

**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 271

Held at :

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

Thursday, August 28, 2008

Tenue à:

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

Jeudi, le 28 août 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Brigitte Beaulne	Registrar
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
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Mr. Peter Wardle Mr. Juda Strawczynski	Citizens for Community Renewal
Mr. Rob Talach Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott M ^e Gisèle Levesque	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Ms. Karin Stein	Ontario Provincial Police Association
Ms. Nadya Tymochenko Ms. Kimberly Ishmael	Upper Canada District School Board
Mr. Ian Paul	Coalition for Action
Mr. Larry O'Brien	Detective Inspector Randy Millar
Monseigneur Eugène LaRocque	Monseigneur Eugène LaRocque

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1 --- Upon commencing at 9:03 a.m. /

2 L'audience débute à 9h03

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:** Thank you. Good morning
10 all. Bonjour, Monseigneur.

11 **MSGR. LAROCQUE:** Bonjour.

12 **MR. TALACH:** Good morning, Mr. Commissioner.

13 **THE COMMISSIONER:** Yes, good morning.

14 **MR. TALACH:** Good morning, Bishop LaRocque.

15 **MSGR. LAROCQUE:** Good morning.

16 **THE COMMISSIONER:** Just before we start,
17 Monsignor, I just want to -- you want to leave tomorrow?
18 You would like to finish today, is that the idea?

19 **MSGR. LAROCQUE:** If I possibly can. I'd
20 love to finish today, yes, but I can't stay beyond, at the
21 very limit, noon tomorrow.

22 **THE COMMISSIONER:** That's fine. Thank you.
23 We'll be done by noon for sure. In fact, we'll try to
24 finish today.

25 **MSGR. LAROCQUE:** Thank you.

1 **THE COMMISSIONER:** Go ahead, sir.

2 **BISHOP EUGÈNE LAROCQUE, Resumed/Sous le même serment :**

3 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

4 **TALACH (Cont'd/Suite):**

5 **MR. TALACH:** Bishop LaRocque, yesterday I
6 asked you about when you were on the Canadian Senate of
7 Priests and who the Cornwall representative was. I don't
8 know if we have a need to go to the document, but I did
9 find reference that Father McDougald had met you when you
10 were Chairman of the Senate of Priests in Ottawa. Does
11 that ring a bell?

12 **MSGR. LAROCQUE:** No, it doesn't. I'm sorry.
13 There were so many other people there that I can't remember
14 that at all.

15 **MR. TALACH:** We talked also about your
16 cooperation with the OPP's request for information during
17 Project Truth, and I want to talk about outside Project
18 Truth before that time, and I am going to go to a document
19 which is Document 721621 -- 721621. These are CAS notes of
20 Project Blue dated 3rd of October '93, Submitted
21 Supplementary -- or sorry, Rule 38 Notice by the Diocese,
22 and I believe the author is Richard Abell, 721621.

23 **THE COMMISSIONER:** Are there any
24 confidentiality issues in that document, sir?

25 **MR. TALACH:** I have reviewed everything I

1 plan to use today, and maybe my friend from the CAS can
2 help me. At the back of the third page, there is a name,
3 but I believe it to be a CAS employee; the very last line.

4 Yes, that's just the name of counsel for
5 CAS; so I was unsure on that. It's already an exhibit?

6 **THE COMMISSIONER:** Fourteen forty-one
7 (1441).

8 **MR. TALACH:** And again it should appear to
9 be handwritten notes dated 8th of October '93.

10 **THE COMMISSIONER:** What Doc number?

11 **MR. TALACH:** Seven-two-one-six-two-one
12 (721621).

13 **THE COMMISSIONER:** I'm sorry; what ---

14 **MR. TALACH:** Oh, Bates page 656, the first
15 page.

16 **THE COMMISSIONER:** Six-five-six (656). All
17 right.

18 **MR. TALACH:** And I'm just going to ---

19 **THE COMMISSIONER:** Just a second.

20 **MR. ENGELMANN:** I'm sorry. This is an
21 excerpt of a larger document. That may be the confusion
22 about why -- the first page or not.

23 **THE COMMISSIONER:** No.

24 **MR. ENGELMANN:** In this exhibit, it's a few
25 pages in.

1 **THE COMMISSIONER:** Right.

2 So Monsignor LaRocque, we are at Exhibit
3 1441.

4 **MSGR. LAROCQUE:** Right.

5 **THE COMMISSIONER:** The Bates page on the top
6 left-hand corner should be 655. So you have to go about at
7 least half an inch of paper.

8 **MR. TALACH:** And my question is going to be
9 on page 656, Bates page 656.

10 **THE COMMISSIONER:** All right. So I think we
11 are there; 656 is the page on the right-hand side.

12 **MR. TALACH:** And Bishop, I am just going to
13 ask you about the second paragraph, and this is information
14 ---

15 **MSGR. LAROCQUE:** On which page?

16 **THE COMMISSIONER:** Six-five-six (656), the
17 one on the right.

18 **MSGR. LAROCQUE:** Six-five-six (656)?

19 **THE COMMISSIONER:** Yes.

20 **MR. TALACH:** And this is information that I
21 believe came to Mr. Abell through his conversations with
22 Chief Shaver, who of course will confirm these details when
23 we talk with the CAS in the coming weeks, but it notes:

24 "Chief told him of Bishop reaction
25 during last incident."

1 And it says in brackets:

2 "(five years ago, two officers ordered
3 out of the Bishop's office)."

4 By the date of this document, I take five
5 years is going to be around 1988. Do you have some memory
6 of officers dealing with you in '88 and being told to
7 leave?

8 **MSGR. LAROCQUE:** I wouldn't have told them
9 to leave. I would maybe not have been cooperative, but I
10 get ---

11 **THE COMMISSIONER:** Good morning, sir.

12 **MR. KOZLOFF:** I believe my friend prefaced
13 his question by suggesting that this area had to do with
14 the Bishop's relations with the Ontario Provincial Police.

15 **THE COMMISSIONER:** Right.

16 It's, yes, the Chief is the Cornwall Police
17 Service.

18 **MR. KOZLOFF:** Yes, and now he's referring to
19 an investigation back in 1988, which is not an Ontario
20 Provincial Police investigation.

21 **THE COMMISSIONER:** No, no. In all
22 likelihood, what's related here is probably the incident
23 with Father Deslauriers when two officers came and seen the
24 Bishop.

25 **MR. KOZLOFF:** That's just the point.

1 **THE COMMISSIONER:** Right. Good. Thanks.

2 **MR. TALACH:** That's fine. I thought I said
3 Project Blue, but I may have said Project Truth. There's a
4 number of projects.

5 So you have no memory of that other than you
6 say you may have not been as cooperative as you were in
7 later years?

8 **THE COMMISSIONER:** No, no, no. I think he
9 has a very good memory of that meeting. So I think you
10 should go back and find out what meeting we're talking
11 about, and I think he'll tell you that it's the Deslauriers
12 investigation, and I think we've already covered what he
13 told those police officers, but there you go.

14 **MR. TALACH:** Yes, I was just trying to
15 summarize again because of the interruption, which was --
16 that I thought threw off the line of evidence. So maybe
17 I'll ask the question just again.

18 **THE COMMISSIONER:** Okay.

19 **MR. TALACH:** Bishop, can you just re-state
20 your memories about what may be referred to here?

21 **MSGR. LAROCQUE:** All I recall is two
22 officers coming to my office and then they also came to my
23 home when Jacques Leduc was also present. That's all I
24 remember.

25 **MR. TALACH:** Okay. Thank you.

1 And there was an exhibit yesterday 2162,
2 Exhibit 2162. This is Document Number 711971.

3 And I'm just going to look at the last page.
4 It should be typewritten.

5 **THE COMMISSIONER:** Two-one-six-two (2162) or
6 2161?

7 **MR. TALACH:** Two-one-six-two (2162).

8 **THE COMMISSIONER:** Okay. The last page.

9 **MR. TALACH:** And at the top of that page --
10 do you have it in front of you, Bishop?

11 **MSGR. LAROCQUE:** I do.

12 **MR. TALACH:** At the top of that page, and
13 again we believe the author to be Richard Abell summarizing
14 some of his concerns that arose during Project Blue, and he
15 writes at point 7:

16 "The payoff; Bishop buys a child for
17 the sexual use of one of his priests.
18 Message to that priest `I will...'"

19 And to be fair this is not a quote of you.
20 This is Abell thinking aloud.

21 "`I will protect you from the
22 consequences of your acts.' This
23 message provides a licence to the
24 priest to re-offend."

25 And he puts in front "hunting licence."

1 Was this concern every brought to your
2 attention by anyone at the Children's Aid Society?

3 **MSGR. LAROCQUE:** Certainly not in this way.

4 **MR. TALACH:** This is an issue of what we
5 would call specific deterrents. Did they raise some
6 concerns about the actions of ---

7 **MSGR. LAROCQUE:** See, my problem is these
8 are notes. There's no signature.

9 **THE COMMISSIONER:** No but, sir, just a
10 second.

11 Those notes, he's putting to you, and we
12 will be hearing from the Children's Aid Society sometime in
13 the not too distant future ---

14 **MSGR. LAROCQUE:** Well, I -- certainly, that
15 is not my -- as you know, my way in which I look upon the
16 civil action that I took. It was not a payoff. It was not
17 to give the priest hunting privileges or anything else. So
18 I find that most perplexing and contrary to anything that I
19 ever thought of.

20 **MR. TALACH:** And just one more question on
21 that page. He notes, he carries on and says:

22 "Also, other priests or religious
23 members are well aware of the events,
24 message to all of them is the same..."

25 Quote -- and again this is the thoughts of

1 Mr. Abell:

2 "You will be protected. You have a
3 licence to meet your sexual needs with
4 children'."

5 Was that concern raised with you by anyone
6 from the Children's Aid Society?

7 **MSGR. LAROCQUE:** Not that I recall, no. I
8 find that most offensive.

9 **MR. ENGELMANN:** I'm sorry to interrupt
10 again, but I think we better be careful about who we
11 attribute the comments to. These are notes from the
12 Project Blue team.

13 **THE COMMISSIONER:** Right.

14 **MR. ENGELMANN:** And I'm not sure if it's Mr.
15 Abell or someone else.

16 **THE COMMISSIONER:** No, you're right. You're
17 right, and you are absolutely correct, but it is attributed
18 to the Children's Aid Society. It is part of their Project
19 Blue notes.

20 So, Monsignor, it might not be Mr. Abell.
21 It may be someone from the Children's Aid Society, but it's
22 there for what it's there.

23 **MSGR. LAROCQUE:** Yes.

24 **THE COMMISSIONER:** Okay. So in the same way
25 that you ---

1 Oh, all right.

2 **MS. ALLINOTTE:** I just also note that it's
3 working notes only, and it may have been initial
4 impressions before the investigation was commenced. We
5 don't know. We will clarify it at a later date.

6 **THE COMMISSIONER:** Okay. So that puts it
7 one step further, Monsignor. So as you feel it offensive,
8 I'm sure I don't want to label Mr. Abell with -- as being
9 the author of those notes.

10 **MSGR. LAROCQUE:** Neither would I, no.

11 **THE COMMISSIONER:** It's the Children's Aid
12 Society notes and we'll leave it at that for that. Okay.

13 **MR. TALACH:** And Mr. Commissioner, I am just
14 trying to anticipate the demands of the witness as to who
15 wrote this and is it signed and what are the dates that I
16 think were problems yesterday. So I'll just put the
17 document as it is.

18 I am going to enter -- ask to enter another
19 document from our Supplemental Notice, and these are again
20 some notes from the Project Blue investigation by the
21 Children's Aid Society.

22 The document number is 711928 -- 711928.

23 **THE COMMISSIONER:** Thank you. So this is
24 Exhibit 2164, which is Case Documentation System Service
25 Record written by Richard Abell, and the first date we have

1 is the 25th of September 1995.

2 --- EXHIBIT NO./PIÈCE NO P-2164:

3 (711928) CAS Notes of Richard Abell from
4 Project Blue dated 25 Sep 95

5 MR. TALACH: And my question is going to
6 arise on the fourth page of this document. So if you could
7 just move into the Bates 822, and there's an entry dated
8 the 26th of September 1995.

9 MSGR. LAROCQUE: Yes.

10 MR. TALACH: It indicates,

11 "Phone call to J.M."

12 Which is John MacDonald.

13 "Does he want me to approach the
14 Diocese for counselling dollars? Says
15 he had approached Walter Malcolm (sic)
16 (a lawyer) who wrote the Bishop asking
17 for help. Call back. Insurance would
18 cover it."

19 And my question is; at some point in or
20 about that date, did the insurance for the Diocese start to
21 cover the counselling needs?

22 MSGR. LAROCQUE: Not to my knowledge, but it
23 may have happened, but I'm not the one who would be in
24 direct contact with the insurance. That would be my
25 business office.

1 **MR. TALACH:** Okay. At the bottom of the
2 page, it says:

3 "Phone call to Bishop; okay, send me
4 the bill."

5 So when you had that conversation, you
6 weren't aware of who was going to pay for it -- just that
7 ---

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

9 **MR. TALACH:** Okay. I want to shift now to a
10 document. number 712165. This is actually an exhibit
11 already, 1921, Exhibit 1921, Document 712165.

12 There is a publication ban on this and it
13 relates to the individual with the moniker C-69.

14 **THE COMMISSIONER:** C-69, it doesn't exist.

15 **MR. TALACH:** C-69?

16 **THE COMMISSIONER:** Oh! Six-nine (69).

17 **MR. TALACH:** Charlie-six-nine (C-69), yes.

18 **THE COMMISSIONER:** Yes, you're right. Okay.
19 What page, sir?

20 **MR. TALACH:** The Bates, I believe the second
21 page in, which is Bates 711.

22 Bishop, you will see this is a number of --
23 I see it on my screen. I just want to ensure that there is
24 a publication ban with respect to the other screens.

25 There is a number of bulleted points here,

1 which I understand this document to be an interview report.
2 And at the very top of Bates 711, the first three bullet
3 points, this individual C-69 ---

4 **THE COMMISSIONER:** Just a second. I don't
5 know that he knows who C-69 is. So Madam Clerk will write
6 -- sorry?

7 **MR. SHERRIFF-SCOTT:** I don't know if he
8 knows who C-69 is. I don't know if he's ever seen this
9 document before. Perhaps my friend could either (a) ask
10 him if he's seen it before or if he's familiar with it and,
11 if he isn't, he could read it and then re-direct it to
12 where he wants to ask questions.

13 **THE COMMISSIONER:** Fair enough.

14 **MR. TALACH:** And I'm just establishing the
15 foundation for my questions, so it's not a bold allegation
16 without some information from which it arises.

17 **THE COMMISSIONER:** Okay, Monsignor, what we
18 are dealing with is with a person that has a moniker -- I'm
19 sorry, how did you do that?

20 Ah, okay, great, great; thank you.

21 Do you have any knowledge of that person?

22 **MSGR. LAROCQUE:** No, I don't -- not at all,
23 nor the document.

24 **THE COMMISSIONER:** Okay. Go ahead.

25 **MR. TALACH:** Bishop, since you have no

1 knowledge of this individual if you look at the top of page
2 711, you'll notice that this individual has made some
3 allegation with respect to Father Major.

4 **MSGR. LAROCQUE:** Yes.

5 **MR. TALACH:** And from your previous answer,
6 I take it you never learned of this person's allegation
7 with respect to Father Major during the time when you were
8 Bishop?

9 **MSGR. LAROCQUE:** I learned of one person who
10 claimed that he had assaulted her, yes, once.

11 **MR. TALACH:** Now ---

12 **MSGR. LAROCQUE:** I can't recall the name.
13 This could be the same person, but I'm not sure.

14 **MR. TALACH:** There's six bullet points up
15 from the bottom of that page, and you will see your surname
16 in caps. And this individual, in her interview, has
17 alleged that she discussed -- I'll just read it:

18 "Bishop LaRocque also discussed with
19 her that if she ever talked about the
20 abuse, he would see it that she was
21 fired from her teaching position with
22 the Catholic Separate School Board."

23 **MSGR. LAROCQUE:** That is entirely false.

24 **MR. TALACH:** And on the top of the next
25 page, the third bullet point in -- this is with respect to

1 some knowledge of her sexual history:

2 "She also advised that Bishop LaRocque
3 had knowledge of this information, and
4 would use this information against her
5 if she ever talked about other -- the
6 other abuse."

7 **MSGR. LAROCQUE:** That is also false.

8 **THE COMMISSIONER:** So false in the sense
9 that you don't know this person and you don't know what
10 they're referring to or you know this person and you talked
11 to this person but you deny having said those things to
12 that person?

13 **MSGR. LAROCQUE:** I don't recall ever meeting
14 this person, to tell you the truth.

15 **THE COMMISSIONER:** Okay. Mr. Neville?

16 **MR. NEVILLE:** Good morning, Commissioner.
17 It should be very clear for the record, sir. First of all,
18 as you know from comments the other day, I was counsel for
19 Father Major.

20 **THE COMMISSIONER:** Yes.

21 **MR. NEVILLE:** And the person referred to in
22 this document is not and was not the complainant.

23 **THE COMMISSIONER:** Right.

24 **MR. NEVILLE:** As long as that's very clear
25 because it is not being made clear at the moment. She was

1 not the complainant, and this person was never a
2 complainant against Father Major.

3 **THE COMMISSIONER:** Well, complainant in the
4 sense of having reported to the police or charges being
5 laid? Obviously, she is a complainant.

6 **MR. NEVILLE:** In terms of charges laid, sir.

7 **THE COMMISSIONER:** Okay.

8 **MR. NEVILLE:** After a full police
9 investigation, there was one account for one complainant;
10 not this person.

11 **THE COMMISSIONER:** Right. Thank you.

12 **MR. TALACH:** Bishop, you don't ever remember
13 dealing with someone who made an allegation against a
14 priest of yours who was employed -- this is the person that
15 came to talk to you who would have been employed with the
16 local catholic separate school board?

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

18 **MR. TALACH:** Okay.

19 I'm going to turn to Document 123207; 1-2-3-
20 2-0-7. This is not an exhibit yet. It's a newspaper
21 article from The Standard Freeholder.

22 **THE COMMISSIONER:** Thank you.

23 Exhibit 2165 is a newspaper article from The
24 Standard with the date written in of Wednesday, October
25 18th, 2000.

1 --- EXHIBIT NO./PIÈCE NO. P-2165:

2 (123207) Article from Standard Freeholder
3 "Driven to Prayer" dated October 18, 2000

4 MR. TALACH: Bishop, do you have that in
5 front of you now?

6 MSGR. LAROCQUE: I do.

7 MR. TALACH: If you see -- if you count down
8 one, two, three, the fourth paragraph starts with a quote
9 and I'm just going to ask you if they've quoted you
10 properly here. It says:

11 "It's not just about me but other
12 bishops as well,' he said. 'This is a
13 veiled form of persecution, a last
14 acceptable form of persecution'."

15 MSGR. LAROCQUE: Yes.

16 MR. TALACH: That's an accurate quote of
17 your thoughts in October of 2000?

18 MSGR. LAROCQUE: As I recall, yes.

19 MR. TALACH: Are you able to put a time on
20 when you adopted those thoughts that these -- some of these
21 allegations were a form of persecution?

22 MSGR. LAROCQUE: I would say probably around
23 the time of the Leroux affair.

24 MR. TALACH: Sir, do you feel or do you
25 believe that that outlook may have affected how you

1 responded to the allegations; to allegations in general at
2 that time?

3 **MSGR. LAROCQUE:** At what time? Two-thousand
4 (2000)?

5 **MR. TALACH:** Well, this is your thoughts in
6 2000 and I think you just -- and correct me if I'm wrong --
7 said that those thoughts sort of arose around the time when
8 the Ron Leroux affidavit came out.

