

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 268

Held at :

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

Monday, August 25, 2008

Tenue à:

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

Lundi, le 25 août 2008

ERRATA
Volume 258, July 21, 2008

Transcript

Page 2, line 23

Me HAMOU: Alors, monsieur le Commissaire, avant de débiter ce matin, j'aimerais vous présenter Paul Taylor, qui est un avocat avec BLT qui est avec nous aujourd'hui.

Should have read :

Me HAMOU: Alors, monsieur le Commissaire, avant de débiter ce matin, j'aimerais vous présenter Paul Taylor, qui est un avocat avec **BLG** qui est avec nous aujourd'hui.

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Brigitte Beaulne	
Ms. Suzanne Sinnamon	Commission Counsel
Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Gia Williams	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Juda Strawczynski	
Mr. Rob Talach	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
M ^e Gisèle Levesque	
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Kimberly Ishmael	Upper Canada District School Board
Mr. Ian Paul	Coalition for Action
Monseigneur Eugène LaRocque	Monseigneur Eugène LaRocque

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
MONSEIGNEUR EUGÈNE LAROCQUE, Resumed/Sous le même serment	2
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann(cont'd/suite)	2

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2097	(738047) Statement of Msgr. McDougald - 03 Feb, 94	45
P-2098	(711987) Notes of Richard Abell - 15 Oct, 93	79
P-2099	(711984) Notes of Richard Abell - 29 Oct, 93	86
P-2100	(738037) Letter of Resignation by Charles MacDonald - 1993	89
P-2101	(738038) Letter from Eugène LaRocque to Charles MacDonald - 01 Nov, 93	93
P-2102	(104390) Letter from Eugène LaRocque to Charles MacDonald - 29 Jan, 98	98
P-2103	(119925) Note from Charles MacDonald to Eugène LaRocque - 30 Apr, 96	105
P-2104	(118843) Letter from Canice Connors to Eugène LaRocque - 15 Aug, 85	118
C-2105	(110917) Letter from Michael John Sy to Eugène LaRocque - 22 Oct, 93	123
P-2106	(715898) Letter from Donna Markham to Eugène LaRocque - 01 Dec, 93	128
P-2107	(119861) Letter from Donna Markham to Eugène LaRocque - 20 Dec, 93	130
P-2108	(119868) Letter from Eugène LaRocque to Donna Markham - 19 Jan, 94	133
P-2109	(119413) Letter from Ruth Droege to Eugène LaRocque - 21 Mar, 94	140
C-2110	(715900) Letter from Donna Markham to Eugène LaRocque re Final Letter - 25 May, 94	145

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-2111	(120184) Letter from Eugène LaRocque to Donna Markham - 13 Sep, 94	149
P-2112	(120186) Letter from Ruth Droege to Eugène LaRocque - 21 Sep, 94	156
P-2113	(119893) Letter From Eugène LaRocque to Donna Markham - 17 Mar, 95	159

1 --- Upon commencing at 9:35 a.m./

2 L'audience débute à 9h35

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Good morning, Mr.
10 Engelmann.

11 **MR. ENGELMANN:** Good morning, Mr.
12 Commissioner.

13 Monsignor Larocque is just entering now,
14 sir.

15 **THE COMMISSIONER:** Thank you.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Oui, bonjour,
18 Monseigneur.

19 **MSGR. LAROCQUE:** Bonjour.

20 **MR. ENGELMANN:** Just while the witness sets
21 up, sir, I wanted to introduce a new face to you.

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** Gia Williams is here. She
24 is an articling student at the Ministry of the Attorney
25 General. She is directly behind me.

1 **THE COMMISSIONER:** Good morning, welcome
2 aboard.

3 **MR. ENGELMANN:** I think all the other faces
4 are known to you. You have seen them before.

5 **THE COMMISSIONER:** Yes, thank you.

6 **MR. ENGELMANN:** So ---

7 **THE COMMISSIONER:** Are we having problems
8 with the chair, Monsignor?

9 **MSGR. LAROCQUE:** Yes, I'd like to have the
10 chair higher, please.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** Vous comprenez que vous
13 êtes toujours sous serment?

14 **MSGR. LAROCQUE:** Oui.

15 **THE COMMISSIONER:** Merci.

16 **MR. ENGELMANN:** Mr. Commissioner.

17 **MONSIGNOR EUGENE LAROCQUE, Resumed/Sous le même serment:**

18 **EXAMINATION IN-CHIEF BY/EXAMINATION EN CHEF PAR MR.**

19 **ENGELMANN (cont'd/suite):**

20 **MR. ENGELMANN:** Good morning, Monsignor
21 Larocque.

22 **MSGR. LAROCQUE:** Good morning.

23 **MR. ENGELMANN:** Sir, when we left off on the
24 1st of August I was just getting to an area of the evidence
25 dealing with Monsignor Larocque's meetings with the

1 Cornwall Police Service, a meeting on October 7th, 1993.
2 And sir, I believe you've told us that the first time you
3 met or spoke with anybody from the Cornwall Police Service
4 about the David Silmsers matter was the meeting you had with
5 Chief Shaver and Staff Sergeant Lucien Brunet on October
6 7th, 1993.

7 **MSGR. LAROCQUE:** In my office, yes.

8 **MR. ENGELMANN:** Yes, and that they hadn't
9 contacted you before then and neither had you contacted
10 them. This was the first time you were dealing with the
11 Silmsers matter.

12 **MSGR. LAROCQUE:** No, they went to see the
13 Nuncio, if I remember correctly.

14 **MR. ENGELMANN:** Yes.

15 **MSGR. LAROCQUE:** And then from the Nuncio's,
16 at his recommendation they made an appointment to come to
17 see me.

18 **MR. ENGELMANN:** Fair enough. And in fact,
19 they saw you the same day they saw him?

20 **MSGR. LAROCQUE:** That's right.

21 **MR. ENGELMANN:** All right.

22 And sir, as with the other meetings that
23 we've talked about today, you have no notes of the meeting
24 you had with Mr. Shaver and Mr. Brunet?

25 **MSGR. LAROCQUE:** No, I don't.

1 **MR. ENGELMANN:** Right. And sir, do you have
2 some independent recollection of that meeting?

3 **MSGR. LAROCQUE:** I certainly do, yes.

4 **MR. ENGELMANN:** All right.

5 You don't often meet with police officers?

6 **MSGR. LAROCQUE:** No, and police officers
7 that are rather angry. It was a very -- the beginning of
8 the meeting was very unpleasant and once I tried to explain
9 that what I had agreed to was a civil settlement of the --
10 then things -- and they left -- I thought we left on kind
11 of friendly terms at the end of that.

12 **MR. ENGELMANN:** All right.

13 So just to describe then the tone of the
14 meeting it was rather tense or perhaps when you started
15 Chief Shaver was somewhat angry or upset?

16 **MSGR. LAROCQUE:** That's right.

17 **MR. ENGELMANN:** And by the end of the
18 meeting you thought things had been smoothed over a bit
19 with respect to your relationship?

20 **MSGR. LAROCQUE:** That was my impression.

21 **MR. ENGELMANN:** All right.

22 So what I would like to do is I'd like to go
23 through a statement that he wrote out the following spring
24 in 1994, the statement he wrote out for his lawyer. And I
25 just want to go through that with you and ask you if you

1 agree or disagree with certain comments that are made in
2 there about what was said at the meeting.

3 **MSGR. LAROCQUE:** Am I going to have it on
4 the screen?

5 **MR. ENGELMANN:** I will, and I'll have a hard
6 copy for you, sir.

7 **MSGR. LAROCQUE:** Thank you.

8 **MR. ENGELMANN:** It's Exhibit 1789.
9 Counsel, the document number I have is
10 715814.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **THE COMMISSIONER:** So you want to refer to
13 714?

14 **MR. ENGELMANN:** Yes, Bates page 714, the top
15 of the page.

16 **THE COMMISSIONER:** Okay Monseigneur --
17 So you recall, Monsignor, that the numbers
18 on the top left-hand corner are the ones we are looking at?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. ENGELMANN:** All right.

21 So at the top of the page, and this is a
22 statement written by Chief Shaver in or around March of
23 '94, he says:

24 "In the afternoon of the 7th of October
25 1993 Staff Sergeant Brunet and I met

1 with Bishop Larocque and he was most
2 cooperative. He explained that he had
3 authorized the payment of \$32,000 and
4 this matter had been negotiated with
5 lawyers Malcolm MacDonald and Jacques
6 Leduc."

7 Sir, do you have any disagreement with what
8 he has written there?

9 **MSGR. LAROCQUE:** Not at all, no.

10 **MR. ENGELMANN:** Okay.

11 "I explained to him that the actions of
12 the Church had tied the hands of the
13 police and in my view the Church should
14 have cooperated with the police to get
15 to the truth."

16 Do you recall, sir, if he had said something
17 like this? This would be perhaps early on in the course of
18 your discussion. Was that something that he might have
19 alleged, that the Church had tied the hands of the police?

20 **MSGR. LAROCQUE:** I can't remember that
21 particular assertion being made. He may have made it when
22 he was rather angry and I was upset.

23 **MR. ENGELMANN:** All right.

24 You don't have any reason to believe it
25 wasn't said though, do you?

1 **MSGR. LAROCQUE:** If he did say it I would
2 have denied it but it's --

3 **MR. ENGELMANN:** Okay.

4 **MSGR. LAROCQUE:** I can't remember.

5 **MR. ENGELMANN:** All right.

6 And sir, you've told us of course that the
7 settlement was not supposed to hinder the criminal process.

8 **MSGR. LAROCQUE:** Exactly.

9 **MR. ENGELMANN:** Right.

10 And would it have been fair if Mr. Shaver
11 had said something like that, that you had tied the hands
12 of the police, that you would have attempted to convince
13 him otherwise.

14 **MSGR. LAROCQUE:** Exactly.

15 **MR. ENGELMANN:** All right.

16 **THE COMMISSIONER:** Excuse me, Mr. Engelmann.

17 Is that on the screen, Madam Clerk? I don't
18 have it on mine yet.

19 **MSGR. LAROCQUE:** It's on mine.

20 **THE COMMISSIONER:** Is it on yours, sir?

21 It's probably not on.

22 There we go. Video but no sound and this is
23 when I start pushing all the buttons. It's okay. I've got
24 the hard copy. As long as the public and you have it,
25 that's fine.

1 **MR. ENGELMANN:** It's on my screen.

2 **THE COMMISSIONER:** Okay, good.

3 **MR. ENGELMANN:** Sir, do you recall if in
4 trying to convince him that the Church had not tied the
5 hands of the police that -- do you recall if you suggested
6 to him that perhaps we should simply look at the settlement
7 documents to see what they say?

8 **MSGR. LAROCQUE:** No, I did not say that.

9 **MR. ENGELMANN:** All right.
10 And do you know if he would have suggested
11 that, sir?

12 **MSGR. LAROCQUE:** No, he did not.

13 **MR. ENGELMANN:** And you know that neither
14 you nor Chief Shaver would have reviewed the settlement
15 documents at that time?

16 **MSGR. LAROCQUE:** No.

17 **MR. ENGELMANN:** Now, he goes on, sir. He
18 says:

19 "He advised the Church was
20 satisfied..."

21 And "he" here is you, sir.

22 "He advised the Church was satisfied as
23 they had conducted their own
24 investigation and had been told by the
25 priest that the allegations were

1 totally false, which they believed.
2 The Bishop explained that he had gone
3 against his better judgment to pay the
4 money but the lawyers had convinced him
5 that this was in the best interests of
6 all concerned."

7 Sir, do you have any disagreement with what
8 I have just read?

9 **MSGR. LAROCQUE:** No, I don't. No.

10 **MR. ENGELMANN:** All right.

11 So you would have told the officers that you
12 believed Father MacDonald and that he had denied the
13 allegations?

14 **MSGR. LAROCQUE:** That's right.

15 **MR. ENGELMANN:** And as of that time, October
16 of 1993, would it be fair to say that your information
17 about Father MacDonald's denial would have come through
18 Monsignor McDougald?

19 **MSGR. LAROCQUE:** That's true.

20 **MR. ENGELMANN:** Because you hadn't met with
21 Father MacDonald to ask him yourself?

22 **MSGR. LAROCQUE:** I can't remember whether I
23 had or not.

24 **MR. ENGELMANN:** All right.

25 And would it be fair to say, sir, that if

1 that was your position you would have formed the opinion at
2 that time that the complainant, Mr. Silmsers' allegations
3 were not credible?

4 MSGR. LAROCQUE: That's true.

5 MR. ENGELMANN: All right. And you would
6 not have spoken to him about that?

7 MSGR. LAROCQUE: No.

8 MR. ENGELMANN: And you do you recall, sir,
9 do you not that Monsignor Schonenbach perhaps had a
10 different view than that when he wrote to you?

11 MSGR. LAROCQUE: Yes.

12 MR. ENGELMANN: And sir, by that point,
13 October 7th of 1993, you had not seen the statement that Mr.
14 Silmsers had given to the police back in February; is that
15 fair, the 8-page statement?

16 MSGR. LAROCQUE: I can't remember.

17 MR. ENGELMANN: Okay.

18 MSGR. LAROCQUE: But I had heard from
19 Monsignor McDougald that he was changing his allegations in
20 his mind continually, practically and that's what led me to
21 believe that there could be some reason to doubt its
22 veracity.

23 MR. ENGELMANN: And that information would
24 have come exclusively from Monsignor McDougald?

25 MSGR. LAROCQUE: That's right, as I recall.

1 **MR. ENGELMANN:** And did you ever tell Chief
2 Shaver what your investigation involved because it says
3 here:

4 “He advised the church, it was
5 satisfied as they had conducted their
6 own investigation.”

7 Do you recall if you would have explained to
8 him what your investigation involved?

9 **MSGR. LAROCQUE:** No, it would have been -- I
10 mentioned about Monsignor McDougald so it would have been
11 just whatever Monsignor McDougald's investigation was.

12 **MR. ENGELMANN:** All right. And do you
13 recall if Chief Shaver asked for any details about the
14 investigation that you would have conducted?

15 **MSGR. LAROCQUE:** Not to my recollection, no.

16 **MR. ENGELMANN:** All right. And sir, we've
17 heard that Monsignor McDougald met with Father MacDonald,
18 perhaps on two occasions, back in December of '92 and then
19 that the committee met with Mr. Silmsler in February of '93?

20 **MSGR. LAROCQUE:** That's right.

21 **MR. ENGELMANN:** Do you know if there was
22 anything more to the investigation than that?

23 **MSGR. LAROCQUE:** Not to my knowledge, no.

24 **MR. ENGELMANN:** Okay. Now, just back to the
25 statement for a minute; he says "I explained I disagreed

1 with the view ---"

2 MSGR. LAROCQUE: No. I explained that there
3 were -- we had two other persons.

4 MR. ENGELMANN: This -- sorry, "I" is Chief
5 Shaver.

6 MSGR. LAROCQUE: I'm in the wrong place.

7 MR. ENGELMANN: I apologize. So I'm in the
8 middle of the first full paragraph.

9 MSGR. LAROCQUE: Okay.

10 MR. ENGELMANN: On Bates page 714.

11 MSGR. LAROCQUE: Yeah.

12 MR. ENGELMANN: And the "I" is Shaver.

13 "I explained I disagreed with that view
14 and that the payment by the Church
15 would come back to bite [and he's got
16 'bites' in quotes] both the Church and
17 the police. I also expressed my
18 displeasure that the Church had not
19 contacted the police during their
20 negotiations and that surely the Church
21 was interested in justice and not the
22 possibility of hampering a police
23 investigation. The Bishop agreed and
24 we mutually agreed to discuss and
25 implement a mutual policy to cover

1 allegations made against the clergy."

2 Now, sir, in those three sentences or so is
3 there anything there that you disagree with?

4 **MSGR. LAROCQUE:** No, that's fine.

5 **MR. ENGELMANN:** All right. And so -- and I
6 think you've told us this, that Chief Shaver's displeasure
7 was visible, at least at the beginning of your meeting.

8 **MSGR. LAROCQUE:** Quite so.

9 **MR. ENGELMANN:** And he goes on and he says:
10 "The Bishop's position was; as there
11 was only one complaint which was denied
12 by the priest, that the Church's action
13 was proper. I explained that we had
14 two other persons who also had a
15 problem with sexual advances made by
16 the same priest; one who would
17 reluctantly testify and another who was
18 so upset with the Church, he was
19 refusing to testify but gave us a
20 statement describing the assault. This
21 new information visibly shook the
22 Bishop, as he was not aware of other
23 victims and admitted that he had made a
24 large mistake in the payment of the
25 money."

1 Now, sir, is there anything there that you
2 don't ---

3 **MSGR. LAROCQUE:** No, it's quite true that I
4 was visibly shaken because that's the first time I had ever
5 heard of more victims.

6 **MR. ENGELMANN:** So it is true that you were
7 visibly shaken?

8 **MSGR. LAROCQUE:** That's true.

9 **MR. ENGELMANN:** Okay. Is there anything
10 there that you disagree with that he said?

11 **MSGR. LAROCQUE:** No.

12 **MR. ENGELMANN:** Okay. Now, did that -- when
13 you say you were visibly shaken, did that change your --
14 your opinion about the seriousness of the situation at that
15 time?

16 **MSGR. LAROCQUE:** It did, yes, as my
17 telephone call that night will prove.

18 **MR. ENGELMANN:** All right. And did the
19 existence of additional complaints in any way enhance for
20 you the credibility of that original statement from Mr.
21 Silmser?

22 **MSGR. LAROCQUE:** I don't get the gist of
23 your question, I'm sorry.

24 **THE COMMISSIONER:** Did it make it more
25 believable, did Mr. Silmser's allegations become maybe a

1 little more credible if there were other people
2 complaining?

3 **MSGR. LAROCQUE:** It was, certainly, yes.

4 **MR. ENGELMANN:** And sir, did the existence
5 of additional concerns or complaints change your opinion
6 about the settlement in any way?

7 **MSGR. LAROCQUE:** Change my -- about the
8 what?

9 **MR. ENGELMANN:** Did it change your opinion
10 about the settlement? Because in ---

11 **MSGR. LAROCQUE:** Oh, the settlement, excuse
12 me.

13 **MR. ENGELMANN:** Because -- one of the things
14 I read to you is:

15 "This new information visibly shook the
16 Bishop as he was not aware of other
17 victims and admitted that he had made a
18 large mistake in the payment of the
19 money."

20 **MSGR. LAROCQUE:** It could have been one of
21 the reactions; I'm not sure.

22 **MR. ENGELMANN:** And do you think -- just
23 thinking back, the existence of additional witnesses, would
24 that have made you less likely to want to enter into this
25 type of a settlement?

1 **MSGR. LAROCQUE:** Well, I wasn't in favour of
2 it in the first place.

3 **MR. ENGELMANN:** Fair enough.

4 Now, going back to the statement, it goes on
5 to deal with the breakdown of the settlement and we've
6 already talked about that.

7 **MSGR. LAROCQUE:** I don't know where he got
8 this; I have never said that. That is not true.

9 **MR. ENGELMANN:** Sir, we went through that
10 before.

11 **MSGR. LAROCQUE:** I know.

12 **MR. ENGELMANN:** On ---

13 **MSGR. LAROCQUE:** And I said it then and I
14 say it again.

15 **MR. ENGELMANN:** And you told us about some
16 money that was going to come, \$12,000 that was going to
17 come. I think you said Malcolm MacDonald said that ---

18 **MSGR. LAROCQUE:** I said he would find it.

19 **MR. ENGELMANN:** --- he would find it and
20 then the other 20,000 ---

21 **MSGR. LAROCQUE:** Was coming from the
22 Diocese.

23 **MR. ENGELMANN:** But sir, some of the money
24 was to come from Father MacDonald.

25 **MSGR. LAROCQUE:** Well that was left up to --

1 that was left up to Mr. MacDonald, the lawyer, his lawyer.
2 I didn't specify that and I don't remember that it was
3 specified in my presence.

4 **MR. ENGELMANN:** Okay. Well this is what
5 Chief Shaver has you saying to him.

6 **MSGR. LAROCQUE:** Well I'm saying that I
7 don't know where he got that because I have never said
8 that.

9 **MR. ENGELMANN:** Well, sir, he not only has
10 it here, he has it in his contemporaneous notes that he
11 took ---

12 **MSGR. LAROCQUE:** And others have 35,000.
13 The amount of money keeps changing in different documents
14 that I've read. So, I know what I said and I stick to the
15 20,000 and 12,000. That is what I have always said.

16 **MR. ENGELMANN:** Well, sir, Chief Shaver has
17 in his notes that he had a call with you the evening of
18 October 7th.

19 **MSGR. LAROCQUE:** That's right.

20 **MR. ENGELMANN:** And you acknowledged that
21 you had a call with him after you spoke to Father Charles
22 MacDonald.

23 **MSGR. LAROCQUE:** That's right.

24 **MR. ENGELMANN:** And in his contemporaneous
25 notes he has 10,000 from the Diocese, 10,000 from the

1 priest and 12,000 from another unnamed source and he then
2 repeats it here.

3 **MSGR. LAROCQUE:** Yeah, well ---

4 **MR. ENGELMANN:** And he's come to testify
5 that that's what you told him as well.

6 **MSGR. LAROCQUE:** Yeah, well my recollection
7 is that that is not true; I'm sorry.

8 **MR. ENGELMANN:** Well, right after he talks
9 to you about the amount and as I've said, we've gone
10 through that before so I don't want to go through there
11 again:

12 "I asked, 'Since when do innocent men
13 pay if they are not guilty?' The
14 Bishop said this had troubled him also
15 but it had been explained to him that
16 it was done all the time as the
17 person's reputation would be seriously
18 harmed if the matter became public."

19 Do you see that?

20 **MSGR. LAROCQUE:** Yes.

21 **MR. ENGELMANN:** Do you agree with that part
22 of the statement, sir?

23 **MSGR. LAROCQUE:** Yes.

24 **MR. ENGELMANN:** All right. And the person
25 of course whose reputation might be harmed, that would be

1 Father MacDonald?

2 **MSGR. LAROCQUE:** That's right.

3 **MR. ENGELMANN:** All right. And then it

4 says:

5 "I advised the Bishop that the CAS now
6 had the information and it was my
7 belief that information of this nature
8 does not stay private and as soon as
9 the agency begins an investigation the
10 word would be out, if it was not out
11 already. I questioned the Bishop as to
12 where the Church would go from there.
13 He advised that he and Father
14 McDougald, the priest appointed to
15 conducting inquires of this nature,
16 would see the priest in question that
17 evening and he would get back to me
18 with the results."

19 **MSGR. LAROCQUE:** True.

20 **MR. ENGELMANN:** Any concerns with that part
21 of the statement, sir?

22 **MSGR. LAROCQUE:** No.

23 **MR. ENGELMANN:** And in fact, sir, you did
24 meet with Father MacDonald that evening.

25 **MSGR. LAROCQUE:** Right.

1 **MR. ENGELMANN:** And did you do so on your
2 own or in the presence of Father McDougald?

3 **MSGR. LAROCQUE:** I can't recall but I think
4 it was on my own. I'm not sure.

5 **MR. ENGELMANN:** Then it says:

6 "I further questioned the Bishop on
7 what action he was prepared to take
8 should he ascertain that the priest had
9 committed the alleged assault..."

10 Or "assaults"; there's an "s" there.

11 **MSGR. LAROCQUE:** That's right.

12 **MR. ENGELMANN:**

13 "He advised the priest would be removed
14 from the parish and sent to a special
15 treatment program immediately. I
16 advised that this action was agreeable
17 as the police are concerned for future
18 victims, especially children, although
19 we had not uncovered any complaints
20 other than those which date back to the
21 1970s."

22 **MSGR. LAROCQUE:** That's correct.

23 **MR. ENGELMANN:** Do you take any issue with
24 anything there?

25 **MSGR. LAROCQUE:** No.

1 **MR. ENGELMANN:** Do you agree with that then,
2 sir?

3 **MSGR. LAROCQUE:** It's so.

4 **MR. ENGELMANN:** All right. Now, when you
5 spoke with Father MacDonald that evening did you confront
6 him at all with respect to the fact that you were now aware
7 of two other alleged victims?

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** And we understand that after
10 you met with Father MacDonald you spoke to Claude Shaver by
11 telephone.

12 **MSGR. LAROCQUE:** I spoke to him that night,
13 yes.

14 **MR. ENGELMANN:** Right, and he told us, sir,
15 that you told him that you felt you'd been lied to and
16 betrayed by Father MacDonald.

17 **MSGR. LAROCQUE:** I can't recall, but I may
18 have said that.

19 **MR. ENGELMANN:** All right. Well, when you
20 spoke to -- and do you have some independent recollection
21 of calling Claude Shaver and speaking to him that evening?

22 **MSGR. LAROCQUE:** Very vague but I know that
23 I did.

24 **MR. ENGELMANN:** All right, and do you have
25 any sense as to whether you were upset with Father

1 MacDonalld when you called Claude Shaver?

2 **MSGR. LAROCQUE:** I think the answer to that
3 question is quite obvious. I would be very upset.

4 **MR. ENGELMANN:** All right. Sir, I just --
5 we're on the record here and I just want to make sure we
6 have your answer.

7 **MSGR. LAROCQUE:** I know. Okay.

8 **MR. ENGELMANN:** Mr. Shaver then writes:

9 "The Bishop contacted me later and
10 advised that the priest had admitted
11 the assault and that it was an isolated
12 incident and he was prepared to leave
13 for the treatment/assessment centre
14 immediately. I was subsequently
15 advised the priest left for the
16 treatment centre on the 9th of October
17 1993 and was replaced in his parish."

18 Sir, is there anything with that paragraph
19 that you disagree with?

20 **MSGR. LAROCQUE:** No, and he never came back.

21 **MR. ENGELMANN:** Did he in fact leave on the
22 9th of October?

23 **MSGR. LAROCQUE:** That's right. He was in
24 Southdown for the assessment at -- beginning the 9th of
25 October.

1 **MR. ENGELMANN:** All right. So did you think
2 that was sufficient, sir, by way of a response, if a priest
3 admitted to some form of assault, that you send him to a
4 treatment centre?

5 **MSGR. LAROCQUE:** I don't get the gist of
6 your question, I'm sorry.

7 **MR. ENGELMANN:** Did you think that that was
8 an appropriate response on your part, if one of your
9 priests admitted to some form of assault, to send him to an
10 assessment centre ---

11 **MSGR. LAROCQUE:** Exactly. To take him out
12 and get him to -- the help that he might be able to get
13 from an assessment centre and from a treatment centre.

14 **MR. ENGELMANN:** All right.

15 **MSGR. LAROCQUE:** And the police agreed,
16 apparently, as they said.

17 **MR. ENGELMANN:** All right. So what exactly
18 did he admit to then when he spoke to you and then you came
19 up with this course of response?

20 **MSGR. LAROCQUE:** I can't remember what --
21 the details of that conversation, I'm sorry.

22 **MR. ENGELMANN:** The conversation with Father
23 MacDonald?

24 **MSGR. LAROCQUE:** He did admit that there was
25 more than one, and that's what decided me that something

1 had to be done.

2 MR. ENGELMANN: All right, and you would
3 have explained that ---

4 MSGR. LAROCQUE: When I decide, I act
5 quickly.

6 MR. ENGELMANN: All right.
7 Well, sir, some time after this in September
8 of 1994 you had an interview with the OPP.

9 MSGR. LAROCQUE: Right.

10 MR. ENGELMANN: And ---

11 MSGR. LAROCQUE: In the presence of David
12 Scott.

13 MR. ENGELMANN: That's correct, and that
14 document is Exhibit 1790.

15 MSGR. LAROCQUE: I have it.

16 MR. ENGELMANN: The document number is
17 703764.

18 MR. SHERRIFF-SCOTT: Does the witness have a
19 hard copy?

20 MSGR. LAROCQUE: I have.

21 THE COMMISSIONER: Yes, he does.

22 MR. SHERRIFF-SCOTT: Thank you.

23 MSGR. LAROCQUE: I have it here, yes. I'm
24 getting used to getting around these books.

25 THE COMMISSIONER: Exactly.

1 **MR. ENGELMANN:** All right, and, sir, at that
2 particular time -- and this is a statement or interview in
3 the presence of David Scott with Tim Smith and Mike Fagan,
4 two OPP officers.

5 **MSGR. LAROCQUE:** That's right.

6 **MR. ENGELMANN:** And this is now about a year
7 later. This is September of 1994.

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** And at the top of Bates page
10 432, which is page 27 of the interview, Detective Inspector
11 Smith reads to you a paragraph from the Shaver statement
12 that I just read to you.

13 **MSGR. LAROCQUE:** Four-thirty-two (432) did
14 you say?

15 **MR. ENGELMANN:** Yes, and it's the paragraph
16 that says:

17 "The Bishop contacted me later, advised
18 that the priest had admitted to
19 assault, that it was an isolated
20 incident. He is prepared to leave for
21 the treatment/assessment centre
22 immediately. I have subsequently
23 advised the priest left for the
24 treatment centre on the 9th of October
25 and was replaced in the parish."

1 And you say at that time, sir, "Well, he
2 couldn't have admitted to the assault because he never
3 has," and even after his treatment in Southdown, the same
4 thing: He never has admitted to the incident and relations
5 with teenagers. So I just ---

6 **MSGR. LAROCQUE:** M'hm.

7 **MR. ENGELMANN:** I'm just a little confused
8 and I just want to make sure I've got it right. Mr.
9 Shaver's statement, which you agreed to here, is that there
10 was some kind of admission from the priest.

11 **MSGR. LAROCQUE:** Well, the admission by the
12 priest was that there was more than one victim.

13 **MR. ENGELMANN:** Okay.

14 **MSGR. LAROCQUE:** But I think that what I
15 said here to the police is true. To my recollection Father
16 MacDonald never admitted that he had assaulted Silmser or
17 anyone else and if he had had relations it was always on a
18 consensual basis.

19 **MR. ENGELMANN:** Okay, because the paragraph
20 that I read to you that you agreed with says:

21 "The Bishop contacted me later and
22 advised that the priest had admitted
23 the assault and that it was an isolated
24 incident and he was prepared to leave
25 for the treatment/assessment centre

1 immediately."

2 MSGR. LAROCQUE: M'hm.

3 MR. ENGELMANN: Okay?

4 MSGR. LAROCQUE: Yes.

5 MR. ENGELMANN: So I'm just -- sir, again I
6 just want to have your ---

7 MSGR. LAROCQUE: I mean, all I can remember
8 ---

9 MR. ENGELMANN: --- your best evidence on
10 this.

11 MSGR. LAROCQUE: You know, all that I can
12 remember is that he admitted to more than one victim and
13 that is what decided me that I had to do something, but I
14 don't -- knowing Father Charles, I don't remember him ever
15 admitting to me, really, that he had assaulted someone.

16 MR. ENGELMANN: All right. Well, you're
17 using the term "victim" ---

18 MSGR. LAROCQUE: So-called victim, yes.

19 MR. ENGELMANN: Okay, because I think you
20 told us this: Father Deslauriers didn't admit that he'd
21 committed an assault to you; Father Stone didn't admit that
22 he'd ---

23 MSGR. LAROCQUE: No.

24 MR. ENGELMANN: --- committed an assault. I
25 mean -- and given your policy and your protocol, I'd

1 suggest it to you that it would be unlikely a priest would
2 admit ---

3 **MSGR. LAROCQUE:** Yeah.

4 **MR. ENGELMANN:** --- to an assault. Do you
5 recall whether Father MacDonald admitted to the assault
6 with Silmser and/or other individuals?

7 **MSGR. LAROCQUE:** Not to me he didn't, I
8 don't think.

9 **MR. ENGELMANN:** All right.

10 **MSGR. LAROCQUE:** He may have to Monsignor
11 McDougald but I can't recall Monsignor McDougald ever
12 saying that to me. The assault comes from the police
13 investigation, I think, but ---

14 **MR. ENGELMANN:** Well, maybe to help ---

15 **MSGR. LAROCQUE:** My recollection -- and it's
16 over -- you know, this is ---

17 **MR. ENGELMANN:** I know, it's a long time
18 ago.

19 **MSGR. LAROCQUE:** --- quite a long time ago.
20 I cannot recall that at any time he ever said that he had
21 assaulted, you know, by force, anyone.

22 **MR. ENGELMANN:** All right. Sir, I'm just
23 wondering about your response, and this is the response to
24 send someone to Southdown.

