiratorial clan which consciously operated to manipulate and abuse youth, to thwart the administration of justice and, accordingly, to perpetuate its own power, influence and control.

99. This idea, as preposterous as it was, nevertheless became rooted in the public's psyche. The persistence of the idea undermined the public's confidence in its police forces, its Crown Attorneys, judges, institutions and organizations. The clan concept became a reductionist answer for everything and every problem. If a prosecution against an alleged

perpetrator failed, it must have been as a result of conspiratorial influence, either at the investigation stage or higher up. Reputations were damaged and people profoundly hurt.

100. Why did these concepts take root? Why did this happen when there wasn't evidence to suggest that rates of incidence of historical sexual abuse of youth in Cornwall by persons in position of trust were any different from anywhere else? Why did it happen when there was no evidence that Cornwall's institutions were populated by some dark, powerful clan which orchestrated and controlled the City? Why did it happen when the idea of a conspiracy between DAC, the Cornwall Police Service (CPS) and others was totally unfounded; when two police forces found no evidence to suggest such a conspiracy and when no such evidence was led at the CPI because that evidence didn't exist? The answer lies in a combination of psychological and technological factors which, when combined with the actions of certain individuals, created an environment of fear, paranoia, hate and powerful negative imagery. This was the real difference in Cornwall and why Cornwall became such a persistent story.

A. An Environment of Ignorance

101. The evidence of Dr. Wolfe described a level of social and perhaps institutional ignorance about historical sexual abuse of minors that existed at the dawn of the 1990s. While it is true that reports had begun to emerge in the late 1980s, at the beginning of the 1990s, Dr. Wolfe outlined an environment in which, although medical information had begun to emerge, social and institutional awareness, understanding and sophistication about historical sexual abuse cases was low. Ignorance prevailed. As he said,

So that lack of knowledge in terms of an ignorance, I guess, if we can use that expression, in terms of the 1950s, 1960s, 70s and even the 80s would have been fairly acute at least from the community sector point of view?

A: I think that's fair to say.

[emphasis added]

Cite.

102. Even in 2003, Dr. Wolfe was writing articles calling for the serious need for the advancement of professional and scientific understanding of these issues.

The Cornwall Public Inquiry (CPI) Transcript Vol.5, p.71, l. 11-17.

103. In one such article, Dr. Wolfe identified the very significant need for increased knowledge. He said:

This article is intended to spur scientific and professional involvement by examining significant factors and characteristics associated with child abuse in community institutions and organizations that contribute to harm among some victims. There is a great need to expand public and professional awareness of child abuse and neglect, and, even more so, the identification, processes, issues and outcomes of child abuse in institutions and community settings.

[emphasis added]

Exhibit 16(P), Tab 15, pp.179-180.

104. In the same article, he acknowledged what was a "paucity of research studies and scientific models" on these issues.

Exhibit 16(P), Tab 15, pp.179-180.

105. Nicholas Balla, who testified at the Commission, described the same phenomenon. He stated that the beginnings of awareness of the extent of institutional historical cases of child sexual abuse did not start to emerge until the late 1980s. Amendments to the *Criminal Code* to address such issues were not introduced until 1988. The *Rogers Report* was released in 1990. Child witness reforms were not made to the *Criminal Code* until 1993 and important common law cases relating to the testimonial confidence courts had in children did not begin to emerge until 1990 and following with the release of such cases as *R v. Khan*, *R v. CRB*, etc.

Book of Documents of N. Balla, Exhibit 17(a), Tab 3.

106. There can be no doubt, therefore, that general social, public understanding and awareness lagged far behind developments in medicine as well as institutional consciousness and analysis of such problems.

107. Therefore, in the early 1990s, when events began to unfold quickly in Cornwall, they were introduced into a climate of public ignorance, lack of understanding and misconception. The public was ill-equipped to understand, handle or process the information it received.

108. In this environment, the Cornwall media coverage of events was inadequate, limited and unhelpful to the public. It was characterized as “lacking in depth analysis,” “lacking verification,” “lacking systemic sourcing,” as well as frequently descending into “rumour, conjecture or the making of claims that were not founded in the evidence.” As Dr. Young testified, the public in Cornwall could have been much better served by the media. Coverage did not provide the public with the kind of in-depth analysis or detail necessary to decipher the issues or to properly understand them or put them in context.

Evidence of Dr. Young, CPI Transcript Vol.155, October 30, 2007, pp.82-85.

B. Introducing Mr. Dunlop

109. Perry Dunlop emerged on the Cornwall stage in September 1993 when he released the David Silmsler statement to the Children's Aid Society (CAS). Later, in January and following, when the story of David Silmsler's settlement with DAC and Charles MacDonald became public, Mr. Dunlop faced police complaint procedures launched by David Silmsler, not the CPS. This process radicalized the Dunlop family. They began to believe that they were being persecuted, that Mr. Dunlop was some sort of "scapegoat," that everything was being covered up and that he was being bullied, harassed and isolated by members of the CPS.

Evidence of H. Dunlop, CPI Transcript Vol.138, p.43.

Evidence of P. Dunlop, CPI Transcript Vol.138, p.27.

110. In reaction, it is submitted that, as early as 1994, Mr. Dunlop developed a theory, in his own mind, at least, of the existence of a conspiracy and a pedophile "ring" in Cornwall.

Notes of Greg Bell, Exhibit 2324, pp.119-120.

111. Mr. Dunlop was off on sick leave by January 1994. He began to suffer significant mental health challenges at that time for which treatment started from his psychiatrist, Dr. Horn at the Royal Ottawa Hospital in June 1994. He received prescriptions for multiple medications to deal with depression and other symptoms and remained on multiple medications to the date of his wife's testimony at the CPI in 2007. During her testimony, Mrs. Dunlop outlined his psychiatric condition throughout the entirety of 1994 and 1995:

- (a) Perry's problems were out of his league;
- (b) He needed to see a specialist;
- (c) She discovered him in a foetal position on their sofa;
- (d) He wasn't talking;
- (e) He began to see Dr. Horn, a psychiatrist at the Royal Ottawa Hospital, in June 1994;

- (f) Mr. Dunlop continued to take medications from mid-1994 to the very day of his testimony;
- (g) Mr. Dunlop's condition was characterized by anxiety, panic and stress;
- (h) Mr. Dunlop continued to be off work through 1994, 1995 and 1996. He did not, or was unable to, return to work until May 1997;
- (i) Mr. Dunlop had good days and bad days;
- (j) Mr. Dunlop would come downstairs unshaved and simply migrated from one sofa to another, getting up only because his children came home;
- (k) Mrs. Dunlop had problems trying to get Mr. Dunlop to do anything, even yard work;
- (l) Mr. Dunlop would turn off lights so that nobody could see him;
- (m) Mr. Dunlop was going to doctors' appointments every week for months;
- (n) Mr. Dunlop was "maxed out on his pills."

Evidence of Helen Dunlop, CPI Transcript Vol.139, p.119.

112. While Mr. Dunlop was in this condition, he and his family experienced what they considered to be a protracted legal dispute with the CPS ending in December 1995. The Dunlops then experienced difficulties with the CPS's long-term disability carrier. As Mrs. Dunlop testified:

But just to orient you, starting in or around this time, there were continued issues coming up with your husband's employer and with the long-term disability insurer that were causing great stress and anxiety for your family; correct?

Mrs. Dunlop: Yes.

Evidence of Helen Dunlop, CPI Transcript Vol.141, p.50, l.18-23.

113. It was in the same time frame that the Dunlops claimed that their daughter was the subject of threats from neighbours and that Mr. Dunlop himself was receiving threats and anonymous calls on a regular basis.

Evidence of Helen Dunlop, CPI Transcript Vol.141, p.53.

114. The Dunlops also felt their police association simply was not helping or assisting them.

Evidence of Helen Dunlop, CPI Transcript Vol.151, p.53.

115. By this time, Mr. Dunlop's views about his employer, about institutions in Cornwall and about his status as a scapegoat and victim of persecution were well crystallized. Harassed, bullied, a scapegoat, a victim, ostracized, etc. were all descriptors applied by him and his family to his status. It is in this climate that the Dunlops decided to start a lawsuit for \$80 million. As Mrs. Dunlop said:

Well, we had been taking some pretty tough blows from the police department. The association wasn't stepping up to the plate to help us.

We strongly felt there was a lot of abuse of process and abuse of power at the Cornwall police station, specifically due to those charges they trumped up on Perry.

We felt we had to put them on notice that we weren't just going to be a punching bag and we had a right to defend ourselves and that they should come to the party with damages.

[emphasis added]

Evidence of Helen Dunlop, CPI Transcript Vol.141, p.56.

Dunlop Will State, Exhibit 579, paras.37, 38, 39, Bates 938.

116. As Mr. Dunlop's Will State of April 2000 and his notes demonstrate, it was not until the summer of 1996, after his lawsuit for \$80 million had been commenced, that he decided to begin to investigate allegations of abuse in Cornwall. His wife acknowledged the same point in her evidence at the CPI.

Dunlop Will State, Exhibit 579, p..42 of 110, Bates 943.

117. When he began his investigation, Mr. Dunlop was on disability leave, thus certifying to his employer that he was incapable, from a medical point of view, of working. In any event, as a police officer, he had “no training from the police force as to how to conduct sexual assault investigations.”

Exhibit 722, Bates 1046639 (Transcript p.68, ll.15-25), *Queen v. Jacques Leduc*, Vol.2, August 16, 2004.

118. Moreover, as Mrs. Dunlop admitted, in the context of Perry Dunlop conducting an investigation:

Mrs. Dunlop: We had nobody to tell us where to turn, what to do. We had no one guiding us through this.

Mr. Wardle: He was on his own effectively?

Mrs. Dunlop: Absolutely.

Q: And because he was off on sick leave and because he was really doing this on his own – he wasn’t doing this in uniform obviously.

Mrs. Dunlop: No.

Q: And he wasn’t part of a team; correct?

Mrs. Dunlop: No team, just me and Perry.

Q: Nor did he have any ability to go into the police station and, you know, get information from other officers or from any police databases; correct?

Mrs. Dunlop: Correct.

Q: And he didn’t have any supervision; correct? ... didn’t have anybody looking over his shoulders. He was really effectively on his own?

Mrs. Dunlop: Yes.

Evidence of Helen Dunlop, CPI Transcript Vol.141, p.58-59, September 20, 2007.

119. Alone, without any training or experience, on disability leave, on various prescription drugs, under treatment at the Royal Ottawa Hospital, and suffering from the kinds of symptoms his wife described, Mr. Dunlop began his investigation at the same time

he issued his lawsuit. It is submitted that there was no coincidence that those two events took place at the same time.

C. What Did Perry Dunlop Know Before He Met Ron Leroux?

120. Mr. Dunlop's investigation began with C8.

Dunlop Will State, Exhibit 579, p.42 of 110, Bates 943; and para.58, Bates 940-941.

121. Mr. Dunlop met C8 on June 6, 1996 and interviewed him. C8 told Mr. Dunlop many things, including allegations about Ron Leroux. He described how Leroux had found Ken Seguin's body after his suicide, that Ron "knew the whole circle of Seguin's friends, that "Leroux was a homosexual," and that Leroux "had travelled with others to Florida and spoke about their boyfriends." C8 accused Leroux of having made him feel insecure when he was growing up, that he interfered with his relationships with women, paraded him around like he was his boyfriend, and that in the result he had difficulties establishing relationships with women and abused alcohol and drugs to get his mind off the past with Ron Leroux. Finally, he identified that Ron Leroux lived in Maine and that he was "full of knowledge on Seguin, but would not speak unless he was subpoenaed to court."

Notes of Dunlop, June 9, 1996, Exhibit 0255.

Dunlop Will State, Exhibit 579, pp.42-45 of 110, Bates 943-946.

122. Dunlop had C8 interviewed again on June 24, 1996. In that interview, C8 told Dunlop's representative that C8 had lived with Leroux since he was 15, that Leroux associated with Charles MacDonald, Ron Wilson, Claude Shaver and Ken Seguin, that Leroux "attempted to groom him into his ways and the ways of others," that Leroux made C8's life "rough and any relationship he attempted to develop with a woman would be ruined."

Notes of Interview with C8, June 24, 1996, Exhibit C605, Bates 7072786-87.

123. During the summer months that followed in 1996, C8 told Perry Dunlop the whole story about C8 being abused by Leroux. That abuse spanned a decade. This information included how C8 was recruited at 15 by Leroux, how he was groomed with gifts of bicycles, cars, money, boating, fishing and other attractive activities, that C8 moved into Leroux's home, that C8 was encouraged to quit school and that Leroux repeatedly and

consistently sexually abused him over nearly a decade. C8 also talked about how he was threatened with handguns, a collection of which Leroux kept.

Evidence of C8, CPI *In Camera* Transcript, Vol.130, pp.151-165.

124. C8 said Leroux lied to him, was a person who lied repeatedly, and was a manipulative, charismatic person who abused C8 for many years until 1992 when C8 finally had the strength to leave.

Evidence of C8, CPI *In Camera* Transcript, Vol.130, pp.158-160, 165, 169-170.

125. When interviewed by Crown Attorneys, C8 told them that the whole reason he went to see Dunlop in the summer of 1996 was to tell Dunlop about Leroux and the abuse that he suffered at Leroux's hands:

C8 gives us the impression that he called Dunlop to talk about Leroux, but that Dunlop seemed to be after Charles MacDonald. ... C8 insists that he was interested only in telling Dunlop about Leroux. In fact, C8 says that he gave Dunlop a written statement on Leroux and "I never saw it again." I don't know what he did with it.

Exhibit C625, Bates 1028365-66.

126. As C8 testified before the CPI:

Q: So not only would you have told him [Dunlop] orally in the summer of 1996, at some point, you gave him a statement about Mr. Leroux?

C8: That was the handwritten statement with the long pages. I gave him about four pages with writing on both sides.

...

Q: So we know now that in the summer of 96, you basically tell him the whole Leroux story, correct?

A: Yeah.

Q: And later, you know that he [Dunlop] sees Mr. Leroux and starts taking evidence from him, right?

A: Right.

[interlineations added]

Evidence of C8, CPI *In Camera* Transcript, Vol.130, pp.185-186.

127. In terms of when the written statement was given to Dunlop by C8, C8 testified:

Q: Can you help us with when that might have been?

A: It's in the beginning. He asked me for a statement, so I gave him one....I needed some time to sit back and think about all the stuff over the years. You know, in ten years, you don't say, okay, I'll give you one right now. You know, it's like there's so much happened. You know, and for me to try and remember it and put it in paper is not that easy for me.

...

The Commissioner: When was that in comparison to the ones you gave about Father Charlie and Marcel Lalonde?

A: It was before I wrote the statement for Father Charles and it was before I went to the house with Perry and before I put the charges. It was before I gave it to him. That's all I remember.

Q: But the one thing that you do remember clearly is that during the summer of 1996, you verbally told Mr. Dunlop all about Mr. Leroux?

A: Most definitely. That was my whole reason for being there.

[emphasis added]

Evidence of C8, CPI *In Camera* Testimony, Vol.130, p.194, l.13-25 – p.195, l.1-4.

128. In short, it was the testimony of C8 that he fully briefed Mr. Dunlop on all aspects of his knowledge of Mr. Leroux, including his own abuse at the hands of Leroux, the length of that abuse, as well as Mr. Leroux's acquaintance with Ken Seguin and others. This all occurred at least orally during the summer of 1996. C8 also testified that he gave a four-page handwritten statement particularizing his abuse by Mr. Leroux to Dunlop. That statement, he says, he wrote and gave to Dunlop either in the summer of 1996, or in any event, before December 1996 when he and Mr. Dunlop prepared statements relating to Charles MacDonald and Marcel Lalonde.

129. Then, C8 told Perry Dunlop where he could find Ron Leroux.

130. It is no coincidence, therefore, that in Perry Dunlop's Will State prepared for various judicial proceedings in April of 2000, he stated that even before he met Ron Leroux, he knew that he was a pedophile and:

It became clear to me that Ron Leroux was the inside man. He was the operator who ran with these players. He was the U/C operator of the pedophile world. Although I had never met him as of this time I believed that he was also a pedophile.

[emphasis added]

Will State of Perry Dunlop, April 2000, Exhibit 579., Bates 945.

D. How Did Dunlop Deal with C8 as a Witness?

131. C8's whole experience with Perry Dunlop and his wife Helen demonstrates a pattern of dealing with witnesses engaged in by Perry Dunlop that amounted to manipulation, pressure, incompetence, recklessness and ignorance. Mr. Dunlop profoundly influenced witnesses' behaviour, what they said, how they reacted and what they did. C8 testified at the CPI that he was significantly influenced and pressured by Dunlop, that in giving his evidence or in writing out statements he was made to feel that he needed to provide more and more information. As C8 told Crown Attorneys:

C8 gives us the impression that he called Dunlop to talk about Leroux, but that Dunlop seemed to be after Father Charles. "Dunlop kept pushing that the priest...fuck was he pushing."

C8 insists that he was interested in only telling Dunlop about Leroux. In fact, C8 says that he gave Dunlop a written statement on Leroux and "I never saw it again," "I don't know what he did with it." C8 says again that he was only interested in Leroux. He says that he called the cops on Leroux because Leroux threatened to kill him...out of the blue, C8 blurts: that never happened at my Father's funeral. I felt that I had to give more." Dunlop said to me "what about the candles, what about the candles?" Lorne says "Are you saying it didn't happened at your Father's funeral, or didn't happen?" C8 answered, "What I said never happened there, never happened." C8 goes on to say that "I felt pressure." "I was made to fee that more was better."

C8 begins to tell us that Helen Dunlop even gave him some pills to calm his nerves while testifying in court. He still has them.

[Emphasis added]

Exhibit C625, Bates 1028366-837.

132. C8 testified at the CPI that he was brought into the fold of the Dunlop group. He was frequently at their house, shared dinners with them, was made to feel special and important, and was believed and encouraged. C8 said that he would have done anything for Mr. Dunlop who was a critically important father figure in his life. He said he was pressured by Dunlop, that he was pushed for information about Charles MacDonald which in reality he did not have. Mr. Dunlop who, in crafting C8's statements at a neighbour's

house, put the idea into C8's head that he should include in his statements issues of abuse with candles. As C8 testified:

Q: So he put the suggestion of candles in your mind?

A: That's when it started, at his neighbour's. It was just the two of us and that's when he...

Q: He put the suggestion of candles to you, didn't he, sir?

A: Yes, I'd say so. I was at his neighbour's and that's when it all started. The fabrication started while he was typing it and then the next thing you know I'm gone with Charlie, I'm in court.

Evidence of C8, CPI *In Camera* Transcript, Vol.130, p.198.

133. In effect, C8 described the situation in which he was recruited and, intentionally or not, effectively cultivated into a state where he was willing to, and did, provide demonstrably and ultimately, admittedly false information about various subjects, including all of the false allegations of abuse against Charles MacDonald and false allegations against Marcel Lalonde. Dunlop's behaviour toward C8 set the stage for interactions with other witnesses, including the most important one C8 led Dunlop to find, Ron Leroux.

E. Enter Ron Leroux

134. In the fall of 1996, Mr. Dunlop contacted Ron Leroux as a result of information received from C8. Mr. Leroux admitted that he knew Perry Dunlop had spoken to C8 from the moment Perry Dunlop made contact. As will appear, this fact explains much of Mr. Leroux's bizarre behaviour and the countless lies to which he admitted when he testified before the CPI.

Evidence of Ron Leroux, CPI Transcript Vol.129, p.90, l.8-12.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.203, l.8.18.

135. First, Mr. Dunlop unsuccessfully attempted by telephone to persuade Mr. Leroux to meet.

Evidence of Ron Leroux, CPI Transcript Vol.125, p.88, l.7-12; p.89, l. 9-10.

136. Importantly, Mr. Leroux said no to these overtures. As he put it, "I seen what was coming."

Evidence of Ron Leroux, CPI Transcript Vol.121, p.89, l. 15-17.

137. Then, Mr. Dunlop enlisted his young lawyer, Mr. Bourgeois, to call Mr. Leroux. Mr. Bourgeois attempted to persuade Mr. Leroux by telephone to meet. When Mr. Bourgeois' attempts at persuasion did not work, he turned to threats:

And then he said something: well, you could be charged with obstruction of the justice. He was throwing a lot of things at me; very fast talker.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.89, l.20-25; p.90, l.13-70; p.91, l.1-16.

138. During his evidence at the CPI, Mr. Leroux characterized the "many meetings" and the kind of investigations that followed. He described countless meetings in Maine, Newmarket, Toronto and Cornwall. He described the nature and manner in which the investigations were conducted and the way statements were taken. He described these things in the following way:

- They were just throwing everything at me they could...and I said "Listen, that's enough. I've got enough. I've got to get home."

Evidence of Ron Leroux, CPI Transcript Vol.121, p.95, l.15-19.

- They had – they hammered so many things – I mean they were there so many times; I spent so many times in the Ramada, so many times in Toronto. I mean, it's constantly running, running, running.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.96, l.2-6.

- They were hounding me.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.97, l.15.

- Leroux: I left the country. I was muddled up. Then I had this guy hounding me, and then he sicks [sic] a lawyer on me. And just do what you're told. I put everything on the line to get this out of the way, and lost it all.

The Commissioner: What do you mean by that, you put everything on the line, and lost it all?

Mr. Leroux: Well, when you start running from country to country, and going to Toronto for weeks on end, and getting on airplanes and running to Florida. I mean, you're running a one-man operation trying to pay a mortgage and put kids through school. You've got this guy that's constantly hounding you and a lot of times came down without any warning; all for a lousy \$600.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.120, l.4-18.

- That's why I'm here. I want the truth out! I don't – I had enough of it!

Mr. Engelmann: Okay.

Mr. Leroux: I have been coerced constantly.

The Commissioner: You were coerced, you say?

Mr. Leroux: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.122, l.1-20.

- He had a big tape machine – a large tape machine.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.98, l.13-15; p.99, l.12-13.

A: I wasn't given copies of nothing.

Q: Were you asked to sign a statement? Did they give you something to read over?

A: No.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.100, l.16-19.

- *Referring to Exhibit 563:*

The Commissioner: So what you're telling me is that you don't remember signing anything like that at your second meeting. Is that fair?

A: That's fair.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.100, l.9-13.

- He had – bringing in pictures, all kinds of pictures and all kinds of documents and paperwork and stuff in boxes, and stacking it up there and asking more questions. And I don't even remember what, but it was like – then within a week of, or I don't know, maybe a week or 10 days, I don't know...night after night after night, stuff started getting strewed more all over the floor.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.100, l.21-25; p.101, l.1-3.

- The Commissioner: Just out of interest, was there any alcohol being consumed during these times?

A: Yes.

Q: By whom?

A: Me; the lawyer. I put him in the taxi a few times. Sent him over in Toronto at 3:30 in the morning.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.102, l.4-10.

We'd drink in the motel room.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.103, l.16-19.

Were you drunk at some of these meetings, sir?

A: Possibly.

Q: Were they?

A: Well, feeling good.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.104, l.8-12; l.16-18.

- Do you remember how pictures were shown to you?

A: They were all over the floor.

A: The names were on the back.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.104, l.24-25; p.105, l.1-8.

Did he suggest names to you of others?

A: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.105, l.3-8.

- *Referring to Exhibit 576:*

A: I didn't write this, though. This is not my writing.

Q: All right.

A: None of that.

Q: Someone wrote that up for you?

A: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.121, pp.109-110, l.16-25; l.1-16; l.21-25.

- But, I never – I never read any of this, except – time to sit down and he'd given me a typed document and he wanted me to read it.

Q: Who is that?

A: Perry.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.110, l.21-25.

Q: You believe this was either written by Mr. Dunlop or Mr. Bourgeois?

A: Had to be, because I didn't write it.

Q: But you certainly signed it.

A: I would sign – you can have the Pope excommunicated, for Christ's sake.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.111, l.7-15.

- He just keeps calling and calling, and calling. And I keep going, and going, and going, and going.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.114, l.17-20.

Q: Were you working at the time, Mr. Leroux?

A: Trying to.

Q: Were you able to?

A: No.

Q: Why not?

A: I couldn't focus any more. Every time I get started on something, I get pulled away. Ah, it's only going to be for a couple of days. You can get back at it when you're back. It was very – I've never seen – oh, very persuasive.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.115, l.8-19.

- You get into a motel room; you spend all day in a motel. You go jogging at 6:00 in the morning, and go eat or have some food sent in.

I sent Bourgeois home a good many times in a taxi, helped him down the stairs at 3:00 in the morning cause he couldn't stand up. He had a – he's only – he said I'm only married a few years and I'm going to end up divorced – I'm going to get divorced in this.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.116, l.6-15.

- *Referring to Perry Dunlop:*

A: He said I've got to watch my back. He mentioned going to Toronto. I don't get any back-up when I'm working and this and that.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.116, l.19-23.

- A: Because he's pushing me to do it. He's buttering up my wife and being nice. He even slept at the house a couple of nights there. He was real nice. Oh, come on Cindy, and –

Q: So you're cooperating because he's –

A: How he's starting to be a friend of the family.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.117, l.17-25.

- A: I thought and he told me, we're to kick in some doors down there. We're going to get these guys arrested. We're going to investigate all this. He said I'm going to get some help on this. I know – and we're going to bust them all. We're going to do this, we're going to do that. I mean, he was just building me right there.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.118, l.15-21.

- Q: Did your business suffer during this period of time, sir?

A: I lost everything. Stupid. Lost everything.

Q: What did you lose?

A: House.

Q: How so?

A: I couldn't make the mortgage payments. Losing contracts. Start a house and not finish it. I left a work undone down there. It's unreal. I was sailing good. I was fine.

Q: Why would you do that?

A: My wife had – pardon?

Q: Why would you give up your work, job, your house?

A: It came to a point where both of us were falling apart. My wife was dying. Unknown to me, she had an embolism the size of a golf ball in her head.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.120, l.2-21.

139. Mr. Dunlop used Ron Leroux to attempt to get information from David Silmsler:

Q: Was Mr. Dunlop – did he ask you to try and get some information from Mr. Silmsler?

A: “See what he knows –”

Evidence of Ron Leroux, CPI Transcript Vol.121, p.125, l.13-15.

140. Referring to meetings between Perry Dunlop, Mr. Bourgeois and Ron Leroux:

Q: And you also told us from time to time there would be drinking involved?

A: Yes.

Q: And from time to time you went to a bar in the hotel where they were staying?

A: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.11, l.5-19.

Q: Now, you’ve told us that he was persuasive.

A: Yes. Manipulative; yes.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.11-12, l.25; 1-2.

141. In the evidence of Mr. Leroux, at Volume 121, pp.26-37, he describes how Perry Dunlop sent Leroux and Carson Chisholm to Florida to conduct an investigation. During that time, Mr. Chisholm was described as a private investigator and Mr. Leroux alleged that Mr. Chisholm purported to offer money to young people to provide evidence regarding alleged improprieties of a sexual nature by people from Cornwall. In this regard, Mr. Chisholm brought a binder of photos down with him. He and Mr. Leroux attended various establishments.

142. Then, referring to his evidence to the OPP in Orillia, Mr. Leroux testified that his evidence-giving was rehearsed and, therefore, that officers were deliberately misled. He said:

- A: Oh, we went over that and that was – we rehearsed that all night. For this, I shouldn't be – okay, okay.

The Commissioner: Wait a minute, wait a minute.

Mr. Engelmann: What do you mean?

The Commissioner: You say you rehearsed that all night?

A: Yes.

The Commissioner: Last night?

A: No, no, no, no,. No, no.

The Commissioner: Okay.

A: No, but before we went over there [referring to the OPP detachment].

Q: Before you went over to Orillia.

A: Bourgeois had stayed up very late with me; we went through documents, and he's reading them to me.

The Commissioner: All right.

A: "This is what you're going to say, or this is what you're going to say here; this is what you're going to say here; this is what you're going to say here."

The Commissioner: Okay.

A: And over it, and over it and over it.

The Commissioner: Okay.

A: Then he came with me, and he sat in the corner on a little bench and watched me. If I was stuck on anything –

The Commissioner: So we're going back to what you said there?

A: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.42, l.16-25; p.43, l.1-23.

- So let me understand, Mr. Leroux, did you ask Mr. Bourgeois to be your lawyer?

A: No.

Mr. Engelmann: Did you ever pay him to be your lawyer?

A: No.

Mr. Engelmann: Why was it that you were with him when you went to the police in Orillia?

A: Because he was Perry's lawyer.

Mr. Engelmann: And who had made the arrangements for the interview in Orillia?

A: I'm not sure; either Perry or his lawyer, one or the other.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.45, l.10-22.

- But sir, when you spoke to the police and you read those names, I'm going to suggest to you, you didn't even know some of those individuals.

A: No.

Mr. Engelmann: Is that correct?

A: That's correct.

The Commissioner: So who told you to leave the names there?

A: Lawyer. The lawyer and Mr. Dunlop.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.49, l.14-23.

- When was the suggestion made to you that we'll leave it; someone else will speak to it? When was that made?

A: A couple of times. I don't know.

Mr. Engelmann: Was that in Maine, or was that in Ontario?

A: Both.

Mr. Engelmann: Was that made by Mr. Dunlop or Mr. Bourgeois? Or do you remember?

A: Both. "Leave it there." And when I had a lot of things to sign or initial, I was always pressed for time. The plane is leaving. I took a plane back here one time.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.50, l.11-25.

143. Referring to how the evidence-gathering was conducted by Perry Dunlop, Mr. Leroux said:

- Q: I didn't orchestrate this clan of pedophiles. That is – I don't know where the hell it came from.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.120, l.13-19.

- Q: Sometimes I'd say one word, "no, no, pedophile; no, no, pedophile; no, no, pedophile; no, no, pedophile."

I had that coming out of my other end; pedophile. "Don't refer to them as that. It's pedophile."

Evidence of Ron Leroux, CPI Transcript Vol.122, p.121, l.4-9.

144. Mr. Leroux testified that he told Mr. Dunlop and/or Mr. Bourgeois that he had not witnessed the alleged ritualistic abuse at Cameron's Point, but had heard it from some other person. He said:

- Mr. Englemann: Did you ever tell Mr. Dunlop or Mr. Bourgeois that that's where you heard the story?

A: Yes.

Mr. Englemann: Are you absolutely sure?

A: Yes.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.122, p.127, l.1-6.

- Mr. Leroux: Some of the things I had heard about some of the things they put together. I mean – it's orchestrated.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.122, p.129, l.18-21.

- A: I was pressured by Perry Dunlop to help him. I did resist at first, but he kept at me. They told me that I was important. I came to trust Perry, and I felt that we were trying to protect children and the community.

I got caught up in all this. I feel manipulated and used by Perry. I feel Perry abandoned me and left me alone to face this mess.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.192, l.3-9.

145. Therefore, a very grave and serious problems arose. Mr. Dunlop, in the medical condition he was in, began what can only be characterized as a grossly dysfunctional investigation. Believing Mr. Leroux to be a pedophile, Mr. Dunlop engaged in behaviour which was inconsistent with any objective standard of competence. This, as will appear, allowed Mr. Leroux to dominate the agenda and resulted in the publication and dissemination of his many lies. It is what generated the scandal in Cornwall that followed.

F. Lies, Lies & More Lies

146. When Mr. Leroux was approached by Perry Dunlop, Mr. Dunlop had been to see C8. Not only did C8 allege that he had been abused by Leroux, but their relationship was overtly hostile.

Q: Your relationship at that point with C8 was an angry one; correct?

A: Yes.

Q: You were angry over your property?

A: Yes.

Q: You had transferred your property to C8; correct?

A: To the company. To the company.

Q: And that company – C8's company?

A: Well, I started the company. He walked away with the company.

Q: You lost the business to C8?

A: Yes.

Q: And it was your view that he took it from you?

A: Well, definitely.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.201, l.23-25; p.202, l.1-11; l.17-25.

147. C8 had and would continue to accuse Ron Leroux of sexual abuse. C8 gave that information to Dunlop. C8 knew everything there was to know about Ron Leroux, whom he described as a person with much to hide. Therefore, it is no surprise then that Ron Leroux said, when he was contacted by Perry Dunlop, "I seen what was coming."

148. At first, Leroux decided not to say anything but, it is submitted, he changed his tact and decided on a different strategy. He opted for an approach which he thought would protect him from allegations such as those made by C8, an approach which would make him an indispensable witness and incidentally give him attention. He decided to lie and not

just to lie, but to invent grotesque and outrageous stories about everyone and anyone, to make himself indispensable by describing terrible rituals, death plots, organized pedophile activity, systemic abuse and institutional corruption.

149. Mr. Dunlop, already radicalized by his experiences, suffering from psychiatric problems, on medication, and believing himself to be an ostracized, victimized scapegoat, was too lacking in judgment to do anything but snap at the bait. First, he attempted to persuade Mr. Leroux, then, it is submitted, he held the prospect of C8's evidence over Leroux's head to force cooperation. Mr. Leroux, seeing the lay of the land, then invented his stories to protect himself. "I seen what was coming." Even Mr. Leroux, it is submitted, could divine Mr. Dunlop's game plan which had all the subtlety of a fire alarm. As preposterous as the Leroux stories were, Dunlop neither had the judgment nor the competence to seriously question what might be fact and what might be fiction. Is it any wonder then that fiction predominated? The lies that Leroux told about people in Cornwall and Cornwall generally were legion. Those lies profoundly and irrevocably damaged people in Cornwall and the community as a whole.

150. The lies to which he admitted are reproduced or summarized in the paragraphs that follow.

- Leroux: I did anything they told me to do.

Mr. Engelmann: You did anything, who told you to do?

Leroux: Perry.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.118, l.16-21; p.119, l.1.

- Leroux: If I'd say anything about it, he'd say "don't worry about it."

Evidence of Ron Leroux, CPI Transcript Vol.120, p.119, l.1-2.

151. Referring to the Cameron and McDougald incident, Mr. Leroux, in his evidence at the CPI, told a completely different story than the one that appeared in his statements and affidavit. First, he denied his parents' reaction which was set out in his affidavit, then he

elaborated about a hitherto untold story of his Father going to see various people, including a police officer named Eddy Ostler. None of this had been in his statements, from which he departed, expressing as he did that the statements to Dunlop “were all wrong” with respect to “names, ages,” details and content.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.119, l.4-25.

152. At the very beginning of his evidence relating to Father Cameron and Father McDougald, Mr. Leroux profoundly departed from the many statements he had given to Perry Dunlop, investigators and others regarding dates, times, actions, the numbers of events of abuse and the character of it.

Evidence of Ron Leroux, CPI Transcript Vol.120, pp.75-105.

153. Mr. Leroux, referring to the alleged and, it is submitted, obviously false story about abuse by these individuals, made comments like:

- Impossible.

Q: Okay. You're saying this is a mistake?

A: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.99, l.18-21.

- There is a lot of discrepancies in this.

Mr. Engelmann: I'm sorry?

Mr. Leroux: There is a lot of discrepancies in this.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.100, l.23-25; p.101, l.1-2.

- Mr. Leroux: No, this is all wrong.

Mr. Englemann: What's wrong?

Mr. Leroux: This was orchestrated by someone else – this –.

Mr. Engelmann: This is a statement you're giving Perry Dunlop, sir. This one is December 4th, 1996. Tell me what you think is wrong with it?

Mr. Leroux: The words are wrong. The dates, the ages are wrong.

Mr. Leroux: For the molestations. It's way off.

Mr. Engelmann: Do you know why you would have described that at that particular time to Perry Dunlop, or do you recall if you described that to him at that time?

Mr. Leroux: I have no idea.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.122, p.103, l.1-20.

154. Mr. Leroux also said this about his statement concerning the alleged Cameron and McDougald abuse:

Mr. Leroux: I never read anything, any of this that they wrote down.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.104, l.13-15.

155. Mr. Leroux also said his statement (Exhibit 565) was false in respect of his telling "Brother John" about the Cameron and McDougald abuse. Also, referring to discussions with his parents and their reaction as was described in his statements to Dunlop, he said:

A: This is not true.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.114, l.10-25; p.115, l.11-20.

156. Then Mr. Leroux made admissions about one of the most monstrous stories of all: the abuse rituals at Cameron's Point. First, he specifically admitted he didn't know whether any of the priests he named in his statement, and in particular Exhibit 568, were at Cameron's Point on the night he claimed to have been abused:

Mr. Engelmann: Sir, do you know if these other priests were there or not?

Leroux: No.

Mr. Engelmann: It seems sometimes you can't – you don't identify priests and other times you do – being there at Cameron's Point.

Leroux: Not McDougald or Cameron. I would remember that.

Mr. Engelmann: I'm sorry?

Leroux: Not McDougald or Cameron, because I would remember that. They were not there.

Mr. Engelmann: All right. So that's inaccurate.

Leroux: Yes.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.120, p.134, l.23-25; p.135, l.1-12.

157. Referring to the ritual itself, including abuse of boys with candles, sheets and other particulars, Mr. Leroux said:

- That's not something I saw. That's something that was told to me by a man around my age.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.136, l.7-12.

- Leroux: Didn't visualize that. Didn't see that. Didn't see that – didn't see that.

Mr. Engelmann: But you do repeat that story on many occasions.

Leroux: Yes, because it's on the paper that I'm reading.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.136, l.15-25.

158. Mr. Leroux was unequivocal in abandoning the allegations of ritual abuse at Cameron's Point. As he said:

- Leroux: I didn't see it.

Leroux: Didn't see that. That's a lie or something.

Q: So you're telling us that you didn't see a ritual –

Leroux: No.

Mr. Engelmann: With boys with sheets over their heads and candles in their rectum at Cameron's Point?

Leroux: No.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.120, p.136, l.11-25.

159. Not only did Mr. Leroux admit that he'd lied in his statements and affidavit about the rituals, but also about the frequency, with which these alleged events were said to have happened. He said in his affidavit: "This ritual went on on a weekly basis." In response to the Commissioner's question about whether that was true, he said "ah, no."

Evidence of Ron Leroux, CPI Transcript Vol.120, p.140, l.22-25.

160. In referring to how Cameron's Point's incident was described in his statements, he said:

Anything could have been written in there, I wouldn't even say anything about it. It just – I just was so tormented constantly with this.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.141, l.1-4.

161. Mr. Leroux rolled on in his testimony and admitted that he never saw anyone engaged in any sexual activity in Fort Lauderdale or in Florida. As Mr. Leroux admitted:

So none of these other people you've mentioned did you ever see engaged in any sexual activity?

Leroux: No. No.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.152.

162. Mr. Leroux's explanation for this was:

I was pressured into trying to establish if there was anyone from here to find out to chat to. Ask around. I mean, if there was any – could find out anybody that went down with them, I said "no," it never was.

Mr. Engelmann: You pressured by whom?

Leroux: By Perry.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.152, l.14-20.

163. Mr. Leroux admitted that he had never seen anyone from Cornwall in Florida with teenage boys from Cornwall.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.153, l.17-18.

164. On this issue, the Commissioner asked:

I guess the question is, did you see anyone of the folks that you've named; you leave Ontario and go in from the Cornwall area to Cornwall with adolescent boys.

Leroux: No.

Evidence of Ron Leroux, CPI Transcript Vol.120, p.153, l.23-25; p.154, l.1-2.

165. Mr. Leroux admitted that the story about being assaulted by Gary Ostler was false. Mr. Leroux "didn't consider it an assault." He considered that, at best, it was "like a joke really."

Evidence of Ron Leroux, CPI Transcript Vol.120, p.172, l.6-13.

166. On the second day of his testimony, Mr. Leroux admitted that he never saw what was on the videotapes alleged to have been seized by the OPP and that Ken Seguin never described to him what was on those tapes.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.21, l.22-25; p.22, l.1-19; p.24, l.8-11.

167. Mr. Leroux admitted that he didn't even know how many videotapes were in the briefcase.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.23, l.5-7.

168. Referring to Exhibit 567 and the specific statements at Paragraphs 20 and 21 of that document describing that Ken Seguin admitted that his briefcase contained personal pornographic tapes, Mr. Leroux admitted this was a lie.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.29, l.16-25; p.30, l.1-14.

169. He also admitted that the language in Paragraph 21 of the same Exhibit, regarding how Ken Seguin expressed his anxiety over the tapes, was a lie.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.30, l.13-22.

170. Mr. Leroux admitted it was a lie that he had been told by Ken Seguin that he was under investigation for sexual assault and that these tapes would “clinch” a conviction against him.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.30, l.23-25; p.31, l.1-25; p.32, l.1-8.

171. Mr. Leroux then admitted that parts of his conversation at a funeral home in relation to the death of Ken Seguin were false. This referred to a discussion with Ron Wilson.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.63, l.13-25.

172. Mr. Leroux admitted that he lied to police officers during the investigation of Ken Seguin's death with respect to Ken Seguin's phone book and why he had kept it.

Evidence of Ron Leroux, CPI Transcript Vol.121, p.81-82.

173. Mr. Leroux admitted that he lied in his statements and affidavit about the alleged, “planned hit” on Perry Dunlop and his family. Not only did he admit that he lied in the documents about this issue, but also that he then lied when he read them under oath to police officers. Then, he admitted that he lied to Perry Dunlop, who recorded him during a telephone conversation, effectively saying Mr. Leroux had absolutely no doubt about the seriousness and truth of the allegation of a plot to kill Mr. Dunlop. And so Mr. Leroux lied about the story repeatedly and consistently in both his affidavit and statements, to police officers when he reread those documents and ultimately to Perry Dunlop himself.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.46,-49; pp.221-233.

174. It was admitted to Mr. Manson during cross-examination not only that Mr. Leroux falsely read out the statements about the planned hit to OPP police officers, but also that he significantly embellished the story, adding his own fearfulness about safety, the safety of his wife and child as a reason for not having come forward with the description of the events

at an earlier time. Thus, he admitted not only that he lied, and lied repeatedly, but also that he attempted, deceptively and deliberately, to persuade the officers of his own fear in order to embellish, prop up and support the lies that he had told.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.46,-49; pp.221-233.

175. He admitted that many of the names set out in list format in his affidavit and statements were people that were completely unknown to him. His explanation for this was:

Leroux: When I saw the names there, I said, "I don't know those people." "Leave them there; someone else knows them."

Mr. Engelmann: But, sir, when you spoke to the police and you read those names, I am going to suggest to you, you didn't even know some of those individuals.

Leroux: No.

Mr. Engelmann: Is that correct?

Leroux: That's correct.

The Commissioner: So who told you to leave the names there?

Leroux: Lawyer. The lawyer and Mr. Dunlop.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.49, 1.6-24.

176. Mr. Leroux admitted that when he was examined for discovery in his civil action, his stories about his initial abuse were either significantly embellished or changed.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.69-73.

177. Then he admitted at the same examination for discovery that he lied again under oath about Cameron's Point, the ritual, the nature of the events and what priests, if any, were present.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.73-75.

178. Mr. Leroux even admitted that he had no recollection of observing any adult doing anything to any child at Cameron's Point, although he continued to contend that he himself was abused there.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.75; l.21-25.

179. Mr. Leroux admitted that he signed Exhibit 578 and gave it to Doug Seguin and that most of that document bearing his signature, testifying to the truth of its contents, was a lie.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.82-86.

180. Mr. Leroux admitted that he never witnessed any taping of any sexual impropriety, or sexual activity at Ken Seguin's house.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.97-88.

181. Mr. Leroux admitted that his allegations about young people, probationers and others being abused at Malcolm MacDonald's, St. Andrews Parish and Ken Seguin's were false. During examination in-chief, he admitted he did not even know the ages of people who he may have seen at Ken Seguin's house. He attempted to say that the only minors he saw there were Gerry Renshaw's children with their parents.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.88.

182. Referring to the ages of probationers, he testified:

Mr. Engelmann: So you don't know the exact ages?

Leroux: No, no.

The Commissioner: So between 16 and 18?

Leroux: I don't recollect.

Mr. Engelmann: No?

Leroux: I don't think so. Most of them could either drive a car or drink beer. So I don't know if they were that young at the house. I don't know.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.89, l.8-25.

183. He also admitted that he did not see anyone under 16 at Malcolm MacDonald's cottage.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.91, l.10-16.

184. Mr. Leroux admitted that he never witnessed any sexual improprieties at Ken Seguin's when there were dinner parties.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.95, l.8-14.

185. He admitted, contrary to his many statements, that he never saw any sexual improprieties at St. Andrew's Parish at dinner parties.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.96, l.19-25.

186. Then Mr. Leroux admitted that the list of people that he claims to have witnessed at Ken Seguin's house, Malcolm MacDonald's summer residence and at St. Andrew's Parish was inaccurate. This document, Exhibit 567, contained a large list of names.

187. First, in this regard, he admitted that he did not see any of the people at all three places.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.100, l.7-12.

188. Then he admitted that he did not see some of the names on the list at any of the three places, Ken Seguin's home, Malcolm MacDonald's cottage or St. Andrew's Parish. These included No. 15 on the list, David Silmsler. He could not be sure about Nos. 20, 25, and 26. Mr. Van Deepen was not at any of those places.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.102-104.

189. He admitted his statement was false when he claimed that he had seen male prostitutes (plural) and juveniles at Malcolm MacDonald's cottage.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.104, l.17-25; p.105, l.1-4.

190. He admitted that he never saw "altar boys" at any one of these three locations.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.108, l.7-21.

191. He admitted that he never saw Murray MacDonald at either St. Andrew's Parish, Malcolm MacDonald's cottage or Ken Seguin's house.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.111, l.22-25; p.112, l.1-3.

192. He admitted that he had never seen C5 (a person on the list) at any one of the three places referred to in the various lists in his affidavit and statements.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.113, l.23-25.