9 So during that period do you feel -- my
10 question is do you feel that that outlook affected how you
11 responded as the Bishop of the Diocese institutionally to
12 these allegations?

13 **MSGR. LAROCQUE:** It may have had some
14 effect, yes.

15 **MR. TALACH:** And you go down -- sorry, it
16 carries on and it says -- and this is not a quote, it's a
17 summary:

18 "LaRocque said one difficulty the
19 church faces in answering such
20 allegations is a lack of a means to
21 fight back."

22 Is that an accurate summation of what you
23 may have said at that time?

24 **MSGR. LAROCQUE:** If I'm quoted it must be
25 what I said, I suppose.

1 **MR. TALACH:** Now, sir, a number of your
2 priests filed a defamation action in 2000 against a website
3 and the related operators?

4 **MSGR. LAROCQUE:** Yes.

5 **MR. TALACH:** And again ---

6 **MSGR. LAROCQUE:** I don't know if it was the
7 priests or the Diocesan lawyer, but I know that there was
8 something done at that time.

9 **MR. TALACH:** Correct me if I'm wrong, but
10 you were asked yesterday about whose decision was that, and
11 is that what you're responding to now? My question is
12 could you just clarify whose decision was that to bring
13 that forward?

14 **MSGR. LAROCQUE:** I don't understand your
15 question.

16 **MR. TALACH:** Who made the decision to
17 initiate the libel suit?

18 **MSGR. LAROCQUE:** I think it was in
19 consultation with our Diocesan lawyers.

20 **MR. TALACH:** Okay.

21 There was a number of priests named and I
22 just want to ask you about the ones that were not named,
23 were not put in that and if you have any knowledge about
24 that.

25 So from my read of the style of cause it

1 appears that the priests that were charged were not part of
2 that lawsuit. Do you have any knowledge as to that
3 distinguishment?

4 **MSGR. LAROCQUE:** I don't know what you're
5 talking about, I'm sorry.

6 **MR. TALACH:** Well, maybe we could just bring
7 up Exhibit 635; 6-3-5. It's a statement of claim filed on
8 September 19th, 2000.

9 **THE COMMISSIONER:** Six-three-five (635),
10 right. "See context evidence."

11 **MR. TALACH:** It was in the evidence that was
12 put to Reverend Frank Morrissey.

13 **THE COMMISSIONER:** Right, and I don't think
14 it's -- see, it refers us back to "See context evidence of
15 Morrissey".

16 So can anybody help what exhibit that would
17 be?

18 **MR. ENGELMANN:** Sir, I recall leading the
19 evidence of Frank Morrissey and I remember he wrote an
20 article that referred to this lawsuit. He wrote an article
21 that had a reference to this particular lawsuit in it.
22 That may be what you're referring to.

23 **MR. TALACH:** It's also an exhibit -- it
24 looks like it may have been double-exhibited. It's also
25 Exhibit 799 I'm told.

1 **THE COMMISSIONER:** Seven-nine-nine (799).

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MR. TALACH:** I'm just going to look at the
4 first page of it, the style of cause, Bishop, which lists
5 the participants, and my question is with respect to the
6 plaintiffs, so the first group of individuals listed at the
7 top. You'd agree with me those are all clergy of the
8 Diocese?

9 **MSGR. LAROCQUE:** They are.

10 **MR. TALACH:** And my next question is, there
11 appears to be clergy upon whom allegations were made
12 against who are missing from there, such as Paul Lapierre,
13 Roméo Major, Ken Martin, Father Charles MacDonald and René
14 Dubé.

15 Do you have any information as to why those
16 people weren't in that civil suit? It seems to be the
17 people who were charged.

18 **MSGR. LAROCQUE:** No, I have no information.

19 **MR. TALACH:** Did you offer to those people
20 the opportunity to be part of this?

21 **MSGR. LAROCQUE:** This was in the hands of
22 the lawyers.

23 **THE COMMISSIONER:** So did the lawyers ever
24 explain to you why some people were named and some others
25 weren't?

1 **MSGR. LAROCQUE:** No. They asked me if I
2 wanted to be named. That's all I can recall.

3 **MR. TALACH:** Did any of the people I named
4 that aren't on here come to you and say, "Bishop, I'd like
5 to be part of that"?

6 **MSGR. LAROCQUE:** Not that I can recall, no.

7 **MR. TALACH:** Okay.

8 I'm going to turn to Exhibit 1889. This is
9 Exhibit 1899. It's Document 738153. It's the examination
10 for discovery transcripts of December 12th, 1995. It's a
11 large document. It's Exhibit 1889.

12 **THE COMMISSIONER:** What page?

13 **MR. TALACH:** The Bates page I'll be going to
14 first is 451 and it's page 96 in the transcript itself;
15 Bates page 451.

16 And I'll be just starting at the bottom.
17 Down at the bottom of that page, you'll see there's some
18 conversation about "the cheque". Do you have it there,
19 Bishop?

20 **MSGR. LAROCQUE:** I'm just trying to find out
21 what this is all about.

22 **MR. TALACH:** So if you're reading, I'm just
23 going to read -- I'm just going to ask about the bottom of
24 that page ---

25 **MSGR. LAROCQUE:** Right.

1 **MR. TALACH:** --- and your first answer on
2 the reverse page -- on the next page, sorry.

3 **MSGR. LAROCQUE:** Right.

4 **MR. TALACH:** So at the bottom of Bates page
5 45196 of the transcript there's some discussion of the
6 cheque and it says at some point. Mr. Annis Counsel says
7 your cheque was issued on the 2nd, was it the same day the
8 cheque was issued?

9 Would you agree with me here that this
10 discussion here is with respect to the cheque to David
11 Silmser?

12 **MSGR. LAROCQUE:** That's correct, yes.

13 **MR. TALACH:** And on the next page, page 97
14 of the transcript, it says, "the witness," and it's you and
15 you state:

16 "I have since told my Bursar, 'Why
17 didn't you oblige me to go through the
18 ordinary procedures?' Because anything
19 over 10,000 must go to the finance
20 committee. If he had done that, I'm
21 sure that would have been able to talk
22 me out of it and I probably would have
23 agreed with them, but we didn't.
24 That's hindsight."

25 **MSGR. LAROCQUE:** Right.

1 **MR. TALACH:** Does that assist your memory at
2 all, Bishop, with respect to whether there was a finance
3 committee also at the Diocesan level?

4 **MSGR. LAROCQUE:** I never denied that fact,
5 there was a finance committee that I instituted, yes.

6 **MR. TALACH:** Okay, I just thought there was
7 some confusion on that.

8 **THE COMMISSIONER:** Well, just a minute, sir.
9 I thought yesterday you said that you had corrected your
10 prior testimony and that the \$10,000 limit only applied to
11 parishes and not to the Diocese.

12 **MSGR. LAROCQUE:** That is true but the
13 Diocese could have gone to the finance committee with this.
14 This is what I'm saying. Is we should have gone to the --
15 then they would have been able to give me advice.

16 **THE COMMISSIONER:** Okay, and -- but ---

17 **MSGR. LAROCQUE:** I'm quite sure that the
18 Diocesan regulation with regard to expenditures over
19 \$10,000 needing to go to the finance committee ---

20 **THE COMMISSIONER:** Needed? Did or did not?

21 **MSGR. LAROCQUE:** For parishes.

22 **THE COMMISSIONER:** Right.

23 **MSGR. LAROCQUE:** But not for the Diocese
24 itself because the Diocese pays monies out for bills and
25 things of that nature that would exceed like even the bill

1 to the CCCB, our contribution to the CCCB is well over
2 \$10,000.

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

4 **MSGR. LAROCQUE:** And that never goes to the
5 finance committee, you see?

6 **THE COMMISSIONER:** So okay, what's the
7 bottom line here? At the time when the cheque was issued -
8 --

9 **MSGR. LAROCQUE:** Right.

10 **THE COMMISSIONER:** --- there was a finance
11 committee?

12 **MSGR. LAROCQUE:** There -- oh, there
13 certainly was. Yes.

14 **THE COMMISSIONER:** All right. And that
15 finance committee was for the parishes or the Diocese?

16 **MSGR. LAROCQUE:** It was -- the finance
17 committee of the Diocese ---

18 **THE COMMISSIONER:** Of the Diocese.

19 **MSGR. LAROCQUE:** --- to look after both
20 because -- the parish -- it's one corporation ---

21 **THE COMMISSIONER:** Right.

22 **MSGR. LAROCQUE:** --- and so they were in
23 charge of the whole -- advising for the whole corporation.

24 **THE COMMISSIONER:** So for parishes and for -
25 --

1 **MSGR. LAROCQUE:** And for the Diocese, yes.

2 **THE COMMISSIONER:** Okay.

3 So I guess -- so was there ---

4 **MSGR. LAROCQUE:** So if I could interpret
5 what I said there, ---

6 **THE COMMISSIONER:** Yes.

7 **MSGR. LAROCQUE:** ---is that I would have
8 wished that that expenditure would have been presented to
9 the finance committee so that I could have received their
10 advice.

11 **THE COMMISSIONER:** Okay, so what I want to
12 know is, was there a ---

13 **MSGR. LAROCQUE:** An obligation ---

14 **THE COMMISSIONER:** An obligation to do that?

15 **MSGR. LAROCQUE:** Not with my present
16 knowledge, no. No, my knowledge then at that time.

17 **THE COMMISSIONER:** Okay, so ---

18 **MSGR. LAROCQUE:** This is a *desideratum* on my
19 part.

20 **THE COMMISSIONER:** This is what?

21 **MSGR. LAROCQUE:** A desire on my part that I
22 expressed. Had I consulted, even with Mr. Brian ---

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

24 **MSGR. LAROCQUE:** --- or with the finance
25 committee I would have had probably second thoughts as to

1 what I had done.

2 **THE COMMISSIONER:** Okay. So, you have to
3 understand from many points of view. Some people are going
4 to be looking at that and saying okay, was there or was
5 there not a rule? And if there was a rule, that you would
6 go to the Diocese committee for anything over \$10,000, and
7 you broke that rule, well some people would say, well,
8 that's part of the cover up. And if you are saying there
9 wasn't a rule, then maybe we can look at it some other way,
10 but so, was there or wasn't there ---

11 **MSGR. LAROCQUE:** My understanding is that
12 the rule was for the parishes ---

13 **THE COMMISSIONER:** Right.

14 **MSGR. LAROCQUE:** --- that expenditures under
15 \$5,000 up to 10 -- over 5,000 and up to 10,000 the Bursar
16 could make the decision himself.

17 **THE COMMISSIONER:** Right.

18 **MSGR. LAROCQUE:** That for expenditures over
19 -- extraordinary expenses over \$10,000 on the part of the
20 parishes had to go to the finance committee.

21 **THE COMMISSIONER:** All right.

22 **MSGR. LAROCQUE:** That is my understanding.

23 **THE COMMISSIONER:** And what about you, as
24 Bishop? Could you sign a cheque for any amount without
25 going to any committee?

1 **MSGR. LAROCQUE:** I believe I could, but I
2 wouldn't but ---

3 **THE COMMISSIONER:** But you did.

4 **MSGR. LAROCQUE:** --- I didn't sign the
5 cheques in the first place.

6 **THE COMMISSIONER:** Okay, okay, okay.

7 Did you author -- you had -- as far as you
8 are concerned do you have carte blanche to authorize any
9 cheques for any amount?

10 **MSGR. LAROCQUE:** Not any amount, except that
11 set by the Vatican.

12 **THE COMMISSIONER:** Right. Okay.

13 **MSGR. LAROCQUE:** But my understanding is
14 that the Bishop as head of the corporation can do so, yes.

15 **MR. SHERRIFF-SCOTT:** I anticipate that this
16 matter will be clarified by Canon Law and some material
17 that you will be provided when the current Bishop
18 testifies, sir.

19 **THE COMMISSIONER:** Terrific. Thank you.
20 All right. Go ahead.

21 **MR. TALACH:** Bishop, this transcript is from
22 December 12, 1995; that's your understanding?

23 **MSGR. LAROCQUE:** That's what it says, yes.

24 **MR. TALACH:** All right.

25 And you'd agree with me that is less than

1 three years from the actual events themselves.

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

3 **MR. TALACH:** Okay. Would you agree with me
4 that your memory would be better at that time than it is
5 today on this issue?

6 **MSGR. LAROCQUE:** Yes. But the way that I
7 expressed it might be just awkward, that's all.

8 **MR. TALACH:** And your expression, just to be
9 fair, in -- it says:

10 "I had since told my Bursar, "Why
11 didn't you oblige me to go through the
12 ordinary procedures, because anything
13 over 10,000 must go to the finance
14 committee."

15 **MSGR. LAROCQUE:** Yeah.

16 **MR. TALACH:** So, is it fair to say in '95
17 you understand the ordinary procedure to be that you did
18 have to go to the committee?

19 **MSGR. LAROCQUE:** That's what it says there,
20 but I may have been mistaken.

21 **MR. TALACH:** In the same document, I'm going
22 to ask you to turn to Bates Page 533, which would be page
23 178 of the Exhibit, Exhibit 1889.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. TALACH:** And I'll be asking you about --

1 there's no question numbers here because it's a discussion
2 but the third excerpt there by your counsel, and to set the
3 context you'd recall that there was some discussion at that
4 examination for discovery about any notice or any
5 complaints you had had about Father Charles MacDonald, just
6 as there had been questions about that here. Correct?

7 **MSGR. LAROCQUE:** Right.

8 **MR. TALACH:** And your lawyer says:

9 "Did you hear it today? But you heard
10 it yesterday with Father Charles. I
11 think Mr. McDougald, Monsignor
12 McDougald confronted him with this
13 problem that an older -- that an older
14 priest had said he had made advances to
15 him at some meeting and he had been
16 affronted by that."

17 Do you see that?

18 **MSGR. LAROCQUE:** Yes.

19 **MR. TALACH:** Do you have any memory or
20 information about learning of that through Monsignor
21 McDougald, or anyone else that there was an allegation that
22 Father Charles had made advances to an older priest?

23 **MSGR. LAROCQUE:** I can't recall that. No.

24 **MR. TALACH:** Okay.

25 Now in the same document Exhibit 1889 turn

1 to Bates page 456. You'll have to turn backwards. That's
2 page 101 of the transcript.

3 And again it starts off with the discussion
4 by your counsel or statements by your counsel. And I
5 believe, to set the context, you'd recall, Bishop, at the
6 time, in that examination for discovery, there was
7 discussions as to the motivations or the reasons behind the
8 settlement of 32,000.

9 MSGR. LAROCQUE: Right.

10 MR. TALACH: And your Counsel starts with:

11 "There's another aspect that we
12 discussed in terms of matters that
13 influenced you and that was that it was
14 your understanding, as I understand it,
15 I'm just helping you out in this, this
16 I believe will be his evidence at
17 trial, is that you were also advised
18 that no charges were going to be laid
19 at the time; something along that
20 line."

21 And your answer is, you start off by saying
22 no, and that it:

23 "...could probably allow Charlie to
24 continue exercising his priesthood.
25 Whereas if it came before, if it was

1 limited to a civil action, then the
2 whole thing ceased, then Charlie could
3 possibly continue, you know, his
4 reputation would not be smeared."

5 **MSGR. LAROCQUE:** Right.

6 **MR. TALACH:** So, is it fair to say that one
7 of the factors or matters that influenced you, was the
8 ability or the hope to keep Father MacDonald in exercising
9 his priesthood?

10 **MSGR. LAROCQUE:** It was one of the reasons
11 advanced by Mr. Malcolm MacDonald at the second meeting
12 that I had with them.

13 **MR. TALACH:** Okay. And who else shared that
14 belief that this would be a factor in this? Did you
15 believe that this was a factor, one of the reasons towards
16 making the settlement?

17 **MSGR. LAROCQUE:** It wasn't the major factor
18 but it was one of them, yes.

19 **MR. TALACH:** Okay.

20 And is it fair to say that's because once an
21 allegation is made public it's difficult for the priest to
22 exercise ministry in a parish; people wonder?

23 **MSGR. LAROCQUE:** Yes, and in an effective
24 way, yes.

25 **MR. TALACH:** So if there was no public

1 allegation that that problem about any impact on Father
2 MacDonald's ministry would -- it wouldn't be a problem;
3 correct? If the public didn't know you were free -- he was
4 free to stay in the priesthood, is the quick version?

5 **MSGR. LAROCQUE:** He was always in the
6 priesthood, but he couldn't exercise his ministry if it had
7 been known ---

8 **MR. TALACH:** Okay.

9 **MSGR. LAROCQUE:** --- as easily as he could
10 if it was not known.

11 **MR. TALACH:** And for that to happen, for it
12 not to be public, you'd agree with me that there would have
13 to be no civil action and no criminal action; correct?

14 **MSGR. LAROCQUE:** That's not the way I
15 understood it.

16 **MR. TALACH:** But you'd agree with me that if
17 you had one or the other, either one could bring the public
18 eye onto this issue?

19 **MSGR. LAROCQUE:** The civil action, I was
20 told, would not bring that public eye on this issue.

21 **MR. TALACH:** But a criminal action
22 definitely would?

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

24 **MR. TALACH:** Okay.

25 So the release that we've seen, and you're

1 aware of this, was drafted in such a fashion that it did
2 eliminate the civil action, as you indicate was one of your
3 goals but it also, due to the drafting, eliminated the
4 criminal opportunity. You understand that; correct?

5 **MSGR. LAROCQUE:** It did, but that was
6 without my knowledge and consent.

7 **MR. TALACH:** Now, you said -- let me ask you
8 this -- the motivation to help the victim to get
9 counselling funds, is it fair to say that was one of your
10 larger or primary motivations?

11 **MSGR. LAROCQUE:** For what?

12 **MR. TALACH:** Well, what convinced you to do
13 this settlement? I think you've given this evidence; I'm
14 just wary to summarize your evidence. What factor
15 convinced you, turned the tide, that you said, "Yes, we
16 will do this settlement"?

17 **MSGR. LAROCQUE:** I've answered that question
18 before ---

19 **MR. TALACH:** Yes.

20 **MSGR. LAROCQUE:** --- I'm sorry.

21 **MR. TALACH:** Yes.

22 **MSGR. LAROCQUE:** I mean, how many times do I
23 have to answer the same question?

24 **MR. TALACH:** Well, Bishop, my concern is
25 when I summarize evidence it's seen as unfair, so -- it was

1 because you wanted to provide counselling for the victim;
2 correct?

3 **MSGR. LAROCQUE:** That was not the main
4 factor, no. It was in order to answer the request of the
5 victim; that he needed help I order to pay his expenses
6 that he claimed as -- for counselling. That was the main
7 purpose for which I agreed to the settlement because I'd
8 already made that comment, that we would be ready to help
9 the victims under Father Deslauriers, so I have to be true
10 to my -- to my statement.

11 **MR. TALACH:** In considering giving him this
12 money for his counselling, did you at that time believe him
13 to be a victim of Father MacDonald?

14 **MSGR. LAROCQUE:** I still had doubts.

15 **MR. TALACH:** If I can go to Document 123291?
16 It's in our supplementary notice; Document 123291. It
17 should be an Ottawa Citizen article dated 15th January, '94.

18 **THE COMMISSIONER:** Thank you.

19 Exhibit Number 2166 is an Ottawa Citizen
20 article dated January 15th, 1994.

21 **--- EXHIBIT NO./PIÈCE NO. 2166:**

22 (123291) Article - Ottawa Citizen "Payoff was
23 for Treatment, Bishop says" dated January 15,
24 1994

25 **MR. TALACH:** Bishop, I'm going to be asking

1 you about a summary -- again, a summary, it's not a
2 quote -- of a statement you may have made to them and it's
3 the fourth paragraph.

4 It's a straight sentence, and it states:

5 "The payment does not mean the priest
6 admits guilt' stressed the Bishop, who
7 said he doesn't believe the priest
8 committed an assault."

9 **MSGR. LAROCQUE:** That's -- I said already, I
10 had my doubts.