25 **MSGR. LAROCQUE:** Yeah.

1 **MR. ENGELMANN:** Okay? Would it be different
2 if a priest admits to having sex with children or
3 adolescents, you know, in the circumstances, would you be
4 sending the priest to Southdown?

5 **MSGR. LAROCQUE:** Yes, I would.

6 **MR. ENGELMANN:** All right.

7 And would there be other reasons you would
8 be sending a priest to Southdown?

9 **MSGR. LAROCQUE:** Yes, there would.

10 **MR. ENGELMANN:** And what would those be,
11 sir?

12 **MSGR. LAROCQUE:** Well, character defaults in
13 the priest, priests that are difficult to get along with;
14 they get in constant quarrels with their parishioners.

15 **MR. ENGELMANN:** All right.

16 **MSGR. LAROCQUE:** Those, you know, there are
17 many reasons why you would send -- sexual behaviour is not
18 the only reason ---

19 **MR. ENGELMANN:** No.

20 **MSGR. LAROCQUE:** --- but that's one of the
21 main ones for which we send them to treatment centres.

22 **MR. ENGELMANN:** Okay.

23 Sir, I'm just trying to understand then,
24 your evidence today is that you don't believe Father
25 MacDonald admitted to ---

1 **MSGR. LAROCQUE:** To me, anyway.

2 **MR. ENGELMANN:** --- having a sexual
3 relationship of any sort with David Silmser?

4 **MSGR. LAROCQUE:** I don't believe he's ever
5 admitted that to me, no.

6 **MR. ENGELMANN:** All right.
7 And what about with teenagers or others?

8 **MSGR. LAROCQUE:** That -- my recollection is
9 that it was always on a consensual basis.

10 **MR. ENGELMANN:** All right.
11 And that would have been his explanation to
12 you?

13 **MSGR. LAROCQUE:** That's what he said ---

14 **MR. ENGELMANN:** All right.

15 **MSGR. LAROCQUE:** --- when he called, yes.

16 **MR. ENGELMANN:** And I think we've talked
17 about this earlier. Did you think that a priest could have
18 consensual sex with a teenager who ---

19 **MSGR. LAROCQUE:** No, I mean, a priest is
20 bound by his vow of celibacy no matter, you know, what his
21 inclinations are. Whether he's homosexual or whether he's
22 heterosexual ---

23 **MR. ENGELMANN:** M'hm.

24 **MSGR. LAROCQUE:** --- he has promised God
25 that he's going to try to show his love towards Him and

1 towards the parishioners by the vow of celibacy.

2 MR. ENGELMANN: But quite aside from
3 breaking a vow of celibacy, would it concern you that a
4 priest might have sex with a parishioner?

5 MSGR. LAROCQUE: Absolutely.

6 MR. ENGELMANN: Because of the position of
7 trust and authority.

8 MSGR. LAROCQUE: Absolutely, yes.

9 MR. ENGELMANN: And ---

10 MSGR. LAROCQUE: Man or woman.

11 MR. ENGELMANN: Right, and perhaps concern
12 you even more is that was a vulnerable person?

13 MSGR. LAROCQUE: Exactly.

14 MR. ENGELMANN: And concern you even more is
15 that was a young person?

16 MSGR. LAROCQUE: If it was a child, it would
17 be even, I mean, the words of our Lord, you know, better to
18 have a millstone hung around his neck and pledged into the
19 depths of the sea is the way he handled pedophilia.

20 MR. ENGELMANN: All right.

21 But you'd agree that a priest in your
22 Diocese having any form of sex with a youth, whether that's
23 a child or adolescence, it might be difficult to see that
24 as being consensual in nature from your perspective?

25 MSGR. LAROCQUE: With a child, it would be

1 extremely difficult. With a late teen, I'm not so sure.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: And do you recall, I mean,
4 do you have any recollection now, sir, about the discussion
5 you had with Father MacDonald before calling Claude Shaver;
6 what was admitted to, what wasn't for the purposes of then
7 how you respond?

8 MSGR. LAROCQUE: I think I've answered that
9 question already, haven't I?

10 MR. ENGELMANN: Okay, that you don't think
11 he admitted to the assault of David Silmser?

12 MSGR. LAROCQUE: No, but that he admitted
13 that there were more than one victims and that's what --
14 the reason why I acted.

15 MR. ENGELMANN: All right.

16 And did he give you names of parishioners
17 that ---

18 MSGR. LAROCQUE: No, he did not.

19 MR. ENGELMANN: Did you ask?

20 MSGR. LAROCQUE: I can't recall.

21 MR. ENGELMANN: All right.

22 And did you get a sense from him as to when
23 this had happened and how current it was?

24 MSGR. LAROCQUE: It was in the distant past
25 because, as far as I know, nothing happened during my

1 reign. It was all before I arrived there.

2 **MR. ENGELMANN:** And that's what ---

3 **MSGR. LAROCQUE:** But I didn't go into ---

4 **MR. ENGELMANN:** --- you've been told you,
5 sir, because you didn't ---

6 **MSGR. LAROCQUE:** I didn't go -- I didn't go
7 into those details. I'm sorry, I can't remember that.

8 **MR. ENGELMANN:** That wasn't important to you
9 at the time, sir, to know when ---

10 **MSGR. LAROCQUE:** I didn't think of it.

11 **MR. ENGELMANN:** --- he might have ---

12 **MSGR. LAROCQUE:** I didn't think of it.

13 It's very difficult to, you know, to avoid
14 going back with the knowledge that we have at the present
15 time. You know, this 20/20 vision of seeing incidents once
16 they've taken place and, you know, 15, 20 years later, we
17 have a knowledge now that we didn't have at that time.
18 It's very difficult to -- to be able to -- to separate
19 those -- those -- how should I say, those points of view
20 that ---

21 **MR. ENGELMANN:** Okay, but sir, this was the
22 fall of 1993 and there'd been a lot ---

23 **MSGR. LAROCQUE:** Yeah, I know. There ---

24 **MR. ENGELMANN:** --- out there already ---

25 **MSGR. LAROCQUE:** Yes.

1 **MR. ENGELMANN:** --- in Boston and many other
2 places, in Newfoundland. You'd had from Pain to Hope just
3 the year before.

4 **MSGR. LAROCQUE:** And everyone was looking
5 for ways of dealing with this.

6 **MR. ENGELMANN:** Right, and you're confronted
7 by two police officers earlier that day about ---

8 **MSGR. LAROCQUE:** I cooperated with them.

9 **MR. ENGELMANN:** Sorry?

10 **MSGR. LAROCQUE:** And I cooperated with them.

11 **MR. ENGELMANN:** Fair enough. And a result
12 of that, you tell them you're going to confront the priest
13 that evening.

14 **MSGR. LAROCQUE:** And I did.

15 **MR. ENGELMANN:** And I would have thought,
16 sir, that whatever he would have said to you and that you
17 would have wanted to inquire and investigate this carefully
18 and fully.

19 **MSGR. LAROCQUE:** That was not my -- that's
20 Monsignor McDougald's proper -- he's the one that does the
21 investigation. I'm the one that has to take the action.

22 **MR. ENGELMANN:** Okay, but sir, you didn't
23 ask Monsignor McDougald to meet with Father MacDonald; you
24 did that yourself. That's what you told us today.

25 **MSGR. LAROCQUE:** As far as I can recall. I

1 can't remember exactly whether he was there or whether he
2 wasn't there.

3 **MR. ENGELMANN:** Okay, but once you get
4 involved and you take on that responsibility, do you not
5 agree, sir, that it's then your responsibility to
6 investigate it fully and find out what happened? Were you
7 ---

8 **MSGR. LAROCQUE:** No, my investigation is to
9 take the action that's appropriate for that time.

10 **MR. ENGELMANN:** Would you not agree with me,
11 sir, that ---

12 **MSGR. LAROCQUE:** I don't take over Monsignor
13 McDougald's responsibility by -- by the action that I take.

14 **MR. ENGELMANN:** Okay.

15 **MSGR. LAROCQUE:** I have to take an action
16 that was requested by the police, and I took it.

17 **MR. ENGELMANN:** All right.

18 But if you then go and meet with one of your
19 priests and perhaps he says, no, I didn't have sex with
20 that individual, I didn't assault that individual, but I
21 may have done so with others; there may have been other
22 victims, to use your term, did you not think it important
23 to explore that a little bit and that you might have some
24 institutional response there as the Diocese, as the Bishop
25 to then talk to ---

1 **MSGR. LAROCQUE:** I would -- I would ---

2 **MR. ENGELMANN:** --- the police further?

3 **MSGR. LAROCQUE:** --- my procedure would have
4 been, I believe, that I would share that knowledge with
5 Monsignor McDougald and let him do the exploring. That's
6 his -- that's his particular job.

7 **MR. ENGELMANN:** All right.

8 Well, you took -- did you take Father
9 MacDonald out of active ministry immediately at that time?

10 **MSGR. LAROCQUE:** I did.

11 **MR. ENGELMANN:** All right.

12 And it presumably was ---

13 **MSGR. LAROCQUE:** And that is my
14 responsibility, not Monsignor McDougald's or anybody
15 else's.

16 **THE COMMISSIONER:** What did the protocol say
17 about who was supposed to meet with the priest in question?
18 Does anybody ---

19 **MR. ENGELMANN:** The designated person being
20 ---

21 **THE COMMISSIONER:** Is that correct, sir?

22 **MSGR. LAROCQUE:** Yes, but I can -- I can do
23 so myself, I realize we will see when we come out. Other -
24 - other -- other priests.

25 **THE COMMISSIONER:** No, I just want to

1 understand that at the time when you met Father MacDonald,
2 the protocol said it's supposed to be the designated person
3 so you were going outside the protocol in doing this ---

4 **MSGR. LAROCQUE:** The Bishop or the
5 designated person, I believe.

6 **THE COMMISSIONER:** Okay, fair enough.

7 **MSGR. LAROCQUE:** I don't abdicate my
8 responsibility by deciding this and getting someone to do
9 the work that I -- that the Diocese has to do eventually.

10 **THE COMMISSIONER:** No, but I'm just trying
11 to understand ---

12 **MSGR. LAROCQUE:** No ---

13 **THE COMMISSIONER:** --- if ---

14 **MSGR. LAROCQUE:** --- because this is going
15 to come up with Father Dubé as well.

16 **THE COMMISSIONER:** I'm not concerned about
17 Father Dubé right now.

18 **MSGR. LAROCQUE:** I -- I know, but I mean I'm
19 --- and I did it at the request of the police. That they -
20 - that I ---

21 **THE COMMISSIONER:** You did it at the request
22 of the police?

23 **MSGR. LAROCQUE:** When they interviewed me
24 that I -- I agreed with them that I would talk to Father
25 Charlie that night, if you will recall.

1 **MR. ENGELMANN:** So the protocol in question
2 is Exhibit 58, Tab 25 and the only part that really deals
3 with meeting with the suspected aggressor, as the person is
4 known in the protocol, is under Phase 3:

5 "The designated person meets with the
6 suspected aggressor within 48 hours."

7 And then, of course, there are a number of
8 things under that phase and then at the end of it, the
9 designated person files a report of the meeting and the
10 information is transmitted to the Bishop of the Diocese.

11 And then there's a Phase 4 which is the
12 meeting of the advisory committee.

13 **THE COMMISSIONER:** Right.

14 **MR. ENGELMANN:** There's really nothing else,
15 sir, about ---

16 **MSGR. LAROCQUE:** No.

17 **MR. ENGELMANN:** --- further investigation.

18 It appears in this instance -- and I think
19 you agreed with this, Monsignor Larocque -- after the
20 meeting with the police, you took it upon yourself to meet
21 and confront Father MacDonald.

22 **MSGR. LAROCQUE:** As I had promised the
23 police that I would do.

24 **MR. ENGELMANN:** Right.

25 And this may have been the first time you

1 did so because before then it had been Father McDougald who
2 had met with him?

3 **MSGR. LAROCQUE:** That's right.

4 **MR. ENGELMANN:** And you took no notes of
5 your meeting with Father MacDonald?

6 **MSGR. LAROCQUE:** No, I did not.

7 **MR. ENGELMANN:** But you reported back on
8 that meeting immediately to Chief Shaver?

9 **MSGR. LAROCQUE:** That very night, yes.

10 **MR. ENGELMANN:** Who's a police officer and
11 presumably someone you would expect to remember something
12 about what you reported?

13 **MSGR. LAROCQUE:** I would imagine, yes.

14 **MR. ENGELMANN:** Okay. Now, just on that
15 note, if we look at Exhibit 1787, which is his agenda at
16 page 185, Bates page 185. The document number is 740556.
17 It's Exhibit 1787.

18 This is his agenda. Sir, he has notes of
19 the actual meeting at three o'clock on the left ---

20 **MSGR. LAROCQUE:** M'hm.

21 **MR. ENGELMANN:** --- where he says:

22 "Very friendly, pledged cooperation,
23 believed Charlie; he denied. Father
24 McDougald also believed they..."

25 I can't remember. He did decipher this for

1 us:

2 "Told him wrong what Church did.
3 Diocese paid 32,000; 10,000 Diocese;
4 10,000 Charlie, 12,000 unknown.
5 Told..."

6 **THE COMMISSIONER:** Others.

7 **MR. ENGELMANN:** "...others shaken.

8 Something help. See him tonight.

9 Would get back. Very cooperative."

10 So again this was -- just so you remember.

11 I had told you, sir, he took some contemporaneous notes.

12 **MSGR. LAROCQUE:** M'hm.

13 **MR. ENGELMANN:** And these were the notes.

14 And the note that you see on the right is the phone call in
15 the evening he's told us. It says "Charlie admits..." I
16 think it's:

17 "...must go treatment, special place.
18 Study one week."

19 **MSGR. LAROCQUE:** Would recommend.

20 **MR. ENGELMANN:** "Would recommend leaves

21 Saturday which is the 9th."

22 **MSGR. LAROCQUE:** Yeah.

23 **MR. ENGELMANN:** "No further contact.

24 Bishop sorry."

25 **MSGR. LAROCQUE:** M'hm.

1 **MR. ENGELMANN:** All right. And sir, do you
2 know, have any sense as to whether you would have spoken to
3 Mr. Shaver about Father MacDonald not having further
4 contact and what that would mean, no further contact?

5 Are you able to help us with that?

6 **MSGR. LAROCQUE:** Well, he was taken out of
7 the parish ministry

8 **MR. ENGELMANN:** So there'd be no further
9 contact with parishioners?

10 **MSGR. LAROCQUE:** With anyone, yes.

11 **MR. ENGELMANN:** Okay. Do you recall whether
12 you would have expressed some kind of sorrow or apology to
13 Chief Shaver when you got back to him on the phone and told
14 him what Father MacDonald had reported to you?

15 **MSGR. LAROCQUE:** That I would have expressed
16 some sorrow?

17 **MR. ENGELMANN:** Yeah, it says "Bishop
18 sorry."

19 **MSGR. LAROCQUE:** Yeah, probably I did.

20 **MR. ENGELMANN:** And do you recall what you
21 would have been sorry about when you got back to Chief
22 Shaver?

23 **MSGR. LAROCQUE:** Well, sorry that I was
24 taken by just the one incident and that there were more
25 than one. That, to my mind, is the reason why I acted.

1 And the Chief says "Charlie admits" but he
2 doesn't say he admits to assault.

3 **MR. ENGELMANN:** It says "Charlie admits."

4 **MSGR. LAROCQUE:** Yeah.

5 **MR. ENGELMANN:** Yeah.

6 **MSGR. LAROCQUE:** And it could be admits that
7 there's more than one, you know, and in that case -- and
8 that's what prompted me to act immediately.

9 **MR. ENGELMANN:** Well, doesn't that make it
10 worse for you, sir, if even -- whether there's an admission
11 or not with respect to David Silmsen, there's an admission
12 that there might be other potential sexual abuse?

13 **MSGR. LAROCQUE:** Well, remember I wasn't --
14 because of the whole background of David Silmsen and his
15 way of acting and his changing of his -- and not giving any
16 details at all with regard to the assault of Charlie.

17 And his bragging later on that he had gotten
18 money out of the Church. All these things ---

19 **MR. ENGELMANN:** Where does that come from,
20 sir?

21 **MSGR. LAROCQUE:** Pardon?

22 **MR. ENGELMANN:** Bragging about getting money
23 from the Church?

24 **MSGR. LAROCQUE:** It's in one of the
25 documents that I read.

1 **MR. ENGELMANN:** I know but what about your
2 knowledge at the time, that's what I'm getting at?

3 **MSGR. LAROCQUE:** Well, my knowledge at the
4 time didn't have that, no.

5 **MR. ENGELMANN:** No, okay.

6 **MSGR. LAROCQUE:** No. My knowledge at the
7 time would have been restricted to what I got from
8 Monsignor McDougald.

9 **MR. ENGELMANN:** Right. And your knowledge
10 at the time from Monsignor McDougald had been all along
11 that there was only one allegation.

12 **MSGR. LAROCQUE:** That's right.

13 **MR. ENGELMANN:** And that it was denied.

14 **MSGR. LAROCQUE:** That's right.

15 **MR. ENGELMANN:** And now you're told there
16 may be a couple more by the police.

17 **MSGR. LAROCQUE:** Not that there may be,
18 there were.

19 **MR. ENGELMANN:** Right. And Father Charlie
20 admits something to you about other victims.

21 **MSGR. LAROCQUE:** Admits that there are other
22 victims, yes.

23 **MR. ENGELMANN:** And ---

24 **MSGR. LAROCQUE:** So-called victims.

25 **MR. ENGELMANN:** --- so does that concern you

1 that perhaps he hasn't been truthful or fully open with
2 you?

3 **MSGR. LAROCQUE:** Yes, exactly; that's why
4 I'm sorry.

5 **MR. ENGELMANN:** All right. And do you
6 believe you would have told Chief Shaver that you felt that
7 you had been lied to or betrayed by Father MacDonald?

8 **MSGR. LAROCQUE:** I don't recall that.

9 **MR. ENGELMANN:** Now, sir, can you give us a
10 sense, did you have some knowledge, sir, about Father
11 MacDonald's sexual orientation before October 7th of 1993?

12 **MSGR. LAROCQUE:** No, I did not.

13 **MR. ENGELMANN:** Did you not have any
14 suspicions about that, sir?

15 **MSGR. LAROCQUE:** None whatsoever.

16 **MR. ENGELMANN:** I just want to show you a
17 document and just ask if it might refresh your memory about
18 that. It's Document Number 738047.

19 **THE COMMISSIONER:** It's a new exhibit, sir.

20 **MR. ENGELMANN:** It's a statement that
21 Monsignor McDougald gives. Sir, I believe this is a
22 statement -- this is one of the statements if I remember
23 correctly that's prepared for your lawyers, the Diocesan
24 lawyers.

25 **THE COMMISSIONER:** And so this is from

1 Monsignor McDougald?

2 **MR. ENGELMANN:** Yes.

3 **THE COMMISSIONER:** All right. So that will
4 be Exhibit 2097, statement of Monsignor McDougald and it
5 says "interviewed February 3rd, 1994."

6 --- **EXHIBIT NO./PIECE NO. P-2097:**

7 (738047) Statement of Msgr. McDougald - 03
8 Feb. 94

9 **MR. ENGELMANN:** Just to put this into
10 context, Monsignor Larocque, my understanding is that the
11 law firm that was then called Scott and Aylen asked
12 Monsignor McDougald, Monsignor Vaillancourt and Maitre
13 Leduc who were part of this ad hoc committee to write out a
14 statement and that these statements were then something you
15 would have reviewed before you and Mr. Scott had the
16 meeting in September with the OPP.

17 Does that refresh your memory at all about
18 the existence of these documents, their purpose?

19 **MSGR. LAROCQUE:** No, it does not.

20 **MR. ENGELMANN:** All right. In any event, in
21 this statement -- I'll just be a moment -- if you look at
22 the 5th page in and it's Bates page 741.

23 **THE COMMISSIONER:** Could I have that again?
24 It's the four last ---

25 **MR. ENGELMANN:** It's the one on the screen.

1 **THE COMMISSIONER:** Number 5, if you look in
2 the middle of the top -- actually it's before last page.

3 **MSGR. LAROCQUE:** Okay.

4 **MR. ENGELMANN:** The bottom question:

5 "The Bishop would have been forewarned
6 about Father Charles homosexual
7 tendencies?"

8 Question.

9 "Yes, we had complaints about this
10 priest."

11 This is Father McDougald answering the
12 questions from the lawyers.

13 **MSGR. LAROCQUE:** M'hm.

14 **MR. ENGELMANN:** "These would not have been
15 known by Jacques or the Chancellor. A
16 year previous to this, between sometime
17 in late '91 or early '92 I became aware
18 that he'd gone on holidays with a man,
19 age 28 and made homosexual overtures
20 which had been rebuffed. I think I
21 advised the Bishop of this and at the
22 same time he instructed me to speak to
23 Father Charles about this and another
24 related incident about which I was
25 given almost no details. I saw him

1 about this and while he did not deny
2 the claim he suggested this was not as
3 serious as has been alleged. The
4 Bishop recently met the person in
5 question when these other incidents
6 came up."

7 **MSGR. LAROCQUE:** Yes.

8 **MR. ENGELMANN:** Okay. And this statement is
9 given in February -- early February of 1994.

10 **MSGR. LAROCQUE:** Right.

11 **MR. ENGELMANN:** So he's saying that there
12 was an incident from back in '91 or '92 and he talks about
13 instructions that he believes he gets from you and that
14 you've recently seen this person.

15 **MSGR. LAROCQUE:** Okay.

16 **MR. ENGELMANN:** Does that refresh your
17 memory about something that you might have been aware of?

18 **MSGR. LAROCQUE:** It does. It does. Yes, it
19 does.

20 **MR. ENGELMANN:** Now this isn't dealing with
21 children but this is dealing with ---

22 **MSGR. LAROCQUE:** No. No.

23 **MR. ENGELMANN:** --- a complaint of -- that a
24 priest might have been involved with someone, and in this
25 sense in, you know, homosexual relationship.

1 **MSGR. LAROCQUE:** The dates are confused in
2 my mind but I know the young man of whom you are talking
3 about and I went to see him personally.

4 **MR. ENGELMANN:** That would have been after
5 October of '93 ---

6 **MSGR. LAROCQUE:** Yes.

7 **MR. ENGELMANN:** --- when you would have met
8 with him.

9 **MSGR. LAROCQUE:** That's right.

10 **MR. ENGELMANN:** But what I'm asking you,
11 sir, is isn't this something that you were aware of, even
12 before you spoke to Father Charles MacDonald, the evening
13 of October 7th?

14 **MSGR. LAROCQUE:** Maybe that I should have
15 been -- you know, and that I had forgotten. I'm confused
16 with regard to the time elements here.

17 **MR. ENGELMANN:** All right.

18 **MSGR. LAROCQUE:** But ---

19 **MR. ENGELMANN:** I'm assuming that since
20 Father McDougald was your designate for these types of
21 complaints ---

22 **MSGR. LAROCQUE:** M'hm.

23 **MR. ENGELMANN:** --- that he was to bring
24 these to your attention ---

25 **MSGR. LAROCQUE:** That's right.

1 **MR. ENGELMANN:** --- if he received them.

2 **MSGR. LAROCQUE:** And if he says he did it he
3 certainly did.

4 **MR. ENGELMANN:** All right.

5 **MSGR. LAROCQUE:** And I remember that I was
6 advised of this at some time but I can't remember what the
7 time was. And my recollection is that it was after the
8 Silmsler complaint and everything else that broke out but
9 I'm not sure.

10 **THE COMMISSIONER:** So what was the purpose
11 in you going to see the young man?

12 **MSGR. LAROCQUE:** Because he had stopped
13 going to church and I was worried because I knew the young
14 man. He had been a server of mine at the Cathedral.

15 And I spoke to him for a long time, to ask
16 his forgiveness, because he had been scandalized and
17 rightly so. And a fine -- a very fine man.

18 **THE COMMISSIONER:** M'hm. So I guess I'm
19 wondering, you had it in your mind that if there was an
20 allegation you went and saw the alleged victim, let's say
21 of this thing, out of concern for him.

22 So when Father MacDonald told you there were
23 others, why wouldn't you have done the same thing, find out
24 who they were? And if they were members of your parish of
25 course, they are your responsibility as much as ---

1 **MSGR. LAROCQUE:** Not my parish, my Diocese.

2 **THE COMMISSIONER:** Your Diocese, I'm sorry,
3 yeah. Do you see what I mean?

4 **MSGR. LAROCQUE:** Yeah. I have no answer.

5 **THE COMMISSIONER:** Thank you.

6 **MR. ENGELMANN:** Sir, whether the advance by
7 the priest, in this case, Father MacDonald, where it was
8 homosexual or heterosexual towards a parishioner and it's
9 reported to Monsignor McDougald, you'd want to know about
10 it?

11 **MSGR. LAROCQUE:** Yes.

12 **MR. ENGELMANN:** Fair enough?

13 **MSGR. LAROCQUE:** Certainly, yes.

14 **MR. ENGELMANN:** All right.

15 Because you'd want to know about any
16 unwanted sexual advance by a priest towards any parishioner
17 in your Diocese?

18 **MSGR. LAROCQUE:** Yes. Not only sexual
19 advance but any other problem that would involve
20 parishioners.

21 **MR. ENGELMANN:** Fair enough.

22 **THE COMMISSIONER:** And I guess whether it
23 was unwanted or not you'd want to know if a priest is
24 having some kind of sexual activity with anyone.

25 **MSGR. LAROCQUE:** Exactly.

1 **MR. ENGELMANN:** And just to pickup on this,
2 as I understand this unwanted sexual advance in the fall of
3 1991, this would have been something ---

4 **MSGR. LAROCQUE:** Or '92.

5 **MR. ENGELMANN:** All right.

6 This had been something that might have
7 happened in Williamstown; do you recall?

8 **MSGR. LAROCQUE:** No, I believe that the two
9 of them had gone on a trip together and it was while they
10 were away on vacation that this happened, if my
11 recollection is correct.

12 **MR. ENGELMANN:** All right.

13 **MSGR. LAROCQUE:** It was an invitation which
14 he turned down.

15 **MR. ENGELMANN:** All right.

16 **MSGR. LAROCQUE:** And he was scandalized that
17 the fact that he was even invited and I can see the well-
18 foundment (sic) of that scandal.

19 **MR. ENGELMANN:** All right.

20 **THE COMMISSIONER:** So Mr. Engelmann, I think
21 what we've agreed upon is that we'd take breaks pretty well
22 on the hour or so. So I think we're about at that point
23 now.

24 What I'd like to do is take shorter breaks
25 but there will be more of them so that we can catch our

1 breath and keep going. So why don't we take 10 minutes
2 now?

3 **MR. ENGELMANN:** All right.

4 **MSGR. LAROCQUE:** Thank you. Merci bien.

5 **THE REGISTRAR:** Order, all rise. À l'ordre.
6 Veuillez vous lever.

7 The hearing will resume at 10:40 a.m.

8 --- Upon recessing at 10:29 a.m./

9 L'audience est suspendue à 10h29

10 --- Upon resuming at 10:45 a.m./

11 L'audience est reprise à 10h45

12 **THE REGISTRAR:** The hearing is now resumed;
13 please be seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Thank you.

15 Thank you. Mr. Englemann?

16 **MONSIGNOR EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

17 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
18 ENGELMANN (Cont'd/Suite):**

19 **MR. ENGELMANN:** Sir, before the break we
20 talked about what you knew of Father MacDonald's past, with
21 respect to past sexual behaviour perhaps, and we talked a
22 little bit about what happened on October 7th. I just want
23 to make sure I understand some of your comments.

24 When you referred to the conversation you
25 had with Father MacDonald on the evening of October 7th,

1 before you then called Chief Shaver, you used the term "sex
2 with some individuals" as I -- and if I understood
3 correctly, parishioners.

4 **MSGR. LAROCQUE:** Not necessarily, no.

5 **MR. ENGELMANN:** Okay, some parishioners,
6 some others?

7 **MSGR. LAROCQUE:** I don't know but that's not
8 a detail that I remember that was discussed.

9 **MR. ENGELMANN:** Okay. That would be an
10 important detail for you, would it not, sir?

11 **MSGR. LAROCQUE:** Yes, it would

12 **MR. ENGELMANN:** Okay.

13 **MSGR. LAROCQUE:** Although any person would
14 be just as important, really, as a parishioner.

15 **MR. ENGELMANN:** Well, with respect to a vow
16 of celibacy, yes, but with respect to other issues ---

17 **MSGR. LAROCQUE:** No, with -- to my
18 responsibility as to parishioners, yes.

19 **MR. ENGELMANN:** Yes. And you used the term
20 both "sex of a consensual nature" but you also used the
21 term "victims" and ---

22 **MSGR. LAROCQUE:** And so-called victims I
23 suppose I should have said, because I don't know.

24 **MR. ENGELMANN:** Okay, well, I ---

25 **MSGR. LAROCQUE:** If it's consensual they're

1 not really victims.

2 MR. ENGELMANN: Would it be fair to say that
3 victims was a term you would have used and not Father
4 MacDonald?

5 MSGR. LAROCQUE: I would suppose so, yes.

6 MR. ENGELMANN: All right.

7 And would that be because, sir, you wouldn't
8 think that a priest could have consensual sex with a
9 parishioner?

10 MSGR. LAROCQUE: Absolutely. Yes.

11 MR. ENGELMANN: Now, did you ever ask him
12 the age of any of these individuals?

13 MSGR. LAROCQUE: Not that I can recall, no.

14 MR. ENGELMANN: But you told us he told you
15 that it all happened before you became the bishop in 1974.

16 MSGR. LAROCQUE: As I recall, yes.

17 MR. ENGELMANN: And did you ask him whether
18 these individuals were altar boys at the time?

19 MSGR. LAROCQUE: No, I did not.

20 MR. ENGELMANN: Did you ask him whether any
21 of this happened on church property or questions of that
22 nature?

23 MSGR. LAROCQUE: I can't recall all those
24 details. I'm sorry.

25 MR. ENGELMANN: All right.

1 **MSGR. LAROCQUE:** It's too long ago.

2 **MR. ENGELMANN:** Now, the issue about going
3 to Southdown and sending Father MacDonald there on the 9th,
4 you've told us that you sent other priests there or other
5 priests were sent there by other bishops. For example,
6 Father Stone was sent there?

7 **MSGR. LAROCQUE:** That's right.

8 **MR. ENGELMANN:** Father Lussier sent there?

9 **MSGR. LAROCQUE:** I believe so, yes.

10 **MR. ENGELMANN:** Father Major was sent there?

11 **MSGR. LAROCQUE:** Yes, I sent him there, yes.

12 **MR. ENGELMANN:** Yes. And in those cases
13 were people being sent -- those individuals, because of
14 alleged sexual misconduct with youth?

15 **MSGR. LAROCQUE:** No. Except for Father
16 Major, no, the others were pretty much -- Stone, yes.
17 There are others.

18 **MR. ENGELMANN:** Stone, Lussier, Major; I'm
19 just talking about the ones for alleged sexual misconduct
20 with youth. There were others you sent but as I understood
21 it those three were sent because of that.

22 **MSGR. LAROCQUE:** I didn't send Stone.

23 **MR. ENGELMANN:** No, someone else did.

24 **MSGR. LAROCQUE:** That's right.

25 **MR. ENGELMANN:** But you knew why he was

1 sent?

2 **MSGR. LAROCQUE:** Yes, I had the report.

3 **MR. ENGELMANN:** Yes. And Lussier and Major
4 you sent?

5 **MSGR. LAROCQUE:** I did, yes.

6 **MR. ENGELMANN:** Okay. And you sent others
7 but not for alleged sexual misconduct?

8 **MSGR. LAROCQUE:** That's right.

9 **MR. ENGELMANN:** And Father MacDonald was
10 being sent to Southdown by you?

11 **MSGR. LAROCQUE:** That's right.

12 **MR. ENGELMANN:** And why? That initial
13 assessment, why were you sending him?

14 **MSGR. LAROCQUE:** Because that was the modus
15 -- that's the way of proceeding with Southdown. You send
16 them with the knowledge that you have and so that they will
17 assess to see whether he needs treatment or not.

18 **MR. ENGELMANN:** All right. Well, you
19 weren't sending him for alcoholism?

20 **MSGR. LAROCQUE:** No, no.

21 **MR. ENGELMANN:** Or substance abuse.