193. Mr. Leroux went on in his evidence to contend that he did not invent the phrase "clan of pedophiles," notwithstanding that that phrase and descriptions of it appear in his affidavit and statements repeatedly. He said, "that's not mine, that's not mine – that's not – didn't come from me...I didn't orchestrate this clan of pedophiles. That's – I don't know where the hell it came from."

Evidence of Ron Leroux, CPI Transcript Vol.122, p.19, l.25; p.120, l.1-18.

194. In fact, Mr. Leroux claimed that the use of the descriptor "pedophile" was a term that either Mr. Bourgeois or Mr. Dunlop insisted be used in the Leroux statements and affidavit.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.121, l.1-19.

195. Referring to Mr. Leroux's statements and affidavit where he said:

I have witnessed sexual improprieties, molestation, fondling, oral sex, intercourse between the above-mentioned clan members and minors for a period of 1957 and 1958 to 1993...these sexual improprieties with minors and males occurred at Cameron's Point, Summerstown, Ontario, Birch Avenue.

[emphasis added]

Mr. Leroux admitted that this was a lie. He never witnessed any sexual improprieties. He said:

Mr. Engelmann: Other than what you allege happened to you...you are telling us today that you don't recall seeing, and you don't remember seeing any sexual improprieties?

Leroux: No.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.124, l.8-23; p.124, l.10-20; Exhibit 567.

196. Contrary to his statements in Exhibit 567, Mr. Leroux admitted that it was a lie that he witnessed sexual improprieties by alleged clan members on Birch Avenue or Birch Road in Fort Lauderdale, Florida.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.133, l.22-25; p.134, l.12-15; l.21-25.

197. With respect to witnessing sexual improprieties, molestations, etc., by clan members at the Saltaire Motel, Mr. Leroux admitted that he never saw any of the long list of people involved in such action aside from Mr. Malcolm MacDonald.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.135, l.1-9.

198. Even with respect to that allegation, Mr. Leroux admitted that there was no sexual impropriety with a minor insofar as Malcolm MacDonald was concerned.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.136, l.19-25.

199. Next, Mr. Leroux admitted that it was a lie to say he had seen probationers or ex-probationers engaged in sexual activity at any place.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.141, l.7-25; p.142, l.1-6.

200. Contrary to the allegations in his affidavit and statements, Mr. Leroux admitted that he never saw sexual activity occurring between Father Kevin Maloney and a young person. In fact, he could not even identify the age of the person or the person's name. In his statements and affidavit he contended that he witnessed graphic sexual activity. This was a lie.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.142-143.

201. Then he admitted that aside from his own allegation, and contrary to the allegations in his affidavit and particular exhibits (Exhibit 564), he never saw Eugene LaRocque engaged in any sexual activity with anyone.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.144, l.23-25; p.145, l.1-6.

202. He admitted that he never witnessed Charles MacDonald engaged in any sexual activity with a male under 18.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.145, l.10-16.

203. He admitted that contrary to his affidavit, he had never seen Father Donald McDougald or Father Bernard Cameron involved in sexual activity with anyone at any place.

204. He made the same admission with respect to Father Kevin Maloney beyond the watered down version of events that he gave at the CPI which was in any event false and inconsistent with his evidence in his statements.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.146-147.

205. He admitted that he never saw Kevin Maloney at Ken Seguin's house or Malcolm MacDonald's cottage.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.147, l.23-25; p.148, l.1-6.

206. He admitted that he never saw Gary Ostler engaged in any sexual activity with anyone.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.148.

207. Mr. Leroux admitted that he lied about Father Rory MacDonald and Father David Ostler and that he never witnessed any sexual activity or improprieties by any of them.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.149, l.1-20; l.20-25; p.150, l.1.

208. Mr. Leroux admitted that it was a lie when, in his affidavit, he suggested that Bishop Eugene LaRocque and Claude Shaver were good friends. In fact, he admitted that he had never seen them together.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.155, l.15-22.

209. He admitted that, although he alleged that people like Eugene LaRocque and Claude Shaver had been witnessed by him talking to male prostitutes in Florida, he had no idea whether the people he alleged to have seen with Bishop LaRocque and Claude Shaver were prostitutes.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.156, l.9-12.

210. Moreover, he did not even know the age of such alleged individuals, notwithstanding that his affidavit claimed that they were between 13 and 15 years of age.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.156, l.21-25; p.157, l.1-8.

211. Contrary to his affidavit, he admitted that it was a lie that he witnessed Claude Shaver engaged in sexual acts with minors.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.157, l.14-16.

212. He admitted that he never saw Ken Seguin involved in sex with a person under 18.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.157, l.17-21.

213. Contrary to his affidavit, he admitted that he never witnessed any sexual impropriety by Msgr. R.J. MacDonald.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.158, l.3-24.

214. He admitted that he had no knowledge of, and had not witnessed any sexual impropriety by the late John MacPhail. In fact, he did not even know who that person was.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.158, l.25; p.159, l.1-8.

215. He admitted that he had never witnessed any sexual impropriety by John Donahee.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.159, l.9-15.

216. He made the same admission about Norman Loney. He went on to say "I wouldn't know Norman Loney if I fell over him but it's there. But I don't know any Norman Loney."

Evidence of Ron Leroux, CPI Transcript Vol.122, p.159, l.9-25; p.160, l.1-3.

217. Mr. Leroux went on to say that he never saw any "kiddie porn" at Malcolm MacDonald's residence or cottage. Therefore, assertions by him about kiddie porn were lies.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.163, l.11-17; p.165, l.7-12; p.166, l.7-12.

218. He admitted that it was a lie to suggest, as he had, that any pornographic material he had seen at Malcolm MacDonald's contained persons under 18 years of age.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.167, l.13-22.

219. He completely abandoned the allegation that he had seen photographs of naked minor boys or youth at the Malcolm MacDonald summer residence. On this subject, he testified:

Mr. Engelmann: Because you have described some ages in paragraph 9...

Leroux: Amazing.

Mr. Engelmann: Between the ages of 14 and 16, and then you say there is another fellow who would have been between the ages of 17 and 19.

Leroux: Not my wording?

The Commissioner: I'm sorry?

Leroux: I didn't write this thing up. I mean, this – I read it, I know I signed it, but...I don't remember giving any ages of that.

[emphasis added]

Evidence of Ron Leroux, CPI Transcript Vol.122, p.169, l.19-25; p.170, l.1-20.

220. Mr. Leroux admitted he did not know the age of any of the people in the photographs he alleged he saw.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.171, l.12-19.

221. In trying to explain why he lied so frequently and repeatedly, Mr. Leroux said, "Yeah, this was orchestrated, and I followed through with it. Didn't bother changing anything on it. Told lately not to change anything, not to change my story."

Evidence of Ron Leroux, CPI Transcript Vol.122, p.182, l.19-25.

222. Mr. Leroux's acknowledgement of the lies in his statements and affidavit went on and on and on. For example, as his testimony continued, he admitted that he did not even know Father Raoul Poirier and his name should never have been included in his affidavit or statements by Mr. Leroux.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.184, l.5-11.

223. He made the same admission with respect to Father Thomas Swift about whom he said, "never heard of him" and accordingly that his name should not have been in his statements or affidavit.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.184, l.12-19.

224. He then admitted, contrary to his statements, that he never saw Ron Wilson engaged in any sexual impropriety.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.184, l.20-23.

225. He admitted that he never saw Murray MacDonald engaged in any impropriety and that his name should not have been in his affidavit and statements.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.184, l.16-21.

226. He admitted to having no knowledge of the activities of Milton MacDonald, another name in his affidavit and statements.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.185, l.21-25.

227. Mr. Leroux admitted that he had never seen any evidence of filming or a camera setup at Ken Seguin's residence to record sexual improprieties between himself or others and minors.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.199, l.4-17.

228. With respect to the expression "the clan of pedophiles" which repeatedly appears in Mr. Leroux's statements and affidavit, he said:

Mr. Manson: And it's your evidence that was – that phrase was coined either by Mr. Dunlop or Mr. Bourgeois, correct?

Leroux: Yes.

Mr. Manson: They concocted it?

Leroux: Yes.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.217, l.15-25.

229. Mr. Leroux admitted that his statement in Exhibit 567 that he visited Ken Seguin's house, Mr. Seguin would be "violently throwing up, losing weight and in mental disarray" was a falsehood.

Evidence of Ron Leroux, CPI Transcript Vol.122, p.249, l.11-25.

230. Mr. Leroux admitted that the entire story about the VIP meeting on Stanley Island contained in his October 10 statement was a total fabrication. A lie. He was taken through the entire story by Mr. Manson in cross-examination at pages 260, 261, 262 and 263 of CPI Transcript Volume 122. He admitted that the whole story about a group of prominent people all gathering at Malcolm MacDonald's cottage in September 1993 was a lie. The entire story was admittedly false, including all of its details about who he saw and how it happened. As Mr. Leroux said: "It's not true...it's an impossibility." Finally, he admitted that he never saw Jacques Leduc at any VIP meeting or anywhere else of relevance.

Evidence of Ron Leroux, CPI Transcript Vol.122, pp.267-269.

231. At the end of questions on the Stanley Island issue, Mr. Leroux simply said, "I don't understand any of this."

Evidence of Ron Leroux, CPI Transcript Vol.122, p.269, l.12-13.

232. Therefore, the entire story of a clan of pedophiles, of clan meetings, ritualistic abuse, lists of abusers being active in Cornwall, of death threats, of abuse in Florida, abuse of minors, probationers and others at Ken Seguin's and Malcolm MacDonald's, or at St. Andrews, and the entire foundation for claims of conspiracy between the CPS, DAC and others was pure fabrication. It was fiction. It was a series of falsehoods. It was manufactured and produced by Mr. Leroux's deliberate strategy to mislead. It was propagated by the reckless incompetence and lack of judgment of Perry Dunlop who could not discern fact from fiction.

233. Sadly, it was this same story and its shocking detail which spawned the controversy in Cornwall and, it is submitted, this public inquiry. There is no doubt that this Commission was formed largely in response to the persistence of this "story." The Commission, therefore, should unequivocally and unreservedly put the story to rest and declare that, after more than three years of probing, the story is false and that it should be relegated to the fiction shelf, where it belongs.

G. Gerald Renshaw

234. Perry Dunlop followed the same format with respect to the Renshaws. For example, Robert Renshaw testified he believed Perry Dunlop was acting in his capacity as a police officer when he was interviewed. He claimed he did not understand the “style of cause” in the affidavit he signed as being reflective of a piece of evidence in the lawsuit which Mr. Dunlop started.

235. Gerald Renshaw’s statement was cast in a similar way to Mr. Leroux’s materials. A list of names was identified. The purpose of this list cannot be mysterious when it is contrasted with how Mr. Leroux’s evidence was developed. The list in the Renshaw material, it is submitted, was obviously intended to dovetail the Leroux evidence. It was intended by Mr. Dunlop to supply a corroborative framework of evidence of the existence of a clan of pedophiles and to be interpreted in that light. In short, it was to be read together with the Leroux materials.

236. Yet, notwithstanding Mr. Dunlop’s attempts to create evidence of a clan, Gerald Renshaw admitted:

- You don’t have any first-hand personal knowledge, regarding wrongdoing by anyone at Ken Seguin’s or Malcolm MacDonald’s, other than Ken Seguin?

Renshaw: Correct.

- You don’t have any personal – first-hand information regarding wrongdoing by any person from the Diocese of Alexandria-Cornwall?

Renshaw: Correct.

- It would have been clear to the officers interviewing you on your various statements over the years, that the only first-hand information you had, sir, was pertaining to Ken Seguin, correct?

Renshaw: Correct.

Evidence of Gerald Renshaw, CPI Transcript Vol.118, p.233, l.1-16.

237. Therefore, notwithstanding what can be characterized as an attempt by Mr. Dunlop to create evidence to corroborate the story of Mr. Leroux, it was apparent from the CPI testimony of Mr. Renshaw that he had no knowledge of clan activities, a conspiracy or any wrongdoing, aside from the allegations he made personally against Mr. Seguin.

H. Mr. Bourgeois & Attempts to Suppress C8's Allegations Against Leroux – The Attempt to Preserve & Protect the Leroux Evidence

238. Mr. Dunlop's activities cannot be fully told without reference to the role of his lawyer, Charles Bourgeois. Charles Bourgeois and Mr. Dunlop worked together. They jointly took statements, developed evidence and interacted with authorities and witnesses. As the evidence established, Mr. Bourgeois played a pivotal role in assisting Mr. Dunlop's propagation and protection of the stories of a pedophile clan and of conspiracy in Cornwall.

239. Before Mr. Dunlop and Mr. Bourgeois took statements from C8, Mr. Bourgeois acknowledged that he had met with C8 and heard from him his allegations about being abused by Leroux.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.45, l.15-25; p.46, l.1.

240. Mr. Bourgeois admitted that Mr. Leroux's statements and his evidence as it came to be known was one of the "main planks" in the pedophile allegations that had been raised by Mr. Dunlop.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.39, l. 2-8.

241. Mr. Bourgeois admitted that the Leroux testimony and his statements represented one of the "main planks" in the community conspiracy allegation.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.39, l.9-18.

242. Mr. Bourgeois specifically admitted that Mr. Leroux's evidence was very important in the context of Mr. Dunlop's civil case.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.39, l.19-25.

243. Mr. Bourgeois admitted that one of the main evidentiary supports for the Amended Statement of Claim drafted for Mr. Dunlop was Mr. Leroux's evidence from which the Claim "quoted liberally."

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.40, l.1-5.

244. Mr. Bourgeois admitted that Mr. Leroux was not only an important witness, but that his evidence was fundamentally important to the civil case for Mr. Dunlop.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.40, l.5-10.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.40, l.11-13.

245. Mr. Bourgeois admitted it was very important for him and Mr. Dunlop to preserve the Leroux evidence. Mr. Bourgeois said:

Q: First, it was in his (Dunlop's) litigation interests to get this all wrapped up and tied down and to make sure it was available if a trial occurred?

Bourgeois: Of course.

Q: So it was in his interest to get all that, to tied it down, and it was also in his interests for the reasons you've articulated because they had a fear for their own safety.

Bourgeois: Okay.

Q: Can we agree on those propositions as general matters?

Bourgeois: Yeah. Yes.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.41, l.25; p.42, l.1-21.

246. Not only did Mr. Bourgeois concede that the Leroux statements were of great importance to the civil litigation commenced by Mr. Dunlop, but he also admitted it was one of the main pieces of evidence which they gathered and therefore that it was "likely" they sent it to Chief Fantino.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.44, l.1-5.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 pp.49-50; p.52, l.1-5.

247. Mr. Bourgeois was contacted by C8 in mid-December 1996. C8 had sexually assaulted a minor family member. He had been charged. Mr. Bourgeois agreed to act. At that moment in time, he became both the lawyer for Dunlop and the lawyer for C8.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.57, l.16-25.

248. Mr. Bourgeois acknowledged that immediately upon his retainer by C8, C8 wanted to plead guilty. The matter of the assault on his niece had caused him great personal turmoil and turmoil in his family. He wanted to deal with it immediately. He did not want to fight it. Mr. Bourgeois said "I'm sure that was his position."

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.58; l.15-25.

249. Accordingly, Mr. Bourgeois, together with his client, C8, developed a strategy that they would focus their energy on mitigating the penalty which C8 would face. Mr. Bourgeois acknowledged that the strategy contained two elements: first, to plead guilty as soon as possible; and, secondly, to put the complete history of C8's own status as a victim of sexual abuse before the court, a recognized mitigating factor. As Mr. Bourgeois admitted

The strategy as an advocate that you developed with your client...was "I'm going to place this man's history of abuse before the court and I'm also going to argue that the first available opportunity for a plea was taken advantage of. Both mitigating factors; right?

Bourgeois: Right.

Q: That's in fact what you ended up doing?

Bourgeois: Yes.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.60; l.5-17.

250. Therefore, the moment C8 wanted to plead guilty and Mr. Bourgeois decided that his best strategy was to focus on mitigation, he knew that C8's own history as an abused person was fundamentally important to achieving a reduced sentence. In this regard, Mr. Bourgeois specifically admitted that he knew the whole story of how Ron Leroux had abused C8 and that this abuse spanned greater than a decade.

251. Mr. Bourgeois admitted that it is "likely" he set up a meeting with the police to provide them with evidence in mitigation of sentence for C8. That meeting was arranged January 23, 1997. Mr. Bourgeois travelled to Cornwall and spent the night at Perry Dunlop's. On the morning of the 23rd, C8 prepared a statement with Mr. Dunlop and Mr. Bourgeois. It was typed next door to the Dunlop home. Mr. Bourgeois claims that Mr.

Dunlop and C8 went next door. Mr. Bourgeois acknowledged that he read the statement, or would have read the statement, which he brought to the police station. The statement contained no reference to Ron Leroux. It did not outline what C8 contended represented nearly 12 years of sexual abuse by Leroux. Moreover, an earlier statement had been prepared in December 1996 which also omitted the Leroux information. In short, the most important, extensive and lengthy sexual abuse C8 had suffered was not even mentioned in the statement which was developed for the very purpose of going to the police station to provide evidence in mitigation of the sentence C8 would face, to provide evidence of his own experience as a victim.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 pp.74-81.

252. When confronted with the fact that the statement prepared for C8 by Mr. Dunlop and/or Mr. Bourgeois contained no reference to Mr. Leroux, Mr. Bourgeois had no explanation for the absence of these allegations. Yet, he effectively acknowledged the conflicting interests he faced. He admitted that the evidence of Ron Leroux was fundamentally important to his client and Perry Dunlop. He admitted that he had a duty as an advocate to place the best and most complete history of C8's sexual abuse before investigators to achieve mitigation of his sentence. He acknowledged that undermining the Leroux evidence would be hurtful to the Dunlop proceeding. When confronted with questions about why therefore the Leroux allegations were absent from the C8 statements, he simply could not explain. He said things like "well I can't help you with why it's not in there."

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.81; I.7-8.

253. In response to questions about how he resolved the conflicting interests he faced, he said "I can't – I don't know how I resolved those." He couldn't answer this question because Mr. Bourgeois didn't resolve the conflict of interest.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.81; I.25; p.82, I.1-2.

254. In fact, he admitted that when he took C8 to the police station, he remained completely silent and said nothing about the Leroux history of abuse of C8. The issue arose only incidentally as a result of a question by the police officer, which prompted C8 to extemporaneously talk about the issue.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.82; l.3-18.

255. Mr. Bourgeois said he couldn't remember discussing with Mr. Dunlop the issue of whether the allegations against Leroux should be put into C8's statements. In fact, he could barely remember anything at all. His testimony, it is submitted, was a textbook illustration of a witness feigning no memory in order to avoid answering for conduct that was plainly unacceptable.

Evidence of Charles Bourgeois, CPI Transcript Vol.153 p.82, l.18-25.

256. Similarly, Mr. Bourgeois acknowledged that the Fantino brief was provided in order to stimulate the administration of justice to take some action. He admitted that the purpose of sending the brief was to be of assistance to authorities. He could not explain why C8's statement of December 1996 similarly contained no allegations against Leroux when he conceded that it was likely both the Leroux statements and C8's statement were provided to Fantino in the brief.

257. It is submitted that Mr. Bourgeois' activities represent an attempt, alone or with his client Mr. Dunlop, to minimize damage to the Leroux evidence. That evidence was of critical importance to Mr. Dunlop and his case. Promoting evidence that Mr. Leroux was either a pedophile or a person who groomed or recruited youth and sexually abused them would have fundamentally undermined this evidence. Therefore, it is submitted that both Mr. Bourgeois and/or Mr. Dunlop, or both, decided to omit C8's allegations from both of his statements of December 1996 and January 1997 in an attempt to preserve and protect the Leroux evidence. Mr. Bourgeois, who was in what can only be described as an obvious conflict of interest, simply had no explanation for his actions, how he resolved the conflict or why the information in both of C8's statements was absent. It is submitted that Mr. Bourgeois preferred the interests of one client over the other. Mr. Dunlop's brief, Mr.

Bourgeois admitted was the biggest thing he had experienced in his short career and, it is submitted, it was the interest that he preferred. Mr. Dunlop obviously did not have sufficient judgment to realize the very grave implications of his own actions.

258. These facts, it is submitted, demonstrate the extent and length to which Mr. Dunlop and/or his young lawyer were prepared to go to advance the clan of pedophiles theory. By any objective standard, their actions were reckless. Their actions demonstrated the fundamental impropriety of Mr. Dunlop's behaviour and how that behaviour directly contributed to serious damage to people's reputations and the reputation of the community as a whole. Sadly, their actions promoted and protected the outrageous stories of Mr. Leroux whose lies have probably forever marked Cornwall as the place where there is a "clan of pedophiles."

I. Dunlop Admissions

259. While the points that follow will be no doubt developed in detail by others, it is necessary to mention at this juncture that Mr. Dunlop's reckless behaviour didn't stop in early 1997. Throughout the latter part of the 1990s, he suppressed information, violated or ignored the orders of his superiors, and refused to produce materials which were relevant and demanded by defence lawyers in various prosecutions. As both the Court of Appeal of Ontario and Justice Chilcott found, he inserted himself into prosecutions, refused to comply with requests by superiors to refrain from speaking to witnesses, did not produce documents and in the result his actions directly contributed to the stay of two major prosecutions.

260. When Perry Dunlop was examined in August 2004 in the Jacques Leduc proceeding, he made a number of startling admissions. These admissions related to his own conduct, his state of mind and his behaviour. The admissions confirmed that he had recklessly conducted investigations, that his behaviour affected and influenced witnesses, that he violated the direct written and oral orders from his superiors, that he hid documents, refused to disclose materials, that he was suffering from acute "paranoia" and ultimately that he misled or was untruthful not only to his superiors, but also to a judge. These significant admissions should have, but regrettably did not, dispelled the myth that Perry Dunlop was doing good things. His actions damaged people and the community from which he came. Yet the extent of his wrongdoing and lack of judgment has not, even to this day, been the subject of much public focus or recognition.

Mr. Dunlop's admissions included the following (although this is not an exhaustive list):

261. Mr. Dunlop admitted that he launched his civil proceeding against the CPS, a number of its members, DAC and others before he began his own investigation which he commenced by speaking to C8.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, at p.85, l.30 – p.86 l.1 to 15.

262. Mr. Dunlop admitted that the majority of allegations, including the existence of a clan of pedophiles, ritualistic abuse taking place at Cameron's Point, the abuse of minors in Ft. Lauderdale, Florida, the existence of a conspiracy to suppress such information and that such a clan involved high ranking member of Cornwall society, were based on information from Ron Leroux.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, pp.92-93.

263. Mr. Dunlop relied on Ron Leroux as the source of the information for the allegation that a senior Crown Attorney, the Chief of Police of the CPS and numerous priests of DAC were involved in a conspiracy or cover-up of pedophile activity and ritualistic abuses.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.99, l.25 – bottom of p.100.

264. He admitted that the basis of his information and belief that conspirators were going to kill him and his family was Ron Leroux.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.101, l.15 – p.102, l.1 to 12.

265. He admitted that Ron Leroux was the source of his information that police had searched the house of Mr. Seguin and found child pornography involving alleged clan members and that police had destroyed such evidence.

Exhibit 722, Begg 109978, p.111, l.23 to p.112, l.7.

266. He admitted that Ron Leroux was one of the persons he used to conduct his investigations.

Exhibit 722, Transcript of proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.132, l.15 to end of page.

267. Mr. Dunlop admitted he did not check information such as that provided by Ron Leroux, and, in response to that evidence, Justice Chilcott asked:

But did you not think, as a responsible citizen, more or less a policeman, that you should at least check these, what I'll call bizarre allegations, check a bit of it to see if they were authentic? I mean,

you just – as a police officer, as you were asked earlier, in an investigation, if somebody accuses someone of something in front of you, you check out the other side, I presume, before you lay charges.

A: Absolutely.

The Court: Well, why didn't you even do a cursory check in this case of these – as I say, were almost bizarre allegations? I'm not in any way adjudicating on the merit of them; I'm just saying they were somewhat bizarre when you get a bunch of prominent local people supposedly having a pedophile convention out on Stanley Island. I mean, that's pretty heavy stuff, isn't it?

A: Right. Well, shortly after the – my involvement in the case, Ken Sequin committed suicide. Our Chief of Police left the...

The Court: That would have been all the more reason.

A: And in the same interim, then the charges came for me. So I, in fact, at one point had to look after myself. I didn't have the option of going and gathering...

The Court: Why did you bother to look after yourself? Why didn't you bother to look after anybody else?

A: What's that, excuse me?

The Court: You didn't care about looking after anybody else –

A: Well, I wouldn't say that... Well, when they were attacking my credibility and coming after me with the Police Act charges, I had to retreat and gather my own strength to fight that.

Exhibit 721, Transcript of proceedings: Her Majesty the Queen v. Charles MacDonald, May 2, 2002, Begg 120899, pp.525 to 528.

268. This latter passage represents a situation in which Mr. Dunlop made false statements to Justice Chilcott since the *Police Act* charges and other Police Service Board proceedings were long over before Mr. Dunlop investigated and uncovered the Leroux allegations. It was those allegations about which the Judge was then questioning Mr. Dunlop, thereby making his statements before the Court more outrageous and his absence of an explanation for checking details about allegations clear.

269. He admitted that he did not trust Pat Hall of the OPP.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.116.

270. He admitted that he did not trust Insp. Smith of the OPP.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.119.

271. He admitted that he did not trust the CPS.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.120.

272. He admitted that he did not trust the OPP.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.120.

273. He believed the aforementioned individuals and organizations, including the Crown Attorney, were not only untrustworthy, but also "actually corrupt."

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.120.

274. He said some of the aforementioned were also "criminals."

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978, p.120.

275. On June 11, 1997 he was brought to the office of Inspector Trew of the CPS. He was ordered to stop investigating matters pertaining to Project Truth and he was specifically instructed to hand over all notes, materials, audiotapes and videotapes to police. He agreed this was a specific order by his superiors to him and that he left them with the impression he would comply with the order.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.47, l.15 to p.48, l.22.

276. He did not comply with this order and again on August 7, 1997 he met with Inspectors Trew and Smith. He agreed that he was specifically ordered again to hand over all notes statements, names and addresses of complainants and to stop being involved with

the taking of statements. He left the meeting having agreed to do that. He agreed in cross-examination that he did not comply and that accordingly on August 15, 1997, he was met again by his superiors making the same demands.

Exhibit 723, Begg 109979, p.48, l.22 to p.49, l.22.

277. Thereafter, Inspector Hall went to Mr. Dunlop's house to retrieve the documents ordered to be produced and he was only given a one-page document with a list of victim's names on it. Inspector Hall asked for Mr. Dunlop's notes but they were not provided.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.49, l.23 to p.50; p.55; p.56, l.1-8.

278. He was asked by Inspector Hall for his notes and Mr. Dunlop agreed he did not provide them because he wanted more time to think about it and to discuss releasing his notes with the victims. In fact thereafter he never spoke with victims about this subject.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.56, l.10-25.

279. On September 25, 1997 he was sent, and received, a written order from his superiors demanding and ordering that he disclose immediately all notes, tapes, statements, etc., that he had in his possession. He admits, notwithstanding prior requests and the written order, he had not given the police his notes, taped statements and written statements. He then asked for an extension of the deadline for disclosure in the September 25 order to October 10, 1997.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.60, l.27 to p.61, l.14.

280. On October 10, 1997, Mr. Dunlop gave Inspector Hall the Fantino brief and led him to believe that he had completed disclosure.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.61, l.1-25; p.66, l.10 to p.67, l.18.

281. One year later, in July 1998, Mr. Dunlop, in response to further demands, handed over four volumes of material to the OPP. These included the Fantino brief and Volumes 3

and 4, which were devoted to Mr. Dunlop's *Police Act* charges. He also gave them three audio taped statements, those of Robert Renshaw, Gerry Renshaw and Ron Leroux. He did not provide the video statement of Ron Leroux until October 1998.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, at p.67, l.22 to p.69, l.27; p.79, l.18-22.

282. By July 1998 Mr. Dunlop had still not provided disclosure of his notes from his investigation.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.69, l.13 to 25.

283. Mr. Dunlop conceded that, in spite of orders received, he did not hand over his "thick file" with many statements in June of 1997. He admitted that he did not turn that file over to the police throughout 1998. He handed over "bits and pieces but not the whole thing."

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.85, l.22 to p.86, l.8.

284. On January 3, 2000 a further order was given to Mr. Dunlop demanding that he disclose any and all evidence in the Marcel Lalonde matter, including notes, reports, statements and any document referring to any meeting statement or witness. He was ordered to disclose to Project Truth any and all evidence in his possession that related in any way to allegations of sexual abuse that is or may be investigated by any police agency including notes, documents, statements, reports, video and audio tapes in spite of all prior orders. On March 6, 2000, he finally provided the police with his notes detailing his contacts with victims and with witnesses.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979 (These were marked as Exhibits 1, 2, 3, 4, 5, 6, and 7 in the Leduc Voir Dire before Plantana J., on August 17, 2004).

285. He admitted that he was untruthful in his sworn evidence in the Marcel Lalonde trial when he told the Court under oath that he had disclosed all of his “personal notes” to investigators by 1998 when he in fact did not do that until 2000.

Exhibit 725, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 19, 2004,, Begg 109981, p 29, l.22-29.

286. Mr. Dunlop admitted that his lack of faith in the OPP investigation rubbed off on victims. He talked to them about this issue. In fact he believed that the OPP would not conduct a proper investigation and that is why he says he was doing it himself. He undermined people’s confidence in the investigation.

Exhibit 724, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 18, 2004, p.83, l.8-19; p.83, l.22 to p.84, l.22; p.85, l.8 to 25.

287. His mistrust of the police was so significant that he took to hiding his notes and papers in various places, including in a safety deposit box at a neighbour’s house and at his lawyer’s office. He did this because of what he described as a high level of paranoia. In fact, to prevent detection of these locations he took active steps to conceal them by, for example, never taking the same route twice to access such locations. He would also move the locations of the notes and papers from time to time.

Exhibit 725, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 19, 2004,, Begg 209980, p.90, l.13 to p.95; see also Doc No. 109981 at pp.1 and 2.

288. He agrees that he did not create or keep his notes in accordance with known police procedures.

Exhibit 725, Begg 109981, pp.11, 12 and 13.

289. Mr. Dunlop admitted he received multiple, written and oral orders to cease conducting media interviews and to cease interviewing witnesses in relation to allegations of sexual abuse. He admitted to breaching those orders.

Exhibit 724, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 18, 2004, Begg 109980, pp.45 to 49.

290. He agreed that he selected the people in the photo line ups he assembled and that they were persons of interest to his investigation which he showed to witnesses.

Exhibit 724, Begg 109980, pp.55, 56, 57 58 and 59.

291. Mr. Dunlop was diagnosed not only with depression during the time he conducted his investigation, but subsequently with anxiety, agitation and concentration and attention problems.

Exhibit 722, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 16, 2004, Begg 109978 at p.120, l.25 to p.123, l.30.

292. Mr. Dunlop gave Richard Nadeau statements and affidavit of witness to put on the website www.projecttruth2.com and he did so without the consent of the people who had signed the statements or affidavit.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, p.24, l.20-25; p.44, l.15 to 28.

293. Mr. Dunlop was untruthful before Justice Chilcott when he told him that he had not given Richard Nadeau statements and affidavits of witnesses to put on Mr. Nadeau's website.

Exhibit 723, Transcript of Proceedings: Her Majesty the Queen v. Jacques Leduc, August 17, 2004, Begg 109979, pp.40 to 43, l.19 where he says finally "I guess I was lying."

294. Finally, the evidence of another witness concerning Mr. Dunlop's behaviour requires some emphasis. Mr. Dunlop came into contact with an individual described at the CPI as C18. This individual, through Mr. Dunlop, made allegations of alleged abuse, or improper advances by Father Rejean Lebrun. Subsequently, C18 admitted these allegations were false. However, how these allegations came to be developed and asserted demonstrates the fundamental impropriety of Mr. Dunlop's behaviour. In this regard, the evidence of Pat Hall at the CPI described the events that occurred:

Q: Now the next thing I want to ask you about is a slightly different subject, and this references an individual who is C18, if you have your monikers list handy. And you were questioned about this person by Mr. Engelmann.

A: Yes.

Q: So what happened here, as I understood your evidence in-chief as I watched it, is Mr. Engelmann put to you some material that Mr. Dunlop had been involved in. In other words, there was a statement taken by Mr. Dunlop from this person. It came into your possession, and you instructed Officer Genier to go and interview him?

A: Correct.

Q: There was a piece of information that's missing from this little environment that I want to bring to your attention, which is what you actioned Officer Genier to do and what the result was, okay?

A: Yes.

Q: Now, being mindful, Inspector, of the fact that you were questioned about this and that what was put to you in examination in-chief was the material you got from Mr. Dunlop but nothing further, I want to review what happened with Officer Genier....

Q: It says here: "As an altar boy at St. Jean Bosco, recalls advances made by a priest who was there a short time, possibly Father Lebrun." Which is why you actioned Officer Genier to go out and make inquiries about Father Lebrun; correct?

A: Yes.

Q: You see the third line from the bottom of the first dark break in the page: "Dunlop contacted him and showed him several photos and wanted him to disclose abuse. Dunlop stated you can make money."

A: Yes.

Q: This is Officer Genier reporting the statements of this individual being interviewed, C18.

A: Yes.

Q: Now, if we press on: "C18...told Dunlop who he knew and said 'chose not to pursue it.'" Next: "Dunlop stated he would put together a statement for C18 and later would have him sign it. C18 later did sign it because he felt it wasn't going anywhere. C18 stated that Dunlop sweetened it up a bit. C18 will write out a statement and will contact us. C18 states he was never abused and is not aware of any person that was." Do you see that sir?

A: Yes.

Q: That's the information your team got from this individual.

A: Yes.

Q: So what we have here is yet another example of a witness who has given a statement making an allegation who effectively – this person is changing his evidence when he's interviewed by you.

A: Yes.

Q: And this is very troubling to your team; isn't it?

A: It is.

Q: This individual is telling you that there is a discussion between him and Officer Dunlop about litigation and money. That Officer Dunlop is, in fact, preparing a statement and that the statement given appears to be false.

A: Yes.

Q: So this is yet another illustration of what concerned your team about Mr. Dunlop's involvement with various witnesses?

A: Yes.

Q: He [C18] told you he was never abused by anyone; wasn't aware of anybody being abused and he wasn't going to give you a statement.

A: That's correct.

Evidence of Pat Hall, CPI Transcript Vol.323, pp.211-218.

295. When the evidence of C8, Leroux, the Renshaws, Bourgeois and Mr. Dunlop's own admissions are considered, together with the evidence of those such as C18, there can be no doubt that Perry Dunlop bears the most serious responsibility for the controversy in Cornwall. Not only did he generate it, but it is submitted, he preserved, protected and promoted his theories. His lack of judgment and inability to understand the impropriety of his own actions fundamentally drove the community crisis in Cornwall. When all this evidence is read together, the whole theory of a conspiracy, of a clan and of lists of abusers falls apart.

J. Gary Guzzo

296. During the summer of 1998, the Dunlops met with Mr. Guzzo and provided him with much of their material, including the fruits of Perry Dunlop's investigation. Mr. Guzzo decided to get involved. Mr. Guzzo took up Perry Dunlop's story of a conspiracy and ratcheted it up to a new level. Instead of a clan and a conspiracy, it became systemic incompetence and corruption and raised the spectre not only of a clan, but that its influence spread throughout government to the highest levels. Pedophile "kingpins" were at large and manipulating society and police were covering it up. As will appear, Mr. Guzzo's story was just that, a story. It had no more substance than the lies of Mr. Leroux. It was asserted, it is submitted, with reckless disregard for its accuracy.

297. Mr. Guzzo started by writing letters to the Premier and others, beginning in September 1998.

Exhibit 983, September 18, 1998 letter from Garry Guzzo to Michael Harris.

298. His first letter to the Premier was followed up by a second in February 1999, a third to the Premier's Chief of Staff in April 1999, and a fourth to the Attorney General in January 2000.

Exhibits 984, 985, and 1002.

299. Ultimately, Mr. Guzzo's efforts culminated in two private member's bills which were attempts to establish a public inquiry "into the investigations by police forces into sexual abuse against minors in the Cornwall area" (see Exhibit 1008).

300. In Mr. Guzzo's campaign, not only did he write letters to the Premier, the Attorney General and others within the government, but he promoted his position through hundreds of media interviews, both on radio and television and in print over a number of years. He developed a theme supported by a number of points in his communications with the media and government and he repeated these and the points which he stated over and over and over again supported his theories.

Evidence of Mary Lynn Young, CPI Transcript Vol.155, p.205.

Evidence of G. Guzzo, CPI Transcript Vol.182, p.173, l.22-25 and p.174, l.1-4.

301. His main message was summarized in his first letter to the Premier in September 1998. In that letter, he advanced as his basic theory that the OPP Project Truth investigation and the investigations which preceded it were flawed, incompetently handled, lacked completeness, or, worse, were affected by a conspiracy to thwart the administration of justice or a deliberate attempt to cover-up pedophile activity in Cornwall.

Evidence of Garry Guzzo, CPI Transcript Vol.182, pp.108-111.

Exhibits 983, 984, 985 and 1002

302. In his September 1998 letter, Mr. Guzzo cited, in support of his theory, that there had been, prior to Project Truth, three other investigations. He characterized each of these investigations as being thorough, broad-based investigations into the question of the existence of multiple abusers and a clan of pedophiles operating in the Cornwall area. He specifically admitted in cross-examination that he meant his readers to conclude that each of the three investigations that preceded Project Truth had been deliberately established to answer the question of whether a pedophile group was operating in the City of Cornwall.

Evidence of Garry Guzzo, CPI Transcript Vol.182, pp.112-115; pp.161-165.

Exhibits 893, 984, 985 and 1002.

303. He therefore characterized the first CPS investigation, the subsequent Ottawa Police Service investigation and the 1994 OPP investigation all as broad-based investigations into the existence of a pedophile clan containing multiple abusers operating in the City of Cornwall.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.110, l.1 to 14; p.111, l. 18-25; p.112, 113, 114 and 115, l.1-12.

304. He contended that the first three investigations had to have been mismanaged, conducted incompetently or, worse, involved a conspiracy to thwart the administration of justice by suppressing the existence of a pedophile clan. He said this must be so since Project Truth, which was investigating the very same things, had uncovered many

allegations with a result that it stimulated 115 charges. How could this be, he asked, when the first three investigations looked at the very same thing and found nothing. The answer, he proposed virtually hundreds of times in letters and media utterances, was incompetence or cover-up. There was no other explanation.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.120, l.21-25; p.121, l. 1-10; pp.161-165.

Interview of Garry Guzzo by CJOH, Exhibit 1138.

Hansard Statements of Garry Guzzo, Exhibit 1139.

305. Mr. Guzzo admitted in cross-examination that he advanced this thesis of cover-up or incompetence quite bluntly. He was trying to raise the public's awareness about the issue and to persuade it to adopt his point of view. In order to get the government to do something, Mr. Guzzo agreed that he had to persuade the public to put pressure on it. In order to persuade the public to apply that pressure, he had to convince the public to distrust the OPP and convince it that the OPP was either incompetent or engaged in cover-up. He was prepared to take and took the risk that his efforts to stimulate the government to do something would fundamentally undermine the public's confidence in the legitimacy of the ongoing Project Truth investigation.

Evidence of Garry Guzzo, CPI Transcript Vol.182, pp.162-166.

306. Sadly, Mr. Guzzo was wrong. His statements were wrong. He made them recklessly. He didn't check the scope of the first investigations. He contacted no one to inquire about the scope and extent of the first three investigations. He didn't even know when he was cross-examined at the CPI that those investigations had nothing to do with the existence of a pedophile clan. The first CPS investigation was only an investigation into Charles MacDonald based on David Silmser's allegations. The OPS investigation was a re-investigation of the Charles MacDonald investigation conducted by the CPS. The third investigation, that of the OPP in 1994, was an investigation into the question of Charles MacDonald as well as a potential conspiracy between the CPS and DAC and the Crown's office. The question of a pedophile clan or ring or broad-based pedophile activity was simply not within the mandate of any of the first three investigations. Yet Mr. Guzzo used

these allegations to promote his issues. Notwithstanding that he admitted at the outset of his cross-examination that he was duty-bound to be thorough, complete and to obtain the best information before speaking out, he acknowledged he did nothing to satisfy those duties.

Evidence of Garry Guzzo, CPI Transcript Vol.182, pp.85-90; 166-179.

307. Mr. Guzzo also alleged that Mr. Dunlop had provided material to various ministries which either had not been received by the OPP or that the OPP wasn't investigating this material. He claimed that multiple affiants or complainants identified in this material had not been interviewed, notwithstanding what he suggested was the possession of this material by various ministries for weeks, months or years. This again, he contended, was evidence of conspiracy, cover-up or other possible indications of impropriety.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.115, l.14-25; p.116-118, l.1-8.

Exhibits 983, 984, 985.

308. Yet, sadly, Mr. Guzzo simply had no idea what information the OPP had or when it got it. The OPP not only had all of Mr. Dunlop's material, but by the time Mr. Guzzo wrote his first letter, all of the complainants identified by Mr. Guzzo had been interviewed by OPP investigators. Some had been interviewed on multiple occasions and others had not only been interviewed, but the subject of their complaints had stimulated charges. Mr. Guzzo simply had no idea what he was talking about. He advanced a theory without any foundation or evidence. He acknowledged that his position in this regard was incorrect. He said:

Q: Who had not been interviewed because the record shows, and will show, and the testimony will be, and has been, that they all were. Are you prepared to accept that you were wrong again; Mr. Guzzo, on this point?

A: The comments with regard to the individuals referred to by Dunlop. I was wrong.

[emphasis added]

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.185.

Exhibit 2794, List of Victims received from Dunlop, August 15, 1997.

Exhibit 2771, Project Truth Persons with Statement Report.

Exhibit 2836, Case Management Assignment Register.

Exhibit 2780, Report Truth Suspect List to be spoken to as at June 30, 2002.

309. Mr. Guzzo also acknowledged that he providing wrong information to the Premier and others when he made statements about what happened in Florida. He asserted a factual claim that young people from Cornwall were taken by perpetrators from Cornwall to Florida and abused there. He said that he had seen and others had obtained evidence in documentary form testifying to the fact that these people – that is to say perpetrators from Cornwall with victims from Cornwall – were registered in the same rooms in multiple hotels in Florida and that the OPP had not investigated any of this.

310. Again, these statements were made any foundation. Mr. Guzzo said he saw registration slips with only four names on them, none of which were particularly important. He never saw, nor was he ever provided with, any registration slips with the names of victims on them, registration slips with the names of victims and/or perpetrators on the same slips. He could not identify any complainant who said they had been taken to Florida by a person from Cornwall and abused there. He simply had no evidence of any kind. He admitted things like:

- Q: First of all, you now know that Mr. Chisholm and Mr. Leroux got one name, Malcolm MacDonald from the Saltaire Motel, not “motels” plural, right?...That was the evidence of Mr. Leroux and Mr. Chisholm.

A: Well, I’ll accept that.

Q: And did you read that evidence before you wrote this letter [referring to September 1998, Exhibit 983]?

A: The evidence of ?

Q: Mr. Chisholm. It’s in the document that he got signed by the owner of the hotel. Did you ask him to see it?

A: I never met with Mr. Chisholm. No, I did not ask him to see it. I didn’t ask anybody for anything other – and I – other than the

material that was left with the Attorney General and the Solicitor General by Mr. Dunlop and the Toronto police officer.

Q: Exactly my point.

A: Yes.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.135, l.7-25 – p.136, l.1-4.

- Q: You didn't ask Mr. Chisholm; you didn't meet with Mr. Chisholm, you didn't ask the Dunlops about this and you didn't meet with them about this. You didn't know what the details were or even who went yet you were making this allegation, right?

A: Well, yes, that's correct.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.136, l.5-11.

- Q: You didn't talk to them about this issue to get to the detail or the bottom of what they had said they'd uncovered, did you?

A: No, I didn't.

Q: Nor did you speak to Mr. Chisholm about this?

A: No, you're right.

Q: So when you say "these people" you didn't know and you made the statement anyway.

A: Well, if I included myself in it I suppose I would have been been 100 percent accurate, but you're right.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.137, l.8-22.

- Q: So your first contention is that private citizens went down there to do police work and that they found proof of alleged victims registered in hotels – plural – in Fort Lauderdale on a pedophile strip, and then you go on:

and not until civil suits were commenced against some of the named perpetrators who were registered with these youngsters...

Now, you did not get that information from citizens in this community, to wit Mr. Dunlop and his group, who were the citizens that you just conceded to me were the only people Mr. Chisholm

and Mr. Leroux who went down there to investigate this issue. You didn't get that information from them; did you?

A: From those two people; the two citizens here who went down there? No, I did not.

Q: And those are who you're referring to. "Private citizens did police work and travelled to Florida to find the proof." Right?

A: They're the two people that I'm referring there, yes.

Q: And that is not an accurate statement, is it sir?

A: It is not an accurate statement.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.138, l.9-25 – p.139, l.1-12.

- Q: And there has never been any documentation you've ever seen that refers to hotels, plural, including registration slips from multiple hotels?...Have you seen registration slips for more than one hotel, Mr. Guzzo?

A: No, I have not.

Q: So I suggest you were adding some embellishment here, Mr. Guzzo, and you made a false or inaccurate statement to the government. Correct?

A: Well, you know, I have to tell you that I agree with your statement...

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.139, l.13-25 – p.140, l.1-5.