11 **MR. TALACH:** Okay. But your doubts were
12 sufficient that here, within a year of the settlement, you
13 were publicly indicating that you did not believe there had
14 been an assault?

15 **MSGR. LAROCQUE:** That's what it says.

16 **MR. TALACH:** The Diocese ended up paying
17 27,000 at the end, but I think you had said you originally
18 only authorized the twenty-two. Is that fair?

19 **MSGR. LAROCQUE:** I authorized twenty, but --
20 -

21 **MR. TALACH:** Twenty? Okay. So you were
22 ---

23 **MSGR. LAROCQUE:** But I changed it
24 afterwards.

25 **MR. TALACH:** You were at least initially

1 going to expend \$20,000 of the Diocese money for a
2 situation where you didn't believe it happened?

3 **MSGR. LAROCQUE:** Well, I had my doubts as to
4 whether it had happened -- at the request of the lawyers,
5 second-time request.

6 **MR. TALACH:** And doubts would mean you
7 considered both, this could have happened or, hey, maybe
8 this didn't happen; correct? The two possible outcomes?

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

10 **MR. TALACH:** Okay. So I'm going to ask you
11 about that.

12 If you considered that it did happen, would
13 you not agree with me this settlement and your
14 desire -- let me re-start.

15 If it happened, do you not agree with me
16 that your motivation to keep Father MacDonald in parishes
17 in his priestly ministry, would put others at risk?

18 **MSGR. LAROCQUE:** The question -- that
19 question is unanswerable.

20 **MR. SHERRIFF-SCOTT:** I'm not sure I -- well,
21 that's what I was going to say. It was sort of an
22 hypothesis based on another hypothesis.

23 Can we just -- I think we should focus on
24 the facts here with the witness, particularly since he's
25 been through this area with both Mr. Engelmann and Mr.

1 Wardle.

2 MR. TALACH: Well, the facts are, Bishop,
3 you agree with me, there'd two possible things that
4 happened here. Either there was an assault against
5 Mr. Silmsner or there wasn't; correct?

6 MSGR. LAROCQUE: There are no other
7 possibilities I don't imagine.

8 MR. TALACH: And you were unsure, you just
9 told us, as to which was the reality?

10 MSGR. LAROCQUE: That's what I said, yes.

11 MR. TALACH: So I'm asking you, in making
12 your decision to do the settlement, did you consider or did
13 you apply how the settlement would be approached if you
14 ultimately learned what the truth was? Well ---

15 MSGR. LAROCQUE: That's why I insisted that
16 the criminal consequences not be included in a civil
17 action. A civil action, the way it was explained to me, is
18 in order to settle the question in -- that is in doubt, and
19 we let the criminal activities, investigations, continue.
20 That's the way it was explained to me.

21 MR. TALACH: But if there was no criminal
22 activity -- if there was no criminal prosecution, Father
23 MacDonald would be back in his priestly function, back in
24 ministry; correct?

25 MSGR. LAROCQUE: That's right.

1 **MR. TALACH:** And did that trouble you
2 because you had doubts of whether he was an abuser or not?

3 **MSGR. LAROCQUE:** Yes, and I would have
4 probably kept my eyes on him.

5 **MR. TALACH:** I want to turn to Exhibit 58,
6 Tab 25. This is from Pain to Hope. Exhibit 58, Tab 25. I
7 believe this did go in during the contextual evidence.

8 **THE COMMISSIONER:** Number 26. And the tab -
9 - so it's Volume 2?

10 **MR. TALACH:** And it's a large document.
11 Again, Bishop, I'll be going to Bates page 118, which is
12 page 22 of the actual ---

13 **THE COMMISSIONER:** Yes. We don't have pages
14 on that one ---

15 **MR. TALACH:** Oh.

16 **THE COMMISSIONER:** --- so page 22 at the
17 bottom?

18 **MR. TALACH:** Page 22. Do you have page 22
19 in front of you, Bishop?

20 **MSGR. LAROCQUE:** I do.

21 **MR. TALACH:** I'm going to ask you firstly
22 about the very last sentence on that page. It reads, and
23 you will see in bold "The Fear of Scandal".

24 It states:

25 "The fear of scandal often conditions

1 out instinctive reactions of
2 inadvertently protecting the
3 perpetrators and a certain image of the
4 church or the institution we represent,
5 rather than the children who are
6 powerless to defend themselves."

7 Bishop, would you not agree that is exactly
8 what happened in your Diocese?

9 **MSGR. LAROCQUE:** I don't believe so.

10 **MR. TALACH:** You'd agree with me ---

11 **MSGR. LAROCQUE:** I might ---

12 **MR. TALACH:** --- though that you did have a
13 fear of scandal?

14 **MSGR. LAROCQUE:** I think every bishop would
15 have a fear of scandal. Any wise person would.

16 **MR. TALACH:** And would you agree with me
17 that that raised in you an instinctive reaction to protect
18 the Church?

19 **MSGR. LAROCQUE:** Naturally.

20 **MR. TALACH:** And to be able to do that, you
21 would have to in a sense also protect the accused priest;
22 correct?

23 **MSGR. LAROCQUE:** And the children, they are
24 a part of the church. I'm not just the Bishop of the
25 priests, I'm Bishop of all the people in the Diocese.

1 **MR. TALACH:** And you protected the children
2 by providing all of the documentation you had on accused
3 priests to the police; correct?

4 **MSGR. LAROCQUE:** When I was asked for it.

5 **MR. TALACH:** But not all that you had?

6 **MSGR. LAROCQUE:** When I was asked for it.

7 **MR. TALACH:** The second quote here starts at
8 basically at the mid-line of the page. There's a paragraph
9 that starts, "At that time"?

10 **MSGR. LAROCQUE:** Yes.

11 **MR. TALACH:** And I'm going to ask you about
12 the second sentence that reads:

13 "The ideal breeding ground for the
14 development and repetition of child
15 sexual abuse is a general conspiracy of
16 silence, motivated by the fear of
17 scandal and of major repercussions for
18 the institutions directly or indirectly
19 concerned."

20 And, again, sir, would you not agree with me
21 that is what occurred in this Diocese?

22 **MSGR. LAROCQUE:** I agree with the statement,
23 but I don't agree with fully as to what had happened in the
24 Diocese. There were other mitigating circumstances.

25 **MR. TALACH:** Well, let's just look quickly,

1 and you'd agree you let Father Deslauriers leave your
2 control; correct?

3 **MSGR. LAROCQUE:** He eluded me, yes.

4 **MR. TALACH:** And you'd agree with me that
5 situation leads to some potential for repetition of the
6 offence?

7 **MSGR. LAROCQUE:** In his case, the type of
8 offence where his therapy was worked on people that he
9 already knew I think was a factor that would avoid some
10 type of repetition.

11 **MR. TALACH:** Well, Father Stone, you also
12 let leave your control knowing he was a life long sex
13 offender.

14 **MSGR. LAROCQUE:** But I was not his Bishop
15 nor his superior. I put -- I gave him permission to work
16 in the Diocese, put restrictions and when he did not
17 observe those restrictions, I immediately let him go.

18 **MR. TALACH:** And as you said, you were not
19 his superior and on that note you didn't tell anyone when
20 you sent him out of this Diocese that you had suspicions he
21 was active again?

22 **MSGR. LAROCQUE:** I can't recall.

23 **MR. TALACH:** Well, you sent him back to the
24 U.S.; correct?

25 **MSGR. LAROCQUE:** I got him out of the

1 Diocese, yes.

2 **MR. TALACH:** Did you call either the Bishop
3 of Ogdensburg or the Bishop of Albany to let them know of
4 the activities and why he was being returned?

5 **MSGR. LAROCQUE:** I can't recall.

6 **MR. TALACH:** Well, you'd agree with me
7 there's no letter in the file to support you doing that?

8 **MSGR. LAROCQUE:** That is true.

9 **MR. TALACH:** And you'd agree with me that we
10 did go through the Stone documents and show that
11 information was offered to outside people on a very limited
12 level?

13 **MSGR. LAROCQUE:** That is true.

14 **MR. TALACH:** Now, sir, you also failed to
15 remove priests from ministry in a timely fashion, would you
16 not agree with that?

17 **MSGR. LAROCQUE:** I do not.

18 **MR. TALACH:** Well, would you not agree that
19 Father MacDonald was still in parish ministry for a number
20 of months after you had first learned of the Silmsner
21 complaint?

22 **MSGR. LAROCQUE:** Yes, because I had the
23 doubt, as I explained before.

24 **MR. TALACH:** Would you agree with me that if
25 you were wrong in your doubt and he had perpetrated

1 offences, that leaving him in the ministry was reckless?

2 **MSGR. LAROCQUE:** A lot of ifs in there. I
3 refuse to answer that question.

4 **MR. TALACH:** Well, Bishop, you had to make a
5 decision that there's an allegation against one of your
6 priests.

7 **MSGR. LAROCQUE:** An allegation that I had
8 serious doubts about at the time.

9 **MR. TALACH:** So there's serious doubts at
10 the time, but despite those serious doubts you still
11 authorized at least Twenty-thousand dollars (\$20,000) of
12 Diocesan funds?

13 **MSGR. LAROCQUE:** Because of the lawyers who
14 urged me to do so.

15 **MR. TALACH:** But you are also the shepherd
16 of the Diocesan's money?

17 **MSGR. LAROCQUE:** I am and I may have made a
18 mistake. I'm human like anybody else.

19 **MR. TALACH:** Would you agree with me, sir,
20 you returned priests to ministry without a definite
21 conclusion as to their guilt?

22 **MSGR. LAROCQUE:** Repeat the question,
23 please?

24 **MR. TALACH:** Well, when criminal activities,
25 criminal prosecutions, ended in whichever fashion they

1 ended, you didn't do any internal analysis of what really
2 happened?

3 **MSGR. LAROCQUE:** I depended upon the
4 criminal process.

5 **MR. TALACH:** Okay.

6 **MSGR. LAROCQUE:** Do you want me to set up a
7 court of my own, is that what you're trying to tell me?

8 **MR. TALACH:** Well, if for example in the
9 case of Father Major where the criminal process had to stop
10 because the victim was too ill, would you -- you didn't do
11 anything internally to get to the bottom of it.

12 **MSGR. LAROCQUE:** I certainly did. I sent
13 him to Southdown.

14 **MR. TALACH:** And you just delegated that
15 investigation to Southdown; right?

16 **MSGR. LAROCQUE:** That's the measures that we
17 take, yes.

18 **MR. TALACH:** But isn't ---

19 **MSGR. LAROCQUE:** I don't have a court in my
20 Diocese.

21 **MR. TALACH:** --- Southdown a treatment
22 centre, not an investigation centre?

23 **MSGR. LAROCQUE:** It gives recommendations to
24 the bishop.

25 **MR. TALACH:** Sir, you never once tried to

1 layasize any of these priests that had allegations against
2 them?

3 **MSGR. LAROCQUE:** No, because that was not
4 the mode of doing things at that time.

5 **MR. TALACH:** Even the convicted ones like
6 Deslauriers, you didn't make any effort to layasize him?

7 **MSGR. LAROCQUE:** No, I did not. He was out
8 of my control practically.

9 **MR. TALACH:** And would you agree with me
10 that you failed to fully inform civil authorities, ranging
11 from Immigration to police services, what you knew about
12 accused priests?

13 **MSGR. LAROCQUE:** About certain accuses
14 priests, I could have been more explicit.

15 **MR. TALACH:** And in the case of Father Dubé
16 you sat on information that would have led to the truth?

17 **MSGR. LAROCQUE:** With Father Dubé I acted as
18 against my protocol and against the pressures of the press
19 and everybody else in order to save an innocent man.

20 **MR. TALACH:** But my question is, you knew
21 from an admission of Father Paul Lapierre that it had been
22 Father Donald Scott, not Father Dubé; correct?

23 **MSGR. LAROCQUE:** That's what he told me.

24 **MR. TALACH:** And did you tell anyone that
25 before you came to this Inquiry and mentioned it to us?

1 **MR. SHERRIFF-SCOTT:** He's already testified
2 that he told Dubé's lawyer.

3 **THE COMMISSIONER:** Yeah.

4 **MR. TALACH:** I thought the evidence was he
5 informed Dubé's lawyer that he would be willing to testify.
6 I'm not sure -- and maybe we can go back there.

7 **THE COMMISSIONER:** We'll clarify that.
8 What did you tell the lawyer ---

9 **MSGR. LAROCQUE:** The lawyer knew who it was,
10 yes.

11 **THE COMMISSIONER:** So you told the lawyer
12 for Mr. Dubé -- for Father Dubé, "Listen, I was told by
13 Father Lapierre that it wasn't Dubé but it was Scott"?

14 **MSGR. LAROCQUE:** It wasn't Dubé.

15 **THE COMMISSIONER:** Is that what you told
16 him?

17 **MSGR. LAROCQUE:** I'm not sure whether I told
18 that to his lawyer or to our Diocesan lawyer.

19 **THE COMMISSIONER:** Who would have been?

20 **MSGR. LAROCQUE:** Scott and Aylen at that
21 time.

22 **THE COMMISSIONER:** Okay.

23 **MR. TALACH:** Sir, did you ever tell Father
24 Dubé himself that you had this information?

25 **MSGR. LAROCQUE:** I told him that I had

1 information that he was not the culprit. That's all. I
2 didn't reveal who the other one was, no.

3 **MR. TALACH:** Well, did he not plead with you
4 to tell him what this evidence that would set him free was?

5 **MSGR. LAROCQUE:** Never did, no.

6 **MR. TALACH:** He had no interest in knowing
7 beyond that fact that you had some general evidence to show
8 ---

9 **MSGR. LAROCQUE:** I would have revealed it
10 when -- I told him that I would appear in court and would
11 testify on his behalf.

12 **MR. TALACH:** Sir, would you agree with me
13 what Father Paul Lapierre told you to tell other parties
14 would essentially prove that two of your priests were
15 guilty in order to free one?

16 **MSGR. LAROCQUE:** Well, if I'm not mistaken,
17 Father Scott was already dead.

18 **MR. TALACH:** Okay. But it would show that -
19 --

20 **MSGR. LAROCQUE:** And I don't like talking
21 about dead people unless I'm absolutely obliged to do so.

22 **MR. TALACH:** Well, we have to do it here so
23 ---

24 **MSGR. LAROCQUE:** Yes, I know.

25 **MR. TALACH:** --- we can proceed.

1 Would you not -- and I didn't get an answer
2 to the question I -- did you not -- did you understand that
3 in order to tell a third party this information, it would
4 show that two of your priests, living or dead, had engaged
5 in sexual abuse of young people. Would you agree with
6 that?

7 **MSGR. LAROCQUE:** To tell whom?

8 **MR. TALACH:** Well, anybody. If you had told
9 the police it would show to the police that two of the
10 priests of this Diocese were guilty of sexual abuse of a
11 young person; correct?

12 **MSGR. LAROCQUE:** I suppose so, yes.

13 **MR. TALACH:** And, sir, did you weigh that
14 against the benefit of only freeing one of your priests
15 from an allegation?

16 **MSGR. LAROCQUE:** I didn't consider it in
17 that fashion at that time.

18 **MR. TALACH:** Bishop, would you not agree
19 with me that on its whole the institutional response of
20 this Diocese while you were Bishop to allegations of sexual
21 abuse against young people was poor?

22 **MSGR. LAROCQUE:** It could have been better.

23 **MR. TALACH:** Those are my questions.

24 **THE COMMISSIONER:** Thank you.

25 We'll take a short break. So, Monseigneur,

1 we'll ask you to stand by because we're going to hear a
2 couple of motions, but I will take a short 10-minute break.
3 All right? Thank you.

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

6 The hearing will resume at 10:15 a.m.

7 --- Upon recessing at 10:05 a.m./

8 L'audience est suspendue à 10h05

9 --- Upon resuming at 10:20 a.m./

10 L'audience est reprise à 10h20

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

13 The hearing is now resumed. Please be
14 seated. Veuillez vous asseoir.

15 **THE COMMISSIONER:** Mr Engelmann.

16 **MR. ENGELMANN:** Commissioner, yes, as we had
17 discussed earlier, we have a motion, a Notice of
18 Application for Limited Standing. To my immediate right is
19 Mr. Larry O'Brien.

20 **THE COMMISSIONER:** To your immediate right.

21 **MR. ENGELMANN:** Right here.

22 **THE COMMISSIONER:** Oh, right there. Good
23 morning, sir.

24 **MR. O'BRIEN:** Good morning, sir.

25 **MR. ENGELMANN:** Who is not the Mayor of

1 Ottawa, as we know, but rather a counsel from Brockville,
2 Ontario.

3 Mr. O'Brien represents Detective Inspector
4 Randy Millar of the Ontario Provincial Police and has an
5 application, as I said, for limited standing here at the
6 Inquiry. He has prepared some written submissions.

7 Sir, when we've done this in the past we
8 have typically just taken the next exhibit number, so if we
9 could do that here ---

10 **THE COMMISSIONER:** Yes.

11 **MR. ENGELMANN:** --- for this document and
12 then I'll turn things over to Mr. O'Brien.

13 **THE COMMISSIONER:** Thank you.

14 Two-one-six-seven (2167).

15 **--- EXHIBIT NO./PIÈCE NO. P-2167:**

16 Notice of Application for Limited Standing
17 for Part I of the Cornwall Public Inquiry by
18 Detective Inspector Randy Millar

19 **MR. ENGELMANN:** Thank you very much, sir.

20 **THE COMMISSIONER:** Thank you.

21 Mr. O'Brien, good morning.

22 **MR. O'BRIEN:** Good morning, Mr.

23 Commissioner.

24 **---NOTICE OF APPLICATION FOR LIMITED STANDING BY/NOTICE**
25 **D'APPLICATION POUR PARTICIPATION LIMITÉE PAR MR. LARRY**

1 O'BRIEN:

2 First of all, you have my Notice of
3 Application for Limited Standing before you.

4 THE COMMISSIONER: Yes, I have.

5 MR. O'BRIEN: To supplement that ---

6 THE COMMISSIONER: Could you stand a little
7 closer to the microphone, sir, just ---

8 MR. O'BRIEN: To supplement the Notice of
9 Application, I'd like to put before you, sir, submissions
10 in the form of Mr. Neil Kozloff from the OPP providing a
11 backdrop for this application.

12 THE COMMISSIONER: He's going to testify?
13 You're going to put him in the box?

14 MR. O'BRIEN: No, he's going to make some
15 submissions. Perhaps at a later time I'd ask him to come
16 forward.

17 THE COMMISSIONER: Well, there's one place
18 some people would want to see him.

19 (LAUGHTER/RIRES)

20 THE COMMISSIONER: Good morning, Mr.
21 Kozloff.

22 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. KOZLOFF:

23 MR. KOZLOFF: Good morning, Mr.
24 Commissioner. Mr. Commissioner, with your permission and
25 with the approval of Mr. O'Brien, I will speak to this

1 matter first in order to provide context to the
2 application.

3 **THE COMMISSIONER:** Right.

4 **MR. KOZLOFF:** When the Ontario Provincial
5 Police applied for standing at the Inquiry in 2005, I told
6 you that I would act for the Ontario Provincial Police as
7 an organization, as well as for the Commissioner and
8 commissioned officers, current and retired.

9 The Ontario Provincial Police Association
10 would represent the interests of the non-commissioned
11 officers, current and retired.

12 Insofar as the interests of those members,
13 current and retired, who are hybrids, that is who had held
14 the ranks of both non-commissioned and commissioned
15 officer, counsel for the OPP and OPPA would make the
16 determination as to which of the OPP and OPPA would
17 represent their interests.

18 Detective Inspector Millar falls into the
19 hybrid category. Currently, he is a commissioned officer.
20 He has held the ranks of detective constable and area crime
21 sergeant, non-commissioned ranks, at various times during
22 the period under review by this Inquiry. It was determined
23 at the outset that the Ontario Provincial Police legal team
24 would represent his interests. Until the summer of 2008,
25 this arrangement was workable.