22 **MSGR. LAROCQUE:** Southdown knew that I was
23 sending him because of alleged sexual -- whatever you want
24 to call it.

25 **MR. ENGELMANN:** Alleged sexual misconduct?

1 **MSGR. LAROCQUE:** Misconduct, yeah.

2 **MR. ENGELMANN:** I'm just wondering, sir,
3 because some time ago -- and this was in the context of a
4 civil proceeding, an examination for discovery, you said
5 that you sent him for an assessment for any inclinations to
6 what he was being accused of, and you used the term
7 pedophilia.

8 Do you recall whether or not that's why you
9 sent him there?

10 **MSGR. LAROCQUE:** That was one of the reasons
11 I suppose. Since -- yes.

12 **MR. ENGELMANN:** All right.

13 Now, sir, you -- aside from having contact
14 with the Cornwall Police in October of 1993 you also had
15 contact with the Children's Aid Society?

16 **MSGR. LAROCQUE:** That's right.

17 **MR. ENGELMANN:** And I understand, sir, that
18 on October 12th, 1993 you met with three individuals from
19 the Children's Aid Society, Richard Abell who was the
20 executive director and then two other directors from the
21 agency, a fellow by the name of Angelo Towndale and Bill
22 Carriere.

23 **MSGR. LAROCQUE:** Yes.

24 **MR. ENGELMANN:** Do you recall meeting with
25 the three of them, sir?

1 **MSGR. LAROCQUE:** In my office, yes.

2 **MR. ENGELMANN:** Okay. And Mr. Abell has
3 some notes of that meeting and that's why I have the date
4 October 12th, '93.

5 **MSGR. LAROCQUE:** Okay.

6 **MR. ENGELMANN:** You don't take issue with
7 the date, do you?

8 **MSGR. LAROCQUE:** I don't think so, no.

9 **MR. ENGELMANN:** Okay. And I'm just going to
10 show you a document. It's Exhibit 1299 and I'm not sure if
11 it's in the binder you have or not.

12 **THE COMMISSIONER:** It should be.

13 **MR. ENGELMANN:** Those would be Mr. Abell's
14 notes.

15 Counsel, if you don't have it by exhibit the
16 Document Number is 711991.

17 **THE COMMISSIONER:** I'm sorry, what Exhibit
18 1799?

19 **MR. ENGELMANN:** No, 1299, sir.

20 **THE COMMISSIONER:** Sorry.

21 **MR. ENGELMANN:** I'm looking at Bates page
22 920.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MR. ENGELMANN:** Sir, just to orient you, the
25 date unfortunately is not on this copy but it's on another

1 copy so I know it's October 12th -- but to orient you,
2 you've had a meeting the week before with Chief Shaver.
3 He's telling you the CAS know about this and they're going
4 to start an investigation.

5 **MSGR. LAROCQUE:** Right.

6 **MR. ENGELMANN:** And presumably someone from
7 the CAS made an appointment to see you.

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** So the note says:

10 "2:30 p.m. Met Bishop in his office
11 with Angelo and Bill Carriere."

12 **MSGR. LAROCQUE:** Right.

13 **MR. ENGELMANN:** And it starts with the
14 comment:

15 "Bishop, 'I want to work with you.'"

16 **MSGR. LAROCQUE:** Right.

17 **MR. ENGELMANN:** All right.

18 So Mr. Abell is writing that you open it up
19 by telling them you want to work with them. Do you take
20 any disagreement with that, sir?

21 **MSGR. LAROCQUE:** Not at all.

22 **MR. ENGELMANN:** All right.

23 And he says:

24 "I tell him our issue is present/recent
25 abuse of children. He says he

1 understands our role and then, 'What
2 can I do to help?'"

3 Again, any issue there, sir?

4 **MSGR. LAROCQUE:** No.

5 **MR. ENGELMANN:** All right.

6 So you understood then the concern of the
7 CAS was with respect to present or recent abuse of
8 children?

9 **MSGR. LAROCQUE:** That's the reason why there
10 was a doubt whether we should report to them in the first
11 place.

12 **MR. ENGELMANN:** And that the Silmsler
13 allegation was some 20 years earlier, or the incidents that
14 gave rise to it?

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** Right. And sir, at least
17 you're expressing some willingness to assist them,
18 according to these notes?

19 **MSGR. LAROCQUE:** As much as I can, yes.

20 **MR. ENGELMANN:** All right.

21 And then Mr. Abell writes:

22 "I give him picture. We will
23 investigate..."

24 I'm not sure what the word says.

25 **MSGR. LAROCQUE:** "Why?"

1 **MR. ENGELMANN:** Okay.

2 "...Silmser's statement is so clear as
3 to possible recent abuse."

4 And then he's got in brackets (red flags):

5 "He's taken aback that we will
6 investigate. He wants to monitor."

7 Now, were you surprised, sir, that they
8 wanted to investigate about recent abuse in light of the
9 Silmser complaint?

10 **MSGR. LAROCQUE:** I was, yes.

11 **MR. ENGELMANN:** All right.

12 And why is that, sir?

13 **MSGR. LAROCQUE:** Because I had no reason to
14 suspect that such things were going on, but they asked to
15 have the parish clear so that they could interrogate the
16 altar boys and the parishioners of that parish.

17 **MR. ENGELMANN:** All right.

18 Well, did you -- when you found out that
19 they were aware of the Silmser complaint and his allegation
20 and Chief Shaver indicated to you that they were looking
21 into this -- did you not expect, sir, that they would be
22 doing some kind of an investigation?

23 **MSGR. LAROCQUE:** Absolutely, yes.

24 **MR. ENGELMANN:** All right.

25 And they have an obligation, you would

1 agree, to be concerned about present or recent abuse of
2 children?

3 **MSGR. LAROCQUE:** Exactly.

4 **MR. ENGELMANN:** All right.

5 And you indicated that you wanted to
6 monitor, presumably, their investigation. Do you know what
7 you meant by that?

8 **MSGR. LAROCQUE:** Just to know what was going
9 on because I was trying to ---

10 **MR. ENGELMANN:** All right.

11 **MSGR. LAROCQUE:** --- protect the
12 parishioners, you know, and to see that things are not
13 disproportionate.

14 **MR. ENGELMANN:** It appears you might be
15 expressing some concern. I just want to read something to
16 you. He says:

17 "Everyone will know once we start
18 talking to altar boys and then
19 families. We tell them this is our
20 plan. It's a small community. It will
21 make him an accused... [et cetera]. We
22 acknowledge some of this is inevitable.
23 We'll be as discrete as possible... [et
24 cetera]. Also, best way to handle
25 accusations is to do an open

1 investigation to get at the facts."

2 MSGR. LAROCQUE: M'hm.

3 MR. ENGELMANN: Sir, is that -- do you take
4 any disagreement, any ---

5 MSGR. LAROCQUE: No, that's fine, yes.

6 MR. ENGELMANN: Sorry?

7 MSGR. LAROCQUE: That's fine.

8 MR. ENGELMANN: Okay. You had some concern
9 about the publicity that would be associated with this?

10 MSGR. LAROCQUE: Well, the harm that would
11 be done to the faith of the people, that's all.

12 MR. ENGELMANN: All right.

13 And were you concerned about the reputation
14 of your priest?

15 MSGR. LAROCQUE: Well, he's already left for
16 Southdown and all the parishioners know that.

17 MR. ENGELMANN: All right.

18 But they don't know why, sir.

19 MSGR. LAROCQUE: No, that's right.

20 MR. ENGELMANN: Now -- I'll just be a
21 moment.

22 Now, this is taking place October 12th so
23 this is five days or so after your meeting with the Chief
24 and Staff Sergeant Brunet and you're aware, sir, that there
25 are three people alleging some form of abuse by Father

1 MacDonald.

2 **MSGR. LAROCQUE:** Three days after he left
3 for Southdown as well.

4 **MR. ENGELMANN:** And -- okay.

5 Now, sir, did you understand that the CAS,
6 in order to conduct some form of investigation, would have
7 to speak to some altar boys?

8 **MSGR. LAROCQUE:** Sure.

9 **MR. ENGELMANN:** All right.

10 And would you agree, sir, that the police
11 conducting some form of investigation would also make a
12 matter like this somewhat public?

13 **MSGR. LAROCQUE:** Exactly, yes.

14 **MR. ENGELMANN:** All right.

15 And that they might need to interview altar
16 boys, although perhaps altar boys from the past.

17 **MSGR. LAROCQUE:** That's right.

18 **MR. ENGELMANN:** All right.

19 **MSGR. LAROCQUE:** In fact they asked for
20 lists of the altar boys.

21 **MR. ENGELMANN:** Yes.

22 **MSGR. LAROCQUE:** And we were able to obtain
23 that for them.

24 **MR. ENGELMANN:** All right.

25 And would you agree, sir, that the best way

1 to handle accusations of this nature is to do some form of
2 open investigation?

3 MSGR. LAROCQUE: I do now.

4 MR. ENGELMANN: Okay. You did not at the
5 time?

6 MSGR. LAROCQUE: We have to situate things
7 back at the time. And so now, yes.

8 MR. ENGELMANN: All right.

9 MSGR. LAROCQUE: At that time it was still a
10 very confusing type of situation.

11 MR. ENGELMANN: All right.

12 But that was consistent, sir, with the
13 policies and the principles of openness that ---

14 MSGR. LAROCQUE: That's right.

15 MR. ENGELMANN: --- were set out in From
16 Pain to Hope from the year before was it not?

17 MSGR. LAROCQUE: That's right.

18 MR. ENGELMANN: All right.

19 Now, just a little further down in the notes
20 he says, near the bottom:

21 "He's to hear treatment results on
22 Friday."

23 This is you.

24 MSGR. LAROCQUE: M'hm.

25 MR. ENGELMANN: "We say we want him..."

1 And presumably that's Father MacDonald.

2 **MSGR. LAROCQUE:** That's right.

3 **MR. ENGELMANN:** "...out of the parish to
4 allow us to investigate. Bishop very
5 reluctant, finally agrees to two
6 weeks."

7 **MSGR. LAROCQUE:** M'hm.

8 **MR. ENGELMANN:** Do you recall, sir, being
9 reluctant to keep Father MacDonald out of the parish while
10 the CAS was to investigate this?

11 **MSGR. LAROCQUE:** I can't recall but I
12 remember telling them that they would have a clear field
13 for investigation.

14 **MR. ENGELMANN:** I'm sorry?

15 **MSGR. LAROCQUE:** They would have a clear
16 field for investigation. He would not be in their way.

17 **MR. ENGELMANN:** All right.

18 But it seems at this point at least your
19 plan was that after Father MacDonald came back from the
20 one-week assessment that he would be back in his parish and
21 the CAS is saying, "No, we don't want that. We want to be
22 able to do our investigation without him there."

23 **MSGR. LAROCQUE:** Well, he wouldn't be back
24 in the parish. It would depend on the assessment that they
25 give me on the Friday when he comes back.

1 **MR. ENGELMANN:** All right.

2 **MSGR. LAROCQUE:** In other words, I'm not
3 prejudging the assessment.

4 **MR. ENGELMANN:** Fair enough.

5 So whatever you would do with Father
6 MacDonald was going to be dependent upon the results you
7 received from Southdown?

8 **MSGR. LAROCQUE:** Greatly, yes.

9 **MR. ENGELMANN:** But did you know about three
10 people alleging some form of abuse. That wasn't enough,
11 sir? You needed that further report from Southdown before
12 agreeing to keep him out for more than a week?

13 **THE COMMISSIONER:** Two weeks.

14 **MR. ENGELMANN:** Or for two weeks.

15 **MSGR. LAROCQUE:** I don't know what you're
16 driving at but ---

17 **MR. ENGELMANN:** All right.

18 **MSGR. LAROCQUE:** --- I'm not --

19 **MR. ENGELMANN:** I'm just wondering if having
20 knowledge that there were three people alleging some form
21 of abuse wouldn't have been sufficient for you just to say,
22 "Let's just stay out of the parish for a while."

23 **MSGR. LAROCQUE:** De facto he never went back
24 to the parish.

25 **MR. ENGELMANN:** Okay.

1 **MSGR. LAROCQUE:** Let's not belabour the
2 point.

3 **MR. ENGELMANN:** All right.

4 But do you recall -- they appear to be
5 suggesting that you were reluctant to remove him from the
6 parish. Would you agree with that, sir, at the time?

7 **MSGR. LAROCQUE:** It could be at the time but
8 it certainly wouldn't be at the present time.

9 **MR. ENGELMANN:** Fair enough. Now, there's a
10 discussion here at the bottom of page. It says:

11 "Silmsers spoke to someone in Ottawa
12 originally. Matter was referred on to
13 this Bishop. I asked for the report."
14 "I" being Abell.

15 **MSGR. LAROCQUE:** M'hm.

16 **MR. ENGELMANN:**

17 "Bill and I read the letter. It is
18 essentially same statement as given the
19 Cornwall Police."

20 The letter we're referring to here is the
21 letter from Monsignor Schonenbach.

22 **MSGR. LAROCQUE:** Schonenbach, yes.

23 **MR. ENGELMANN:** The writer ends by saying he
24 found Silmsers "credible":

25 "I ask for a copy. Bishop says it's

1 confidential."

2 **MSGR. LAROCQUE:** M'hm.

3 **MR. ENGELMANN:** Now, do you remember why you
4 would have said that to them and why you would have been
5 concerned about giving them a copy of that letter?

6 **MSGR. LAROCQUE:** No, I can't.

7 **MR. ENGELMANN:** All right.

8 **MSGR. LAROCQUE:** I was -- readily give it to
9 them today but at that time I cannot ---

10 **MR. ENGELMANN:** All right.

11 **MSGR. LAROCQUE:** And I can't recall saying
12 that, to tell you the truth.

13 **MR. ENGELMANN:** All right.

14 Again in the spirit of openness that's
15 something you would give today?

16 **MSGR. LAROCQUE:** That's -- exactly, yes.

17 **MR. ENGELMANN:** All right.

18 **MSGR. LAROCQUE:** Because it really wasn't
19 confidential. It was -- I mean, police had a copy of it
20 and so ---

21 **MR. ENGELMANN:** Right, and, sir, you'd
22 indicated that you wanted to -- you wanted to ensure that
23 you were not hindering an investigation, either by the
24 police or by the CAS presumably?

25 **MSGR. LAROCQUE:** That's right.

1 **MR. ENGELMANN:** So I'm just -- you know,
2 when we look at what happened on that day you're -- and
3 this is how it's being reported by Mr. Abell, that you're
4 somewhat surprised that they're going to be interviewing
5 altar boys and families. You say you want to monitor;
6 there's some reluctance to remove Father MacDonald from the
7 parish; there's a reluctance or a refusal to provide a copy
8 of the letter from Monsignor McDougald. Those are all
9 things that ---

10 **MSGR. LAROCQUE:** Monsignor Schonenbach.

11 **MR. ENGELMANN:** Schonenbach, yes. Those are
12 all things that would have assisted the CAS that perhaps
13 you weren't being as forthcoming or as forthright about at
14 that time but presumably you would act differently today?

15 **MSGR. LAROCQUE:** Right, and de facto we
16 didn't put any interference in their investigation. They
17 had complete freedom to investigate whomever or howsoever
18 they wanted.

19 **MR. ENGELMANN:** I know but it's always
20 helpful when agencies like the CAS or the police are
21 investigating, that you and other agencies cooperate.

22 **MSGR. LAROCQUE:** And I did.

23 **MR. ENGELMANN:** Okay. And sir, you then
24 describe, or you're quoted as describing the settlement
25 issue.

1 **MSGR. LAROCQUE:** Yes.

2 **MR. ENGELMANN:** And it says:

3 "Bishop says he didn't want to pay off
4 Silmsier. He was advised to do so by
5 Jacques Leduc..."

6 Et cetera. Do you see that?

7 **MSGR. LAROCQUE:** Civil effects, yes.

8 **MR. ENGELMANN:** Do you recall saying
9 something like that?

10 **MSGR. LAROCQUE:** I suppose, yes.

11 **MR. ENGELMANN:** Do you remember why you
12 might have viewed the settlement as a payoff at that time,
13 October 12th 1993?

14 **MSGR. LAROCQUE:** I don't get the gist of
15 your question.

16 **MR. ENGELMANN:** I'm just wondering why you
17 would have used that term at that time, the term "payoff"?

18 **MSGR. LAROCQUE:** It could have come from my
19 meeting with the bishops of Canada where I think that term
20 was used, that it could be seen as this. I really don't
21 recall using the term but ---

22 **MR. ENGELMANN:** Okay.

23 **MSGR. LAROCQUE:** --- if I did use it it's
24 probably from that context.

25 **MR. ENGELMANN:** Now, at the bottom of the

1 page it says:

2 "Bishop saying Charlie strongly denying
3 Silmser allegation. Admitting to being
4 a homosexual, not while he was
5 teaching."

6 Father MacDonald was a teacher before he was
7 a priest?

8 **MSGR. LAROCQUE:** That's right.

9 **MR. ENGELMANN:** Then it says:

10 "Not for last four years. Only with
11 teens/adults."

12 **MSGR. LAROCQUE:** M'hm.

13 **MR. ENGELMANN:** "Comments to Bishop" -- and
14 this is from Charlie:

15 "...that the partners sometimes initiate."

16 **MSGR. LAROCQUE:** M'hm.

17 **MR. ENGELMANN:**

18 "We jump on that and deal with
19 responsibilities."

20 **MSGR. LAROCQUE:** That's right.

21 **MR. ENGELMANN:** All right.

22 So is there any part of those notes, sir,
23 that you disagree with?

24 **MSGR. LAROCQUE:** No.

25 **MR. ENGELMANN:** Because now it's not

1 something that happens before 1974. This story that's
2 being related, at least by you, to the CAS officials is
3 that it hasn't happened in the last four years.

4 **MSGR. LAROCQUE:** Yeah.

5 **MR. ENGELMANN:** So that would take us to
6 1989.

7 **MSGR. LAROCQUE:** Probably, yes.

8 **MR. ENGELMANN:** All right.

9 So again -- and I realise your memory was
10 presumably better than than it is today -- is it possible
11 that Father MacDonald ---

12 **MSGR. LAROCQUE:** I would go with this.

13 **MR. ENGELMANN:** All right.

14 **MSGR. LAROCQUE:** Yes.

15 **MR. ENGELMANN:** All right.

16 And when it talks about teens and adults,
17 again you don't have any sense as to the age of the teens,
18 sir?

19 **MSGR. LAROCQUE:** No.

20 **MR. ENGELMANN:** All right.

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

22 **MR. ENGELMANN:** Sir, I think we've agreed at
23 least today you recognise that sexual activity by a priest
24 with teenagers is not just a breach of celibacy. It may
25 well be a breach of a position of trust and authority?

1 **MSGR. LAROCQUE:** I would have believed that
2 back there then, at the same time.

3 **MR. ENGELMANN:** You agreed with it then too?

4 **MSGR. LAROCQUE:** Sure.

5 **MR. ENGELMANN:** Okay.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. ENGELMANN:** Now, they then appear to
8 talk with you about a plan for this investigation, and I'm
9 looking at Bates page 992 and it says:

10 "We agree he will get names of altar
11 boys to us."

12 **THE COMMISSIONER:** Where is that now?

13 **MSGR. LAROCQUE:** Middle of the page.

14 **MR. ENGELMANN:** Yeah, middle.

15 **THE COMMISSIONER:** Thank you, Bishop
16 Larocque.

17 **(LAUGHTER/RIRES)**

18 **MR. ENGELMANN:**

19 "We speculate on how far back to go,
20 years past, parishes. We agree to
21 start in St. Andrew's."

22 And that's where he was the priest at the
23 time, correct?

24 **MSGR. LAROCQUE:** That's right. That's
25 right.

1 **MR. ENGELMANN:** And he'd been the priest in
2 St. Andrew's for several years? This is 1993 at this
3 point. Before then he'd been at Williamstown, I believe,
4 or ---

5 **MSGR. LAROCQUE:** Yeah, and Apple Hill.

6 **MR. ENGELMANN:** Yes.

7 **MSGR. LAROCQUE:** He left St. Columban's and
8 I moved him to Apple Hill.

9 **MR. ENGELMANN:** Yes.

10 **MSGR. LAROCQUE:** And he built up the church
11 in Apple Hill, which was a basement church and he built the
12 top of it, and from there he went to Williamstown, and from
13 Williamstown he came to St. Andrew's.

14 **MR. ENGELMANN:** Right, and that was sometime
15 in the 1980s?

16 **MSGR. LAROCQUE:** Probably in the late 1980s,
17 I would imagine.

18 **MR. ENGELMANN:** All right.

19 So you've sort of got an agreement that the
20 CAS is going to simply be asking questions of people from
21 the last parish, St. Andrew's?

22 **MSGR. LAROCQUE:** From the ---

23 **MR. ENGELMANN:** The current parish.

24 **MSGR. LAROCQUE:** Yes, but not denying that
25 they could go to other parishes, because I think they also

1 wanted to go to St. Columban's ---

2 MR. ENGELMANN: All right.

3 MSGR. LAROCQUE: --- sometime in the
4 investigation.

5 MR. ENGELMANN: I don't think so, sir, but
6 we'll get there.

7 But in any event, at this point they're
8 talking about just interviewing altar boys who are current
9 altar boys or recently been altar boys?

10 MSGR. LAROCQUE: That's right.

11 MR. ENGELMANN: All right.

12 MSGR. LAROCQUE: At St. Andrew's.

13 MR. ENGELMANN: Yeah. And it says at the
14 bottom that they tell you that they're beginning the
15 investigation, they'll do what they can within the next two
16 weeks, that they'll be talking to the OPP; they'll decide
17 whether or not to do a criminal investigation. And
18 apparently Mr. Abell asks you to allow Jacques Leduc to
19 speak openly to him about his role.

20 Do you recall -- it says, "I tell him he's
21 representing us"? Do you recall Mr. Abell bringing up the
22 fact that from time to time Mr. Leduc also worked for the
23 CAS?

24 MSGR. LAROCQUE: I don't believe, no, that
25 that ---

1 **MR. ENGELMANN:** All right.

2 **MSGR. LAROCQUE:** I don't recollect that at
3 least.

4 **MR. ENGELMANN:** All right.

5 It says:

6 "End on positive note. Bishop looked
7 worried."

8 **MSGR. LAROCQUE:** M'hm.

9 **MR. ENGELMANN:** Do you recall, sir? Did you
10 believe it ended on a positive note with the CAS at that
11 point?

12 **MSGR. LAROCQUE:** Yes.

13 **MR. ENGELMANN:** All right.

14 **MSGR. LAROCQUE:** I agreed to cooperate with
15 them and ---

16 **MR. ENGELMANN:** Were you concerned or
17 worried about where this might lead and ---

18 **MSGR. LAROCQUE:** Yeah, where the scandal and
19 what the effect on the parish is and on the whole Diocese
20 in fact.

21 **MR. ENGELMANN:** All right. And sir, do you
22 recall asking Jacques Leduc to speak openly with the CAS
23 during the course of their investigation, to cooperate with
24 them?

25 **MSGR. LAROCQUE:** I don't recall but I would

1 have had no objection to him doing that.

2 MR. ENGELMANN: All right. Well, do you
3 recall whether or not he was still representing you at that
4 time, and this is October/November 1993 for this type of
5 thing?

6 MSGR. LAROCQUE: I don't -- that was after
7 the ---

8 MR. ENGELMANN: This is October of '93, a
9 press release issue comes up in January of '94.

10 MSGR. LAROCQUE: So it was before the press
11 releases?

12 MR. ENGELMANN: Yes.

13 MSGR. LAROCQUE: So he would have still been
14 representing us then.

15 MR. ENGELMANN: Yes. Okay. And would you
16 have instructed others, if you can recall, to be open with
17 the CAS like Monsignor McDougald and others? Or do you
18 recall?

19 MSGR. LAROCQUE: I certainly didn't put any
20 blocks in their way.

21 MR. ENGELMANN: All right.

22 Sir, just a couple of other areas here, with
23 the CAS in the fall. If I could show you a note, the
24 Exhibit -- sorry, the Document Number is 711987.

25 THE COMMISSIONER: That's a new one,

1 Monsignor.

2 **MR. ENGELMANN:** And these are again Richard
3 Abell's notes and this is notes of a phone call he has with
4 Jacques Leduc on October 15th, 1993, approximately three
5 days after the meeting with you.

6 **THE COMMISSIONER:** So Exhibit 2098 is a
7 document -- Mr. Abell you say, Mr. Englemann?

8 **MR. ENGELMANN:** Yes.

9 **THE COMMISSIONER:** Mr. Abell's notes dated -
10 - the first date is October 15th, 1993.

11 **--- EXHIBIT NO./PIÈCE No. 2098:**

12 (711987) Notes of Richard Abell - 15 Oct,
13 93

14 **MR. ENGELMANN:** All right, sir, just to put
15 this in context then, the notes starts:

16 "Phone call from Jacques Leduc, wants
17 to talk. I don't have time, asks if
18 there has been an admission."

19 And again, Jacques Leduc would have been
20 counsel for the Diocese at this time; correct?

21 **MSGR. LAROCQUE:** M'hm.

22 **MR. ENGELMANN:** And he was dealing with this
23 matter on your behalf?

24 **MSGR. LAROCQUE:** I believe so, yes.

25 **MR. ENGELMANN:** Okay. And he's calling and

1 asking Richard Abell if there's been an admission. I'm not
2 sure who that admission might be from, I'm assuming Father
3 MacDonald because of the context.

4 It says:

5 "I say yes, [I being Abell] to being
6 homosexual relations with adolescents
7 and adults. Not as a teacher, not the
8 last four years."

9 Puts in brackets (this from the Bishop). So
10 he's relating that he's heard this from you.

11 "I tell him Chief spoke to the Bishop
12 and told me MacDonald had admitted to
13 Silmsler. Needs to be clarified."

14 So from -- what I take from this is that
15 Jacque Leduc's asking about whether there's been an
16 admission and Richard Abell talks about the two types of
17 admissions; one being to having relations with adults --
18 sorry, adolescents and adults.

19 And that he got that from you and then he's
20 saying what he's heard back from the Chief; the Chief spoke
21 to the Bishop and told me MacDonald had admitted to
22 Silmsler, needs to be clarified.

23 So there appears to be some confusion about
24 what has been admitted to.

25 **MSGR. LAROCQUE:** Yeah.

1 **MR. ENGELMANN:** And I'm wondering, sir, if
2 Mr. Leduc would have gotten back to you -- if you can
3 remember him getting back to you to try and clarify this
4 issue?

5 **MSGR. LAROCQUE:** No. I can't recall.

6 **MR. ENGELMANN:** Okay. Do you recall him
7 reporting to you about this at all, sir?

8 **MSGR. LAROCQUE:** Not to my recollection, no.

9 **MR. ENGELMANN:** All right.

10 **MSGR. LAROCQUE:** The only thing is here,
11 what the Chief says that MacDonald had admitted to Silmsers.

12 **MR. ENGELMANN:** Yes.

13 **MSGR. LAROCQUE:** In my recollection he's
14 never admitted to Silmsers.

15 **MR. ENGELMANN:** Well, at that time, sir, if
16 we look at the notes and his statement at that time, what
17 the Chief's notes say is that he spoke to you and that you
18 told him that MacDonald admitted to Silmsers.

19 When he was here later, he said that there
20 was an omission from that and that you said he admitted the
21 assault but then corrected it.

22 **MSGR. LAROCQUE:** Because my recollection is
23 that he's never admitted to me at least, that he had any
24 relations with Silmsers.

25 **MR. ENGELMANN:** All right. So I'm just

1 looking at what was written at the time.

2 **MSGR. LAROCQUE:** Yeah.

3 **MR. ENGELMANN:** And I'm asking you whether
4 or not that clarification of the two different versions was
5 reported back to you by Jacques Leduc?

6 **MSGR. LAROCQUE:** I can't recall.

7 **MR. ENGELMANN:** All right.

8 Would you have expected your counsel to
9 report back to you about events during the course of the
10 CAS investigation?

11 **MSGR. LAROCQUE:** To me or to Monsignor
12 McDougald, yes.

13 **MR. ENGELMANN:** Fair enough.

14 Now, again, on the same page and I'm not
15 sure if you're going to be able to help us. It says "Says
16 he will talk to Greg." And Greg is the fellow that he has
17 looking into this; a fellow by the name of Greg Bell.

18 That name may be familiar to you, sir. That
19 he's an employee of Mr. Abell's at the Childrens' Aid
20 Society. It says:

21 "McDougald is the Vicar General, can't
22 betray priestly confidences?"

23 And there's a question mark.

24 **MSGR. LAROCQUE:** M'hm.

25 **MR. ENGELMANN:** "I say okay, we'll start

1 there."

2 **MSGR. LAROCQUE:** M'hm.

3 **MR. ENGELMANN:** It appears, sir, that Mr.
4 Leduc is telling the Childrens' Aid Society that Monsignor
5 McDougald could not talk to them because of some concern
6 about priestly confidences.

7 I'm just wondering did you ever give any
8 instructions to Mr. Leduc or Monsignor McDougald not to
9 talk the CAS because of priestly confidences?

10 **MSGR. LAROCQUE:** No, not to my recollection.

11 **MR. ENGELMANN:** Do you know what that means,
12 sir, priestly confidences?

13 **MSGR. LAROCQUE:** That'll be confidences like
14 anybody telling somebody in confidence something that went
15 on. It's a -- the only thing that I can remember is the
16 confidentiality that we had in our committee that I had set
17 up for something of that nature, that's ---

18 **MR. ENGELMANN:** All right.

19 **MSGR. LAROCQUE:** --- you know -- and if he
20 had spoken to Father Charles and Father Charles said I want
21 you to keep this in confidence then he would feel himself
22 bound to do so I would imagine.

23 **MR. ENGELMANN:** All right. Even if that
24 occurred outside the confessional, sir?

25 **MSGR. LAROCQUE:** Yes.

1 **MR. ENGELMANN:** All right. But if it was
2 inside the confessional you wouldn't expect the term
3 "priestly confidence"?

4 **MSGR. LAROCQUE:** I doubt that Father Charlie
5 would be going to confession to Father McDougald but you
6 know, it -- in that case, it's what we call the penitential
7 seal of confession.

8 **MR. ENGELMANN:** So it would have been a
9 different term than priestly confidence?

10 **MSGR. LAROCQUE:** Absolutely it would not be
11 that.

12 **MR. ENGELMANN:** Fair enough.

13 **THE COMMISSIONER:** The difference being I
14 take it, sir, that if it's a confidence if put under oath
15 in a proper civil proceeding he would have to say whereas
16 if it was in the confessional he would not have to say.

17 **MSGR. LAROCQUE:** In the confessional he
18 cannot say.

19 **THE COMMISSIONER:** Cannot say. Cannot say,
20 right.

21 **MSGR. LAROCQUE:** That's what we call the
22 seal.

23 **THE COMMISSIONER:** The seal. All right,
24 sir, do you agree with me that -- but if he was brought
25 into court or -- and asked about the confidences that as

1 far as you're concerned he would have, he would not be
2 bound by the seal and ---

3 **MSGR. LAROCQUE:** No, it's only those things
4 that are in the confessional.

5 **THE COMMISSIONER:** Thank you.

6 **MR. ENGELMANN:** And sir, would it be fair to
7 say at that time your instructions to Monsignor McDougald
8 would have been to cooperate with the CAS and provide them
9 the information they needed to do the investigation?

10 **MSGR. LAROCQUE:** That would have been my
11 mind, yes, I think, yes.

12 **MR. ENGELMANN:** All right. You just can't
13 recall what exactly you said to him?

14 **MSGR. LAROCQUE:** No.

15 **MR. ENGELMANN:** All right.

16 **MSGR. LAROCQUE:** This is not me speaking.
17 This is Leduc speaking to ---

18 **MR. ENGELMANN:** No, no I realize that. I
19 realize that.

20 And again, I'm going to show you another
21 document. Again it's not you speaking but I'm just going
22 to ask a couple of questions from it if I may, it's
23 Document Number 711984.

24 If that could be the next exhibit, sir.
25 These are again notes of Mr. Abell from Project Blue dated

1 October 29th, 1993.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2099.

4 --- EXHIBIT NO./PIÈCE No. P-2099

5 (711984) Notes of Richard Abell - 29 Oct,

6 93

7 **MR. ENGELMANN:** Now, the great thing about
8 these notes, sir is they're fairly legible for handwritten
9 notes so I think I captured the gist of it and you'll see -
10 - there's a reference to something I think we've already
11 covered about three paragraphs down.