- Q: In the context of this paragraph, you tell the reader that you are aware that people from this community travelled to Florida and that they found proof by, which I take it you mean something hard, cold, like documents; that there were perpetrators down there and victims down there and you finished this paragraph saying: "They were registered with these then youngsters." I suggest to you, sir, the meaning of your paragraph is perfectly clear; you're saying that you were aware there were documents that linked these things together and that they had been found by citizens in this community, and that is simply not true.

A: In terms of documents, you're correct.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.141, l.15-25 – p.142, l.1-5.

- Q. [referring to Mr. Guzzo's letter], "why, in his opinion as the chief prosecutor, registration slips bearing the names of the alleged victims and the alleged perpetrators registered in the same rooms in this motel on the pedophile strip were not seized?" Now, first of all, you never saw such registration slips, did you?

A: No, I did not.

Q: And Mr. Dunlop and his crowd did not give you copies or information in that regard?

A: They did not.

Q: And your friend, the good officer in Florida, told you, as you said, that he and his force had been restrained from going in and raiding these motels. Isn't that what you told us?

A: That was his story

Q: All right. I suggest, sir, this is another inaccurate statement. There were no such documents; you'd never seen such documents; and you misdescribed this incident.

A: As far as documentation is concerned, I have not seen it, you're right.

Q: And you agree with me, you're referring in boxcar letters to documentation, registration slips; right?

A: I am.

Evidence of Garry Guzzo, CPI Transcript Vol.182, p.144, l.4-25 to p.145, l.1-8.

311. Pat Hall, who testified at the CPI, unequivocally demonstrated that the OPP attended at Saltaire Motel in Florida and ultimately obtained registration slips which only contained the names of Malcolm MacDonald, Ron Leroux and Richard Orlando from the United States. The owner of the motel provided answers to a series of questions in writing. All these things demonstrated that all of Mr. Guzzo's contentions were wrong. There was no evidence of alleged perpetrators from Cornwall registered in the same rooms with victims from Cornwall. There was no evidence of multiple abusers attending in Florida and

registered in hotels to perpetrate abuse. There was no evidence that clergy from DAC were at these hotels. There was no evidence Bishop LaRocque was ever at the Saltaire Motel. There were no registration slips bearing Bishop LaRocque's name on them. All of the allegations that Mr. Guzzo asserted without even speaking to the individuals he contended had gone to investigate were completely wrong.

Exhibit P2852, Attempted interview of owners of Saltaire Motel, May 6, 1999.

Exhibit P2853, Letter from Pat Hall to Balgotja Cvetkouski, June 24, 1994.

Exhibit P2854, Questions from Pat Hall to Blagotia Cvetkouski, undated.

Exhibit P2855, Guest registration.

Exhibits P2855-P2867, Guest registration slips.

312. Mr. Hall denied all of the contentions of Mr. Guzzo, provided the documentation and fruits of the OPP's investigation from Florida to the CPI. All of this information completely refuted Mr. Guzzo's public statements, including statements to the Legislative Assembly of the Province of Ontario. Pat Hall stated over and over again that the contentions of Mr. Guzzo were simply inconsistent with the evidence the OPP obtained and "false." Pat Hall also specifically denied the meeting between himself and Mr. Guzzo in which he claimed Mr. Hall said he had a registration slip with Bishop LaRocque's name on it. Pat Hall categorically stated that this allegation was "false."

Evidence of Pat Hall, CPI Transcript Vol.323, pp.228-260.

313. Then Mr. Guzzo engaged in what can only be described as an outrageous media stunt. Over a period of weeks, he held multiple media interviews and threatened to name names of alleged pedophiles who were not being charged. He referred to all of the points he had raised in the past to support the contention that these individuals were somehow getting away. He said he was going to stand up in the Legislative Assembly and actually identify the names of such individuals unless the Premier took some action. He threatened this approach repeatedly and consistently and promoted attention to his strategy in all mediums – print, radio, broadcast, etc. In the end, he declined to name names, but it was too late. The damage was done. The people whose names he threatened to identify were leaked to the media. These included the name of Bishop LaRocque. Mr. Guzzo claimed

the OPP were going to charge such people, but that other forces had decided not to follow that recommendation. In fact there wasn't a shred of evidence to support this position. There were no such recommendations.

Exhibit 1014, Notice of Libel.

Evidence of Garry Guzzo, CPI Transcript Vol.182, pp.185-197.

314. Mr. Guzzo admitted to so many inaccuracies, inconsistencies and incorrect statements in his media and governmental communications that his actions can only be described as irresponsible. It is submitted that the effect of his statements misled the Premier, the Attorney General, the Legislative Assembly, the media, the public and the people of Cornwall. As a public, official and a member of the Assembly, he should have known better. Therefore, he should, in the final analysis, face responsibility in the Commissioner's report for the very serious hurt and damage he caused.

315. Mr. Guzzo profoundly exacerbated the damage Mr. Dunlop started. Although Mr. Dunlop set the wheels of controversy in motion, Mr. Guzzo took on the cause and made it his own. There is no excuse for his behaviour and it is submitted that during his testimony at the CPI, his credibility was badly damaged by his efforts to develop innocent explanations for his actions.

K. Richard Nadeau

316. The story of the controversy in Cornwall and its damage would be incomplete unless it included www.projecttruth2.com. That website was developed by Mr. Nadeau.

Exhibit P3335.

Exhibit 789, Crown Brief, R. v. Nadeau, Vol.1, Bates 4717 to 5038

317. Again, Perry Dunlop was involved. He provided all of the materials that he had obtained in his investigation to Mr. Nadeau. He acknowledged in his cross-examinations that he gave these materials to Mr. Nadeau without the consent of the persons who had made statements. Mr. Nadeau posted all of the statements and added his own editorial flavour.

Exhibit 790, Crown Brief, R. v. Nadeau, Vol.2, Bates 5039-5748.

318. The website extensively promoted the idea of a pedophile clan in Cornwall. All of the Leroux theories and falsehoods were propagated, commented upon and disseminated. Cornwall became synonymous with the existence of a pedophile clan and a hotbed of conspiratorial pedophile manipulation. The website received tens of thousands of hits. The website represented the final piece in the creation of the myth and false stories that surrounded the controversy in Cornwall. It was the most outrageous and irresponsible extension of Mr. Dunlop's activities. It also contained all of Mr. Guzzo's letters, including all their inaccuracies. The website epitomized the scandal in Cornwall. Not only was it shrill and hysterical, but it was angry and intolerant. It accused anyone and everyone. It indicted the police force, the Attorney General, the Government, local institutions, the Church and all of its members. Individuals were listed and identified as pedophiles or abusers whether or not they had been charged, whether or not they had been acquitted, whether or not they were innocent. Sadly, it is submitted that the website was responsible for putting into place the final piece in what amounted to moral panic in Cornwall.

IV. Corporate Overview

A. Church Structure

319. An understanding of the organization of the Roman Catholic Church in general and DAC in particular is necessary to understand the context in which the policies of DAC were developed. Such an understanding is also necessary to contextualize the decisions made by Bishop LaRocque, Bishop Durocher and other Diocesan officials.

(i) Organization of the Roman Catholic Church

320. The organization of the Roman Catholic Church has evolved over the past two-thousand years into its present form. That structure is set out below.

a) The Pope

321. The Pope is the head of the Roman Catholic Church. He is the Bishop of Rome and has final authority regarding the appointment of Bishops.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.193.

322. The Pope also has the authority, by non-appealable Administrative Decree, to remove a priest from the clerical state. This is the only means by which a priest can be removed, other than through canonical trial. The latter is preferred by canon law due to the protection of the rights of the accused.

Evidence of Bishop Durocher, CPI Transcript Vol.274, p.196.

b) The Curia

323. The Curia is the Roman Catholic equivalent to the public service. It is divided into various ministries called dicasteries, which may be referred to as congregations, councils, or tribunals, depending on their role. The leadership of dicasteries with their staff make up the Curia. Examples of dicasteries are the Congregation for the Doctrine of the Faith and the Congregation for Bishops.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.204, l. 1.

c) The Congregation for the Doctrine of the Faith

324. The Congregation for the Doctrine of the Faith is most known for its work ensuring the integrity of the teaching of the Catholic faith by theologians. It also deals with the prosecution of some offences by priests. A number of offences must be referred to the Congregation, which determines how they are to be adjudicated.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.204.

d) The Papal Nuncio

325. The Papal Nuncio is the Pope's representative to a particular government, much like an ambassador. One of his roles is to prepare lists, called terna, of three candidates when there is a need for a new bishop. The terna is compiled through consultations with other priests, lay people, and bishops and is forwarded to Rome with the Nuncio's comments. The Congregation for Bishops in Rome then studies the terna and the cardinal responsible for that Congregation sits down with the Pope and reviews the terna. The Pope makes a decision and, through the Nuncio, contacts the candidate.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.193.

e) The CCCB and OCCB

326. The Canadian Conference of Catholic Bishops (CCCB) is an association of all Roman Catholic Bishops in Canada and exists to help Bishops in administering their dioceses and to facilitate coordination of common purposes among the Bishops. There are two sectors within the CCCB, one French and one English. Each sector meets individually when there are matters which concern only one sector, such as approving liturgical texts in either of the languages. Bishop Durocher sat on the Commission for Theology and the Commission for Liturgy and the Sacraments in the French sector of the CCCB.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.15-17.

327. The CCCB has no authority over individual dioceses, but canon law provides it with restricted legislative powers, such as approving liturgical texts and setting the limits of negative financial restrictions placed on Bishops.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.17-19.

328. The Ontario Conference of Catholic Bishops (OCCB) is a collaborative organization which is not recognized at canon law. The OCCB provides a forum for Bishops in Ontario to speak to one another regarding matters of interest.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.20 and Vol.274, p.89-90.

329. The CCCB and OCCB are made up of all sitting and retired bishops in Canada and Ontario respectively. They are funded by a voluntary taxation of dioceses. Rome does not provide funding.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.20-22.

330. There are three other organizations like the OCCB: one in Quebec, one in Eastern Canada, and one in Western Canada

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.23.

f) Ecclesiastical Provinces

331. An Ecclesiastical Province is a group of dioceses. One is recognised as an Archdiocese and which has an Archbishop. The rest are referred to as suffragan dioceses. An Archbishop has very few roles beyond the responsibilities of a regular Bishop. He is to convene the Bishops of the Ecclesiastical Province every second year to compose a list of possible candidates of priests to consider becoming Bishops. He is also to advise the Pope should he become aware of any serious mismanagement issues within a diocese in his Ecclesiastical Province, though the Archbishop has no power to intervene. His role is therefore largely honorific.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.207.

g) Religious Orders

332. Religious orders, which evolved from monasteries, receive their authority directly from the Pope and, as such, require members to give a vow of obedience to the superior of

the order. Orders of men may contain priests or brothers. Orders of women contain nuns or sisters. All, or any of these, are referred to as “religious.”

Evidence of Bishop Durocher, CPI Transcript Vol.46, pp.214-215.

B. Diocese of Alexandria-Cornwall Structure

333. In the common law provinces of Canada and in the United States, all dioceses are corporations sole. DAC is a corporation sole and therefore its bishop is its sole officer, director, and chief administrator. A diocese is an autonomous and independent entity run by a bishop, subject to certain negative financial limits beyond which he cannot act without the permission of the Pope.

Evidence of Bishop Durocher, CPI Transcript Vol.46, pp.220-221.

(i) Organization of the DAC

334. DAC is organised in a hierarchical structure with a number of individuals and standing councils reporting to the Bishop. An organizational chart of DAC is contained in **Exhibit 58, at Tab 2.1**. The 31 parishes of DAC are located in the counties of Stormont and Glengarry, including in the City of Cornwall. A listing of those parishes is found in **Exhibit 58, at Tab A, pages 6-8**.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.12-13.

a) The Bishop

335. A diocesan bishop is the head of a diocese. An auxiliary bishop is a bishop who has been appointed to assist a diocesan bishop.

336. Diocesan priests and deacons make a promise of obedience committing them to serve a diocese under the leadership of a bishop. A bishop incardicates priests and deacons to a diocese. Once incardinated, the priest is generally committed to serve in that diocese for life. In order to change dioceses, one must be excardinated from the first diocese and incardinated into the other.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.195, 213.

337. A bishop is the lawmaker of a diocese and can adjust “particular law,” those policies applying within the diocese, at will. A bishop has the power under canon law to refuse to follow policies he has promulgated. Bishop Durocher testified he feels this power is too broad and has sought to make the policies he has put in place difficult to contravene by means of public and other pressure.

Evidence of Bishop Durocher, CPI Transcript Vol.272, p.69-70.

338. The current Bishop of DAC is Bishop Paul-André Durocher, who has held that position since 2002.

b) The Vicar General

339. The Vicar General is the priest who shares in the ordinary powers of the Bishop in his absence.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.223-224.

c) The Chancellor

340. The Chancellor does not have to be a priest. He is assigned to the upkeep of the archives and to the publication of the decisions, edicts, and decrees of the Bishop.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.224.

d) The Finance Officer

341. The Finance Officer, who has a five year term, is the chief assistant to the Bishop in administering the goods of the diocese and need not be a priest.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.224.

e) The Presbyteral Council

342. The Presbyteral Council, also referred to as the Senate of Priests, is a council formed by priests, some of whom are elected by their peers and some of whom are on the council *ex officio*.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.225.

343. A Deanery is a group of parishes within a diocese. In DAC, there are two English and two French deaneries, with both languages having a deanery for the city and a deanery for the countryside. The priests of each of the deaneries elect a priest, called the Dean, to be part of the Presbyteral Council.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.13-14.

f) The College of Consultors

344. The College of Consultors has five members. It is chosen from the Presbyteral Council. The College is an advisory body but can also appoint an administrator if a bishop is incapacitated. It can also approve the sale of some property and open or close a parish.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.225-226.

g) The Pastoral Committee

345. The Pastoral Committee is an advisory body regarding the life of the Church. It is composed mostly of laypeople.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.226.

h) The Finance Council

346. The Finance Council is a Committee led by the Finance Officer and advises the Bishop in the financial administration of DAC.

Evidence of Bishop Durocher, CPI Transcript Vol.46, p.226.

i) Roles of Deacons, Priests, and Bishops

347. Deacons can perform baptisms, preside at marriages and funerals without a mass, and proclaim the gospel and preach during mass. From the fifth century to 1967, being a deacon was a step on the path towards priesthood. In 1967, the position was changed to allow deacons to hold the title permanently and to marry. A deacon is a volunteer position.

Evidence of Archdeacon Gordon Bryan, CPI Transcript Vol.260, p.65.

Evidence of Bishop Durocher, CPI Transcript Vol.46, pp.209-210.

348. Priests have all of the powers of a deacon. They can also preside at mass and perform the sacraments of anointing of the sick, confession, and, if so delegated by the bishop, confirmation. A priest has three main functions. First, he is to educate the faith of his parishioners through preaching, teaching, and setting up educational programs. Second, he is to administer the sacraments, including seeing to the celebration of the Eucharist on a regular basis in the form of daily and weekly masses, anointing the sick, and celebrating funerals, weddings and baptisms. Third, he is to be a leader by being responsible for the community life of the parish in setting up committees at the pastoral level. He is to administer the temporal goods of the parish with the help of the parish Finance Committee.

Evidence of Bishop Durocher, CPI Transcript Vol.46, pp.209-210 and Vol.47, pp.9-10.

349. Bishops have all of the powers of a priest. In addition, they can perform the sacraments of confirmation and ordination.

Evidence of Bishop Durocher, CPI Transcript Vol.46, pp.209-210.

j) Schools and Hospitals

350. Public Catholic schools are not administered by DAC. A diocese or a bishop is only involved in approving the curriculum of religious education courses and a bishop may name a priest as a chaplain if approved by a school.

351. By the 1970s, there were no longer any private Catholic high schools in the Cornwall area. There was historically only one private school ever run by DAC. It closed not long after the beginning of the twentieth century. Bishop Durocher is not aware of any diocesan priests that taught courses in any of the private high schools in the area, nor is he aware of any diocesan priests involved in teaching in any other schools.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.27-30.

352. There was once a hospital in the area run by a religious order. It is now closed.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.30-31.

C. Canon Law

(i) Rules Regarding Sexual Misconduct

353. Bishop Durocher prepared a summary of the canon law rules regarding sexual misconduct. It is set out in **Exhibit 58, Tab A, pages 19-20.**

354. The first task of the Bishop when presented with an allegation is to investigate whether the allegation is well-founded. He generally does this by appointing one or two delegates to look into the matter and report back. If there has been a criminal trial and a guilty finding, the investigation need go no further for the allegation to be deemed to be true. If there has not been a guilty finding or if there has been no trial, the Bishop may proceed to a canonical trial, which is rare.

**Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.166-167.
Exhibit 58, Tab A, pages 19-20.**

355. There has never been a canonical trial in DAC.

**Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.167-169, 227-228, and 329.
Exhibit 58, Tab A, pages 19-20.**

356. Canons 1717-1731 very generally set out the authority to conduct a penal process. These canons do not give any assistance with respect to how to conduct an investigation or specifics for any trial process. Canon 1717 states if “an ordinary [a bishop] has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, or imputability.” The Canon does not state how to inquire. A bishop may commence a canonical procedure, or he may proceed by administrative decree, which could impose certain sanctions on the priest, such as suspending the exercise of ministry, telling the priest to live in a certain place or restricting the offices he can hold. He cannot, however, remove the priest from the clerical state without a canonical trial.

**Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.258-260.
Exhibit 60.**

357. In 2001, the Congregation for the Doctrine of the Faith issued a document stating that any offence regarding sexual abuse of a minor reported before the alleged victim reached the age of 28 must be reported to it. The Congregation then directs the Bishop regarding how to proceed, including potentially directing that a canonical trial be held.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.221-223, 227, and 329-330 and Vol.273, p.39.

358. In 2003, the Vatican promulgated an administrative procedure allowing the Pope to directly remove a priest from the clerical state through a non-appealable administrative decree.

Evidence of Bishop Durocher, CPI Transcript Vol.274, p.196-198.

359. The document entitled "Crime of Solicitation and the Worst Crime" put to Bishop Durocher was not authenticated in the evidence at the CPI and has never been published in the *Acta Apoltolicae Sedes*, the official journal of the Vatican, which means it was never formally promulgated by the Vatican. There was no evidence that DAC ever received this document or used it.

**Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.237-245 and 296.
Exhibit M-1, B-2, Tab Q.**

(ii) Rules Regarding Finance

360. The 1983 Code of Canon Law sets out rules with regard to diocesan expenditure limits. Canon 1292 establishes that there is an amount, set by the CCCB, over which a diocese cannot sell property or goods without the permission of Rome. There is a second sum that applies where the Bishop would need the permission of his College of Consultors to sell property, which was set at \$3.5 million by the CCCB. The first amount set by the CCCB deals with extraordinary acts of administration and limits the Bishop's administrative powers, particularly in terms of payments of bills. Decree 9, number 1, "Noncumulative Acts" of the CCCB indicates any one-off expenditure over five percent of the maximum set by the CCCB requires permission of the Finance Committee of the diocese and the College of Consultors. Presently, \$175,000 can be spent by any bishop without permission from

anyone. The amount was \$50,000 in 1983. It continued to increase over the years that followed, including 1992-1993.

**Evidence of Bishop Durocher, CPI Transcript Vol.274, pp.215-219.
Exhibit 2207.**

(iii) The Sacramental Seal

361. Dealing with alleged violations of the sacramental seal is reserved to the Congregation for the Doctrine of the Faith for adjudication and could include a removal from the clerical state or excommunication.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.269-272 and 292-293.

362. The evidence regarding this issue demonstrates that a priest is not permitted to violate the seal of confession. Priests encourage those confessing to seek assistance or to disclose their confessions outside of the confessional to appropriate authorities. This issue is a complex one and it is acknowledged that it can cause a potential conflict with civil law.

(iv) Secret Archives

363. As Bishop Durocher testified, there are no secret archives at DAC. Bishop LaRocque also did not keep secret archives:

Q: When you took over as Bishop in 1974, was there a division between what I'll call normal files and a secret archive?

A: I don't believe so.

Q: Was there any type of separate lost drawer or confidential area that Bishop Proulx had kept that you took over?

A: Not to my recollection, no....

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.208.

Evidence of Bishop LaRocque, CPI Transcript Vol.270, p.158.

V. Policy Development

364. Over the past twenty years, DAC has undergone significant changes in the development of policies and procedures designed to respond to allegations of sexual abuse by clergy. These policies evolved over the last 20 years. That evolution continues.

365. The present policy, which was created under Bishop Durocher with the advice of Father Everett MacNeill (who is regarded globally as one of the foremost authorities in this area) and a consultative, advisory committee, represents a significant initiative. The present policy was also thoroughly reviewed by Msgr. Roch Pagé, former dean of the Faculty of Canon Law at St. Paul University and one of the committee members who drafted "From Pain to Hope."

A. A Cultural Shift (Pre-1986)

366. The Roman Catholic Church was, in the past, an inward-looking organization. It had a closed culture and a clear hierarchy. This was an effective way of maintaining the solidarity of its members in a global organization before the advent of modern telecommunications and travel. It was also consistent with the cultural structure of the societies in which the Church evolved over hundreds of years.

367. However, in the past half-century, the culture of Canadian society, and that of western civilization in general, has moved increasingly towards openness and freedom of information. Changes in public institutions have reflected this, as have those in organizations such as the Roman Catholic Church. Bishop LaRocque testified that, when he was growing up, the culture was much different that it is today. People were working between the ages of 16 to 18. They married young. There were few social services. The cultural environment was less sensitive than today. Sexuality in general was not discussed. There was no discussion of homosexuality.

Evidence of Bishop LaRocque, CPI Transcript Vol.270, pp.303-306.

368. Before the 1990s, the prevailing view in the Church was that issues such as paedophilia and ephebophilia were primarily pastoral in nature and were therefore to be

considered through the lens of sin. There was no a clear understanding of the nature of paedophilia and ephobophilia in the Church or in society in general. Therefore, there were no policies or protocols on a diocesan level to deal with such issues.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.31.

Evidence of Msgr. Peter Schonenbach, CPI Transcript Vol.259, p.74-75.

369. When Bishop LaRocque arrived at DAC, there were no policies regarding sexual abuse by clergy at the diocesan level. None had been recorded by the CCCB. Eventually, the Father Deslauriers case came to light. At that point, the need for a policy became evident.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.3 and 13 and Vol.270, p.257-290.

Exhibit 72.

370. After the Deslauriers matter, the Presbyteral Council discussed establishing a committee with regard to allegations of abuse. Some of the priests felt that a permanent structure should be set up with the knowledge of how to respond to allegations.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.32-38.

Exhibit 58, Tab 5.

B. The First Round of Developments (1986-1993)

371. Moved by the Deslauriers matter, DAC put in place a policy to respond to allegations of sexual abuse by clergy. As this was uncharted territory, original attempts at building a protocol were an education for DAC.

(i) Principles & Procedures for Clergy in Difficulty (1987-1996)

372. The first document that could be considered to be a policy for DAC was discussed shortly after the Deslaurier matter. At the March 17, 1987 meeting of the Presbyteral Council, a document, "Principles and Procedures for Clergy in Difficulty," was discussed. It was an internal document signed by Bishop LaRocque. He testified he took responsibility for the document and its contents and therefore would have followed it. The document

dealt with issues relating to sexual abuse and broader issues. It gave the Bishop the ability to look into a matter, though generally he would have a delegate act for him.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.36.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.39-45.

Exhibit 58, tabs 6 and 7.

373. The document allowed the Bishop to suspend certain functions from a priest, which could be returned after treatment, if appropriate.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.43-48.

374. The document also allowed that, in more serious cases, including alleged abuse, immediate treatment and suspension were among the possible procedures. Bishop Durocher testified that “suspension” is a canonical expression meaning a priest can no longer celebrate the sacraments. When suspended, a priest is typically asked to leave the place where he exercised ministry and is not allowed to practice ministry elsewhere. The document does not refer to contacting authorities and Bishop LaRocque testified that this did not enter his mind at the time.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.51-56.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.50-53.

375. In late 1989, when Gordon Winter wrote Bishop LaRocque seeking policies and procedures in effect in dioceses across Canada, Bishop LaRocque sent him the “Principles and Procedures for Clergy in Difficulty” document. He noted it was a draft that was currently under revision. Although this policy was developed, there was no occasion to use it.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.85-86.

(ii) Criteria for the Acceptance of Priests (1987)

376. In March 1987, Father Kevin Maloney attended a Presbyteral Council meeting where he presented a document entitled “Criteria for Accepting Candidates and Priests” to DAC. The policy established what actions had been taken when a priest came to DAC and

included items such as the provision of references and background verification. The idea of having such a policy was originally brought up at the September 25, 1986 meeting in response to the Deslauriers situation, as he had been from outside DAC. The Criteria were passed at the September 13, 1989 meeting.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.26-28 and 34-40.

Evidence of Father Kevin Maloney, CPI Transcript Vol.251, p.67-70 and Vol.252, p.44-45.

Exhibits 58, Tab 7, and 1858.

(iii) Developing a Protocol

377. Later, DAC sought to develop a protocol to respond specifically to the issue of sexual abuse by clergy. The evolution of the understanding of this issue was aided by discussion at the Presbyteral Council and external developments.

a) CCCB “Proposed Procedure” (1988)

378. In April 1988, the CCCB distributed the document “Proposed Procedure to be Applied in Cases of Child Sexual Abuse by a Cleric” to the dioceses. This was not an official document, but it was submitted by Father Francis Morrissey to the Canon Law Commission of the CCCB, which forwarded to the Permanent Council. It was thought to represent a useful document and therefore it was distributed.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.53-59.

Exhibit 58, Tab 8.

379. The Proposed Procedure suggested that a bishop appoint a team of qualified individuals to deal with a situation if it arose. If adopted, the policy would come into effect once a denunciation was made. The document made reference to reporting obligations to the various children’s aid societies, though it did not reference police investigations. It required that the bishop of the diocese in question and any priest investigating the matter not hear the confession of the accused priest. The Proposed Procedure also provided, after an allegation was received, that the bishop was to immediately sign a decree putting the accused priest on an immediate leave of absence.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.60-73.

380. Though this document was never adopted by DAC, it played a role in the education of Bishop LaRocque and the priests of the Presbyteral Council as they sought to devise a policy for DAC.

b) Insurer's Draft Procedure (1989)

381. In September 13, 1989, the Presbyteral Council met and was presented with a draft document from their insurers. This document was rejected as the primary function of the document was to protect the interests of the insurers.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.81-84.

Exhibit 58, Tab 9.

c) Seeking Guidance from Other Dioceses (1989)

382. Bishop LaRocque sought information about how other dioceses were responding to the issue of allegations of sexual abuse by clergy. In doing so, he sought the advice of Cardinal Carter in Toronto and of the Diocese of London (Ontario) in late 1989.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.70.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.84 and 246-247.

Exhibit 58, Tab 10.

d) Preliminary Recommendations of the CCCB (1991)

383. In the early 1990s, due in part to recommendations of the Winter Commission, the CCCB undertook a thorough and introspective look at the Church's response to sexual abuse. This process would result in "From Pain to Hope." In May, 1990, the Presbyteral Council decided it would wait for recommendations from the CCCB before forming a committee and redrafting their own protocol. By the end of that year, the Winter Commission had made its recommendations, including some to the CCCB. Early the next year, the Presbyteral Council met and decided a committee should be set up and that when an allegation was received, the Bishop was to name someone to receive and verify the complaint.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.73-77.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.88-92.

Exhibit 58, Tabs 15, 16, and 18.

384. At that time, Bishop LaRocque also instructed his priests to speak to the issue of child abuse in society. Rick Abell of the Children's Aid Society (CAS) had requested this and the Bishop obliged. DAC also contributed to the funding of Sexual Abuse Treatment Centre, which became the Children's Treatment Centre.

Evidence of Bishop LaRocque CPI Transcript Vol.266, p.78-79 and 85-86.

Exhibits 2085 and 58, Tabs 19 and 21.

385. On November 22, 1991, Bishop LaRocque received a letter from the CCCB both seeking input from the bishops and including preliminary recommendations of the CCCB. The recommendations indicated that canon and civil law should be respected and that priority should be given to the protection of children and vulnerable adults. It also recommended the appointment of a bishop's delegate and the creation of a protocol in every diocese. Bishop LaRocque wrote back stating he was in support of all of the recommendations dealing with abuse by clergy.

Evidence of Bishop LaRocque CPI Transcript Vol.266, p.89-94.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.92-97.

Exhibits 58, Tab 19, and 2086.

386. The minutes of the May 19, 1992 Presbyteral Council meeting include part of a draft version of "From Pain to Hope" and reiterate the importance of the creation of a diocesan protocol and referenced child protection laws.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.101-102.

Exhibit 58, Tab 24.

(iv) "Diocesan Guidelines" (1992-1995)

387. Next, DAC created the "Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians, and Pastoral Assistants." The Guidelines were prepared by Father Vaillancourt and discussed at the May 19, 1992 meeting of the Presbyteral Council.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.95-96 and Vol.270, p.293.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.102-103 and 297.

Exhibit 58, Tab 25.

388. These Guidelines appear to have been in place until replaced in 1995.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.123.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.323.

Exhibit 58, Tab 8, para.9.

(v) “From Pain to Hope” (1992)

389. In June of 1992, the final version of “From Pain to Hope” was released. Part of the mandate of the Committee that drafted the document was to expand upon Father Morrisey’s 1987 guidelines. The guiding principles of the recommendations are similar to those found in the November 22, 1991 letter from the CCCB. The principles include giving priority to the protection of children and vulnerable adults, taking accusations seriously, maintaining the presumption of innocence while being prudent about future risk, respecting both civil and canon law while avoiding undue interference, respecting the rights of the accused, and avoiding anything that would dissuade one from reporting allegations.

Evidence of Bishop LaRocque CPI Transcript Vol.266, p.114-116 and 119.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.105-106.

Exhibit 58, Tab 26.

390. The recommendations for bishops included informing the accused of the availability of support and counselling and placing the accused priest on administrative leave with pay and appointing a delegate. There are a number of appendices, including one regarding privilege and confidentiality.

Evidence of Bishop LaRocque CPI Transcript Vol.266, p.117-118.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.108.

391. DAC continued its education regarding responding to allegations of abuse in the early 1990s. Bishop LaRocque arranged for the priests of DAC to receive presentations from experts such as Father Loftus from Southdown and Mme. Guindon from the Institute for Rehabilitation Information in Montreal.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.109-110.

Exhibit 58, Tab 27.

C. Collaboration – The Second Round of Policy Development (1994-1996)

(i) Guidelines in Collaboration with the CPS, CAS, & OPP (1995-2003)

392. The second round of policy development in DAC was spurred on by the aftermath of the allegations of David Silmsler. DAC cooperated with public institutions such as the CAS in developing a new protocol.

393. In 1994 and early 1995, Bishop LaRocque and Richard Abell of the CAS corresponded regarding the possibility of creating a new protocol for DAC. While the idea originated in their meeting of October 12, 1993, the document drafting did not get under way until the spring of 1995.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.95-96, 127, and 138.

CPI Transcript Vol.47 Evidence of Bishop Durocher, p.112 and 326-327.

Exhibits 1299, at bp.922, and 58, Tabs 29-30.

394. Bill Carriere said of the length of time it took to get the document develop:

It was not “the fault of the Diocese that it took some time for the protocol to develop.”

[emphasis added]

Evidence of Bill Carriere, CPI Transcript Vol.287, p.166, l.11-24.

395. Moreover, Mr. Carriere agreed that DAC was extremely cooperative in developing the new protocol, and did the lion’s share of the work to get it done.

Evidence of Bill Carriere, CPI Transcript Vol.287, p.168, l.3-11.

396. The new protocol was drawn up based on the input of DAC, the CAS, the CPS, the OPP and the Anglican Church. All organizations approved of the final product, which was published in the newspaper.

Exhibit 58, Tab 31 – Letters from Bill Carriere to Richard Trew of the CPS, Ian Grant of the OPP and the Diocese, Exhibit 1532, Bates 276-277, 279.

News articles publishing the protocol – Exhibit 1532, Bates 273 and 282.

397. The new document was much shorter than the one it replaced, as the institutions working with DAC recommended that they handle all complaints without DAC being involved.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.95-96, 127, and 138.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.112 and 326-327.

Exhibits 1299, at bp.922, and 58, Tabs 29-30.

398. Bill Carriere testified that CAS and police forces provided training to DAC on how the new policy was to operate. Many priests of DAC attended that training session.

Evidence of Bill Carriere, CPI Transcript Vol.287, p.168, l.17-25 and p.169, l.1-9.

399. On June 21, 1995, Bishop LaRocque approved “Guidelines Drawn up by the Diocese in Consultation with the CAS, Cornwall Police, and the OPP” which replaced the previous policy.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.124.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.113-114 and 250.

Exhibit 58, Tab 31.

400. The Guidelines required the person who received a complaint involving a minor to report the allegation to the CAS immediately. Allegations regarding historical abuse were also to be reported. The document provides for the offering of assistance to the alleged victim.

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.124 and 141-145.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.113-114 and 250.

Exhibit 58, Tab 31.

(ii) Protocol for Priests (1996-Present)

401. As the June 1995 Guidelines were focused on reporting and other obligations, a group of priests from DAC created another document to deal with what happened to the priests from the diocesan perspective when such allegations were made. The “Protocol for Priests who are the Subject Matter of Criminal Proceedings or Civil Litigation” was developed. This document replaced “Principles and Procedures for Clergy in Difficulty” and deals with civil proceedings or criminal charges.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.116-114.

Exhibit 58, Tab 32.

402. The Protocol provided that if there is an allegation involving an indictable offence, the accused priest would be removed from his position for six months. There is provision for permanent removal. Bishop Durocher testified to the fact that the latter may violate canon law. The policy that all statements should be made by legal counsel has been replaced as the 2003 Guidelines now identify a Diocesan spokesperson.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.118 and Vol.272, p.63.

D. A Fresh Start – The Third Round of Policy Development (2002-2005)

403. With the arrival of Bishop Durocher, DAC conducted a complete review of its policies regarding sexual abuse and other matters. This process involved significant consultation with the community and obtaining advice of experts in the field.

(i) The Ad Hoc Review Committee (2002)

404. Bishop Durocher created an ad hoc committee shortly after his arrival in DAC in July 2002. The mandate of the Committee was established and approved on August 15, 2002. The general goal of the Committee was to advise the Bishop on formulating and implementing diocesan policy to help safeguard children and other vulnerable people from sexual abuse. There was a media release announcing the first meeting of the Committee to inform the public of its creation and invite consultation and input.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.119-120.

Exhibit 58, Tabs 33 and 34.

405. More specifically, the Committee was tasked with reflecting on the history of DAC's response to allegations, to become familiar with "From Pain to Hope," to study recent developments in the field and to receive suggestions from concerned groups.

Evidence of Bishop Durocher, CPI Transcript Vol.272, p.77-79.

406. Bishop Durocher was not a member of the Committee, as it was formed to advise him, though he attended all of the meetings to stay informed. It was his view that the old policy was deficient. He testified that in his view the policy was correct in reporting allegations to the police and the CAS, but there were other issues to address. He wanted a policy that corresponded with the main thrust of "From Pain to Hope."

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.123 and 133.

407. The Committee members appointed for the process included a diverse group of qualified people, including some members who were very critical of the way in which the issue had been handled by DAC in the past. The members of the Ad Hoc Committee were as follows:

- (a) Ronald Bisson, a facilitator from the Ottawa area who was hired to organize and run the committee process;
- (b) Father Everett MacNeill, a priest from the Diocese of Antigonish who was then the Bishop's delegate for the Archdiocese of Ottawa. He is well regarded internationally as an expert in the area and is an ethicist and canon lawyer. He was a member of the Winter Commission and was hired by the American bishops in the early 1990s to study the issue of sexual abuse and produced an important report for them, which pre-dated but informed the Dallas Charter. He was appointed to the committee as a resource person and was also named the Bishop's interim delegate for DAC;

- (c) Francis Lafave, administrator of Glen-Stor-Dun Lodge, a major seniors home, who was included as the committee was concerned with vulnerable adults;
- (d) Lucie Levesque, schoolteacher and mother involved in one of the parishes;
- (e) Chris MacDonald, active in one of the rural parishes and a retired police officer;
- (f) Father Kelvin Maloney, the Vicar General of DAC;
- (g) Ron McLellan, a local lawyer;
- (h) Johneen Rennie, administrator of a local seniors home and a Presbyterian;
- (i) Gerald Samson, a former superintendent of the public school board;
- (j) Judy Schaeffer, a family mother active in one of the parishes; and
- (k) Richard Abell, the then Executive Director of the CAS.
- (l) In addition, the Director of the Children's Treatment Centre was originally a member, but left due to time constraints. He did continue to consult with DAC throughout the process.

Evidence of Bishop Durocher, CPI Transcript Vol.274, p.42-44 and Vol.47, p.120-125 and 302-304.

408. The Committee first met on September 5, 2002. The purpose of that meeting was to discuss how DAC had responded to allegations of sexual abuse by clergy in the past. They discussed "From Pain to Hope" and the policies that had been in place at DAC at various times. They also discussed how one might help clergy deal with false allegations.

CPI Transcript Vol.47, p.125-126 and Vol.272, p.88-90.

Exhibit 58, Tabs 37.

409. The Committee met on September 16, 2002 and Father MacNeill presented documentation to the group. They discussed the strengths and weaknesses of the policies

then in place. The policies in place at that time were also published in the *Standard Freeholder* and *Journal de Cornwall* with a request for feedback and comment from interested groups. There was some response, but it was not overwhelming

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.126-127 and Vol.272, p.80-81.

Exhibit 58, Tab 38.

410. The Committee received responses from a number of parish councils and a few individual citizens. Bishop Durocher met with the Citizens for Renewal, the Coalition for Action on Child Abuse in Cornwall, Sexual Assault Support Services for Women, the Response Team for Women, and a group of young priests who responded together. He later met with the Men's Project, who asked that a victim sit on the Committee. Bishop Durocher had asked two individuals who both declined. The Committee had also agreed that singling out one member of the Committee as a victim would not be the most effective way to proceed.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.127-129, 135, and 137 and Vol 272, p.85.

Exhibit 58, Tabs 38 and 40.

411. At the September 16 meeting, two subcommittees were set up. One was for policy development and the other for education and training. There was also a discussion regarding the screening of employees and volunteers, for which a new policy was later implemented. As the screening policy previously in place was implemented before the draft policy of the OCCB, Bishop Durocher sought to move towards a fuller implementation of the OCCB document.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.137-139.

Exhibit 58, Tab 38.

412. On October 23, 2002, the Committee met and received a report of a meeting with two victims. The Committee received a second draft of the new policy, responded to an editorial criticizing Bishop Durocher and shared some of the responses from the public.

Changes were made to the new policy, such as using legal language regarding the duty to report.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.140-142.

Exhibit 58, Tab 41.

413. On November 13, 2002 the Committee met and reviewed the public responses to published calls for feedback from the public. They also conducted a listening session with members of the Men's Project.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.142-145 and 300-301.

Exhibit 58, Tab 42.

(ii) The Report of the Committee

414. The Committee submitted the "Report of the Ad Hoc Committee on Safeguarding Against Sexual Abuse" to Bishop Durocher on December 17, 2002. The report was a compilation of the suggestions the Committee received and included a draft policy, which was later promulgated and implemented.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.145-146 and Vol.272, p.95-96.

Exhibit 58, Tab 44.

415. DAC sent out a press release stating that Bishop Durocher had received a draft. It summarized some of the major recommendations, indicated that the Committee had received 30 submissions from groups and individuals, and stated the Bishop was moving forward by sending the recommendations out for study and reaction to various parish councils and the individuals and groups who responded originally. Some parish councils responded. In addition, Bishop Durocher sent the draft policy to Msgr. Roch Pagé for comment from a canonical perspective. Msgr. Pagé was then retiring as dean of the Faculty of Canon Law at St. Paul University and had been a member of the CCCB Committee that had drafted "From Pain to Hope."

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.149 and Vol.272 96-98.

Exhibit 58, Tab 45.

416. Part of the implementation recommendations included the hiring of two people at DAC to implement a screening procedure and appointing the Advisory Committee and Victims Care Committee. The Advisory Committee now includes:

- (a) Dr. Legault, the Bishop's delegate;
- (b) Father Kelvin Maloney, the deputy delegate;
- (c) Mr. Gerald Samson, the spokesperson;
- (d) Sister Louise Bazinet, a religious sister and retired teacher; and
- (e) Mr. Villeneuve, a former jail warden.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.147-149 and 165.

417. The Victims Care Committee was established to identify sources of help, treatment, and support for people who come forward and are identified as victims. The Ad Hoc Committee felt it important that a victim be a member of the Victims Care Committee. Mr. Steve Parisien, who identifies himself as a victim, is the chair of the Committee. There are three other members, all of whom are psychologists, psychotherapists or spiritual counsellors. Together, the Advisory Committee and the Victims Care Committee compose the Diocesan Committee, which has operated since the recommendations of the Ad Hoc Committee were implemented and the new Diocesan guidelines promulgated. The CAS, the police, and Father MacNeill provided a formal training session for the Diocesan Committee, including working through case studies.

CPI Transcript Vol.47, p.148 Evidence of Bishop Durocher,, 165-166, and 299.

(iii) Diocesan Guidelines (2003-2005)

418. In April 2003, the final policy, "Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assaults of Adults by Clergy, Religious, Lay Employees, and Volunteers," was released. The policy became effective in the summer of 2003, to give time for implementation. The policy was made public through fliers

distributed in parishes and generally in Cornwall, an official pastoral letter from the Bishop read in all of the parishes, and a public commitment made by all priests to their parishes to follow the guidelines. Ads were also placed in both the French and English newspapers. Dr. Raymond Legault was named Bishop's delegate. Dr. Legault is a well-known paediatrician in Cornwall who was responsible for handling all complaints at the Hôtel Dieu Hospital for 10 years. He is bilingual and his work as a paediatrician brought him in close contact with child victims of sexual abuse.

Evidence of Bishop Durocher, CPI Transcript Vol.47, pp.142-145, 150, 297-298 and 300-301.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.97.

Exhibit 58, Tab 42.

Exhibit 58, Tab 46.

419. The 2003 Guidelines came into effect on July 1, 2003 and replaced the Guidelines of 1995. The 2003 Guidelines do not apply to previously reported allegations, nor do they replace the Priests Protocol of 1996, as the new Guidelines do not cover everything included in the Protocol. Bishop Durocher stated that where there is a conflict, the new Guidelines prevail.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.151-152 and Vol.273, p.2-3.

420. Both Msgr. Pagé and Father MacNeill were of the view that the new policy measures up to "From Pain to Hope." As recommended by "From Pain to Hope," the Guidelines resulted in the naming of a delegate who received training from the police and CAS. An Advisory Committee including professionals with a psychological background and a Victims Care Committee were established.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.317-319.

421. The Advisory Committee was set up to establish a structure of accountability, so that if the Bishop were to ignore its advice, the Committee would be able to bring that to the attention of the public and others in the Church.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.6.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.44.

422. The new Guidelines state the delegate will inform the CAS of allegations of historical abuse. The Guidelines address the sacramental seal of confession by reminding readers of the Church's doctrine and teaching on the sacrament. The Guidelines apply even where the complaint is anonymous. There is no obligation to advise the police expressed in the Guidelines, but the Advisory Committee always asks the permission of the complainant to do so. If refused, the Committee encourages the complainant to report.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.152-153 and Vol.273, p.8-12.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.20-21.

423. The Advisory Committee can recommend the accused priest be placed on administrative leave at any point if deemed prudent. If a priest is charged, however, the Guidelines require that he be placed on leave automatically. The Committee may make recommendations and take action at any time, regardless of the status or disposition of the matter from any other perspective.

Evidence of Bishop Durocher, CPI Transcript Vol.274, p.175-176.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.125-126.

424. The Advisory Committee has discretion to investigate wherever there are doubts regarding whether abuse occurred. The Committee advises and helps the delegate, who brings his work back to the Committee. Both the Committee and the delegate are independent from the Bishop. The Committee advises the Bishop on what he should be doing. Bishop Durocher testified to the fact that if the Advisory Committee feels there is some doubt about an allegation they are able to investigate. According to the Guidelines, the delegate is to follow any judicial process closely. He is not obliged to attend himself, but must stay informed.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.154-157 and 320-323 and Vol.273, p.19.

425. Where the alleged victim is an adult, the investigation by the delegate is not discretionary, as there will not always be a secular investigation as there would in the case of a child.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.15-16.

426. The Victims Care Committee requires the permission of the authorities to deal with an alleged victim where there is an ongoing investigation. This is to avoid interference in the investigation, and the Committee has the discretion to find a workable solution with the alleged victim and the authorities.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.7-8.

427. The delegate is to maintain a written record of all allegations received, meetings of the Advisory Committee, and outcomes of proceedings.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.20-21.

(iv) Screening Policy (2004-Present)

428. There are requirements under Canon Law regarding the screening of priests. There are also diocesan policies in place for volunteers and lay employees. DAC participated in the Ontario screening initiative which ended in 2002. As part of that initiative, the OCCB developed a draft guideline that could be used by dioceses to develop their own guidelines.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.170-171.

Exhibit 58, Tabs 51 and 52.

429. The previous screening policy of DAC was in place before the OCCB came out with their draft. Therefore, the policy was eventually amended to reflect the work of the OCCB and Volunteer Canada.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.171-172.

430. In January 2004, a new screening policy was put in place. In addition to police record checks, the new policy includes an interview process. The policy distinguishes

between high risk, medium risk, and low risk volunteer positions. Each parish has a leadership team of four who works with their priest to implement the policy, including identifying high risk positions and how the risk can be lowered. For example, teaching Sunday school would be a high risk position, but if one ensures there are always two or three adults present at the same time in the room, the risk is lowered.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.173-175.