1 Detective Inspector Millar was identified by
2 Commission counsel as a potential witness at the Inquiry as
3 far back as February of 2007. As with all our identified
4 members, current and past, we have met with Detective
5 Inspector Millar from time-to-time to consult regarding the
6 evidence of other Inquiry witnesses and to prepare for his
7 interviews with Commission counsel, the Commission team,
8 and ultimately for his evidence at the Inquiry.

9 Recently Detective Inspector Millar provided
10 us with certain information which led us to make further
11 inquiries. The result of these inquiries is that a
12 conflict between the Ontario Provincial Police as an
13 institution and certain of its senior members has
14 crystallized. Moreover, there is a conflict between
15 Detective Inspector Millar and certain of the non-
16 commissioned members, current and past, which made it
17 impossible for the Ontario Provincial Police Association to
18 represent his interests from the outset. That's why we,
19 the OPP legal team, were representing Detective Inspector
20 Millar, notwithstanding that he was a hybrid.

21 Having arrived at the conclusion that the
22 OPP counsel could no longer represent Detective Inspector
23 Millar's interests at the Inquiry, we directed him to seek
24 independent legal advice for the purpose of obtaining
25 independent legal representation. He did so and he has

1 retained Mr. O'Brien.

2 Detective Inspector Millar has a substantial
3 and direct interest in the matters under scrutiny at this
4 Inquiry. His conduct has been the subject matter of
5 testimony in relation to, *inter alia*, a homicide
6 investigation in 1992, the execution of a search warrant in
7 1993 and the investigation of a sudden death in 1993. His
8 conduct in other investigations will be the subject of
9 scrutiny during the Ontario Provincial Police institutional
10 response.

11 The principles of natural justice require
12 that he have an opportunity to test the evidence of others
13 called during our institutional response to address his
14 conduct.

15 Given my declared conflict, I can no longer
16 do so, nor would Detective Inspector Millar be expected to
17 have confidence in the representation of counsel who have
18 advised him that they are in a conflict situation with him.

19 For those reasons I would urge you to grant
20 limited standing to Detective Inspector Millar.

21 **THE COMMISSIONER:** What about just having
22 him represented by a lawyer? Why does he need standing?

23 **MR. KOZLOFF:** Because the principles of
24 natural justice require that he be able to test the
25 evidence of others who are going to be called during our

1 institutional response to address his conduct.

2 **THE COMMISSIONER:** So what you're saying is
3 that the limit would be for that period of time when the
4 OPP institutional response is being provided?

5 **MR. KOZLOFF:** Correct.

6 **THE COMMISSIONER:** Thank you.

7 Mr. O'Brien?

8 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. O'BRIEN:

9 **MR. O'BRIEN:** Yes, Mr. Commissioner.

10 I believe in your ruling on standing and
11 funding of November 17th, 2005, you had forecasted that
12 there is a potential for institutional conflicts that have
13 arisen, and you urged counsel to effectively resolve if
14 they could, in the best interests of the affected parties,
15 a method of dealing with that.

16 What we have is a direct and substantial
17 interest surrounding Detective Inspector Millar and he is
18 indeed a hybrid and we are faced with a predicament of a
19 participant not being represented, and I'd ask on that
20 basis that I be given limited standing as outlined in my
21 notice.

22 **THE COMMISSIONER:** Right, thank you.

23 Anybody wish to comment for or against?

24 OPPA? Good morning.

25 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. STEIN:

1 **MS. STEIN:** Good morning, Mr. Commissioner.
2 My name is Karen Stein. I'm counsel for the OPPA and on
3 the basis of the application, the submissions of Mr.
4 Kozloff as well as Mr. O'Brien, the OPPA is in support of
5 this application. Thank you.

6 **THE COMMISSIONER:** Thank you.
7 Mr. Lee?

8 **MR. LEE:** Mr. Commissioner, is it possible
9 to have two minutes just to discuss this matter?

10 **THE COMMISSIONER:** Sure.

11 **MR. LEE:** We don't need to break, if you can
12 just give us one moment?

13 **THE COMMISSIONER:** Okay, go ahead.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** Mr. Engelmann?

16 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

17 **MR. ENGELMANN:** I just have a question more
18 than anything else because obviously Mr. Kozloff's
19 submissions go beyond the written submissions that we had
20 filed and there's been a reference in a general way to the
21 principles of natural justice required.

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

23 **MR. ENGELMANN:** And I'm wondering given
24 that's, I believe, an argument that's being put forward as
25 to why this should be a standing application as opposed to

1 simply having independent counsel as we've had with many
2 others.

3 If there's a suggestion that this requires -
4 - the interest of natural justice require this for each and
5 every OPP witness that will be called or are there specific
6 witnesses that he believes this is required for? I'm just
7 trying to understand the scope of the limited standing
8 that's being requested because it's somewhat vague for me
9 right now.

10 **THE COMMISSIONER:** The scope for this
11 witness or for other witnesses?

12 **MR. ENGELMANN:** The scope of the limited
13 standing here.

14 **THE COMMISSIONER:** Right.

15 **MR. ENGELMANN:** As I understand it right
16 now, it would be for either all or some of the OPP
17 witnesses that the standing application is being sought; in
18 other words, the right to cross-examine witnesses. I'm
19 just wondering if either Mr. O'Brien or Mr. Kozloff might
20 be able to clarify that a bit more.

21 I'm assuming it's not for MAG witnesses who
22 will follow ---

23 **THE COMMISSIONER:** No.

24 **MR. ENGELMANN:** --- or for CAS witnesses
25 before.

1 **THE COMMISSIONER:** Mr. O'Brien?

2 **--- FURTHER SUBMISSIONS BY/REPRÉSENTATIONS SUPPLÉMENTAIRES**
3 **PARPAR MR. O'BRIEN:**

4 **MR. O'BRIEN:** That's a correct assumption,
5 his latter comments. It is to be able to test the evidence
6 that is directed towards Detective Inspector Millar. I
7 need to be able to test that. I can't give you a shopping
8 list of the witnesses. It's a dynamic process but I assure
9 you, I don't want to go any further astray than is
10 required.

11 **THE COMMISSIONER:** So what you're saying is
12 it's for OPP witnesses for the ---

13 **MR. O'BRIEN:** That's right.

14 **THE COMMISSIONER:** --- institutional
15 response of the OPP?

16 **MR. O'BRIEN:** Yes.

17 **THE COMMISSIONER:** All right. Thank you.

18 **MR. O'BRIEN:** Thank you.

19 **THE COMMISSIONER:** Mr. Lee?

20 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. LEE:**

21 **MR. LEE:** Thank you, sir. For Mr. O'Brien's
22 benefit, my name is Dallas Lee; I represent the Victims
23 Group.

24 Mr. Commissioner, just a brief comment about
25 if you can look at Exhibit 2167, the Notice of Application

1 ---

2 **THE COMMISSIONER:** Yes?

3 **MR. LEE:** --- on the second-last page, Mr.
4 O'Brien set out the relief sought at paragraph 13.

5 **THE COMMISSIONER:** Right.

6 **MR. LEE:** My read of your original funding
7 and standing recommendations in November of 2005, this
8 appears to be more or less be a list copied similar to what
9 parties with full standing would have received, their
10 rights ---

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

12 **MR. LEE:** --- other than the right to make
13 opening submissions given that we're past that point.

14 I would ask that you, if you're inclined to
15 grant standing rather than simply the right -- well however
16 you decide to deal with the standing issue, if you decide
17 to grant standing, I would ask you to look at your ruling
18 in relation to Jos van Diepen ---

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

20 **MR. LEE:** --- where there were move limited
21 rights afforded in terms of what he was entitled access to,
22 when he was entitled to appear, and things along those
23 lines.

24 Other than that sir, I can't speak into
25 whether or not there is a conflict obviously and I'll leave

1 that to you.

2 THE COMMISSIONER: M'hm.

3 MR. LEE: Thank you.

4 --- FURTHER SUBMISSIONS BY/REPRÉSENTATIONS SUPPLÉMENTAIRES
5 PAR MR. O'BRIEN:

6 MR. O'BRIEN: Just on that point briefly,
7 Mr. Commissioner. My friend is partially correct in that I
8 did refer to your November 17th, 2005 ruling. I did not
9 direct myself to the excerpts at page 6 which is full
10 standing. It was more to the special standing which is
11 found at pages 7 and 8.

12 THE COMMISSIONER: M'hm.

13 MR. O'BRIEN: And that is the shopping list
14 that I have covered in my Notice of Application. I
15 understand there was a previous application but I believe
16 it is distinguishable; I believe your ruling dealt with a
17 criminal charge that was in the air dealing with that
18 particular individual. And we are certainly differently
19 situated with respect to this Detective Inspector.

20 THE COMMISSIONER: Thank you.

21 All right. Well, I'll reserve decision and
22 I'll advise you when the decision will be available for
23 you.

24 MR. O'BRIEN: Thank you, sir.

25 THE COMMISSIONER: Thank you.

1 **MR. ENGELMANN:** Sir, the other motion we had
2 agreed would be put off so that we can carry on with the
3 evidence of the ---

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

5 **MR. ENGELMANN:** --- current witness. So if
6 we can bring him back in. And Mr. Paul is now up for the
7 Coalition.

8 **THE COMMISSIONER:** Thank you.

9 **(SHORT PAUSE/COURTE PAUSE)**

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

11 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**

12 **PAUL:**

13 **MR. PAUL:** Good morning, Bishop LaRocque.

14 **MSGR. LAROCQUE:** Good morning.

15 **MR. PAUL:** My name is Ian Paul. I'm counsel
16 for a group called the Coalition for Action. And Coalition
17 for Action is a group that was involved initially at the
18 outset in advocating for a public inquiry. At this point,
19 our objective is essentially to ask probing questions to
20 try to get more details in some of the events surrounding
21 allegations of sexual abuse in the community.

22 In that regard, I have some general
23 questions at the outset. I can indicate that the other two
24 counsel have covered a lot of the areas that I was going to
25 cover but I do have some further details I'd like to ask

1 you about.

2 And first of all, generally about the issue
3 of -- further along the issue of scandal and I think you
4 made reference to a sort of a definition of that.

5 I want to ask you first of all, I understand
6 when you first came to the Diocese that you were sort of
7 given a briefing that focused really on only two issues
8 that were current issues in the Diocese when you came,
9 around '74 I believe?

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

11 **MR. PAUL:** And those issues, one was
12 unrelated, it was a French schooling issue, I believe?

13 **MSGR. LAROCQUE:** A French high school, yes.

14 **MR. PAUL:** And the other issue was an issue
15 surrounding bankruptcy of the Diocese?

16 **MSGR. LAROCQUE:** That was the headline of
17 the paper in '72, I believe. The headline of the
18 Freeholder of '72 was given to me, yes.

19 **MR. PAUL:** There wasn't a concern at that
20 point expressed about loss of faith of parishioners at that
21 point when you had that initial meeting?

22 **MSGR. LAROCQUE:** Initial?

23 **MR. PAUL:** When you had the initial
24 briefing, there wasn't any discussion of loss of faith of
25 parishioners?

1 **MSGR. LAROCQUE:** These two things were given
2 to me by the Nuncio when I accepted to be Bishop. They
3 didn't come from the Diocese, they came from the Nuncio.

4 **MR. PAUL:** All right. And there was no
5 discussion about loss of faith of parishioners?

6 **MSGR. LAROCQUE:** Not that I recall, no.

7 **MR. PAUL:** All right. In terms of the
8 financial aspect, I just want to ask you; is it, to your
9 understanding, in addition to the issue of faith of
10 parishioners, is -- are financial issues connected to the
11 issue of scandal in your mind?

12 **MSGR. LAROCQUE:** They weren't at that time,
13 no.

14 **MR. PAUL:** It would be your understanding
15 that concern of the Diocese about scandal, would one of the
16 concerns be potential -- for example, potential loss of
17 donations of parishioners if parishioners saw a scandalous
18 event?

19 **MSGR. LAROCQUE:** Not at that time, no; not
20 in my mind.

21 **MR. PAUL:** Well, are you talking about 1974?
22 Is that what you're talking about?

23 **MSGR. LAROCQUE:** That's what I'm talking
24 about, yes.

25 **MR. PAUL:** Okay. Well, at any point while

1 you were a Bishop.

2 **MSGR. LAROCQUE:** Eventually it became, yes a
3 consideration in my mind, yes.

4 **MR. PAUL:** I'm suggesting that because if
5 you come into a situation where there's perhaps some
6 financial trouble or financial issues, you would not want a
7 scandal that would cause potentially more financial
8 problems; correct?

9 **MSGR. LAROCQUE:** I wouldn't want anything
10 that would cause it.

11 **MR. PAUL:** At least not only -- you'd be
12 concerned not only in terms of sexual abuse incidents; you
13 wouldn't be concerned only with civil suits; you'd be
14 concerned with parishioners perhaps losing faith and not
15 giving donations and causing further financial problems to
16 the Diocese.

17 **MSGR. LAROCQUE:** That is possible, sure,
18 yes.

19 **MR. PAUL:** I just want to ask you another
20 very general question about sort of the state of your
21 knowledge through the 1970s and '80s. Certainly it would
22 have been -- through the 1970s and '80s, it would certainly
23 have been your understanding that sexual abuse of a minor
24 would be serious crime?

25 **MSGR. LAROCQUE:** Absolutely.

1 **MR. PAUL:** And it would be something -- in
2 your mind, it would be not just a sin, it would also be a
3 crime against the law; correct?

4 **MSGR. LAROCQUE:** Exactly. And it would be
5 contrary to the most basic teachings of Christianity.

6 **MR. PAUL:** In terms of issues of reporting,
7 apart from legal requirement to report, through that period
8 of the '70s and '80s would it have been your impression
9 that apart from a legal duty would you have felt that there
10 was a moral duty to report sexual abuse of minors?

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

12 **MR. PAUL:** So if it had been, for example,
13 an incident not involving a priest and potential scandal,
14 potential sexual offence involving a neighbour or ordinary
15 citizen, it would something that you would feel that there
16 would be a moral duty to advise authorities?

17 **MSGR. LAROCQUE:** With my knowledge now I
18 would say for anybody at all.

19 **MR. PAUL:** Well, back then -- even back
20 then, in the '70s and '80s, you would have felt that if you
21 knew an ordinary citizen may have committed a sexual
22 offence you would have felt you had a moral duty to help
23 the authorities?

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

25 **MR. PAUL:** In terms of situations involving

1 priests the additional factor, complicating factor, is the
2 potential scandal and financial consequences for the
3 Diocese?

4 **MSGR. LAROCQUE:** Well, and the life of the
5 priest for whom I'm responsible as well as responsible for
6 those who would be potential victims in the Diocese as
7 well.

8 **MR. PAUL:** I just want to ask you a couple
9 of questions to clarify a couple of areas that we heard of.

10 I understand that in terms of the
11 discussions about the settlement in '93 involving the
12 Silmsen case ---

13 **MSGR. LAROCQUE:** Yes.

14 **MR. PAUL:** --- there were two -- you've
15 given evidence that there were two meetings with the
16 lawyers, Mr. Leduc and Mr. Malcolm MacDonald; correct?

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

18 **MR. PAUL:** And in between -- I believe in
19 between you attend at the Bishop's Conference; correct?

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

21 **MR. PAUL:** Now, in terms of the closed door
22 meeting, I just had a few points to clarify.

23 **MSGR. LAROCQUE:** Right.

24 **MR. PAUL:** In terms of the bishops
25 indicating -- they're giving you advice not to proceed with

1 a settlement; correct?

2 **MSGR. LAROCQUE:** It wasn't just my -- it was
3 a general discussion about bishops and sexual because that
4 was kind of breaking out all over.

5 **MR. PAUL:** At that meeting, do you have a
6 recollection of the number of bishops that were present?

7 **MSGR. LAROCQUE:** There usually are about 90
8 bishops there.

9 **MR. PAUL:** Now, did they all speak out
10 against settlement or only certain ones that speak out?
11 Can you give me an idea of numbers who spoke out?

12 **MSGR. LAROCQUE:** Well, those who spoke out -
13 - I mean the very few who speak out, as you know in most of
14 these big bodies of people, there's usually one or two or
15 three who monopolize the conversation.

16 But the general consensus was not to enter
17 into any kind of settlement.

18 **MR. PAUL:** Would it be fair to say that the
19 only voice expressed was not to do it? There were no
20 voices ---

21 **MSGR. LAROCQUE:** As I recall, yes.

22 **MR. PAUL:** There was no indication -- at
23 that meeting there was no suggestion, well, if you go ahead
24 and do do it, this is the way you do it or any advice of
25 how to do it?

1 **MSGR. LAROCQUE:** No, nothing at all, no.

2 **MR. PAUL:** In terms of the second meeting
3 with Malcolm MacDonald and Jacques Leduc, this would be
4 after the meeting with the bishops; correct?

5 **MSGR. LAROCQUE:** Right. About a day after,
6 yes.

7 **MR. PAUL:** Now, you had indicated that you -
8 - your recollection is you gave -- your belief is you gave
9 an instruction that it not affect the criminal proceedings;
10 correct?

11 **MSGR. LAROCQUE:** I didn't understand your
12 question, I'm sorry.

13 **MR. PAUL:** Your recollection is you gave
14 some form of instruction at the second meeting that it was
15 not to affect the criminal proceedings; correct?

16 **MSGR. LAROCQUE:** I emphasized that, yes.

17 **MR. PAUL:** Okay. And is that the only
18 instruction you gave?

19 **MSGR. LAROCQUE:** To the lawyers you mean?

20 **MR. PAUL:** Yes.

21 **MSGR. LAROCQUE:** I believe so because I left
22 it in their hands to draw up whatever they were going to
23 draw up.

24 **MR. PAUL:** And in terms of the two meetings,
25 the two meetings involving the lawyers, the only

1 significant event in between those meetings would have been
2 your contact with the bishops; correct?

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

4 **MR. PAUL:** And in terms of any new
5 information about the case in between those meetings, would
6 it be fair to say the only new information was perhaps the
7 discussion about the costs of counselling for Mr. Silmser;
8 correct?

9 **MSGR. LAROCQUE:** That was the -- brought up
10 in that second meeting, yes.

11 **MR. PAUL:** But other than that, in the
12 second meeting you don't have any further evidence about
13 whether there's an offence or not; anything in terms of
14 liability; correct?

15 **MSGR. LAROCQUE:** No.

16 **MR. PAUL:** And at that point, in terms of
17 the second meeting, your impression is still -- you're
18 under the impression you did not believe Mr. Silmser's
19 allegations?

20 **MSGR. LAROCQUE:** I had considerable doubts,
21 yes.

22 **MR. PAUL:** And it would be only later on
23 when you meet Chief Shaver that perhaps you begin to turn
24 the other way?

25 **MSGR. LAROCQUE:** When he tells me that there

1 are two others, yes, that is what changed my mind.

2 MR. PAUL: I would like to bring you to a
3 period of time, ask a few questions about the aftermath or
4 the immediate fallout of the actual settlement in the
5 Silmsler case.

6 MSGR. LAROCQUE: Yes.

7 MR. PAUL: Which I believe would be early
8 September, '93, the actual settlement. And I want to ask
9 you some questions about from then until the final press
10 release around January 24th ---

11 MSGR. LAROCQUE: Right.

12 MR. PAUL: --- of '94.

13 The first question I would have is, now as
14 far as the actual settlement it would be -- obviously you
15 were not directly involved in the actual settlement;
16 correct?

17 MSGR. LAROCQUE: No, I was not.

18 MR. PAUL: But in terms of the two meetings
19 and the discussions with the lawyers, it would have been
20 your expectation that there would be some further
21 documentation and signing documents that would be done?