12 It says:

13 "Fall, '91, call to church, re sexual
14 impropriety [it's a bit funny] sexual
15 impropriety of a sexual nature and then
16 it says "Williamstown ---"

17 **MSGR. LAROCQUE:** Anonymous, I guess.

18 **MR. ENGELMANN:** "--- anonymous,
19 Williamstown, Father MacDonald denied,
20 matter dropped."

21 And I think that's the matter we talked
22 about earlier, where you ended up speaking to a
23 parishioner.

24 **MSGR. LAROCQUE:** Right.

25 **MR. ENGELMANN:**

1 "Commitment from Bishop through Jacques
2 Leduc that we have all the time we need
3 to investigate; Father MacDonald will
4 not be going back into the Parish."

5 **MSGR. LAROCQUE:** Right.

6 **MR. ENGELMANN:** So this is the 29th of
7 October. By that point in time you had decided, sir, that
8 he was not going back to active ministry?

9 **MSGR. LAROCQUE:** I had the reports from
10 Southdown at that time and the commitment that he would go
11 on the six-month treatment.

12 **MR. ENGELMANN:** Fair enough, and that was to
13 start sometime in November if I'm correct?

14 **MSGR. LAROCQUE:** That's right.

15 **MR. ENGELMANN:** All right. And then it says
16 down at the bottom:

17 "Greg talked to David Silmsers to get an
18 appointment, concerned he will lose his
19 money if he talks to us. Silmsers to be
20 assured -- Jacques Leduc will assure
21 him or his lawyer, that he can speak to
22 us without penalty."

23 Sir, were you ever advised that there was an
24 issue about -- because of the nature of the settlement --
25 it said that if Mr. Silmsers talked about any of the events

1 he would lose the money?

2 **MSGR. LAROCQUE:** No, I have no knowledge of
3 that.

4 **MR. ENGELMANN:** Okay. That never got back
5 to you?

6 **MSGR. LAROCQUE:** No.

7 **MR. ENGELMANN:** All right.

8 And the event that occurred between October
9 12th and October 29th, that removed any reluctance on your
10 part to remove Father MacDonald from his parish was the
11 report from Southdown that he should go there for a six-
12 month period?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** Do I understand that?

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** All right.

17 Now, sir, I want to show you a very brief
18 signed note. It's Document Number 738037.

19 And sir, I'm assuming this was written some
20 time in late October of 1993. It's a document that is
21 signed by Father MacDonald and your signature also appears
22 on it.

23 **MSGR. LAROCQUE:** Is that his resignation?

24 **MR. ENGELMANN:** It involves -- yeah, it
25 speaks of his resignation.

1 **THE COMMISSIONER:** Thank you.

2 Exhibit 2100.

3 **--- EXHIBIT NO./PIÈCE No. P-2100:**

4 (738037) Letter of Resignation by Charles
5 MacDonald - 1993

6 **MR. ENGELMANN:** Sir, the document reads:

7 "The most Reverend Eugène P. Larocque,
8 DD Bishop of the Diocese of
9 Alexandria/Cornwall has announced the
10 resignation of Reverend Charles F.
11 MacDonald as Pastor of St. Andrew's
12 Parish, effective immediately. Father
13 MacDonald has asked for time for rest
14 and personal renewal before accepting
15 reassignment."

16 It's signed by Father MacDonald and it says
17 "Received Saturday afternoon, October 30, '93" and I
18 believe it has your signature.

19 **MSGR. LAROCQUE:** That's right.

20 **MR. ENGELMANN:** Right? So just -- is this a
21 letter that you would have prepared or had someone prepare
22 for you to have Father MacDonald sign?

23 **MSGR. LAROCQUE:** Not to my knowledge. I had
24 asked for his letter of resignation and this is a rather
25 strange letter of resignation because he doesn't use the

1 "I" at all.

2 MR. ENGELMANN: No. It simply says you're
3 announcing his resignation.

4 MSGR. LAROCQUE: Yeah.

5 MR. ENGELMANN: So this is something that --
6 you asked him for a letter of resignation and this is what
7 he gave you?

8 MSGR. LAROCQUE: This is what I got, yes.

9 MR. ENGELMANN: All right.
10 Because it's not exactly a resignation is
11 it?

12 MSGR. LAROCQUE: No. Well, it is, it's
13 acknowledging the fact that I'm going to announce his --
14 and he signs his name.

15 MR. ENGELMANN: Right.

16 MSGR. LAROCQUE: More or less in agreement
17 with it. But it's a strange letter of resignation.

18 MR. ENGELMANN: Right. And it says because
19 he's asked for rest and personal renewal.

20 MSGR. LAROCQUE: Right. That's his, how
21 should I say, analysis of the situation.

22 MR. ENGELMANN: It's perhaps not your own,
23 sir, is it?

24 MSGR. LAROCQUE: No, that's not from me.

25 MR. ENGELMANN: You don't believe that

1 statement is accurate, do you?

2 **MSGR. LAROCQUE:** Well, it could be but
3 before accepting reassignment there was no point -- there
4 was no way I was going to reassign him anyway.

5 **MR. ENGELMANN:** Well, did you know that even
6 at that time, sir, that you would never reassign him?

7 **MSGR. LAROCQUE:** That's a good question.
8 Yeah, I would suppose that I would have waited for the
9 final analysis, at the end of the treatment, six months
10 later.

11 **MR. ENGELMANN:** But the real reason that you
12 had asked for his resignation was because of these
13 allegations against him ---

14 **MSGR. LAROCQUE:** Yes.

15 **MR. ENGELMANN:** --- and that you were
16 sending him to Southdown.

17 **MSGR. LAROCQUE:** That's right, and to clear
18 the way so that I could name another pastor.

19 **MR. ENGELMANN:** I'm sorry?

20 **MSGR. LAROCQUE:** To clear the way so that I
21 could name another pastor. The person who was there was
22 only an administrator.

23 **MR. ENGELMANN:** Correct.

24 **MSGR. LAROCQUE:** And I can't appoint a
25 pastor until the former pastor has resigned.

1 **MR. ENGELMANN:** Fair enough. Now, this is
2 some -- approximately 11 months after Mr. Silmsler came
3 forward with allegations against Father MacDonald. We know
4 he came forward with those allegations in December of '92.

5 **MSGR. LAROCQUE:** Right.

6 **MR. ENGELMANN:** But this is the first time
7 that you believe that you need to ask for his resignation;
8 is that fair?

9 **MSGR. LAROCQUE:** Yes.

10 **MR. ENGELMANN:** All right.

11 **MSGR. LAROCQUE:** Because of the added
12 knowledge that I have.

13 **MR. ENGELMANN:** Now, sir, you respond to
14 this with a letter of your own and it is Document 738038
15 and it's a letter dated November 1st, 1993 from yourself and
16 the Chancellor, Denis Vaillancourt, to the Reverend Charles
17 MacDonald.

18 **MSGR. LAROCQUE:** Right.

19 **MR. ENGELMANN:** If that could be our next
20 exhibit, sir?

21 **MSGR. LAROCQUE:** That's the day after ---

22 **THE COMMISSIONER:** Exhibit -- yes, it is,
23 sir. Well, depending -- October -- it depends if October
24 has 31 days which it has.

25 **MR. ENGELMANN:** The date is November 1st,

1 '93?

2 **THE COMMISSIONER:** Yes it is. Exhibit 2101.

3 --- **EXHIBIT NO./PIÈCE No. 2101:**

4 (738038) Letter from Eugene LaRocque to
5 Charles MacDonald - 01 Nov, 93

6 **MR. ENGELMANN:** Sir, this is a letter that
7 you would have written to Father MacDonald; is that
8 correct?

9 **MSGR. LAROCQUE:** Yeah.

10 **MR. ENGELMANN:** And I note it's care of Gary
11 Ostler. Was he living with Father Ostler at that time?

12 **MSGR. LAROCQUE:** At the time, yes.

13 **MR. ENGELMANN:** All right.

14 **MSGR. LAROCQUE:** In the inter -- between his
15 first visit to Southdown and his ---

16 **MR. ENGELMANN:** Fair enough. And the letter
17 reads:

18 "I wish to thank you for the work that
19 you've done at St. Andrew's and for
20 your resignation as pastor of this
21 parish in order to find time for rest
22 and personal renewal because you accept
23 a new assignment.

24 **MSGR. LAROCQUE:** Yes.

25 **MR. ENGELMANN:** So it appears you have ---

1 **MSGR. LAROCQUE:** I'm quoting his ---

2 **MR. ENGELMANN:** Yes.

3 "I hope that your stay at Southdown may
4 be profitable to you personally and to
5 your future ministry."

6 So it appears quite clear at that time that
7 you haven't made a final decision.

8 **MSGR. LAROCQUE:** It's still open, yes.

9 **MR. ENGELMANN:** All right.

10 "Be assured of my prayers on your
11 behalf, especially as I visit the tomb
12 of the Apostles, Peter and Paul."

13 **MSGR. LAROCQUE:** Yes.

14 **MR. ENGELMANN:** I think you told us earlier
15 that you were off to Rome about this time.

16 **MSGR. LAROCQUE:** I was the President of the
17 Ontario Bishops and it was our five-year visit to the Pope
18 and I had to organize all that and all the meetings in
19 Rome.

20 **MR. ENGELMANN:** All right.

21 And again, sir, if I can suggest to you, the
22 real reason for his resignation isn't what's set out in
23 your letter; you've just copied or mimicked his letter?

24 **MSGR. LAROCQUE:** I wanted to make the
25 connection between the two, if I recall correctly, because

1 as I said his letter is not really a letter of resignation.

2 MR. ENGELMANN: All right.

3 MSGR. LAROCQUE: And this is an official
4 document because it is signed by both myself and the
5 Chancellor. So when both signatures are there it's an
6 official document.

7 MR. ENGELMANN: I would suggest to you, sir,
8 that the letter almost reads as if this is very temporary,
9 in the sense that it sort of implies that he'll be teaching
10 -- sorry -- preaching once again, does it not?

11 MSGR. LAROCQUE: It just says "your future
12 ministry". That's all it says.

13 MR. ENGELMANN: All right.

14 And at that point in time had you made any
15 decision as to what if any new assignment he would get
16 after getting out of Southdown?

17 MSGR. LAROCQUE: No. That would be
18 presumptuous on my part if I don't know what Southdown is
19 going to say.

20 MR. ENGELMANN: And what did you understand
21 that he was going to be receiving by way of treatment at
22 Southdown?

23 MSGR. LAROCQUE: I have no knowledge of how
24 they treat people there. It's just a treatment centre that
25 was set up by the Bishops of Ontario to help priests and

1 religious in difficulty.

2 MR. ENGELMANN: Well you knew that they were
3 going to have him as an inpatient, correct?

4 MSGR. LAROCQUE: That's right.

5 MR. ENGELMANN: And you knew that he was
6 going to be there for approximately six months?

7 MSGR. LAROCQUE: Right.

8 MR. ENGELMANN: And you knew that he would
9 be meeting with psychologists and other healthcare
10 professionals?

11 MSGR. LAROCQUE: That's right.

12 MR. ENGELMANN: All right.

13 And that you would be getting reports from
14 time to time?

15 MSGR. LAROCQUE: No. I would be brought in
16 before the final assessment at the end of the six months
17 and go there myself personally.

18 MR. ENGELMANN: Fair enough but were you not
19 advised, sir, that you would be getting some form of
20 interim reports or letters from time to time about his
21 progress?

22 MSGR. LAROCQUE: I don't recall that. No.

23 MR. ENGELMANN: Do you recall being advised
24 or knowing of the fact that a priest had the right to
25 refuse certain forms of treatment or tests if they were at

1 a place like Southdown? You couldn't order certain things
2 to be done; they had to agree.

3 **THE COMMISSIONER:** "They" meaning the
4 patient.

5 **MR. ENGELMANN:** Yes, the patient.

6 **MSGR. LAROCQUE:** Well, I -- I wouldn't order
7 because I don't know what ---

8 **MR. ENGELMANN:** Fair enough.

9 **MSGR. LAROCQUE:** --- the tests are. I mean,
10 I'm not a psychologist.

11 **MR. ENGELMANN:** And sir, were you aware that
12 any reports or letters coming back to you would have to be
13 vetted or approved by the patient before they were sent to
14 you?

15 **MSGR. LAROCQUE:** Yes, they were always
16 countersigned by the patient.

17 **MR. ENGELMANN:** Yes.

18 I just want to jump ahead a bit if I can.
19 Several years later, sir, in early 1998, you actually write
20 a letter to Father MacDonald asking him to retire
21 officially from active ministry and I'd just like to show
22 you that letter if I may. It's Document Number 104390.
23 It's a letter dated, sorry, January 29th, 1998 from Eugène
24 Larocque, Bishop of Alexandria-Cornwall, to Father Charles
25 MacDonald.

1 **THE COMMISSIONER:** Exhibit Number 2102.

2 **--- EXHIBIT NO./PIÈCE NO P-2102:**

3 (104390) Letter from Eugène LaRocque to
4 Charles MacDonald - 29 Jan 98

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **MR. ENGELMANN:** It would appear from the
7 letter that this letter's written shortly after Father
8 MacDonald's 65th birthday.

9 **MSGR. LAROCQUE:** Right.

10 **MR. ENGELMANN:** And in the letter, you are
11 asking him to retire officially from active ministry.

12 **MSGR. LAROCQUE:** That's right.

13 **MR. ENGELMANN:** Correct?

14 **MSGR. LAROCQUE:** Right.

15 **MR. ENGELMANN:** This is not a request to be
16 excardinated, but it's a request to be removed from active
17 ministry ---

18 **MSGR. LAROCQUE:** That's right.

19 **MR. ENGELMANN:** --- within the Diocese.

20 **MSGR. LAROCQUE:** Going on the retired
21 priests' lists.

22 **MR. ENGELMANN:** Yes, and do you know why it
23 was that you were asking him to retire officially from
24 active ministry at that time?

25 **MSGR. LAROCQUE:** No, I can't except that at

1 that time at least, 65 was kind of the year for retirement
2 and -- and if I -- the second paragraph jogs my memory a
3 little bit, as you readjust to a new form of income, it
4 seems to me that had something to do with it too. There's
5 a -- the -- an officially retired priest goes on the
6 pension plan.

7 **MR. ENGELMANN:** All right.

8 But, sir, you had priests in active ministry
9 beyond their 65th birthday.

10 **MSGR. LAROCQUE:** Oh, for sure they're still,
11 yes.

12 **MR. ENGELMANN:** So Father MacDonald could
13 have continued in active ministry?

14 **MSGR. LAROCQUE:** And he wasn't in active
15 ministry at the time; he never was ---

16 **MR. ENGELMANN:** Okay.

17 **MSGR. LAROCQUE:** --- after he returned from
18 Southdown.

19 **THE COMMISSIONER:** He could resume that.

20 **MSGR. LAROCQUE:** He was -- he was being paid
21 the salary of a priest who was, and so I think that this
22 was one way of getting his salary assumed by the pension
23 plan rather than by the Diocese.

24 **MR. ENGELMANN:** I wanted to ask you that.
25 Yes, because that's how I took the letter that since his

1 suspension from active ministry in the fall of 1993, he
2 continued to be paid as a full-time priest.

3 **MSGR. LAROCQUE:** That's right.

4 **MR. ENGELMANN:** And that would have
5 continued up until the time of his official retirement ---

6 **MSGR. LAROCQUE:** That's right. That's
7 right.

8 **MR. ENGELMANN:** --- when he would then go on
9 a pension plan ---

10 **MSGR. LAROCQUE:** That's right.

11 **MR. ENGELMANN:** --- as any other member of
12 your Diocese.

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** And you say in the second
15 paragraph:

16 "Since it will be impossible, no matter
17 the outcome of the criminal charges
18 against you, to reassign you to active
19 ministry in this Diocese or in any
20 other, I would ask you to retire
21 officially from active ministry."

22 **MSGR. LAROCQUE:** M'hm.

23 **MR. ENGELMANN:** "A letter from you to this
24 effect would be greatly appreciated."

25 And I'm wondering, sir, why it is you write

1 that "Since it will be impossible, no matter the
2 outcome..." Why did you say that, sir, at that time?

3 **MSGR. LAROCQUE:** I can't recall exactly, but
4 with the -- I would suspect it's because I, knowing that he
5 had a homosexual tendency, there's no way I can trust him
6 back in active ministry.

7 **MR. ENGELMANN:** Well, is it simply a
8 homosexual tendency?

9 **MSGR. LAROCQUE:** No, active -- it's more
10 than a tendency really.

11 **MR. ENGELMANN:** All right.

12 **MSGR. LAROCQUE:** From what I've been told
13 and what my knowledge was at that time.

14 **MR. ENGELMANN:** And at this time, sir, you'd
15 be aware of a number of other individuals who would have
16 come forward and there would have been other charges by
17 1998 aside from the three you knew about?

18 **MSGR. LAROCQUE:** There were -- I don't know
19 if there were any other charges, but I knew of a few others
20 who really didn't want to press charges.

21 **MR. ENGELMANN:** All right.

22 And these were individuals that you had
23 spoken to, but they didn't want to go to the authorities?

24 **MSGR. LAROCQUE:** I can't recall if I spoke
25 to them or if it was brought to my attention; one or the

1 other.

2 MR. ENGELMANN: All right.

3 MSGR. LAROCQUE: But these were all older
4 people.

5 MR. ENGELMANN: Yes, they were historical
6 complaints, sir?

7 MSGR. LAROCQUE: That's right.

8 MR. ENGELMANN: Well, hang on. I guess I've
9 got a few minutes.

10 THE COMMISSIONER: Yes, you've got until
11 quarter to, I believe.

12 MR. ENGELMANN: Yes.

13 Now, in the letter, you also say, "As you
14 readjust to a new form of income..." -- and this is going
15 from an active minister's salary to that of a pensioner?

16 MSGR. LAROCQUE: That's right.

17 MR. ENGELMANN: "...I assure you that we
18 shall continue to support you in
19 prayer, in friendship and financially
20 with your court case."

21 MSGR. LAROCQUE: M'hm.

22 MR. ENGELMANN: And I just want to ask you
23 about that. With respect to prayer, I certainly understand
24 that and friendship, he's been with the Diocese for many
25 years at this point.

1 **MSGR. LAROCQUE:** Yes.

2 **MR. ENGELMANN:** He's been incardinated since
3 1969, I believe, so this is almost 30 years later. I want
4 to ask you about, "...financially with your court case."
5 Is this referring to his criminal court case or civil court
6 case or both, to your knowledge?

7 **MSGR. LAROCQUE:** I really can't remember to
8 tell you the truth.

9 **MR. ENGELMANN:** All right.

10 But you were aware, sir, presumably, that
11 the Diocese was continuing to fund counsel for him in
12 accordance with the protocol from 1996?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** And did the Diocese continue
15 to support Father MacDonald financially with Court cases
16 until such time as you retired as Bishop in 2002?

17 **MSGR. LAROCQUE:** My knowledge is that there
18 was only the one court case in my time and that's the one
19 that was dismissed because of undue time. That's the only
20 court case that I can remember.

21 **MR. ENGELMANN:** The criminal case?

22 **MSGR. LAROCQUE:** In my time, yes.

23 **MR. ENGELMANN:** Okay.

24 And that was in accordance with your 1996
25 protocol that we looked at earlier?

1 **MSGR. LAROCQUE:** That's right. I think so,
2 yes.

3 **MR. ENGELMANN:** Now, did you have any
4 discussions with Bishop Durocher about this ongoing
5 commitment to Father MacDonald when you had a transition or
6 turnover with him?

7 **MSGR. LAROCQUE:** No, no, it was all there in
8 the files and as far as I -- I don't remember any
9 discussion, no.

10 **MR. ENGELMANN:** So you don't remember any
11 discussion about the need to continue with the ongoing
12 funding etcetera in accordance with protocols?

13 **MSGR. LAROCQUE:** I can't recall, no.

14 **MR. ENGELMANN:** All right.

15 Sir, just if I could refer you to one other
16 note concerning this. This is Document Number 119925 and
17 it appears to be a note from Father MacDonald to Bishop
18 Larocque dated April 30th, '96 so this is a couple of years
19 before the official retirement request. And just while the
20 document's coming, did you, in fact, get a letter from
21 Father MacDonald agreeing to officially retire shortly
22 after you wrote to him in 1990?

23 **MSGR. LAROCQUE:** I -- I really can't
24 remember. I'm sorry.

25 **MR. ENGELMANN:** All right. Fair enough.

1 **THE COMMISSIONER:** Thank you. That will be
2 Exhibit Number 2103.

3 **--- EXHIBIT NO./PIÈCE NO P-2103:**

4 (119925) Note from Charles MacDonald to
5 Eugène LaRocque - 30 Apr 96

6 **MR. ENGELMANN:** It's just a brief note, sir,
7 to you. It says:

8 "I received your note a few weeks ago
9 along with your generous cheque. It is
10 deeply appreciated. I thank you. I
11 will repay you when I can or when I win
12 Lotto 6/49, whichever comes first. I
13 do consider it a loan. Again, thank
14 you so much."

15 This is -- do you recall receiving this
16 note, sir?

17 **MSGR. LAROCQUE:** No, I don't.

18 **MR. ENGELMANN:** All right. Well, do you
19 recall providing Father MacDonald with additional financial
20 assistance from time to time? This refers to a generous
21 cheque.

22 **MSGR. LAROCQUE:** I really can't recall.

23 **MR. ENGELMANN:** All right, fair enough.

24 But at this point in time, 1996, he's still
25 incardinated in your Diocese?

1 **MSGR. LAROCQUE:** He still is at the present
2 time.

3 **MR. ENGELMANN:** Still is at the present
4 time, yes. Did he have faculties in the Diocese at that
5 time in April of '96?

6 **MSGR. LAROCQUE:** No, I don't believe so.

7 **MR. ENGELMANN:** All right, and he certainly
8 was not in active ministry then?

9 **MSGR. LAROCQUE:** No, that's right.

10 **MR. ENGELMANN:** All right. Sir, did you
11 ever consider at any time after you became aware of some of
12 the issues involved here, some of the allegations, some of
13 the statements made by various people concerning Father
14 MacDonald; did you ever consider initiating any kind of
15 canonical proceeding against him?

16 **MSGR. LAROCQUE:** To laicise him, you mean?

17 **MR. ENGELMANN:** Yeah.

18 **MSGR. LAROCQUE:** No, I never did.

19 **MR. ENGELMANN:** So you never even considered
20 it?

21 **MSGR. LAROCQUE:** Not to my recollection, no.

22 **MR. ENGELMANN:** Sir, let's go back briefly
23 then to your involvement with the CAS, and I want to take
24 you again -- these are some notes. It's Exhibit 2087.

25 Document number is 711975, counsel.

1 **THE COMMISSIONER:** Okay, so this is a note
2 from Mr. Abell?

3 **MR. ENGELMANN:** Yes.

4 Just to be clear on the date, Monsignor, I
5 believe the date is the 3rd of December 1993 and it says:

6 "Phone call to Bishop Larocque. Just
7 back from Rome. Has a cold."

8 And I think we went here earlier because we
9 were looking at the protocol issue.

10 **MSGR. LAROCQUE:** Right.

11 **MR. ENGELMANN:** Okay? There's a comment
12 there, it says:

13 "Father Charlie has okayed the release
14 of the Southdown Report. Said I could
15 get it from Malcolm MacDonald."

16 Do you see that?

17 **MSGR. LAROCQUE:** Yes.

18 **MR. ENGELMANN:** So again you're confirming
19 that he is the patient that needs to approve and then also
20 consent to the release of such a report.

21 **MSGR. LAROCQUE:** Right, yes.

22 **MR. ENGELMANN:** All right, and just as we go
23 a little further down the notes towards the bottom of the
24 page there's a hyphen. It says, "Wanted to know how long
25 we would be investigating," and then in brackets "(You told

1 me a month). I said the end was in sight but no date," and
2 there's a quote, "By Christmas?" "I said I didn't have a
3 date, said" -- and I think it's Rob MacDonald?

4 **MSGR. LAROCQUE:** "Father Bob MacDonald
5 was..."

6 **MR. ENGELMANN:** "...having to deal with
7 upset parishioners."

8 **MSGR. LAROCQUE:** Yeah. He was the one who
9 was assigned as pastor after Father Charlie.

10 **MR. ENGELMANN:** All right. So it appears,
11 at least in early December of 1993, you're having some
12 concerns about how long the CAS is taking to investigate.

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** Is that fair?

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** And the concern is because
17 some of the parishioners at this particular parish are
18 upset. Is that right?

19 **MSGR. LAROCQUE:** Yes, they're expressing
20 their -- they're expressing the fact that they are upset to
21 the new pastors there.

22 **MR. ENGELMANN:** All right. There also seems
23 to be a concern near the top. It says:

24 "He's heard we are investigating in
25 Williamstown and Apple Hill."

1 And then there's a brackets quote:
2 ("You told me only St. Andrew's.") "I told him we aren't."

3 **MSGR. LAROCQUE:** M'hm.

4 **MR. ENGELMANN:** In other words we aren't
5 investigating ---

6 **MSGR. LAROCQUE:** In those two parishes.

7 **MR. ENGELMANN:** --- Williamstown and Apple
8 Hill. It's just St. Andrew's.

9 **MSGR. LAROCQUE:** Right. It's an example of
10 how rumours get spread around.

11 **MR. ENGELMANN:** I'm sorry?

12 **MSGR. LAROCQUE:** I say it's an example of
13 how rumours get spread when something starts of this
14 nature.

15 **MR. ENGELMANN:** Fair enough. But earlier I
16 believe we noted that you had essentially told Mr. Leduc to
17 tell the CAS, well, they could take as long as necessary to
18 complete their investigation, and this was I think in late
19 October, and now we're just over a month later and you seem
20 to be very concerned about the time, and I'm wondering why
21 it is you ---

22 **MSGR. LAROCQUE:** More than a month there;
23 two months almost.

24 **MR. ENGELMANN:** Well, late October, and this
25 is December 3rd, so it would be about five weeks later.

1 **MSGR. LAROCQUE:** Yeah.

2 **MR. ENGELMANN:** You seem to have changed
3 your position in the sense that you're now concerned about
4 how long it's taking.

5 **MSGR. LAROCQUE:** Well, I'm getting flak from
6 the present pastor who was there and wants the thing to
7 finish.

8 **THE COMMISSIONER:** Could we take a break,
9 Mr. Engelmann?

10 **MR. ENGELMANN:** Yes.

11 **THE COMMISSIONER:** We'll just take a very
12 short break, 10 minutes please.

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

15 The hearing will resume at 11:55 a.m.

16 --- Upon recessing at 11:46 a.m./

17 L'audience est suspendue à 11h46

18 --- Upon resuming at 12:01 p.m./

19 L'audience est reprise à 12h01

20 **THE REGISTRAR:** The hearing is now resumed.

21 Please be seated. Veuillez vous asseoir.

22 **MONSIGNOR EUGENE LAROCQUE, Resumed/Sous le même serment:**

23 **EXAMINATION IN-CHIEF BY/EXAMINATION EN CHEF PAR MR.**

24 **ENGELMANN (cont'd/suite):**

25 **MR. ENGELMANN:** Sir, I just wanted to have a

1 brief look at a document, again it's one of Mr. Abell's
2 notes referencing a call with Bishop Larocque. It's
3 Document 711943.

4 I apologise; I believe this is already an
5 exhibit. I believe it's Exhibit 2088.

6 **THE COMMISSIONER:** Okay.

7 **MR. ENGELMANN:** Sir, just by way of
8 explanation, this is a note of a phone call. We believe
9 the date, although it's not that clear, is March the 1st
10 1994. "Explained I," and this being Richard Abell, I
11 believe:

12 "...would need Father Charles' consent
13 to give him our position on the
14 allegations. Said he..."

15 And this would be you, sir:

16 "...needed (as employer) to know our
17 position. Agreed. Said he'd call
18 Father tomorrow p.m. Bishop ready to
19 meet re protocol."

20 So there appears to be some ongoing
21 discussion. I am assuming at this point he's still at
22 Southdown, correct, in March of '94?

23 **MSGR. LAROCQUE:** If that's the date, yes.

24 **MR. ENGELMANN:** Okay, yes, if that's the
25 date. Do you have any recollection of this at all, sir?

1 **MSGR. LAROCQUE:** Not at all, no.

2 **MR. ENGELMANN:** All right, fair enough.

3 Was it important for you at some point, sir,
4 to get the results of the CAS investigation?

5 **MSGR. LAROCQUE:** Sure, absolutely.

6 **MR. ENGELMANN:** And would those results
7 affect -- possibly affect your decision about whether to
8 reassign Father MacDonald?

9 **MSGR. LAROCQUE:** That along with ---

10 **MR. ENGELMANN:** Southdown?

11 **MSGR. LAROCQUE:** --- Southdown.

12 **MR. ENGELMANN:** Fair enough. Did you
13 eventually receive the CAS position on the allegations
14 against Father MacDonald?

15 **MSGR. LAROCQUE:** I don't recall.

16 **MR. ENGELMANN:** If you could take a look at
17 Exhibit 2090. I don't know if that's in front of you, sir.

18 **THE COMMISSIONER:** Yes, it is.

19 **MR. ENGELMANN:** Counsel, it is Document
20 Number 119888. This is a letter dated January 6th 1995. It
21 says it's received on January 10th 1994 but I assume that
22 the date stamp hadn't been changed perhaps. Do you see
23 that?

24 **MSGR. LAROCQUE:** Received in my office on
25 the 10th of January, yes.

1 **MR. ENGELMANN:** Do you recall, sir,
2 receiving this letter from Mr. Abell?

3 **MSGR. LAROCQUE:** No, I don't.

4 **MR. ENGELMANN:** All right.

5 In the second paragraph Mr. Abell writes:

6 "Based on our investigation of the
7 allegations we have reached the
8 position that there are reasonable and
9 probable grounds to believe that the
10 abuse of a child did occur."

11 Do you see that?

12 **MSGR. LAROCQUE:** Yes.

13 **MR. ENGELMANN:** And it says:

14 "Our view is supported by the results
15 of our inquiries into this specific
16 allegation as well as statements of
17 other individuals who claim
18 victimization by Father MacDonald."

19 **MSGR. LAROCQUE:** M'hm.

20 **MR. ENGELMANN:** Do you recall, sir, what
21 your reaction was at the time of the receipt of this
22 information?

23 **MSGR. LAROCQUE:** I really can't recall that.

24 **MR. ENGELMANN:** All right.

25 **MSGR. LAROCQUE:** It's just, I mean, that's

1 12 years ago, 14 years ago. I'm sorry but ---

2 **MR. ENGELMANN:** All right.

3 Well, sir, in the next paragraph Mr. Abell
4 writes:

5 "Given his position and in the absence
6 of a full sexual behaviours assessment
7 of Father MacDonald, it is our view
8 that he may present a risk to children
9 and young adults under his care and
10 control. We are therefore concerned
11 that any further assignment of Father
12 MacDonald and the Diocese be done with
13 this information in mind."

14 **MSGR. LAROCQUE:** He was never reassigned.

15 **MR. ENGELMANN:** Fair enough.

16 **THE COMMISSIONER:** Yeah, but what he is
17 asking you to do though is regardless of the letter and the
18 date is to go back in your mind and see if you can recall
19 some point when the information of the Children's Aid
20 Society registered with you that they make this
21 determination and how you would have reacted to that.

22 Do you have any memory at all about that?

23 **MSGR. LAROCQUE:** I don't have any memory but
24 with the present -- my present reaction would be that I
25 would be -- I would have said that I was wrong in the first

1 place in thinking that he would not be capable of doing
2 such a thing. It would have changed my mind I would
3 imagine, because my mind, as I have expressed it, is that I
4 was under the impression it was just with teenagers and
5 adults.

6 MR. ENGELMANN: Right.

7 MSGR. LAROCQUE: Now, here they're telling
8 me there is a change here with children.

9 MR. ENGELMANN: Right.

10 MSGR. LAROCQUE: Which is quite different.

11 MR. ENGELMANN: Well, they're talking about
12 in this particular comment -- well, yeah, abuse of a child
13 did occur and then they're saying:

14 "Present a risk to children and young
15 adults under his care and control."