431. The policy does not cover employees, but DAC has no employees in high risk positions other than priests, who are screened by other means, including extensive testing and checks by seminaries. Bishop Durocher testified that he is of the view that the same criteria should apply to employees. The Catholic Mutual Audit (below) recommended a process of verifying the application of screening mechanisms. This has been implemented.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.28-31.

(v) Catholic Mutual Audit & Amendments to the Guidelines (2005-Present)

432. As indicated in the Guidelines, there was a first annual review of the protocol and its implementation. However, DAC's general liability insurer, Catholic Mutual, came forward with an offer to conduct professional audits of all policies throughout Ontario for the dioceses. This offer was taken up, as Catholic Mutual has significant expertise in the area although it does not provide insurance in this area. In the subsequent iteration of the policy, the rule regarding annual reviews was changed to require the Bishop to commission an independent audit every second year.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.158 and 215-218.

433. On January 26 and 27, 2005, Catholic Mutual conducted an independent audit on the policies of DAC. The question of confidentiality agreements was raised, to which DAC responded it does not permit, and will not consider entering into, a confidential settlement agreement.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.159-160.

Exhibit 58, Tab 47.

434. In August 2005, the Guidelines were amended, in part due to the Catholic Mutual audit. The position of an alternate diocese spokesperson was created. The definition of sexual assault now recognizes that there can be sexual abuse where both parties consent and are adults, should a person recognize him or herself to have been victimized. The Guidelines were also amended to indicate that third party allegations will be investigated even where anonymous, as suggested by the audit.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.161-162 and Vol.273, p.25-26.

Exhibit 58, Tab 50.

435. The Guidelines now also include an obligation to advise the Congregation for the Doctrine of the Faith where, after a preliminary investigation, it is felt there is a reason to believe a sexual abuse has been committed on a minor and the complainant is under 28 years old.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.162.

436. Possible ways of caring for parishioners affected by allegations regarding their parish priest were added in accordance with the recommendation from the audit, such as having the Bishop speak with the parish or in smaller groups. The change was also made from appointing an audit committee to commissioning an independent audit every second year. An audit was not done in 2007 because Bishop Durocher is awaiting the results of the CPI before moving forward.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.163, 273, p.23-24, 273, p.40, and 274, p.50-52.

(vi) Comparison to United States Developments

437. The history of the Church in the United States is quite different from that of Canada, and therefore a somewhat different policy framework has emerged. In the United States, there were signs of a deep crisis, whereas in Canada there appeared to be more localized situations. In Canada, the canonical tribunal process has not been used frequently for removal from clerical status. Bishop Durocher testified that canon law has been an inadequate method of dealing with these issues as it was not written with them in mind. It

is a general structure that requires specification, such as diocesan protocols, and has been opened up in recent years by the Congregation for the Doctrine of the Faith.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.185 and 196-199.

E. The Future

(i) “From Pain to Hope” Revisited

438. The CCCB established a task force in 2005 to review “From Pain to Hope.” The task force met with a number of people, including victims, to find out what was thought of the protocols and recommendations that came out of “From Pain to Hope” and how it has been applied. Bishop Durocher was asked to represent the Committee and listen to a group of victims. The report deals more with protection and prevention than the original document, as in 1992 there was an urgent need to deal with developing protocols.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.41-43.

Ex. 632, Tab 14.

439. The report was not adopted at a plenary session, although it was received. It deals with screening initiatives more than is necessary for Ontario, as not all provinces are up to speed in this area. The report reflects the view of victims that the church was not responsive to their needs but, rather, was trying to protect it. There is a perception that certain dioceses prolonged the legal process.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.43-47.

440. The report states that the protection of children should be a pivotal element within the church. Victims commented that their impression was the reintegration of abuser priests into active ministry should not be permitted and were concerned that there was not enough accountability with regard to implementing “From Pain to Hope.” They also suggested greater transparency in communications.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.47-48.

441. The task force indicated that statistics on allegations and how they are being handled should be made available. The Permanent Council of the CCCB has decided not

to release any at this point as the statistics they have are not reliable as they do not include statistics from the religious orders.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.49-53.

442. The task force sought to develop a national approach that would respect the canonical autonomy of each diocese. The proposal did not meet with the approval of the bishops. The powers of the CCCB are very limited and it cannot move beyond the powers described by canon law. The Pope is the universal legislator of the Church and delegates some of his powers to the Conference, which cannot take upon themselves powers that belong to him.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.55-57.

443. The report included a draft protocol. It included a delegate and advisory committee such as that of DAC. DAC has implemented the recommendations of the report with regard to communication protocols, media spokespersons, canonical inquiries, and pastoral support. DAC is considering replacing the Victims Care Committee with a single contact person, as suggested by the task force.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.60-61.

Exhibit 632, Tab 14, at p.21.

444. Orientations were published and adopted by the CCCB in 2007 as a follow-up to the 2005 task force. One of the items included in this is that pastoral concerns are to be held above maintaining insurance coverage. Bishop Durocher testified that the net effect of the Orientations on the guidelines of DAC is "not huge," as much of what was recommended has already been implemented by DAC.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.67-70.

Exhibit 2187.

(ii) Where Do We Go From Here?

445. Two issues that remain to be put into writing are the transfer of priests and confidentiality clauses.

446. Bishop Durocher testified that his practice when transferring or receiving a priest is to always provide and insist upon receiving the whole file of the priest. While this is not currently a written policy, it will be included in the next iteration of DAC's Guidelines. The Catholic Mutual auditors were satisfied upon interviewing Bishop Durocher in 2005 that he would not permit a transfer in cases of sexual abuse or aggression.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.177-178, 252-256, and 295.

447. DAC will not enter into confidentiality clauses nor will it enforce an existing clause. This will be added to the next iteration of the Guidelines. Were Bishop Durocher not present, this presently unwritten policy would remain in place as the members of the Committee, the staff, Diocesan counsel, and the insurers are aware of his decision.

Evidence of Bishop Durocher, CPI Transcript Vol.47, p.219 and 319 and Vol.274, p.60.

448. Bishop Durocher testified that it has been his intention to review the 1996 Priests' Protocol from the beginning of his mandate, but felt it was more important to start with the procedures dealing with allegations, then move on to screening initiatives, and then deal with the Priests' Protocol. After policies regarding the first two issues were implemented, the CPI was announced. Bishop Durocher decided to wait until the CPI was over before making any further amendments or updates to various documents.

Evidence of Bishop Durocher, CPI Transcript Vol.272, p.64-65.

449. Bishop Durocher and DAC are committed to continuing the evolution of policy development on this issue. The policies of DAC will continue to be improved to meet the high standards set by Bishop Durocher. It is submitted that the evidence establishes that DAC, under Bishop Durocher, has acted quickly, transparently and effectively to improve, modernize and develop policies and procedures which represent state of the art materials to address matters relating to sexual abuse.

450. Indeed, there is no evidence that DAC's procedures, as modernized, do not reflect an adequate standard for response. No evidence was led at the CPI, expert or otherwise,

suggesting DAC's current policies are inconsistent with "From Pain to Hope" or its successor updates. Instead, the evidence demonstrates DAC's policies comply with those recommendations.

451. In fact, no evidence, expert or otherwise, was led to establish a "standard" of response which is inconsistent with DAC's policies. No witness was called to establish such a "standard." No witness was called to compare such a standard against DAC's current policies.

452. The CPI is not at liberty to develop a "standard of response" which it says is appropriate and then apply such an unknown standard after the fact to measure the propriety of DAC's policies. As the Federal Court said in *Stevens v. Canada*:

At the very least, the party must know which standard is being applied to his conduct to determine whether he breached that standard. In the present case, it cannot be said that the Plaintiff had "full" opportunity to be heard in person or by counsel when he did not know what the standard or the definition of conflict of interest was until he read the report.

***Stevens v. Canada* (2004), 266 FTR 202.**

453. Therefore, it is submitted that DAC's current policies with respect to responding to allegations of sexual abuse, its screening and other policies are consistent with the recommendations embodied in "From Pain to Hope" and its updates, good practice as well as the need for transparency in accountability. DAC has tackled the problem and its current policies have addressed the need for change and update.

VI. Cases Following the Implementation of the New Protocol

454. Following the implementation of the new protocol, the Advisory Committee has had occasion to deal with several allegations. The number of complaints has been low. Nonetheless, DAC has responded to each of the allegations received by it since the implementation of the new protocol in a professional, efficient manner and has executed the protocol's directives.

A. Bishop Durocher Brings Potential Issue to Committee

455. An adult female parishioner (C70) corresponded with Bishop Durocher regarding issues unrelated to sexual abuse, but she made use of the word "fondled" in her written communication. While C70 stated that she did not mean this in a sexual manner, Bishop Durocher, out of an abundance of caution, reported this communication to Dr. Legault, his delegate. The Advisory Committee promptly met on December 12, 2003. In reviewing the correspondence between the Bishop and the parishioner, they determined that none of the complaints were sexual in nature.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.59.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.110-114.

Exhibit 2031 p.29.

456. The Committee also found that after the letter from C70 was received, the Bishop informed the woman he was required to take the matter to his delegate to be investigated. The woman stated she did not wish any involvement of the Committee and was not making any accusations of sexual wrongdoing. Based on the evidence presented, the denial by the person of any allegations of a sexual nature, and her desire for the matter not to be pursued, the Committee decided not to contact the complainant or investigate the matter further. In any event, the facts disclosed by C70 do not fall within the jurisdiction of the CPI.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.59.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.114-115.

Exhibit 2031 p.29.

B. Allegation Made by Employee to Parish Priest

457. In September 2003, Dr. Legault was contacted by a Parish Priest. The Priest indicated that a parish employee claimed that, fifty years prior, he had been abused by a priest at a local parish and two religious brothers. This information was revealed during an attempt by the parish to terminate the employee's employment. When the Parish Priest told the complainant that the allegations would be immediately referred to the Committee, the employee stated it was useless as all three individuals were dead. The Priest advised the complainant of the opportunity to obtain counselling, which the employee declined.

Exhibit 2031 p.29.

458. Dr. Legault called the employee and left his name and phone number without an explanation for the call. It was not returned. He called back on September 17, 2003 and the employee's daughter picked up the phone and passed it to her father. The employee stated he was sure the three alleged abusers were dead and did not want to meet with the Committee. The employee ended the conversation before Dr. Legault was able to fully explain the role of the Committee. As the employee was an adult and had refused the assistance of the Committee, no further action was taken.

Exhibit 2031 p.29 and 30.

C. Allegations from the Press Regarding the Payment of Funds

459. Within 24 hours of receiving allegations from the community and press that DAC allegedly had made payments to victims in exchange for silence, the Committee met to discuss the matter. They met *in camera* excluding the Bishop on February 21, 2004. They subsequently met with the Bishop to discuss the matter. The Bishop had no knowledge of such payments. There had been a case involving the Clercs de St-Viateur, but DAC was released from the proceedings near the beginning of the action as it played no role. DAC was not involved in any settlement of that matter.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.60-62.

Exhibit 2031 p.36.

460. The Bishop later confirmed that DAC played no role in any payments which may have been made by Clercs de St-Viateur.

461. There was also a rumour that Father Deslauriers was seen in Court in Cornwall. Dr. Legault inquired with individuals at the Court and was informed no one had seen Father Deslauriers. DAC had no other knowledge of him being in Cornwall. The Committee was satisfied both that nothing had been withheld from them and that DAC played no role in the matter and it was therefore not within their mandate.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.60-62.

Exhibit 2031 p.36.

D. Third Party Allegation

462. On September 24, 2004, the Committee met and discussed a "third party" allegation by C72. The complaint was first received by the Bishop who explained that the complainant should speak with someone from the Committee. The complainant then spoke with Dr. Legault over the telephone regarding the matter. The complainant did not want to reveal her own name or the name of the alleged victim.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.64-66.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.116.

Exhibit 2031 p.40.

463. C72 indicated that she was at a party where she had overheard a person say he had been sexually abused by a priest when he was 13. C72 named the priest and Dr. Legault confirmed the priest was still active in the community. Dr. Legault attempted to convince C72 to speak to the alleged victim in order to persuade him to contact the Committee. The complainant refused to give the name of the alleged victim. Dr. Legault suggested that C72 contact the CAS, which she later confirmed she had done.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.66-68.

Exhibit 2031 p.40.

464. Dr. Legault asked Father Kelvin Maloney to speak with Father Everett MacNeil, an expert in this area, for guidance. Father MacNeil advised that DAC should wait for C72 to

verify that she had spoken with CAS and verify the complaint before informing the accused. Dr. Legault later met with the Bishop. While there did not appear to be a legal duty to report in the circumstances, it was deemed prudent and the Bishop suggested Dr. Legault meet with Richard Abell of the CAS, which happened. Dr. Legault spoke with the complainant three times in an effort to persuade her to report to the CAS. C72 later contacted Dr. Legault and confirmed she had gone to the CAS.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.68-75.

Exhibit 2031 p.40-44.

465. The Committee did not meet with the accused priest because there was no specific information they could bring to him. Father MacNeil advised them to wait. However, the Committee asked the Bishop to meet with the priest. After the meeting with the Bishop, the accused priest wrote a letter declaring he had never been involved in any such inappropriate action. The Committee had no specific information regarding the allegation and the priest denied it. In this matter, the Advisory Committee followed the protocol, informed the CAS, and obtained expert advice. The Committee decided no action should be taken.

Evidence of Dr. Raymond Legault, CPI Transcript Vol.262, p.68-75.

Exhibit 2031 p.40-43.

466. It is submitted that the foregoing cases demonstrate that DAC has followed its procedures, reported to authorities where required, and reacted promptly and transparently to all complaints under its new policies.

VII. Historical Cases

A. Gilles Deslauriers Case

(i) Background

The case of Gilles Deslauriers was the first one which surfaced involving allegations of sexual abuse by a priest. The case became public. No policies regarding the handling of such allegations, either at DAC or CCCB level, were in existence at that time.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258, p. 138, l. 9-14.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 9, l. 23.

Evidence of Msgr. Peter Schonenbach, CPI Transcript Vol. 259, p. 8, l. 11.

Evidence of Bishop LaRocque, CPI Transcript Vol. 266, p. 3, l. 14-25, p. 13, l. 6-10; p. 258, l. 5-7.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 36, l. 11-14, p. 38, l. 22-25.

Evidence of Father Vaillancourt, CPI Transcript Vol. 248, pp. 257-259.

467. Prior to 1974, Bishop Eugène LaRocque had no personal knowledge of any investigations, canonical or civil against priests. Further, prior to constituting the Ad Hoc Committee, Bishop Eugène LaRocque had no experience at all dealing with allegations of sexual abuse by clergy.

Evidence of Bishop LaRocque, CPI Transcript Vol. 266, pp. 1-2, 12-13.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 163, l. 18-24, p. 165, l. 6-15.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 136-7.

Evidence of Bishop LaRocque, CPI Transcript Vol. 266, pp. 10-11.

(ii) No Prior Knowledge

468. There is no real evidence that Bishop Eugène LaRocque (Bishop LaRocque) knew or ought to have known that Gilles Deslauriers had had inappropriate contact with young people. No credible evidence was led to suggest that Bishop LaRocque knew or ought to have known that Gilles Deslauriers had inappropriate contact with young people or posed a risk of abusing young people.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 48, l. 19-22.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, p. 14-15.

Exhibit 72, Bates 119, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

Exhibit 72, Bates 180, Comments of Jacques Leduc on April 22, 1986, Ad Hoc Committee Report.

Evidence of Gordon Bryan, CPI Transcript Vol. 260, p. 75, l. 13.

Evidence of Kevin Maloney, CPI Transcript Vol. 252, p. 61, l. 4-16.

469. The evidence given nearly 25 years ago before the Comité d'enquête ad hoc pour le cas "Père Gilles Deslauriers" (the Ad Hoc Committee), which is contained in the Rapport et recommandations du comité ad hoc pour le cas de l'abbé Gilles Deslauriers, 23 mai 1986 (the Ad Hoc Committee Report) was given under oath. It is submitted that the recollections of those who testified there were better at the time they gave evidence before the Committee than they were when such people appeared before the CPI.

470. In their May 8, 1986 letter to Gilles Deslauriers, the Ad Hoc Committee Chair and members, Msgr. Bernard Guindon, Jacques Leduc and Sr Claudette Pilon stated as follows at paragraph 2:

« Ayant reçu le témoignage de douze témoins: des prêtres, des professionnels, des jeunes et des parents, nous pouvons affirmer que les faits ont été établis d'une façon certaine par les témoignages recus sous serment. »

Exhibit 72, Bates 261, Letter to Gilles Deslauriers from the Msgr. Guindon, Jacques Leduc and Sr Claudette Pilon, dated May 8, 1986, Ad Hoc Committee Report.

Exhibit 2042, Letter from Bishop LaRocque to Gilles Deslauriers, dated April 6, 1986.

471. DAC and Bishop LaRocque submit that the events surrounding the case of Gilles Deslauriers arose in 1986, 23 years ago, and the evidence tendered under oath before the Ad Hoc Committee in 1986 was in part contemporaneous, and in any event, close to events about which testimony was given. Therefore, a greater reliance should be placed on the report where it conflicts with evidence given by witnesses nearly two and a half decades later.

472. DAC and Bishop LaRocque submit a number of inconsistencies arose during Mrs. Lise Brisson's evidence at the CPI with what she said in 1986. In particular, her recollection and recounting of certain events which were not corroborated by other witnesses who testified before the CPI, and who had first hand knowledge of the events. Accordingly, DAC submits that very no weight should be afforded to her evidence where it conflicts with what she was recorded as saying in the Ad Hoc Committee Report.

473. For example, Mrs. Brisson's suggestion during her cross-examination that approximately two to two and one half years prior to Claude Thibault's 1986 meeting with Bishop LaRocque, Claude Thibault had disclosed to Bishop LaRocque the inappropriate contact by Gilles Deslauriers. This evidence, it is submitted, was obviously wrong and directly inconsistent with Mrs. Brisson's evidence before the Ad Hoc Committee when undeniably the events were fresher in her mind. Mrs. Brisson at that time stated:

« Il a dit que quand ça lui était arrivé à lui il était venu voir l'Évêque et il avait juste commencé à lui dire des choses que Gilles faisait et quand j'ai commencé à les dire, j'ai vu que l'Évêque me croyait pas, alors j'ai pas continué. J'ai vu que ça servait à rien. »

Exhibit 72, Bates 215, Evidence of M. & Mme Hubert Brisson on April 22, 1986, Ad Hoc Committee Report.

474. During Mrs. Brisson's cross-examination, she admitted the evidence she gave before the Ad Hoc Committee on April 22, 1986, reproduced above, was in fact what was discussed in her conversation with Claude Thibault concerning his meeting with Bishop LaRocque two and a half years prior. Specifically, that Claude Thibault said he had started to talk to Bishop LaRocque about Gilles Deslauriers, but saw that the Bishop did not believe him, and as result he did not disclose anything. Mrs. Brisson said:

Me DUCASSE: Et la transcription se poursuit, Madame Brisson: "Il a dit que quand ça lui était arrivé à lui il était venu voir l'Évêque et il avait juste commencé à lui dire des choses que Gilles faisait et quant j'ai commencé à les dire, j'ai vu que l'Évêque me croyait pas, alors j'ai pas continué. J'ai vu que ça servait à rien.."

[...]

Me DUCASSE : Est-ce que c'est - - la façon dont vous l'avez relaté, est-ce que c'est effectivement ce qui a été discuté entre vous et Monsieur C-1?

Mme Brisson: Oui.

Evidence of Lise Brisson, CPI Transcript Vol. 56, pp. 74-75.

475. Bishop LaRocque testified Claude Thibault told him at their meeting while he was in seminary that he was having difficulty with Gilles Deslauriers; was not getting along with him; and that Gilles Deslauriers was too controlling, but Claude Thibault never disclosed any inappropriate contact or allegations of abuse about Gilles Deslauriers. This is consistent with Bishop LaRocque's March 24, 1986 correspondence to the Brissons where Bishop LaRocque stated at Paragraph 5:

Je voudrais aussi vous signaler qu'il y a erreur dans vos informations : à la page 7 vous indiquez, « Quelques 2½ ans auparavant B avait été avertir Mgr Larocque de ce que Père Deslauriers faisait mais sans résultats. » Que je me souviene, personne ne m'a jamais révélé ces actes du père Deslauriers avec des jeunes avant que le père Menard ne vienne me voir, et ensuite le père Vaillancourt. Vous devez vous rendre compte que je n'aurais certainement pas continué à confier l'oeuvre des vocations au père Deslauriers et surtout de le mettre responsable d'une future maison de formation au presbytère de la Nativité, si j'avais eu le moindre soupçon de ce qui se passait.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 49-51.

Evidence of Bishop LaRocque, CPI Transcript Vol. 270, p. 206, l. 15-25.

Exhibit 85, para.5, Letter from Bishop LaRocque to Mr. & Mrs. Brisson, dated March 25, 1986.

476. During her cross-examination, Mrs. Brisson conceded that she must have received Bishop LaRocque's letter of March 25, 1986. She did not reply to it.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 83-85.

477. Claude Thibault himself testified before the CPI, as well as at Gilles Deslauriers' Preliminary Inquiry on September 15, 1986 under oath in *R. v. Gilles Deslauriers*. He stated at the Preliminary Inquiry that he had never advised Bishop LaRocque of his allegations of abuse by Gilles Deslauriers prior to 1986. This evidence was also consistent

with the statement he gave to the CPS on June 12, 1986 and his evidence at the CPI, where he testified he met with Bishop LaRocque to discuss his evaluation but disclosed nothing at all about abuse.

Evidence of Claude Thibault, CPI Transcript Vol. 143, p. 66, l. 13-17, Vol. 144, p. 6-10.

Exhibit 71A, Bates 846-847, Evidence of Claude Thibault at the Preliminary Inquiry in *R v Gilles Deslauriers* on September 15, 1986.

Exhibit 84, Statement of Claude Thibault given to the CPS on June 12, 1986.

Exhibit 1785, Bates 473 Will State of Sergeant Ronald Lefebvre.

Exhibit 1883, Bates 464, Will State of Constable Herb Lefebvre.

478. There is no evidence indicating any employees of DAC had prior knowledge that Gilles Deslauriers had inappropriate contact with young people or posed a risk of abusing young people. All employees of DAC who testified said they had no prior knowledge.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 38, l. 22-25, p. 47.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258, p. 30, l. 3-9.

Evidence of Gordon Bryan, CPI Transcript Vol. 260, p. 75, l. 13.

Evidence of Gordon Bryan, CPI Transcript Vol. 261, pp. 50-51, pp. 62-63.

Evidence of Kevin Maloney, CPI Transcript Vol. 251, p. 66, l. 11-16.

Evidence of Kevin Maloney, CPI Transcript Vol. 252, p. 61, l. 4-12.

Exhibit 72, Bates 187-188, Evidence of Rhéal Bissaillon on April 22, 1986, Ad Hoc Committee Report.

479. There was a suggestion at the Ad Hoc Committee hearings that Msgr. Aimé Leduc may have had some prior information about Gilles Deslauriers' conduct. This appears to have related to a rumour. No specifics were provided. Bishop LaRocque's evidence is that he was never told of any inappropriate contact on the part of Gilles Deslauriers by Msgr. Aimé Leduc, Father Rhéal Bissaillon, Brother André Laflamme (who was not a member of DAC), nor Msgr. Leduc's sister. Msgr. Aimé Leduc passed away in 1985.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 53-4, pp. 55-7, pp. 65-6.

Evidence of Bishop LaRocque, CPI Transcript Vol. 270, pp. 208-9, pp. 209-211.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 47-48, pp. 52-56.

Evidence of Father Vaillancourt, CPI Transcript Vol. 251, p. 48-49.

Exhibit 72, Bates 187, Evidence of Rhéal Bisailon on April 22, 1986, Ad Hoc Committee Report.

Exhibit 72, Bates 086, 092-094, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

480. Father Rhéal Bisailon also testified before the Ad Hoc Committee on April 22, 1986 that several young people did not like Gilles Deslauriers and wanted him replaced. No specifics were given. He stated:

Jacques Leduc : « Deux ans et demi auparavant. Ça c'est nouveau là parce que c'est clair du témoignage qu'on a jusqu'à date que Mgr. LaRocque ne savait rien au sujet de la manipulation sexuelle jusqu'en 1986. Il y a eu des accusations, manipulation de l'esprit etc. mais rien d'autre. Est-ce que c'est vrai ça? »

Abbé Bisailon: « Tout ce que je sais moi c'est que les jeunes n'ont pas dit exactement mais ont demandé son remplacement. »

Exhibit 72, Bates 180, Evidence of Father Rhéal Bisailon, Ad Hoc Committee Report.

481. Jacques Leduc testified that he was never aware of any claim, complaint or concern about Gilles Deslauriers in advance of sitting on the Ad Hoc Committee.

Evidence of Jacques Leduc, CPI Transcript Vol. 257, pp. 5-7.

482. Bishop LaRocque testified that while Gilles Deslauriers was Chaplain at the La Citadelle High School (La Citadelle) neither the principal nor anyone affiliated with La Citadelle contacted him to identify a complaint concerning Gilles Deslauriers. Jeannine Seguin never received a complaint against Gilles Deslauriers during her tenure at La Citadelle. Bishop LaRocque testified he never received a call, or the expression of any concerns from the School Board concerning Gilles Deslauriers.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 33-34, p. 28-29.

Evidence of Bishop LaRocque, CPI Transcript Vol. 270, p. 209-211, l. 9-14.

Exhibit 3234, ODE of Jeannine Seguin, p. 3, para.13.

Exhibit 1785, Will State, Sergeant Ronald Lefebvre.

Exhibit 1883, Will State, Constable Herb Lefebvre.

483. Father Vaillancourt, who animated R-Cube (R3) weekends with Gilles Deslauriers for four years testified he was shocked upon hearing from Father Claude Champagne, in a telephone conversation, there may have been inappropriate contact with a young man involving Gilles Deslauriers.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 31, l. 2-17.

484. Msgr. Réjean Lebrun, who lived in the same rectory with Gilles Deslauriers for seven years, testified he was in a state of shock when Gilles Deslauriers disclosed to him on February 14, 1986 the allegations made against him. Further, Msgr. Lebrun testified he never saw or heard anything that caused him to suspect any inappropriate conduct on the part of Gilles Deslauriers. This is consistent with the statement Msgr. Réjean Lebrun gave to the CPS on June 10, 1986.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258, pp. 16-17, p. 21, l. 4-6, pp. 23-24, pp. 26-29.

Exhibit 1935, Bates 424, Will State, Msgr. Lebrun of Statement dated June 10, 1986 to the CPS.

Exhibit 1785, Bates 472, Will State, Sergeant Ronald Lefebvre.

485. Benoît Brisson testified that the first person to whom he disclosed Gilles Deslauriers' inappropriate contact was his wife, Denyse Deslauriers. This is consistent with his evidence, given under oath, at the Preliminary Hearing in the *R. v. Gilles Deslauriers* matter on September 17, 1986. It is also consistent with his evidence before the Ad Hoc Committee on April 29, 1986, and the statement he gave the CPS on May 22, 1986. Denyse Deslauriers testified to the same effect.

Evidence of Benoît Brisson, CPI Transcript Vol. 55, pp. 19-20.

Exhibit 72, Bates 251, Evidence of Benoît Brisson on April 22, 1986, Ad Hoc Committee Report.

Exhibit 71C, Bates 068, Evidence of Benoît Brisson at the Preliminary Inquiry in *R. v. Gilles Deslauriers*, on September 17, 1986.

Exhibit 77, Bates, 391-2, Will State of Benoît Brisson given to the CPS on May 22, 1986.

Exhibit 78, Bates 852, Working Copy of Statement of Benoît Brisson undated.

Evidence of Denyse Deslauriers, CPI Transcript Vol. 54, p. 10.

Exhibit 74, Will State of Denyse Deslauriers, arising out of Statement given to the CPS on May 26, 1986.

486. Father Menard, O.M.I. summarized it best when he testified, under oath, before the Ad Hoc Committee on April 15, 1986, and stated:

“Personne n’était au courant de l’exploitation sexuelle, personne.”

Exhibit 72, Bates 119, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

(iii) Initial Disclosure of Complaint

487. DAC states that upon learning of the initial complaint concerning Gilles Deslauriers, Bishop LaRocque acted promptly and appropriately.

Exhibit 72, Bates 078-098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Will State of Father Vaillancourt regarding his statement given to the CPS on June 16, 1986.

Evidence of Father Vaillancourt, CPI Transcript Vol. 250, pp. 13, l. 1-13.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258, p. 45, l. 22-24.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 38, l. 22-25.

Evidence of Bishop LaRocque, CPI Transcript Vol. 269, p. 192.

488. DAC also states that upon learning of the initial complaint concerning Gilles Deslauriers, DAC conducted a proper investigation.

Exhibit 72, Bates 078-098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 72, Ad Hoc Committee Report.

Exhibit 1886, Will State of Father Vaillancourt regarding his statement given to the CPS on June 16, 1986.

489. On January 17, 1986, Mr. and Mrs. Hubert Brisson (the Brissons) spoke to Father Rhéal Bisailon (Father Bisailon), whom they knew from the Cursillo movement. They told him of inappropriate contact between Gilles Deslauriers and Benoît Brisson. At that time, Bishop LaRocque was absent from DAC. He was due back on Monday, January 27, 1986.

Father Bisailon asked the Brissons to give him a week to look into things. Father Bisailon testified before the Ad Hoc Committee that when he met with the Brissons, they told him they had already seen a priest in Ottawa. Father Bisailon did not know who.

Evidence of Lise Brisson, CPI Transcript Vol. 56, pp. 87-89.

Exhibit 72, Bates 178, Evidence of Rhéal Bissailon on April 22, 1986, Ad Hoc Committee Report.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 93-95.

Evidence of Bishop LaRocque, Vol. 264, p. 74, l. 4-20.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 35, l. 14-17.

Exhibit 72, Bates 082, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

490. On January 21, 1986, Father Vaillancourt testified he received a telephone call from Father Claude Champagne of Ottawa. Father Champagne said he had heard of an allegation of a sexual nature involving Gilles Deslauriers. This had apparently caused the break-up of the couple's marriage. No names were provided at that time.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 30-31.

Exhibit 72, Bates 079, Evidence of Father Vaillancourt on April 12, 1986, Ad Hoc Committee Report.

491. Father Vaillancourt testified he was very surprised by Father Champagne's comments.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 31, l. 14-17.

492. On January 22, 1986, Father Vaillancourt testified that he celebrated an evening mass, which he did at the request of Mrs. Lise Brisson. Then, he was invited to the home of the Brissons for coffee. At that time, Mrs. Lise Brisson told Father Vaillancourt of Gilles Deslauriers' abuse of their son, Benoît Brisson. The Brissons also informed him that Father Rhéal Bisailon and Father Menard, O.M.I., were aware of the matters concerning Gilles Deslauriers.

Evidence of Father Vaillancourt, CPI Transcript, Vol. 249, p. 35.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 11.

Exhibit 72, Bates 079-083, Evidence of Father Vaillancourt, Ad Hoc Committee Report.

Exhibit 1886, Bates 397-398, Will State of Father Vaillancourt.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 96, l. 1-9.

493. Mrs. Brisson testified she and her husband decided to confide in Father Vaillancourt because he was the R3 co-animator and because he knew all of their children.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 96, l. 1-9, p. 97, l. 4-15.

494. On January 23, 1986, Father Menard testified he met with the Brissons, who had contacted him initially by phone on January 21, 1986.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 11, l. 1-18.

Exhibit 1885, Bates 402, Will State of Father Menard.

495. Father Menard could not recall whether Mrs. Brisson disclosed Gilles Deslauriers' abuse of her son, Benoît Brisson, during their telephone conversation on January 21, 1986. He surmised that it was unlikely she would have discussed much detail on the telephone. This is inconsistent with the statement he gave to the CPS on June 5, 1986. He stated that:

« Le 21 janvier 1986, j'ai eu un appel de téléphone de Hubert et Lise Brisson au sujet de la plainte de leur fils Benoît concernant le Père Gilles Deslauriers. Je les ai rencontré deux (2) jours plus tard chez eux. Ils m'ont dit le désarroi de Benoît devant ce qu'il avait vécu avec le Père Gilles quelques années auparavant. »

Evidence of Father Menard, Vol. 263, pp. 11-12.

Exhibit 1885, Bates 402, Will State of Father Menard on June 5, 1986.

Evidence of Lise Brisson, CPI Transcript Vol. 53, pp. 97-98.

Exhibit 72, Bates 082-083, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

496. At the CPI, Father Menard testified that on January 23, 1986, the Brissons instructed him to meet with Fathers Bisailon and Vaillancourt. This is inconsistent with the statement he gave to the CPS on June 5, 1986 where he stated the reason for him contacting Fathers Vaillancourt and Bisailon:

« La raison pourquoi j'ai contacté ces deux prêtres là est parce qu'ils étaient déjà au courant. Ils étaient avisé par la famille Brisson. »

Evidence of Father Menard, Vol. 263, pp. 11-12.

Exhibit 1885, Bates 402, Will State of Father Menard.

Exhibit 1785, Will Say Statement of Seargeant Ron Lefebvre.

Exhibit 1883, Will Say Statement of Constable Herb Lefebvre.

497. DAC therefore contends that Father Menard did not receive instructions from the Brissons to meet with Fathers Biasillon and Vaillancourt. Father Vaillancourt's evidence at the CPI, as well as his evidence before the Ad Hoc Committee on April 15, 1986, was that he had already arranged a meeting with Father Bisailon by the time Father Menard contacted him on January 23, 1986. Finally, Mrs. Brisson testified that Father Menard told her that he would think about things, and not to do anything right away. Mrs. Brisson said:

Me DUMAIS: Et puis est-ce que le Pere Menard vous a dit la qu'est-ce qu'il ferait ou qu'est –ce qui etait son plan d'attaque?

Mme L. BRISSON: Oui. C'est lui qui a pris ca en main, puis il a dit, "Je vais penser a ca la, puis faites rien avant que je revienne", mais il venait nous voir presque a tous les jours, puis on avait un contact tres intime avec lui, puis on ne faisait rien sans sa permission. C'est lui qui disait quoi faire.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 99, l. 9.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 37-40.

Exhibit 72, Bates 083, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

498. After Father Menard's first meeting with the Brissons, he initiated subsequent contact with them. This is what he said before the Ad Hoc Committee on April 15, 1986:

« [...] mais tout de suite quand les parents m'en ont parlé, je suis retourné deux jours après pour leur dire 'Ecoutez, c'est important de s'occuper de Benoît parce qu'il a besoin de soutien et il ne faut pas dire trop vite que c'est à cause de Gilles que son mariage est cassé – il fallait qu'il s'en occupe de son mariage. »

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 98, l. 6-12.

Exhibit 72, Bates 118, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

499. Mrs. Brisson testified Father Menard was a "grand ami", and a very close friend of the Brissons, which was why they confided in him. Her evidence is that he took the matter in hand; he was their pillar, and took care of a lot of things.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 98, l. 6-12.

500. Mrs. Brisson testified that upon his departure on the evening of January 22, 1986, Father Vaillancourt did not tell her what he was going to do. However, it is clear from the sequence of events which followed, that both Father Vaillancourt and Father Bissaillon took the matter seriously and acted promptly.

Exhibit 1886, Will State of Father Vaillancourt.

Exhibit 72, Bates 078-098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

501. Mrs. Brisson testified that she worked with Father Vaillancourt to identify victims. This is corroborated by the evidence of Father Vaillancourt before the Ad Hoc Committee.

Exhibit 72, Bates 078-098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Evidence of Lise Brisson, CPI Transcript Vol. 56, pp. 90-92.

a) Events from January 22, 1986 to January 28, 1986

502. After Father Vaillancourt learned of the allegations on the evening of January 22, 1986, a number of events happened in rapid succession:

Exhibit 1886, Bates Will State of Father Vaillancourt.

- (a) On the morning of January 23, 1986, Father Vaillancourt contacted Father Bissaillon, and arranged a meeting with him to discuss the issue and decide on a course of action. The meeting was scheduled for Monday, January 27, 1986 at 11:00 a.m., the day on which Bishop LaRocque was scheduled to return to DAC.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 37-39.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 74, l. 4-20.

Exhibit 72, Bates 082, Evidence of Father Vaillancourt, Ad Hoc Committee Report.

- (b) On the afternoon of January 23, 1986, Father Menard met with Father Vaillancourt at his office at La Citadelle High School. They exchanged information. Father Vaillancourt told Father Menard of the meeting scheduled with Father Bisailon on Monday, January 27, 1986. Father Menard asked if he could attend that meeting. It was agreed he would attend.

Evidence of Father Vaillancourt, Vol. 249, pp. 39-40.

Evidence of Father Menard, Vol. 263, pp. 12-14.

Exhibit 72, Bates 083, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

- (c) On January 27, 1986 at 11:00 a.m., Fathers Bisailon, Vaillancourt and Menard met at the St. Croix Parish, and exchanged information. Fathers Vaillancourt and Bisailon said a meeting had to be arranged immediately between Bishop LaRocque and Gilles Deslauriers. They decided on the following course of action:

- (i) A meeting with Gilles Deslauriers would be scheduled on that day to inform him of the allegations, and ascertain his version of the events; it was decided Father Menard would meet with him that day, as he was not from DAC.
- (ii) Gilles Deslauriers would be told that he would be required to self-report the allegations to Bishop LaRocque.
- (iii) A follow-up meeting with Bishop LaRocque would be held to confirm Gilles Deslauriers had in fact met with Bishop LaRocque to discuss the matter, and had self-reported the allegations.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 40-42.

Evidence of Father Menard, CPI Transcript Vol. 263, pp. 13-14.

Exhibit 72, Bates 083, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Will State of Father Vaillancourt.

- (d) On January 27, 1986, Father Menard met with Gilles Deslauriers. He confronted him and told him he had to report to Bishop LaRocque.
- Evidence of Father Menard, CPI Transcript Vol. 263, pp. 15-16.**
- Evidence of Father Vaillancourt, Vol. 249, p. 42, l. 9-11.**
- Exhibit 72, Bates 178, Rapport et recommandations du Comité ad hoc pour le cas de l'abbé Gilles Deslauriers – 23 mai 1986.**
- Exhibit 1885, Will State, Father Menard.**
- Exhibit 1886, Will State, Father Vaillancourt.**
- (e) On January 27, 1986, Gilles Deslauriers met with Bishop LaRocque. Bishop LaRocque testified that Gilles Deslauriers admitted to an “indiscretion” with a youth whereby there was superficial touching of the youth over his clothing. Bishop LaRocque testified that Gilles Deslauriers minimized the the incident. Bishop LaRocque told Gilles Deslauriers that he had to attend a 30-day spiritual retreat and to see a psychologist or psychiatrist.
- Evidence of Father Menard, CPI Transcript Vol. 263, p. 16.**
- Exhibit 72, Bates 084, 085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.**
- (f) Father Menard met with Bishop LaRocque on January 28, 1986 to confirm Gilles Deslauriers’ meeting with the Bishop and the disclosure of the allegations.
- Evidence of Bishop LaRocque, Vol. 264, pp. 77-79.**
- Evidence of Father Menard, Vol. 263, pp. 16-17.**
- Exhibit 1885, Bates, Will State, Father Menard.**
- Exhibit 1886, Bates, Will State, Father Gilles Vaillancourt.**
- (g) On January 28, 1986, following his meeting with Bishop LaRocque, Father Menard:
- (i) Called Fathers Vaillancourt and Bisailon and the Brissons to confirm Gilles Deslauriers had met with Bishop LaRocque;

- (ii) Reported to Father Vaillancourt that Gilles Deslauriers was to attend a 30 day spiritual retreat , plus a therapy with a qualified individual.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 43, l. 1-13.

Exhibit 72, Bates 083-084, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

- (h) On January 28, 1986, according to the evidence of Mrs. Brisson, Gilles Deslauriers went to the Brissons' home and apologized. On January 28, 1986, according to the evidence of Denyse Deslauriers, Gilles Deslauriers met with her and apologized.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 80-81.

Evidence of Lise Brisson, CPI Transcript Vol. 53, pp. 100-101.

- (i) In her letter of March 21, 1986, Mrs. Brisson referred to a telephone call to Bishop LaRocque on January 28, 1986, while Gilles Deslauriers was still at their house, and recounted a conversation they had. Bishop LaRocque testified he did not speak with Mrs. Brisson while Gilles Deslauriers was present with them, nor did he have a recollection of such a telephone call.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 79-80.

b) Events from January 30, 1986 to February 7, 1986

503. On January 30, 1986, Father Vaillancourt met with Benoît Brisson's wife, Denyse Deslauriers. She did not give Father Vaillancourt any specifics of Benoît's allegations. She did not attribute her marriage failure completely to Gilles Deslauriers' sexual misconduct. Benoît Brisson testified before the Ad Hoc Committee that Gilles Deslauriers was, in part, the cause of his separation, but not the only cause. At that time he testified that he left as there was too much pressure surrounding his occupation.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 43-44.

Exhibit 72, Bates 084-085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 72, Bates 254, 257-258, Evidence of Benoît Brisson on April 22, 1986, Ad Hoc Committee Report.

504. On February 7, 1986, Msgr. Brodeur died. Father Vaillancourt was the named executor, and Bishop LaRocque contacted him requesting that he obtain the Last Will and Testament as soon as possible, and meet with Bishop LaRocque. A meeting was scheduled for February 8, 1986 at 1:30 p. m.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 44, l. 7-15.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 80-81.

Exhibit 72, Bates 085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

505. On February 7, 1986 Claude Thibault testified at the CPI he returned Mrs. Brisson's call of the same date. She told him she was aware he had problems at the seminary and asked if it was with regards to certain priest, to which he did not respond. She indicated her son had had problems and he asked if he could go see her.

Evidence of Claude Thibault, CPI Transcript Vol. 143, p. 60, l. 14-18.

506. On the evening of February 7, 1986, Claude Thibault testified he met with Mr. & Mrs. Brisson at their home in Cornwall, at which time they advised that in January 1986 their son had disclosed he had been abused by Gilles Deslauriers. The Brissons also told him they had spoken to a number of people, three of whom were Father Menard, Father Bisailon and Father Vaillancourt. Claude Thibault testified he did not disclose to them at that time that he had been abused by Gilles Deslauriers.

Evidence of Claude Thibault, CPI Transcript Vol. 143, pp. 60-66, 68, 91.

Evidence of Claude Thibault, CPI Transcript Vol. 144, pp. 6-10, 69-75.

507. Claude Thibault testified that when he met with the Brissons on the evening of February 7, 1986, it was the first time he had heard of other allegations about Gilles Deslauriers. He thought he was the only one who had been abused.

Evidence of Claude Thibault, CPI Transcript Vol. 143, pp. 60-66, 68, 91.

Evidence of Claude Thibault, CPI Transcript Vol. 144, pp. 6-10, 69-75.

508. Mrs. Brisson testified at the CPI and before the Ad Hoc Committee that she did not tell Claude Thibault that their son had disclosed abuse by Gilles Deslauriers. Father

Vaillancourt testified before the Ad Hoc Committee that Claude Thibault told him the Brissons had disclosed to him what had happened to their son, Benoît Brisson. The evidence of Claude Thibault and Father Vaillancourt is consistent, and Claude Thibault would likely not have contacted Father Vaillancourt on the morning of February 8, 1986 to schedule a meeting with him to disclose Gilles Deslauriers' sexual misconduct in the absence of prior knowledge.

Evidence of Claude Thibault, CPI Transcript Vol. 143, p. 60.

Exhibit 72, Bates 086, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

c) Events from February 8, 1986 to February 13, 1986

509. Between January 22, 1986 to February 7, 1986, Father Vaillancourt and Bishop LaRocque were only aware of the allegation made by Benoît Brisson. No other young people had made allegations of inappropriate contact by Gilles Deslauriers.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249.

Evidence of Bishop LaRocque, Vol. 264, p. 84, l. 18-21.

Evidence of Claude Thibault, CPI Transcript Vol. 143, pp. 61-62.

510. On February 8, 1986 a number of events occurred, specifically:

- In the morning Claude Thibault called Father Vaillancourt to meet with him. It was agreed they would meet on that afternoon at 4:00 p. m. Then, Claude Thibault said it was concerning the Brissons. This raised a doubt in Father Vaillancourt's mind as to whether or not Benoît Brisson was the only victim.

Evidence of Father Vaillancourt, Vol. 249, pp. 45-46.

Exhibit 72, Bates 085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 398, Will State, Father Vaillancourt.

- At 1:30 p.m. Father Vaillancourt and Bishop LaRocque met. Father Vaillancourt asked what he was going to do with Gilles Deslauriers, and was told he was to do a 30 day spiritual retreat, and undergo therapy with a psychologist or psychiatrist, which was exactly what Father Menard had told

Father Vaillancourt. Bishop LaRocque testified he only had a vague recollection of this meeting, and at this time he believed there was only one victim.

Evidence of Father Vaillancourt, Vol. 249, pp. 44-45.

Evidence of Bishop LaRocque, Vol. 264, pp. 81-85.

Exhibit 72, Bates 085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

- Bishop LaRocque told Father Vaillancourt that Gilles Deslauriers had said his contract with Benoît Brisson was an isolated incident, which occurred in a moment of weakness. Father Vaillancourt expressed some doubt about this to the Bishop.

Exhibit 72, Bates 085, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 45-46.

- At 4:00 p. m. Father Vaillancourt and Claude Thibault met, at which time Claude Thibault told him he was also a victim of Gilles Deslauriers. He also said he had been to confession and received absolution from Gilles Deslauriers. Claude Thibault testified there was no indication Father Vaillancourt had any other information with respect to other potential victims at that time.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 48-49.