22 MR. SHERRIFF-SCOTT: Mr. Commissioner.

23 THE COMMISSIONER: Yes.

24 MR. SHERRIFF-SCOTT: I just -- I'm concerned
25 that Mr. Engelmann went through this in painstaking detail

1 in terms of instructions and participation. And Mr. Wardle
2 touched on this and my friend, Mr. Talach, went through it
3 and I'm not hearing anything different and really, sir,
4 multiple cross-examination on the same thing is not -- it's
5 just not productive.

6 It's not useful and it's probably going to
7 just exhaust the witness to no end.

8 **THE COMMISSIONER:** Well ---

9 **MR. SHERRIFF-SCOTT:** So I'm just -- ask the
10 cross-examiner to -- if you could give him some direction
11 to focus on things that haven't been covered, not to ---

12 **MR. PAUL:** Mr. Commissioner, I was trying to
13 set the framework for the period. I'm about to go to an
14 area which I think will be different.

15 **THE COMMISSIONER:** Okay. So when we're
16 setting the framework maybe we can more concise, and I'm
17 sure Bishop LaRocque understands all you have to focus him
18 on the incident.

19 As for exhausting the witness, this is the
20 last day or perhaps before last day, and I think he's
21 standing up fairly well so we'll keep on going.

22 **MR. PAUL:** Now, as a result of the meetings,
23 it would be your expectation that there would be some
24 documents signed that you had expected at the time?

25 **MSGR. LAROCQUE:** Signed, did you say?

1 **MR. PAUL:** As far as the legal settlement,
2 it would have been your expectation that there be some
3 documents prepared and signed?

4 **MSGR. LAROCQUE:** My understanding was that
5 they would prepare the documents, yes.

6 **MR. PAUL:** All right.

7 Now, in terms of that period between the
8 settlement and the final press conference in January, on
9 January 24th, I understand -- first of all I'll ask you
10 about the contact with Chief Shaver. Around the 7th of
11 October, '93 you meet Chief Shaver who's -- you would
12 understand to be the highest ranking police officer in the
13 City of Cornwall; correct?

14 **MSGR. LAROCQUE:** That's what I was told,
15 yes. My first meeting with him.

16 **MR. PAUL:** And it would be a fairly
17 significant event to meet the highest ranking officer in
18 the city; correct?

19 **MSGR. LAROCQUE:** I suppose so, yes.

20 **MR. PAUL:** And you would have understood
21 that it was a meeting about the very case, the Silmsers
22 case; correct?

23 **MSGR. LAROCQUE:** Yes. I have said so
24 before.

25 **MR. PAUL:** And am I to understand that prior

1 to the meeting you don't make any effort to look for
2 documentation regarding the settlement?

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

4 **MR. PAUL:** And after the Chief of Police
5 leaves you don't make any enquiries to Mr. Leduc, Mr. Bryan
6 or anybody to find out where documentation would be?

7 **MSGR. LAROCQUE:** No, I took for granted they
8 had done what they had told me they would do.

9 **MR. PAUL:** But you don't think it might be
10 appropriate, given the highest ranking police officer in
11 the city had some concern about the case, that you might
12 want to get the actual file material and see what it says?

13 **MSGR. LAROCQUE:** He seemed to be satisfied
14 with my explanation that it was a civil settlement.

15 **MR. PAUL:** All right. He went away
16 satisfied; correct?

17 **MSGR. LAROCQUE:** That appeared to me, yes.

18 **MR. PAUL:** But initially he was somewhat
19 upset and may have referred to his hands being tied?

20 **MSGR. LAROCQUE:** That's right because he was
21 upset because he had been to the nuncio and the nuncio
22 asked him to come to see me.

23 **MR. PAUL:** All right.

24 Now, following that, shortly after that,
25 also in October, '93, you have contact with senior

1 Children's Aid personnel; correct?

2 MSGR. LAROCQUE: I believe so. I can't --
3 the dates are not that clear in my mind but ---

4 MR. PAUL: All right. Do you meet three
5 individuals, I believe Mr. Carriere, Mr. Towndale and Mr.
6 Abell, the three ---

7 MSGR. LAROCQUE: Yes. Yes.

8 MR. PAUL: And you would have known these to
9 be three of the most senior Children's Aid Society
10 officers?

11 MSGR. LAROCQUE: That's right.

12 MR. PAUL: And, again, prior to meeting
13 these individuals did you make any efforts to find
14 documentation regarding the settlement to Miss Silmsen?

15 MSGR. LAROCQUE: As you know, I did not
16 until I was -- the document was brought up to my desk.

17 MR. PAUL: What I am suggesting though that
18 perhaps, given the level of seniority of those Children's
19 Aid officers and the knowledge that they're there to
20 discuss Silmsen, would that not lead you to perhaps make
21 some inquiries and find out what written materials there
22 are in the case?

23 MSGR. LAROCQUE: I took it for granted that
24 the lawyers had acted in a way in which I had instructed
25 them.

1 **MR. PAUL:** And I presume then when it gets
2 to early January and there's a press conference in early
3 January, the initial press conference, again there's no
4 effort to actually find the documentation; correct?

5 **MSGR. LAROCQUE:** No, once again, I had put
6 my trust in the lawyers.

7 **MR. PAUL:** And this point, in terms of going
8 to the press is, I would suggest, given the concern over
9 scandal and publicity, it's a fairly serious step to go to
10 the public with a press conference and press release at
11 that point?

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

13 **MR. PAUL:** And would not be a step that
14 would perhaps justify some thorough search of the files to
15 find out what actually transpired in terms of written
16 documentation?

17 **MSGR. LAROCQUE:** Well, if you -- if I recall
18 correctly, the lawyer at the first press conference
19 explained it was civil settlement.

20 **MR. PAUL:** Right.

21 **MSGR. LAROCQUE:** I took his word for it.

22 **MR. PAUL:** But you didn't make any request
23 that they find the actual documents that were signed in the
24 settlement?

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

1 **MR. PAUL:** And any of these three
2 significant steps prior to the last press conference, I
3 understand there were no efforts to find the actual
4 settlement documents?

5 **MSGR. LAROCQUE:** Not on my part, no.

6 **MR. PAUL:** And in any way could that have
7 been because there was already knowledge within the Diocese
8 of the contents of the documents?

9 **MSGR. LAROCQUE:** If there was, I wasn't
10 aware of it, and I don't see how it could have been since
11 the document was sealed.

12 **MR. PAUL:** I want to ask you about another
13 aspect to the fall-out of the settlement. And in terms of
14 the -- I understand that there was some embarrassment over
15 the initial press conference and the fact that there, in
16 fact, was a bar on criminal proceedings?

17 **MSGR. LAROCQUE:** As I said before, I felt
18 like a fool.

19 **MR. PAUL:** You would agree that there was at
20 the initial press conference essentially a
21 misrepresentation of the facts surrounding the settlement
22 by the Diocese?

23 **MSGR. LAROCQUE:** Not by -- not on my part.

24 **MR. PAUL:** Did that situation lead you to
25 consider disciplining or giving directions to any of the

1 people involved in filing the documents?

2 **MSGR. LAROCQUE:** Well, we immediately got
3 another solicitor for the Diocese.

4 **MR. PAUL:** Sorry, I didn't hear you.

5 **MSGR. LAROCQUE:** We immediately got another
6 solicitor for the Diocese.

7 **MR. PAUL:** You did obtain another solicitor
8 for that particular case, but I would understand that Mr.
9 Leduc continued to work on other matters after?

10 **MSGR. LAROCQUE:** I believe from what I was
11 told was that he was still used for properties and transfer
12 of properties, but not in any legal sense.

13 **MR. PAUL:** Was there any form of discipline
14 or any verbal directions or written directions to Mr. Bryan
15 about involvement in how the documents were filed and
16 sealed?

17 **MSGR. LAROCQUE:** Not ---

18 **MR. PAUL:** They were not?

19 **MSGR. LAROCQUE:** I would not censor him at
20 all because he did what he thought best.

21 **MR. PAUL:** Now in terms of the committee
22 proceedings, you understood at some point that Mr.
23 Vaillancourt's -- Father Vaillancourt's notes ---

24 **MSGR. LAROCQUE:** Yes.

25 **MR. PAUL:** --- were destroyed at one point.

1 He attempted to re-write them?

2 **MSGR. LAROCQUE:** That's what I was told,
3 yes.

4 **THE COMMISSIONER:** He attempted to re-write
5 them.

6 **MR. PAUL:** Yes.

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

8 **MR. PAUL:** Did that cause you any concern
9 that notes of the proceedings would have been destroyed?

10 **MSGR. LAROCQUE:** Yes, I would imagine so.

11 **MR. PAUL:** Did that cause you to give any
12 directions, general directions perhaps that records of that
13 nature would be kept and should not be destroyed?

14 **MSGR. LAROCQUE:** I can't recall if I gave
15 directions or not.

16 **MR. PAUL:** You are not aware of any, for
17 example, written directions on that issue?

18 **MSGR. LAROCQUE:** I don't believe there were
19 written directions, no ---

20 **MR. PAUL:** You don't recall any verbal
21 directions?

22 **MSGR. LAROCQUE:** --- and there may have
23 been, but I can't recall.

24 **MR. PAUL:** And you don't recall any verbal
25 directions?

1 **MSGR. LAROCQUE:** I can't recall, no.

2 **MR. PAUL:** Just on another point of that
3 nature, I think you were asked previously about whether
4 some accounting practices were deceptive in the sense of
5 recording the settlement as medical. Were you never aware
6 of that as Bishop that that was ---

7 **MSGR. LAROCQUE:** No, I was not aware of
8 that.

9 **MR. PAUL:** And as far as notification of an
10 insurer, were you ever aware as Bishop that the insurer
11 wasn't notified of the Silmsen potential liability?

12 **MSGR. LAROCQUE:** I was told afterwards.

13 **MR. PAUL:** Okay, told as Bishop?

14 **MSGR. LAROCQUE:** Pardon?

15 **MR. PAUL:** You were told while you were
16 Bishop that the insurer hadn't been advised?

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

18 **MR. PAUL:** Did that lead you to give any
19 directions within the Diocese that in the future there
20 should be notification of an insurer?

21 **MSGR. LAROCQUE:** I think we all were aware
22 of that at that time, yes.

23 **MR. PAUL:** Okay, but did you give any
24 directions that that should not be done in the future; that
25 there should be notification in the future of an insurer?

1 **MSGR. LAROCQUE:** Yes, we were all aware of
2 that.

3 **MR. PAUL:** As far as the aftermath of the
4 settlement, I do want to ask a few points in relation to
5 the press conference, the final press conference on or
6 about January 24th and as far as that press conference, I
7 would assume that given there was a misrepresentation of
8 the first one, that the second press conference would have
9 been carefully planned?

10 **MSGR. LAROCQUE:** I believe so, yes, with the
11 new lawyers, yes.

12 **MR. PAUL:** I mean there would have been an
13 effort to try to make sure all the information was correct
14 at the second press conference?

15 **MSGR. LAROCQUE:** Yes, that's right.

16 **MR. PAUL:** And in that regard, would there
17 be discussions between yourself and Jacques Leduc or Mr.
18 Bryan about how to present the material?

19 **MSGR. LAROCQUE:** I think it was with the
20 lawyers, but I'm not sure.

21 **MR. PAUL:** All right. I want to show you --
22 I am going to show him an exhibit. It would be Exhibit
23 1965, Document 115544.

24 **THE COMMISSIONER:** So you are referring to a
25 Standard Freeholder article?

1 **MR. PAUL:** Yes.

2 **THE COMMISSIONER:** Yes, we have it. Go
3 ahead, sir.

4 **MR. PAUL:** I don't have it here, but I have
5 a quote here. I can read the quote ---

6 **THE COMMISSIONER:** No, well, it should be on
7 -- and it's not on mine either, Madam Clerk.

8 It is now? All right.

9 **MR. PAUL:** It should be a portion -- you see
10 the photograph of Mr. Bryan holding up the document?

11 **MSGR. LAROCQUE:** I do, yes.

12 **MR. PAUL:** There should be a portion on a
13 column to the right of that where it is quoting Mr. Bryan
14 and I believe it indicates:

15 "Generally these confidential documents
16 are sealed. We do not open them unless
17 there is a need for it."

18 **MSGR. LAROCQUE:** I see it, yes.

19 **MR. PAUL:** First of all, do you have a
20 recollection of that being presented at the second news
21 conference?

22 **MSGR. LAROCQUE:** Vaguely, but it's so long
23 ago, I can't recall really.

24 **MR. PAUL:** Was it your understanding at the
25 time that there were -- it was a common practice of filing

1 and sealing documents of that nature?

2 **MSGR. LAROCQUE:** We didn't have that many of
3 that nature, I can assure you.

4 **MR. PAUL:** Was it your understanding there
5 was a practice of that, an ongoing practice that had been
6 in existence before the Silmsler case?

7 **MSGR. LAROCQUE:** I don't believe we had any
8 other documents like that.

9 **MR. PAUL:** All right. And do you recall
10 either hearing Mr. Bryan present that position at the news
11 conference or it being reported in the front page, that
12 there was some form of common practice that that was done?

13 **MSGR. LAROCQUE:** I can't recall that, no;
14 it's too far back.

15 **MR. PAUL:** Do you recall if you ever
16 questioned Mr. Bryan about whether there were any other
17 documents you should know about; any other potential
18 problems in the Diocese files that were filed away in
19 perhaps other cases?

20 **MSGR. LAROCQUE:** I don't believe that he
21 would have been aware of any others. I didn't ask him, no.

22 **MR. PAUL:** The reason I ask that because you
23 agree that the fact if the documents in this case, in the
24 subject case were filed, as suggested by Mr. Bryan and Mr.
25 Leduc, filed without being looked at, that caused a lot of

1 problems for the Diocese, correct?

2 **MSGR. LAROCQUE:** It certainly did.

3 **MR. PAUL:** And you ---

4 **MSGR. LAROCQUE:** And to me, personally.

5 **MR. PAUL:** Yes. And if it was suggested
6 that that was a common practice and it was done in some
7 other cases would you not have gone to Mr. Bryan and found
8 out what those other cases are to see if there's any other
9 potential difficulties that could blow up on you in the
10 future?

11 **MSGR. LAROCQUE:** I didn't have any reason to
12 think that there were others but what you're suggesting
13 might have been more prudent, yes.

14 **MR. PAUL:** Okay. I just want to take the
15 witness to one portion of Mr. Bryan's evidence. I believe
16 it's Volume 261, page 116.

17 **THE COMMISSIONER:** You're talking about
18 transcripts, sir?

19 **MR. PAUL:** Yes.

20 **THE COMMISSIONER:** Yeah. And page 116.

21 **MR. PAUL:** If you look at the -- do you have
22 page 116 there, Bishop LaRocque?

23 **MSGR. LAROCQUE:** Yes, I do. Thanks.

24 **MR. PAUL:** I'll be looking at the top
25 portion down to I believe around line 10. There's a

1 question, if there was any suggestion to the effect that it
2 was a normal course to file those types of documents in
3 sealed fashion. And the answer:

4 "Yeah, it would have been the first for
5 me.

6 Question:

7 "Would you think that that would have
8 been somewhat misleading given that
9 there was an institution specific -- an
10 instruction, a specific instruction for
11 Mr. Leduc?"

12 Answer:

13 I never thought of it that way."

14 Now the way Mr. Bryan has ---

15 **MSGR. LAROCQUE:** I'm sorry, I haven't been
16 following you. Okay, now I see it right where you ---

17 **MR. PAUL:** Would you agree that Reverend
18 Bryan seems to indicate that the practice was in fact --
19 that was in fact the first time that documents of that
20 nature were filed and sealed away?

21 **MSGR. LAROCQUE:** That's what I believe, yes.

22 **MR. PAUL:** And that -- his evidence in the
23 proceeding that we there is that consistent with your
24 recollection of what the practice was, it was -- that was
25 the first time to your recollection?

1 **MSGR. LAROCQUE:** That's what I've already
2 said, yes.

3 **MR. PAUL:** So presumably the reference in
4 the newspaper to other situations where documents were
5 filed and sealed would have been surprising to you?

6 **MSGR. LAROCQUE:** Well, it would have been
7 ambiguous, yes.

8 **MR. PAUL:** And something that likely you
9 would have inquired about further to find out what the
10 other documents were?

11 **MSGR. LAROCQUE:** If I had realized it at the
12 time but I didn't at the time.

13 **MR. PAUL:** And you say that you -- do you
14 have a specific recollection of whether you heard Mr. Bryan
15 say that or you read it in the paper or do you not know if
16 you recall -- if you actually heard those comments?

17 **MSGR. LAROCQUE:** Could I have the question
18 again, please?

19 **MR. PAUL:** Do you actually recall Mr. Bryan
20 making those comments or is it something you're not certain
21 of today?

22 **MSGR. LAROCQUE:** No, I don't recall.

23 **MR. PAUL:** One other aspect I want to ask
24 you about. In terms of the investigation process in the
25 Silmsler case, just a few questions about the committee.

1 The committee process has been -- you've
2 been asked a number of questions and I'm not going to
3 repeat them. But there are a few other areas I wanted to
4 ask and in particular I just want to ask if you would agree
5 that the committee -- at least the committee in the Silmsen
6 case really would not have the kind of training and
7 resources on the same level as a police investigation; it
8 couldn't substitute for a police investigation.

9 **MSGR. LAROCQUE:** No, and it was their first
10 time as well.

11 **MR. PAUL:** All right. In terms of the
12 training of the people involved it certainly wouldn't be
13 comparable to the training of a trained officer who's
14 trained to investigate matters?

15 **MSGR. LAROCQUE:** No, that's correct. That's
16 why I made the recommendation that people -- that police
17 should be advised first. But that's just an elaboration of
18 your question.

19 **MR. PAUL:** Would you agree also perhaps that
20 the idea of secrecy and avoiding scandal potentially could
21 make it difficult for a committee like that to get to the
22 truth in the sense that it would be more difficult to
23 maintain confidentiality and reach out to witnesses such as
24 other altar boys because that would get information out
25 within the general community?

1 **MR. SHERRIFF-SCOTT:** Can that be expressed
2 as a question. I just heard a paragraph.

3 **MR. PAUL:** I'm suggesting that the committee
4 would be sort of hamstrung, would be more difficult for the
5 committee to get to the bottom of the situation if it's
6 being governed by issues of secrecy and confidentiality
7 because the committee may not go out to as many witnesses
8 for example as a police investigation; go out to
9 parishioners and former altar boys.

10 **THE COMMISSIONER:** Isn't the goal or the --
11 the goal of the committee is not to do a full
12 investigation; it is just to inform the Bishop of the basic
13 structure of the complaint?

14 **MR. SHERRIFF-SCOTT:** I think that's correct.
15 Moreover, you know, some of this is motherhood in the sense
16 that it's been admitted and we've been through it. But the
17 approach expressed in the original protocol was abandoned
18 for the 1995 document which effectively ceded any such
19 activity to police and CAS.

20 Now the subsequent approach following a 2002
21 has a sort of prima facie investigative function strictly
22 directed to, effectively, how do you deal with the
23 individual and what overtures if any can you make to the
24 person making the complaint.

25 So this whole structure that he's asking

1 about is gone and has been gone for many years.

2 **MR. PAUL:** But I'm asking about the
3 structure that was in place in -- at the time of the
4 Silmsler investigation which I believe had to try to reach a
5 level of moral certitude and I think ---

6 **THE COMMISSIONER:** No, no. No. No, I think
7 that -- I'm happy that you're doing that. That's the
8 Bishop's interpretation of what it was.

9 If you look at Pain to Hope, right, and to
10 what was going on at the time, I think there's -- the
11 evolution there is saying no, no, no, we don't look at
12 necessarily a conclusion. We want to see if there is --
13 and I think it's in Pain to Hope and I'm not expressing it
14 as best I should is that they're not looking to determine
15 guilt or innocence. They're trying to say is there a
16 basis, just a basis for this. And I think it's important
17 because a lot of people in the community and elsewhere have
18 to understand that for every institution there are
19 different standards and different requirements.