16 MSGR. LAROCQUE: That's right, yes.

17 MR. ENGELMANN: And I would have thought,
18 sir, that a letter like this would not be -- you would not
19 receive letters like this frequently.

20 MSGR. LAROCQUE: No, that's -- certainly.

21 MR. ENGELMANN: And therefore, receiving a
22 letter like this would register with you.

23 MSGR. LAROCQUE: After 14 years many other
24 things have happened to register with me, I'm sorry.

25 MR. ENGELMANN: All right.

1 So you can't recall now what your reaction
2 was to this at the time?

3 **MSGR. LAROCQUE:** No, I can't recall. I
4 can't even recall getting the letter, to tell you the
5 truth.

6 **MR. ENGELMANN:** All right.
7 Well, you're not suggesting you didn't,
8 though?

9 **MSGR. LAROCQUE:** No, no, not at all.

10 **MR. ENGELMANN:** All right.

11 And sir, you didn't call for his official
12 retirement for another three years. Correct?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** And you've told us you
15 didn't consider ---

16 **MSGR. LAROCQUE:** But he was not assigned and
17 he was not in contact with children.

18 **MR. ENGELMANN:** No, I understand that.
19 There was no active ministry but he was still incardinated
20 and you took no steps to do anything about that at any time
21 with respect to canonical proceedings?

22 **MSGR. LAROCQUE:** You think that I should
23 have gotten canonical proceedings to take him out of the
24 priesthood?

25 **MR. ENGELMANN:** I'm asking you and just

1 having you confirm ---

2 **MSGR. LAROCQUE:** It didn't enter my mind at
3 that time. It probably would with the knowledge that I
4 have now and the procedures that are taking place at this
5 present time.

6 **MR. ENGELMANN:** But it's not something you
7 thought of then?

8 **MSGR. LAROCQUE:** Not 14 years ago, no.

9 **MR. ENGELMANN:** Nor at any time until you
10 retired as Bishop?

11 **MSGR. LAROCQUE:** That's right. But I did
12 make sure that he was not in contact; that he was retired
13 and not in contact officially with anybody.

14 **MR. ENGELMANN:** All right.

15 And sir, just to be clear, he studied for
16 the year 1994-1995, I think you told us this, and then from
17 1995 to 1998 he was essentially suspended with pay?

18 **MSGR. LAROCQUE:** That's right.

19 **MR. ENGELMANN:** Now, if we could just turn
20 briefly to the treatment at Southdown I think you've
21 acknowledged, sir, that he attended Southdown for a week in
22 October and that you received some form of assessment and
23 then that he returned to Southdown in November for
24 approximately six months.

25 **MSGR. LAROCQUE:** That's correct.

1 **MR. ENGELMANN:** And sir, I just want to,
2 again with respect to your knowledge of Southdown, refer
3 you to a letter that I believe you would have received way
4 back in 1985. And this is Document Number 118843.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Exhibit 2104 is a letter
7 to Monsignor Eugene Larocque dated October 15th, 1985 and
8 it's from Southdown -- oh, Reverend Canice Connors.

9 **--- EXHIBIT NO./PIÈCE NO. P-2104:**

10 (118843) Letter from Canice Connors to
11 Eugene LaRocque - 15 Aug 85

12 **MR. ENGELMANN:** Sir, if you just have a
13 minute to look at this, this letter was sent to you over 20
14 years ago but I'd just like to touch upon a couple of
15 points if I can.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MSGR. LAROCQUE:** Yes.

18 **MR. ENGELMANN:** All right.

19 So at least at that point in time Reverend
20 Canice Connors was the Director of Southdown?

21 **MSGR. LAROCQUE:** That's right.

22 **MR. ENGELMANN:** And he is writing to you.
23 It appears the letter was received August 16th?

24 **MSGR. LAROCQUE:** That's right.

25 **MR. ENGELMANN:** And is he just writing to

1 you, sir, or do you know if he is writing to bishops
2 generally?

3 **MSGR. LAROCQUE:** No, that's -- it's a
4 circular letter to all the Bishops of Ontario.

5 **MR. ENGELMANN:** All right.

6 And there is a handwritten note, sir, and I
7 can't read it. Does it say, "I cannot attend"?

8 **MSGR. LAROCQUE:** "I cannot attend.

9 Replied September the 18th, 1985.

10 E.L.R."

11 **MR. ENGELMANN:** All right.

12 And he's saying in the first paragraph that
13 Southdown has been asked to treat an increasing number of
14 priests and brothers accused of sexually molesting
15 children. Correct?

16 **MSGR. LAROCQUE:** Right.

17 **MR. ENGELMANN:** And this is already in 1985
18 and he says:

19 "Recent articles in the National
20 Catholic Reporter and Time..."

21 Presumably Time magazine:

22 "...indicate the intensity of public
23 concern with this difficult problem."

24 He says:

25 "As part of our effort to be of

1 assistance in this matter, Southdown is
2 sponsoring a closed conference on
3 assessment and treatment of sexual
4 offenders against children."

5 And he goes on and talks about who is
6 going to be there, a recognized expert in the area of
7 pedophilia. He says:

8 "Members of the Southdown staff will
9 also be present to add our particular
10 experience of relating to clergy and
11 religious with this problem."

12 And he talks about sponsoring a closed
13 conference. You didn't go, sir, but did you send someone
14 from the Diocese?

15 **MSGR. LAROCQUE:** They were not invited.

16 **MR. ENGELMANN:** Oh, it was just bishops?

17 **MSGR. LAROCQUE:** That's right.

18 **THE COMMISSIONER:** Well, it was -- no, hang
19 on.

20 **MSGR. LAROCQUE:** Major's superiors.

21 **THE COMMISSIONER:** Right.

22 **MSGR. LAROCQUE:** Men and women, but to my
23 knowledge it was the bishops themselves that were to be
24 there.

25 **THE COMMISSIONER:** And it was limited to:

1 "Bishops of the south and central
2 Ontario region, Major's superiors of
3 men and rectors of seminaries or
4 persons designated by either as having
5 direct involvement in these cases."

6 **MSGR. LAROCQUE:** Yeah, I could have sent
7 somebody else.

8 **MR. ENGELMANN:** Now, it talks about a closed
9 conference and that there'll be no publicity. Do you know
10 why this was happening and why it was happening in that
11 fashion?

12 **MSGR. LAROCQUE:** I have no idea.

13 **MR. ENGELMANN:** You didn't discuss this with
14 fellow bishops at the time?

15 **MSGR. LAROCQUE:** No.

16 **MR. ENGELMANN:** Sir, was that made an
17 exhibit?

18 **THE COMMISSIONER:** Yes, 2104, if I didn't
19 mention it.

20 **MR. ENGELMANN:** All right.

21 Now, by this point in time, August of 1985,
22 you had been bishop since 1974. We knew a Father Stone who
23 had gone to Southdown for treatment. Had you already sent
24 any priests to Southdown at this point in time, 1985?

25 **MSGR. LAROCQUE:** I may have but I can't

1 recall.

2 MR. ENGELMANN: Okay.

3 MSGR. LAROCQUE: Maybe I should qualify
4 that. I may have some other difficulties but I'm quite
5 sure that it was not for sexual matters.

6 MR. ENGELMANN: Right. Fathers Lussier and
7 Major and Donald were all after 1985.

8 MSGR. LAROCQUE: That's right.

9 MR. ENGELMANN: Now, did you, sir, ever
10 attend a session at Southdown, a general session to obtain
11 some knowledge about their experience relating to clergy
12 and religious who might commit abuse against young persons?

13 MSGR. LAROCQUE: Well, this was the only one
14 that I know of and I couldn't go to that one.

15 MR. ENGELMANN: I'm sorry, you couldn't go -

16 --

17 MSGR. LAROCQUE: This is the only one that
18 was sponsored by them that I know of, and I couldn't go.
19 So I don't get the gist of your question.

20 MR. ENGELMANN: Well, I'm just wondering,
21 sir, as someone who might have been interested in the
22 subject matter as a bishop, whether you might have ever
23 gone there, just to ask them about what they do and what
24 their experience has been.

25 MSGR. LAROCQUE: Well, the only times I went

1 to Southdown was in order to be able to sit in with the
2 final report on the people that I had sent there.

3 **MR. ENGELMANN:** All right.

4 With particular priests?

5 **MSGR. LAROCQUE:** That's right.

6 **MR. ENGELMANN:** All right.

7 **MSGR. LAROCQUE:** But you are talking to the
8 psychologist who was in charge of that particular priest
9 and the head of Southdown sits in on that conference as
10 well.

11 **MR. ENGELMANN:** Yes. No, I know ---

12 **MSGR. LAROCQUE:** So there is a certain
13 education that takes place at that particular time but
14 there was no specific time where I went for a conference or
15 a lecture or whatever.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. ENGELMANN:** Now, sir, if I could have
18 the witness look at Document Number 110917?

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

20 **MR. ENGELMANN:** And this is a report from
21 Southdown, Michael John Sy, PhD Assessment Program to
22 Monseigneur Eugene P. Larocque, October 22nd, 1993.

23 **THE COMMISSIONER:** Thank you.

24 Exhibit 2105.

25 --- **EXHIBIT NO./PIÈCE No. C-2105:**

1 (110917) Letter from Michael John Sy to
2 Eugène LaRocque - 22 Oct, 93

3 **MR. ENGELMANN:** I'll just be one moment.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **MR. ENGELMANN:** Perhaps I could just have a
6 moment to speak to Mr. Neville?

7 **THE COMMISSIONER:** Sure.

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

9 **MR. ENGELMANN:** This is, sir, in the
10 assessment there are a number of issues dealing with rather
11 personal intimate medical matters.

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

13 **MR. ENGELMANN:** And for that reason this
14 should perhaps be marked with a "C" for Confidentiality.

15 I just spoke briefly with Mr. Neville, who
16 is counsel for Father MacDonald and he would ask for that
17 treatment of the exhibit. It goes through some testing
18 that was done and it goes through some diagnosis.

19 So I think for that reason it should be
20 marked as a confidential exhibit, at least a part of it in
21 any event that -- I don't know if we can separate though.

22 **THE COMMISSIONER:** So all right. Let's ---

23 **MR. ENGELMANN:** I don't know if any counsel
24 objects.

25 **THE COMMISSIONER:** You might want to canvass

1 that.

2 Does anyone have any comments with respect
3 to whether or not this would be a "C" exhibit or not?

4 Yes, sir, Mr. Talach?

5 **MR. TALACH:** Clearly from the Victim's Group
6 perspective we're concerned with the facts that may be
7 within that report that the Bishop would have used in
8 assessing his institutional response. So I don't know
9 where my friend is going to go yet with pages of this
10 report.

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

12 **MR. TALACH:** But I think the way we'll
13 respond is on the cross if there's an issue we may ask for
14 a particular page or section to actually be public; if
15 that's acceptable to you, Mr. Commissioner.

16 **THE COMMISSIONER:** So you're reserving your
17 rights till the cross. That's okay, at this point.

18 **MR. TALACH:** Yes.

19 **THE COMMISSIONER:** Anybody else have any
20 comments? No?

21 Let me just take a moment here.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MSGR. LAROCQUE:** May I ask a question?

24 **THE COMMISSIONER:** Sure.

25 **MSGR. LAROCQUE:** Since this report was

1 supposed to be destroyed after a period of one year ---

2 **THE COMMISSIONER:** No, that doesn't -- that
3 doesn't ---

4 **MSGR. LAROCQUE:** It doesn't -- no.

5 **THE COMMISSIONER:** Just give me a moment
6 here.

7 **MR. ENGELMANN:** I have just a couple
8 questions and certainly wasn't going to ask a question
9 about any kind of intimate medical issue.

10 **THE COMMISSIONER:** All right.

11 So for the -- I will mark it as a "C"
12 exhibit at this point and we'll see during cross-
13 examination if any issues appear.

14 **MR. ENGELMANN:** What was the number, sir, I
15 apologize?

16 **MSGR. LAROCQUE:** Two zero one five (2015).
17 No, 2105, sorry. Sorry, 2105.

18 **MR. ENGELMANN:** All right.

19 I just want to understand the context then,
20 Monsignor LaRocque.

21 This is a report you get from Southdown
22 after Father MacDonald is there for one week. Am I
23 correct?

24 **MSGR. LAROCQUE:** Yes, it's the assessment
25 program.

1 **MR. ENGELMANN:** Right. He's there from the
2 9th to the 16th of October and then as a result of their
3 assessment of him they are recommending that he follow-up
4 with treatment.

5 **MSGR. LAROCQUE:** That's what it says, yes.

6 **MR. ENGELMANN:** And in fact if we -- if we
7 look at the summary and recommendations on the second-last
8 page of the report -- it's Bates page 160.

9 **THE COMMISSIONER:** One six zero (160), yeah.

10 **MR. ENGELMANN:** Without going into great
11 detail it talks about the fact that they recommend his
12 participation in the residential program at Southdown.

13 **MSGR. LAROCQUE:** M'hm, that's right.

14 **MR. ENGELMANN:** Fair enough? And they talk
15 about some of what they hope that will achieve?

16 **MSGR. LAROCQUE:** That's right.

17 **MR. ENGELMANN:** And on the very last page
18 they acknowledge that he's agreed to participate in that
19 program.

20 **MSGR. LAROCQUE:** Correct.

21 **MR. ENGELMANN:** Now, there's a number of
22 letters back and forth from Southdown. I just want to
23 touch upon a couple, if I may.

24 There is Exhibit -- sorry -- Document Number
25 715898. This is a letter dated December 1st, 1993, from

1 Donna Markham who is the Executive Director to yourself.

2 If that could be the next exhibit, sir, and
3 there's no need for confidentiality.

4 **THE COMMISSIONER:** Thank you.

5 Exhibit 2106 is a letter from Southdown's --
6 oh you've already indicated, Donna Markham, dated December
7 1st, 1993.

8 --- **EXHIBIT NO./PIÈCE No. P-2106:**

9 (715898) Letter from Donna Markham to Eugene
10 LaRocque - 01 Dec, 93

11 **MR. ENGELMANN:** So sir, I'm not sure if you
12 have any recollection of receiving this letter but do you
13 at least have some recollection of some correspondence
14 between your office and Southdown?

15 **MSGR. LAROCQUE:** Yes, that's ---

16 **MR. ENGELMANN:** And the protocol that
17 appears to have been discussed was that to prevent any
18 breach of confidentiality all correspondence will be shared
19 with Charles for his specific comment and consent prior to
20 mailing.

21 **MSGR. LAROCQUE:** Right.

22 **MR. ENGELMANN:** So anything you're getting
23 he's going to have vetted beforehand?

24 **MSGR. LAROCQUE:** That's right.

25 **MR. ENGELMANN:** And -- sorry?

1 **MSGR. LAROCQUE:** Even her letter, you see
2 how he ---

3 **MR. ENGELMANN:** Right.

4 **MSGR. LAROCQUE:** --- his name is with his
5 initials under it.

6 **MR. ENGELMANN:** Right, so he's again agreed
7 to that going to you.

8 And it says:

9 "Southdown's commitment is to keep you
10 informed at all times of Charles'
11 progress."

12 Correct?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** And so from time to time you
15 would get letters setting out what was happening with him
16 in his treatment program?

17 **MSGR. LAROCQUE:** That's correct.

18 **MR. ENGELMANN:** And sir, one of those
19 letters is Document Number 119861. I'd like you to take a
20 look at that.

21 That's a letter dated December 20th, 1993,
22 from William Carroll, who is a primary therapist, to
23 yourself. I'm not sure if there's a concern about this
24 letter; it doesn't have the testing and other issues, so I
25 wasn't seeking to make it a confidential nature. I don't

1 know if any counsel want to speak to that.

2 **THE COMMISSIONER:** Thank you.

3 Exhibit 2107.

4 --- **EXHIBIT NO./PIÈCE No. P-2107:**

5 (119861) Letter from Donna Markham to Eugene
6 LaRocque - 20 Dec 93

7 **MR. ENGELMANN:** What I wanted to ask you
8 about, sir, is the third paragraph. It says:

9 "Charles did speak about a number of
10 gay sexual relationships, the last of
11 which occurred eight years ago.
12 Charles does not appear to be as
13 confident in accepting his homosexual
14 orientation, as this should be an area
15 for in-depth therapy."

16 And, sir, I just wanted to ask you about
17 that. In the notes Rick Abell has, he's reported you
18 saying that Father MacDonald says there hasn't been
19 anything for four years, you had told us earlier that you
20 thought he might have not acknowledged anything even before
21 -- or after 1974. Here there's a reference to eight years.
22 Were you at all concerned, sir, that he might be giving
23 different versions to different people about these
24 relationships?

25 **MSGR. LAROCQUE:** As you put it, I would be

1 now but at the time I don't recall.

2 **MR. ENGELMANN:** All right. Okay, fair
3 enough.

4 I'll just be a moment.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** Almost lunchtime in any
7 event, Mr. Engelmann.

8 **MR. ENGELMANN:** All right. I just -- if I
9 can just finish with this?

10 **THE COMMISSIONER:** Yes.

11 **MR. ENGELMANN:** He says:

12 "I attach to this letter a copy of the
13 protocol for the treatment for those
14 who have been implicated in any sexual
15 abuse issue. This protocol is a
16 guideline for treatment here at
17 Southdown. Although Charles denies the
18 charge against him he does admit that
19 there has been homosexual activities
20 with parishioners."

21 Again, I think we've talked about this; that
22 -- well at least today and I think you've also said then,
23 that you would have had concerns about the relationship of
24 trust between a priest and a parishioner, and whether or
25 not there could be a consensual sexual relationship.

1 **MSGR. LAROCQUE:** Absolutely.

2 **MR. ENGELMANN:** And that was true even then;
3 correct?

4 **MSGR. LAROCQUE:** Yes.

5 **MR. ENGELMANN:** Now, do you recall --
6 there's a reference to a protocol that is not attached
7 here. Do you recall anything about this protocol, sir?

8 All right, perhaps we can leave it there,
9 Mr. Commissioner.

10 **THE COMMISSIONER:** All right. Let's take
11 the lunch break; come back at 2 o'clock.

12 **THE REGISTRAR:** Order. All rise. À
13 l'ordre. Veuillez vous lever.

14 The hearing will resume at 2 p.m.

15 --- Upon recessing at 12:29 p.m./

16 L'audience est suspendue à 10h31

17 --- Upon resuming at 2 p.m./

18 L'audience est reprise à 14h00

19 **THE REGISTRAR:** Veuillez vous lever.

20 The hearing is now resumed; please be seated.

21 Veuillez vous asseoir.

22 **THE COMMISSIONER:** Good afternoon all,
23 Monsignor.

24 **MONSIGNOR EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

25 --- **EXAMINATION IN-CHIEF BY/EXAMINATION EN-CHEF PAR MR.**

1 **ENGELMANN (Cont'd/Suite):**

2 **THE COMMISSIONER:** Are we good to go? Yes,
3 all right, go ahead Mr. Englemann.

4 **MR. ENGELMANN:** Good afternoon, Mr.
5 Commissioner.

6 **THE COMMISSIONER:** Yes, sir.

7 **MR. ENGELMANN:** Good afternoon, Monsignor.
8 When we left off this morning we were
9 discussing some of the correspondence between yourself and
10 officials at the Southdown Treatment Centre in, I believe,
11 late 1993. I just wanted to go to a couple of other
12 letters between you and people from Southdown.

13 And the next one is Document Number 119868
14 and it's a handwritten letter that, sir, you would have
15 written; the date is January 19th, 1994, and you're writing
16 to Sister Donna Markham.

17 **THE COMMISSIONER:** Merci.

18 Exhibit 2108.

19 **--- EXHIBIT NO./PIÈCE No. P-2108:**

20 (119868) Letter from Eugene LaRocque to
21 Donna Markham - 19 Jan 94

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** Had a chance to look at
24 that, sir?

25 **MSGR. LAROCQUE:** Yes, I have.

1 **MR. ENGELMANN:** All right. So you're
2 writing to Sister Donna and you want -- you refer to a
3 couple of new incidents that -- I understand that you want
4 to bring to her attention.

5 The first is you enclose a copy of a letter
6 that you received, you say, on the same date as your letter
7 and you say:

8 "I have the author's permission to
9 share this with you, less his name, so
10 that it may help Father Charles to..."

11 **MSGR. LAROCQUE:** "Face up."

12 **MR. ENGELMANN:** "...face up to this part of
13 his life."

14 And sir, I'm just -- I'm not sure if I have
15 the letter you would have enclosed so I want to just see if
16 it's in fact one and the same. I have a letter, it's
17 Exhibit 416. I'm wondering if that could be shown to the
18 witness?

19 **THE COMMISSIONER:** Exhibit 416?

20 **MR. ENGELMANN:** Yeah.

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

22 **MR. ENGELMANN:** The reason I'm not sure,
23 Monsignor, is you'll see from the letter, this letter is
24 dated January 11th and you're referring -- you say:

25 "I have read your letter of December

1 20th, received in the last few days.”

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** “You will find enclosed the
4 copy of a letter received on the same
5 day as your letter.”

6 **THE COMMISSIONER:** Yes.

7 **MR. ENGELMANN:** So I’m thinking this is the
8 letter that you’re enclosing to her and it’s from an
9 individual, sir, who has a moniker here at these
10 proceedings, and this individual is known as C-3. And I’m
11 wondering if that name could be written for the witness.

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

13 **MSGR. LAROCQUE:** Yes, I got it.

14 **MR. ENGELMANN:** I don’t need you to read
15 Exhibit 416 in detail now; we’ll come back to it. All I
16 need to know, sir, is if in fact that is the letter you
17 would have enclosed when you’re writing to Sister Donna.

18 **MSGR. LAROCQUE:** I suspect it was. Yes.

19 **MR. ENGELMANN:** Okay. That’s what I thought
20 and I was a big confused about the dates but you say to
21 her:

22 “You will find enclosed the copy of a
23 letter received on the same day as your
24 letter.”

25 **MSGR. LAROCQUE:** M’hm.

1 **MR. ENGELMANN:** So Exhibit 416 ---

2 **MSGR. LAROCQUE:** The notes on the next page
3 indicate that.

4 **THE COMMISSIONER:** Yeah, it says "Phoned on
5 January 18th and asked permission to show this to
6 Southdown," so there it is.

7 **MR. ENGELMANN:** Fair enough. Fair enough.
8 All right, so you would have sent Exhibit
9 416, the letter that you would have received from C-3, to
10 Donna Markham, in your words:

11 "So that it may help Father Charles to
12 face up to this part of his life."

13 **MSGR. LAROCQUE:** Right.

14 **MR. ENGELMANN:** The other thing you did,
15 sir, as I look at Exhibit 2018, is you say:

16 "I have also spoken to an adult who
17 admits that Father Charlie made
18 advances to him while on holidays,
19 which he rejected. When he faced
20 Father Charlie with the morality of
21 this at a later date, he was upset that
22 Father tried to justify his homosexual
23 lifestyle rather than admit his
24 difficulty and it's being counter to
25 the teaching of God."

1 **MSGR. LAROCQUE:** Of Christ.

2 **MR. ENGELMANN:** This young man no longer
3 goes to church.

4 **MSGR. LAROCQUE:** We've talked about this
5 young man before.

6 **MR. ENGELMANN:** M'hm. I just wanted to ask
7 you if that was the same person ---

8 **MSGR. LAROCQUE:** It is, yes.

9 **MR. ENGELMANN:** --- that we had talked
10 about. And so he's the person -- and this allegedly
11 happened in 1991 or perhaps early '92, and he's the man
12 that you ended up speaking to individually?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** All right.

15 Now, in the next paragraph of your letter
16 you say, "I show this" -- or sorry:

17 "I share this with you..."

18 This is Donna Markham:

19 "...in the hope that it may help
20 Father's treatment and lead him to seek
21 pardon from those he has scandalized
22 and offended. Only then can we
23 contemplate the healing that true
24 reconciliation can bring."

25 **MSGR. LAROCQUE:** Right.

1 **MR. ENGELMANN:** All right?

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** So you write to her and you
4 provide her with information about two other individuals,
5 one who makes allegations about abuse while an altar boy
6 and then shortly thereafter, and a second who tells you
7 about an advance when he's a man.

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** But both suggest to you that
10 they've had unwanted sexual advances from Father Charles?

11 **MSGR. LAROCQUE:** That's right.

12 **MR. ENGELMANN:** I'm wondering, sir, what if
13 any response you got from Sister Donna Markham about this
14 letter and these allegations, because I don't see anything
15 that relates to that in the correspondence.

16 **MSGR. LAROCQUE:** I really didn't expect
17 Donna -- I was sharing with her in the hope that it would
18 be towards the treatment that Father Charles was getting.

19 **MR. ENGELMANN:** All right, so you were
20 hoping that they would bring these up in the treatment
21 sessions they were doing with him?

22 **MSGR. LAROCQUE:** That's why I sent them to
23 her.

24 **MR. ENGELMANN:** Now, did you follow up --
25 once Father MacDonald was released from Southdown did you

1 follow up with him or have someone like Monsignor McDougald
2 follow up with him about these allegations?

3 **MSGR. LAROCQUE:** I can't recall, sorry.

4 **MR. ENGELMANN:** All right.

5 **MSGR. LAROCQUE:** I know I phoned C-3 and
6 talked to him.

7 **MR. ENGELMANN:** All right.

8 **MSGR. LAROCQUE:** But I don't know when that
9 was. I suppose it would have been after receiving his
10 letter some time or other, but I can remember the one phone
11 call.

12 **MR. ENGELMANN:** Yeah, we'll come back to
13 that.

14 **THE COMMISSIONER:** The date is on the letter
15 in the back.

16 **MR. ENGELMANN:** But I'm wondering
17 particularly about investigating those allegations against
18 Father MacDonald, either yourself or through your
19 designate, Monsignor McDougald.

20 **MSGR. LAROCQUE:** That I can't recall.

21 **MR. ENGELMANN:** Then if the witness could be
22 shown Document Number 119413.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** Exhibit number 2109 is a
25 letter to Monseigneur Eugene Larocque dated March 31st 1994

1 from Southdown from Ruth -- is it Droege?

2 D-R-O-E-G-E for the record.

3 --- EXHIBIT NO./PIÈCE NO. P-2109:

4 (119413) Letter to Msgr. Larocque dated 31
5 March '94

6 MR. ENGELMANN: Again, the letter doesn't
7 get into a diagnosis or specific about medical conditions,
8 so I'm assuming there's no need to mark it as confidential,
9 and I just have a couple questions if I may.

10 The letter, sir, of March 21st 1994 does not
11 address the issues that you had just raised in your letter
12 in January with respect to C-3 and the other individual,
13 correct?

14 (SHORT PAUSE/COURTE PAUSE)

15 MSGR. LAROCQUE: Not specifically, no.

16 MR. ENGELMANN: Right. I mean, what it
17 relates is in the second paragraph, presumably what Father
18 MacDonald is telling the therapist about some of his sexual
19 experiences.

20 MSGR. LAROCQUE: Right.

21 MR. ENGELMANN: Again, I won't get into
22 whether that's the same or different than what we've heard
23 before, other than I just want you to flip to the second
24 page if you might. At this point in time, and this is in
25 March of '94 and, again, this is signed by Father MacDonald

1 so ---

2 MSGR. LAROCQUE: There is an important --
3 the last -- that second paragraph, before we leave it, I
4 think that that should be ---

5 MR. ENGELMANN: Sorry, on the first page?

6 MSGR. LAROCQUE: Yes.

7 MR. ENGELMANN: Yes?

8 MSGR. LAROCQUE:

9 "His activity, homosexual, ceased about
10 eight years ago. He has not been
11 involved with minors and there is no
12 diagnosis of a paraphilia such as
13 paedophilia or ephobophilia."

14 MR. ENGELMANN: Right. And this is based on
15 what he's telling them?

16 MSGR. LAROCQUE: I suppose so.

17 MR. ENGELMANN: Right, because you know
18 later on that ---

19 MSGR. LAROCQUE: They didn't give him the
20 test.

21 MR. ENGELMANN: --- they didn't test certain
22 things.

23 MSGR. LAROCQUE: Yeah.

24 MR. ENGELMANN: And you know from what he
25 told you that this isn't exactly how he related things to

1 you either.

2 **MSGR. LAROCQUE:** M'hm.

3 **MR. ENGELMANN:** Right, there's no reference
4 here to these sexual encounters being with parishioners,
5 for example, in this report. Correct?

6 **MSGR. LAROCQUE:** No. Some could be with
7 parishioners but some could be with others as well.

8 **MR. ENGELMANN:** What I'm saying is that's
9 not acknowledged here, nor is it acknowledged that some of
10 them were teenagers.

11 **MSGR. LAROCQUE:** No, but well, from -- no,
12 that's right, because 18 would be considered adult.

13 **MR. ENGELMANN:** And it says "eight years
14 ago", not four years ago or much longer.

15 **MSGR. LAROCQUE:** M'hm.

16 **MR. ENGELMANN:** So what I'm saying, sir, is
17 that this isn't exactly what you were told back when you
18 spoke to him on October 7th 1993.

19 **MSGR. LAROCQUE:** Exactly, yes.

20 **MR. ENGELMANN:** Now, just to go to the
21 second page where I wanted to go, it says at the top of the
22 page, sir:

23 "Sometime during the upcoming month of
24 April it would be helpful for Charles
25 and myself to discuss with you the

1 prospects for his return to ministry in
2 the Diocese."

3 **MSGR. LAROCQUE:** M'hm.

4 **MR. ENGELMANN:** Do you see that?

5 **MSGR. LAROCQUE:** Yeah.

6 **MR. ENGELMANN:** And so it appears clear that
7 his therapist, again based on what she's hearing from him
8 and her work with him, she wants to talk to you about
9 returning Father MacDonald to some form of active ministry.
10 Correct?

11 **MSGR. LAROCQUE:** Yeah.

12 **MR. ENGELMANN:** And, sir, I'm just wondering
13 do you recall receiving this letter and receiving this
14 advice that they wanted to speak to you about reintegrating
15 Father MacDonald back into active ministry?

16 **MSGR. LAROCQUE:** It's all right there. I
17 got the letter.

18 **MR. ENGELMANN:** Yeah, I know, but do you ---

19 **MSGR. LAROCQUE:** Do I recall it? No, I
20 don't.

21 **MR. ENGELMANN:** Okay.

22 **MSGR. LAROCQUE:** It's too far gone, too far
23 away.

24 **MR. ENGELMANN:** All right.

25 I'm just wondering if you might recall any

1 reaction to that at the time.

2 MSGR. LAROCQUE: I can't recall the reaction
3 but it's ---

4 MR. ENGELMANN: We know it didn't happen?

5 MSGR. LAROCQUE: No.

6 MR. ENGELMANN: All right, fair enough.

7 Sir, if we could look at one more letter
8 then, and I think it's the final report you received from
9 Southdown and ---

10 MSGR. LAROCQUE: The tab?

11 THE COMMISSIONER: No, it's going to be a
12 new letter, I think.

13 MR. ENGELMANN: This is Document Number
14 715900. There is a reference in this letter to a medical
15 diagnosis of Father MacDonald, and I'm -- I don't think
16 that needs to be public.

17 Sir, I have some questions about the letter
18 that I think I can do without going into that. I don't
19 know if counsel has any concerns about the letter being
20 confidential or not.

21 MR. TALACH: Just the same reservation as
22 before.

23 THE COMMISSIONER: Thank you.

24 MR. ENGELMANN: I was actually looking
25 beyond Mr. Talach to Mr. Neville.

1 **THE COMMISSIONER:** Mr. Talach, your comments
2 are noted for your purposes.

3 **MR. ENGELMANN:** All right.

4 So perhaps the letter should be marked with
5 a "C" sir because ---

6 **THE COMMISSIONER:** Any objections to that
7 being done at this time?

8 No, okay. It'll be a "C".

9 --- **EXHIBIT NO./PIÈCE No. C-2110:**

10 (715900) Letter from Donna Markham to Eugène
11 LaRocque re Final Letter - 25 May, 94

12 **MR. ENGELMANN:** Sir, was this 2110?

13 **THE COMMISSIONER:** Yeah, 2110.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **MR. ENGELMANN:** I just have a few discrete
16 questions about the letter, sir. It appears to be a
17 summary of the course of treatment that he received at
18 Southdown.

19 **MSGR. LAROCQUE:** Yes.

20 **MR. ENGELMANN:** And it appears, at least
21 from the end of the letter, that you would have attended a
22 final meeting.