Exhibit 72, Bates 086, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

511. Claude Thibault disclosed to Father Vaillancourt the extent of the inappropriate contact with Gilles Deslauriers in subsequent meetings.

Evidence of Father Vaillancourt, Vol. 249, pp. 49.

Exhibit 72, Bates 086-087, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

512. Between February 8, 1986 and February 10, 1986, Father Vaillancourt had another meeting with Benoît Brisson, Claude Thibault and met one other young person.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 49-50.

Exhibit 72, Bates 086-091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 398-399, Will State of Father Vaillancourt.

513. On February 9, 1986, Claude Thibault met with Bishop LaRocque. Claude Thibault disclosed that he had been abused by Gilles Deslauriers in the context of what was presented as "therapy." During cross-examination Claude Thibault testified the meeting went well, and Bishop LaRocque told him he wished he had known earlier. Claude Thibault described the Bishop as compassionate.

Evidence of Claude Thibault, CPI Transcript Vol. 143, pp. 79-81.

Evidence of Claude Thibault, CPI Transcript Vol. 144, pp. 46-48.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 51, l. 2-9.

514. Bishop LaRocque testified that on the day Claude Thibault met with him, he only knew of the Brisson allegation.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 84, l. 18-21.

515. Bishop LaRocque testified that Claude Thibault came to see him and told him he had been abused. He was taken aback. He could not recall if it was during this meeting or sometime later, but at some point Bishop LaRocque did receive information that Claude Thibault had confessed the incident to Gilles Deslauriers. This meant Gilles Deslauriers was possibly guilty of the crime of complicity in the breach of the sacrament of confession. On February 24, 1986 he wrote to Rome for an opinion about this issue, and his recollection is that he was told there was no crime according to Canon Law.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 85-89.

Exhibit 2041, Letter from Bishop LaRocque to S.E. Mgr. Luigi Dadaglio, dated February 24, 1986.

516. Bishop LaRocque testified that after his meeting with Claude Thibault, he was busy with Msgr. Brodeur's funeral, and as a result waited until after the funeral to confront Gilles Deslauriers. Msgr. Brodeur's funeral was held on Tuesday, February 11, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 90, l. 1-9.

Exhibit 72, Bates 090, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

517. Between February 8, 1986 and February 12, 1986, Father Vaillancourt spoke to and met several young people. He obtained additional names of people who were possible victims of abuse by Gilles Deslauriers. The young men Father Vaillancourt met were over 16 years of age at the time of the alleged abuse. Father Vaillancourt's evidence before the Ad Hoc Committee and the statement he later gave to the CPS was as follows:

- On February 10, 1986 at 1:00 p. m. Mrs. Brisson asked him to meet a young man and his parents.

Exhibit 72, Bates 087-088, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 398, Will State of Father Vaillancourt.

- On February 10, 1986 at 1:30 p. m. he met with the young man and his mother; the young man was reluctant to disclose, but in the absence of his parent admitted to Father Vaillancourt there was abuse by Gilles Deslauriers. Father Vaillancourt discussed providing therapy, but the young man said he did not need it. Father Vaillancourt did later receive an invoice for the cost of therapy from this person. This person was 20 years old when the alleged abuse took place. He did not want to be identified.

Exhibit 72, Bates 088-090, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 398, Will State of Father Vaillancourt.

- On February 11, 1986 at 7:00 p. m. another person asked to meet with Father Vaillancourt. Father Vaillancourt met with this young man and his fiancé from 9:15 p. m. to 10:30 p. m. He was between 19 and 20 years old when the alleged abuse took place.

Exhibit 72, Bates 090-091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 398, Will State of Father Vaillancourt.

- On February 12, 1986, at 7:45 a.m. Father Vaillancourt called Roch Brisson and was given three names of young people who might be abuse victims of Gilles Deslauriers.

Exhibit 72, Bates 090-091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Evidence of Father Vaillancourt, Vol. 249, p. 50, l. 7-12.

518. Mrs. Brisson testified that she worked with Father Vaillancourt in identifying victims. This is consistent with Father Vaillancourt's evidence before the Ad Hoc Committee. Mrs. Brisson also testified her son Benoît Brisson provided her with names of alleged victims, whom she could call.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 102-103.

Evidence of Lise Brisson, CPI Transcript Vol. 56, pp. _____.

Exhibit 72, Bates 078-098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

519. On February 12, 1986 Father Vaillancourt testified he had seven names, and had met personally with four of the young people. He testified Bishop LaRocque was already aware of the allegations of Claude Thibault. Father Vaillancourt met the Bishop on February 12, 1986 to inform him of the additional victims. The Bishop was "désemparé," as is indicated in his evidence before the Ad Hoc Committee on April 15, 1986.

Evidence of Father Vaillancourt, Vol. 249, p. 50, l. 2-16.

Exhibit 72, Bates 091, 098, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

520. Father Vaillancourt's evidence before the Ad Hoc Committee surrounding the February 12, 1986 meeting with Bishop LaRocque was as follows:

- That at 3:30 p. m. on February 12, 1986 he met with Bishop LaRocque and informed him of the situation.
- He was aware that Bishop LaRocque was going to meet with Mrs. Brisson the following day, February 13, 1986, who had requested the meeting to determine what steps DAC would take regarding Gilles Deslauriers.

- Father Vaillancourt told Bishop LaRocque that he had seven names, three of whom he had met with, and one of those names was a newly ordained priest.
- Bishop LaRocque was flabbergasted.

Exhibit 72, Bates 090-091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1886, Bates 399, Will State of Father Vaillancourt.

521. On February 13, 1986, Bishop LaRocque testified he met with Mrs. Brisson.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 92-93.

522. Father Vaillancourt testified before the Ad Hoc Committee that on February 13, 1986, he returned Mrs. Brisson's telephone call. She told him she had met with Bishop LaRocque, and that it was a very friendly meeting. The Bishop was going to meet with Gilles Deslauriers.

Exhibit 72, Bates 091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

523. Bishop LaRocque testified that on February 13, 1986, he asked Father Menard to meet Gilles Deslauriers with him. Father Menard testified that Bishop LaRocque said he was going to ask Gilles Deslauriers to leave. In his statement to the CPS Father Menard said Bishop LaRocque did not tell him why he was asked to accompany the Bishop to the meeting.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 94.

Evidence of Father Menard, CPI Transcript Vol. 264, p. 18, l. 14-20, 19, l. 13-16.

Exhibit 1885, Will State of Father Menard to the CPS.

524. Father Vaillancourt testified at the Ad Hoc Commission, that during the afternoon of February 13, 1986, he received a telephone call from Father Menard. Father Menard told him that Bishop LaRocque had asked him that he accompany him to a meeting with Gilles Deslauriers.

Exhibit 72, Bates 091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

525. Bishop LaRocque testified that on February 13, 1986, he met with Gilles Deslauriers. Father Menard testified he was present at this meeting. Bishop LaRocque testified that Gilles Deslauriers was:

- Told to leave DAC; Bishop LaRocque testified the meaning of “leave” was that Gilles Deslauriers could no longer exercise ministry in DAC; he could no longer act as a priest in DAC.

Evidence of Bishop LaRocque, Vol. 264, p. 95-96.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 51, l. 17-23.

Exhibit 72, Bates 091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 1885, Will State of Father Menard to the CPS.

- Asked for his resignation; “resignation” meant he had to resign as Rector of the Co-cathedral, which according to Canon Law had to be in writing; Father Vaillancourt testified before the Ad Hoc Committee that Father Menard said that Bishop LaRocque asked for a letter of resignation as of that moment, which Bishop LaRocque received in the mail later.

Evidence of Bishop LaRocque, Vol. 264.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 51, l. 17-23.

Exhibit 72, Bates 091, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

- Bishop LaRocque said Gilles Deslauriers had to obtain treatment from a therapist.

Evidence of Bishop LaRocque, Vol. 264, pp. 111-112.

526. Father Menard testified that on February 13, 1986, Bishop LaRocque and he did not consider advising the CAS because all of the young men in question were 23, 24 years of age. When he testified before the Ad Hoc Committee his evidence was that none of the young men were minors.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 20, l. 6-18.

Exhibit 72, Bates 113, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

527. Father Vaillancourt testified that he was told that on February 13, 1986, Bishop LaRocque also confronted Gilles Deslauriers with the fact he had given absolution to Claude Thibault immediately after having had an inappropriate contact with him. He further testified that Gilles Deslauriers claimed to not remember.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 52, l. 3-11.

Exhibit 72, Bates 092, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

528. Bishop LaRocque testified he had a follow up meeting with Gilles Deslauriers around 10:00 p. m. on February 13, 1986. The meeting took place at Bishop LaRocque's residence. Bishop LaRocque told Gilles Deslauriers he could not return to ministry. Bishop LaRocque called Father Luc Bouchard, who was Gilles Deslauriers' assistant, at 11:00 p. m. that evening to tell Father Bouchard he was now Administrator of the Nativity parish.

Evidence of Bishop LaRocque, Vol. 264, p. 97-98.

529. Bishop LaRocque testified he told Gilles Deslauriers that evening that he could not return to the presbytery to sleep. He forbid him from returning to the Nativity. This is when Gilles Deslauriers asked if he could go to Bishop Proulx's cottage, and Bishop LaRocque agreed. The Bishop also told Gilles Deslauriers he had to go on a retreat and they also discussed in more detail the question of therapy. Bishop LaRocque's evidence is as follows:

- Bishop LaRocque suggested he attend Southdown; Gilles Deslauriers said it was only in the English language; he was not comfortable in English; Gilles Deslauriers refused to go to Southdown.
- Gilles Deslauriers did not propose another centre.
- Bishop LaRocque was aware of a francophone centre where Mrs. Guindon was Director known as Institut de formation et de rééducation, in Montreal;

Mrs. Guindon was also Msgr. Guindon's sister; Gilles Deslauriers refused to go to this centre as Mrs. Guindon was Msgr. Guindon's sister.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 99-100.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 268-269.

- Bishop LaRocque does not recall how things were left regarding who would make the arrangements for a treatment centre, but his recollection is someone suggested Jacques Jobin in Montreal.

Evidence of Bishop LaRocque, Vol. 264, pp. 99-103.

530. Father Menard testified that Bishop LaRocque asked Gilles Deslauriers to undergo therapy, that support be given to the young men in question by Father Vaillancourt, and that DAC would be pay the cost for treatments for the youths.

Evidence of of Bernard Menard, CPI Transcript Vol. 263, p. 28, l. 4-17.

531. Bishop LaRocque testified that Gilles Deslauriers was allowed to pick up his personal belongings, and he left the next day or a few days later, and never returned to ministry at DAC.

Evidence of Bishop LaRocque, Vol. 264, p. 102.

532. Father Vaillancourt testified before the Ad Hoc Committee that Gilles Deslauriers left Thursday, February 13, 1986 in the evening.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 52, l. 3-11.

Exhibit 72, Bates 092, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

d) Events from February 14, 1986 to April 2, 1986

533. DAC states that a number of important matters were dealt with by DAC and Bishop LaRocque once Gilles Deslauriers was removed from ministry. DAC and Bishop LaRocque submit that ultimately the substance of the recommendations contained in Father Menard's letter of March 25, 1986 were implemented.

534. DAC also submits that contrary to Mrs. Brisson's evidence, it was attending to matters relating to the case of Gilles Deslauriers promptly. DAC and Bishop LaRocque submit that the Brissons were informed of all milestone events. DAC states that by March 21, 1986, Gilles Deslauriers was receiving treatment and Bishop LaRocque had already foreseen offering to the young men the cost of required therapy sessions.

Exhibit 72, Bates 108, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986.

535. The following events occurred between February 14, 1986 and April 2, 1986:

- Following Father Vaillancourt's meeting with Fathers Bisailon and Menard, and Father Vaillancourt's meeting with victims, it was decided that a letter would be written to Bishop LaRocque setting out their involvement in the matter, and their recommendations; Father Menard wrote the letter. It was sent on March 25, 1986.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 56-58.

Exhibit 72, Bates 101-109, Letter and Report and Recommendation from Father Menard to Bishop LaRocque, dated March 25, 1986.

- On February 14, 1986 in the morning Msgr. Réjean Lebrun received a call from Gilles Deslauriers asking he meet with him; Msgr. Lebrun met Gilles Deslauriers at the residence of Jeannine Seguin in Cornwall; Gilles Deslauriers told him Bishop LaRocque had released him of his duties as parish priest of the Nativity, and that he had to leave DAC.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258, pp. 25-29.

Exhibit 1935, Will State of Msgr. Réjean Lebrun from a statement given to the CPS on June 10, 1986.

- On February 19, 1986 Gilles Deslauriers started his therapy with Jacques Jobin, a psychotherapist who he saw once a week.

Exhibit 79, Confidential Report of Jacques Jobin dated November 6, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264.

- On February 24, 1986, Bishop LaRocque wrote to S. E. Mgr. Luigi Dadaglio, in Rome, to seek an opinion concerning the allegation that Gilles Deslauriers had improperly provided absolution.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 174-175.
Exhibit 2041, Letter from Bishop LaRocque to S. E. Mgr. Luigi Dadaglio, dated February 24, 1986.
- On February 24, 1986, Gilles Deslauriers submitted his written letter of resignation to Bishop LaRocque.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 112-113.
Exhibit 75, Letter of resignation from Gilles Deslauriers to Bishop LaRocque, dated February 24, 1986.
- Bishop LaRocque learnt that Gilles Deslauriers went to the Diocese of Hull.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 119-120.
- On March 18, 1986, Bishop LaRocque testified he met with Father Menard. Father Menard testified that Bishop LaRocque asked Father Menard to go to Hull to see Bishop Proulx to persuade Bishop Proulx to remove Gilles Deslauriers from ministry in the Diocese of Gatineau-Hull.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 120-121.
Evidence of Father Menard, CPI Transcript Vol. 263, pp. 152-155.
Exhibit 72, Bates 111-123, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.
Exhibit 1885, Bates 403, Will State of Father Menard.
- On March 21, 1986, Mr. & Mrs. Brisson wrote a letter which they sent to Bishops LaRocque, Palmas, Proulx, Gantin and Spence wherein they set out the events regarding Gilles Deslauriers with a number of young men. A copy of that letter was provided to Msgr. Bernard Guindon by letter dated April 11, 1986, for distribution to the other members of the Ad Hoc Committee, Jacques Leduc and Sister Pilon. In the letter, Mrs. Brisson stated that nothing had been done with regards to Gilles Deslauriers, although Bishop LaRocque

told her in their meeting of February 13, 1986 that Gilles Deslauriers would be sent for treatment, which began on February 19, 1986.

Exhibit 72, Bates 157-166, Letter from Lise and Hubert Brisson, dated March 21, 1986, along with Letter from Lise and Hubert Brisson to Msgr. Bernard Guindon, dated April 11, 1986, Ad Hoc Committee Report.

- Father Menard testified during his cross-examination that on March 21, 1986, he was aware that Gilles Deslauriers was seeing Jacques Jobin, a psychotherapist. He also testified that his relationship with the Brissons was like an open door, that he was in constant communication with them, and kept them abreast of events as they unfolded, including the fact that Gilles Deslauriers was being followed by a psychotherapist.

Evidence of Father Menard, CPI Transcript Vol. 263.

- Benoît Brisson testified in cross-examination to having been advised by his mother that Gilles Deslauriers had been removed from ministry at DAC.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp.

Evidence of Benoît Brisson, CPI Transcript Vol. 55, pp. 163, l. 23-25.

- On March 25, 1986, Father Menard wrote a letter the Bishop LaRocque enclosing a report and recommendations concerning Gilles Deslauriers; Fathers Vaillancourt and Bisailon approved the report and recommendations; this report was provided to Bishop LaRocque.

Exhibit 72, Bates 101-109, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 33, l. 6-10, p. 33, l. 15-18.

- On March 25, 1986, a copy of the report and recommendations written by Father Menard was hand-delivered to Bishop Proulx in Hull by Father Menard.

Exhibit 72, Bates 096, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

Exhibit 72, Bates 103, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986, Ad Hoc Committee Report.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 33, l. 15-22.

- On March 25, 1986, Bishop LaRocque wrote to Mr. & Mrs. Brisson in response to their letter of March 21, 1986. In that letter Bishop LaRocque denied that he was advised of inappropriate conduct by Gilles Deslauriers two and a half years earlier. He also assured the Brissons of his desire to work in concert with Msgr. Proulx and in consultation with Fathers Vaillancourt and Menard to ensure the victims received help.

Exhibit 85, Letter from Bishop LaRocque to Mrs. & Mrs. Brisson, dated March 25, 1986.

- Around the same time, Bishop LaRocque met with Bishop Proulx in Hull to request that he remove Gilles Deslaureirs from ministry in the Diocese of Gatineau-Hull; Gilles Deslauriers was present at this meeting.

Exhibit 76, Letter from Bishop LaRocque to Mr. & Mrs. Brisson, dated April 3, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 164, p. 158.

- Between March 27 and April 3, 1986 (Easter in 1986), Gilles Deslauriers' ministry in Hull ceased. During his cross-examination Father Menard testified that Gilles Deslauriers was removed from ministry in Hull on shortly before April 3, 1986, and that he was informed of this fact by the Brissons.

Exhibit 72, Bates 112, Evidence of Father Menard on April 22, 1986, Ad Hoc Committee Report.

- On March 30, 1986, Father Menard wrote to Bishop LaRocque; his letter stated he learned of Bishop LaRocque's contact with the Brissons and his decision to constitute a "Tribunal d'écoute." Father Menard also indicated it would be preferable Bishop LaRocque not be involved in the "Tribunal d'écoute" in order to maintain his independence. DAC and Bishop LaRocque submit that once Bishop LaRocque decided to create the Ad Hoc Committee,

and in fact before he constituted the Ad Hoc Committee he called the Brissons to advise them of his decision.

Exhibit 2032, Letter from Father Menard to Bishop LaRocque, dated March 30, 1986.

i) Report and Recommendations of Fathers Bernard Menard, Denis Vaillancourt and Rhéal Bisailon

536. On March 25, 1986, Father Menard wrote his letter to Bishop LaRocque to which he attached a report and recommendations. The report and recommendations were written by Father Menard, and Fathers Bisailon and Vaillancourt approved the document, as indicated at page 3 of Father Menard's letter to Bishop LaRocque.

Evidence of Denis Vaillancourt, CPI Transcript Vol. 249, pp. 56-58.

Exhibit 72, Bates 101-109, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986.

537. Father Menard testified in cross-examination that the report was written to guide both Bishops in their management of the case of Gilles Deslauriers. He testified that both Bishops had a difficult role, and the church at that time had very little experience in such cases.

Evidence of Benard Menard, CPI Transcript Vol. 263, pp. 162-165.

Exhibit 72, Bates 103, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986, Ad Hoc Committee Report.

538. Father Menard's letter to Bishop LaRocque contained a three page narrative of events. The remainder of his document set out a report and recommendations with explanations.

Exhibit 72, Bates 101-109, 262-264, 074-076, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986, Ad Hoc Committee Report.

539. Father Menard testified that he was aware that on March 21, 1986, Gilles Deslauriers was undergoing therapy with Jacques Jobin, a psychotherapist. He testified that he spoke with a psychologist from the University of Ottawa and St. Paul's University regarding Jacques Jobin's therapy, and was told it was a valid therapy. He testified he was told weekly visits with the therapist were satisfactory. He also said he had spoken to a

psychologist at the University of Ottawa to verify Jacques Jobin's competence, and as a result was satisfied that Jacques Jobin's therapy was appropriate. He testified that he knew Deslauriers had been told he had to attend a retreat at Pierrefonds which was, in his opinion, an excellent measure.

Evidence of Benard Menard, CPI Transcript Vol. 263, pp. 28-29, pp. 43, l. 17-22, pp. 158-161.

Exhibit 72, Bates 106, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

540. The recommendations of Fathers Menard, Bisailon and Vaillancourt were as follows:

- That he cease all pastoral, etc. work and assign him to clerical work; any re-assignment to pastoral work should occur only after an extended time (at least 1 year) of therapy and re-training, and after a written evaluation is received attesting to his re-habilitation.
- That DAC contact his therapist, Jacques Jobin to ensure he had undertaken a follow-up therapy; provide the therapist with the facts in sufficient detail to allow the therapist to have a good understanding of the matter; the preceding report would serve that purpose; that the therapist have the proper competence.
- That Deslauriers attend a spiritual retreat of at least 30 days, with follow-up thereafter; and if necessary, that Gilles Deslauriers make enquiries regarding the absolution he accorded to a complice, and if Canon Law requires it, that he be suspended à divinis in the meantime.
- That Deslauriers leave the Ottawa-Hull-Gatineau area immediately, given a number of people involved and Rcubists and their friends were in that area. Gilles Deslauriers mentioned he wanted to explore the possibility of incardination in St. Jérôme or Sault Ste-Marie; it would be necessary that the receiving Bishop be informed by Bishop LaRocque of the issue.

- That despite the work already done by Father Vaillancourt, Sister Ladouceur, Bishop LaRocque, Father Menard for young men, their families and the clergy, certain persons still had the impression of not having been heard or taken seriously and DAC would have to explore the necessity of constituting a committee (like an Ecclesiastical Tribunal) to hear the young men, parents and priests who wished to attend, and the Committee should have the power to make recommendations, and have the power to verify their execution.
- The report stated that although Bishop LaRocque had already foreseen offering to the young men the cost of required therapy sessions, it was necessary to anticipate a flexible and efficient mechanism for access to funds without having to resort to the Bishop each time.

Exhibit 72, Bates 106-109, Letter from Bernard Menard to Bishop LaRocque, dated March 25, 1986 [recommendations of Fathers Menard, Bisailon and Vaillancourt].

541. DAC states that the recommendations made by Fathers Menard, Baisaillon and Vaillancourt were all acted upon, either prior to or shortly following receipt of that report. This is demonstrated by the following:

- All pastoral work at DAC ceased on February 13, 1983. When Bishop LaRocque learned that Gilles Deslauriers might be performing ministry in Hull he met with Bishop Proulx to demand that this stop, which it did.
- Bishop LaRocque wrote to Jacques Jobin on April 11, 1986 requesting confirmation that Gilles Deslauriers had started his therapy, and to verify the frequency of his visits. A copy of Fathers Menard, Bisailon and Vaillancourts report was enclosed with the April 11, 1986 letter to Jacques Jobin. Father Menard had already confirmed Jacques Jobin's competence. Jacques Jobin replied on April 18, 1986 and confirmed that Gilles Deslauriers began therapy on February 19, 1986 and was being seen weekly.

- Gilles Deslauriers was asked to attend a retreat on January 27, 1986. On April 6, 1986 Bishop LaRocque wrote to Gilles Deslauriers and asked him to attend the retreat at Pierrefonds as soon as possible, while continuing his therapy with Jacques Jobin.
- Bishop LaRocque wrote to Rome on March 25, 1986 requesting an opinion regarding the potential violation of the sacrament of confession. By letter dated April 6, 1986 Bishop LaRocque told Gilles Deslauriers he had received a response from Rome and although Rome stated that the facts did not disclose a crime according to Canon Law, it was recommended his right to hear confessions be removed. Therefore the Bishop advised him that his right to hear confession was removed until further notice. Bishop Proulx was provided a copy of this letter.
- On March 18, 1986 Bishop LaRocque asked Father Menard to meet with Bishop Proulx and ask him to remove Gilles Deslauriers from ministry in the Diocese of Gatineau-Hull. Bishop LaRocque also met with Bishop Proulx personally and asked that he remove Gilles Deslauriers from ministry. By letter dated April 3, 1986 to Mr. & Mrs. Brisson, Bishop LaRocque informed them that Gilles Deslauriers had been removed from ministry in Hull. Father Menard testified before the Ad Hoc Committee that Gilles Deslauriers was removed from ministry in Hull.
- On April 3, 1986, Bishop LaRocque constituted the Ad Hoc Committee. Gilles Deslauriers was asked to attend but refused.
- Bishop LaRocque personally met with a number of young men who claimed to have been abused. He agreed to pay the cost of the therapy. He testified that DAC paid for the costs of therapy for some people. Victims were told to go ahead with their therapy and send their invoice to the Bursar at Diocesan Centre, who had instructions to pay such invoices.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 10-13.

e) Events from April 3, 1986 to May 23, 1986

542. On April 3, 1986, Bishop LaRocque constituted the Ad Hoc Committee. The act creating the Ad Hoc Committee was co-signed by the Chancellor, Father Vaillancourt. The Committee members were Msgr. Bernard Guindon as Chair, and Jacques Leduc and Sister Claudette Pilon. The Ad Hoc Committee was to hear individuals, and provide a report and recommendation.

Exhibit 72, Bates 072, 108, Ad Hoc Committee Report.

Exhibit 2032, Letter from Bernard Menard to Bishop LaRocque dated March 30, 1986.

543. Bishop LaRocque and Father Vaillancourt testified that the victims who testified before the Ad Hoc Committee insisted on confidentiality. Father Menard testified that the parents, with whom he had the bulk of his contacts, also did not want the matter to become public. His evidence is that he recommended the creation of a "Tribunal d'écoute" firstly, to assure individuals would be heard, and secondly, to maintain confidentiality.

Evidence of Father Vaillancourt, CPI Transcript Vol. 250, pp. 65-66.

Evidence of Father Menard, CPI Transcript Vol. 263, pp. 175-177.

544. On April 3, 1986, Bishop LaRocque wrote to Mr. and Mrs. Brisson to tell them he had constituted the Ad Hoc Committee, which was to be presided over by Msgr. Bernard Guindon to receive the evidence of individuals concerned and provide him with their report and recommendations. Bishop LaRocque also told them he had met with Msgr. Adolphe Proulx and, particularly, that Gilles Deslauriers had been removed from ministry in the Diocese of Gatineau-Hull. He also advised that Gilles Deslauriers was undergoing rehabilitative treatment. Mrs. Brisson testified she received this letter. Father Menard testified he was advised by the Brissons when they received the letter that Gilles Deslauriers had been removed from ministry in Hull.

Exhibit 82, Letter from Bishop LaRocque to Mr. & Mrs. Brisson, dated April 3, 1986.

Exhibit 72, Bates 108, Ad Hoc Committee Report.

Evidence of Father Menard, CPI Transcript Vol. 263, pp. 156-158

545. On April 6, 1986 Bishop LaRocque wrote to Gilles Deslauriers. A copy of the letter was sent to Bishop Proulx. He told Gilles Deslauriers that:

- He had constituted the Ad Hoc Committee, Chaired by Msgr. Bernard Guindon, and he asked him to attend. He provided him with a copy of the constituting Act, and told him the hearings were confidential, and the evidence given under oath.
- He was to attend a retreat in Pierrefonds as soon as possible, while continuing his treatment with Jacques Jobin.
- Rome had recommended his right to hear confession be removed until he was rehabilitated. His right to hear confession was removed until further notice.
- Gilles Deslauriers had to leave the Hull area. The Bishop told him this was one of the reasons he was sending him to Pierrefonds.

Exhibit 2042, Letter from Bishop LaRocque to Gilles Deslauriers, dated April 6, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 151-155.

546. Gilles Deslauriers never attended before the Ad Hoc Committee, nor did he attend any interview.

Evidence of Jacques Leduc, CPI Transcript Vol. 256, pp. 137-138.

547. On April 7, 1986, Bishop LaRocque received a letter from the Pro-Nuncio asking information concerning Gilles Deslauriers.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 173-175.

Exhibit 2043, Letter from Pro-Nuncio to Bishop LaRocque, dated April 7, 1986.

548. On April 9, 1986, Bishop LaRocque received a letter from the Pro-Nuncio thanking him for copies of the March 25, 1986 and April 3, 1986 letters Bishop LaRocque had sent to the Brissons.

Exhibit 2044, Letter from the Pro-Nuncio to Bishop LaRocque, dated April 9, 1986.

549. On April 10, 1986, Bishop LaRocque wrote to the Pro-Nuncio and told him that as soon as he knew there were merits to the allegations made against Gilles Deslauriers, he asked Gilles Deslauriers for his written resignation as Rector of the Co-Cathedral and Vocational Director – French Sector of DAC. He told him he had constituted the Ad Hoc Committee in order to have a complete report and recommendations. Further, Gilles Deslauriers was undergoing treatment in Montreal, and he had asked him to undergo a re-training course at Pierrefonds with Msgr. Charbonneau.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 175-177.

Exhibit 2045, Letter from Bishop LaRocque to the Pro-Nuncio, dated April 10, 1986.

Exhibit 2046, Letter from the Pro-Nuncio to Bishop LaRocque, dated April 17, 1986.

550. On April 17, 1986, Bishop LaRocque received a response from the Pro-Nuncio thanking him for the information.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 177-179.

Exhibit 2046, Letter from the Pro-Nuncio to Bishop LaRocque, dated April 17, 1986.

551. On April 11, 1986 Mr. & Mrs. Brisson provided a copy of their letter dated March 21, 1986, to Msgr. Bernard Guindon for the Ad Hoc Committee, with a request that a copy be provided to Jacques Leduc and Ms. Pilon.

Exhibit 72, Bates 157-166, Letter from Lise and Hubert Brisson, dated March 21, 1986, Ad Hoc Committee Report.

552. On April 11, 1986, Father Menard provided his March 25, 1986 letter, and the report and recommendations in it to Msgr. Bernard Guindon, Sr. Claudette Pilon and Jacques Leduc. Father Menard indicated Bishop LaRocque was aware a copy was being provided to the Ad Hoc Committee.

Exhibit 72, Bates Letter from Bernard Menard, O.M.I. to Msgr. Bernard Guindon, Soeur Claudette Pilon and M. Jacques Leduc.

Exhibit 72, Bates 7167100, Rapport et recommandations du Comité ad hoc pour le cas de l'abbé Gilles Deslauriers – 23 mai 1986.

Exhibit 1885, Will State of Father Menard.

Exhibit 1886, Will State of Father Vaillancourt.

553. On April 11, 1986 Bishop LaRocque wrote to Jacques Jobin, Gilles Deslauriers' psychotherapist and requested confirmation that Gilles Deslauriers was undergoing treatment with him and the frequency of visits. He also told him that on the recommendation of Rome, he had removed his faculty to hear confession until his treatments were terminated, and he enclosed a copy of Fathers Menard, Bisailon and Vaillancourt's report and recommendations. Finally, he told Jacques Jobin that Gilles Deslauriers was a major manipulator.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 180-182.

Exhibit 80, Letter from Bishop LaRocque to Jacques Jobin, dated April 11, 1986.

554. On April 16, 1986 Bishop LaRocque received a letter from Gilles Deslauriers stating he would not attend before the Ad Hoc Committee. He stated he did not understand the nature of the Ad Hoc Committee, and questioned its jurisdiction. Gilles Deslauriers also indicated he lacked the positive motivation required to participate in the program at Pierrefonds, and hoped the Bishop would understand he did not have the required frame of mind to achieve the Bishop LaRocque's goal. Bishop LaRocque testified Gilles Deslauriers did go to Pierrefonds as he met with him at Pierrefonds with Father Vaillancourt on May 31, 1986. On June 3, 1986 Gilles Deslauriers wrote to Bishop LaRocque from Pierrefonds, and confirmed in this letter his meeting with Bishop LaRocque on May 31, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 156-160, pp. 158, l. 2-4.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 60-63.

Evidence of Father Vaillancourt, CPI Transcript Vol.

Exhibit 72, Bates 267, Letter from Gilles Deslauriers to Bishop LaRocque, dated April 16, 1986, Ad Hoc Committee Report.

Exhibit 2050, Letter from Gilles Deslauriers to Bishop LaRocque, dated June 3, 1986.

555. On April 17, 1986, Bishop LaRocque received a response from the Pro-Nuncio thanking him for the information he had sent, and indicating that he was forwarding the information to the Congregation of Bishops.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 177-179.

Exhibit 2046, Letter from the Pro-Nuncio to Bishop LaRocque, dated April 17, 1986.

556. On April 18, 1986 Bishop LaRocque received a letter from Jacques Jobin confirming he had been seeing Gilles Deslauriers once a week since February 19, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 183-184.

Exhibit 81, Letter from Jacques Jobin to Bishop LaRocque, dated April 18, 1986.

557. On May 1, 1986, Bishop LaRocque wrote to Gilles Deslauriers and told him he was disappointed he did not understand the nature of the Ad Hoc Committee. He explained that the Ad Hoc Committee was designed to discover the truth in the respect of all persons involved. He indicated it would have helped a great deal to ascertain the truth, if he had met the Chair of the Committee, Msgr. Guindon and Father Vaillancourt. A copy of this letter was sent to Bishop Proulx.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 185-186.

Exhibit 2048, Letter from Bishop LaRocque to Gilles Deslauriers, dated May 1, 1986.

558. On May 8, 1986 a copy of report of the Ad Hoc Committee was sent to Gilles Deslauriers. He was asked to provide his remarks and comments before May 18, 1986. Their recommendations would be submitted to Bishop LaRocque, following Gilles Deslauriers' comments.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 160-162.

Exhibit 72, Bates 261-264, Letter to Gilles Deslauriers from Msgr. Bernard Guindon, Jacques Leduc and Sr. Claudette Pilon.

559. On May 16, 1986, the Ad Hoc Committee received from Bishop LaRocque a copy of Gilles Deslauriers letter of April 16, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 161-162.

Exhibit 72, Bates 267, Letter from Gilles Deslauriers to Bishop LaRocque, dated April 16, 1986, Ad Hoc Committee Report.

560. The Ad Hoc Committee ended on May 16, 1986. It commenced hearing witnesses on April 15, 1986, and continued to do so once a week for approximately six weeks. Victims and parents attended.

Exhibit 1785, Bates 470, Will State of Sergeant Ronald Lefebvre.

561. DAC states the Ad Hoc Committee sought names of other individuals who would be prepared to attend, from those who appeared before them. They enquired of the victims who testified whether they required therapy. They sought recommendations from those who attended, and the following is an example where Father Vaillancourt states:

« Maintenant, face aux recommandations, vous êtes au courant déjà que le Père Bernard Menard, Rhéal Bisaillon et moi avons préparé une lettre qui a été envoyée à notre Évêque, Mgr LaRocque et une copie a été aussi remise de main à main à Mgr Adolphe Proulx, l'Évêque de Gatineau-Hull et dans cette lettre nous avons rédigé des recommandations. C'est à peu près les recommandations que moi j'endose finalement.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 56-58.

Exhibit 72, Ad Hoc Committee Report.

Exhibit 72, Bates 096, Evidence of Father Vaillancourt on April 15, 1986, Ad Hoc Committee Report.

562. Jacques Leduc testified that there was a lot of outreach, and connection between the Church and the parents of victim.

Exhibit 72, Ad Hoc Committee Report.

Evidence of Jacques Leduc, CPI Transcript Vol. 256, p. 17, l. 11-14.

563. On May 21, 1986, Mr. & Mrs. Brisson attended at the CPS concerning their son, Benoît Brisson. They were informed that their son had to attend in person.

Evidence of Lise Brisson, CPI Transcript Vol. 56, p. 56-57.

Exhibit 76, Bates 336, Case History in *R. v. Gilles Deslauriers*.

Exhibit 1785, Bates 469, Will State Sergeant Ronald Lefebvre.

Exhibit 1883, Bates 461, Will State Constable Herb Lefebvre.

564. On May 22, 1986 Benoît Brisson telephoned the CPS, and was told he had to attend in person. He attended on that same day, and a statement was taken.

Evidence of Lise Brisson, CPI Transcript Vol. 53, p. 124, l. 21-25.

Evidence of Lise Brisson, CPI Transcript Vol. 56, p. 57, l. 4-7.

Evidence of Rick Trew, CPI Transcript Vol. 221, p. 79, l. 21-24

Exhibit 76, Case History in *R. v. Gilles Deslauriers*.

Exhibit 22, Statement of Benoît Brisson.

565. On May 23, 1986 the Ad Hoc Committee rendered its report and recommendation to Bishop LaRocque. The recommendations were as follows:

- That Gilles Deslauriers be suspended “a divinis” and that his exclusion from the Diocese be maintained by the competent authority;
- His excardination and incardination to another diocese should occur when the following conditions are met:
 - He follow a therapy with a competent psychologist who is to receive all information concerning him, including this report;
 - No pastoral work be assigned to him until the competent authority is convinced of his rehabilitation.
 - That he cease his current pastoral duties.
- That all those who require treatment from a professional as result of Gilles Deslauriers, and who request same from DAC, be assured that DAC will assume their cost.
- That all witnesses be advised that the Committee members were not aware that Gilles Deslauriers had refused to attend Pierrefonds.
- That the report be sent to the superior authorities.

- That the Father Menard's report, especially his recommendations be given consideration.

Exhibit 72, Bates 262-264, 074-076, Ad Hoc Committee Report [report and recommendations].

Exhibit 72, Ad Hoc Committee Report.

566. DAC states that all recommendations made in the Ad Hoc Committee Report were acted upon. Some recommendations were acted upon as the hearings unfolded, others once the report was received, and the excardination and incardination once Gilles Deslauriers therapist said he could return to ministry or as soon thereafter as the circumstances permitted DAC to do so. This was demonstrated by the following:

- Bishop LaRocque removed Gilles Deslauriers' functions in February 1986. Deslauriers had no ministry in Hull after April 3, 1986. The evidence concerning a suspension "a divinis" was conflicting. There was no evidence of a return to ministry before excardination and Bishop LaRocque subsequently received the Jobin Report and the probation order.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 109, l. 14-22, pp. 167-168.

- It was only after Bishop LaRocque received a report in November from Jacques Jobin and the order of the Court placing Deslauriers under the supervision of Bishop Proulx and requiring Deslauriers to continue therapy that Bishop LaRocque agreed to excardinate Deslauriers.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 168-169.

- With regard to DAC offering and paying the cost of therapy for victims, the following was Bishop LaRocque's evidence:
 - DAC had always offered to pay the cost of therapy,
 - It was always Bishop LaRocque's intention to pay the cost of therapy. There were discussions before the Ad Hoc Committee

was set up, and Bishop LaRocque was very clear that DAC was willing to pay psychological costs.

- He did not write to the victims. He asked Claude Thibault, as his representative, as he was victim himself, to let any victim know that Bishop LaRocque was prepared to help them with their medical costs. Claude Thibault testified that this happened.
- The Bishop met with six or eight young man who claimed to have been abused. He agreed to pay the cost of therapy. He also apologized to them.
- Victims were told to go ahead with their therapy, and when they received an invoice they were told to send them to the Diocesan Centre to the Bursar.
- Gordon Bryan had instructions to pay all legitimate invoices, which did not require his approval. Some invoices came directly to the Bishop, and others went directly to Gordon Bryan.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 169-170.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 10-13.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 283-286.

Exhibit 1958, Letter from Bishop LaRocque to Gilles Deslauriers, dated November 10, 1986.

Exhibit 2178, Letter from Bishop LaRocque to Gilles Deslauriers, dated February 18, 1987.

Exhibit 318, Bates 862, Audio Taped Interview Report of Denis Vaillancourt, dated June 1, 2000.

- The evidence at the Ad Hoc Committee was that Jacques Leduc told Benoît Brisson he would recommend DAC pay the cost of his counselling at any hourly rate, and Msgr. Guindon told Benoît that he should not be prevented

from getting therapy due to financial restraints. Benoît Brisson did not feel the need to see a psychologist.

Evidence of Benoît Brisson, CPI Transcript Vol. 55, pp. 167-170.

Exhibit 72, Bates 258, Evidence of Benoît Brisson on April 22, 1986, Ad Hoc Committee Report.

- Bishop LaRocque testified he sent a letter to all witnesses at the Ad Hoc Committee on June 12, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 171, l. 16-20, pp. 187-188.

Exhibit 1923, Letter from Bishop LaRocque.

- A copy of the Ad Hoc Committee Report was sent to Rome.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, p. 171-172.

567. On May 31, 1986, Bishop LaRocque and Father Vaillancourt went to Pierrefonds and met with Gilles Deslauriers. Father Vaillancourt testified that he saw Gilles Deslauriers at that time. Bishop LaRocque testified that Gilles Deslauriers probably did not complete the three month re-training program at Pierrefonds. He may have completed one month. Both Bishop LaRocque and Father Vaillancourt testified that they went to Pierrefonds and Bishop LaRocque met alone with Gilles Deslauriers, as he refused to meet with Father Vaillancourt. Father Vaillancourt testified that the reason they went to Pierrefonds was that Bishop LaRocque wanted him to attend therapy similar to Southdown, but in Quebec. It had been suggested in the recommendations of Fathers Menard, Bisailon and Vaillancourt, that Gilles Deslauriers would benefit from a group therapy, in addition to Jacques Jobin's. Father Vaillancourt had found a place in Quebec where he could go. Gilles Deslauriers refused.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 152-153, p. 158, l. 2-4.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, pp. 60-63.

Exhibit 2050, Letter from Gilles Deslauriers to Bishop LaRocque, dated June 3, 1986.

Exhibit 2050, Letter from Gilles Deslauriers to Bishop LaRocque, dated June 3, 1986.

f) Events from May 24, 1986 to February 24, 1987

568. DAC and Bishop LaRocque state that starting in the summer of 1986 and late into that year, there was a debate regarding the excardination of Gilles Deslauriers. Bishop LaRocque was reluctant to excardinate Gilles Deslauriers. He ultimately did so only after he had the final Jobin Report and the probation order placing Deslauriers under Bishop Proulx's supervision and requiring therapy to continue.

569. On June 3, 1986 Gilles Deslauriers wrote to Bishop LaRocque asking for his excardination from DAC. Deslauriers said Bishop Proulx in Gatineau-Hull was prepared to incardinate him, he and was hopeful of being incardinated in the near future.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 28-29.

Exhibit 2050, Letter from Gilles Deslauriers to Bishop LaRocque, dated June 3, 1986.

570. On June 6, 1986, Bishop LaRocque wrote to Bishop Proulx to see if he was prepared to incardinate Gilles Deslauriers, and under what conditions. A copy of Gilles Deslauriers request dated June 3, 1986 was enclosed. Bishop LaRocque told Bishop Proulx he would like to wait until Gilles Deslauriers was rehabilitated. A response was received on June 20, 1986. Bishop Proulx agreed to incardinate Gilles Deslauriers, once the criminal proceedings were completed.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 28-31.

Exhibit 2051, Letter from Bishop LaRocque to Bishop Proulx, dated June 6, 1986.

Exhibit 2005, Letter from Bishop Proulx to Bishop LaRocque, dated June 20, 1986.

571. On June 12, 1986, Bishop LaRocque wrote to the witnesses who participated in the Ad Hoc Committee. He thanked them for doing so, and told them the Ad Hoc Committee members were not aware that Gilles Deslauriers had refused to attend Pierrefonds.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 187-188.

Exhibit 1924, Letter from Bishop LaRocque, dated June 12, 1986.

572. On June 12, 1986, after speaking with parishioners, Bishop LaRocque wrote to Gilles Deslauriers asking if he had any funds for the vocation work of the French Sector of DAC. No response to this letter was received.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, p. 34, Vol. 269, p. 218, l. 9-18.

Exhibit 2052, Letter from Bishop LaRocque to Gilles Deslauriers, dated June 12, 1986.

573. On November 6, 1986, Jacques Jobin prepared a Confidential Report, which indicated that once the criminal proceedings were over, Deslauriers could go back to ministry. Bishop LaRocque testified he had this report when the excommunication discussions became heated up.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 189-190.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 287-286-287.

Exhibit 79, Confidential Report of Jacques Jobin, dated November 6, 1986.

574. On November 10, 1986, Gilles Deslauriers was placed on two years probation. The conditions of probation were:

- To attend for treatment/assessment as may be required, upon such schedule as may be arranged by the Probation Officer or designate, Mr. Jacques Jobin and Dr. Francine Grondin.
- That he conform to the instructions of Msgr. Adolphe Proulx in order to ensure that Msgr. Adolphe Proulx can have an efficient supervision of the accused.

Exhibit 1805, Certified Copy of Probation Order, dated November 10, 1986.

575. Bishop LaRocque testified that he became aware of Gilles Deslauriers' probation order and that supervision of Gilles Deslauriers was to be assumed by Bishop Proulx. In practical terms, this put Deslauriers into Bishop's Proulx's hands. Bishop LaRocque did not

know this condition had been requested, but learned of it when the probation order came out.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 287-289.

576. One of the main recommendations of the Ad Hoc Committee Report and of Fathers Menard, Bisailon and Vaillancourt was that Gilles Deslauriers not return to ministry until a psychologist made that recommendation. This was embodied in Jacques Jobin's Report of November 6, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 289-290.

Exhibit 72, Bates 075, Ad Hoc Committee Report.

Exhibit 79, Confidential Report of Jacques Jobin.

Exhibit 2005, Letter from Bishop Proulx to Bishop LaRocque, dated June 20, 1986.

577. Around November 1986 Bishop LaRocque received a Memo from Gordon Bryan regarding a vocational fund. Apparently, Gilles Deslauriers had a large fund of money for vocations which had not been returned. Bishop LaRocque spoke to Gilles Deslauriers and also wrote to him on November 10, 1986. On December 17, 1986, Gilles Deslauriers wrote to Bishop LaRocque and enclosed a cheque. Bishop LaRocque testified he did not recall the amount of the cheque. He says that DAC did not receive any significant amount of money back from Deslauriers.

Evidence of Bishop LaRocque, Vol. 265, p. 36, l. 3-9, pp. 37-39, 59-62, 216, l. 23-24.

Evidence of Bishop LaRocque, Vol. 269, p. 216, l. 23-24.

Evidence of Gordon Bryan, CPI Transcript Vol. 260, pp. 78-79.