20 So for example, sometimes when we talk about
21 the Childrens' Aid Society and oh they believe everything
22 the child says, well, that's for a specific reason that
23 they take it whereas in the criminal court as you well
24 know, the standard is completely different.

25 So I think you should focus your questions

1 on looking at exactly what was there at the time and
2 understanding that the Bishop's position about moral
3 certainty may not well jive with the rest of what was going
4 on at the time.

5 **MR. PAUL:** In terms of the process that was
6 in place during the Silmsler investigation, the committee,
7 was it the hope that the use of a committee would satisfy a
8 complainant so that he wouldn't feel it necessary to go to
9 the police?

10 **MSGR. LAROCQUE:** No, it was just the
11 following of the protocol that existed at that time.

12 **MR. PAUL:** So you're saying that there
13 wasn't any hope that the complainant would be satisfied
14 with that approach so he wouldn't feel it necessary to go
15 to the police?

16 **MSGR. LAROCQUE:** I don't think that entered
17 my mind and nor the ones that drafted the document.

18 **MR. PAUL:** I have a couple questions about
19 the Southdown facility.

20 **MSGR. LAROCQUE:** Yes.

21 **MR. PAUL:** And this would be the only is the
22 only type of facility that you dealt with in terms of
23 sending priests to for rehabilitation?

24 **MSGR. LAROCQUE:** You mean priests with
25 sexual difficulties?

1 MR. PAUL: Yes, sorry.

2 MSGR. LAROCQUE: Yes, that would have been
3 the only place that I sent them to.

4 MR. PAUL: Now, at some point in the case of
5 Father Charles MacDonald you had some concern that certain
6 tests weren't done by the facility?

7 MSGR. LAROCQUE: Yes, that's correct.

8 MR. PAUL: Was there any consideration to --
9 -

10 MSGR. LAROCQUE: That was at the instigation
11 of the CAS.

12 MR. PAUL: Was there any consideration of
13 changing facilities and going to another facility? Was
14 that looked at?

15 MSGR. LAROCQUE: Not at the time, no.

16 MR. PAUL: Now, in terms of the staff at
17 Southdown, are the staff there -- is it entirely
18 independent of the Roman Catholic Church or are staff
19 members also priests and nuns?

20 MSGR. LAROCQUE: There are both.

21 MR. PAUL: Right, there are some who are not
22 priests and nuns?

23 MSGR. LAROCQUE: Yes.

24 MR. PAUL: And there are some who are?

25 MSGR. LAROCQUE: There have always been

1 qualified laypeople there; psychologists and psychologists
2 (sic).

3 MR. PAUL: All right, but are some of them
4 also ---

5 MSGR. LAROCQUE: Psychiatrists.

6 MR. PAUL: --- some of the psychiatrists and
7 psychologists also nuns or priests?

8 MSGR. LAROCQUE: I believe so. At some time
9 the -- the staff has changed over the years.

10 THE COMMISSIONER: I guess what he's getting
11 at, though, is is Southdown financed by the Church,
12 different dioceses pitching in to ---

13 MSGR. LAROCQUE: It was begun by the Church
14 but it is no longer, I think, financed by the Church, if
15 I'm not mistaken.

16 THE COMMISSIONER: No, but at your time.

17 MSGR. LAROCQUE: The seed money for the
18 establishment of Southdown came from the Bishops of
19 Ontario.

20 THE COMMISSIONER: All right. So how did it
21 survive in your time; by people paying for the priest to go
22 there?

23 MSGR. LAROCQUE: Yes, there is a
24 considerable fee ---

25 THE COMMISSIONER: Right.

1 **MSGR. LAROCQUE:** --- for the priests to go
2 there.

3 **MR. PAUL:** Just as an example ---

4 **MSGR. LAROCQUE:** And now, sir, it's a much
5 wider community -- now, sir, it's a much wider community --
6 -

7 **THE COMMISSIONER:** As in non ---

8 **MSGR. LAROCQUE:** --- than just Ontario.
9 There's some from the States.

10 **THE COMMISSIONER:** But it's still reserved
11 for religious people?

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

13 **MR. PAUL:** Just as an example, the counsel
14 referred to Ruth Droege.

15 **MSGR. LAROCQUE:** Yes.

16 **MR. PAUL:** Is she also a nun?

17 **MSGR. LAROCQUE:** She is a religious, yes.

18 **MR. PAUL:** And I would understand that
19 whatever happens at Southdown with a priest, the ultimate
20 decision on whether the priest is returned to the Diocese
21 is your decision?

22 **MSGR. LAROCQUE:** Yes, though it would depend
23 on their recommendations.

24 **MR. PAUL:** I want to ask you a couple
25 questions about Carl Stone. Most of my questions have been

1 addressed but I have a few additional questions. I just
2 want to confirm whether in the case of Carl Stone did you
3 never receive any file on Reverend Stone from New York
4 State or Ogdensburg?

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

6 **MR. PAUL:** You never actually received a
7 file from his previous diocese?

8 **MSGR. LAROCQUE:** No.

9 **MR. PAUL:** And as far as -- I was confused
10 about his attendance at Southdown. Would the report from
11 his attendance at Southdown have gone to the New York State
12 Diocese or would it have come to you as well?

13 **MSGR. LAROCQUE:** If it had come to me it
14 would have been in his file.

15 **MR. PAUL:** So there definitely was not any -
16 - to your recollection, any report from Southdown?

17 **MSGR. LAROCQUE:** To me directly, no.

18 **MR. PAUL:** Is it something perhaps you could
19 have obtained with the consent of Reverend Stone; to have
20 him consent and have that reviewed before you made the
21 decision?

22 **MSGR. LAROCQUE:** Yes, they would have been
23 able to -- I would have been able to obtain it.

24 **MR. PAUL:** I'm just wondering, would you
25 agree that perhaps you made a mistake in placing too much

1 emphasis on the fact that there's a reference from Reverend
2 Ostler -- Father Ostler, given that Father Ostler also
3 would not necessarily have the report from Southdown or the
4 background files?

5 **MSGR. LAROCQUE:** That's correct, yes.

6 **MR. PAUL:** So you'd agree that perhaps it
7 was a mistake to rely almost solely on Father Ostler in
8 that case?

9 **MSGR. LAROCQUE:** I suppose so, yes. The
10 fact that he was going back for counselling at Southdown I
11 think entered the question as well, and that he was
12 reporting to a probation officer in -- I think it was in
13 Cornwall, or some immigration officer in Cornwall. That
14 also entered the picture.

15 **MR. PAUL:** The issue of probation; I had a
16 couple questions on that for you.

17 Was it your understanding at the time that
18 he reported to a Canadian probation officer but he had been
19 on probation as a result of a New York State order?

20 **MSGR. LAROCQUE:** I believe so, yes, but I'm
21 not sure.

22 **MR. PAUL:** Okay, and what I wanted to ask
23 you was, was there ever any discussion back then about
24 whether the New York State probation order would have
25 what's called an extraterritorial effect, it would apply in

1 Canada, or whether in effect he evades the probation order,
2 its effect, by being in another country?

3 **MSGR. LAROCQUE:** I don't remember that
4 question being raised.

5 **MR. PAUL:** Did you have any concern that
6 placement of him in Ontario may allow him to avoid any
7 conditions that might be on him in New York State? Was
8 that a concern?

9 **MSGR. LAROCQUE:** No, that didn't enter my
10 mind but I did put conditions of my own that were urged on
11 me by the Immigration people.

12 **MR. PAUL:** I want to ask you briefly about
13 the interaction of government officials, and you made
14 reference to Mr. Lumley.

15 **MSGR. LAROCQUE:** Yes.

16 **MR. PAUL:** I want to ask you, was he a close
17 personal friend of yours?

18 **MSGR. LAROCQUE:** Not close; he's a good
19 acquaintance.

20 **MR. PAUL:** Was the association somehow in
21 the Church? Was he a member of the parish?

22 **MSGR. LAROCQUE:** No, he's an Anglican.

23 **MR. PAUL:** Pardon me?

24 **MSGR. LAROCQUE:** He is not a member of the
25 Catholic Church.

1 **MR. PAUL:** All right.

2 And just generally I want to ask you when
3 the outcome of -- at the end of Father Stone's placement at
4 the Villa became known to you through Sister Cane, did you
5 fear any repercussions or a scandal if the true extent of
6 it were revealed to government officials?

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

8 **MR. PAUL:** Did you have any concern that
9 this talk about events that may have been going on as long
10 as six months might imply that you were not honouring your
11 bargain in terms of supervision of him and being
12 responsible?

13 **MSGR. LAROCQUE:** I wasn't aware that it was
14 over a period of six months. Where did you get that
15 information? Is it in there?

16 **THE COMMISSIONER:** Yeah.

17 **MSGR. LAROCQUE:** Okay.

18 **THE COMMISSIONER:** I believe there's ---

19 **MSGR. LAROCQUE:** Well, I wasn't aware of
20 that until I was made aware.

21 **THE COMMISSIONER:** For the record I think,
22 and I stand to be corrected, that Sister ---

23 **MSGR. LAROCQUE:** From the hospital.

24 **THE COMMISSIONER:** --- from the hospital
25 would have mentioned that this had been going on for six

1 months.

2 **MSGR. LAROCQUE:** But I was not aware of it.

3 **THE COMMISSIONER:** Right, and so what he's
4 saying is, well ---

5 **MSGR. LAROCQUE:** Had I been aware of it I
6 would have acted more quickly.

7 **THE COMMISSIONER:** Right, but what he's
8 saying is you were the one who was in charge of supervising
9 him, so you didn't ---

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

11 **THE COMMISSIONER:** --- have any methods of
12 supervising him.

13 **MSGR. LAROCQUE:** Yeah, except Sister.

14 **THE COMMISSIONER:** So you didn't instruct
15 her to say, "Listen" -- well, she didn't know he was on
16 conditions though?

17 **MSGR. LAROCQUE:** I'm not sure. I think so.

18 **THE COMMISSIONER:** Well, then, if she -- did
19 you give her instructions to say, "Look, this fellow is
20 here on my conditions and if at -- the first thing that you
21 see, that you're to report it back to me"? I don't know,
22 we'd have to check your evidence, but I don't know that you
23 told her ---

24 **MSGR. LAROCQUE:** I don't think I've ever
25 said that but I -- and I can't recall but it would

1 certainly have been the proper thing to do.

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

3 **MR. PAUL:** Again about Father Stone, I
4 understand that you gave instructions to Sister Cane that
5 there was a potential problem and that -- you advised her
6 of his background, correct?

7 **MSGR. LAROCQUE:** I'm not sure. That's what
8 was just discussed with the judge.

9 **MR. PAUL:** Okay. In terms of Villa staff,
10 did Villa staff who would be watching or would be there,
11 would they have any knowledge of the background of ---

12 **MSGR. LAROCQUE:** I don't know.

13 **MR. PAUL:** Okay. Certainly the residents
14 wouldn't have any knowledge of the background of ---

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

16 **MR. PAUL:** --- Father Stone?

17 In terms of the other location, Mount Carmel
18 I believe he attended as well?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. PAUL:** Supervisor at Mount Carmel was
21 told of the background of Father Stone?

22 **MSGR. LAROCQUE:** I believe so but I'm not
23 sure.

24 **MR. PAUL:** So you're not sure if any of the
25 staff below the supervisor would have been told?

1 **MSGR. LAROCQUE:** I'm not sure.

2 **MR. PAUL:** In terms of that location, was it
3 your understanding Mount Carmel only dealt with adults over
4 18 in rehabilitation?

5 **MSGR. LAROCQUE:** That was my understanding,
6 yes.

7 **MR. PAUL:** Nevertheless, did you have any
8 concern that even though they're adults, if they're
9 suffering from some form of addiction that they might be in
10 a vulnerable situation?

11 **MSGR. LAROCQUE:** More vulnerable.

12 **MR. PAUL:** More vulnerable, and it might not
13 be the best location for Father Stone with a group of
14 vulnerable people. It may be not minors but young adults?

15 **MSGR. LAROCQUE:** I was under the impression
16 that his problem was with younger people, that's why I was
17 trying to keep them away.

18 **MR. PAUL:** All right.

19 Now, I know that you have indicated that
20 Father Ostler had influence over you in making this
21 decision to make the placement, but I just wanted to ask
22 you if there was another influence in the sense of the idea
23 of reciprocity or assisting a neighbouring diocese?

24 **MSGR. LAROCQUE:** No.

25 **MR. PAUL:** Did it enter your mind that maybe

1 you should help a neighbouring diocese because you might
2 need their help at some point in the future?

3 **MSGR. LAROCQUE:** That didn't enter into the
4 question, no.

5 **MR. PAUL:** You would agree that -- I think
6 you have indicated that, "We initially received the verbal
7 report from Sister Cane". You didn't act immediately
8 because you had a denial from Father Stone?

9 **MSGR. LAROCQUE:** Well, I acted immediately.
10 I saw him that very same day, and then the next day I
11 received the report and he was out. So within a day-and-a-
12 half he was out.

13 **MR. PAUL:** Now, when you -- the first day
14 that I take it that you have verbal reports from Sister
15 Cane?

16 **MSGR. LAROCQUE:** She came to see me with one
17 of the other sisters in my office, yes.

18 **MR. PAUL:** And her dissatisfaction is that
19 you don't act immediately on the verbal report; correct.

20 **MSGR. LAROCQUE:** That's right. She wanted -
21 - I wanted a bit more facts.

22 **MR. PAUL:** Now, you have two sides of it,
23 but you would read one side of it, it's from someone who
24 has a long history of some form of sexual misconduct;
25 correct?

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

2 **MR. PAUL:** So one side of it is really not
3 very credible compared to the other. Would you agree with
4 that?

5 **MSGR. LAROCQUE:** For sure, yes.

6 **MR. PAUL:** Would it be fair to say that
7 maybe in your mind, because of the almost agreement that
8 you had made with the Minister to keep the supervision or
9 watch this individual, then in your mind you hesitated to
10 believe that somebody would break the bargain that you had
11 made with a minister of the government and you didn't want
12 to believe it yourself?

13 **THE COMMISSIONER:** Mr. Paul, you know, we're
14 talking about two days, forty-eight hours maybe seventy-two
15 hours, I mean, you know -- I don't know how relevant it is
16 that for that period of time that you're going to find
17 fault for him for -- people come and see him on a
18 Wednesday, he speaks to Father Stone that day, and on
19 Friday he gets the letter and he's gone.

20 I mean, if you want to go ahead, go ahead,
21 but I just say there's not much hay to be made there.

22 **MR. PAUL:** There was just one other area on
23 Father Stone. You were asked by Mr. Talach about the issue
24 of whether despite the fact that he's in -- I believe sort
25 of a limited ministry, he's -- in the sense that he's -- is

1 this a limited ministry in the sense of informally but not
2 formally?

3 **MSGR. LAROCQUE:** Limited to the people, the
4 old people in the Villa and giving spiritual direction at
5 the -- well, giving the fifth step of the AA program.

6 **MR. PAUL:** What I wasn't clear on, is he
7 given an actual instruction that he can't go beyond that
8 and assist in another parish or ---

9 **MSGR. LAROCQUE:** I believe so, but I'm not
10 certain.

11 **MR. PAUL:** And do you know for certainty
12 whether he ever ---

13 **MSGR. LAROCQUE:** I don't believe he ever
14 acted in other parishes. Not to my knowledge, at least.

15 **MR. PAUL:** Mr. Commissioner, I'm just about
16 to go onto to the Deslauriers matter.

17 **THE COMMISSIONER:** We should take a break.
18 Let's take 15 minutes.

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

21 The hearing will resume at 11:40 a.m.

22 --- Upon recesssing at 11:23 a.m./

23 L'audience est suspendue à 11h23

24 --- Upon resuming at 11:43 a.m./

25 L'audience est reprise à 11h43

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

3 The hearing is now resumed. Please be
4 seated. Veuillez vous asseoir.

5 **MONSIGNOR EUGÈNE LAROCQUE:** Resumed/Sous le même serment

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

7 **PAUL:** (cont'd./suite)

8 **MR. PAUL:** Bishop LaRocque, I'd like to move
9 to the Deslauriers area. I'd like to ask you a few
10 questions about Father Deslauriers.

11 First of all, I would understand that the
12 number of victims that came forward, these were not people
13 that you were actively seeking out; they just appeared to
14 you?

15 **MSGR. LAROCQUE:** There was an invitation for
16 them to come, yes.

17 **MR. PAUL:** All right. An invitation?

18 **MSGR. LAROCQUE:** To come out, yes.

19 **MR. PAUL:** Now, at what point-in-time was
20 the invitation?

21 **MSGR. LAROCQUE:** Pardon?

22 **MR. PAUL:** At what point did you make the
23 invitation? Was there any invitation?

24 **MSGR. LAROCQUE:** Well, the invitation was
25 more or less that any victims would be helped in the degree

1 that they needed help through Father -- especially through
2 Father Thibault.

3 MR. PAUL: Before taking the point-in-time
4 when Father Deslauriers is told to leave the Diocese ---

5 MSGR. LAROCQUE: Yes.

6 MR. PAUL: --- before that, do you seek out
7 any victims?

8 MSGR. LAROCQUE: I didn't know that there
9 were more victims. I didn't even know that there was one
10 because of what he had told me.

11 MR. PAUL: At the point-in-time when he's
12 told to leave, is the primary concern a scandal to the
13 Diocese?

14 MSGR. LAROCQUE: No, I don't believe so.
15 It's -- that would be part of it, but the main thing is
16 that he'd be taken away from his post.

17 MR. PAUL: But in terms of where he was to
18 go, there was no restrictions or indications of -- at that
19 point when he's told to leave the Diocese, were no
20 restrictions put on him?

21 MSGR. LAROCQUE: His faculties were taken
22 away from the Diocese. I have admitted before that my
23 mistake was to let him leave the Diocese and, therefore, to
24 a great extent, leave my control.

25 MR. PAUL: Did you have a preference that he

1 go to another diocese at that point so that if he was
2 removed from the jurisdiction there would be perhaps less
3 embarrassment?

4 **MSGR. LAROCQUE:** No. The preference was
5 that he quit his ministry in our Diocese and seek help in
6 order to see whether he could actually exercise ministry
7 afterwards.

8 **MR. PAUL:** I would assume that if the main
9 focus was on public safety then you would have sought --
10 you would have -- the first reaction would have been to
11 seek restrictions on him in the Hull area?

12 **MSGR. LAROCQUE:** Well, that's just what I
13 did.

14 **MR. PAUL:** Which ultimately were not
15 accepted by the Bishop in Hull; correct?

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

17 **MR. PAUL:** I understand that prior to the
18 incardination you could have taken him back at any point.
19 Prior to the incardination into Hull, you could have
20 brought him back to Alexandria-Cornwall Diocese at any
21 point?

22 **MSGR. LAROCQUE:** Strictly speaking, legally
23 speaking, yes.

24 **MR. PAUL:** I want to understand in terms of
25 ---

1 **MSGR. LAROCQUE:** Whether he would have come
2 or not, I'm not sure.

3 **MR. PAUL:** I understand in terms of the
4 relationship with Father Deslauriers, you made reference to
5 I believe to the fact that he was a controlling individual?
6 He was a controlling individual.

7 **MSGR. LAROCQUE:** Very much so.

8 **MR. PAUL:** And he had some form of control,
9 even over you?

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

11 **MR. PAUL:** And that's despite the fact that
12 you're obviously the superior in the relationship, the
13 Bishop, he's a subordinate -- he was still able to control
14 you?

15 **MSGR. LAROCQUE:** Well, I'm a human being
16 too.

17 **MR. PAUL:** But he's still able to control
18 you despite that relationship?

19 **MSGR. LAROCQUE:** Well, manoeuvre me.