23 **MSGR. LAROCQUE:** I did, yes.

24 **MR. ENGELMANN:** And sir, who would have been
25 in attendance, yourself, Father MacDonald?

1 **MSGR. LAROCQUE:** And this ---

2 **MR. ENGELMANN:** This individual.

3 **MSGR. LAROCQUE:** Ruth --

4 **THE COMMISSIONER:** Mr. Thompson.

5 **MSGR. LAROCQUE:** Ruth Droege and Donna

6 Markham would have been there as well.

7 **MR. ENGELMANN:** All right.

8 Sir, at the very beginning of the letter it
9 refers to the fact in the first paragraph that -- it says:

10 "Charles was referred for assessment in
11 October 1993 because he was currently
12 under police investigation for alleged
13 sexual misconduct."

14 Do you see that?

15 **MSGR. LAROCQUE:** Yeah.

16 **MR. ENGELMANN:** Would that information have
17 been provided to Southdown by you, sir, or do you know?

18 **MSGR. LAROCQUE:** Probably by me but I'm not
19 sure.

20 **MR. ENGELMANN:** All right.

21 Because when you met with Chief Shaver in
22 October of '93 did he not tell you that they weren't
23 actively investigating this matter anymore?

24 **MSGR. LAROCQUE:** That's why the word alleged
25 was not ---

1 **MR. ENGELMANN:** No, I'm not concerned about
2 whether the misconduct was admitted or alleged or not. It
3 says because he was currently under police investigation.

4 Do you not recall, or maybe you don't, Chief
5 Shaver essentially saying they weren't investigating
6 anymore because their hands had been tied, et cetera?

7 **MSGR. LAROCQUE:** I'm all mixed up with the
8 dates. I'm sorry.

9 **MR. ENGELMANN:** It's all right.

10 At the bottom of the second page of the
11 letter -- it's Bates page 958 -- it says:

12 "He is looking to the Diocese to be
13 open to the possibility of his
14 continuing priestly ministry in some
15 form at an appropriate time. As
16 discussed in our meeting on May 24th,
17 1994 he realizes that a return to
18 active parish ministry is very
19 problematic."

20 Do you see that?

21 **MSGR. LAROCQUE:** Yes.

22 **MR. ENGELMANN:** So what was being suggested
23 to you in the previous letter by the therapist some
24 returned to active ministry and clearly had been vetted by
25 Father MacDonald. You must have said something at the

1 meeting on May 24th that ---

2 **MSGR. LAROCQUE:** There was ---

3 **MR. ENGELMANN:** --- ruled it out. Is that
4 fair?

5 **MSGR. LAROCQUE:** I believe so, yes.

6 **MR. ENGELMANN:** All right.

7 And do you recall what you would have said
8 about why it would have been problematic at that time for
9 him to return to any active ministry? Do you remember the
10 reasons you would have given?

11 **MSGR. LAROCQUE:** I don't believe I would
12 have given reasons.

13 **MR. ENGELMANN:** All right.

14 **MSGR. LAROCQUE:** It's just a statement that
15 I made. That's all.

16 **MR. ENGELMANN:** All right.

17 And again, sir, the specific issues you
18 raised in that letter of January '94 about the two
19 individual parishioners were not dealt with in this letter.
20 I'm just wondering if you can recall whether they would
21 have come up during the course of that final meeting.

22 **MSGR. LAROCQUE:** Not to my recollection.

23 **MR. ENGELMANN:** All right.

24 And I want to show you another letter
25 between yourself and Sister Donna Markham and that's

1 Document Number 120184, and it's a handwritten letter you
2 would have written to her on September 13th, 1994. And to
3 orient yourself, sir, this would have been a day after you
4 met with OPP officers to discuss matters involving Father
5 MacDonald.

6 **MSGR. LAROCQUE:** That's what I stated in the
7 letter, yes.

8 **THE COMMISSIONER:** Exhibit 2111.

9 **--- EXHIBIT NO./PIÈCE No. P-2111:**

10 (120184) Letter from Eugène LaRocque to
11 Donna Markham - 13 Sep, 94

12 **MSGR. LAROCQUE:** Yes, I remember this. Yes.

13 **MR. ENGELMANN:** All right.

14 So in the letter, when you write to her, you
15 indicate, to start with, that you've just spent two and a
16 half hours in a police interrogation concerning Father
17 Charles MacDonald. I believe that had been the day before,
18 as I indicated, sir, September 12th. You said:

19 "They had the reports from Southdown
20 which Father Charles had instructed his
21 lawyer to share with them."

22 Of course these are the reports that he's
23 vetted and they have his perspective on what took place.

24 "I share with you a question ---"

25 **MSGR. LAROCQUE:** "To me".

1 **MR. ENGELMANN:** "--- to me that left me
2 dumbfounded."

3 **MSGR. LAROCQUE:** Right.

4 **MR. ENGELMANN:** Quote:

5 " 'Why didn't the battery of tests
6 includes the test for pedophilia?'
7 Since I'm not trained in these tests I
8 did not check to see what tests had
9 been administered. However, given the
10 circumstances I would have expected
11 that this test would certainly be
12 included. Would you enlighten me,
13 please? Sincerely yours."

14 Okay?

15 **MSGR. LAROCQUE:** Right.

16 **MR. ENGELMANN:** So in your letter you
17 indicate the police had reports from Southdown and they had
18 indicated that to you the day before when you had met with
19 them. Is that fair?

20 **MSGR. LAROCQUE:** Yes.

21 **MR. ENGELMANN:** And you ask about why the
22 test for pedophilia was not done.

23 **MSGR. LAROCQUE:** It was at their -- they're
24 the ones that asked the question.

25 **MR. ENGELMANN:** All right.

1 And that had been raised by the OPP when
2 they interviewed you?

3 **MSGR. LAROCQUE:** I believe so, yes.

4 **MR. ENGELMANN:** All right.

5 **MSGR. LAROCQUE:** That's why I'm passing it
6 on to her.

7 **MR. ENGELMANN:** Fair enough.

8 And you're saying that you didn't know
9 whether such tests had been conducted. And, sir, did you
10 have any realization when he was sent there in November
11 that such a test would be done?

12 **MSGR. LAROCQUE:** I don't even know if I knew
13 that there was such a test at that time.

14 **MR. ENGELMANN:** Fair enough.

15 And after the questioning from the OPP you
16 wanted to know why such a test had not been administered?

17 **MSGR. LAROCQUE:** That's right.

18 **MR. ENGELMANN:** All right.

19 And I think you told us that one of your
20 concerns was that Father MacDonald be assessed for
21 indications of pedophilia or things of that matter while at
22 Southdown?

23 **MSGR. LAROCQUE:** That's one of the reasons I
24 sent him there, yes.

25 **MR. ENGELMANN:** Right.

1 And this issue obviously did not come up at
2 your meeting on May 24th, your final meeting?

3 **MSGR. LAROCQUE:** I don't believe so, no.

4 **MR. ENGELMANN:** All right.

5 And sir, were you upset or concerned that
6 such a test had not been administered?

7 **MSGR. LAROCQUE:** It's quite stated in my
8 letter.

9 **MR. ENGELMANN:** Okay.

10 **MSGR. LAROCQUE:** I was dumbfounded.

11 **MR. ENGELMANN:** All right.

12 **MSGR. LAROCQUE:** I don't know how I could
13 put it more ---

14 **MR. ENGELMANN:** And sir, in another letter -
15 - and this is -- 2090 is the exhibit number. I think you -
16 - I know you have many binders there.

17 **MSGR. LAROCQUE:** Which one?

18 **MR. ENGELMANN:** Two thousand ninety (2090).

19 **MSGR. LAROCQUE:** Yes, okay.

20 **MR. ENGELMANN:** This is a letter from Mr.
21 Abell to Children's Aid Society to yourself with a copy to
22 Malcolm MacDonald.

23 And we looked at this a bit earlier.

24 **MSGR. LAROCQUE:** That's what I thought, yes.

25 **MR. ENGELMANN:** Yes, but in the third

1 paragraph, they too refer to -- they say:

2 "Given this position and in the absence
3 of a full sexual-behaviours assessment
4 of Father MacDonald..."

5 Et cetera. So they seem to be concerned
6 about whether certain tests were done or not as well.

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:** Now, the therapist writes
9 back to you, right, not Ms. Markham? And I just want you
10 to have a look at a letter ---

11 **MR. NEVILLE:** Excuse me, Commissioner.
12 The last letter I believe is erroneously
13 dated. If you look at the received date stamp ---

14 **THE COMMISSIONER:** We covered that this
15 morning, sir.

16 **MR. NEVILLE:** Yes, well, except Mr.
17 Englemann's question was the CAS to Monsignor was they
18 shared the concern that the tests weren't done.

19 **THE COMMISSIONER:** Yes.

20 **MR. NEVILLE:** The final report wasn't out
21 when that ---

22 **THE COMMISSIONER:** No.

23 **MR. NEVILLE:** --- letter was sent.

24 **THE COMMISSIONER:** The final report ---

25 **MR. NEVILLE:** Was not out ---

1 THE COMMISSIONER: Right.

2 MR. NEVILLE: --- from Southdown. It didn't
3 come until May of '94, sir.

4 THE COMMISSIONER: It didn't ---

5 MR. NEVILLE: Mr. Abell's letter is in
6 January of '94.

7 MSGR. LAROCQUE: '95.

8 MR. NEVILLE: No, it's wrongly dated. Look
9 at the date stamp; it's stamped '94.

10 THE COMMISSIONER: Yes. Okay, just a
11 minute. His letter is -- the letter from the Children's
12 Aid Society ---

13 MR. NEVILLE: Right.

14 THE COMMISSIONER: --- is dated January 6,
15 1995.

16 MR. NEVILLE: There should be a receipt of
17 the letter ---

18 THE COMMISSIONER: Yes.

19 MR. NEVILLE: --- with a stamp on it, sir,
20 that says '94.

21 THE COMMISSIONER: Right, but what we talked
22 about was that it would -- Mr. Englemann indicated the date
23 stamp probably wasn't changed ---

24 MR. NEVILLE: Exactly.

25 THE COMMISSIONER: --- and it should read

1 '95.

2 MR. NEVILLE: That's right.

3 THE COMMISSIONER: And the witness says,
4 yes.

5 MSGR. LAROCQUE: Exactly.

6 MR. NEVILLE: All right. Thank you.

7 THE COMMISSIONER: Thank you.

8 MR. ENGELMANN: And we haven't had the CAS
9 evidence yet, but I think it will become clear that Project
10 Blue carried on through a good part of '94 as well.

11 I'm just not sure where I was. I'll just be
12 a moment. Yes, I was taking the witness to another
13 document.

14 THE COMMISSIONER: Yes, the last letter of
15 the response from the ---

16 MR. ENGELMANN: Yes, Southdown ---

17 THE COMMISSIONER: --- to that inquiry about
18 the sexual ---

19 MR. ENGELMANN: It's Document Number 120186.
20 This is a letter from the therapist, a Ruth Droege, to
21 Bishop Larocque.

22 MSGR. LAROCQUE: The answer to my question.

23 MR. ENGELMANN: It's dated September 21st,
24 1994, sir.

25 THE COMMISSIONER: Exhibit 2112 is the

1 letter to Monsignor Larocque dated September 21st, 1994.

2 --- EXHIBIT NO./PIÈCE NO P-2112:

3 (120186) Letter from Ruth Droege to Eugène
4 LaRocque - 21 Sep, 94

5 MR. ENGELMANN: I just want to read a couple
6 of sections quickly if I can, sir. I don't know if you
7 have to look at the whole report. There is a protocol
8 attached as well.

9 MSGR. LAROCQUE: Yes.

10 MR. ENGELMANN: And the second paragraph --
11 well, first of all, in the first paragraph she says she's
12 responding to your letter to Donna Markham.

13 MSGR. LAROCQUE: Right.

14 MR. ENGELMANN: And in the second paragraph
15 she says:

16 "I can appreciate your feelings of
17 frustration in feeling at a loss to
18 answer questions under the difficult
19 circumstances of a police
20 interrogation. Allow me to try to
21 explain to you why the assessment test
22 battery Southdown employs does not
23 include a specific test for pedophilia
24 when that is the presenting problem."

25 Okay? So there is some acknowledgement that

1 that was one of the issues raised when presented to be
2 looked at.

3 And if you look at the next paragraph, they
4 talk about the fact that the test is not conclusive.

5 **MSGR. LAROCQUE:** M'hm.

6 **MR. ENGELMANN:** She says:

7 "However, even with cooperative
8 individuals, only 60 to 75 per cent of
9 men who prefer children to adults can
10 be identified."

11 And it goes on and says:

12 "Some researchers report a higher
13 success rate..."

14 Et cetera, but she also says:

15 "Because..."

16 And I may be mispronouncing this:

17 "...phallometry does not provide a
18 conclusive diagnosis and because it is
19 extremely intrusive, Southdown has
20 elected not to use it."

21 **MSGR. LAROCQUE:** Yes.

22 **MR. ENGELMANN:** So she's giving you an
23 explanation, I believe, sir, as to why this test was not
24 done.

25 **MSGR. LAROCQUE:** Not administered, yes.

1 **MR. ENGELMANN:** All right.

2 And sir, were you satisfied with that
3 explanation or is it something you thought should have been
4 done in any event?

5 **MSGR. LAROCQUE:** I can't remember what my
6 reaction was.

7 **MR. ENGELMANN:** All right.

8 Do you recall having any further discussions
9 or correspondence with Southdown regarding this issue of
10 this test?

11 **MSGR. LAROCQUE:** Not to my knowledge, no.

12 **MR. ENGELMANN:** All right.

13 Now, sir, there's a further letter from
14 yourself to Sister Donna Markham. It's dated March 17th,
15 1995 and the letter is Document Number 119893.

16 **MSGR. LAROCQUE:** Monsieur Commissaire?

17 **THE COMMISSIONER:** Oui?

18 **MSGR. LAROCQUE:** Could it be that the
19 question you asked me previously this morning, sexual abuse
20 protocol for Southdown residents is attached to this ---

21 **THE COMMISSIONER:** Yes.

22 **MR. ENGELMANN:** Yes, I think you're right,
23 sir, yes.

24 **THE COMMISSIONER:** Yes, that's probably it,
25 sir.

1 **MR. ENGELMANN:** Yes, it wasn't attached to
2 that previous letter, but I think that is it. Yes ---

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

4 **MR. ENGELMANN:** --- thank you.

5 **THE COMMISSIONER:** All right.

6 Next exhibit is 2113, a letter dated March
7 17th, 1995 to Sister Donna Markham from Bishop Eugène
8 Larocque.

9 --- **EXHIBIT NO./PIÈCE NO. P-2113:**

10 (119893) Letter From Eugène LaRocque to
11 Donna Markham - 17 Mar, 95

12 **MR. ENGELMANN:** So this appears to be about
13 a follow up, and apparently there is after-care workshops
14 for people who have had in-patient treatment.

15 **MSGR. LAROCQUE:** Yes, that's right, which
16 had been recommended if you recall.

17 **MR. ENGELMANN:** Yes, and it's talking about
18 this to take place in May of 1995.

19 **MSGR. LAROCQUE:** Right.

20 **MR. ENGELMANN:** And in the second paragraph,
21 you indicate:

22 "You also invite me or my delegate to
23 be present for this same workshop."

24 And you explain that neither of you are able
25 to attend because of other commitments. Is that ---

1 **MSGR. LAROCQUE:** Yes.

2 **MR. ENGELMANN:** --- an accurate summary?

3 **MSGR. LAROCQUE:** May is the month for
4 confirmations.

5 **MR. ENGELMANN:** Fair enough.

6 **MSGR. LAROCQUE:** Practically every night
7 there is one.

8 **MR. ENGELMANN:** All right.

9 And in the next paragraph, you say:

10 "I must also in all frankness tell you
11 that I'm not satisfied with your
12 dealings with Father Charles MacDonald.
13 The fact that you did not give him the
14 test for pedophilia, the fact that the
15 Children's Aid after their examination
16 feel that there is reasonable and
17 probable grounds to believe that the
18 abuse did occur, leaves me to say the
19 least perplexed. After the investment
20 of so much time and money, I would hope
21 that if Father Charles is blocking this
22 out of his memory, there should be some
23 way in which he could be helped to face
24 the truth."

25 It appears, sir, you're expressing some

1 frustration at this point.

2 **MSGR. LAROCQUE:** Quite a bit, yes.

3 **MR. ENGELMANN:** What did you expect they
4 would do with those types of comments from you? What did
5 you expect by way of a response?

6 **MSGR. LAROCQUE:** I don't know that I really
7 expected a response. It was just to let them know my
8 reaction. That's all.

9 **MR. ENGELMANN:** Now, sir, do you recall
10 despite your initial unavailability whether or not you did
11 attend?

12 **MSGR. LAROCQUE:** No, I did not. I couldn't.

13 **MR. ENGELMANN:** All right. And do you know
14 if anyone from your Diocese would have attended?

15 **MSGR. LAROCQUE:** Not to my knowledge, no.

16 **MR. ENGELMANN:** All right.

17 **MSGR. LAROCQUE:** The only one who could have
18 would have been Monsignor McDougald and he had confirmation
19 in his own parish that very same week.

20 **MR. ENGELMANN:** All right.

21 **MSGR. LAROCQUE:** And that had been scheduled
22 for some time.

23 **MR. ENGELMANN:** All right.

24 Sir, I'd like to switch topics now and ask
25 you a few questions about media releases.

1 **MSGR. LAROCQUE:** Right.

2 **MR. ENGELMANN:** And in particular some media
3 releases from January of 1994.

4 **MSGR. LAROCQUE:** Right.

5 **MR. ENGELMANN:** And I think we looked at one
6 of them before. And that's Exhibit 58, Tab 28. And that
7 would be in a Cerloxed book, sir, I think between your two
8 binders.

9 **THE COMMISSIONER:** No, it's Volume 2 he'll
10 need.

11 **MR. ENGELMANN:** I'm sorry.

12 **THE COMMISSIONER:** He needs Volume 2.

13 **MR. ENGELMANN:** Oh, he needs Volume 2,
14 sorry.

15 **THE COMMISSIONER:** That's not the proper
16 volume.

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

18 **MSGR. LAROCQUE:** Fifty-two (52)?

19 **THE COMMISSIONER:** No, that's Exhibit vingt-
20 huit, tab 28.

21 **MSGR. LAROCQUE:** Vingt-huit.

22 **THE COMMISSIONER:** Oui, c'est ca.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **MR. ENGELMANN:** Sir, this is a media release
25 we looked at briefly before with the Vaillancourt

1 guidelines or protocol attached.

2 Do you recall? We just dealt with it very
3 briefly.

4 **MSGR. LAROCQUE:** Yes.

5 **MR. ENGELMANN:** But it was for the purposes
6 of confirming that these were the guidelines that would
7 have been applied in the case of David Silmsers.

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** Right? And we went through
10 a number of questions about this. I asked you a number of
11 questions about various aspects of the protocol and you
12 acknowledged that several things were not actually
13 followed.

14 **MSGR. LAROCQUE:** We were beginning to use it
15 at the time.

16 **MR. ENGELMANN:** Yes.

17 **MSGR. LAROCQUE:** Yes. But the statement --
18 now in hindsight, the statement that -- in the first
19 paragraph that the Diocese has acted:

20 "Let it be known that the Diocese has
21 acted in accordance with the guidelines
22 accepted and promulgated for the
23 immediate and serious attention
24 demanded by such a complaint."

25 I think you've acknowledged, sir, in

1 hindsight that some of these guidelines weren't followed.
2 We went through that.

3 **MSGR. LAROCQUE:** That's right.

4 **MR. ENGELMANN:** And there was a question
5 about maybe whose responsibility that was but there were a
6 number of things that weren't done in accordance with the
7 guidelines.

8 **MSGR. LAROCQUE:** Yes, okay.

9 **MR. ENGELMANN:** All right.

10 I don't want to go back there. But would it
11 be fair to say if you're making a statement or issuing a
12 statement at the time; that they were followed, that you
13 were either misinformed or uninformed about some of what
14 had taken place with respect to the protocol and the
15 guidelines.

16 **MSGR. LAROCQUE:** I'd say that they were
17 being followed to the fact that our delegate was -- and we
18 had a committee that had acted so it was -- they were being
19 followed to some extent but it was not being monitored as
20 you suggest that it should have been.

21 **MR. ENGELMANN:** Okay. Well, we went through
22 a number of the steps that weren't followed so would it be
23 fair to say that -- I mean, you would have approved this
24 press release.

25 Would it be fair to say that you were then

1 misinformed or uninformed about some of the steps that were
2 not taken?

3 **MSGR. LAROCQUE:** At the time I suppose, yes.

4 **MR. ENGELMANN:** All right.

5 **THE COMMISSIONER:** Well, let's --

6 **MR. ENGELMANN:** You weren't lying, were you?

7 **MSGR. LAROCQUE:** Oh, no.

8 **THE COMMISSIONER:** Were you knowingly ---

9 **MSGR. LAROCQUE:** It's not in my character to
10 lie.

11 **THE COMMISSIONER:** I know, but Mr. Englemann
12 took that one out of the equation.

13 And so did you deliberately put out this
14 media release knowing that certain parts of the protocol
15 had not been followed?

16 **MSGR. LAROCQUE:** No, no. I did not.

17 **THE COMMISSIONER:** All right.

18 **MR. ENGELMANN:** That's why my suggestion to
19 you, sir, that either you were misinformed or uninformed.
20 I presumed you wouldn't have intentionally said that.

21 **MSGR. LAROCQUE:** No.

22 **MR. ENGELMANN:** You knew it not to be true.

23 All right. Now, in the media release at the
24 bottom, sir, you say:

25 "If there are victims of sexual abuse

1 by clergy we want to know about it.

2 We are prepared to cooperate with the
3 police and/or other agencies and also
4 in the healing process as we have
5 done in the past."

6 **MSGR. LAROCQUE:** Right.

7 **MR. ENGELMANN:** And this was sent out for
8 release to local or regional media outlets?

9 **MSGR. LAROCQUE:** I believe so, yes.

10 **MR. ENGELMANN:** All right.

11 And sir, in looking at that was it your goal
12 to encourage victims of clergy abuse to come forward?

13 **MSGR. LAROCQUE:** As we had done before, yes.

14 **MR. ENGELMANN:** I'm sorry.

15 **MSGR. LAROCQUE:** As we had done before. I'm
16 telling them we would pay for their rehabilitation or their
17 psychological help. That had been in existence since
18 Father Deslauriers and this is eight years later.

19 **MR. ENGELMANN:** All right.

20 So there had been -- excuse me -- there had
21 been a previous press release where you'd been asking ---

22 **MSGR. LAROCQUE:** No, not press releases.

23 But it was known that we were ready to help victims.

24 **MR. ENGELMANN:** All right.

25 **MSGR. LAROCQUE:** That's why it says "as it

1 has been done in the past."

2 MR. ENGELMANN: Sir, would you agree with
3 the following, that if you want to encourage victims to
4 cooperate it might be important to tell them who it is they
5 should contact?

6 MSGR. LAROCQUE: They had no difficulty in
7 contacting the Diocese and they put them in contact with
8 the proper person.

9 MR. ENGELMANN: All right.

10 Would you also think that it might be
11 important to tell them the type of support that would be
12 available to them if they came forward?

13 MSGR. LAROCQUE: They would be told that
14 when they contacted the Diocese. This is a press release
15 inviting them to contact the Diocese.

16 MR. ENGELMANN: All right.

17 MSGR. LAROCQUE: And it's not -- it doesn't
18 enter into all those details. Whether it should or not is
19 open to question.

20 MR. ENGELMANN: But, sir by this time in
21 January of '94 this is a good year and a half after From
22 Pain to Hope comes out, and there's certainly all sorts of
23 statements in there about how difficult it is for people
24 who have been victims of clergy abuse to actually come
25 forward and talk about it in any kind of public way.

1 So I'm just asking you, sir, that you know
2 perhaps if you want victims to come forward that maybe it
3 would be helpful in your press release to say who it is
4 they could speak to, what it is they might expect by way of
5 support or counselling and lastly what it is the Diocese
6 intends to do with the statements when they get them.

7 **MSGR. LAROCQUE:** If I were to write the
8 statement now I would include that probably but ---

9 **MR. ENGELMANN:** All right. So ---

10 **MSGR. LAROCQUE:** --- in those days, I mean
11 once again it's looking back.

12 **MR. ENGELMANN:** Hindsight.

13 **MSGR. LAROCQUE:** And I think that's a
14 dangerous procedure.

15 **MR. ENGELMANN:** Well, I'm just -- okay, if
16 you're able to help us or not but it's not something that
17 came to you at that time?

18 **MSGR. LAROCQUE:** No, because it's not -- if
19 it had come I would have put it in.

20 **MR. ENGELMANN:** Fair enough.

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

22 **MR. ENGELMANN:** Sir, if you have it handy,
23 and I don't know if the witness does, it's Exhibit 1911.

24 **THE COMMISSIONER:** It's always the book
25 that's furthest away, Mr. Engelmann.

1 **MR. ENGELMANN:** Well, in the sedentary jobs
2 that we have, sir ---

3 **THE COMMISSIONER:** Ah, touché, touché.

4 **MR. ENGELMANN:** Sir, this is a document that
5 is on Diocese of Alexandria-Cornwall letterhead. It's
6 dated January 14th, 1994. It's to members of the
7 Presbyterium.

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** From yourself.

10 **MSGR. LAROCQUE:** Yes.

11 **MR. ENGELMANN:** And it says:

12 "The enclosed fax includes the
13 statements made by myself and our
14 legal counsel, Mr. Jacques Leduc, at
15 the press conference this morning."

16 So you and your legal counsel, Jacques Leduc
17 would have been in attendance at a press conference on
18 January 14th, 1994?

19 **MSGR. LAROCQUE:** That's correct.

20 **MR. ENGELMANN:** And sir, this would have
21 been after you learned that criminal charges had been
22 dropped allegedly as a result of the settlement?

23 **MSGR. LAROCQUE:** Yes, I believe so.

24 **MR. ENGELMANN:** But before you had actually
25 looked at the settlement documents?

1 **MSGR. LAROCQUE:** That's true.

2 **MR. ENGELMANN:** Is that your recollection?

3 **MSGR. LAROCQUE:** Yes.

4 **MR. ENGELMANN:** And you say at the time,
5 and I'm looking at your statement that:

6 "...legal counsel has explained how I
7 reluctantly agreed to the settlement of
8 a civil dispute to which the priest in
9 question and the Diocese both
10 contributed."

11 So you're talking about the fact that the --
12 both the priest and the Diocese ---

13 **MSGR. LAROCQUE:** Where are we?

14 **MR. ENGELMANN:** Sorry I'm at the second
15 page. It's Bates page 574.

16 **MSGR. LAROCQUE:** Okay. On the back of that
17 letter.

18 **MR. ENGELMANN:** It's entitled "Bishop's
19 Statement."

20 **MSGR. LAROCQUE:** Okay, right. Okay.

21 **MR. ENGELMANN:** And your -- did you actually
22 read this statement?

23 **MSGR. LAROCQUE:** I can't recall.

24 **MR. ENGELMANN:** All right.

25 Because you're referring to the fact:

1 "Our legal counsel for the Diocese has
2 explained how I reluctantly agreed."

3 And I'm just trying to picture this. I'm
4 thinking that Mr. Leduc spoke first and then you followed
5 him?

6 **MSGR. LAROCQUE:** I suspect so, yes.

7 **MR. ENGELMANN:** All right.

8 And you say -- you talk about a civil
9 dispute to which the priest in question and the Diocese
10 both contributed and you're talking about the contribution
11 of some form of money, I assume?

12 **MSGR. LAROCQUE:** Yes, that's correct.

13 **MR. ENGELMANN:** All right. And you say:

14 "Although it was altogether legal I can
15 now see by the confusion and
16 misinterpretation caused that it was
17 not the prudent way. I should have
18 maintained my original position."

19 **MSGR. LAROCQUE:** That's right.

20 **MR. ENGELMANN:** All right?

21 **MSGR. LAROCQUE:** Correct. Yes.

22 **MR. ENGELMANN:** And this is something that
23 you would have stated at the press conference on January
24 14th?

25 **MSGR. LAROCQUE:** Yeah, I think I read this

1 actually.

2 **MR. ENGELMANN:** Yeah. Okay.

3 And you then say:

4 "In no way did I or would I wish to
5 impede the police investigation. I
6 renew my willingness to cooperate with
7 them in every way."

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** And again, sir, it's your
10 evidence that you did not know about the wording of the
11 release at this time?

12 **MSGR. LAROCQUE:** Absolutely not.

13 **MR. ENGELMANN:** Because in fact that release
14 did impede the police investigation.

15 **MSGR. LAROCQUE:** Exactly.

16 **MR. ENGELMANN:** And so at the time you
17 provided this information it's your evidence that you were
18 misinformed or uninformed?

19 **MSGR. LAROCQUE:** Uninformed would be better.

20 **MR. ENGELMANN:** Fair enough.

21 Because the information you provided was not
22 correct.

23 **MSGR. LAROCQUE:** That's correct. In all
24 fairness, the legal counsel had not looked at it either.
25 Mr. Leduc had not looked at it either at this point.

1 MR. ENGELMANN: That's what he said.

2 MSGR. LAROCQUE: That's not ---

3 MR. ENGELMANN: And he in fact tells you
4 that later.

5 MSGR. LAROCQUE: That's right.

6 MR. ENGELMANN: Correct?

7 Was that a surprise to you when you were
8 told that in January of 1994?

9 MSGR. LAROCQUE: Yes.

10 MR. ENGELMANN: Now, at Bates page 577 and I
11 believe this is part of the statement that Mr. Leduc reads.
12 Because if we look at five -- sorry -- at Bates page 575 --
13 -

14 MSGR. LAROCQUE: Yes.

15 MR. ENGELMANN: It says:

16 "The Bishop has called this press
17 conference for the purpose of
18 clarifying certain statements which
19 were reported by the media."

20 MSGR. LAROCQUE: Wait, 575, excuse me.

21 MR. ENGELMANN: Do you see that?

22 MSGR. LAROCQUE: Thank you, yes, I have it.

23 MR. ENGELMANN: And is this the portion that
24 Mr. Leduc reads?

25 MSGR. LAROCQUE: I believe so. Yes.

1 **MR. ENGELMANN:** All right.

2 **MSGR. LAROCQUE:** Or it could have been the
3 chairman. Let me read it before I answer that.

4 **MR. ENGELMANN:** All right.

5 And who was that, sir?

6 **MSGR. LAROCQUE:** Mr. Claude Brunet.

7 **MR. ENGELMANN:** All right.

8 **MSGR. LAROCQUE:** Acted as chairman.

9 **MR. ENGELMANN:** Because when we read this
10 there's sort of a background given about some of the facts
11 which took place, and if we read on to page 577 ---

12 **MSGR. LAROCQUE:** It can't be. It can't be
13 Leduc because collaboration with -- excuse me -- I'm wrong,
14 I'm sorry.

15 **MR. ENGELMANN:** It talks about a variety of
16 things, and one of the things it talks about is the meeting
17 in February of 1993. And you'll see that at the top of the
18 page, 577.

19 If we start at the bottom of 576:

20 "A meeting was held February 9th, 1993,
21 at which time the complainant requested
22 a letter of apology from the priest
23 whom he was accusing of sexual
24 assault."

25 **MSGR. LAROCQUE:** Right.

1 **MR. ENGELMANN:**

2 "At that time and again in accordance
3 with policy and the protocol, offers of
4 help and assistance were made to the
5 complainant at the time of the meeting
6 in February of '93."

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:**

9 "The complainant was never asked nor
10 was it ever suggested that he not
11 contact police, but in fact it was
12 repeatedly suggested that he should
13 consult a lawyer and that if he was the
14 victim of a sexual assault he should
15 contact the police."

16 Do you know who prepared this for you, sir?

17 **MSGR. LAROCQUE:** This is not -- I did not
18 read this. I don't know where -- my statement is there but
19 ---

20 **MR. ENGELMANN:** Someone else would have read
21 this at the press conference?

22 **MSGR. LAROCQUE:** I would have to read it all
23 over but it sounds, the way that it's written, that it
24 could have been Jacques Leduc.

25 **MR. ENGELMANN:** All right.

1 That's what I had surmised but I may be
2 wrong.

3 **MSGR. LAROCQUE:** Well, I'm not sure either.