Evidence of Gordon Bryan, CPI Transcript Vol. 261, pp. 64-65.

Exhibit 1958, Letter from Bishop LaRocque to Gilles Deslauriers, dated November 10, 1986.

Exhibit 1957, Memo from Gord to Excellency, undated.

Exhibit 2056, Letter from Gilles Deslauriers to Bishop LaRocque dated December 17, 1986.

Exhibit 1959, Letter from Bishop LaRocque to Gilles Deslauriers, dated December 24, 1986.

578. DAC states that any money received from Gilles Deslauriers for the Vocation Fund – French Sector was not significant, which is consistent with the Statement of Changes in Trust Funds for the year ending December 31, 1986, where there is no record of any significant amount being deposited in 1986. This also explains why Gordon Bryan had no memory of receiving these funds.

Exhibit 1960, Administration Fund, Statement of Changes in Trust Funds, Year Ended December 31, 1986.

579. On December 9, 1986, Bishop LaRocque wrote to Bishop Proulx enclosing his Act of Excardination, dated December 9, 1986, which contained conditions for the receiving Bishop. Bishop LaRocque also did not want Deslauriers exercising ministry in a parish near DAC. A copy was sent to Gilles Deslauriers on December 10, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, p. 45-54.

Exhibit 2053, Letter from Bishop LaRocque to Bishop Proulx, dated December 9, 1986.

Exhibit 1851, Act of Excardination from the Diocese of Alexandria-Cornwall to Gilles Deslauriers.

Exhibit 2054, Letter from Bishop LaRocque to Gilles Deslauriers, dated December 10, 1986.

580. From December 16, 1986 to January 21, 1987, Bishops Proulx and LaRocque exchanged correspondence regarding whether or not an Act of Excardination could be subject to conditions. Bishop LaRocque testified he maintained his original position regarding his Act of Excardination, until January 21, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 54-58, 64-67.

Exhibit 2055, Letter from Bishop Proulx to Bishop LaRocque, dated December 16, 1986.

Exhibit 2057, Handwritten note from Thérèse to Bishop LaRocque, dated December 19, 1986.

Exhibit 2058, Letter from Bishop LaRocque to Bishop Proulx dated December 24, 1986.

Exhibit 1959, Letter from Bishop LaRocque to Gilles Deslauriers, dated December 24, 1986.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 67-71.

Exhibit 2059, Letter from Bishop Proulx to Bishop LaRocque, dated January 15, 1987.

Exhibit 2060, Letter from Bishop LaRocque to Gilles Deslauriers dated January 21, 1986.

581. On February 18, 1987 Bishop LaRocque wrote to Gilles Deslauriers. He told him certain young people were undergoing psychological treatments and DAC was committed to paying for it. Bishop LaRocque testified that young people were undergoing therapy at the cost of DAC. Bishop LaRocque also testified he offered treatment to the young people he met.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 285-286.

Exhibit 2178, Letter from Bishop LaRocque to Gilles Deslauriers.

582. Bishop LaRocque ultimately accepted the Canon Law view that he could not excommunicate with conditions, and on February 8, 1987 an unconditional Act of Excommunication was signed. A copy was sent to Bishop Proulx.

Exhibit 1852, Act of Excommunication from the Diocese of Alexandria-Cornwall, dated February 8, 1987.

583. Bishop LaRocque testified that in February 1987, Gilles Deslauriers was incardinated in the Diocese of Hull, and that terminated any relationship with DAC.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 71-72.

584. DAC and Bishop LaRocque submit the Act of Incardination was dated February 23, 1987 (#118917) and the letter from Bishop Proulx to Bishop LaRocque, enclosing it was dated February 23, 1987 (#1189916). Accordingly, Gilles Deslauriers was excommunicated from DAC and incardinated in the Diocese of Gatineau-Hull on February 23, 1987. Although Commission counsel indicated on the record that he did not have the Act of Incardination, it can be found in the CPI document data base and its assigned document number follows sequentially all other documents marked as Exhibits during Bishop LaRocque's examination in-chief concerning the excommunication and incardination of Gilles Deslauriers.

585. Bishop LaRocque testified that when Bishop Proulx died in 1987, Deslauriers went to the Diocese of St. Jerome, Quebec. At some point, Bishop LaRocque warned the Bishop in St. Jerome about Gilles Deslauriers.

g) Events in 2002

586. Mrs. Brisson testified she requested a meeting with Bishop LaRocque. At that time she offered her property as collateral in exchange for a loan so her son, Benoît Brisson, could see a psychologist. She testified Gordon Bryan was present at this meeting, and that Bishop LaRocque refused to provide assistance. Her evidence is that Bishop LaRocque told her DAC was not a bank. This was the last time she spoke to Bishop LaRocque.

Evidence of Lise Brisson, CPI Transcript Vol. 53, pp. 145-146

587. Bishop LaRocque testified that just prior to his departure from DAC he had a discussion with Mrs. Brisson at which time she requested the sum of \$30,000 to establish her son, Benoît Brisson in business. There was never any discussion concerning DAC paying the cost of therapy for Benoît. Bishop LaRocque consulted his administrator, Gordon Bryan and they both agreed it was not the promise they had made. Further, Gordon Bryan offered to go to the bank with her to assist her in obtaining a loan.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 7-8.

Evidence of Bishop LaRocque, CPI Transcript Vol. 271, pp. 108-109.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 19-20.

588. Gordon Bryan testified that around the year 2002, Bishop LaRocque called him on the phone, and asked him to come up to his office, at which time he was introduced to Mrs. Brisson. Bishop LaRocque and Mrs. Brisson had already had discussions prior to Gordon Bryan's arrival. Then, Bishop LaRocque asked Gordon Bryan if DAC could look after a mortgage for Mrs. Brisson.

Evidence of Gordon Bryan, CPI Transcript Vol. 260, pp. 89-90

Evidence of Gordon Bryan, CPI Transcript Vol. 261, pp. 119-120.

589. Gordon Bryan testified these funds were requested for a business. He said that although he never knew the amount was \$30,000, he assumed it was for the total mortgage on the truck farm and house. Providing funds for the cost of therapy for Mrs. Brisson's son was never discussed. Gordon Bryan informed Bishop LaRocque DAC was not a banking institution and, as result, normally could not advance funds on a mortgage. He offered to accompany Mrs. Brisson to the Caisse populaire where DAC banked, and assist her in obtaining a mortgage. She never replied.

Evidence of Gordon Bryan, CPI Transcript Vol. 260, p. 89-90.

590. In re-examination, Commission counsel Mrs. Brisson was asked if it was true that she went back to see Bishop LaRocque to ask for financing for counselling. Mrs. Brisson testified she went once in person, and the second time was a telephone conversation with Bishop LaRocque shortly before he left DAC, it was maybe three to three one-half years ago. At that time Bishop LaRocque told her he had done everything he could for her, and could not do anything further for her.

Evidence of Lise Brisson, CPI Transcript Vol. 56, pp. 120-121.

591. During Gordon Bryan's cross-examination, he was asked if he was aware that Mrs. Brisson testified that in addition to the meeting with Bishop LaRocque, she estimated three to three and a half years later, she telephone Bishop LaRocque and again asked him for financial assistance, Gordon Bryan testified he never discussed this with Bishop LaRocque at any point. Bishop LaRocque testified to one contact, and Commission counsel did not explore with him a second contact.

Evidence of Gordon Bryan, CPI Transcript Vol. 261, p. 124, l. 10-19.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, pp. 7-8

592. DAC was not able to cross-examine Mrs. Brisson on her allegation of a phone call after the meeting, since it was raised by Commission counsel in reply.

Evidence of Bishop LaRocque, CPI Transcript Vol. 264, pp. 19-20.

593. It is submitted that there is no foundation for the position that Mrs. Brisson sought a mortgage for therapy as opposed to a business. The cost of weekly or monthly therapy would not, it is submitted, require a mortgage on one's home and chattels. Therefore, it is submitted that Mrs. Brisson requested a mortgage to establish her son in business and did not ask for a mortgage to cover the cost of therapy.

(iv) Cooperation with the Cornwall Police Force Investigation

594. DAC and Bishop LaRocque state that at no time did DAC or Bishop LaRocque intentionally attempt to impede or withhold information or document(s) from the CPS.

595. There is no evidence indicating any of the employees of DAC failed to cooperate with the CPS regarding their investigation into allegations of inappropriate conduct by Gilles Deslauriers, nor that any of them intentionally attempted to withhold information or document(s). All employees of DAC who testified said they cooperated with the CPS.

596. Father Vaillancourt testified that he spoke and met with the investigating officers, and attended at the police station and provided a statement, when requested. He was interviewed on May 26, 1986, and a statement was taken on June 16, 1986.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, 66, I. 2-6, Vol. 250, p. 26.

Exhibit 1886, Will State of Father Vaillancourt from a Statement given to the CPS on June 16, 1986.

Exhibit 1785, Bates 470, 473, Will State of Sergeant Ron Lefebvre.

Exhibit 1883, Bates 461, 464, Will State of Constable Herb Lefebvre.

597. Msgr. Réjean Lebrun testified that he met with the investigating officers and provided a statement. Further, the CPS attended the St-Jean-de-Bosco parish to take photographs and measurements. There is no evidence to suggest that Msgr. Réjean Lebrun impeded the police officers in the carrying out of their duties. He was interviewed on May 28, 1986, and a statement was taken on June 10, 1986.

Evidence of Msgr. Réjean Lebrun, CPI Transcript Vol. 258.

Exhibit 1935, Will State of Msgr. Réjean Lebrun from a Statement given to the CPS on June 10, 1986.

Exhibit 76, Case History in *R. v. Gilles Deslauriers*.

Exhibit 1883, Bates 463, Will State of Constable Herb Lefebvre.

Exhibit 1785, Bates 472, Will State of Sergeant Ron Lefebvre.

598. Several other members of the clergy of DAC were either contacted, interviewed, and in some cases a statement obtained. There is no evidence to suggest any of them failed to cooperate with the CPS, or attempted to impede their investigation.

Exhibit 76, Case History in *R. v. Gilles Deslauriers*.

Exhibit 1785, Will State of Sergeant Ronald Lefebvre.

Exhibit 1883, Will State of Constable Herb Lefebvre.

599. Jacques Leduc testified that he assisted the CPS in their investigation. He testified he attended interviews with members of the clergy.

Evidence of Jacques Leduc, CPI Transcript Vol. 256.

Exhibit 76, Case History in *R. v. Gilles Deslauriers*.

Exhibit 1925, bp. 7158997.

600. He told the CPS that he had been appointed Chairman of the Ad Hoc Committee, that the purpose was to interview possible victims/parents, and render assistance when needed, and submit their findings and recommendations to the Bishop. The Ad Hoc Committee was constituted on April 3, and started hearing evidence from the witnesses on April 15, 1986. Hearings continued once a week for approximately six weeks when they ended on May 16, 1986. Gilles Deslauriers was asked to attend before the Ad Hoc Committee by Msgr. Guindon but refused on the basis that he did not recognize the jurisdiction of the Ad Hoc Committee. He told officers the report was confidential.

Exhibit 72, Report of the Ad Hoc Committee, dated May 23, 1986.

Exhibit 2032, Letter from Bernard Menard to Bishop LaRocque dated March 30, 1986.

Exhibit 72, Bates 108, Ad Hoc Committee Report.

Exhibit 1785, Bates 470, Will State Sergeant Ronald Lefebvre.

Exhibit 1883, Bates 461-462, Will State Constable Herb Lefebvre.

601. On May 27, 1986, following the interview with Msgr. Guindon, the investigating officers had a interview with Bishop LaRocque at his office, the Diocesan Centre. He provided them with the following information:

- Bishop LaRocque acknowledged that Gilles Deslauriers had a very forceful character and that the man could manipulate people.
- The Bishop felt that Gilles Deslauriers could also manipulate him.
- He stated that he had spoken with Gilles Deslauriers and that Gilles Deslauriers claimed that it was a “therapy.” This was understood by officers to mean that the Bishop said he had been told by Deslauriers that Deslauriers admitted to sexual contact, but described it as therapy.

Evidence of Claude Shaver, CPI Transcript Vol. 244, pp. 39-43.

- The Bishop’s opinion was that Gilles Deslauriers may believe that he did not have a problem.
- Due to the fact that the Brissons were not an isolated case and that there were others, Bishop LaRocque transferred Deslauriers with recommendations.
- The Bishop told officers that he had a large report arising from the Diocese interviews of witnesses through a Committee. He told them it was stored at 220 Montreal Road. He told them it was 180 pages long, but that it was confidential.

602. On June 16, 1986, Mr. Jacques Leduc, Constable H. Lefebvre and Sergeant Ron Lefebvre attended at Bishop LaRocque’s residence. He did not want to provide a written statement although he had already given officers significant information. Bishop LaRocque also stated that he did not want to lose the trust of his priests. He recognized in his CPI evidence that this was not the right approach. Bishop LaRocque was later given a summons to appear as a witness at the Deslauriers Preliminary Inquiry. He responded to the

summons and went to the proceeding, but was not called. The suggestion that he would have refused to answer questions was therefore never put to the test.

603. Mrs. Brisson testified that she consented, at the suggestion of the CPS, to have a listening device placed in her purse when she met with Bishop LaRocque at his residence. As a result of this meeting the CPS concluded there was nothing troublesome in Bishop LaRocque's statements and conduct. Mrs. Lise Brisson said:

Mr. MANDERVILLE: And I take it, as a consequence of that meeting, the police concluded that there was nothing untoward in the statements or conduct of the bishop?

Mme BRISSON: C'est ça.

Evidence of Lise Brisson, CPI Transcript Vol. 56, p. 57-60.

604. Mrs. Lise Brisson testified during her cross-examination that when she consented to having a listening device placed in her purse for her meeting with she no concerns that Bishop LaRocque may possibly be exerting undue influence upon witnesses or victims of Gilles Deslauriers.

605. Father Vaillancourt testified that all young people he met with or spoke to, did so in confidence. They did not wish Father Vaillancourt to disclose the substance of their discussions to anyone. Those who attended before the Ad Hoc Committee to give evidence, under oath did so on the understanding that it was in confidence.

Evidence of Father Vaillancourt, CPI Transcript Vol. 250, pp. 65-66.

606. Mrs. Brisson testified both before the CPI, and before the Ad Hoc Committee that she wanted the allegations made by her son, Benoît Brisson to be dealt with only within the Church. Father Menard also testified parents and victims wanted the matters of Gilles Deslauriers inappropriate contact with young people to be handled within the Church.

Evidence of Lise Brisson, CPI Transcript Vol. 53, pp. 142-144.

607. DAC states that the question of reporting to the police was therefore influenced by the wishes and requests of parents and victims involved with whom DAC had contract.

Each of these people had the right to go to the police. They were not, it is submitted, influenced or encouraged not to go to police by DAC. While there was no legal obligation for DAC to involve the police, DAC acknowledges that it should have shown better leadership and involved the authorities at an early stage.

608. On July 4, 1986, Gilles Deslauriers attended at the CPS station and surrendered to the CPS. He was placed under arrest. Following his arrest and processing, he was brought before the Court, and released on a Promise to Appear on July 8, 1986. The Preliminary Hearing was held on September 15, 16, 17 and 18, 1986.

Exhibits 71A, Transcript from the Preliminary Hearing in *R. v. Deslauriers*.

Exhibit 71B, Transcript from the Preliminary Hearing in *R. v. Deslauriers*.

Exhibit 71, Transcript from the Preliminary Hearing in *R. v. Deslauriers*.

609. DAC gave no instructions to Jacques Leduc to interfere with witnesses and he did not interfere with any witnesses' evidence.

610. Bishop LaRocque testified he did not attend the Preliminary Hearing at any time. He also testified that he believed Jacques Leduc was present at the Preliminary Hearing, and that he gave Jacques Leduc no instructions [whatsoever] in that regard.

Evidence of Bishop LaRocque, CPI Transcript Vol. 265, p. 23, l. 13-21.

(v) Reporting to the CAS, Police and the School Board

a) Reporting to the CAS

611. DAC contends that in 1986 there was no duty to report allegations of sexual abuse to the Children's Aid Society (hereinafter "CAS"), where a person was over 16 years of age.

612. The definition of a "child" in child welfare legislation from the 1960s through the 1980s refers to a child "under sixteen years of age."

Policies and Practices of Child Welfare Agencies in Response to Complaints of Child Sexual Abuse 1960 – 2006, A Report to the Cornwall Public Inquiry, Final Report, Stalker, Carol A., Topham, Amanda, Barbour Maxine, Fode, Natalie, Faculty of Social Work, Wilfrid Laurier University, September 2007, pp. 31-32, pp.

613. DAC states that none of the people who disclosed alleged abuse by Gilles Deslauriers were under 16 years of age. No evidence was led to suggest that any of these young people were under 16 years of age.

614. Father Vaillancourt testified that young people who participated in R3 were between the ages of 17 and 25 years old.

Evidence of Father Vaillancourt, CPI Transcript Vol. 249, p. 32, l. 4-12.

615. Father Menard testified that at the time they had 8 names. To his knowledge all youths were 23, 24 years of age. He testified before the Ad Hoc Committee that none of the people were minors.

Evidence of Father Menard, CPI Transcript Vol. 263, p. 20, l. 6-18, pp. 175, l. 6-11

Exhibit 72, Bates 113, Evidence of Father Menard on April 15, 1986, Ad Hoc Committee Report.

616. Moreover, on February 13, 1986, Gilles Deslauriers left the jurisdiction and did not return. There was no duty to report to the CAS.

Evidence of Benoît Brisson, CPI Transcript Vol. 55, pp. 167-170.

B. Charles MacDonald & the David Silmser Case

617. It is submitted that the evidence demonstrates that DAC reacted properly to the David Silmser allegations. With no prior knowledge that Charles MacDonald had any problems, DAC received the Silmser complaint, met with Charles MacDonald and David Silmser, who was offered counselling. Mr. Silmser didn't want counselling; he wanted money. Ultimately, a settlement took place which contained an illegal provision. This took place without Bishop LaRocque's or DAC's knowledge and contrary to its instructions. When these issues came to light, DAC cooperated to the fullest extent with all authorities.

(i) No Prior Knowledge

618. There is no evidence that DAC knew or ought to have known that Charles MacDonald was abusive, or posed a risk of abusing young people in advance of the David Silmser allegations being made in December 1992.

619. Msgr. McDougald stated that he had never heard of complaints being made about Charles MacDonald during the entire period he lived in the same rectory at St. Columban's. This was over ten years.

Statement of Msgr. McDougald dated February 1994, Exhibit 2097, Bates 741.

Msgr. McDougald's OPP Statement dated October 1994, Exhibit 1891, Bates 174 and 180.

620. Msgr. McDougald stated that he had spoken to other priests and was told by them that they were not aware of any concerns about Charles MacDonald.

Msgr. McDougald's OPP Statement dated May 2000, Exhibit 2439, Bates 156.

621. None of the employees of DAC who testified at the CPI indicated that they had, prior to the David Silmser case, been aware of any complaints against Charles MacDonald.

622. The only incident reported by any identifiable person about which DAC had knowledge related to a complaint by a 28-year old man. This individual said that he had been "approached" by Charles MacDonald on a holiday in Ireland, but that he had

rebuffed the overture. No evidence of force, violence or any other inappropriate behaviour was disclosed.

Msgr. McDougald's Statement dated February 1994, Exhibit 2097, Bates 741.

623. While this incident may have suggested that Charles MacDonald had a different sexual orientation, it did not suggest non-consensual contact, abuse, abusive relationships or abusive tendencies.

624. Bishop LaRocque testified that it was his recollection that he learned about the 28-year old individual's complaint after the David Silmsler allegations had surfaced. It is submitted that it was only after the David Silmsler complaint became known to DAC that it became aware of the allegations of the 28-year old man.

Evidence of Bishop LaRocque, CPI Transcript Vol.268, p.48, l.1.

625. When Bishop LaRocque was examined for discovery in 1995, he was unequivocal that he had no prior knowledge (prior to the David Silmsler case) of complaints of homosexual advances by Charles MacDonald. The Bishop said:

Q: Bishop, did you know anything about prior complaints of homosexual advances having been made against Father MacDonald prior to the Silmsler allegations?

A: No. I have stated that already.

Evidence of Bishop LaRocque, Examination for Discovery, December 1995, Exhibit 1889, p.177, l.1-8, Bates 532.

626. He was equally clear when he gave evidence at the CPI that he had never received prior complaints about Charles McDonald.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.16, l.10-15.

627. In fact, speaking about this very issue, Msgr. McDougald said, in 1994, that "the Bishop recently met the person in question when the other incidents came up." This evidence suggests, it is submitted, that Bishop LaRocque only became aware of the allegation of the 28-year old man at or around the time he learned of the "other incidents"

from Claude Shaver on October 7, 1993 and, in any event, between October 7, 1993 and before February 1994 when Msgr. McDougald gave the statement.

Msgr. McDougald's Statement dated February 1994, Exhibit 2097, Bates 741.

628. Msgr. McDougald could not even be specific about when he, himself learned of the 28-year old man's allegation concerning Charles MacDonald. In Msgr. McDougald's February 1994 statement, he suggested it was some time in 1991 or 1992. Yet on his more lengthy statement to the OPP in October 1994, he said that:

Now if there were others [referring to possible complaints about Charles MacDonald], the only one that we were, I was aware of at that particular time until the settlement – was David Silmsner.

[emphasis added]

Msgr. McDougald's OPP Statement dated October 1994, Exhibit 1891, Bates 179-180.

629. Msgr. McDougald went on to say that it was about a year previously, "because of information given to me about a person, was probably 28 years old" that he learned of the information. It is submitted that Msgr. McDougald was referring to a date a year previous to the date of his October 1994 statement. That would be both consistent with his earlier evidence, when he said he was not aware of any complaints prior to David Silmsner. It would also be consistent with the evidence of Bishop LaRocque who contended that it was his recollection that the 28-year old man's concerns did not surface or come to his attention until after the David Silmsner allegations had become known.

Msgr. McDougald's OPP Statement dated February 1994, Exhibit 2097, Bates 740.

630. Msgr. McDougald stated in his February 1994 statement,

We were never apprised of other complaints, and would never have pursued a settlement had we been so appraised.

Msgr. McDougald's OPP Statement dated October 1994, Exhibit 1891, Bates 179-182.

631. The only other allegation that was raised was the subject of an anonymous phone call which Msgr. McDougald mentioned. There is no evidence, nor was any tendered, that that phone call identified or detailed any specific allegations or any circumstances which would raise concerns in a specific way.

Msgr. McDougald's OPP Statement dated October 1994, Exhibit 1891, Bates 182-183.

632. Even assuming either of these events took place before David Silmsen made his allegations, neither could realistically be suggestive of some identifiable problem with Charles MacDonald, particularly after what appeared to be 25 years of unblemished service. To conclude otherwise on this point would, it is submitted, amount to reconstruction based purely on hindsight.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.19, l.5-25.

633. Therefore, it is submitted DAC had no material knowledge or information about Charles MacDonald which should have caused it to act at an earlier time or which would have exacerbated any concerns that arose when the David Silmsen allegation was first made in December 1992.

(ii) First Contact with David Silmsen & the Issue of Reporting to the CPS & CAS

634. DAC contends that after it came into contact with David Silmsen, DAC properly handled his complaint. DAC learned that Mr. Silmsen's complaint had been reported to police. Therefore, DAC was under no obligation to report it to the CPS. As well, there was no obligation to report the allegation to the CAS.

635. It is submitted that the first contact David Silmsen had with DAC was through Msgr. Peter Schonenbach of the Archdiocese of Ottawa (hereinafter Schonenbach) in December 1992. Although there was a reference to a call being received by Msgr. Guindon of DAC, that call, if it happened, was likely within hours or days of Mr. Silmsen contacting Schonenbach.

636. For example, Jacques Leduc's February 1994 statement stated that in "December 1992," Msgr. Guindon told him that a "complainant had called alleging sexual abuse by Charlie MacDonald" and that Msgr. Guindon told the complainant to take his complaint to Ottawa.

Statement of Jacques Leduc, February 1994, Exhibit 1888, Bates 743.

637. This suggested conversation has no date other than December 1992. Therefore it must have occurred between December 1 1992 and December 9, 1992, the day before Schonenbach met Mr. Silmsler in Ottawa.

Exhibit 311.

638. Moreover, it is important to note that during his evidence at the CPI, Mr. Silmsler never testified about speaking with Msgr. Guindon. His evidence was that the first contact he had with a church official was Schonenbach. This was in fact Mr. Silmsler's evidence notwithstanding a detailed examination in-chief on this very subject.

Evidence of David Silmsler, CPI Transcript Vol.85, pp.79-92.

639. Mr. Silmsler testified specifically under cross-examination by Mr. Wardle that the first contact with any church official was with Schonenbach and thereafter Mr. Silmsler was referred to Msgr. McDougald.

Evidence of David Silmsler, CPI Transcript Vol.87, p.173, l.1-12.

640. Mr. Silmsler was cross-examined extensively on his first contacts with church officials by counsel for DAC and never raised the subject of Msgr. Guindon.

Evidence of David Silmsler, CPI Transcript Vol.90, p.26-34.

641. In any event, all that Bishop LaRocque said about this issue was that some call came into DAC in his absence and that it was received by Msgr. Guindon. No specifics were identified. Bishop LaRocque testified in an examination for discovery in 1995 that he received no report about any details, but simply told Msgr. Guindon that if there was a complaint, to refer to Msgr. McDougald.

**Transcript of the Examination for Discovery of Bishop LaRocque,
December 1995, Exhibit 1889, p.175, Bates 530.**

642. If the information Mr. Leduc relayed is accurate, all it means is that within days of the Schonenbach/Silmser meeting on December 10, 1992, Msgr. Guindon may have mistakenly sent Mr. Silmsler to the Ottawa Archdiocese because he lived in Ottawa. Harmless enough, and not inconsistent with the protocol.

Evidence of Bishop Eugene LaRocque, CPI Transcript Vol.266, p.199.

643. However, another suggestion emerged in the notes of Schonenbach produced for the very first time while he was actually testifying at the CPI. These notes suggested that Mr. Silmsler was turned away from DAC by Msgr. Guindon, who "what do you expect me to do about it?" Schonenbach's notes were not available when Mr. Silmsler testified and he did not substantiate these allegations. He never even mentioned Msgr. Guindon.

Notes of Schonenbach, Exhibit 1948.

644. Bishop LaRocque denied, when he testified at the CPI, ever having been told that Mr. Silmsler approached DAC and was turned away by Msgr. Guindon, who said "what do you expect me to do about it?"

Evidence of Bishop LaRocque, CPI Transcript Vol.266, p.197.

645. Since the Schonenbach notes were not available when David Silmsler testified, and he did not complete his evidence, there is no basis to make a finding that DAC received a complaint from David Silmsler and turned it away, using the language attributed to Msgr. Guindon. This triple hearsay could not be tested in the cross-examination of David Silmsler by DAC counsel and therefore cannot form the basis of any legal finding by the Commission.

646. In fact, the first real information that DAC received about David Silmsler was the December 11, 1992 letter Schonenbach to Msgr. McDougald.

Exhibit 311.

647. That letter indicated that Schonenbach had spoken to David Silmsen the day before. Schonenbach's evidence was that he called DAC, spoke to Denis Vaillancourt, who told him that the complaint should be directed to Msgr. McDougald, who was the Bishop's delegate.

Exhibit 311.

Exhibit 1948, Schonenbach's notes.

648. The December 11, 1992 letter summarized the Silmsen complaint. Although the letter stated that Mr. Silmsen only wanted an apology, Schonenbach was specific in the letter, saying that that was only "for starters."

Exhibit 311.

649. Based on Mr. Silmsen's alleged desire for an apology, a consistent theme of questioning emerged in examination plans of Commission Counsel. This theme attempted to establish that Mr. Silmsen only ever wanted an apology as opposed to damages. That suggestion was unbalanced and inconsistent with the neutrality to be expected of Commission Counsel. It was also inconsistent with the very first report of what Mr. Silmsen actually wanted and with many of his subsequent utterances as well as his whole pattern of behaviour with respect to Charles MacDonald and Ken Seguin. While there is nothing wrong with wanting damages, there is something wrong with falsely suggesting damages were never sought nor desired. Mr. Silmsen's credibility on this point, it is submitted, was badly compromised.

650. After DAC received the Exhibit 311 letter from Schonenbach, a number of things happened:

- (a) Msgr. McDougald met with Charles MacDonald as the protocol required. He put Silmsen's allegations to Charles MacDonald, who denied them. Charles MacDonald retained a lawyer.

Overview of Documentary Evidence (ODE) of Msgr. McDougald, Exhibit 2135, p.4, para.15.

- (b) Msgr. McDougald, as required by the protocol, spoke to David Silmser, whom he called on the telephone. David Silmser repeated the same allegations he had made and which were summarized in the Schonenbach Exhibit 311 letter. The protocol did not require a specific form of meeting.
Statement of Msgr. McDougald, October 1994, Exhibit 1891, Bates 167.
- (c) David Silmser admitted it was possible he had phone discussions with Msgr. McDougald about his complaint before the February 9, 1993 meeting.
Evidence of David Silmser, CPI Transcript Vol.86, p.26, l.9.
- (d) Charles MacDonald's lawyer wrote to Msgr. McDougald on December 21, 1992. The Silmser allegations were denied again. Malcolm MacDonald stated that Silmser had a bad character and a criminal record. He requested a sworn statement and raised the possibility of a polygraph. That letter was passed on to Schonenbach.
Exhibit 312.
Exhibit 313.
- (e) Schonenbach testified that he spoke with Silmser, put the information in Malcolm MacDonald's letter to Silmser, who rejected Malcolm MacDonald's request. Schonenbach wrote back to Malcolm MacDonald and told him that Silmser would, under the circumstances, not cooperate and was going to the police (this is an important point since Silmser had already gone to the police but, it is submitted, was untruthful about this to Schonenbach as well as DAC).
Exhibit 313.
Evidence of Schonenbach, CPI Transcript Vol.259, p.156.
- (f) Schonenbach admitted that if anyone was critical about David Silmser's character at this time, it was possible that it was Malcolm MacDonald because the criticisms he remembers were consistent with those in Malcolm

MacDonald's Exhibit 312 letter. Schonenbach could not identify anyone at DAC who was critical of David Silmsler at this time.

Evidence of Schonenbach, CPI Transcript Vol.259, p.156, l.3.

- (g) Because of the intervening Christmas period, a meeting was scheduled with Silmsler for February 9, 1993 for further discussions with him. Mr. Silmsler expressed no concern about this and admitted that he was contacted by Msgr. McDougald to set up a meeting.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 166-167.

Evidence of David Silmsler, CPI Transcript Vol.86, p.11, l.6.

- (h) Msgr. McDougald briefed the Bishop about developments as they progressed, including the February 9, 1993 meeting which took place.

Msgr. McDougald's OPP Statement dated October 1994, Exhibit 1891, p.5, Bates 168.

Evidence of Bishop LaRocque, CPI Transcript Vol.261, pp.10-12.

651. At the February 9, 1993 meeting:

- (a) David Silmsler was told the purpose of the meeting was to ascertain details of his complaint, to provide him with help and to report to the Bishop.

Statement of Jacques Leduc, Exhibit 1888, Bates 743.

- (b) David Silmsler recounted allegations of abuse by Charles MacDonald.

Statement of Jacques Leduc, Exhibit 1888, Bates 744.

Notes by D. Vaillancourt "Case of C.F. MacDonald," Exhibit 1853.

- (c) David Silmsler's allegations were vague and lacked detail.

Statement of Denis Vaillancourt, January 2000, Exhibit 318, p.3, Bates 862.

- (d) David Silmsler was asked for detail and specifics which he refused or was unable to provide. He became agitated.

Statement of Jacques Leduc, Exhibit 1888, Bates 744.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 167.

Typed Notes of Heidi Sebalj, Exhibit 297 at p.464, February 9, 1993 entry where she records David Silmsler as saying “They wanted V [victim] to provide details of the assault.”

- (e) David Silmsler was offered “psychological help and any other help he needed.”

Notes by D. Vaillancourt “Case of C.F. MacDonald,” Exhibit 1853.

Typed Notes of Heidi Sebalj, Exhibit 297 at p.464, February 9, 1993 entry where she records David Silmsler as saying “Was offered psychological help.”

Statement of Jacques Leduc, Exhibit 1888, Bates 745.

Statement of Denis Vaillancourt, June 2000, Exhibit 318, p.3, Bates 862.

- (f) David Silmsler did not deny the offer of help when he testified at the CPI.
Evidence of David Silmsler, CPI Transcript Vol.90, p.86.

- (g) David Silmsler said he had the “best lawyers in Ottawa,” implying he intended to sue DAC and Charles MacDonald.

Statement of Jacques Leduc, Exhibit 1888, Bates 744-745.

- (h) David Silmsler said that he was either going to the police or had already been to the police already.

Statement of Jacques Leduc, Exhibit 1888, Bates 744.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 168.

652. Even if David Silmsler did not specifically say that he had already been to the police and only suggested that he was going to go; it was confirmed to DAC within days that a police investigation was underway and that he had reported to police. Msgr. McDougald stated that he was told by Malcolm MacDonald that a police investigation was underway.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 168.

653. There is no doubt that Malcolm MacDonald was well aware that a police investigation was underway.

March 5, 1993 Letter to Heidi Sebalj from Alan Sauve which indicates Malcolm MacDonald knew of the investigation, Exhibit 1923, Bates 1303.

March 16, 1993 Letter to Heidi Sebalj from Robert Meilleur, copied to Malcolm MacDonald, Exhibit 1923, Bates 1305.

654. The letters of March 1993 to Ms. Sebalj copied to Malcolm MacDonald at Exhibit 1923 fix Malcolm MacDonald with knowledge of the police investigation. These letters were delivered by Jacques Leduc to the CAS. This means that they were given by Malcolm MacDonald to Jacques Leduc. The CAS date stamps on the letters indicate that the documents were received from Jacques Leduc.

March 5, 1993 Letter to Heidi Sebalj from Alan Sauve which indicates Malcolm MacDonald knew of the investigation, Exhibit 1923, Bates 1303.

March 16, 1993 Letter to Heidi Sebalj from Robert Meilleur, copied to Malcolm MacDonald, Exhibit 1923, Bates 1305.

655. In fact, in Jacques Leduc's statement, he said:

Sometime after the initial meeting with the complainant, I had my first contact with Malcolm MacDonald on this subject. I was advised by him there was an ongoing criminal investigation and that Malcolm MacDonald was monitoring it through his contacts with investigators, one of whom I believe was a constable whose first name was Heidi.

Malcolm MacDonald also told me that police were following two leads that had been provided by the complainant. However, the statements obtained from these persons, one of whom was a detective, were both glowing appraisals of Father Charles and denying any allegations of past problems in their dealings with him. I received copies of these letters from Malcolm MacDonald and forwarded them to the Diocese. Malcolm MacDonald did not advise me of any other complaints that had been made against Father Charles.

Statement of Jacques Leduc, February 1994, Exhibit 1888, Bates 746.

656. Msgr. McDougald said in his October 1994 statement to the OPP:

Malcolm made me aware, either the police gave him information. And I was made aware of these in a long letter written by, ah, by the name of Alan Sauve.

Statement of Msgr. McDougald to OPP, October 1994, Exhibit 1891, Bates 179.

657. Thus it is that DAC had knowledge of the police investigation of Charles MacDonald triggered by Mr. Silmsler within days of the February 9, 1993 meeting.

658. Therefore, DAC did not report the matter to the CPS because it had specific knowledge that Mr. Silmsler had gone to the CPS, lodged his complaint and that an investigation was ongoing. As Msgr. McDougald said,

I didn't act any further. I told, I made the Bishop aware of what transpired, and ah, also, ah, told him the attitude of David was at the particular meeting, and that he had stated that he was going to the police. The local Cornwall police. I became aware of the fact that he had done so subsequently, through Charlie's lawyer...Malcolm had made me aware of this fact had taken place because he had been in contact with the police.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 168.

659. In terms of a report to the CAS, Msgr. McDougald candidly stated that the reason DAC did not report the matter to the CAS was because:

I think I assumed if he was taking his complaint to the police, they would see to it that the CAS was advised....we did not...go to the CAS because we knew he had already gone to the police and assumed everything required would be done.

February 1994 Statement of Msgr. McDougald, Exhibit 2097, Bates 739-740.

660. Moreover, as representatives from DAC testified, they were not even sure that there was a requirement to report to the CAS since Mr. Silmsler was not a minor at the time he made his complaint. As Msgr. McDougald said, "there was some doubt about whether we had to or not under the CAS policy."

February 1994 Statement of Msgr. McDougald, Exhibit 2097, Bates 739.

661. On the issue of reporting to the CAS, Bishop LaRocque testified in his examination for discovery:

On that last point, I must say that there was some confusion both with the lawyers and with the police, I think. It was not clear, at least in my mind, and from them as well, whether the minor as involved

was a minor presently or a minor back 30 years or 20 years ago. That's been part of our difficulty all the way along. It was not a clear thing in law, I don't think, because not even the lawyer was clear as to what should be done.

Q: Let's approach in this way. Did the Diocese or anyone on its behalf inform the Children's Aid Society of the complaint?

A: No, because of that confusion.

December 1995 Examination for Discovery of Bishop Eugene LaRocque, Exhibit 1889, Bates 431-432, Transcript p.76, l.20-25 to 77, l.1-12.

662. As the Bishop pointed out, the police did not report the allegations to the CAS either.

December 1995 Examination for Discovery of Bishop Eugene LaRocque, Exhibit 1889, Bates 432, Transcript p.77, l.13-15.

663. In fact, DAC's Committee, which met with David Silmsler on February 9, was headed by Jacques Leduc who admitted that he was acting as a legal adviser to DAC and the Committee. Mr. Leduc considered and discussed with his client the question of reporting to the CAS but did not advise them to report. As he testified:

Q: And you are the lawyer of the Diocese; right?

A: Yes.

Q: And you're giving advice to this little group? [referring to the February 1993 Committee]

A: Yes.

Q: Did you read the protocol and advise the committee that, well, at the time of the events Mr. Silmsler may have been a minor and therefore the CAS must be dealt with?

A: I recall there was conversations about that subject matter, yes.

Q: You do?

A: Yes.

Q: Did you give advice to the Bishop to report this matter?

A: No.

All I can tell you is that there was an issue as to whether or not the matter should be reported to the CAS, and my recollection, as you've pointed out a while ago, was that this was a 30 year-old man who is reporting allegations that had occurred when he was a young person. And there was an issue as to whether or not the reporting requirements were triggered....

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.52, l.2-21; p.57, l.10-20.

664. Therefore, the complainant was not a minor when he reported. Moreover, the entire Project Blue investigation and its review of over 30 altar boys could not identify a single young person at risk. DAC certainly was not aware of any young persons at risk. Therefore, there was no duty to report to the CAS.

Evidence of Greg Bell, CPI Transcript Vol.291, pp.151-152.

665. It is submitted that it would be fundamentally inconsistent for this Commission to recommend, as it no doubt will, that the duty to report needs to be clarified in the *Child and Family Services Act* in relation to historical cases, and then to criticize others who in the past did not report historical cases where complainants were no longer minors and there was no evidence of present danger to any young person. In this regard, it is submitted that DAC did not fail to comply with any statutory duty. Mr. Silmser was not a minor when he complained, and as events ultimately demonstrated, no minor was at risk at the time. Moreover, as Msgr. McDougald rightly pointed out, the police had been fixed with knowledge of the complaints since December 1992 and DAC rightly assumed, in the circumstances, particularly given the confusion, that it was entitled to rely on the police to ensure that all necessary agencies would be informed.

666. It is submitted that the facts relating to first contact and meeting with David Silmser demonstrate that DAC acted properly and, as will appear, in a manner consistent with its protocol.

(iii) Why Were No Interim Measures Taken Regarding Charles MacDonald?

667. Bishop LaRocque did not suspend Charles MacDonald immediately following the receipt of David Silmsers' allegations. His reasons were based on a variety of factors and pieces of information which DAC had been given. They included the following:

- (a) Charles MacDonald had approximately 25 years of unblemished service. Nothing had happened which indicated he had a defect in his character which would point to him being an abuser or posing risk to people.
- (b) The allegations of Mr. Silmsers were very vague, lacking in detail and specificity. The complainant either would not or could not provide detail to DAC or to the police.
- (c) The allegations, as they were presented to DAC, were fundamentally inconsistent with what they knew of the character of the accused.
- (d) The complainant had what appeared to be a lengthy criminal record.
- (e) DAC came into possession of letters through the CPS from Messrs. Meillieur and Sauve who testified unequivocally as to Father MacDonald's good character. These letters were written by men who had been in close proximity with Charles MacDonald while they were at a young age. The circumstances of their relationship with Charles MacDonald made them very vulnerable and one would have expected that if the Silmsers allegations were true, some misconduct would have been shown towards them and it was not.
- (f) Mr. Silmsers had, notwithstanding his allegations, gone back to Charles MacDonald many years after the alleged abuse, continued to exhibit friendship and asked for and was given help. In fact, Monsignor McDougald stated:

When the complainant got in trouble later on, by breaking into the hall and stealing a car and the like, Father Charles helped him out.

Father Charles was instrumental in getting him back when he went on the lamb. He took him back to the rectory. He visited him in the reform school. He later received a letter of appreciation from the complainant which Father Charles showed me. I found this difficult to reconcile with the complainant's claims that he had been abused as an altar boy.

During our meeting with him, the complainant reiterated his allegations. I asked him specifically after I told him I had spoken with Father Charles, why he would have been associating with his alleged abuser ten years later. He replied he was going to get him. This vindictiveness confused me, in light of all that Father Charles had done for him.

When we requested specifics, however, the complainant got angry and agitated. He figured we were gaining up on him. He suggested he was going to the courts....

The complainant's lack of precision, the fact that a friend became an enemy, the inconsistency of his position and the fact that the notion of financial remuneration entered his mind all made me uneasy. It appeared that the accusations revealed certain things that were out of character for Father Charles: he was not a violent man, never used bad language and therefore these things seemed incompatible with the Father Charles that I knew.

Statement of Monsignor McDougald, Exhibit 2097, Bates 739-740.

- (g) The allegations were vigorously denied by Charles MacDonald.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, pp.10-12, l.24-25; p.15, l.1-2; p.16, l.10-15; p.19, l. 5-25; Vol.269, p.225, l.23-25; p.226, l.1-2; p.226, l.3-8; p.226, l.12-14; p.226, l.14-16.

Statement of Msrg. McDougald, October 1994, Exhibit 1891, Bates 179.

Exhibit 1923, Bates 1303, 1305.

Statement of Msrg. McDougald, February 1994, Exhibit 2097, Bates 739-740.

668. This was the basis upon which the Bishop exercised his discretion. His decision was one based on his judgment at the time. It is easy to look at his decision through the lens of hindsight and say that it was wrong. However, fundamentally, the Bishop did not believe the allegations and while one might criticize the exercise of his judgment, it was a judgment call. He did not breach the protocol in making the decision. The decision certainly did not represent some evidence of a dark conspiracy.

(iv) DAC Complied with its Protocol

669. From a substantive point of view, DAC complied with its protocol. Exhibit 58, Tab 28, sets out the protocol. Phase 1, Article (a) indicates the person designed by the Bishop meets with the complainant within 48 hours. The evidence in this case is that Msgr. McDougald telephoned Mr. Silmsler. Mr. Silmsler reiterated the complaints that were summarized in the Schonenbach letter. There is no evidence that phone call did not take place within 48 hours of the receipt by Msgr. McDougald of the letter. Mr. Silmsler specifically admitted he may well have had such discussions with Msgr. McDougald, whose evidence was that he did in fact speak to the complainant in this regard. The protocol does not specify any particular form of meeting. Therefore, Phase I, Articles (a) and (b) were satisfied.

See Paragraphs 650(b) and (c).

670. With respect to Phase 1, Article (c), it is clear that Mr. Silmsler knew full well that Charles MacDonald would be confronted with the allegations, and indeed he was provided with Charles MacDonald's response through Msgr. McDougald who transmitted it to Schonenbach who in turn spoke to David Silmsler.

671. It is submitted with respect to Phase 1, Article C that there was no obligation to notify the CAS because Mr. Silmsler was not a minor when he made his report. DAC's legal adviser to the Bishop and the February 9, 1993 Committee considered this issue, but did not advise the Bishop to report to the CAS.

672. With respect to Phase 1(d), there is no evidence that Msgr. McDougald did not open a file. Jacques Leduc collected correspondence, which he delivered to the CAS subsequently, Denis Vaillancourt made a record of the meeting and kept it, although for reasons that were developed by him, it was destroyed and then reconstructed. Msgr. McDougald had correspondence from Schonenbach and the Exhibit 1923 letters of March 1993. No specific form of file was required by the protocol.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.52, l.2-21; p.57, l.10-20.

673. The Bishop was informed of events, as Msgr. McDougald stated, and the Bishop testified. Therefore, Phase II was satisfied. As Msgr. McDougald stated, a report was made.

Jacques insisted we take minutes and report to the Bishop. Father Denis Vaillancourt was nominated to write it up and did so on his computer. Unfortunately, it was obliterated from his computer. Father Vaillancourt reconstructed these events from memory when we were going to the CAS. I met with the Bishop after the meeting. Jacques may have also spoken to the Bishop. I spoke with the Bishop about the process. Jacques tried to bring some balance – that the objective was to find the truth....I told the Bishop I had talked to the complainant, that he had made allegations, repeating those found in his letter, that he had not been able or willing to provide any precision or details and that at one point vindictiveness had been shown.

[emphasis added]

Msgr. McDougald's OPP Statement dated February 1994, Exhibit 2097, Bates 739.