20 **MR. PAUL:** Is he still able to control you
21 and manoeuvre you after you have given him the order to
22 leave the Diocese or does that end the control?

23 **MSGR. LAROCQUE:** No, I believe I was onto
24 his scheme at that time, yes.

25 **MR. PAUL:** It was -- sorry?

1 **MSGR. LAROCQUE:** I was on to him by that
2 time, yes.

3 **MR. PAUL:** So you say that once he leaves
4 the Diocese and that order is given, there's no control by
5 him over you?

6 **MSGR. LAROCQUE:** By him over me?

7 **MR. PAUL:** Yes.

8 **MSGR. LAROCQUE:** That's correct, yes.

9 **MR. PAUL:** So presumably any -- at that
10 point, any failure by you to bring him back to the Diocese
11 is basically your own decision. It's not as a result of
12 any control over him; control by him over you?

13 **MSGR. LAROCQUE:** To a certain extent, that's
14 true, yes.

15 **MR. PAUL:** So I guess what I'm saying is,
16 once he's told to leave the Diocese any decisions you make
17 after that are decisions on your own free will. They are
18 not things that are being done as a result of manipulation
19 by Father Deslauriers at that ---

20 **MSGR. LAROCQUE:** That's true, yes.

21 **MR. PAUL:** Now, as far as Father
22 Deslauriers, there was some discussion about Lise Brisson
23 speaking to you about her son wanting financing for a
24 business?

25 **MSGR. LAROCQUE:** Yes, some years after, yes.

1 **MR. PAUL:** And is that even -- that's even
2 after Father Deslauriers was convicted?

3 **MSGR. LAROCQUE:** Yes, I believe so.

4 **MR. PAUL:** Now, are you certain that that
5 discussion wasn't in relation to seeking a loan for
6 counselling expenses as opposed to a business?

7 **MSGR. LAROCQUE:** I'm quite sure that it was
8 to set up a business, and I conferred with Mr. Bryan on
9 this just to make sure and he has the same recollection.

10 **MR. PAUL:** Okay. I mean you had to talk to
11 Reverend Bryan before you were sure? You weren't sure
12 until you talked to him?

13 **MSGR. LAROCQUE:** Well, I just wanted to make
14 sure that -- because he had been in on the discussion along
15 with me. It's not because I doubted but I just wanted to
16 confirm my own recollection, that's all.

17 **MR. PAUL:** Okay. So the two of you talked
18 about that part of the evidence before attending here at
19 the Commission?

20 **MSGR. LAROCQUE:** Yes.

21 **MR. PAUL:** And you talked perhaps because
22 you have no notes to go back to rely upon?

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

24 **THE COMMISSIONER:** When would you have
25 spoken to him about this? In the last week, the last

1 month, two months?

2 **MSGR. LAROCQUE:** Oh, no. It would be much,
3 much further back. I think it's when I was being prepared
4 for this interrogation.

5 **THE COMMISSIONER:** Okay.

6 **MSGR. LAROCQUE:** Way back.

7 **THE COMMISSIONER:** And did you discuss
8 anything else?

9 **MSGR. LAROCQUE:** Not that I can recall, no.
10 This is one of the points that ---

11 **MR. PAUL:** Yes, I was about to ask perhaps -
12 - I think you've answered, but are you sure that you didn't
13 discuss anything about the settlement process and Mr.
14 Bryan's involvement in the documentation? You didn't
15 discuss that?

16 **MSGR. LAROCQUE:** I don't believe so. No, I
17 knew that beforehand.

18 **MR. PAUL:** Okay, but you don't believe, so
19 you're not certain whether that was discussed as well?

20 **MSGR. LAROCQUE:** Pardon?

21 **MR. PAUL:** You indicated you don't believe
22 so. Are you saying you're not certain that that wasn't
23 discussed?

24 **MSGR. LAROCQUE:** Well, I may have discussed
25 with him the payments and how the payments were made, but

1 the settlement itself, he was not involved. He was just
2 involved in the cashing of the -- or the making of the
3 cheque.

4 MR. PAUL: So you may have discussed, for
5 example, the ---

6 MSGR. LAROCQUE: How the payment was made.

7 MR. PAUL: -- the writing of the cheque?

8 MSGR. LAROCQUE: That's right. I may have
9 discussed that with him.

10 MR. PAUL: Okay. Could you have discussed
11 as well how the documents were filed and sealed and opened,
12 with Reverend Bryan?

13 MSGR. LAROCQUE: No, because I was aware of
14 how that had been done.

15 MR. PAUL: You were aware because you
16 already discussed that with him back in -- before the press
17 conferences?

18 MSGR. LAROCQUE: No, when it actually took
19 place, when he put the document on my desk. I mean, that
20 was such a traumatic experience, I can remember that.

21 MR. PAUL: Just a last aspect of Father
22 Deslauriers. I understand that -- I know you didn't give a
23 written statement to the police during that investigation;
24 correct?

25 MSGR. LAROCQUE: I don't believe I was asked

1 for one, no.

2 MR. PAUL: You're certain you weren't asked
3 by the police for ---

4 MSGR. LAROCQUE: I was asked questions by
5 the police. I was not asked for a written statement that I
6 can recall.

7 MR. PAUL: All right.

8 Now, I just want to ask you about the other
9 priests in the Diocese who may have given statements to the
10 police. Did you have discussions with any of those priests
11 before they talked to the police?

12 MSGR. LAROCQUE: Not to my recollection, no,
13 not at all.

14 MR. PAUL: You didn't have any discussions
15 about what they should or shouldn't say to the police?

16 MSGR. LAROCQUE: Absolutely not.

17 MR. PAUL: And, specifically, was there any
18 discussion with Father Thibault about the contents of any
19 statement that he might give to the police?

20 MSGR. LAROCQUE: Not at all.

21 MR. PAUL: A few parts of your evidence; I
22 wanted to ask you to clarify what you meant by a few
23 points.

24 There's one portion at Volume 266, page 41.

25 THE COMMISSIONER: Thank you.

1 **MR. PAUL:** Perhaps I can direct you to --
2 it's page 41 and I'm looking at the question from Mr.
3 Commissioner, line 6, down to about line 15 with your
4 answers. There was a question ---

5 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, can
6 we have it on the screen, I don't have it.

7 **THE COMMISSIONER:** Certainly. No, it's
8 coming, sure.

9 **MR. SHERRIFF-SCOTT:** If my friend could just
10 wait until I see it before he begins.

11 **THE COMMISSIONER:** So do you have it, sir?

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

13 **MR. PAUL:** There's a question:

14 "But do you not agree that sometimes
15 the legal concern and the pastoral
16 concern may conflict in the sense that
17 it may be to your -- to the Diocese's
18 advantage to avoid scandal as opposed
19 to, by putting into the criminal hands,
20 it will become public and then cause
21 some pastoral concerns?"

22 The answer:

23 "That was the thinking at a certain
24 time in the church. I think that
25 thinking has now been put aside."

1 Now, by your answer you're indicating that
2 the thinking in terms of scandal perhaps being more
3 important than the public interest and criminal
4 proceedings, the scandal aspect being more important, was a
5 dominant theme or dominant idea at one point in the church?

6 **MSGR. LAROCQUE:** That's what it says, yes.

7 **MR. PAUL:** And the thing I want to clarify
8 is, given that you were part of the Catholic Church
9 hierarchy, I would assume that you would have followed the
10 thinking at the time? It would have been influenced by the
11 thinking of the time?

12 **MSGR. LAROCQUE:** The thinking of the time,
13 if I recall correctly, my first -- even as a priest, was
14 that for misdemeanours or a priest getting in difficulty
15 with children or with women or with men or -- was sent away
16 for a month of retreat in a monastery and made a good
17 confession and came back with the note that they had made
18 their retreat and they had made their confession, and the
19 bishop took for granted that there was a moral change in
20 his life and then reassign him. That's really what I meant
21 by a certain time in the church.

22 And the criminal aspect, I would have said,
23 was not impeded but was not promoted.

24 **MR. PAUL:** All right. So in the sense of
25 not being promoted, wouldn't -- at certain times, the

1 church wouldn't actively go out and seek the public
2 authorities and report events. They would perhaps wait and
3 see if the authorities were notified by a point ---

4 **MSGR. LAROCQUE:** That's what I just said,
5 yes.

6 **MR. PAUL:** And you indicate in your
7 response:

8 "I think that thinking has now been put
9 aside."

10 When you say "put aside", you didn't give a
11 timeframe. Are you talking about perhaps around the time
12 of the Pain to Hope documentation?

13 **MSGR. LAROCQUE:** I would say so. That's a
14 very frank document and ---

15 **MR. PAUL:** So, in time, for example, during
16 the Deslauriers proceedings in the 1980s, would you have
17 felt that you were still under the impression or the old
18 type of philosophy that was less cooperative?

19 **MSGR. LAROCQUE:** To a certain extent, yes.
20 It was an education that took a long time.

21 **MR. PAUL:** There's one other extract that I
22 would like to refer the Bishop to in the same volume. It's
23 page 107. If you need to look at the previous page to see
24 the context, you may want to, but I'm focussing on the top
25 of page 107 down to about the middle.

1 And there's an indication in your evidence:

2 "I certainly do, but it is part of my
3 education remember because I had
4 refused to cooperate with the police to
5 a certain extent in the Deslauriers
6 affair."

7 And then down towards the middle there's
8 another question about important milestones, and you
9 indicate:

10 "It was part of the education that I
11 think that we all underwent."

12 **MSGR. LAROCQUE:** I have it -- I have the
13 place, yes.

14 **MR. PAUL:** So, again, I believe that ties it
15 to the Deslauriers affair. You're indicating essentially
16 that the old type of philosophy that didn't focus on
17 getting the criminal process involved, the reporting to the
18 police, that old philosophy was still entrenched at the
19 time of the Deslauriers matter?

20 **MSGR. LAROCQUE:** Very much so in my mind
21 because it was the first time that I encountered this in my
22 ministry.

23 **MR. PAUL:** And that old philosophy, would
24 that have included not only not reporting to the police but
25 also likely not contacting Children's Aid? That would have

1 been part of the old philosophy that would have been in
2 place in the 1970s, 1980s?

3 **MSGR. LAROCQUE:** I probably would not have
4 been aware of the necessity of doing so, yes.

5 **MR. PAUL:** And would the old philosophy in
6 the 1970s and '80s, likely have caused a Bishop in that
7 period to more likely attempt to transfer a priest who was
8 in difficulty to avoid embarrassment as opposed to for
9 concerns of public safety?

10 **MSGR. LAROCQUE:** To a certain extent, yes.

11 **MR. PAUL:** So during that period, was a
12 transfer at times used to move someone to -- a priest to a
13 different area to avoid scandal and embarrassment in the
14 parish?

15 **MSGR. LAROCQUE:** I believe that was done,
16 yes; sometimes to other dioceses as well.

17 **MR. PAUL:** And part of that old mindset or
18 approach was to move a priest and not necessarily notify
19 parishioners in the other area; correct?

20 **MSGR. LAROCQUE:** No, because the Bishops --
21 I mean the mindset at that time was that there has been a
22 conversion and the priest is ready to start a new life. We
23 did not have all the psychological knowledge that we have
24 now about addictions. It was true not only with this but
25 with alcoholism, the same procedure was used.

1 **MR. PAUL:** So I've asked you before about
2 recognizing sexual abuse of a minor as being a serious
3 crime ---

4 **MSGR. LAROCQUE:** Absolutely.

5 **MR. PAUL:** --- but was your mindset tending
6 to focus on these matters as more nature of a sin as
7 opposed to a crime on a serious level?

8 **MSGR. LAROCQUE:** In a Bishop's mind, yes, I
9 would suppose that would be the primar -- the primary thing
10 would be the sinfulness of the act.

11 **MR. PAUL:** As opposed to the criminal aspect
12 of the act?

13 **MSGR. LAROCQUE:** Not excluding it but I
14 would say maybe his main concern; his major concern.

15 **MR. PAUL:** I had indicated reference to
16 failing to notify parishioners, so you would agree that
17 that, in terms of the old mindset that existed perhaps in
18 the '70s and '80s, one aspect of it was where a priest in
19 difficulty over sexual abuse issues was transferred to
20 another diocese, the tendency was not to advise the
21 parishioners in the receiving diocese.

22 **THE COMMISSIONER:** Well, never mind the
23 parishioners, what about the Bishop that's receiving this
24 fellow?

25 **MSGR. LAROCQUE:** The Bishop would probably

1 have known. But I'm not always sure -- I'm not sure.

2 **THE COMMISSIONER:** Did you ever transfer
3 someone out?

4 **MSGR. LAROCQUE:** No. I don't believe so,
5 no.

6 **MR. PAUL:** I'd like to ask you a couple of
7 questions that will focus perhaps on the issue surrounding
8 the release documentation and the finalization of the
9 settlement of Mr. Silmser. And I'd like to ask you a few
10 questions.

11 First of all, drawing on ---

12 **MSGR. LAROCQUE:** Haven't we already been
13 there with you?

14 **THE COMMISSIONER:** Now, just a second. Just
15 a second. Yes, we have, and he'll have to show me what
16 kind of questions he's going to ask and that they're
17 slightly different.

18 **MR. PAUL:** Well, I think there are a few
19 questions that have not been asked before and I'd like to
20 put them to him.

21 **THE COMMISSIONER:** No, no. We'll see where
22 we go. Go ahead.

23 **MR. PAUL:** Yeah.

24 Now, I understand that -- your evidence is
25 that there was a fairly clear direction by you to the two

1 lawyers at the last meeting that you didn't want this to
2 affect the criminal process; correct?

3 **MSGR. LAROCQUE:** I've said that I don't know
4 how many times.

5 **THE COMMISSIONER:** Well, sir, all he's doing
6 is trying to lay a foundation to ask a question.

7 **MSGR. LAROCQUE:** All right. But it's
8 unnerving. I'm sorry.

9 **THE COMMISSIONER:** It's difficult for me as
10 well.

11 All right.

12 **MR. PAUL:** You don't have any notes in
13 relation to that final meeting with the two lawyers;
14 correct?

15 **MSGR. LAROCQUE:** I've said so also
16 previously.

17 **MR. PAUL:** And the first time, you would
18 have been caused to look back and try to recall what
19 happened at that meeting, the first time you really
20 seriously put your mind to it, that's something I'd like to
21 know.

22 What is the first time after that meeting do
23 you first seriously look back and try to reconstruct it
24 without notes and figure out what was said?

25 **MSGR. LAROCQUE:** Well, certainly when the

1 whole thing blew up in the media would be of concern enough
2 for me to try to remember the circumstances in which the
3 whole thing was agreed to.

4 **MR. PAUL:** And is that reconstruction then
5 perhaps January, about three months after?

6 **MR. SHERRIFF-SCOTT:** My friend knows the
7 evidence. And the evidence is that there were interviews
8 in October; that Shaver was there on the 7th and this issue
9 was debated. So I don't think it's fair to put that
10 proposition to the evidence -- in the evidence which has
11 been testified to not only by this witness, by Jacques
12 Leduc, by Chief Shaver, by the CAS' notes and so forth,
13 it's all there.

14 **THE COMMISSIONER:** It is all there.

15 **MR. PAUL:** Mr. Commissioner, I think it is
16 relevant when he first reconstructed the evidence.

17 **THE COMMISSIONER:** I agree.

18 **MR. PAUL:** And he -- it's not -- I was not
19 the one who suggested the media attention. I asked him a
20 question that was not very leading at the outset and he
21 suggested -- did not suggest Shaver or the CAS, he
22 suggested media attention. That was his response.

23 **THE COMMISSIONER:** Yeah.

24 **MR. PAUL:** So I think I initially asked the
25 question and not even in a very leading way and he

1 suggested the media attention. So I think I'm entitled to
2 follow that up; what he means by media attention.

3 **MR. SHERRIFF-SCOTT:** So the witness has
4 conceded he didn't make any notes so the rest of it is
5 argument; isn't it?

6 **THE COMMISSIONER:** No, no, no, no, no. If I
7 understand this correctly, he is saying "Okay, you didn't
8 make any notes at the meeting so when is the first time
9 that you had cause to go back in your mind and think and
10 reconstruct what happened during those meetings?" He is --
11 the Bishop has said, "Well, that happened when the media
12 attention came to light."

13 **MSGR. LAROCQUE:** Well, I made an error. I
14 should have said when Shaver came because when I was faced
15 I had to explain to him that this was just civil actions.

16 **THE COMMISSIONER:** Yeah.

17 **MSGR. LAROCQUE:** So that would be the first
18 time that I was faced with trying to remember the situation
19 where I had agreed.

20 **THE COMMISSIONER:** Okay. But then, at that
21 time when Shaver came around, you didn't know that the
22 settlement was illegal.

23 **MSGR. LAROCQUE:** I didn't know even in
24 January that the settlement was illegal.

25 **THE COMMISSIONER:** That's what I'm saying.

1 That's what I'm saying. So your question though has to do
2 with once you found out that there was a problem with the
3 settlement, right? When did you go back in your mind to
4 think about what had happened? Is that ---

5 **MR. PAUL:** Yes.

6 **THE COMMISSIONER:** So it's once you found
7 out about the settlement. You know, you read the
8 settlement, right? And then the light goes on and you say
9 "Oh, oh, there's a problem here." Right?

10 **MSGR. LAROCQUE:** Right.

11 **THE COMMISSIONER:** And then this question --
12 -

13 **MSGR. LAROCQUE:** Immediately, right.

14 **THE COMMISSIONER:** At that point, that's
15 when you said "Let me think about this" and you thought
16 back to the meeting you had ---

17 **MSGR. LAROCQUE:** Well, I actually had to
18 think back when I was asked about it by the police with
19 kind of a -- and explain to him what I had intended by that
20 settlement, which seemed to satisfy him at that time.

21 **THE COMMISSIONER:** Right. But when you're
22 armed with the other knowledge ---

23 **MSGR. LAROCQUE:** Once I read the document --
24 -

25 **THE COMMISSIONER:** Right.

1 **MSGR. LAROCQUE:** --- then I was astounded.

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

3 **MSGR. LAROCQUE:** And I made an appointment
4 with Acting Chief Johnston to go and see him.

5 **THE COMMISSIONER:** M'hm. Okay. So go
6 ahead. Go ahead.

7 **MR. PAUL:** The first time you begin to try
8 to reconstruct it, can you give a timeframe?

9 **MSGR. LAROCQUE:** Pardon?

10 **MR. PAUL:** What's the first time in your
11 recollection when you begin to try to reconstruct what
12 happened at the last meeting with the lawyers?

13 **MSGR. LAROCQUE:** Well, as I told you there
14 was a certain remembrance of it when I -- in that
15 conversation with Chief Shaver. And then as the
16 Commissaire has said, once I was aware and I'd read the
17 document, then I really had to go back and make sure in my
18 mind that I had said this.

19 And I was absolutely positive that I had
20 made this insistence; so much so that I went to Acting
21 Chief Johnston to ask him to reopen the criminal
22 investigation.

23 **MR. PAUL:** Did you need assistance of
24 anybody else? Did you speak to anybody else such as the
25 other lawyers who were at the meeting to assist your

1 recollection?

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

3 **MR. PAUL:** And ---

4 **MSGR. LAROCQUE:** Because they were involved
5 in my difficulty.

6 **MR. PAUL:** And given that there was some
7 passage of time from the time of the meeting until the
8 first time you looked back at it, is it possible your
9 recollection is faulty and it wasn't -- your instructions
10 weren't actually that clear?

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

12 **MR. PAUL:** Now, at the second meeting, I
13 think you have indicated that the second meeting with
14 counsel -- there really isn't any other new evidence in
15 relation to the Silmser case other than some information
16 about counselling costs; correct? That's the new
17 information that's presented at the second meeting?

18 **MSGR. LAROCQUE:** That was -- yes, that was
19 the main reason why I gave in to their request.