4 **MR. ENGELMANN:** Okay. Well, in any event,
5 this wasn't part of it that you read?

6 **MSGR. LAROCQUE:** No.

7 **MR. ENGELMANN:** And I'm just wondering if
8 you know who prepared this, whether that was Mr. Leduc or
9 someone else, like Monsignor McDougald?

10 **MSGR. LAROCQUE:** I doubt that it would have
11 been Monsignor McDougald.

12 **MR. ENGELMANN:** All right.

13 And then it says:

14 "Subsequent to this meeting, the priest
15 being the subject of the complaint was
16 immediately confronted with the
17 allegations, which allegations were
18 denied by the priest in question."

19 And sir, you've already told us that that
20 actually happened back in December, well in advance of the
21 February meeting. So I'm just wondering who might have
22 prepared this and who would be responsible for any errors
23 or omissions?

24 If you don't know that's fine.

25 **MSGR. LAROCQUE:** I'm quite sure that I

1 didn't prepare it. That's all I can tell you.

2 **MR. ENGELMANN:** All right.

3 Now, in this statement, this very strong
4 statement towards the end, the bottom of Bates page 578:

5 "The Diocese by this decision settles a
6 civil dispute, does not as has been
7 implied, pay the complainant to
8 withdraw criminal complaints."

9 **MSGR. LAROCQUE:** Right.

10 **MR. ENGELMANN:**

11 "There was no interference with the
12 criminal justice system in that the
13 investigating officers and the Crown
14 Attorney were advised of the proposed
15 settlement and of the settlement and no
16 criminal charges have been laid. As
17 has been stated, a settlement was made
18 but the Diocesan authorities have
19 cooperated fully with city police and
20 with other agencies in their ongoing
21 investigation."

22 Right?

23 **MSGR. LAROCQUE:** Yeah.

24 **MR. ENGELMANN:** Again, I'm just wondering if
25 there are errors and omissions here.

1 You can't help us with respect to who would
2 have done this?

3 **MSGR. LAROCQUE:** No.

4 **THE COMMISSIONER:** Were you aware of the
5 contents before going to the press conference?

6 **MSGR. LAROCQUE:** I may have been shown them
7 but I can't remember, to tell you the truth.

8 **MR. ENGELMANN:** I mean quite aside from the
9 fact, sir, that you would not have seen the release and
10 that's what you've told us, this suggests that there was
11 cooperation fully with the city police. And I think it's
12 your evidence that the first contact that you really have
13 with the city police is in October of 1993.

14 Correct?

15 **MSGR. LAROCQUE:** I suppose so. I think so.

16 **MR. ENGELMANN:** Yeah. And you're not
17 familiar with anyone contacting the city police on your
18 behalf; in other words, Monsignor McDougald or anybody
19 else?

20 **MSGR. LAROCQUE:** If he did, I ---

21 **MR. ENGELMANN:** Yeah.

22 Now, at some point after this press
23 conference on January 14th you have a look at the settlement
24 documents?

25 **MSGR. LAROCQUE:** Yes. If I'm not mistaken

1 this should be on tape some place.

2 **MR. ENGELMANN:** Yes.

3 **MSGR. LAROCQUE:** Because the proceedings
4 were all taped --

5 **MR. ENGELMANN:** All right.

6 So we can tell who read what at that time?

7 **MSGR. LAROCQUE:** -- by the different news
8 media and so you should be able to get the answer as to who
9 said what.

10 **MR. ENGELMANN:** All right.

11 But that doesn't help us as to who would
12 have prepared the document. But presumably you would have
13 looked at it before the press conference?

14 **MSGR. LAROCQUE:** Not prepared it myself ---

15 **MR. ENGELMANN:** No.

16 **MSGR. LAROCQUE:** I would have prepared my
17 own statement myself.

18 **MR. ENGELMANN:** Right. But would you have
19 not reviewed the other statement that was also to be read,
20 sir?

21 **MSGR. LAROCQUE:** I would -- if it was done
22 by the legal counsel I would suppose that he -- I would
23 trust that he knows what he's doing.

24 In other words you're implying that I should
25 have checked what he was going to say?

1 **MR. ENGELMANN:** I'm just wondering if you
2 did, sir?

3 **MSGR. LAROCQUE:** I don't believe I did. No.

4 **MR. ENGELMANN:** All right.

5 Now, sir, I was just asking you about the
6 release or the settlement documents, if I can call them
7 that. At some point after the conference on the 14th of
8 January is it brought to your attention that you and/or
9 your counsel may have been inaccurate in the information
10 you provided to the public on January 14th?

11 **MSGR. LAROCQUE:** Unfortunately, yes.

12 **MR. ENGELMANN:** All right. And was that by
13 way of correspondence or communication from Mr. Silmser's
14 lawyer?

15 **MSGR. LAROCQUE:** I don't believe -- I don't
16 know which lawyer but there was a lawyer who contacted
17 Jacques Leduc.

18 **MR. ENGELMANN:** Right.

19 **MSGR. LAROCQUE:** And it was because of that
20 that Jacques Leduc asked to see the document and verify it.

21 **MR. ENGELMANN:** All right. And this is the
22 document that had been sent to him by Malcolm MacDonald?

23 **MSGR. LAROCQUE:** Apparently, yes.

24 **MR. ENGELMANN:** All right, and do you recall
25 that -- you then looked at that document sometime between

1 January 14th and a subsequent press statement that you would
2 have issued on January 23rd?

3 **MSGR. LAROCQUE:** Yes, it was left on my
4 desk. I was away at the time, and left on my desk, and as
5 soon as I got back I looked it and it's -- I mean, I'm not
6 a lawyer but as soon as I saw it that second paragraph
7 jumped out in my eyes.

8 **MR. ENGELMANN:** You didn't have to be a
9 lawyer to be concerned about that paragraph. Is that fair?

10 **MSGR. LAROCQUE:** I don't know, but when I
11 saw it; dropped all criminal proceedings, I mean it just --
12 I couldn't believe my eyes because it was exactly what I
13 had warned them that I didn't want in the document at all.

14 **MR. ENGELMANN:** All right. So it was the
15 opposite of what you'd asked for?

16 **MSGR. LAROCQUE:** Exactly.

17 **MR. ENGELMANN:** And did you have some kind
18 of a discussion with Mr. Leduc when you read that?

19 **MSGR. LAROCQUE:** I would imagine that I did.
20 I mean, I was sort of disconcerted, but I can't recall.

21 **MR. ENGELMANN:** All right.

22 Sir, if we could look briefly at Exhibit
23 1913, and maybe we'll take a break after that.

24 **MSGR. LAROCQUE:** Thank you.

25 **THE COMMISSIONER:** Nineteen thirteen (1913)?

1 MR. ENGELMANN: Yes.

2 THE COMMISSIONER: Yep.

3 MSGR. LAROCQUE: This is the second ---

4 MR. ENGELMANN: Do you have that, sir? It's
5 a press statement; it's dated January 23rd 1994.

6 MSGR. LAROCQUE: That's right.

7 MR. ENGELMANN: In the first paragraph
8 you're explaining what you thought was the situation as at
9 January 14th and you say:

10 "I made this statement in accord with
11 the instructions received from our
12 Diocesan counsel."

13 MSGR. LAROCQUE: Right.

14 MR. ENGELMANN: You then say:

15 "However, I have since learned that the
16 signed release does in fact rule out
17 both civil and criminal action."

18 And you say:

19 "This is morally unjust and does not
20 reflect the basis on which the Diocese
21 cooperated with this action."

22 MSGR. LAROCQUE: Correct.

23 MR. ENGELMANN: Sir, were you advised at or
24 about that time that such a provision in a settlement might
25 be construed as being illegal, not just immoral?

1 **MSGR. LAROCQUE:** I'm talking from a Bishop's
2 point of view.

3 **MR. ENGELMANN:** Well, fair enough. I'm just
4 asking if you were advised that in fact it was not just
5 immoral but also illegal.

6 **MSGR. LAROCQUE:** I would have surmised that
7 myself really.

8 **MR. ENGELMANN:** All right, fair enough.
9 And you reference, sir, in the next
10 paragraph:

11 "I've instructed our newly-engaged
12 Diocesan legal counsel to advise the
13 alleged victim that the Diocese does
14 not wish to interfere with his right to
15 proceed criminally."

16 Sir, at this point in time did you end your
17 retainer relationship with Mr. Leduc and hire another
18 lawyer?

19 **MSGR. LAROCQUE:** Yes, David Scott of Scott &
20 Aylen. I also, before this press conference, went to see
21 the Acting Chief, Mr. Johnston. I had asked for an
22 appointment to see if I could get him to reopen the
23 criminal action and he said that I couldn't do that; that
24 it had to be done by the one who had launched the criminal
25 action in the first place.

1 **MR. ENGELMANN:** The complainant himself?

2 **MSGR. LAROCQUE:** That's right.

3 **MR. ENGELMANN:** All right.

4 **MSGR. LAROCQUE:** And I believe that Chief
5 Johnston's appointment book will show that I was there.

6 **MR. ENGELMANN:** So you engaged Mr. Scott and
7 then you took a number of actions to try and correct what
8 had happened?

9 **MSGR. LAROCQUE:** Yes, under his directions.

10 **MR. ENGELMANN:** And that would have included
11 issuing yet another press statement?

12 **MSGR. LAROCQUE:** That's right, and ---

13 **MR. ENGELMANN:** Was there also a press
14 conference?

15 **MSGR. LAROCQUE:** And inviting them to a
16 press conference the next day.

17 **MR. ENGELMANN:** Right, and speaking to the
18 new acting chief, and anything else, sir, that you can
19 recall at that time?

20 **MSGR. LAROCQUE:** Just that it was a very --
21 for me, at least -- very confusing and very perplexing time
22 -- to be made a public fool of really.

23 **MR. ENGELMANN:** I'm sorry?

24 **MSGR. LAROCQUE:** I said I was made a public
25 fool by this whole thing.

1 **MR. ENGELMANN:** Okay.

2 Maybe we'll take the break there.

3 **THE COMMISSIONER:** All right, we'll take the
4 afternoon break and come back at 3.15.

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

7 The hearing will resume at 3:15.

8 --- Upon recessing at 3:01 p.m./

9 L'audience est suspendue à 15h01

10 --- Upon resuming at 3:19 p.m./

11 L'audience est reprise à 15h19

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

14 The hearing is now resumed. Please be
15 seated. Veuillez vous asseoir.

16 **THE COMMISSIONER:** Thank you.

17 Go ahead, sir.

18 **MR. ENGELMANN:** Mr. Commissioner, just a
19 couple housekeeping matters if I might.

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

21 **MR. ENGELMANN:** I neglected to introduce
22 someone else this morning. Kimberley Ishmael is here.

23 **THE COMMISSIONER:** Hi there.

24 **MR. ENGELMANN:** She's with the firm of Keel
25 Cottrelle, representing Upper Canada School Board.

1 **THE COMMISSIONER:** Right.

2 **MR. ENGELMANN:** And I understand her
3 colleague, Nadya Tymochenko, will be here tomorrow.

4 **THE COMMISSIONER:** Right, thank you.

5 **MR. ENGELMANN:** So I should have done that
6 earlier.

7 As well, sir, I didn't give you and the
8 public a line-up for the week. I had indicated to counsel
9 in a letter last week that I thought I would be finished my
10 chief of Monsignor LaRocque tomorrow morning, or at least
11 by the noon break.

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

13 **MR. ENGELMANN:** And I'm not sure at this
14 time how long the cross is slated. I will be talking to
15 counsel.

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** One of the things that's
18 been expressed to me through witness support and from the
19 witness is that it's better for him in the morning, and I'm
20 wondering, in that respect if we could start at 9:00 in the
21 morning as opposed to 9:30 tomorrow morning.

22 **THE COMMISSIONER:** I have no problem, so
23 long as the support staff and ---

24 **MR. ENGELMANN:** I don't know if that causes
25 difficulty for any counsel here.

1 **THE COMMISSIONER:** Well, you worry about the
2 counsel; I'm going to worry about the support staff. The
3 interpreters, any problems with starting at 9:00? All
4 right, that's good. Monseigneur is okay so why don't we
5 start at -- and we'll try it at 9:00. I'm better in the
6 morning as well.

7 **MR. ENGELMANN:** Okay. And, sir, just -- I'm
8 not commenting.

9 Just to let you know about other things for
10 this week ---

11 **THE COMMISSIONER:** Yes.

12 **MR. ENGELMANN:** --- the next witness will be
13 Bishop Paul-André Durocher.

14 **THE COMMISSIONER:** Right.

15 **MR. ENGELMANN:** Current Bishop.

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

17 **MR. ENGELMANN:** We had hoped that that
18 turnover might take place on Thursday.

19 **THE COMMISSIONER:** I hope so.

20 **MR. ENGELMANN:** We have two motions
21 scheduled as well.

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

23 **MR. ENGELMANN:** They're currently scheduled
24 first thing Thursday morning, and that is a motion by an
25 OPP officer, Randy Miller, who is seeking limited standing

1 before the Inquiry, and he has private counsel and they
2 have submitted a motion to that effect which has been
3 passed on to the parties.

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

5 **MR. ENGELMANN:** I would ask all counsel who
6 might be wanting to speak on that motion, either in favour
7 or opposed, to let us know as Commission counsel, what
8 their positions are.

9 **THE COMMISSIONER:** Right.

10 **MR. ENGELMANN:** Another motion that's been
11 outstanding for a while -- I think it was my colleague,
12 Gisèle Levesque, who filed this, or David Sherriff-Scott
13 from the Diocese, this is a motion for supplementary
14 funding. This was filed some time ago. We were trying to
15 get this in the last week of July, I believe, but it didn't
16 happen so we've also scheduled that for Thursday morning.

17 **THE COMMISSIONER:** Fine.

18 **MR. ENGELMANN:** All right?

19 **THE COMMISSIONER:** Thank you.

20 **MONSEIGNOR EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

21 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

22 **MR. ENGELMANN : (Cont'd/Suite)**

23 **MR. ENGELMANN:** So, Monsignor LaRocque, we
24 had talked earlier about the fact that you gave a statement
25 to the OPP in September of 1994. You had an interview with

1 the OPP and a day later you wrote this letter to Donna
2 Markham.

3 **MSGR. LAROCQUE:** Right.

4 **MR. ENGELMANN:** And my understanding, sir,
5 is that you were to be interviewed in the summer by a
6 fellow named Tim Smith. Your counsel was not available.
7 That was someone from the firm of then Scott & Ayles, and
8 so the matter was put off and the first time that you were
9 able to get back together with them was September 12th.

10 **MSGR. LAROCQUE:** That's right.

11 **MR. ENGELMANN:** Do you recall something like
12 that happening?

13 **MSGR. LAROCQUE:** Yes.

14 **MR. ENGELMANN:** All right.

15 And, sir, that document is Exhibit 1790 and
16 we've looked at it previously; I just want to look at a
17 couple points if I may. It is the Interview Report of
18 Bishop Eugène LaRocque on 12th September 1994.

19 Do you have that, sir?

20 **MSGR. LAROCQUE:** No, I don't. I think it's
21 the wrong tab.

22 **THE COMMISSIONER:** One-seven ---

23 **MR. ENGELMANN:** One-seven-nine-zero (1790).

24 **MSGR. LAROCQUE:** One-seven-nine-zero (1790).

25 I have 1719. Le premiere fois.

1 **MR. ENGELMANN:** All right.

2 **MSGR. LAROCQUE:** All right.

3 **MR. ENGELMANN:** And sir, this is the
4 interview report you mentioned that your counsel, David
5 Scott was present and there were two police officers, Tim
6 Smith and Mike Fagan?

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:** Do you recall that?

9 Sir, I would have -- I asked you earlier
10 today if you recall in preparation for your meeting
11 reviewing statements that were given to your counsel by the
12 members of this committee; that being Monsignor
13 Vaillancourt, Monsignor McDougald and Jacques Leduc, and in
14 fact I showed you the one from Monsignor McDougald.

15 **MSGR. LAROCQUE:** Right.

16 **MR. ENGELMANN:** Sir, I just perhaps can show
17 one other, just, again, to see if you have any
18 recollection.

19 If you could and hopefully it's in the same
20 book, it's Exhibit 18 -- no, it's probably not, 1888.

21 **THE COMMISSIONER:** No such luck.

22 **MSGR. LAROCQUE:** Are these OPP interviews of
23 these people?

24 **MR. ENGELMANN:** No. These are statements
25 that were given by these three members of the committee to

1 the law firm that was representing the Diocese.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. ENGELMANN: Do you have the document
4 that says "Statement of Jacques Leduc"?

5 MSGR. LAROCQUE: M'hm.

6 MR. ENGELMANN: Yeah. So my understanding,
7 sir, was that you would have had an opportunity to review
8 this, to review the statement from Monsignor Vaillancourt
9 and the statement from Monsignor McDougald before you were
10 interviewed by the OPP.

11 MSGR. LAROCQUE: And what was the date of
12 the interview of the OPP?

13 MR. ENGELMANN: It was September 12th, 1994.

14 MSGR. LAROCQUE: And this is dated September
15 7th.

16 MR. ENGELMANN: I'm sorry?

17 MSGR. LAROCQUE: This document here is dated
18 the 7th of September 1994.

19 MR. ENGELMANN: The final version, yes.
20 Yes. These statements were first -- I think ---

21 MSGR. LAROCQUE: February 2nd.

22 MR. ENGELMANN: I think there were
23 interviews by a fellow by the name of Peter Annis, of these
24 three individuals.

25 MSGR. LAROCQUE: Okay.

1 **MR. ENGELMANN:** And that was in February and
2 then, I believe in Mr. Leduc's evidence, he indicated that
3 it was typed up for him and he made some changes, then it
4 was typed up again; he made some other changes and it was
5 signed off shortly before September 12th.

6 **MSGR. LAROCQUE:** Yeah, the 7th of September.

7 **MR. ENGELMANN:** Yeah. You have no
8 recollection of this, sir?

9 **MSGR. LAROCQUE:** No.

10 **MR. ENGELMANN:** All right.

11 Sir, just a couple of questions then on this
12 statement, if I may?

13 **MSGR. LAROCQUE:** The one of Jacques Leduc?

14 **MR. ENGELMANN:** No, your own. At -- it's
15 Exhibit 1790.

16 And we've covered many of the issues that
17 were discussed, so I just want to touch upon a couple of
18 things. At Bates page 451, and it's page 46 of the
19 statement -- Madam Clerk, we won't need that binder, if you
20 could take that away.

21 I'm sorry, do you have page -- Bates page
22 451, sir? It's page 46.

23 **MSGR. LAROCQUE:** Page 46 of the document
24 that I have before me?

25 **MR. ENGELMANN:** Right. Sir, in fact if you

1 want to start on the page before; it says Bates page 450,
2 it's page 45.

3 **MSGR. LAROCQUE:** Forty-five (45), yes.

4 **MR. ENGELMANN:** Yeah. This is after --
5 there's a discussion with you about communicating with a
6 woman named Nancy Seguin.

7 **MSGR. LAROCQUE:** Yes.

8 **MR. ENGELMANN:** Who was, I think, the
9 sister-in-law of the late Ken Seguin.

10 **MSGR. LAROCQUE:** That's correct, yes.

11 **MR. ENGELMANN:** There was some discussion
12 about a conversation you had with her and the questions
13 wrap-up and at the end Officer Fagan says to Officer Smith:

14 "You've covered everything."

15 And then on the following page Officer Smith
16 asks you:

17 "Do you have any questions as of us, as
18 far as Charles' investigation goes --
19 Father Charles investigation, either
20 yourself or Mr. Scott?"

21 And you say:

22 "I just need to know whether or not --
23 not whether, when this whole thing will
24 finally end. How long will you
25 continue with it; it's a long time."

1 **MSGR. LAROCQUE:** I could make the same
2 statement now, I guess.

3 **MR. ENGELMANN:** Well, this is in September
4 of '94.

5 **MSGR. LAROCQUE:** Yes.

6 **MR. ENGELMANN:** Right. Now, this is the
7 first time that they're interviewing you, correct? And you
8 seem to be concerned about how long it's taking.

9 **MSGR. LAROCQUE:** Well, it's not a criticism
10 of them at all; it's a criticism of the whole procedure.

11 **MR. ENGELMANN:** All right.

12 **MSGR. LAROCQUE:** It's been going on since
13 1992.

14 **MR. ENGELMANN:** Right.

15 **MSGR. LAROCQUE:** That's ---

16 **MR. ENGELMANN:** Now, a couple pages later,
17 it's page 48 of the statement, Bates page 453, and you
18 continue to talk about some of your concerns or issues.
19 You say -- well, actually let's start on the page before,
20 at the bottom. You say:

21 "Well, it will be two years in the
22 beginning of December so..."

23 **And Smith:**

24 "I might add that again being the third
25 police department in it I don't want

1 another police department to come in
2 behind our investigation."

3 **MSGR. LAROCQUE:** Where are you? I'm sorry.

4 **MR. ENGELMANN:** Sorry. I'm at the bottom of
5 page 47. It's Bates page 452.

6 **MSGR. LAROCQUE:** Okay.

7 **MR. ENGELMANN:** You're still talking about
8 how long this has been taking and you say:

9 "It will be two years in the beginning
10 of December."

11 **MSGR. LAROCQUE:** Right.

12 **MR. ENGELMANN:** And Smith:

13 "I might add that, again, being the
14 third police department in it I don't
15 want another police department to come
16 in behind our investigation."

17 Of course, we know they come back later on.

18 **MSGR. LAROCQUE:** Yes.

19 **MR. ENGELMANN:** Then on the following page -
20 - and it has to be -- and then you complete the thought for
21 him. You say:

22 "It's got to be..."

23 Well, you say as thorough -- it may be
24 thorough.

25 **MSGR. LAROCQUE:** Thorough, yeah.

1 **MR. ENGELMANN:** All right?

2 **MSGR. LAROCQUE:** Or as thorough as possible,
3 I suppose.

4 **MR. ENGELMANN:** Right. And then you say:
5 "As thorough as possible."

6 **MSGR. LAROCQUE:** Yeah.

7 **MR. ENGELMANN:** So it appears you're saying
8 to them that you want to make sure they do a thorough and
9 complete investigation, despite any concerns you might have
10 about how long it's taking.

11 **MSGR. LAROCQUE:** That's right.

12 **MR. ENGELMANN:** And then he says to you:
13 "Well, and the investigation has taken
14 us out of province and throughout the
15 province..."

16 So perhaps trying to explain to you how
17 thorough and why it's taking so long.

18 **MSGR. LAROCQUE:** M'hm.

19 **MR. ENGELMANN:** And you say:
20 "Do you have the two letters of the
21 young people who backed up Father
22 Charles?"

23 And they say:
24 "We've interviewed several that speak
25 very highly of..."

1 Right?

2 Now, are you referring to two letters that,
3 I believe were received by Malcolm MacDonald, individuals
4 who wrote letters of support for Father Charles MacDonald?

5 **MSGR. LAROCQUE:** All I can remember at the
6 present time is that I had in my file either the letter or
7 a copy of the letter from Paul Sauve who is a mounted
8 police and he wrote from the west.

9 **MR. ENGELMANN:** Right.

10 **MSGR. LAROCQUE:** And Paul had stayed with
11 Father MacDonald -- had been for some years when he was in
12 Apple Hill.

13 And he stated how much -- if it hadn't been
14 for Father MacDonald that he doesn't know where he would be
15 at the present time.

16 **MR. ENGELMANN:** Right.

17 **MSGR. LAROCQUE:** It was a very -- and with
18 no illusion to any difficulties with Father MacDonald at
19 all.

20 **MR. ENGELMANN:** Sir, I recall that there
21 were two letters supplied, I think, my Malcolm MacDonald to
22 the Cornwall Police Service and I'm wondering if those are
23 the two letters that you're referring to.

24 **MSGR. LAROCQUE:** All I can remember is the
25 letter that I had in my files. Now, there may be others as

1 well, but that's all I can remember.

2 MR. ENGELMANN: All right.

3 And you were wanting to make sure that the
4 OPP had those letters?

5 MSGR. LAROCQUE: That's right.

6 MR. ENGELMANN: All right.

7 And then you make the comment because he was
8 -- he was in what we call ---

9 MSGR. LAROCQUE: No, that's wrong. We put
10 the COR movement, C-O-R, rather than quorum.

11 MR. ENGELMANN: Okay. I'm glad because I've
12 heard of that one.

13 MSGR. LAROCQUE: The COR is a short for
14 SEAL, for young people.

15 MR. ENGELMANN: And is that a program for
16 Catholic youth that are ---

17 MSGR. LAROCQUE: Yes.

18 MR. ENGELMANN: --- of high school age.

19 MSGR. LAROCQUE: I believe the Anglicans
20 have the COR movement, had it at sometime. It's a
21 spiritual renewal type of -- usually on a weekend, Friday,
22 Saturday, Sunday.

23 MR. ENGELMANN: I think we talked about it
24 earlier. This involved sometimes retreats by high school
25 students.

1 **MSGR. LAROCQUE:** It was a sort of a retreat,
2 yes.

3 **MR. ENGELMANN:** Right.

4 **THE COMMISSIONER:** It the English equivalent
5 of R3.

6 **MSGR. LAROCQUE:** Exactement. Yes.

7 **MR. ENGELMANN:** And I think you had told us
8 who the priests were that were responsible at one time and
9 in fact, one of them was Father Gilles Deslauriers on the
10 French side.

11 **MSGR. LAROCQUE:** For the R3 along with
12 Father Denis Vaillancourt and Father Luc Bouchard were all
13 involved and on the English side, Father Kevin Maloney and
14 Father Charlie.

15 **MR. ENGELMANN:** Right.

16 **MSGR. LAROCQUE:** And Deacon Ernie
17 Bellefeuille and his wife.

18 **MR. ENGELMANN:** All right. And the
19 reference to the core movement here, was that because one
20 of those two individuals, one of those letters, one of them
21 had been involved in the core movement?

22 **MSGR. LAROCQUE:** It could be but I'm not
23 sure.

24 **MR. ENGELMANN:** All right.

25 **MSGR. LAROCQUE:** And he would refer to

1 Father Charlie, I would imagine. That's my statement.

2 **MR. ENGELMANN:** And do you recall whether
3 there was any further discussion -- it doesn't appear to be
4 here -- but later about this core movement and why it might
5 be important for them to interview people from that
6 program?

7 **MSGR. LAROCQUE:** I -- my recollection, I
8 just wanted them to know that he had this association and
9 this would be with many young people.

10 **MR. ENGELMANN:** Yes.

11 **MSGR. LAROCQUE:** And so what they did with
12 that information, that was up to them.

13 **MR. ENGELMANN:** All right.

14 Do you know if you or anyone on behalf of
15 yourself ever looked back and investigated or spoke to
16 people who were involved in that program to determine if
17 there were issues with Father MacDonald, either in a
18 positive or a negative light with respect to these issues?

19 **MSGR. LAROCQUE:** I didn't do so. Whether
20 Monsignor McDougald did or not I'm not sure.

21 **MR. ENGELMANN:** All right.

22 Now, you've told us, sir, that you learned
23 in October of '93, during your meeting with Chief Shaver
24 that there were two other people who had come forward, at
25 least to the Cornwall Police ---

1 **MSGR. LAROCQUE:** Yes.

2 **MR. ENGELMANN:** --- with some concerns about
3 Father MacDonald, some allegations.

4 **MSGR. LAROCQUE:** Well, allegations. Yeah.

5 **MR. ENGELMANN:** Yes. And in fact, we looked
6 briefly at a letter that you had received in January of '94
7 from C-3 and that was one of those two indications.

8 **MSGR. LAROCQUE:** That's right.

9 **MR. ENGELMANN:** Is that fair?

10 **MSGR. LAROCQUE:** Yes.

11 **MR. ENGELMANN:** If we could turn to that for
12 a minute. And that was Exhibit 416.

13 **MSGR. LAROCQUE:** Are we finished with the
14 OPP report?

15 **MR. ENGELMANN:** I think so. Yes.

16 **THE COMMISSIONER:** So you're referring to
17 the letter from C-3?

18 **MR. ENGELMANN:** Right.

19 **THE COMMISSIONER:** Okay.

20 **MSGR. LAROCQUE:** Yes.

21 **MR. ENGELMANN:** All right. And this is a
22 letter from an individual who claims -- and who I believe
23 you knew was a former altar boy at ---

24 **MSGR. LAROCQUE:** Right.

25 **MR. ENGELMANN:** --- at St. Columban's

1 Parish.

2 MSGR. LAROCQUE: That's what he states, yes.

3 MR. ENGELMANN: Yes. And did you know him
4 or his family, sir?

5 MSGR. LAROCQUE: No, I didn't.

6 MR. ENGELMANN: All right. And he claims he
7 was sexually abused by Father MacDonald; correct?

8 MSGR. LAROCQUE: Does he give a date?

9 MR. ENGELMANN: No, he talks about ---

10 THE COMMISSIONER: When he was an altar boy.

11 MR. ENGELMANN: He talks about as an altar
12 boy "I found ---

13 MSGR. LAROCQUE: Five years.

14 MR. ENGELMANN: "--- Father Charles was
15 always trying to grab at my groin when
16 no one was around."

17 MSGR. LAROCQUE: Sixty-eight ('68) to '73 I
18 wasn't even there.

19 THE COMMISSIONER: No, no.

20 MR. ENGELMANN: No, this was before ---

21 MSGR. LAROCQUE: You asked me if I knew him
22 so ---

23 MR. ENGELMANN: If you knew him or his
24 family.

25 MSGR. LAROCQUE: No, I don't.

1 **MR. ENGELMANN:** Yes.

2 All right. Okay. And he talks about
3 experiences as an altar boy and it goes on he says when
4 he's in the basement of the rectory,

5 "Father Charles would often come down
6 to see you -- how I was doing. He
7 always had to touch me, hand on
8 shoulder, on arm. Little -- didn't
9 realize, [et cetera]."

10 Okay?

11 **MSGR. LAROCQUE:** M'hm.

12 **MR. ENGELMANN:** And then he talks about an
13 incident that happens later.

14 Just one moment.

15 He talks about some of what Father Charles
16 told him about his life, at the top of the ---

17 **MSGR. LAROCQUE:** Yes.

18 **MR. ENGELMANN:** --- Bates page 655. He
19 talks a bit about his being approached by Constable Heidi
20 Sebalj of the Cornwall Police Force and telling her about
21 sexual abuse.

22 **MSGR. LAROCQUE:** M'hm.

23 **MR. ENGELMANN:** And he talks about the fact
24 that his parents are members of the Church of St.
25 Columban's, and of course he talks about losing faith.

1 **MSGR. LAROCQUE:** Right.

2 **MR. ENGELMANN:** And he expresses a concern
3 to you at the end:

4 "I don't know how man other people were
5 subject to what David and I went
6 through but I can only hope there were
7 not any others."

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** All right.

10 So there is some handwriting at the bottom
11 of the letter.

12 **MSGR. LAROCQUE:** That's my handwriting, yes.

13 **MR. ENGELMANN:** And can you just tell us,
14 sir, what you wrote?

15 **MSGR. LAROCQUE:** Well, just January 18th
16 around 7:30 p.m. I phoned, after I received this letter,
17 to thank him; to ask permission to share the letter with
18 Southdown with no signature and with Monsignor McDougald.

19 On January the 19th I sent an unsigned copy
20 to Sister Donna at Southdown. January 21st I sent a copy to
21 Monsignor McDougald and January 23rd I sent to our Diocese
22 solicitor, Peter Annis.

23 **MR. ENGELMANN:** All right. And that again,
24 we've seen your practice before where you write right on
25 the document and presumably that's what you would have done

1 with this document?

2 **MSGR. LAROCQUE:** That's right.

3 **MR. ENGELMANN:** If you had given it to
4 someone else you might have written that on a copy of the
5 document as well.

6 **MSGR. LAROCQUE:** Transfer to somebody, yes.

7 **MR. ENGELMANN:** Yes, okay.

8 And in fact, sir, did you speak to this
9 individual on January 18th as indicated?

10 **MSGR. LAROCQUE:** I did, on the telephone.

11 **MR. ENGELMANN:** And he gave you permission
12 to share it without his name?

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** All right.

15 And you've already told us how you sent the
16 letter to Southdown; correct?

17 **MSGR. LAROCQUE:** Right.

18 **MR. ENGELMANN:** And why did you send the
19 letter to the Diocese solicitor at that time?

