

# **CORNWALL PUBLIC INQUIRY**

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS ON BEHALF OF FATHER CHARLES MACDONALD PHASE 1**

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## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

The Cornwall Public Inquiry was created with the mandate to review the response of various local institutions to allegations of child sexual abuse. The factual context was a series of allegations about an alleged, long-standing “clan of pedophiles”, one that controlled the response of the justice system and other agencies to its activities, together with the perceived “failure” of the Project Truth prosecutions. The narrative of this factual context commences with the first allegation against Father Charles MacDonald by David Silmsler, in December 1992. Because his charges, mostly generated by Project Truth, were stayed for unreasonable delay, his case, in large measure, mirrors the essence of the Cornwall Public Inquiry.

It should be understood, and clearly stated, that the principles of criminal law, procedure and evidence that applied during the decades covered by the Cornwall Public Inquiry have been significantly modified, as have the policies, practices and procedures of every institution that was scrutinized at this Inquiry.

The modifications of substantive law, procedure and evidence, and the development of new, more responsive institutional policies and practices have nothing to do with what happened—or did not happen—in Cornwall, particularly between 1992 and 2004. What happened in Cornwall, over that twelve-year period, was unforeseeable, unique and atypical of all Ontario communities, including Cornwall. A mistake of judgement, the decision to settle the Silmsler allegations, triggered a chain reaction of

events, a “perfect storm”, that created an undeserved image of Cornwall, a community that was then, and is now, well served by several institutions, ones staffed by persons of ability, commitment and integrity.

Perry Dunlop, a Cornwall police officer with several years of experience, started out to “do the right thing”. Whether for reasons of ambition, hubris, obsession, paranoia, woeful legal advice, or “all of the above”, he completely lost his way. Without adequate supervision or legal representation, and armed with the so-called “evidence” of the vulnerable, unstable Ron Leroux, Mr. Dunlop pursued a paranoid, unfounded fantasy, a “clan of pedophiles” and its purported, decades-long cover-up. His obsessive pursuit of his fantasy led him to undermine the very investigation that his private crusade had generated—Project Truth. Unfortunately for the people of Cornwall, the misperceptions created by Mr. Dunlop were exploited politically through an all-too-willing media. Perhaps one “had to be there”, however, it is difficult to understand how common sense and critical judgement was somehow suspended under the momentum generated by Mr. Dunlop and his extremely vocal supporters.

The case of Father Charles MacDonald had several unusual aspects. There were three investigations before he was initially charged. The first two decisions not to lay charges were not only proper, they were legally, indeed constitutionally, correct. The decision ultimately to lay charges, in 1996, was taken cautiously and with certain reservations, as it ought to have been. The decision to lay additional charges, under the auspices of Project Truth, perhaps could have been done more cautiously, particularly for

complainants connected to Mr. Dunlop. By the time that Project Truth was commenced, Mr. Dunlop had generated a considerable momentum in the Cornwall community, perhaps creating a belief that virtually all complainants should have “a day in court”. Ironically, because of his obsessive, deceitful and obstructive behaviour, the allegations against Father Charles MacDonald—some having been withdrawn—were stayed for unreasonable delay.

A significant component of the mandate of the Cornwall Public Inquiry is to promote healing in Cornwall. As with every community in Ontario, there are victims of child sexual abuse in Cornwall. For those true victims, perpetuating the Dunlop myth that Cornwall was/is the home of a “clan of pedophiles”, who have undermined the legitimate, committed efforts of Cornwall institutions to protect the children of Cornwall, would be a tragedy and a terrible legacy for the Cornwall Public Inquiry. For centuries, the notion of a “clan” has had deep-seated, honoured, cultural roots in the Scottish traditions of the United Counties of Stormont, Dundas and Glengarry. That honoured tradition should be restored. The people of Cornwall deserve to be told that their children are as safe as can reasonably be accomplished in any community in Ontario.

**The following Recommendations are respectfully put forward:**

1. That merits of a given prosecution be measured by the quality, not the quantity, of the allegations put forward.
2. That consideration be given to mandatory pre-charge screening, such as is the practice in Quebec, before sexual charges, particularly historical charges, are

permitted to proceed, such screening to be conducted by experienced, senior prosecutors.

3. That such evidentiary shortcomings as vagueness, lack of sufficient details, lack of significant confirmatory evidence and irresolvable contradictions and/or inconsistencies become mandatory factors to be considered and the answers thereto clearly articulated, before sexual assault charges, particularly historical charges, are permitted to proceed.
4. That the test of a reasonable “prospect” of conviction be replaced with one requiring an articulable, objective likelihood of conviction.
5. That employers only be notified of allegations of child sexual assault where the nature of the employment involves real, ongoing contacts with children and the evidence gathered has been reviewed by a senior police officer, one not lower than a Staff Sergeant and by a Crown prosecutor properly experienced in such matters.