674. Msgr. McDougald rapidly met with Charles MacDonald and put the allegations to him as required by Phase III. Msgr. McDougald reported to the Bishop on that meeting.

675. Consistent with Phase IV, a body of three people were convened, including Denis Vaillancourt, Msgr. McDougald and Jacques Leduc. Those people met with the complainant and Father Vaillancourt kept minutes. The Bishop was informed of the outcome of the meeting. Thus, it is submitted Phase 4 of the protocol was followed. Jacques Leduc said of this Committee that:

The person responsible for receiving such complaints, had contact with the complainant and invited him to meet with the Committee composed of the Vicar General, the Chancellor and the Diocesan solicitor. This Committee again is established pursuant to the terms of the protocol in question.

[emphasis added]

Exhibit 1911, Bates 576.

676. Notification provisions in Phase V were followed as well. Mr. Silmsen was told that he should go to the authorities if he wished to do so. This was the evidence of both Jacques

Leduc and Denis Vaillancourt, as well as the evidence contained in the statement of Msgr. McDougald. Mr. Leduc stated:

The complainant was never asked, nor was it ever suggested, that he not contact police, but in fact it was repeatedly suggested that he should consult a lawyer and that if he was the victim of a sexual assault, he should contact police.

[emphasis added]

Exhibit 1911, Bates 27.

677. There was also a clear offer of help under Phase VII of the protocol, which Mr. Silmsler did not deny.

678. With respect to notification, it appears Mr. Silmsler was advised of DAC's position. Msgr. McDougald's statements indicate that he spoke to Mr. Silmsler on a number of times after the February 9 meeting because Mr. Silmsler called him. Msgr. McDougald advised him that there would be no apology forthcoming. In the circumstances, broadly speaking therefore, Mr. Silmsler was notified that DAC would do nothing other than offer him help as it had indicated. As Mr. Silmsler specifically admitted:

...and it's clear it was what should have been the 9th, I believe it was 1993, three church officials, Father Vaillancourt. ...

A: Probably Father McDougald.

Q: Was that in terms of telephone conversations?

A: I would believe so, yes...I'm not sure if he called me, or I called him. We spoke on the phone saying the apology, they wouldn't give me an apology and he also advised me to the priest's lawyer was Malcolm McDougald...

Q: Does that refresh your memory?

A: Somewhat, yes.

[emphasis added]

Therefore, DAC complied with the substantive requirements in its protocol. It was the first time the document was used. The question of compliance with its terms should be viewed from the perspective that substance is more important than form.

Evidence of D. Silmsler, CPI Transcript Vol.9, p.186, 187 and 188.

Silmsler Transcript, Exhibit 320, p.154.

October 1994 Statement of Msgr. McDougald, Exhibit 1891, Bates 168-169 (statement pages 5-6).

(v) Settlement Agreement

679. Following the February 9, 1993 meeting, Mr. Silmsler was unequivocal when he testified before the CPI as he had been earlier at a preliminary inquiry that he never spoke with Msgr. McDougald about settlement. As he said at the CPI over and over again, “But there was never a discussion with Father McDougald about settlement.”

Evidence of D. Silmsler, CPI Transcript Vol.9, p.179, l.25; p.180, l.1; p.183, l.18-25; p.84, l.1.

680. In fact, Msgr. McDougald stated that although Mr. Silmsler called him a number of times in an intoxicated state, the subject of settlement did not arise.

Statement of Msgr. McDougald, October 1994, Exhibit 1891, Bates 168-169.

681. As Msgr. McDougald said in his February 1994 statement:

At one point towards the end of August, I received a call from the complainant who was not too coherent. He asked me what the Church was going to do for him without referring to any specific monetary amount, but made it clear to me he was looking for some time of settlement. I believe I called Jacques and perhaps Malcolm MacDonald to relay this information. I may have also spoken with the Bishop at this time to give him the same information, but I can't recall, but I can recall no discussion of settlement terms with him.

[emphasis added]

Msgr. McDougald's OPP Statement dated February 1994, Exhibit 2097, Bates 740.

682. No one else from DAC testified that they had contacted Mr. Silmsler between February and August 1993. Father Vaillancourt thought the matter was in abeyance, as did Bishop LaRocque who specifically denied being with Malcolm MacDonald in February 1993 to discuss settlement.

Interview report of Denis Vaillancourt, September 1994, Exhibit 317, Bates 190.

Evidence of Bishop LaRocque, CPI Transcription Vol.267, pp.26-27.

683. Jacques Leduc, too denied that there were any negotiations between DAC and David Silmsler in February 1993. He said nothing happened with respect to settlement until August 1993.

Jacques Leduc's Statement dated February 1994, Exhibit 1888, Bates 746.

684. According to Msgr. McDougald, he was contacted in August 1993 by Mr. Silmsler who asked what DAC "was going to do for him," by which Msgr. McDougald inferred money. Msgr. McDougald telephoned Jacques Leduc and possibly Malcolm MacDonald to tell them about the call. From that point on, Msgr. McDougald had no involvement.

Evidence of Bishop LaRocque, CPI Transcription Vol.267, p.24.

Statement of Msgr. McDougald, October 1994, Exhibit 1891, Bates 169-170.

Jacques Leduc's Statement dated February 1994, Exhibit 1888, Bates 746.

685. There are other important events which took place in August 1993. Mr. Silmsler had discussions with Ms. Sebalj. Contrary to his oral evidence at the CPI, she did not say the investigation was over or that no charges would be laid. She told him the matter was being considered by an outside Crown. Mr. Silmsler said he was in no rush and told Ms. Sebalj take all the time she needed; even the passage of months did not matter.

Typed notes of H. Sebalj, Exhibit 297, August 1993 entries.

686. It is submitted that Mr. Silmsler's contacts with Ms. Sebalj demonstrate a knowing desire to delay the administration of justice and police work in order to facilitate a settlement with Charles MacDonald and DAC. It is submitted that the evidence establishes that David Silmsler used the police process to facilitate his claims for compensation and had every intention of abandoning those claims as soon as he received money. That is why, it is submitted, he followed the same pattern with respect to Ken Seguin.

Typed notes of H. Sebalj, Exhibit 297, entries with respect to Ken Seguin.

687. How the settlement was dealt with internally at DAC is largely disclosed by the evidence of three witnesses: Jacques Leduc, Bishop LaRocque and Rev. Bryan. Of those three, only Jacques Leduc and Bishop LaRocque were at meetings where settlement was discussed.

688. Mr. Leduc in effect adopted most of the evidence of Bishop LaRocque as being a correct description of the meetings starting on August 25, 1993 between Malcolm MacDonald, Jacques Leduc and Bishop LaRocque. Mr. Leduc testified as follows:

Now over to the fifth page of the statement, 2747 Bates page, your indication at the paragraph above the August 24th date is that around late August, you were contacted by Malcolm [MacDonald] and you arranged a meeting between yourself, Malcolm and the Bishop; right?

A: Correct.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.61, l.20-25; p.62, l.1.

689. In Jacques Leduc's statement, he said he was extremely emphatic about recommending settlement. His statement said he left the first and was feeling angry, that he thought there was a good opportunity to resolve the situation being wasted. Jacques Leduc also said that in the second meeting, he and Malcolm MacDonald argued aggressively in favour of settlement. His statement says "we were very forceful."

Statement of Jacques Leduc, February 1994, Exhibit 1888, Bates 747-748.

690. The Bishop made his intentions perfectly clear to Mr. Leduc. In the first meeting, the Bishop did not want to settle. He was also clear that he wanted no interference with the criminal case. Mr. Leduc testified as follows:

And let me see if I can situate what you understood was being conveyed to you by the Bishop throughout both meetings. You were told, if I could put it to you this way, in no uncertain terms that he did not want to do anything to interfere with the collateral criminal process.

A: That was absolutely certain.

Q: He made that crystal clear to you?

A: At every moment.

Q: In fact, if you look at page 6 statements, paragraph 2: "He was concerned about being seen as covering up and felt the truth should come out in the criminal proceedings if this the – that was the case....all right. He felt that that process would be helpful to him?"

A: Yes.

Q: All right. And he did not want to disrupt it at the first meeting or the second meeting?

A: Or at any time.

[emphasis added]

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.64, l.12-25; p.65.

691. Various portions of the Bishop's statement were put to Mr. Leduc in cross-examination. For example:

Q: All right. He says here: "My recollection on the August 24th, my secretary received a request from both the counsel for the priest and the counsel for the Diocese, that is to say Malcolm MacDonald and Jacques Leduc, but they came in to see me. I received them in my office and they urged me to make a settlement out of court and I refused." And stopping there that is absolutely correct and consistent with your recollection, sir?

A: It is.

Q: All right. He goes on: "And the next day I think or the day after I went to the Canadian Bishops [inaudible] and from – on my return the very next day after my return, September 1st, 93 both came back with a second request and, ah, this time worked on the fact that they – that we had said that we would help people with abuse and have actually done so to pay their psychiatric bills. So the alleged: "And then:" "...that the alleged victim, David Silmsler had bills of this kind and that we should go ahead and help and pay for these as we have done it for others. And using that as a kind of launching pad they assured me that this was only to do away with what they called nuisance claims and that I agreed reluctantly to go along with the settlement."

Stopping there, that's a fairly accurate recitation of what you were told or what transpired, isn't it?

A: It is.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.67, l.1-25; p.68, l.1-15.

692. Mr. Leduc also referred to the discussion of the amount of settlement in the second meeting. For example, he said:

Q: Back to your statement, 1888...and it refers to the fact that you were told about the insufficient evidence issue in the first paragraph under September 1st and then says: "The Bishop agreed to meet with Malcolm MacDonald and me a second time to discuss the matter. At that point, the cost of the proposed settlement was known. Malcolm presented the case..." et cetera and he gives the details of the proposed payment over the top of page 7. And you said that you told the Bishop it was a good settlement and by that you meant the quantum was good –.

A: Yes.

Q: – From your point of view?

A: Yes.

Q: And it wasn't just the quantum, it was what would avoid – to be avoided in terms of payment of costs for a trial, et cetera.?

A: Yes.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.69-70.

693. Again in the second meeting, Mr. Leduc was clear he was instructed not to interfere with the criminal process. As he testified at the CPI:

Q: And then you talked about this issue of the criminal proceedings again, and reiterated the settlement was not hush money and don't believe there was any concern about criminal charges. And notwithstanding that you refer then towards the – the rest of the statement, you specifically say you got instructions that it would be a civil settlement, and I suggest to you that the implications of what you were told by the Bishop again on this day was no interference, civil settlement only.

A: That's correct.

Q: Okay. And you advised him as his counsel that it would not interfere with the criminal proceedings, correct?

A: I did.

Q: And he continued throughout this meeting to express concerns about that issue?

A: Yes.

Q: And your instructions therefore expressed or implied in the creation of a settlement process or documents, that you were instructed to prepare or to ensure that simply did not happen?

A: That's correct.

[emphasis added]

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.71, l.18-25; p.72, l.1.

694. Mr. Leduc agreed that he was instructed by the Bishop to prepare the civil settlement documents and that at no time was Bishop LaRocque given an opportunity to review any draft documents. Therefore, Mr. Leduc acknowledged that it was his responsibility as counsel for the Diocese to deal with the settlement documentation and to ensure that the instructions of his client were implemented.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.72, l.2-15.

695. Bishop LaRocque testified at the CPI that when Malcolm MacDonald and Jacques Leduc came back for a second meeting, they had a dollar amount and information about counselling fees.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.42.

696. Bishop LaRocque testified that both Jacques Leduc and Malcolm MacDonald were eager to settle, but Malcolm MacDonald was more eager than Jacques Leduc. Bishop LaRocque testified that he was emphatic that any settlement was not to affect criminal proceedings.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, pp.45 and 48.

697. Bishop LaRocque was clear in testifying that he did not instruct Jacques Leduc on how to draw up the settlement documents. That, he said, was Jacques Leduc's job. The

Bishop was clear that he instructed Jacques Leduc to ensure that settlement did not interfere with the criminal process.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.55.

698. Bishop LaRocque testified that he was told the Diocese was originally to pay \$20,000 and that Malcolm MacDonald and Charles MacDonald would provide the other \$12,000. Ultimately, Bishop LaRocque became aware that the settlement split was \$27,000 on behalf of DAC and \$5000 on behalf of Charles MacDonald, but he cannot remember when he was informed about those amounts changing. He must have authorized the \$27,000 cheque because it could not have been signed without his approval.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, pp.57-60.

Examination of Bishop LaRocque, December 1995, Exhibit 1889, Bates 450-451.

699. Bishop LaRocque denies that he told Claude Shaver that there was to be a payment of \$10,000 from DAC, \$10,000 from Charles MacDonald and \$12,000 from an unknown source. Bishop LaRocque said he had never seen such a breakdown and he did not provide Claude Shaver with that information.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.64.

700. Bishop LaRocque was clear that there were no limits on his authority for the expenditure of the settlement money in the Silmsler case. The limits of \$10,000 applied to individual parishes beyond which the DAC Finance Committee need to be consulted. The Bishop did not face this constraint.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, p.79.

701. Bishop Durocher clarified the limits on a bishop's authority to spend money by providing the CPI with Exhibit P2207, decrees from the CCCB which sets out these limits. These state that as of 1983 and following, the limit would have been \$50,000 or greater. Anything below that amount did not require a bishop to consult with a Finance Committee.

Evidence of Bishop Durocher, CPI Transcript Vol.274, pp.215-219.

702. Therefore, the Bishop of DAC had the right, in 1992 and 1993, to spend up to \$50,000 without any constraint or the permission of his Finance Committee.

703. Bishop LaRocque testified that he played no role in the drafting of the release, that he was not aware of the wording and that he insisted criminal proceedings be allowed to go forward. The first time he saw the settlement document, he testified, was in January 1994.

Evidence of Bishop LaRocque, CPI Transcript Vol.267, pp.82-84.

704. It is submitted there is no evidence which establishes, or has established, that Bishop LaRocque was aware of the wording of the release that David Silmsner signed, either before it was signed or at any time prior to January 1994. The only instructions the Bishop gave were to ensure the settlement did not interfere with the criminal process.

705. Jacques Leduc admitted to receiving specific instructions from the Bishop. He admitted that he was negligent in handling the settlement because he did not properly review or prepare the documents. During the cross-examination about the Third Party Claim which was issued against him by DAC, he admitted to all of the particulars of negligence alleged against him therein. As he said, with respect to subparagraphs 9(a) through and inclusive of 9(e) in the enumerated allegations of negligence against him, "I agree with all of them."

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.78, l.9-18.

706. Therefore, Mr. Leduc admitted that he was negligent because:

- (a) he failed to ensure that the settlement documents were not void and of no force and effect;
- (b) he failed to ensure that the release was not void for public policy or that its contents were not in respect of any criminal investigation or proceeding;
- (c) he failed to review the release with these Defendants (DAC) or at all, to bring to their attention that the release contained provisions alleged by the Plaintiff to render it void and of no force and effect;

(d) he failed to adhere to these Defendants' (DAC) instructions that the release should be in respect of civil litigation only;

(e) he failed to adhere to the standards of his profession in the preparation and revision of the settlement documents or in his advice and communications with these Defendants (DAC).

[interlineations added]

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.78, l.9-18.

Exhibit P1929, Bates 4079, paras.9(a)-(e) of the Third Party Claim by DAC against Jacques Leduc.

707. Rev. Bryan testified that he first learned the name of the complainant, David Silmsler, when he opened the settlement envelope in January 1994.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.105.

708. Rev. Bryan testified that he was never aware of any phone call to Msgr. Guindon in 1992.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.107.

709. Rev. Bryan testified that the Bishop never had a discussion with him about any meetings or settlement in advance of Rev. Bryan making up the cheque for \$27,000.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.108.

710. Rev. Bryan specifically denies that he was advised by Jacques Leduc to contact DAC's insurers about the David Silmsler case in 1992 or at any time in 1993.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.111.

711. Rev. Bryan testified that although Mr. Leduc may have advised him to contact DAC's insurers in 1994 after the settlement documents were opened, it was never mentioned to him before that time.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.112.

712. Rev. Bryan said he was not aware of any claims of historical abuse or misbehaviour by Charles MacDonald prior to the David Silmsler allegations.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.112.

713. Rev. Bryan testified that in 1992 he was not even aware that DAC had insurance coverage for historical claims of abuse. He testified that it would have been very difficult to determine who the insurer was at that point since the claim was in excess of 20 years old. DAC had had many insurers over the years and since its policies had always been time-limited in the sense that they would respond to claims within the policy period, they would have had to have investigated who the historical insurer was to determine if there was any coverage. He never received any notice from Jacques Leduc.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.112-114.

714. Rev. Bryan specifically denied attending any settlement discussions between Bishop LaRocque, Jacques Leduc and Malcolm MacDonald and in particular the meetings of August 25, 1993 and September 1, 1993.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.117-119.

715. Rev. Bryan was not even aware that there were negotiations. He did not recall speaking to or seeing Malcolm MacDonald at DAC's office.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.121.

716. Rev. Bryan's evidence was that he was asked by Jacques Leduc for a cheque for \$27,000. According to Rev. Bryan's recollection, Mr. Leduc came to the DAC office on September 2, 1993 and asked for the money. Rev. Bryan asked Mr. Leduc what the money was for and Mr. Leduc responded that it was for a suit that had been launched against Father Charles. Rev. Bryan inquired what the suit was about, but Mr. Leduc did not tell him.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.125-127.

717. Rev. Bryan then spoke to the Bishop, who indicated that he had reluctantly approved the settlement. A cheque was issued on the Bishop's instructions.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.128.

718. At that point in time, Rev. Bryan did not think to notify the liability insurers since the settlement had been completed. It would be, in his words, at that time pointless to notify the insurer. Once a decision is made to settle by an insured, the claim is no longer covered.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.128-132.

719. Rev. Bryan was not aware of any special donations or contributions made to DAC to cover the settlement. He was never advised of a breakdown of payments reflecting a contribution being of \$10,000 DAC, \$12,000 Charles MacDonald and \$10,000 by someone else. He never witnessed any large amounts of money coming to DAC in or around that time and he testified that he would have been aware of such payments had they been made.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.136.

720. Rev. Bryan thought, when he testified, that the \$1000 payment made later by Charles MacDonald to DAC was a "donation from Malcolm," but Rev. Bryan was not really sure.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.142.

721. Rev. Bryan testified that following the settlement, Mr. Leduc came to the office and dropped off an envelope with the "Lafrance Cardinal's" address marked on the front and noted "personal confidential." He testified that Mr. Leduc told him to seal the envelope and mark it private and confidential to be viewed only by the Bishop. Rev. Bryan suggested that he add his own name, to which Mr. Leduc agreed. Mr. Leduc asked him to file the envelope.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.148-149.

722. Rev. Bryan indicated that he taped over the already sealed flap of the envelope, put his initials on it with instructions that it was not to be opened other than by the Bishop or the Bursar and filed in a legal filing cabinet in his office.

Statement of Rev. Bryan, Exhibit 1932, Settlement Envelope, Exhibit 1895.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.146-153.

723. Rev. Bryan testified that the envelope remained sealed (as he received and taped it) until he was called by Jacques Leduc in January 1994 and asked to open the envelope and send Jacques Leduc a copy of the contents. Rev. Bryan was clear that he did not tell the Bishop that he received the envelope in September and that he had absolutely no reason to think the Bishop had another copy or saw it any time prior to January 1994.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.153-155.

Statement of Rev. Bryan, Exhibit 1932.

724. Rev. Bryan's evidence was that in January 1994, after the matter of settlement had become public, he was contacted by telephone by Jacques Leduc who asked him to open the envelope he had filed. Mr. Leduc said to him that the document might contain some improper provision. Rev. Bryan opened the document and, as requested, faxed a copy to Jacques Leduc. Then he put the envelope on the Bishop's desk. He did not leave a note, but indicated to the Bishop's secretary that it was the release that Jacques Leduc had asked Rev. Bryan to open.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.158-165.

725. According to Rev. Bryan, the envelope, Exhibit 1895, contained a letter addressed to Jacques Leduc from Malcolm MacDonald, Exhibit 1964, the release, Exhibit 263A, and a certificate of independent legal advice, Exhibit 264.

Evidence of Rev. Bryan, CPI Transcript Vol.260, pp.158-165.

726. Rev. Bryan testified that he was not present when the Bishop read the release and that to Rev. Bryan's knowledge, it was the first time the Bishop ever saw the document. Rev. Bryan never discussed the document again with the Bishop.

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.166.

727. In early January 1994, news of a settlement between DAC and David Silmsler became public. DAC responded with the input and advice of its lawyer at the time, Jacques Leduc. A media release was issued on January 7, 1994, saying:

In view of recent media allegations of sexual aggression on the part of a member of the clergy of the Diocese of Alexandria-Cornwall, let it be known that the Diocese has acted in accordance with the guidelines accepted and promulgated for the immediate and serious attention demanded by such complaint.

A copy of those guidelines were issued with the press release.

Exhibit 914, Bates 158-162.

728. The press release closed by saying:

If there are victims of sexual abuse by clergy, we want to know about it. We are prepared to cooperate with the police and/or other agencies and also in the healing process, as we have done in the past.

The document was signed by Bishop LaRocque.

Exhibit 914, Bates 158-162.

729. DAC scheduled a press conference for January 14, 1994. On that day, the Bishop read a brief statement to the media.

Exhibit 1911, Bates 574.

730. In the statement, the Bishop referred to the fact that he had reluctantly agreed to a settlement of a civil dispute and that in no way did he wish to impeded police investigations. He expressed his willingness to cooperate with CAS and police and asked any victims to come forward. Then Mr. Leduc read a statement which he drafted called "Press Release, January 14, 1994, 9:30 a.m."

Exhibit 1911, Bates 575.

731. As Mr. Leduc testified:

Q: If we can turn up the first Exhibit, 1911.

A: I have it.

Q: All right. This is the package of materials that was prepared for the press conference on the 14th of January; correct?

A: Yes.

Q: And you'll see on the front page it says in the second – or first full paragraph, after "Dear members": "The enclosed fax includes statements made by myself and our legal counsel, Mr. Jacques Leduc, at the press conference this morning," correct?

A: That's correct.

Q: And the documents that follow, the next page, "Bishop's Statement," you see that?

A: Yes.

Q: That's the statement he read.

A: Yes.

Q: And the document that follows that, "Press Release 14 January, 9:30 a.m." is the document you read?

A: That's correct.

Q: And you wrote?

A: That's correct.

Evidence of Jacques Leduc, CPI Transcript Vol.257, pp.4-5.

732. When Bishop LaRocque read the statement and attended the press conference, he testified that he had yet to see the full and final release and did not know the settlement was illegal in any way. This evidence was corroborated by both Jacques Leduc as well as Rev. Bryan.

Evidence of Bishop LaRocque, CPI Transcript Vol.268, pp.171-173.

733. Bishop LaRocque was clear in his evidence at the CPI that he did not draft any document other than the "Bishop's statement." Jacques Leduc testified he drafted the "press release January 14, 1994, 9:30 a.m."

Exhibit 1911, Bates 575.

Evidence of Bishop LaRocque, CPI Transcript Vol.268, pp.178.

734. Following the press conference, a newspaper article appeared in the *Standard Freeholder*.

Exhibit 1915, Bates – *Standard Freeholder* article, January 15, 1994, headed “Bishop Was Reluctant to Make Deal.”

735. That article made an incorrect statement and wrongly attributed it to the Bishop. The statement that was of particular concern was in the far left-hand margin of the article, where it states that:

LaRocque admitted he was at first against the idea of paying a settlement, “I gave in because this young man had a considerable bill with counselling,” LaRocque said, adding the Diocese has in the past agreed to similar settlements involved alleged victims of child-molesting priests.

Exhibit 1915, Bates – *Standard Freeholder* article, January 15, 1994, headed “Bishop Was Reluctant to Make Deal.”

736. The misconception that gave rise to this statement occurred because of the press release drafted and read by Jacques Leduc on January 14. In that document, Mr. Leduc wrote:

The complainant indicated that he was undergoing therapy and requested compensation and assistance to defray these ongoing costs....As is often done in similar circumstances, without admitting liability on behalf of the Diocese or the priest, the Diocese and the priest contributed to compensate the complainant.

Exhibit 1911, Bates 577.

737. Mr. Leduc testified that he never meant to imply that there had been prior settlements between DAC and other claimants of sexual abuse, but that the reference in Exhibit 1911 was to the fact that other people had been given help to defray the cost of psychological counselling as a result of the Deslauriers matter. As Mr. Leduc testified:

Q: I’m assuming, and you tell the Commissioner, whether the Bishop told you when you wrote this that there had been such settlements. Did he ever tell you there had been prior settlements?

A: No.

Q: So – and having wrote this document, what was your intention to capture here?

A: Well, I think by reading the document it’s clear that I’m saying that when other people came forth and requested assistance, and it

can only be in the Deslauriers matter that I'm aware of, help was afforded.

Q: All right. Now you're the author of this document?

A: Yes.

Q: Is that the message you were trying to capture here?

A: Well, those are the only similar circumstances that I knew about.

Q: And so, therefore, that was the message you trying to convey?

A: Yes, that's the previous conduct of the Diocese, yes.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.9, l.20-25; p.10, l.1-11.

738. Mr. Leduc went on to deny that Bishop LaRocque said what was attributed to him in the *Standard Freeholder* article. As he testified, referring to the article itself:

Q: What follows is the inter-lineation of the media author saying "LaRocque said," adding, not in parentheses, "the Diocese has in the past agreed to similar settlements involving alleged victims of child molesting priests. I submit to you, sir, the Bishop never said in this press conference there were similar settlements. If anything, he talked about the fact that on prior occasions, payments for therapies had been made.

A: That's correct.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.12, l.15-25; p.13, l.1-6.

739. On or about January 17, 1994, Mr. Leduc received a demand letter from David Silmsers's lawyer. The document referred to the fact that the release contained an illegal provision prohibiting the criminal proceedings.

Exhibit 1914, Bates 203-205.

740. Mr. Leduc resigned from the brief. The matter was referred to other lawyers for DAC.

Exhibit 1914, Bates 207.

Exhibit 1912, Letter from Leduc Lafrance to Bishop LaRocque, January 19, 1994.

741. It was following the receipt of Mr. Geoffrey's letter that Mr. Leduc testified that he contacted Rev. Bryan to open the envelope containing the settlement documents. He then had a discussion with the Bishop, stating that he had not seen the contents of the release, but that he simply delivered the sealed envelope to Rev. Bryan without inspecting it or reviewing a draft before it was signed.

Evidence of Jacques Leduc, CPI Transcript Vol.257, pp.82-88 wherein he testifies about the circumstances of his delivering the settlement documents in a sealed envelop to Rev. Bryan and subsequently in January 1994 instructing him to open the envelope and fax a copy of the release.

742. There followed a press statement issued by DAC on January 23, 1994. In it, the Bishop said:

At the press conference on Friday, January 14, 1994, I stated that the joint understanding or settlement out of court was to settle a civil dispute and did not interfere with the criminal investigation. I made this statement in accordance with the instruction received from our Diocesan counsel.

However, I have since learned that the signed release does in fact rule out both civil and criminal action (Article 2). This is morally unjust and does not reflect the basis on which the Diocese cooperated with this action.

I have instructed our newly engaged Diocesan legal counsel to advise the alleged victim that the Diocese does not wish to interfere with his right to proceed criminally and we consider him free to do so in order that we may know the truth about the present situation...I am sorry for unwittingly misrepresenting this fact in the press conference and I again assure you of my desire to bring out a Christian reconciliation of the accused priest and the alleged victim based on the truth.

Exhibit 1913, Bates 032.

743. In conclusion, DAC entered into a settlement based on the advice of counsel. Specific instructions were given to counsel to ensure the settlement did not interfere with the ongoing criminal investigation of David Silmsner's allegations. DAC did, and was entitled to, rely on its lawyer to carry out DAC's instructions in a prudent and competent fashion. DAC counsel failed to ensure its instructions were implemented and he was negligent in the execution of his duties. Jacques Leduc admitted that he did not even see a

draft or read it after it was signed. He delivered it in a sealed format to Rev. Bryan, who filed it on Mr. Leduc's advice. There is no evidence to suggest that the Bishop or anyone at DAC ever saw the document prior to January 1994 when it was opened. The only evidence is to the contrary. Therefore, DAC was unwittingly involved in a settlement which offended public policy. The provisions of the release that were offensive were drafted without DAC's knowledge and contrary to its instructions. DAC did not become aware of this problem until well after the settlement had been completed. DAC was not contacted by the CPS and there was no evidence tendered to establish any such contact before the settlement or in relation to it.

(vi) Project Blue Investigation of Charles MacDonald

744. It is submitted that the overwhelming conclusion to be drawn from the facts relating to the testimony about Project Blue is that DAC thoroughly and completely cooperated with that investigation. It supplied all documents requested by the CAS, gave access to Diocesan premises for inspection and review, submitted its people to interviews as requested, facilitated the release of reports from Southdown relating to Charles MacDonald, supplied the names, addresses and phone numbers of altar boys for interviewing, cooperated at the parish level at St. Andrews to facilitate interviews, and otherwise generally provided all material evidence and cooperation requested of it.

Evidence of Jacques Leduc, CPI Transcript Vol.257, p.88.

Evidence of Bill Carriere, CPI Transcription Vol.287, pp.135-167

Evidence of Rev. Bryan, CPI Transcript Vol.260, p.172.

Evidence of A. Towndale, CPI Transcript Vol.281, p.55.

Exhibit 1441, Bates 653, 655,656-658.

Exhibit 2322, Bates 1085, 1091.

Exhibit 2341, Bates 224-226.

Exhibit 1966, Bates 1217.

Exhibit 1967.

Exhibit 2324, Bates 1919-1923.

Exhibit 2383, Bates 221-222.

Exhibit 2384, Bates 295-300.

Exhibit 2385, Bates 228.

Exhibit 2386, Bates 505-516.

745. A point of some controversy initially surrounded the meetings and phone discussions between Chief Claude Shaver and Bishop LaRocque at the outset of the Project Blue investigations. The issue was what Bishop LaRocque may have allegedly said to Chief Shaver about Charles MacDonald making an admission.

746. The meeting between Claude Shaver, Officer Brunet and Bishop LaRocque took place on October 7, 1993 and was followed by a phone call. On October 7, Officer Brunet and Chief Shaver visited the Bishop, having returned from the Office of the Papal Nuncio. They interviewed the Bishop and told him that the allegations of David Silmsler were not the only allegations they knew about. They advised the Bishop for the first time about two other potential abuse victims. The Bishop was shocked and visibly shaken. The events are best described in the following excerpts from Chief Shaver's cross-examination:

Q: First of all, Officer Brunet attended with you on the 7th with the Bishop?

A: He did.

Q: And the purpose of having Officer Brunet along was to record the conversations?

A: Take notes, yes.

Q: Typically, when you have two officers going to meet one person, one person asks and the other records?

A: Right.

Q: So his function was to record?

A: Yes.

Q: To create a contemporaneous record of the discussion between you and Bishop LaRocque, correct?

A: Yes. As much as possible, yes.

Q: Now, if we can turn up Officer Brunet's note, which is Exhibit 1436.

A: Yes.

Q: I'd like you to go to Bates page 036.

A: Yes.

Q: And I am focussed sort of the mid-point in the page and if you blow up the section, Madam Clerk, where it says "Bishop LaRocque" under 1500 hours.

A: Yes.

Q: Now, these are the officer's notes which were entered in evidence during his testimony..."Bishop LaRocque was very receptive, heard our concerns and stated he would be speaking to Father Charles MacDonald this evening..."

A: Yes.

Q: "He will let the Chief know of the results tomorrow morning."

A: Yes.

Q: First, on the subject of this note for the record of the interaction, he didn't record the Bishop agreeing that if Charles MacDonald admitted to the David Silmsler allegations he would send him for treatment. That's not recorded there.

A: No, it's not.

Q: And even if you asked the Bishop later on or at that meeting what he would do in the face of an admission, I suggest there was no agreement that that would be the only reason why he might be sent for treatment or assessment?

A: No, sir, there wasn't.

Q: And the Bishop did not say "I will only send him for treatment if he admits to the allegations," did he?

A: No, he did not.

Q: The Bishop, in any event, based on your *viva voce* recollections and the officer's notes, was quite shaken by the revelation of two additional potential complainants?

A: Yes.

Q: This seemed inconsistent with his view of the facts as he knew them?

A: I think so, sir....Fair point.

Q: If we can go to the Exhibit 1790, which is the Bishop's statement recounting your meeting...at Bates page 432 towards the bottom of the page...Looking down at the bottom of the page, now what's happening here is the officers are putting your exhibit 1789 effectively to the Bishop?

A: Yes.

Q: And what he says at the bottom is: "What I think I told Father Charles is that I knew from the Chief that there were two other alleged victims and on the strength of this I had to send the (inaudible) through – that I had to send him away for analysis." So it seems at least the Bishop was – based on your recollection – shocked and shaken by the revelation and this may have led him in sufficient amount of concern to send him [Charles MacDonald] for assessment on that alone?

A: Yes sir, according to the statement, absolutely.

Q: And it certainly was consistent with his demeanour on the day when you had the meeting and your perception of his reaction to the revelation. Isn't that right?

A: It was, sir, yes.

Q: Now, back to Officer Brunet's statement, Exhibit 1436...we're on the same page, 036. This time it's the October 8th entry.

Q: And we know from the officer that these are his contemporaneous notes and his discussion with you, if you can read it, "Called to see;" he dates it October 8th, 93, 0920 hours, that's 9:20 in the morning?

A: Yes.

Q: "In to see Chief Shaver. He advised that the Bishop called him and advised that Father Charles admitted he had a homosexuality problem but only with consenting releases. He agreed to go for treatment and will be leaving immediately."

A: Yes.

Q: Now, this discussion you had with the officer was within hours of your phone call, not days?

A: It was the next morning, sir.

Q: Yes, not even a full 24 hours?

A: No. No, it was not.

Q: And whereas the officer's note even records the hour, minute and day of the discussion, your post-its, I suggest to you, have no present recollection of when you put those post-its on your Day Timer?

A: No, I do not.

Q: I want to know if you have a present recollection at this time of when you would have done it [referring to the post-it notes].

A: No, sir, I do not.

Q: And you didn't use your Day Timer as a duty logbook?

A: No, I did not.

Q: In fact, when I look at the Day Timer, sir, the only time there's anything ever put in there is on October 7th and 8th. The rest of them are names and times for appointments without any further descriptors.

A: Yes, sir.

Q: I'd suggest to you, sir, the best recollection here are to most contemporaneous piece of evidence about the phone calls is Office Brunet's notes. Would you agree with that?

A: I will agree that Officer Brunet has notes.

Q: Now, looking at this note from the officer, he says, "Charles MacDonald admitted..." And the word admitted or admit appears in your post it as well, doesn't it?

A: Yes.

Q: Without further description?

A: It does, sir.

Q: But he goes on to elaborate what you say was admitted.

A: Yes.

Q: And the admission here is to "...active homosexuality with consenting adults." Right?

A: Yes.

Q: Assault is premised on an absence of consent. Isn't that true?

A: Yes...I'd agree.

Q: The idea of consenting adults here is inconsistent with an admission of assault?

A: Oh, absolutely.

Q: So at this point, you're on the phone and the Bishop had the information of that day and of two new potential complainants which you say visibly shook him; right?

A: Yes.

Q: And now he had an admission, apparently from Charles MacDonald, not just that he was homosexual but that he was active sexually; correct?

A: Yes.

Q: And so I suggest to you, sir, it's the combination of these startling things because both of them were to be unexpected?

A: Yes, yes.

Q: And the proximity of these things, I suggest that that's what you understood was the rationale for him being sent away?

A: It certainly was, yes.

Q: The Bishop, I suggest, sir, never told you Charles MacDonald admitted to David Silmsen's allegations. Isn't that right?

A: That's absolutely correct.

Q: He never told you Charles MacDonald admitted to sexually assaulting anyone?

A: Absolutely correct.

[emphasis added]

Evidence of Claude Shaver, CPI Transcript 244, pp.20-29.

747. Mr. Shaver went on to say that the statement in which he suggested Bishop LaRocque was told by Charles MacDonald that he admitted to a sexual assault of David Silmsen in Exhibit 1789 was wrong. As he testified:

Q: What I'm saying here, sir, is your description here –

A: Right.

Q: – that he admitted the assault, et cetera., that that is wrong?

A: Yes.

Q: He never admitted an assault on anybody.

A: On anybody, no, that's right.

Q: You agree that the description here is incorrect?

A: Yes, I do.

Evidence of Claude Shaver, CPI Transcript 244, pp.31-32.

748. When Bishop LaRocque was interviewed, as well as during his testimony at the CPI, he categorically denied being told by Charles MacDonald that he admitted to assaulting David Silmser.

749. Notwithstanding all of this clear evidence, Commission Counsel repeatedly attempted to resuscitate the position that Bishop LaRocque had been told by Charles MacDonald that he admitted to the David Silmser allegations. These questions were pursued with a variety of witnesses who were not privy to the alleged conversation. These examinations, it is submitted, were conducted in a fashion which was reflective of a lack of neutrality on this issue.

750. Following the meeting with Chief Shaver, Charles MacDonald was immediately sent to Southdown for a preliminary assessment and thereafter for a six month residential placement. He was relieved of ministry and asked to resign. He complied with that request and submitted a written resignation letter on November 1, 1993. He never returned to active ministry.

Exhibit 2100.

Exhibit 2101.

Exhibit 2102.

(vii) Conclusions About the David Silmser Allegations and DAC

751. Many misconceptions and unfair characterizations about DAC's role in events concerning David Silmser have evolved over the years. However, it is submitted the evidence establishes the following:

- (a) DAC received David Silmser's allegations, met with him and confronted Charles MacDonald. Mr. Silmser was offered counselling.
- (b) DAC complied with its protocol. The Bishop made a decision based on the evidence he had that he would not suspend Charles MacDonald. Later, when he learned the information he had was incomplete, he acted immediately.
- (c) DAC did not stimulate settlement with David Silmser. Mr. Silmser followed his agenda and pursued a settlement which, without DAC's knowledge and contrary to its instructions, contained an unlawful clause.
- (d) When DAC learned of the problems with the settlement, it acknowledged the problem, asked for victims to come forward and totally cooperated with all authorities.
- (e) Contary to popular misconception, DAC had never been involved in prior settlements. There had never been prior litigation against it relating to such issues.
- (f) DAC did not cover up anything, nor did it attempt to obstruct or interfere with the administration of justice. It was certainly never involved in any conspiracy with anyone. The CPS never even contacted DAC before October 1993.
- (g) DAC has been subjected to repeated misrepresentations in the media about its role in this matter, which unfairly criticized it based on misinformation.

C. Allegations of C3

752. In January 1994, C3 wrote to the Bishop to advise him of his claim that he had been abused by Charles MacDonald. The letter identified:

- (a) That in 1993, C3 had had discussions with the Youth Services Branch of the CPS and in particular with Ms. Sebalj, all in relation to the alleged allegation of abuse by Charles MacDonald. C3 told CPS that "I was sexually abused" and what occurred [in relation to Charles MacDonald].
- (b) He advised the Bishop that he was aware that Charles MacDonald had been relieved from his duties and was attending counselling in Toronto.
- (c) He said that CAS was "looking into the matter."

Exhibit 416, Bates 655.

753. Following receipt of this letter, Bishop LaRocque telephoned C3, thanked him and asked him for permission to show his letter to Southdown and with Msgr. McDougald.

Exhibit 416, Bates 656.

754. When the Bishop spoke to C3 in January 1994, the Bishop discussed counselling options that were available for C3 and DAC's willingness to fund that option.

Evidence of Bishop LaRocque, CPI Transcript Vol.268, pp.210-212.

755. After the Bishop received an oral consent from C3, he sent a copy of his letter to Southdown, as well as a copy to Msgr. McDougald and DAC's counsel.

Exhibit 416, Bates 656.

756. Msgr. McDougald responded to the C3 letter on February 3, 1994. He expressed his sadness at hearing the allegation and advised that the OPP were investigating the matter. He encouraged C3 to cooperate with the police investigation and to testify in open court against Charles MacDonald as that "is probably the only way in which the truth can be established in this particular case."

Exhibit 2443, Bates 738.

757. Subsequently C3 sued DAC and Charles MacDonald. The case was resolved before trial.

758. There was no requirement for DAC to report C3's allegations to the police or to the CAS since both agencies had already been contacted. It is submitted that DAC's interactions with C3 were proper and consistent with its obligations.

D. John MacDonald

759. There is no evidence that John MacDonald ever reported his allegations of abuse about Charles MacDonald to DAC prior to the letter he sent in August 1995.

760. During the cross-examination at the CPI, and in fact earlier, he completely resiled from the first statement he gave to the OPP in 1994, in which he said he told his parents of his allegations about Charles MacDonald (shortly after the events occurred) in the 1970s and that his parents had written to Charles MacDonald about the claim. John MacDonald admitted that this statement was false.

John MacDonald OPP Interview, September 1995, Exhibit 206, Bates 51-52.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.150-162.

761. Therefore, the first notice DAC got about John MacDonald's claims of abuse at the hands of Charles MacDonald was in John MacDonald's letter to Kevin Maloney dated August 11, 1995.

Exhibit 202.

762. That letter purported to recount abuse of John MacDonald at the hands of Charles MacDonald. Aside from that, it included important passages which, it is submitted, revealed what Mr. MacDonald's real motives were in sending the letter. It stated:

I want something done, but I don't want to go through what I can imagine Dave is going through. I don't want any of my family, my wife, my children, lawyers, police, CAS, NOBODY involved. I want and expect a reply from you very soon. I was hoping to keep everyone out of this, but my wife had to know what was happening....Please do not make me push this any further than between us. I do not want to go through what Dave is.

[emphasis in original]

Exhibit 202, Bates 297-298.

763. It is submitted that the implication to be derived from these statements is obvious. Mr. MacDonald, well known to David Silmsner, was attempting to threaten DAC. Money was being demanded, failing which Mr. MacDonald would take action. "Don't make me

push this any further than between us," he said, "no lawyers, no police, no CAS, nobody" [emphasis in original]. It was clear this was an attempt to negotiate in the same fashion Mr. Silmsler had, that is to say, to demand money, failing which threats of police action were brought into play.

764. The following points demonstrate that John MacDonald's focus was exactly as is described:

- (a) When Mr. MacDonald returned from out west in the spring of 1995, he was well aware of significant media attention and publications that had been circulating about David Silmsler, Charles MacDonald and DAC.
Evidence of John MacDonald, CPI Transcript Vol.83, p.83, l.14-25; p.84, l.1-8.
- (b) Mr. MacDonald was aware that media coverage talked about the settlement between Mr. Silmsler and the Church and Charles MacDonald.
Evidence of John MacDonald, CPI Transcript Vol.83, p.84, l.11-19.
- (c) Before John MacDonald sent his letter to Kevin Maloney, he admits that he met an old friend, Mr. Morrisette. That individual gave a statement to police contending that John MacDonald had said that for \$2 million, he would be wracking his brain for details to suggest abuse at the hands of Charles MacDonald. That was coincidentally the exact sum for which David Silmsler sued and subsequently for which John MacDonald sued.
Evidence of John MacDonald, CPI Transcript Vol.83, pp.84-86.
- (d) In fact, Mr. MacDonald, during his testimony at the CPI, admitted that during the preliminary inquiry of Charles MacDonald, he had admitted that he did meet Mr. Morrisette that summer and that the subject of Mr. Silmsler and his litigation with DAC and Charles MacDonald came up in the discussion. Mr. MacDonald contended that the sum of \$2 million was not mentioned, but that he might have said "\$32,000 is not enough to make me forget." Mr.

MacDonald gave that evidence notwithstanding that he had been questioned on the same point at examinations for discovery at an earlier date, when he made no mention of his position that his discussion with Mr. Morrisette included a figure of \$32,000 versus \$2 million.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.88-91.

- (e) In addition, Mr. MacDonald admitted that he knew Mr. Silmsner quite well growing up and that they were friends.

Evidence of John MacDonald, CPI Transcript Vol.83, p.93.

- (f) John MacDonald admitted at the CPI that when he wrote the letter, he did not stipulate he wanted an apology, he did not stipulate that he wanted Charles MacDonald removed from duties, and that he did not say anything specific about what he wanted other than "please don't make me push this any further than between us," having already cautioned Kevin Maloney that he did not want anybody involved, including police, CAS or lawyers.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.96-97.

- (g) In response to the direct question:

Q: I take it what you're suggesting there is that if there is not some resolution to your satisfaction you are going to do something else which you also don't say or detail?

A: I don't know.

Q: Well, you say: "Don't make me push this any further than between us." Any further implies fairly, doesn't it, that there is some other course you might follow if you don't get satisfaction from Father Kevin. Isn't that fair?

A: I don't know.

Evidence of John MacDonald, CPI Transcript Vol.83, p.97.

765. In the circumstances, it is submitted that it is clear that John MacDonald sent the letter to Kevin Maloney in an attempt to negotiate a monetary settlement without involving

authorities. He used the obvious threat of disclosure to the authorities as a mechanism to encourage such a settlement. His absence of a clear explanation for the wording and tone of his letter are reflective of his position.

Exhibit 204.

766. Father Maloney testified that he received the Exhibit 202 letter on or about August 14, 1995 and that he found it in the mailbox. He testified that he brought the letter immediately to CPS as well as to the CAS and then responded in writing to John MacDonald on August 15, 1995. John MacDonald testified that he delivered Exhibit 202 by hand to Father Maloney's residence on August 14, 1995.

Evidence of John MacDonald, CPI Transcript Vol.83, p.94.