20 **MSGR. LAROCQUE:** I suppose because I thought
21 he should be aware of it.

22 **MR. ENGELMANN:** All right. Well, did you --
23 you didn't provide the letter to the CAS at that time;
24 correct?

25 **MSGR. LAROCQUE:** No because he said that he

1 had been visited -- didn't he say that?

2 MR. ENGELMANN: No, he said he'd been spoken
3 to by the Cornwall Police Service.

4 MSGR. LAROCQUE: She also stated that the
5 Childrens' Aid Society was looking into the matter.

6 MR. TALACH: I'm not sure if his personal
7 information should be on the big screen.

8 THE COMMISSIONER: Oh, very good. Thank you
9 very much.

10 MR. ENGELMANN: I didn't know it was there.
11 Sorry.

12 THE COMMISSIONER: No, that's fair. That's
13 fair.

14 Thank you very much for that.

15 I trust that the folks who may have seen
16 things that were confidential will keep it to themselves.

17 MR. ENGELMANN: Sir, you're right, there's a
18 reference to the Childrens' Aid Society. Let me just look
19 at that for a moment.

20 THE COMMISSIONER: It's more with the
21 signature of the ---

22 MSGR. LAROCQUE: Yeah.

23 MR. ENGELMANN: I'm sorry?

24 THE COMMISSIONER: It was the signature, the
25 author of the letter that was on the public ---

1 **MR. ENGELMANN:** Oh, no, no, no. No, I
2 realize that. Sir, I'm back to ---

3 **THE COMMISSIONER:** Okay we're back to the
4 questions. Okay.

5 **MR. ENGELMANN:** Yeah. We're talking cross-
6 purposes.

7 So just on Bates page 655, he's talking
8 about;

9 "Constable Heidi Sebalj contacted me in
10 the fall of '93 to tell me these --
11 there would be no charges laid and that
12 Father Charles was ..."

13 **MSGR. LAROCQUE:** "... removed from his duties
14 ..."

15 **MR. ENGELMANN:** "...removed from his duties
16 and was somewhere around Toronto at
17 counselling. (The fact that I decided
18 not to give a signed statement to the
19 police had a big outcome on the charges
20 not being laid). She also stated that
21 the Childrens' Aid Society was looking
22 into the matter."

23 **MSGR. LAROCQUE:** Yeah.

24 **MR. ENGELMANN:** Okay, well you knew that.
25 You knew the Childrens' Aid Society was looking into the

1 matter.

2 **MSGR. LAROCQUE:** Yeah, that's right.

3 **MR. ENGELMANN:** All right.

4 So what I'm wondering is why you didn't
5 share this letter with them if you knew they were looking
6 into it?

7 **MSGR. LAROCQUE:** Well I took it for granted
8 that they -- that they knew the content of the letter.

9 **MR. ENGELMANN:** I'm sorry; I'm having
10 trouble hearing, sir.

11 **MSGR. LAROCQUE:** I'm sorry, but I took it
12 for granted from that statement that the Children's Aid
13 were aware of him. They're looking into the matter and the
14 matter we're discussing is him.

15 **MR. ENGELMANN:** Okay. So that's how you
16 read that.

17 **MSGR. LAROCQUE:** That's how I interpreted
18 it, yes.

19 **MR. ENGELMANN:** All right.

20 Did you speak to this individual and ask him
21 if you could share the letter with them? Clearly this
22 letter is not written to them. It's written to you.

23 **MSGR. LAROCQUE:** No, I know, but as you can
24 see from my notes, I didn't share it with the CAS.

25 **MR. ENGELMANN:** Right.

1 **MSGR. LAROCQUE:** And my recollection is
2 because I thought the CAS was already aware of it ---

3 **MR. ENGELMANN:** All right.

4 **MSGR. LAROCQUE:** --- from the content of the
5 letter.

6 **MR. ENGELMANN:** Well, what about the OPP,
7 sir? You had -- you met with the OPP in September of '94
8 some eight or so months after this letter. Did you think
9 it important to bring it to their attention?

10 **MSGR. LAROCQUE:** Well, isn't that the two
11 letters that we were talking about, to the OPP?

12 **MR. ENGELMANN:** No, the two letters you were
13 talking about were letters that were supportive of Father
14 MacDonald ---

15 **MSGR. LAROCQUE:** Oh, excuse me.

16 **MR. ENGELMANN:** --- that had been provided
17 by Malcolm MacDonald ---

18 **MSGR. LAROCQUE:** Okay.

19 **MR. ENGELMANN:** --- and I'm wondering, sir,
20 you talked about wanting it to be a thorough, complete
21 investigation.

22 **MSGR. LAROCQUE:** Right.

23 **MR. ENGELMANN:** And you were concerned that
24 they had the two letters that were supportive of Father
25 MacDonald. I'm wondering why you wouldn't have wanted them

1 to have this letter as well. Clearly ---

2 MSGR. LAROCQUE: Okay ---

3 MR. ENGELMANN: --- it's not supportive.

4 MSGR. LAROCQUE: --- yeah, they may have had
5 it. I'm not sure.

6 MR. ENGELMANN: Right.

7 Well, you didn't discuss it with them in
8 your statement. It's not there, and I'm wondering why you
9 wouldn't have brought this up.

10 MSGR. LAROCQUE: It was certainly not
11 because I was trying to hide it. I can assure you of that.

12 MR. ENGELMANN: Well, you'd agree with me
13 though that if you wanted them to be thorough, it would
14 have been useful to give them the information.

15 MSGR. LAROCQUE: I agree with you as
16 hindsight, yes.

17 (SHORT PAUSE/COURTE PAUSE)

18 MR. ENGELMANN: Now, I understand -- when
19 you spoke to C-3 did you discuss with him counselling
20 options that were available ---

21 MSGR. LAROCQUE: I'm quite sure I ---

22 MR. ENGELMANN: --- as a result -- sorry?

23 MSGR. LAROCQUE: --- I'm quite sure that I
24 did, yes.

25 MR. ENGELMANN: All right.

1 And do you know if at that time if he had
2 expressed an interest in pursuing that and whether the
3 Diocese was willing to fund it?

4 **MSGR. LAROCQUE:** I'm not quite sure but I
5 know, if I recall correctly, that he was very anxious that
6 his family not know about it.

7 **MR. ENGELMANN:** Fair enough.

8 Did you tell him anything about
9 confidentiality and things that you could do of that nature
10 or do you remember?

11 **MSGR. LAROCQUE:** Well, the fact that I asked
12 permission and we agreed that we would not put his name on
13 the letter ---

14 **MR. ENGELMANN:** Yes.

15 **MSGR. LAROCQUE:** --- indicates that that ---

16 **MR. ENGELMANN:** All right.

17 **MSGR. LAROCQUE:** --- was discussed.

18 **MR. ENGELMANN:** And do you remember, sir,
19 whether -- I mean, aside from sending the letter to
20 Southdown whether -- I think you told us you couldn't
21 remember whether you or anyone on your behalf from the
22 Diocese would have confronted Father MacDonald about these
23 allegations.

24 Was that your evidence you just weren't
25 sure?

1 **MSGR. LAROCQUE:** I can't recall.

2 **MR. ENGELMANN:** All right.

3 Now, sir, are you aware that Father
4 McDougald or Monsignor McDougald responded to this letter
5 from C-3?

6 **MSGR. LAROCQUE:** I can't remember that.

7 **MR. ENGELMANN:** All right.

8 If the witness could be shown Exhibit 421?
9 And we should be careful about putting this on the public
10 screen.

11 **MSGR. LAROCQUE:** That's true.

12 **THE COMMISSIONER:** Thank you very much.

13 **MR. ENGELMANN:** It could be on the screen
14 for the witness though and if he could be given the binder
15 that has Exhibit 421.

16 **THE COMMISSIONER:** He does.

17 **MSGR. LAROCQUE:** I have it already.

18 **THE COMMISSIONER:** He has it here.

19 **MSGR. LAROCQUE:** I have it here.

20 **MR. ENGELMANN:** The Document Number is
21 737935. Again, it's Exhibit 421.

22 **MSGR. LAROCQUE:** Yes.

23 **MR. ENGELMANN:** If it could be placed on
24 counsel's screen?

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

1 **THE COMMISSIONER:** What are we looking at
2 now?

3 **MR. ENGELMANN:** I'm just trying to get this
4 on counsel's screen for those who may not have the
5 documentl.

6 **THE COMMISSIONER:** Exhibit 421?

7 **MR. ENGELMANN:** Yes, without putting it on
8 the public screen.

9 **THE COMMISSIONER:** Right.

10 Yes, that's the letter. Now, not on the
11 public screen though.

12 **MR. ENGELMANN:** I'm not sure how the
13 mechanics work here.

14 **MSGR. LAROCQUE:** Oh, I have the letter.

15 **MR. ENGELMANN:** You've read the letter?
16 Maybe I can just ask you a couple of questions and hope
17 that ---

18 **MSGR. LAROCQUE:** All right.

19 **MR. ENGELMANN:** Sir, having now read this
20 letter dated February 3rd, 1994, from Monsignor McDougald to
21 C-3, do you recall, sir, whether you had any input into
22 what it was that Monsignor McDougald said here?

23 **MSGR. LAROCQUE:** No, I didn't even know the
24 existence of the letter to my recollection.

25 **MR. ENGELMANN:** All right.

1 So you had nothing to do -- you didn't
2 instruct him to respond?

3 **MSGR. LAROCQUE:** No.

4 **MR. ENGELMANN:** He would have done this on
5 his own initiative?

6 **MSGR. LAROCQUE:** On his own initiative.

7 **MR. ENGELMANN:** Sorry?

8 **MSGR. LAROCQUE:** On his own initiative and
9 he knew the family as the letter indicates ---

10 **MR. ENGELMANN:** Right.

11 **MSGR. LAROCQUE:** --- because he was pastor
12 at St. Columban's when Father Charles was there as a curate
13 ---

14 **MR. ENGELMANN:** All right.

15 **MSGR. LAROCQUE:** --- an assistant.

16 **MR. ENGELMANN:** And he's saying -- among
17 other things he's expressing his disappointment and he's
18 saying:

19 "Certainly, those of us who were
20 involved in this investigation believe
21 that the accusation by the plaintiff
22 could be open to question as it was the
23 only one we were aware of."

24 **MSGR. LAROCQUE:** At that time of -- yeah.

25 **MR. ENGELMANN:** And he's talking about back

1 when he was looking into this in late '92 or early '93?

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** Now, I understand, sir --
4 all right, we'll just move on.

5 So you're seeing this, essentially, for the
6 first time now. Is that what you're saying?

7 **MSGR. LAROCQUE:** I believe so, yes.

8 **MR. ENGELMANN:** All right. Then I'll move
9 on.

10 Sir, in the following year, in 1995, were
11 you aware of another former altar boy at St. Columban's by
12 the name of John MacDonald who alleged that he too had been
13 sexually abused by Father MacDonald?

14 **MSGR. LAROCQUE:** I became aware of that,
15 yes.

16 **MR. ENGELMANN:** All right.

17 And perhaps the witness could be -- we can
18 take this down now, Madam Clerk. Perhaps the witness could
19 be referred to Exhibit 202.

20 This is a letter from John MacDonald to
21 Kevin Maloney.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. ENGELMANN:** Counsel, the Exhibit Number
24 is 116264.

25 Sir, just by way of context this is a letter

1 that was given to Father Kevin Maloney by John MacDonald --
2 -

3 MSGR. LAROCQUE: M'hm.

4 MR. ENGELMANN: --- at or around the date of
5 the letter in August of 1995.

6 MSGR. LAROCQUE: Right.

7 MR. ENGELMANN: And sir, at or about that
8 time do you recall if Kevin Maloney, Father Kevin Maloney
9 would have indicated to you that he had received a
10 complaint from this individual?

11 MSGR. LAROCQUE: I can't remember where the
12 -- I can't remember where the complaint came from, but I
13 was aware ---

14 MR. ENGELMANN: Okay.

15 MSGR. LAROCQUE: --- at some time because --
16 yes.

17 THE COMMISSIONER: Would you ever have seen
18 that letter, sir, around in 1994, at the time?

19 MSGR. LAROCQUE: I don't believe so, no.

20 MR. ENGELMANN: Sir, he's testified here
21 that he provided a copy of this letter to your office.

22 MSGR. LAROCQUE: Well, probably then I saw
23 it. It's just that I can't remember.

24 MR. ENGELMANN: All right.

25 MSGR. LAROCQUE: I remember meeting him

1 once, I believe, when he came to my open house in January.

2 **MR. ENGELMANN:** This is the ---

3 **MSGR. LAROCQUE:** John MacDonald.

4 **MR. ENGELMANN:** John MacDonald, all right.

5 Well, I was going to ask ---

6 **MSGR. LAROCQUE:** And I think he was in the
7 company of Terry Dunlop -- Perry Dunlop and a young woman
8 that was accompanying him. They came to my beginning-of-
9 the-year, open house.

10 **MR. ENGELMANN:** All right.

11 So he would have met you in the company of
12 Perry Dunlop and another person?

13 **MSGR. LAROCQUE:** Yes and 250 other people
14 who were there at ---

15 **MR. ENGELMANN:** Fair enough.

16 **MSGR. LAROCQUE:** --- during that afternoon.

17 **MR. ENGELMANN:** All right.

18 So in the summer of 1995 this letter is
19 given to Kevin Maloney and he's talked to us about how he
20 turns it over to the police, but, as I said, he also
21 indicated that he would have provided a copy to your office
22 and what I wanted to know is what, if anything, you would
23 have instructed -- you would have done or you would have
24 instructed others to do about this particular complaint
25 letter.

1 **MSGR. LAROCQUE:** I would have made sure that
2 Monsignor McDougald had it, I would imagine.

3 **MR. ENGELMANN:** All right.

4 Do you know if either yourself or anyone
5 else from the Diocese would have questioned or confronted
6 Father MacDonald about these allegations?

7 **MSGR. LAROCQUE:** I don't know. Once I had
8 given it to Monsignor McDougald ---

9 **MR. ENGELMANN:** All right.

10 **MSGR. LAROCQUE:** --- it was ---

11 **MR. ENGELMANN:** Sir, I understand that there
12 may have been some counselling or support arranged for this
13 individual. Were you aware of that -- from the Diocese?

14 **MSGR. LAROCQUE:** I believe so, yes. I
15 believe that Mr. Bryan had -- Mr. Gordon Bryan had asked me
16 whether we should pay or not.

17 **MR. ENGELMANN:** All right, because I think
18 Mr. Abell got involved in this and might have spoken to you
19 about it and I just -- if you could have a look at Exhibit
20 232 for a minute.

21 **MSGR. LAROCQUE:** Not in this book.

22 **THE COMMISSIONER:** Nothing is easy.

23 **MR. ENGELMANN:** You don't have that binder?

24 **THE COMMISSIONER:** Two thirty-two (232),
25 Madam Clerk.

1 **MSGR. LAROCQUE:** I don't have it.

2 **MR. ENGELMANN:** I believe the exhibit --
3 sorry, the Document Number is 703660. It's also found in
4 Document Number 101487, but it's Exhibit 232.

5 Sir, it's my understanding that in this
6 case, Mr. Abell would have been made aware of some of the
7 difficulties this individual was suffering from and would
8 have made a phone call to you about possibly having the
9 Diocese provide some financial support so that he could
10 have counselling.

11 **MSGR. LAROCQUE:** Right.

12 **MR. ENGELMANN:** And I understand, sir, that
13 that was arranged on a without prejudice basis so that the
14 Diocese could fund some counselling for this individual.

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** All right.

17 Now, you didn't have any form of settlement
18 here like we saw in the Silmsler matter where he had to give
19 up rights?

20 **MSGR. LAROCQUE:** No.

21 **MR. ENGELMANN:** All right.

22 **MSGR. LAROCQUE:** None whatsoever.

23 **MR. ENGELMANN:** And sir, were you aware that
24 lawsuits were filed by -- I'm assuming you were -- by this
25 individual, John MacDonald, by C-3, the fellow we looked at

1 in that letter and by David Silmsner concerning alleged
2 abuse by Father MacDonald; that lawsuits were filed against
3 the Diocese?

4 **MSGR. LAROCQUE:** They were not all filed at
5 the same time though, were they?

6 **MR. ENGELMANN:** I can't tell you that for
7 sure. What I can tell you is I understand that in two
8 instances, that of Silmsner and MacDonald, they were
9 dismissed as a result of delay in moving them along and
10 that in the other matter with C-3, it was settled by a
11 payment on the Diocese part of \$20,000 to this individual.

12 **MSGR. LAROCQUE:** Not by me. It would be
13 after my departure, I would imagine.

14 **MR. ENGELMANN:** No, sir, it was during your
15 tenure.

16 **MSGR. LAROCQUE:** Was it during my tenure?

17 **MR. ENGELMANN:** Yes.

18 **MSGR. LAROCQUE:** I can't recall that at all.

19 **MR. ENGELMANN:** No?

20 **MSGR. LAROCQUE:** Sorry but ---

21 **MR. ENGELMANN:** Okay. These lawsuits were
22 in existence in the mid-nineties, I can tell you that, and
23 I believe -- yes, in fact, you were examined for discovery
24 ---

25 **MSGR. LAROCQUE:** Right.

1 MR. ENGELMANN: --- in at least one of them.

2 MSGR. LAROCQUE: For the one of them, yes.

3 MR. ENGELMANN: Yes, all right.

4 So you don't remember how they were resolved
5 or...?

6 MSGR. LAROCQUE: It's strange; I can't even
7 remember that settlement at all.

8 MR. ENGELMANN: Okay.

9 MSGR. LAROCQUE: I'm sorry.

10 MR. ENGELMANN: That's fine.

11 Sir, were you aware that in one of these
12 lawsuits -- I don't know whether you would have reviewed it
13 -- Father Charles MacDonald would have been examined for
14 discovery and would have denied all of the allegations of
15 sexual abuse that had been set out by C-3 while an altar
16 boy and simply admitted an allegation of sexual conduct
17 (sic) while at Apple Hill and that this was a sexual act
18 instigated by the young man in question, not by him? Are
19 you aware of that, sir?

20 MSGR. LAROCQUE: That doesn't bring any
21 memories, no.

22 MR. ENGELMANN: All right.

23 I'm just -- and you can't remember now
24 authorising the payment of monies to settle that lawsuit?

25 MSGR. LAROCQUE: I can remember for John

1 MacDonalld authorizing monies to ---

2 MR. ENGELMANN: For a counsellor?

3 MSGR. LAROCQUE: For counselling.

4 MR. ENGELMANN: Yes.

5 MSGR. LAROCQUE: But I can't remember this
6 lawsuit ---

7 MR. ENGELMANN: All right.

8 MSGR. LAROCQUE: --- at all. Thank you.
9 I'm sorry.

10 THE COMMISSIONER: Were the funds coming
11 from the Diocese or from your insurer? Like maybe that's
12 why he doesn't remember.

13 MR. ENGELMANN: Are you able to help us
14 there, sir?

15 MSGR. LAROCQUE: I can't remember
16 authorizing funds from the Diocese for that, that's all.

17 MR. ENGELMANN: Or maybe in that instance,
18 unlike the Silmser matter that we looked at earlier, the
19 funds were, in fact, coming from the Diocese. But you
20 can't help us?

21 MSGR. LAROCQUE: Well, with the Silmser,
22 yes, funds did come from the Diocese.

23 MR. ENGELMANN: Yes, and we know that.

24 MSGR. LAROCQUE: But with the C-3, I can't
25 remember any funds coming from the Diocese.

1 **MR. SHERRIFF-SCOTT:** Yes, sir, I ---

2 **MSGR. LAROCQUE:** I'm sorry, but ---

3 **MR. SHERRIFF-SCOTT:** --- can tell you that
4 the best reconstruction I can put on it, from our files, is
5 that Lombard was being copied with correspondence. There
6 was a mid-trial pursuant to which there was a resolution.

7 **THE COMMISSIONER:** Lombard is an insurance
8 company.

9 **MR. ENGELMANN:** I figured that, sir. I
10 thought I wouldn't ask. I'll just be a moment.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 **MR. ENGELMANN:** Sir, I want to ask you about
13 another former altar boy who made an allegation of abuse
14 against Father MacDonald. In this case, he has a moniker
15 and this is not an altar boy at St. Columban's, but later
16 at Williamstown and I'm just wondering, Madam Clerk, if you
17 could write the name for Monsignor Larocque. The name is
18 the name for C-4.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. ENGELMANN:** Sir, is that a name that's
21 familiar to you?

22 **MSGR. LAROCQUE:** Very much so.

23 **MR. ENGELMANN:** All right.

24 And was this another former altar boy, sir?

25 **MSGR. LAROCQUE:** I believe he was an altar

1 boy. I know he was very close -- the whole family was very
2 close to Father Charles.

3 **MR. ENGELMANN:** Right.

4 And I'd just like you to look at -- it's
5 Exhibit 449, sir, if you could.

6 **MSGR. LAROCQUE:** Yes.

7 **THE COMMISSIONER:** There is a publication
8 ban on this as well?

9 **MR. ENGELMANN:** Yes.

10 **THE COMMISSIONER:** Yes, so don't put it on
11 the public screens, Madam Clerk.

12 **MR. ENGELMANN:** I'm just going to read
13 something, but I'm not going to mention the fellow's name.
14 It's a short note from Father MacDonald:

15 "I realize now I should have said or
16 written these words to you a long time
17 ago."

18 This is dated December 30th 1997.

19 "I honestly didn't realize you were
20 hurting. What's done is done, but I
21 want to tell you..." --and then the
22 person's name -- that I'm very sorry
23 for causing you any hurt or pain. It
24 was never my intention to hurt you. I
25 wish I could change things but..."

1 Again:

2 "I'm sorry. I hope you can find it in
3 your heart to forgive me."

4 Have you seen this letter before, sir?

5 **MSGR. LAROCQUE:** Not to my knowledge, no.

6 **MR. ENGELMANN:** All right.

7 Would you agree it appears to be some form
8 of apology to the individual in question?

9 **MSGR. LAROCQUE:** Very much so, yes.

10 **MR. ENGELMANN:** I was wondering how -- did
11 you become aware that C-4 had made an allegation against
12 Father MacDonald?

13 **MSGR. LAROCQUE:** Yes, his parents came in to
14 see me.

15 **MR. ENGELMANN:** All right.

16 And just looking at this letter was this
17 something that you would have asked Father MacDonald to
18 write?

19 **MSGR. LAROCQUE:** I may have but I'm not
20 sure. I'm aware that Father MacDonald went to talk to the
21 parents after I had received them.

22 **MR. ENGELMANN:** All right.

23 **THE COMMISSIONER:** Well, just a minute. Are
24 you going to break that down for us?

25 **MR. ENGELMANN:** Yes.

1 **THE COMMISSIONER:** Okay.

2 **MR. ENGELMANN:** So can you help us out, sir?
3 How did you become aware of the matter? The parents came
4 to see you; is that fair?

5 **MSGR. LAROCQUE:** I invited -- either I
6 invited or they came in on their own, but I remember
7 meeting the parents in my office.

8 **MR. ENGELMANN:** How would you have known to
9 invite them unless they would have instigated? How did you
10 become aware of an allegation here?

11 **MSGR. LAROCQUE:** I can't remember that. All
12 I can remember is that they came in because the young man
13 or young person was having difficulties in his marriage.

14 **MR. ENGELMANN:** Yes.

15 **MSGR. LAROCQUE:** And if I remember
16 correctly, that is how the whole thing came out.

17 **MR. ENGELMANN:** All right. And he disclosed
18 a historical allegation of sexual abuse?

19 **MSGR. LAROCQUE:** To his parents.

20 **MR. ENGELMANN:** Okay. And they then came to
21 see you?

22 **MSGR. LAROCQUE:** That's right.

23 **MR. ENGELMANN:** All right.

24 And what did you do when you received that
25 information from them?

1 **MSGR. LAROCQUE:** Somewhere along I contacted
2 Father MacDonald.

3 **MR. ENGELMANN:** Yes, and he would have been
4 suspended with pay at that time.

5 **MSGR. LAROCQUE:** That's right.

6 **MR. ENGELMANN:** And did you advise him of
7 the allegations that had been left with you by the parents?

8 **MSGR. LAROCQUE:** Yes, that's right, and I
9 had no reason to doubt the truth of the allegations.

10 **MR. ENGELMANN:** Yes.

11 **MSGR. LAROCQUE:** But if I remember
12 correctly, and I may be -- that this was after the young
13 man was an adult that this happened, and that's what I can
14 remember.

15 **MR. ENGELMANN:** Okay. Do you remember the
16 person's age?

17 **MSGR. LAROCQUE:** No, I don't; not exactly.

18 **MR. ENGELMANN:** All right.

19 **MSGR. LAROCQUE:** My recollection is that, as
20 the parlance goes, he may have groomed him and waited for
21 him to be an adult.

22 **MR. ENGELMANN:** Okay.

23 **MSGR. LAROCQUE:** But, I mean, that doesn't
24 excuse -- that doesn't excuse his situation and it's -- and
25 the parents -- the family was an excellent family and they

1 were terribly let down.

2 **MR. ENGELMANN:** What did you -- you
3 confronted Father Charles with this allegation?

4 **MSGR. LAROCQUE:** Yes.

5 **MR. ENGELMANN:** And what, if anything, did
6 you ask him to do about it?

7 **MSGR. LAROCQUE:** I asked him to try to do
8 anything he could to help the young person, the fellow and
9 the marriage and the family, because he was close to the
10 whole -- to the family as well as to all the members of
11 that family.

12 And if I'm not mistaken, I think Father
13 Charles did go to visit them and begged their pardon. But
14 ---

15 **MR. ENGELMANN:** So I'm wondering if you
16 would have instructed him to write this apology letter.

17 **MSGR. LAROCQUE:** I might have suggested it
18 to him.

19 **MR. ENGELMANN:** And did this individual have
20 siblings, sir?

21 **MSGR. LAROCQUE:** I'm not sure. You mean the
22 fellow who ---

23 **MR. ENGELMANN:** Yes.

24 **MSGR. LAROCQUE:** The person involved? I'm
25 not sure.

1 **MR. ENGELMANN:** I'm just wondering if he had
2 siblings who were also altar boys.

3 **MSGR. LAROCQUE:** Oh, excuse me. Siblings,
4 yes, okay. Brothers who -- yes, there were three or four.
5 It was a large family.

6 **MR. ENGELMANN:** Were you concerned, sir,
7 that Father Charles might have ---

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** --- done something with
10 other individuals ---

11 **MSGR. LAROCQUE:** Yes, I was.

12 **MR. ENGELMANN:** --- in the family?

13 **MSGR. LAROCQUE:** And I discreetly tried to
14 find out and from one to whom I was -- I had thought at one
15 time might have a vocation for the priesthood, and he
16 denied anything.

17 **MR. ENGELMANN:** I'm having trouble hearing
18 you, sir.

19 **MSGR. LAROCQUE:** He denied anything might
20 have gone on.

21 **MR. ENGELMANN:** All right. One of the
22 brothers?

23 **MSGR. LAROCQUE:** The one brother ---

24 **MR. ENGELMANN:** One of the siblings who
25 might ---

1 **MSGR. LAROCQUE:** --- that I knew the best of
2 the family, yes.

3 **MR. ENGELMANN:** And he told you nothing
4 happened with him.

5 **MSGR. LAROCQUE:** That's right.

6 **MR. ENGELMANN:** All right.

7 And did you having received this
8 information, did you pass this onto your designate or did
9 you contact the police to advise them of what you had
10 learned?

11 **MSGR. LAROCQUE:** I don't believe I did
12 because to me it was a homosexual relationship and it
13 wasn't between -- between adults, you see.

14 **MR. ENGELMANN:** Well, sir, did you speak to
15 the individual in question?

16 **THE COMMISSIONER:** The victim, the alleged
17 victim in this?

18 **MSGR. LAROCQUE:** I can't remember whether I
19 did or not, to tell you the truth.

20 **MR. ENGELMANN:** Okay.

21 **MSGR. LAROCQUE:** I'm sorry but ---

22 **MR. ENGELMANN:** Because it might have been
23 important to ---

24 **MSGR. LAROCQUE:** I should have.

25 **MR. ENGELMANN:** --- ascertain his age at the

1 time.

2 MSGR. LAROCQUE: The age at the time.

3 MR. ENGELMANN: It might have also been
4 important to ascertain the grooming aspect that you talked
5 about.

6 MSGR. LAROCQUE: Yes.

7 MR. ENGELMANN: I assume ---

8 MSGR. LAROCQUE: I really can't remember but
9 -- it doesn't come back to me, I'm sorry.

10 MR. ENGELMANN: All right.

11 Do you recall Father MacDonald, well, first
12 of all denying that this was sexual abuse and suggesting to
13 you that it was an adult consensual sexual relationship?

14 MSGR. LAROCQUE: That's the impression that
15 I had had right from the beginning of that, even from the
16 parents.

17 MR. ENGELMANN: But this was an altar boy,
18 former altar boy, and Father MacDonald had been the priest.

19 MSGR. LAROCQUE: But as an -- but as an
20 adult.

21 THE COMMISSIONER: Woah, one person -- one
22 person at a time. It's getting late, I know, but ---

23 MSGR. LAROCQUE: Yeah.

24 THE COMMISSIONER: So ---

25 MSGR. LAROCQUE: And I'm getting groggy too.

1 **THE COMMISSIONER:** We're going to go on for
2 a few more minutes and then we'll call it a day. How's
3 that?

4 Maybe we could just cover this issue ---

5 **MR. ENGELMANN:** Sure.

6 **THE COMMISSIONER:** --- and call it a day.

7 **MR. ENGELMANN:** This was a former altar boy.
8 Father MacDonald had been the priest.

9 **MSGR. LAROCQUE:** That's right.

10 **MR. ENGELMANN:** Right.

11 **MSGR. LAROCQUE:** Along with his brother --
12 along with the brothers who were also altar boys.

13 **MR. ENGELMANN:** All right.

14 And did he at least acknowledge that it was
15 wrong what he did with this individual to you?

16 **MSGR. LAROCQUE:** Yes, he did. Yes.

17 **MR. ENGELMANN:** Did he suggest, as in other
18 cases, that this was instigated by the other individual?

19 **MSGR. LAROCQUE:** I don't remember that he
20 did, no.

21 **MR. ENGELMANN:** All right.

22 And this appeared to have had a profound
23 impact on this individual?

24 **MSGR. LAROCQUE:** Yes.

25 **MR. ENGELMANN:** And do you recall if you

1 offered counselling to him or to members of his family?

2 **MSGR. LAROCQUE:** Yes, we did, which is in
3 keeping with our policy.

4 **MR. ENGELMANN:** Did you not think it
5 important, sir, to let a civil authority determine whether
6 or not this was a criminal act, and thus contact either the
7 Cornwall Police or the Ontario Provincial Police?

8 **MSGR. LAROCQUE:** Just that those details I
9 don't -- I remember meeting the parents. I don't remember
10 talking to the young man in question. I remember talking
11 to Father Charles and that's about all that I can remember,
12 to tell you the truth.

13 **MR. ENGELMANN:** All right.

14 **MSGR. LAROCQUE:** And what you're suggesting
15 I would agree, yes, it would have been the wise thing to
16 do.

17 **MR. ENGELMANN:** In hindsight perhaps that's
18 what you should have done.

19 **MSGR. LAROCQUE:** Exactly, yes.

20 **MR. ENGELMANN:** All right.

21 Sir, maybe we should leave it there.

22 **THE COMMISSIONER:** Okay.

23 **MR. ENGELMANN:** I'm going to turn to another
24 area.

25 **THE COMMISSIONER:** Terrific.

1 **MR. ENGELMANN:** And Bishop -- former Bishop
2 Larocque has acknowledged that he's prepared to start at
3 9:00.

4 **THE COMMISSIONER:** Sure.

5 **MR. ENGELMANN:** So if we could start at 9
6 o'clock tomorrow morning.

7 **MSGR. LAROCQUE:** Thank you.

8 **THE COMMISSIONER:** À demain 0900 heures.
9 Merci. Nine o'clock tomorrow morning.

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

12 This hearing is adjourned until tomorrow
13 morning at 9:00 a.m. L'audience est ajournée.

14 --- Upon adjourning at 4:12 p.m./

15 L'audience est ajournée à 16h12

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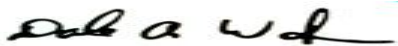
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CM