Exhibit 202, Bates 294.

Evidence of Kevin Maloney, CPI Transcript Vol.251, pp.72-74.

767. Rick Trew of the CPS testified that on August 14, 1995, he met with Kevin Maloney who presented him with a copy of Exhibit 202. Rick Trew delivered the letter to Constable Bough and generated an "occurrence report" corroborating the meeting between himself and Father Maloney (Exhibit 1553).

Evidence of Rick Trew, CPI Transcript Vol.23, pp.161-168.

Exhibit 202.

Exhibit 1553.

768. Exhibit 1553 generated by Officer Trew states that Father Maloney turned the letter over to the CPS to report sex abuse, that Officer Trew was satisfied Father Maloney was following DAC's protocol and that Officer Trew was told by Father Maloney that he was giving the letter to the police notwithstanding the individual who wrote it did not want police involvement.

Evidence of Rick Trew, CPI Transcript Vol.23, p.167.

769. Officer Trew told Father Maloney that he would promptly inform the CAS of the allegations.

Evidence of Rick Trew, CPI Transcript Vol.23, p.169.

770. Father Maloney did not wait for the CPS to report the matter to the CAS. He immediately met with Rick Abell and gave a copy of the letter to him as well. This was confirmed by Mr. Abell's notes.

Exhibit 230.

Evidence of Kevin Maloney, CPI Transcript Vol.251, p.82.

771. The day after Father Maloney received the letter from John MacDonald, he wrote back to him. That letter said:

I received your letter yesterday. Diocesan policy (see attached document) requires that I forward your complaint to the police so that they may investigate. Since you spoke of the healing process, I hope that you will cooperate with the authorities.

Father Maloney attached to his letter a copy of DAC's guidelines on sexual abuse issued June 21, 1995 and delivered this material to John MacDonald.

Exhibit 203, Bates 311-312.

Evidence of Kevin Maloney, CPI Transcript Vol.251, p.74.

772. Following the delivery of the letter, Father Maloney received several phone calls and messages from both David Silmsner and John MacDonald. He spoke with David Silmsner. Although he does not recall the details of the discussion, he recalls the tone. David Silmsner was angry, agitated and aggressive. Father Maloney accordingly did not return John MacDonald's calls. He contacted his lawyer and the police and asked them to intervene to prevent any further contact. He understood this was required by the protocol and did not want to be in touch with alleged victims while the police were investigating.

Evidence of Kevin Maloney, CPI Transcript Vol.251, pp.83, 88, 89, 95.

773. John MacDonald admitted that he could understand why Kevin Maloney called the police to prevent communication, including further phone calls. It was clear that David Silmsner had associated himself with John MacDonald's case. Mr. MacDonald conceded that David Silmsner was angry and difficult and even Mr. MacDonald wanted to "distance himself" from David Silmsner's behaviour.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.124-131.

774. A short time later Father Maloney received a letter from a lawyer, Walter MacLean requesting counselling support for John MacDonald from DAC. Father Maloney gave this letter to Bishop LaRocque and was not involved any further.

Exhibit 249.

Evidence of Kevin Maloney, CPI Transcript Vol.251, pp.96-97.

775. Mr. MacLean's letter seeking counselling cited DAC's guidelines, a copy of which had been provided to John MacDonald.

Exhibit 249.

776. Mr. MacDonald, when later discussing this issue with Richard Abell, told him that he had approached DAC for counselling through Mr. MacLean and that the Bishop called Mr. MacLean back and told him that insurance would cover the cost of counselling.

Notes of Richard Abell, Exhibit 241, Bates 091.

777. When Mr. MacDonald was cross-examined at the CPI, he admitted that it was possible he told Richard Abell that the Bishop had advised Mr. MacLean that counselling would be covered by DAC.

Evidence of John MacDonald, CPI Transcript Vol.83, p.138.

778. According to Mr. Abell's notes, John MacDonald then "got involved in Silmsers suit (Bryce Geoffrey) – dropped MacLean – counselling issue also got dropped."

Notes of Richard Abell, Exhibit 241, Bates 091.

779. During cross-examination at the CPI, Mr. MacDonald admitted that following the letter from Mr. MacLean, he hired Bryce Geoffrey, that Bryce Geoffrey was Mr. Silmsers lawyer, that Mr. Geoffrey was instructed to, and did, write a letter dated September 13, 1995 to DAC counsel, that Mr. Geoffrey's letter made no mention of counselling, and Mr. Geoffrey did not even appear to know about Walter MacLean and the counselling initiative.

Letter from Bryce Geoffrey to Peter Annis, September 13, 1995, Exhibit 248.

Letter from Peter Annis to Bryce Geoffrey, September 15, 1995, Exhibit 250.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.140-142.

780. Mr. Annis's letter to Mr. Geoffrey two days later clearly reiterates a commitment to provide counselling at DAC's cost to John MacDonald. The letter stated:

I enclose a letter recently received by my client from Mr. Walter MacLean of Guindon MacLean Don MacDonald & Castle, solicitors in Cornwall advising that their firm also represents Mr. MacDonald. In accordance with the Church's guideline, my client wishes to provide help and support if such can be of assistance to Mr. John MacDonald and, in that regard, I would ask you to speak with Mr. MacLean and perhaps get back to me thereafter.

Letter from Peter Annis to Bryce Geoffrey, September 15, 1995, Exhibit 250.

781. Mr. MacDonald testified that he did not know whether he even informed Mr. Geoffrey about Walter MacLean's letter and could not recall whether he ever received a copy of Mr. Annis's letter that had been sent to Mr. Geoffrey on September 15.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.140-143.

782. Indeed, Mr. Geoffrey didn't even write to Walter MacLean to advise him of his retention by John MacDonald until September 18, 1995.

Letter from Bryce Geoffrey to Walter MacLean, September 18, 1995, Exhibit 251.

783. Several days later, on September 26, Mr. MacDonald met with Richard Abell to discuss the counselling issue. Mr. MacDonald authorized Richard Abell to call the Bishop to make a request for counselling. On the same day, the Bishop responded to Mr. Abell, saying, "okay, send me the bill."

Notes of Richard Abell, Exhibit 241, Bates 091.

784. The very next day, Richard Abell wrote to Bishop LaRocque, thanking him for his assistance with John MacDonald and confirming DAC's willingness to provide financial support for psychological counselling.

Letter from Richard Abell to Bishop LaRocque, September 27, 1995, Exhibit 252.

785. On September 28, 1995, DAC's position to provide counselling to Mr. MacDonald was confirmed by Peter Annis, DAC's counsel, by way of letter to Bryce Geoffrey.

Letter from Peter Annis to Bryce Geoffrey, September 28, 1995, Exhibit 233.

786. Mr. MacDonald admitted under cross-examination that the process of changing lawyers was what likely led to the delay in obtaining counselling services as opposed to any other consideration such as DAC not reacting fast enough.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.148-149.

787. In fact, it is submitted that DAC's response was swift, totally consistent with its protocol, reporting obligations and compassion. Mr. MacDonald's allegations were reported both to the police and the CAS the day they were received and he was provided with a copy of the applicable guidelines.

788. Mr. MacDonald conceded not only that DAC offered to fund counselling for him, but also that he went to counselling sessions and that those counselling sessions were in fact paid for by DAC.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.162-163.

789. Mr. MacDonald subsequently sued DAC, but his case was dismissed. Notwithstanding that proceeding, in 1998, Mr. MacDonald again requested that DAC provide assistance for him to obtain additional counselling. In an April 2, 1998 letter, Mr. Annis responded that DAC was prepared to provide financial assistance for counselling services to Mr. MacDonald, providing that its offer to do so was on a without prejudice basis in view of the litigation and that the physician treating Mr. MacDonald could not be used against DAC at trial.

Letter from Peter Annis to Alain Robichaud, April 2, 1998, Exhibit 254.

790. At the CPI, Mr. MacDonald testified that he never got a copy of Mr. Annis's letter from his own lawyer and took no issue with the offer of counselling being on a without prejudice basis.

Evidence of John MacDonald, CPI Transcript Vol.83, pp.169-172.

791. Therefore, it is submitted that DAC's response to John MacDonald's allegations was perfectly appropriate, consistent with its guidelines and obligations.

E. Reporting the Leroux Allegations to the CAS

792. In the spring of 1997, DAC received materials emanating from the Perry Dunlop lawsuit. These materials included pleadings, as well as affidavits and materials in support of the Statement of Claim issued by Perry Dunlop. The Statement of Claim made wide-ranging allegations and other documents included the Leroux and Renshaw affidavits. DAC priests met and decided to immediately report the claims therein to the CAS. Mr. Carriere summarized what happened.

Q. Now, my read of the file on this issue – just coming back, the Diocese people contacted you presumably when they met you pursuant to the protocol that had been in place for a bit of time.

A: Yes.

Q: They gave you disclosure of all the material they contended that they had been given.

A: Yes.

Q: They provided their responses through their solicitors.

A: Yes.

Q: You interviewed them and/or their solicitors?

A: Yes.

Evidence of Bill Carriere, CPI Transcript Vol.287, p.179, l.9-25.

793. As the record demonstrates, when DAC priests, including the Bishop, received the Dunlop materials, they unanimously decided to turn the materials over to the CAS.

Evidence of Kevin Maloney, CPI Transcript Vol.251, pp.102-103.

794. On May 13, 1997, Father Maloney met with Richard Abell. Mr. Abell's notes disclose that both Father Maloney and Msgr. McDougald attended at the CAS offices, advising they had material from the civil suit containing allegations against numerous clergy (including themselves), "they want to cooperate":

They'll make the material available if we want it. I told them I'd get back to them.

Consulted with Bill Carriere and Elizabeth MacLean – agreed we'd ask for what they have. I left a phone message for Kevin Maloney on the 16th asking for the documentation – May 20, 1997 Father Kevin brings in his material.

Notes of Richard Abell, May 1997 – Case Documentation System Service Record – Exhibit 2386, Bates 511.

795. The material provided was under cover of an envelope addressed to the CAS of the United County of SD&G, attention Richard Abell. The covering letter was signed by Father Kevin Maloney, enclosing a response to demand for particulars, unsigned affidavit of Ron Leroux, a statement of Ron Leroux, and the statement of Gerald Wesley Renshaw. Father Maloney testified that he delivered these materials by hand and their receipt of was acknowledged by the CAS.

Evidence of Kevin Maloney, CPI Transcript Vol.251, pp.111-114.

Exhibit 2387, Bates 791-836.

Evidence of Bill Carriere, CPI Transcript Vol.287, p.169, l.9-25 – p.175, l.1-15.

796. As Mr. Carriere testified, the CAS then interviewed DAC priests and/or their lawyers and received information from them as summarized by their counsel and other correspondence.

Exhibit 387, Bates 783 – 789.

Exhibit 1862, June 27, 1997 letter to the CAS from Tom Swabey, together with response of Donald MacDonald, Bates 439-443.

Exhibit 2389, Bates 053-055.

797. Mr. Swabey's letter to CAS dated June 27, 1995 enclosed the McDougald response to the allegations and also enclosed a copy of Mr. Swabey letter's addressed to Patrick Rudden dated June 25, 1997. That letter, Exhibit 1863, stated that:

Mr. Abell advised at a meeting that the investigation of the Children's Aid Society was being carried out in cooperation with the investigation ongoing by the special unit of the Ontario Provincial Police and that the Children's Aid Society and the OPP were co-ordinately with each other and exchanging information obtained. I indicated to Mr. Abell that this was quite satisfactory to my clients and that likely your clients would feel likewise. Please feel free to telephone me should you have any questions or concerns.

Exhibit 1862.

Exhibit 1863.

798. Therefore, the CAS advised DAC it would be forwarding all material it received to the OPP.

799. When DAC received the materials, including the Leroux affidavit, it properly advised authorities, provided all materials in its possession to the CAS, and attended interviews with CAS personnel. As will appear, interviews of DAC personnel were later conducted by OPP through Project Truth which actually conducted the investigation (the CAS, as Mr. Carriere stated, deferred the investigation to the OPP) in relation to the allegations in the material. In any event, DAC cooperated to the fullest possible extent.

VIII. Individual Priests

A. Romeo Major

800. On October 31, 1999, Bishop LaRocque was contacted by Pat Hall of the OPP who advised him of allegations against Romeo Major. This was the first time the Bishop became aware of allegations against this priest. He testified that he only ever knew about one allegation against Father Major and it was asserted by the complainant C111. As the Bishop testified:

Q: So you were only made aware of one allegation by one woman?

A: That's right. One allegation. One.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.86, l.22-25; p.87, l.5-12.

801. Bishop LaRocque testified that he was not aware of anyone else identifying complaints about Major and he denied the reference in Constable Genier's notes of April 13, 2000 put to him by Commission Counsel.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.88-89.

802. Following the receipt of information from Pat Hall, the next day Bishop LaRocque telephoned Richard Abell of the CAS to report the allegation. A note of Mr. Murphy at the CAS office records the Bishop as saying:

He was calling to speak to Richard Abell who was away this week.

Inspector Hall had been in to speak to him regarding investigations into allegations about Father Romeo Major, St. Martyr's Church – allegations involve touching a girl approximately 25 years ago – he was sharing information as required.

I explained I was not involved in ongoing investigation, but would pass this information on to Richard Abell and Bill Carriere.

Exhibit 2128, Bates 801.

803. The Bishop did not immediately remove Father Major. Phase V of DAC's published guidelines provided, under the heading "Decision of the Bishop": **Bishop waits for the investigation to take place.**

The section implies that if as a result of the investigation it emerges that there is a risk either to the aggressor or members of the community, or because events become public or charges are laid, the Bishop then removes the suspected aggressor from church duties.

Exhibit 58, Tab 31.

804. In this case, the Bishop waited for the investigation to be completed and on April 10, 2000, he was advised that Romeo Major had been arrested and charged in connection with the allegations about which Pat Hall spoke to the Bishop in November.

April 10, 2000 letter to Bishop LaRocque from Romeo Major, Exhibit 2129.

805. Romeo Major's resignation was immediately demanded, received and accepted.

Exhibit 2131.

806. The Bishop then issued a press release to the public, reading as follows:

Charge of indecent assault against Rev. Romeo Major at St. Martyr's Parish.

After consultation with the Personal [sic] Committee of the Diocese and the Director of the Children's Aid, I have accepted Father Major's resignation, according to our protocol and have named Rev. Rheel Levesque PSS as administrator. The matter is now before the courts.

Exhibit 2130.

807. Rev. Major remained suspended until the charges against him were withdrawn.

808. In November 2000, while the charges were outstanding, Bishop LaRocque sent Romeo Major for assessment at Southdown.

Letter from Bishop LaRocque to Romeo Major dated November 2, 2000, Exhibit 2132.

809. Subsequently, Father Major attended a five-week residential treatment program at Southdown in the spring of 2001.

Exhibit 2133.

810. The charges were withdrawn against Romeo Major toward the end of 2001 and, accordingly, on October 13, 2001, he was reinstated by Bishop LaRocque.

Notice to Parishioners from Bishop LaRocque, October 13, 2001, Exhibit 2134.

811. A number of factors influenced Bishop LaRocque's decision. First, he had sent Romeo Major to Southdown. Southdown officials did not indicate that Father Major was a risk or that he presented a risk of sexual aggression.

Exhibit 2133.

812. Father Major vigorously denied the allegations, and, finally, the complainant had been suffering from a brain tumour from the very outset of her complaint, thus calling into question her ability to make a lucid, informed or accurate complaint in the first instance. As Bishop LaRocque testified regarding his knowledge of the withdrawal of the case:

Well, as I told you before, because of the incompetency, it seems to me, of the one that was accusing him...my recollection was she had a brain cancer even when she made the accusation...yes, when she made the complaint I believe she already had the brain cancer.

[emphasis added]

Evidence of Bishop LaRocque, CPI Transcript 269, p.104, l.18-22; p.105, l.4-10, l.24-25.

813. In fact, notwithstanding what appeared to be the efforts of Commission Counsel to suggest that the withdrawal of the charges only occurred because of illness at or around the time of the preliminary inquiry, the evidence overwhelmingly demonstrated that the complainant was suffering from a serious brain cancer, had had brain surgery and had complained about memory loss from the very first moment she contacted police. C111's first statement in October 1999 refers to the fact that:

And from talking with you on the way down here, ah, I understand you've had some health problems in the last little while. Can you tell us about those?

A: Health problems throughout my life, it's been one thing after another. I'm saying, I thought I'd let you know. I do have cancer now. That's the most recent one was a brain tumour. Ah, 60% was taken out, and the other 40% is still in, and I go in, up to Ottawa every three months to get it checked. I've had a gall bladder, appendix, bunions, the bones in my feet taken off, as far as illness, I roll with the punches.

Q: Okay, when did you first get diagnosed with cancer...or the brain tumour?

A: December 1998...just December last year.

Q: When did you have surgery?

A: Ah it was automatic. We found it, we'll fix it, is what I was told. Well, they're doing the best.

Q: Are you getting treatment in Ottawa, you said?

A: I have radiation for 7 weeks and that's the most they can do. It's only grown .5 cm.

[emphasis added]

Statement of C111, Exhibit 3017, Bates 448-449.

814. Later in the same interview, C111 said:

And as for memory work...it's a lot of digging, only because of the brain tumour.

Statement of C111, Exhibit 3017, Bates 464.

815. Nearly a year later, in November 2000, Officer Genier recorded this in his notes about C111:

Has brain tumour, operated December 98, diagnosed with breast, liver, kidney cancer...C111 frustrated because she has difficulty remembering details of her past because of her medication – C111 crying and is very discouraged with her ability.

[emphasis added]

**Notes of Officer D.C. Genier dated November 14, 2000, Exhibit 3018,
Bates 394-395.**

816. The scheduled proceeding against Father Major for April 2001 was adjourned because of the victim's very ill health. C111 was in the hospital.

Email from Louise Lamour to Cosette Chafe, Exhibit 3164.

817. The Crown Attorney's analysis of the allegations against Father Major listed a number of points justifying the withdrawal of charges, including a motive to fabricate, Dunlop, financial, delayed disclosure, lack of corroboration, contradiction by others, inconsistent statements, timeframes that were "grossly inconsistent" and significant lack of memory reliability, including brain cancer, epilepsy, and the passage of time.

"Main Points," Exhibit 3019.

818. It is submitted that the Bishop was advised, as he testified, that he was aware that the complainant had a significant brain cancer and major memory impairment at the very outset when she gave her first complaint. Thus, he had ample reason to suspect the credibility or accuracy of the complaint and that, together with a Southdown assessment which did not indicate the existence of any risk of sexual aggression, justified his decision for reinstatement.

819. DAC was never aware of the allegations of C69 against Father Major. There is no evidence that the OPP contacted DAC in relation to those allegations. In fact, although the OPP attempted to obtain C69's cooperation and a statement, C69 refused to cooperate. As Officer Dupis stated:

Q: And you attempted on a number of subsequent occasions to get a statement from the individual?

A: I know I had more than one contact with that person.

Q: On multiple occasions you endeavoured to get a statement from this person?

A: Yes.

Q: And you didn't get one then and you never got one?

A: That's correct.

Evidence of J. Dupis, CPI Transcript Vol.310, p.49, l.1-13.

820. Moreover, OPP officers learned in their first interview with C69, that C69 was seeing a psychologist and psychiatrist.

Notes of Officer Genier, Exhibit 1922, Bates 868.

821. It was ultimately learned that C69 was in fact "mentally unfit." C69's treating physician spoke to Pat Hall and told him:

[C69] is not mentally fit to be involved in a legal process. Not capable of participating. She does not want calls from us.

Handwritten Notes of Pat Hall, September 28, 2000, Exhibit 2755, Bates 664.

822. Therefore, it is submitted that DAC's response to the allegations about Father Major was appropriate and consistent with its guidelines. The Bishop's decision to reinstate Father Major was properly principled.

B. Rene Dube

823. The allegations concerning Rene Dube were not “allegations of abuse of a young person in the Cornwall area” as described by the CPI’s Terms of Reference, but rather an allegation of abuse which allegedly took place in the Montreal, Quebec, area. Therefore, the CPI has no jurisdiction to inquire into the response to such allegations. Should the CPI choose to make findings in connection with these allegations, such findings will, it is submitted, amount to errors at law.

824. In any event, Rene Dube was accused of abuse by Claude Marleau. It was alleged that the abuse took place in Montreal, Quebec. Rene Dube was totally exonerated of the allegations by the trial judge who acquitted him with positive judicial statements testifying to his innocence.

Judgment of the “Cour du Quebec,” Exhibit P178.

825. When the allegations came to light at DAC, Rene Dube tendered his resignation to Bishop LaRocque. The resignation was refused. Bishop LaRocque testified that he had spoken to Paul Lapierre, the co-accused in the case. Paul Lapierre had told the Bishop that Rene Dube was innocent and that if there was a proper co-accused, it was not Rene Dube but rather Don Scott (then deceased).

Letter from Bishop LaRocque to Rene Dube, June 23, 1999, Exhibit 2123.

826. Bishop LaRocque testified that, based on this information, he was certain of Rene Dube’s innocence. Rene Dube had never been the subject of any allegation of impropriety or misconduct and, in the circumstances, the Bishop refused his resignation. There followed a debate between Richard Abell of CAS and the Bishop regarding the imposition of terms on Rene Dube’s continued ministry while charges were outstanding. As the matter had become instantly public, Mr. Abell was aware of the allegations and wrote to the Bishop, asking that he impose some terms.

Letter from Richard Abell to Bishop LaRocque, Exhibit 2124.

827. Bishop LaRocque agreed to impose some conditions on the further ministry of Rene Dube which prohibited him from being alone with youth pending disposition of the charges.

Exhibit 2125.

828. Bishop LaRocque testified that he telephoned the attorneys for Rene Dube and advised them of the information he had received from Paul Lapierre. He did not think to pass the information on to any other authority.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.55-59.

829. It is submitted that the Bishop's decision not to accept the resignation of Rene Dube was a discretionary one and it was based on a judgment he made at the time which was permissible under DAC's guidelines. However, his actual knowledge regarding Rene Dube's innocence was based on information which, at that time, he appeared unwilling to disclose. He was also not in a position to definitively assess the credibility of that information although, as events proved, he was right about Rene Dube's innocence. The problem was, no one else knew what was going on. This resulted in the Bishop making public statements about his ability to follow his protocol in his discretion which may have undermined the public's confidence in DAC's decision making at a time when public confidence was already low. Therefore, the Bishop might have considered accepting the resignation of Rene Dube until the allegations were handled by the court, or taken another course which would not have contributed to possible confusion in the public's mind about DAC's decisions.

C. Paul Lapierre

830. Paul Lapierre was incardinated as a priest at DAC in the 1950s. He left DAC in 1968 and became a travelling retreat preacher.

Priest Card, Exhibit 2869, Tab 106, Bates 978-979.

831. Bishop LaRocque testified that Paul Lapierre had left DAC before Bishop LaRocque arrived at DAC. Bishop LaRocque thought this occurred some time around 1967.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.45-46.

832. By the time allegations arose in the late 1990s, Paul Lapierre had been living in Montreal, retired.

Exhibit 2869, Tab 106, Bates 979.

833. Paul Lapierre was charged in March 1998 in relation to allegations in Ontario. His statement indicates that at that time he was living in Montreal, Quebec.

Statement of Paul Lapierre, Exhibit 2147.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.43.

834. The statement of Paul Lapierre also indicates that he was going to call the Bishop. Bishop LaRocque testified that at some point following the charges he was contacted by Paul Lapierre.

Statement of Paul Lapierre, Exhibit 2147.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.161.

835. Bishop LaRocque specifically denied that he told Paul Lapierre to say nothing when he was contacted by the police.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.160.

836. At the time the allegations arose, Paul Lapierre had been out of DAC for approximately 30 years.

837. Subsequently, Paul Lapierre testified that he had told the Bishop (he did not specify which one) that he was aware of abuse that had been perpetrated by other priests of DAC. Bishop LaRocque specifically denied this statement. He testified that he never talked about such issues with Paul Lapierre.

A: I deny that. Never did he speak to me about this.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.164-165; 166, 1.5-6.

838. Bishop LaRocque similarly denied that he was told by Paul Lapierre about allegations against Hollis Lapierre who was then dead.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.170-172.

839. Bishop LaRocque acknowledged in his testimony that after the allegations about Rene Dube became public, he had a conversation with Paul Lapierre in which he is alleged to have told the Bishop that the allegations against Rene Dube could not be true and that he was innocent. The basis for this statement was Paul Lapierre's statement that if there was another person present while Claude Marleau was abused, it was not Rene Dube, but rather Don Scott.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.55-57.

840. Although Bishop LaRocque did not communicate with the Crown Attorney in Quebec in connection with this issue, he did contact defence counsel for Rene Dube and told them that he was "ready to testify to the conversation I had."

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.58.

841. It is submitted that the allegations raised by Claude Marleau in connection with abuse in Montreal, Quebec, did not amount to historical allegations of abuse of a young person in the Cornwall area, but rather an allegation of abuse in the Montreal area and as such the CPI has no jurisdiction to examine Bishop LaRocque's internal or external response to these allegations.

842. However, DAC acknowledges, as did Bishop LaRocque, that in the circumstances, and given the information he possessed, he should have contacted the authorities to advise them of the information he had.

843. DAC further acknowledges that with the benefit of the information Bishop LaRocque had, DAC could have considered some action with respect to Father Lapierre. Bishop LaRocque could have considered some administrative action in connection with Father LaPierre (even though he had been gone from DAC for nearly 30 years by that point). DAC should also have contacted the Diocese of Montreal and informed that authority of the facts, its decision if any and any rationale for it. DAC should also have requested that some administrative action be taken in Montreal to parallel its own, if any, in order to ensure, pending disposition of the criminal process, and in any event, that steps were taken to address any potential risk.

844. Further, DAC acknowledges that the incoming Bishop in 2002 should have been advised of the circumstances relating to the Lapierre matter. As it turned out, Bishop Durocher was not aware of the discussion between Bishop LaRocque and Father Lapierre regarding Rene Dube. Therefore, when Bishop Durocher arrived at DAC, he decided to await the outcome of Paul Lapierre's criminal trial before taking any action.

845. When Bishop Durocher arrived at DAC, the Ontario proceedings against Father Lapierre had been dismissed. The trial judge's reasons raised significant concerns about the credibility of the complainant. That complainant was the same person who was the complainant in the Quebec proceeding. The case against Rene Dube had also been dismissed. The Montreal proceeding against Paul Lapierre was still outstanding.

846. Bishop Durocher testified that Father Lapierre was retired and had no ministerial mandate in Montreal where he lived.

847. When the verdict of guilt was rendered in the criminal case, Bishop Durocher went to Montreal and imposed administrative sanctions on Paul Lapierre. He issued a decree removing functions from him. He communicated this information to the Diocese of

Montreal where Paul Lapierre lived. He asked Montreal to confirm that no ministry was being performed by Paul Lapierre. Bishop Durocher was advised, in writing, by the Chancellor of the Archdiocese of Montreal that Paul Lapierre was not exercising ministry in that Diocese.

Exhibit 2188.

Exhibit 0177.

848. Subsequently, Bishop Durocher forwarded the formal decree to Paul Lapierre and copied it to the Diocese of Montreal.

Exhibit 2189.

Exhibit 2190.

849. Bishop Durocher learned that although not acting as a Catholic priest or wearing a Roman collar, Father Lapierre had been accompanying some families to the Cote St. Catherine cemetery in Montreal. Bishop Durocher advised the Bishop of Montreal of this development and told him that if he wished this to stop, he would have to take some action within his own Diocese to deal with it.

Exhibit 2190.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.97.

850. The suspension by Bishop Durocher was made final after the appeal in the Paul Lapierre matter was dismissed.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.99.

851. Bishop Durocher testified that following the criminal conviction and appeal, he did not take any action to invoke a canonical process because:

- (a) the ten-year limitation period had long since expired, thereby making a canonical penal process impossible;
- (b) and, in any event, Father Lapierre is basically incapacitated, living in "assisted care" and incapable of any ministry.

Evidence of Bishop Durocher, CPI Transcript Vol.273, p.87.

D. Carl Stone

852. The case of Carl Stone does not engage the jurisdiction of the CPI. No allegations of historical abuse of a young person in Cornwall were ever made by anyone to any public institution ever. Therefore, the CPI does not have jurisdiction to make a finding of fact or of any kind in relation to the Carl Stone matter.

853. Father Carl Stone first came to what was then the Diocese of Alexandria in 1957. Exhibit 2066, a letter from the Diocese of Ogdensburg, outlined that Father Stone had been asked to leave that Diocese from which his faculties had been withdrawn because of a matter which involved trouble with young boys. There had apparently been some history to this before he had arrived at Ogdensburg, but the letter was not specific about that issue.

Exhibit 2066.

854. The then Bishop of Alexandria acknowledged the presence of Carl Stone in the Diocese of Alexandria and agreed to let him stay for a one-year period experimentally. The Bishop refused to incardinate Carl Stone.

Exhibit 2067.

855. From 1957 to 1963, Carl Stone remained at the Diocese of Alexandria. On occasion, concerns were expressed by the Diocese of Ogdensburg about his returning there, contrary to warnings and restrictions placed on him both by the Diocese of Ogdensburg and by the Bishop in Alexandria.

Exhibit 2067.

Exhibit 2068.

Exhibit 2069.

Exhibit 2070.

856. Ultimately, in October 1963, Father Stone was asked to leave the Diocese in relation to an unspecified, as well as unparticularized, incident.

Exhibit 2071.

857. On October 21, 1963, the Montfort Fathers, the religious order with jurisdiction over Father Stone, wrote to the Bishop of Alexandria, asking for an extension of Father Stone's stay. The Bishop of Alexandria wrote back to the Montfort Fathers on October 27, 1963, informing them that Carl Stone had left the Diocese in August when the "Cornwall police threatened to intervene after his misdemeanour." Carl Stone did not return to the Diocese until the early 1980s. No details or information about these events survive.

858. Although the Bishop of Alexandria wrote to the Montfort Fathers to explain the situation, it is not clear, and given the passage of years, it is now not known, whether he spoke to representatives of the Montfort Fathers on the telephone to explain the details.

859. DAC acknowledges the following in connection with Father Stone's initial arrival at the Diocese of Alexandria in 1957:

- (a) That either Father Stone should have been refused entry into the Diocese of Alexandria or, if entry was permitted:
 - (i) The Bishop should have had full disclosure of all details of concerns or problems which occurred in Ogdensburg as well as prior to Ogdensburg. In this regard, while it is unknown what oral discussions the Bishop of Alexandria may have had with Ogdensburg or Montfort Fathers, certainly an interview of the officials at Ogdensburg and the Montfort Fathers should have been conducted to learn the details not only of the incident referred to in Exhibit 2066, but the "history to this trouble" as well.
 - (ii) No ministry should have been permitted until a full and detailed explanation of the facts were made available to the Bishop of Alexandria and, if necessary, any other inquiry had been taken.
- (b) No ministry should have been accorded to Father Stone which brought him into contact with any vulnerable person.

- (c) Upon Father Stone's departure, a full report should have been delivered both to the Montfort Fathers as well as the Diocese of Ogdensburg detailing the incidents in question. At this point, given the amount of time that has passed, it is not known whether Bishop Brodeur had oral discussions with either of those organizations but, certainly, a full report in writing should have been delivered.

860. Father Stone returned to DAC in late 1981.

Memo of Bishop LaRocque, October 14, 1981, Exhibit 2072.

861. DAC acknowledges that either Father Stone should not have been permitted to come back to DAC, or, if he was allowed to return, it should have been only after the following had occurred:

- (a) Since Bishop LaRocque's interview of Carl Stone revealed that he had been in treatment in Southdown and had been convicted of an offence, Father Stone should have been required to consent to the full release of information from Southdown and DAC should have obtained a report from Southdown providing a full diagnosis as well as prognosis for Father Stone. This should have included some form of risk assessment. A continuing treatment plan as well as monitoring for that plan should have also been in place which ensured ongoing contact with DAC.
- (b) Full disclosure of the details of the criminal proceedings should have been obtained by DAC and interviews with any authorities who exercised jurisdiction in relation to Father Stone should have taken place.
- (c) If any work was authorized, it should have been limited based on information received.
- (d) Finally, when Father Stone was asked to leave, a report should have been delivered to the Ministry of Citizenship immediately upon his departure in

order to ensure that any remaining time on his visa was terminated. A full written report should have been delivered both to the Montfort Fathers and the Diocese of Ogdensburg in order to ensure they were aware of the developments.

862. Notwithstanding the foregoing, it should be noted that there is no evidence DAC received a complaint that Father Stone was involved in the sexual abuse or abuse of young people in Cornwall during the period he was at DAC in the 1950s, 1960s or 1980s.

863. Finally, Father Stone's situation needs to be placed in historical context. Events in the 1950s, 1960s, 1970s as well as the early 1980s cannot be compared with the climate, understanding and developments that have taken place since then in society as well as within the Catholic church. New Diocesan protocols and procedures, screening and understanding has been achieved. The development of studies such as "From Pain to Hope" and its updates all, it is submitted, would result in different reactions by a diocese today.

E. Father Ken Martin

864. Kenneth Martin was incardinated into DAC in 1958.

Priest Card, Exhibit 2869, Tab 100, Document 702975, Bates 965-966.

865. Ken Martin left DAC in 1972 and became employed with the Diocese of St. Jean, Quebec, where he remained until his retirement.

Priest Card, Exhibit 2869, Tab 100, Document 702975, Bates 965-966.

866. Ken Martin was not active in ministry at DAC following his departure. He never returned.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.44.

867. Bishop LaRocque testified that he never met Ken Martin.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, pp.122-125.

868. DAC learned of allegations against Ken Martin in the spring of 1999 when Pat Hall contacted Bishop LaRocque to express concerns that Ken Martin had not shown up for processing. Bishop LaRocque attempted to contact Ken Martin. Bishop LaRocque had not been contacted in advance and did not know why Ken Martin failed to attend when he had been requested.

Evidence of Bishop LaRocque, CPI Transcript Vol.269, p.44.

869. By the time allegations against Ken Martin became known, he had been absent from DAC for nearly 30 years. However, DAC acknowledges that upon receipt of the allegations, some analysis of risk should have been conducted, and administrative action in some form could have been considered. DAC should have communicated with Montreal where Ken Martin was resident, although retired, in order to coordinate any response.

870. Ultimately, Ken Martin was acquitted of the charges against him. DAC is not aware of any other complaints about Ken Martin, nor did it receive any.

F. Lucien Lussier

871. Lucien Lussier was a priest incardinated at DAC. In 1967, a letter was received by DAC complaining about Lucien Lussier's behaviour in relation to a young man. There were few details in the letter, but the message conveyed was that the relationship was unacceptable and improper.

872. Msgr. Lebrun testified that when the letter was sent, there was no Bishop at DAC. Bishop Proulx had not yet arrived. He came later, in the month of June. There was an administrator at DAC at the time. Msgr. Lebrun could not identify whether Bishop Proulx saw the letter.

Exhibit 1937.

Evidence of Msgr. Lebrun, CPI Transcript Vol.258, pp.165-165.

873. Certainly Msgr. Lebrun acknowledged that there was a meeting between Bishop Proulx, himself and some parishioners in relation to the subject raised in Exhibit 1937. Msgr. Lebrun was in attendance. Very few details if any were described at the meeting, although there was a clear concern about Father Lussier's behaviour towards a certain young man.

874. Msgr. Lebrun testified that he was not aware in 1967 of the allegations made in the letter. Bishop Proulx never talked to Msgr. Lebrun about the letter and he was not aware of it prior to preparation for the Inquiry.

Evidence of Msgr. Lebrun, CPI Transcript Vol.258, pp.66-69.

875. All Msgr. Lebrun could say is that at some point latter, Lucien Lussier was moved from the parish where he had been serving to another parish within DAC. The former Bishop who dealt with this issue is long dead. The details of events are unavailable.

Exhibit 1938.

Evidence of Msgr. Lebrun, CPI Transcript Vol.258, p.73.

876. Bishop LaRocque testified that when he became Bishop, he did not review individual priest files and would not have been aware of the letter from the late 1960s

about Father Lussier. In 1993, Bishop LaRocque received correspondence from concerned parishioners about Father Lussier.

Exhibit 1939.

877. As Msgr. Lebrun testified, that 1993 letter had nothing to do with allegations of a sexual nature or concerning abuse of youth.

Evidence of Msgr. Lebrun, CPI Transcript Vol.258, p.78.

878. The problem alleged related to the character and temper as well as general behaviour of Lucien Lussier. At the end of the events arising from the letter, Lucien Lussier was asked to retire.

Evidence of Msgr. Lebrun, CPI Transcript Vol.258, pp.77-78.

879. DAC acknowledges that if Lucien Lussier was transferred between parishes in the 1960s in response to an allegation of inappropriate relationship with a young person, other measures should have been taken based on full information.

880. DAC also acknowledges that had Bishop LaRocque known of the letter from the 1960s, he would have been armed with that information and been able to consider what, if any, steps he should take with regard to continued ministry, limitation of ministry or possible investigations.

G. Father Lefebvre

881. In 1995, Bishop LaRocque received a letter from Andre Gauthier's lawyer complaining about historical abuse of Mr. Gauthier by Father Lefebvre. Father Lefebvre died in 1978. Bishop LaRocque met with Mr. Gauthier, expressed his remorse and offered him counselling.

882. DAC did not hear from Mr. Gauthier again for a period of ten years, at which time he commenced a civil case against DAC. That case was settled. It is submitted that DAC's response in the circumstances was appropriate.

H. Don Scott

883. Bishop LaRocque did not have any information (other than what he heard in 1999, when Don Scott was already dead) which would have, or should have, led him to take some action in relation to Don Scott while he was in ministry at DAC.

I. Cooperation with the OPP

884. It is submitted that there is no evidence of lack of cooperation by DAC with the OPP, either in its initial 1994 investigation or subsequently during Project Truth.

885. In 1994, DAC responded to requests for interviews of its personnel, including the Bishop, Msgr. McDougald and others who willingly attended and provided the information requested. No OPP officer criticized DAC or offered evidence of lack of cooperation by DAC at any time.

886. It is also submitted that the conclusion to be drawn from Project Truth is that DAC cooperated with it. Many of its employees were interviewed. Bishop LaRocque, Gordon Bryan, Msgr. McDougald, Denis Vaillancourt, Kevin Maloney, Rejean Lebrun and others.

887. Extensive requests for documentary production by DAC were made by the OPP through Pat Hall, Tim Smith or Joseph Dupuis, and these were delivered promptly to investigators when requested.

Exhibits 2869; 1914; 2220; 1993; 1994; 2119; 2117; 2115; 2118; 2152; 2114; 1857; 2154; 1973; 2116; 1940; 1853; 1912; 276; 2036; 2611, boxes 526-527; 2654; 2655; 2656; 2657; 2688; 2659; 2660; 2661; 2662; 2663; 2664; 2665.

Evidence of J. Dupuis, CPI Transcript Vol.310, pp.54-67.

888. Bishop LaRocque was not told why or for what purpose this information was requested by the OPP, or even necessarily about whom it was being sought. He did not know for what reasons, or in connection with what alleged victim the requests were made.

Officer Hall testified to this fact when he gave evidence at the CPI. He said:

Q. Now, as I understand your evidence, sort of towards the front end of the investigation, you and Mr. Smith, that is Inspector Smith, met with the Bishop; gave a general description and told him you'd be looking for information from him.

A: Yes.

Q: And that if he didn't give it to you when you asked for it, he'd be facing a warrant.

A: Yes.

Q: First of all, dealing with Bishop LaRocque, from [sic] your point of view as an officer here running this Project Truth investigation it was a bit unusual; wasn't it? In the sense that this is not an organization that you're just dealing with who – you're not talking to just some employer here. This is a person you're investigating as well?

A: Yes.

Q: You're not calling up the head of Domtar and saying, you've got an employee X and I need information on him. This person, too, is under investigation.

A: Yes.

Q: So you're probably a little more guarded in your discussions with him about what you're doing, where you're going, and what your agenda is?

A: Yes.

Q: So, although you would have told him what you were looking for, I suggest, when you asked for things, you weren't always telling him...why you were asking for it, you just asked him for things and expected him to disclose them?

A: Correct.

Q: You weren't getting into any dialogue with him about the wherefore and whys about the information requests that you were tendering to him?

A: No.

Q: You didn't feel you had to justify those to him in [any] way, shape or form, did you, sir?

A: That's correct.

Q: You didn't identify specific victims that may have given rise to the specific requests that you made, sir?

A: No.

Q: You wouldn't have discussed your agenda and where you were going with your investigation?

A: No.

Q: You didn't give him statements from victims and say, well, this guy says this, that and the other thing?

A: No.

Q: And then link that to information requests, right?

A: No.

Q: What you did is you said, I want the following pieces of information and he responded.

A: Yes. And I believe it was in writing.

Q: What you did is, there were a large number of information requests and you would write to him or provide him with a memo with lists of information –

A: Yes.

Q: – and he would respond?

A: Yes.

Q: And he did respond, didn't he?

A: Yes.

Q: He responded in a timely fashion?

A: Yes.

Q: And he was complete?

A: Best of his ability.

Q: And when he didn't have the information, to the extent he knew where it was he told you where to go and find it?

A: Yes.

Q: This, in the context of the absence of a detailed explanation by you about what you were doing and why you were doing it?

A: Correct.

Evidence of Pat Hall, CPI Transcript Vol.323, p.261-264.

889. Therefore, Bishop LaRocque did not always know why or in connection with what particular issue information was being requested. He just received multiple requests and answered them. It was never explained that he ought to provide information about dead priests, such as Hollis Lapierre, Don Scott, Father Lefebvre or others. Nobody told Bishop LaRocque why or in connection with what information requests were made concerning Father Carl Stone. As it turns out, there was no complaint about him.

890. In fact, Pat Hall conceded under cross-examination that the OPP never received a single complaint from any person suggesting that they had been abused by Carl Stone at any time. The OPP's 161-page Association Report containing hundreds of names of witnesses, complainants and/or alleged perpetrators cross-referenced does not record a single complainant identifying Carl Stone as a person who abused anyone.

Association Report, Exhibit 2697.

891. Pat Hall confirmed, in his oral evidence at the CPI, that the OPP never received a complaint from anyone contending they were abused by Carl Stone.

Evidence of Pat Hall, CPI Transcript Vol.323, p.195-207.

892. Therefore, it is submitted that DAC fully cooperated with any Project Truth OPP officers.

J. Leroux Allegations about Bernard Cameron, Donald McDougald, Bishop LaRocque, Gary Ostler & Kevin Maloney & C15's Allegations Against Kevin Maloney

893. It is submitted that the allegations made by Ron Leroux about Gary Ostler, Kevin Maloney, Bishop LaRocque, Donald McDougald and Bernard Cameron were patently, and obviously false and lacking in credibility. The same can be said of the allegations of C15 against Kevin Maloney. Not only could none of these allegations be corroborated, but they were inconsistent with objective facts known to DAC.

Evidence of S. Seguin, CPI Transcript Vol.315, pp.115-141.

Evidence of P. Hall, CPI Transcript Vol.323, p.260-261.

Letter to Pat Hall from Lorne McConnery dated August 15, 2001, Exhibit 1864.

Evidence of L. McConnery, CPI Transcript Vol.336, pp.1-5.

894. For example, in connection with C15's allegations against Kevin Maloney:

- (a) the Alfred Training School was within the jurisdiction of the Archdiocese of Ottawa and it would have been required to consent to his participation at that school. No consent was forthcoming and this was confirmed at the request of Kevin Maloney and DAC through the OPP.
- (b) No record of any presence of Kevin Maloney was ever identified at the Alfred Training School, notwithstanding the existence of an employment log. No witness would identify Kevin Maloney as ever being present at the Alfred Training School.
- (c) C15's initial allegations and statements contended that he was "only ever abused by one person and that was not Kevin Maloney."
- (d) It is submitted that Bishop LaRocque would have been required to give permission to Kevin Maloney to travel outside DAC to perform work and this was not forthcoming and there is no evidence it was even requested or given.

Evidence of S. Seguin, CPI Transcript Vol.315, pp.115-136.

Evidence of K. Maloney, CPI Transcript Vol.282, pp.73-91.

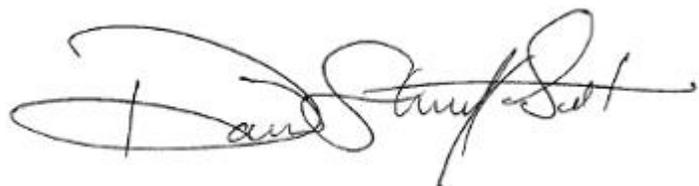
Exhibits 1865 – 1882.

895. The allegations that were made against Fathers Osler, Maloney, McDougald and Cameron and Bishop LaRocque were uncorroborated and DAC was entitled, it is submitted, to await the outcome of the investigation in connection with these matters, which it did. That investigation demonstrated that there wasn't even a sufficient basis in the minds of police officers to lay a charge. OPP team investigators testified that they extensively reviewed the facts and documentation and interviewed multiple witnesses and could not form reasonable and probable grounds to lay a charge against any of these individuals. Crown Attorneys concurred in this assessment.

Exhibit 1864.

896. Organizations cannot cease to function simply because people choose to assert false allegations. In the case of Ron Leroux's allegations and those of C15, it is submitted that DAC was perfectly entitled to act as it did, to await the outcome of the investigation as it did and to make its decision based on that information.

All of which is respectfully submitted this 19th day of February 2009.

A handwritten signature in black ink, appearing to read "David Stumpf". The signature is written in a cursive style with a large, looping initial "D".

Solicitors for the Episcopal Corporation of the
Diocese of Alexandria-Cornwall