20 **MR. PAUL:** And the only other factor is not
21 evidence but it's a fact in terms of how you perceive
22 things that you've gone and seen Bishops at a Bishops'
23 meeting, correct?

24 **MSGR. LAROCQUE:** Yes I had to put that up
25 against what I knew from the Bishops' meeting.

1 **MR. PAUL:** And I think your evidence at some
2 point indicated at this second meeting you somehow felt
3 that you were cornered or almost your back was against the
4 wall. That was your ---

5 **MSGR. LAROCQUE:** I was pressured, yes. I
6 felt that pressure.

7 **MR. PAUL:** And I'm just wondering,
8 circumstance or you suggest that your back is against the
9 wall and you're cornered, wouldn't it have been obvious to
10 respond to your own lawyer and Malcolm MacDonald by saying
11 that ---

12 **MSGR. LAROCQUE:** Our lawyer was Jacques
13 Leduc.

14 **MR. PAUL:** I said your own -- I thought I
15 said your own lawyer and Malcolm MacDonald.

16 **MSGR. LAROCQUE:** Okay. I'm sorry.

17 **MR. PAUL:** That's what I thought I said,
18 sorry.

19 Wouldn't it be obvious to respond to your
20 own lawyer and Malcolm MacDonald by saying, "I've just met
21 the Bishops and they're on my side and they're telling me
22 not to do this"?

23 **MSGR. LAROCQUE:** I think I mentioned that in
24 the conversation but their pressure was greater than my
25 convictions from the Bishops' conference.

1 **MR. PAUL:** And despite the fact that you
2 have Bishops on your side at this second meeting, you
3 withstood their approaches at the first meeting. The
4 second meeting perhaps you were even in a stronger position
5 because you're not, in fact, alone; you've got other
6 Bishops on your side. You caved in at that point?

7 **MSGR. LAROCQUE:** Because of their reasoning,
8 yes. And I've regretted it ever since.

9 **MR. PAUL:** And I mean were the Bishops
10 essentially almost saying we don't operate that way any
11 more, that's ---

12 **MSGR. LAROCQUE:** I've answered that question
13 before, I'm sorry.

14 **MR. PAUL:** Okay. Well, would you not have
15 simply told your counsel and the other lawyer, "I attended
16 the Bishops' conference and we don't operate that way any
17 more and I'm confident that that's wrong because there's
18 numerous Bishops..."

19 **MSGR. LAROCQUE:** That's not what the Bishop
20 said, I'm sorry, you're misinterpreting the discussion.

21 **MR. PAUL:** So he didn't say that it was not
22 the current mindset to act that way.

23 **MSGR. LAROCQUE:** They said that they would
24 not recommend it because it was -- of the difficulty of
25 misinterpretation.

1 **MR. PAUL:** Now the other two lawyers, the
2 two lawyers that were involved in this final meeting; one
3 of them, Malcolm MacDonald is someone I think on your
4 evidence you say -- you're suggesting you barely knew
5 Malcolm MacDonald?

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

7 **MR. PAUL:** So as far as his influence over
8 you in that meeting I'd suggest it would be almost none
9 because you barely knew him.

10 **MSGR. LAROCQUE:** Correct.

11 **MR. PAUL:** So in terms of him coercing you
12 or putting your back to the wall I would suggest that would
13 be unlikely.

14 **MSGR. LAROCQUE:** No, he was the one who
15 insisted that, "You agreed to pay for counselling and this
16 young man needs funds."

17 **MR. PAUL:** And as far as Jacques Leduc,
18 Jacques Leduc, was he -- he not a full -- obviously he was
19 not a fulltime employee of the Diocese. He was ---

20 **MSGR. LAROCQUE:** No, he was not.

21 **MR. PAUL:** --- a lawyer contracted on a
22 part-time basis.

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

24 **MR. PAUL:** And given the relationship of you
25 as Bishop and his relationship as basically a part-time

1 employee, I would suggest that you would not have felt
2 coerced by these people; that you would have made whatever
3 decision you made voluntarily.

4 **MSGR. LAROCQUE:** He was the legal counsel
5 for our Diocese and he agreed with Malcolm MacDonald that
6 this would be a good way to settle.

7 **MR. PAUL:** And the thing that ultimately
8 convinced you to change your mind was the fact of the
9 counselling?

10 **MSGR. LAROCQUE:** That's what I said five or
11 six times already.

12 **MR. PAUL:** All right. But you haven't said
13 at any point that you ever received any receipts for
14 counselling and so am I to assume that you never received
15 any receipts?

16 **MSGR. LAROCQUE:** Not to my knowledge, no. I
17 took their word for it.

18 **MR. PAUL:** All right. Did you ever at any
19 point receive information about what stage Mr. Silmsers
20 counselling was at; whether it was over, in the middle?

21 **MSGR. LAROCQUE:** No, I don't recall.

22 **MR. PAUL:** So as far as assistance to a
23 victim you had no idea whether he would need further
24 counselling after the settlement or not, right?

25 **MSGR. LAROCQUE:** I took it -- I took the

1 words that the counsellors were giving me and I formed my
2 judgement on that.

3 **MR. PAUL:** I'm just wondering if the
4 settlement was in part because of the concern over his
5 counselling, would you not have paid more attention to
6 wanting receipts and wanting to know exactly what stage the
7 counselling was at and, also, who was giving the
8 counselling; details such as that?

9 **MSGR. LAROCQUE:** It might have been a more
10 prudent way about it but I did not ask for it.

11 **MR. PAUL:** Is it possible the reason you
12 didn't have those details was in reality the determination
13 to go with the settlement was more because you felt it was
14 in the interest of the Diocese as opposed to being in the
15 interests of Mr. Silmser?

16 **MSGR. LAROCQUE:** In the interest of Father
17 Charles more than the Diocese, yes.

18 **MR. PAUL:** Well, in the interest of Father
19 Charles being more the focus than the focus on the
20 interests of Mr. Silmser and counsel.

21 **MSGR. LAROCQUE:** No, because that's the
22 reason I changed my mind is the -- to come to Mr. Silmser's
23 aide.

24 **MR. PAUL:** I understand that between the two
25 meetings with the lawyers, the first and the second, that

1 there was no new evidence that convinced you that the case
2 against Father Charles was any stronger, correct?

3 **MSGR. LAROCQUE:** That's what I was told.

4 **MR. PAUL:** So I'm just wondering in terms of
5 having this sympathy for the victim, I'm wondering if you
6 really in reality didn't really completely believe him why
7 would you be believing that he suffered damages or losses
8 that you would have to pay for if you didn't believe that
9 he was necessarily a victim.

10 **MSGR. LAROCQUE:** As I said before I followed
11 the advice of my legal counsel.

12 **MR. PAUL:** Would you agree that the -- in
13 terms of the way the actual release is prepared, would you
14 agree that confidentiality clause that Silmsen not release
15 information, was that consistent with the old mindset.

16 **MR. SHERRIFF-SCOTT:** Mr. Commissioner.

17 **THE COMMISSIONER:** Yes.

18 **MR. SHERRIFF-SCOTT:** Mr. Engelmann went
19 through this issue, the confidentiality issue as did Mr.
20 Wardle touched on the implications and ramifications and
21 consistency with old and new approaches. And in the last
22 sort of seven to ten minutes, you know, the same question
23 was asked eight times about the -- you know, what new
24 information you have.

25 I don't think this -- my friend is not

1 cross-examining on any new information. This is entirely
2 repetitive and I'd ask that it stop.

3 **THE COMMISSIONER:** Mr. Paul.

4 **MR. PAUL:** I don't think he was specifically
5 asked -- the next question I was going to ask, whether the
6 criminal -- the bar on criminal action, whether he would
7 feel that that was consistent with the old practice or old
8 mindset.

9 **THE COMMISSIONER:** Well, first of all it's
10 illegal. So I don't know that there's any evidence that
11 the old mindset harboured that kind of an agreement to
12 start off with. So I mean are you suggesting that Diocese
13 and the Church in Canada and elsewhere would be putting
14 illegal clauses in their documents?

15 **MR. PAUL:** Well, I wanted to ask him if --
16 certainly if somebody put that clause in the ---

17 **THE COMMISSIONER:** Somebody certainly did,
18 yes.

19 **MR. PAUL:** So if somebody certainly did and
20 it's been suggested at this point that it was Malcolm
21 MacDonald drafting the documentation so certainly somebody
22 put it in and I wanted to ask him whether he has any
23 opinion whether it's consistent with the old mindset of not
24 fully cooperating.

25 **THE COMMISSIONER:** Yeah, but that doesn't

1 make any sense. It doesn't make any sense. Are you
2 suggesting that in prior times the Diocese would have done
3 that?

4 **MR. PAUL:** No, I'm not suggesting that. I'm
5 suggesting I'd like to ask him in this case whether any
6 active type of obstruction like that might be consistent
7 with a policy of hostility towards the criminal process.

8 **THE COMMISSIONER:** I don't think that's
9 fair.

10 **MR. SHERRIFF-SCOTT:** I would just try to
11 capture what you're suggesting is that the line of
12 questioning embeds a fundamental assumption of evidence
13 that that was a practice that was followed which is not --
14 does not exist.

15 **THE COMMISSIONER:** Well ---

16 **MR. SHERRIFF-SCOTT:** Well, it doesn't exist
17 in the record here.

18 **THE COMMISSIONER:** Oh, no, that's right.
19 That's what I'm saying, yeah. No. No.

20 **MSGR. LAROCQUE:** And it does not exist in
21 reality either.

22 **MR. PAUL:** I'd like to ask you about -- one
23 question about -- you were asked questions previously about
24 the legal funding policy and it changing in 1996. Do you
25 recall that?

1 **THE COMMISSIONER:** So funding of the legal
2 defence of --

3 **MR. PAUL:** Yes.

4 **THE COMMISSIONER:** --- priests that have
5 accused ---

6 **MR. PAUL:** Yes.

7 **THE COMMISSIONER:** --- of sexually abusing
8 children or sexual improprieties.

9 **MR. PAUL:** And I believe that we're talking
10 about in a period of around June of 1996 or the middle of
11 1996 and I just -- the question I had is I wanted to ask
12 you at that point in time when the legal funding policy was
13 being debated, the change, were you aware whether Perry
14 Dunlop was doing any investigations or interviewing any
15 witnesses at that point in time?

16 **MSGR. LAROCQUE:** I can't recall that dates -
17 - 1996; I need some help. I can't recall whether ---

18 **MR. ENGELMANN:** Sir, I'm not sure if there
19 was a change. There was the policy we looked at called
20 "Protocol for priests who are the subject matter of
21 criminal proceedings or civil litigation," and that's in
22 Exhibit 58, tab 28. That came into effect in June of '96.

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

24 **MR. ENGELMANN:** But there had been a
25 previous policy from 1987 that talked about clergy in

1 difficulty, and it also talked about the payment of legal
2 fees for individual priests. So I don't know whether it
3 actually changed; it was just a new policy.

4 **THE COMMISSIONER:** Well, maybe the practice
5 changed. You know, I think that's ---

6 **MR. ENGELMANN:** But there were the two
7 policies dealing with funding ---

8 **THE COMMISSIONER:** Sure.

9 **MR. ENGELMANN:** --- for legal costs.

10 **THE COMMISSIONER:** Exactly.

11 **MR. ENGELMANN:** Those are the dates, sir.

12 **MR. PAUL:** You may have answered the
13 question. My question was whether he recalls if he had
14 knowledge at that time, June '96, whether Perry Dunlop was
15 actively investigating and interviewing witnesses.

16 **MSGR. LAROCQUE:** I can't recall that.

17 **MR. PAUL:** I had a question in relation to
18 the -- another question in terms of the funding. I
19 understand that in terms of representation of Father
20 Charles MacDonald, Malcolm MacDonald was funded by the
21 Diocese.

22 **MSGR. LAROCQUE:** I don't believe so. I
23 don't know where you got that.

24 **THE COMMISSIONER:** What part now?

25 **MR. PAUL:** I'm talking about the criminal

1 process, not the civil.

2 **MR. SHERRIFF-SCOTT:** There's no evidence of
3 that in the record at all.

4 **THE COMMISSIONER:** There's no evidence that
5 Malcolm MacDonald acted for -- well, yeah.

6 **MR. SHERRIFF-SCOTT:** No, there's no evidence
7 that Malcolm MacDonald was paid by the Diocese.

8 **THE COMMISSIONER:** Oh no. No, no. Okay,
9 easy now.

10 **MR. SHERRIFF-SCOTT:** I said I understand
11 that that's what happened.

12 **THE COMMISSIONER:** No, no. No, no, what I'm
13 saying is I don't want any backtalk back and forth between
14 parties. Let's keep this on an up and level thing.

15 So bottom line is did the Diocese ever pay
16 Malcolm MacDonald any money for negotiating the deal with
17 Silmsen, that kind of thing?

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

19 **THE COMMISSIONER:** That was your question?

20 **MR. PAUL:** Yes.

21 And are you aware of whether Father Charles
22 MacDonald was represented and funded at any point by Colin
23 McKinnon?

24 **MSGR. LAROCQUE:** I'm not aware of that.

25 **THE COMMISSIONER:** Do you know Colin

1 McKinnon?

2 **MSGR. LAROCQUE:** Pardon?

3 **THE COMMISSIONER:** Do you know a Colin

4 McKinnon?

5 **MSGR. LAROCQUE:** No.

6 **THE COMMISSIONER:** Pardon me?

7 **MSGR. LAROCQUE:** Doesn't ring a bell, no.

8 **THE COMMISSIONER:** Okay.

9 **MR. PAUL:** One other area.

10 I understand there was some sort of meeting
11 between you and Carson Chisholm at one point when he was
12 trying to get ---

13 **MSGR. LAROCQUE:** I remember that one very
14 well.

15 **MR. PAUL:** And he's testified, so I wanted
16 to be able to give your side of it to be fair in that
17 respect. So he's indicated that he believes that you made
18 a comment suggesting that Perry Dunlop should be punished
19 for not following orders. Did you make any comment like
20 that to Mr. Chisholm?

21 **MSGR. LAROCQUE:** No, I did not. He came to
22 see me on a Sunday morning or Saturday. It was raining
23 cats and dogs, I remember. I let him in the side entrance
24 of our house. He wanted me to sign a petition and the
25 petition was with regard to Perry Dunlop and his

1 involvement with the police, and his having reported to the
2 CAS.

3 And I remember distinctly saying to Carson
4 that I agreed with the fact that he had reported to the CAS
5 but I could not agree with the fact that he disobeyed their
6 procedure and so I could not sign the petition. And Carson
7 sneered at me and almost called me a liar to my face and I
8 put him out.

9 MR. PAUL: So was there any discussion from
10 him about some kind of comments comparing you to ---

11 MSGR. LAROCQUE: That's the only time that
12 I've ever talked to Carson that I can remember.

13 MR. PAUL: Do you recall him saying anything
14 about -- something about following orders in Nuremberg, or
15 something to that effect? That was in his evidence.

16 MSGR. LAROCQUE: Pardon?

17 MR. PAUL: Do you recall him saying anything
18 about -- arguing back about following orders and it not
19 necessarily always being appropriate to follow orders?

20 MSGR. LAROCQUE: I can't recall that, no.
21 He may have said that, I can't recall.

22 MR. PAUL: I believe those are my questions,
23 Mr. Commissioner.

24 THE COMMISSIONER: Thank you.

25 Before we break for lunch I need to have

1 some idea of time. So Mr. Neville, will you have any
2 questions of this witness, and how much time will you be if
3 you do?

4 **MR. NEVILLE:** Commissioner, I will have some
5 questions of the Bishop. I've turned over my spot to the
6 School Board and to Ms. Robitaille because it will cover
7 matters and speed matters up, and help them in their own
8 agendas.

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

10 **MR. NEVILLE:** And I will be after them, and
11 questions just asked now have already taken out some of my
12 cross, so it will shorten it down. I may be 30, 40
13 minutes.

14 **THE COMMISSIONER:** Okay. Children's Aid,
15 Ms. Allinotte? That's a no? Mr. Rouleau?

16 **MR. ROULEAU:** Nothing so far, sir.

17 **THE COMMISSIONER:** Nothing so far.

18 Ms. Williams? No, zero. Okay, Ms.

19 Robitaille?

20 **MS. ROBITAILLE:** Thirty (30) to 40 minutes.

21 **THE COMMISSIONER:** Mr. Sherriff-Scott?

22 **MR. SHERRIFF-SCOTT:** Probably 45 minutes.

23 **THE COMMISSIONER:** Mr. Manderville?

24 **MR. MANDERVILLE:** Fifteen (15) to 20

25 minutes, Mr. Commissioner.

1 **THE COMMISSIONER:** Mr. Kozloff?

2 **MR. KOZLOFF:** Nothing, sir.

3 **THE COMMISSIONER:** Mr. -- sorry, ma'am?

4 Zero. Ms. Ishmael? No, I'm sorry -- who's here? Ms.
5 Tymochenko?

6 **MS. TYMOCHENKO:** Yes. Five minutes maybe.

7 **THE COMMISSIONER:** Five minutes.

8 And is there anyone here from the Catholic
9 District School Board? No.

10 So, sir, we're going to take lunch and it
11 looks like you're going home today.

12 **MSGR. LAROCQUE:** Deo gratis.

13 **THE COMMISSIONER:** All right, let's take
14 lunch.

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

17 The hearing will resume at 2:00 p.m.

18 --- Upon recessing at 12:25 p.m./

19 L'audience est suspendue à 12h25

20 --- Upon resuming at 2:04 p.m./

21 L'audience est reprise à 14h04

22 **THE REGISTRAR:** Order; all rise. À l'ordre;
23 veuillez vous lever. The hearing is now resumed. Please
24 be seated. Veuillez vous asseoir.

25 **THE COMMISSIONER:** Okay, so who's next?

1 Welcome back.

2 MS. TYMOCHENKO: Thank you. My friends have
3 allowed me to jump the queue.

4 THE COMMISSIONER: Take advantage of it.

5 MS. TYMOCHENKO: Thank you.

6 --- BISHOP EUGÈNE LAROCQUE, Resumed/Sous le même serment:

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

8 MS. TYMOCHENKO:

9 MS. TYMOCHENKO: My name is Nadya Tymochenko
10 and I am counsel for the Upper Canada District School
11 Board, which is the successor school board of the Stormont
12 Dundas Glengarry Public School Board.

13 MSGR. LAROCQUE: I see. Right.

14 MS. TYMOCHENKO: I just have a few questions
15 for you with respect to R³. You testified a little bit
16 about Core, the Core Movement.

17 MSGR. LAROCQUE: Yes.

18 MS. TYMOCHENKO: And I understand that R³ was
19 the French version of the Core Movement?

20 MSGR. LAROCQUE: It's the French equivalent
21 of the Core Movement, yes.

22 MS. TYMOCHENKO: And we've heard it
23 described as a movement or a program. Would it be fair to
24 characterise it as a group of youth who would come together
25 to celebrate their faith, to socialise and build a stronger

1 Catholic community?

2 **MSGR. LAROCQUE:** Yes and to deepen their
3 faith. The R³ means rencontre avec Dieu, rencontre avec
4 soi, rencontre avec le prochain. So meeting with God,
5 meeting with self and meeting with my neighbour.

6 **MS. TYMOCHENKO:** Okay.

7 **MSGR. LAROCQUE:** Relationships in other
8 words.

9 **MS. TYMOCHENKO:** And the youth who
10 participated in this group, were they between the ages of
11 17 and 21?

12 **MSGR. LAROCQUE:** They were in their final
13 years of high school mostly, I believe, yes.

14 **MS. TYMOCHENKO:** Okay. And in terms of the
15 youth ---

16 **MSGR. LAROCQUE:** It was on a voluntary basis
17 too, I must admit.

18 **MS. TYMOCHENKO:** So youth who wanted to
19 participate were given that opportunity?

20 **MSGR. LAROCQUE:** Yes, and usually out of the
21 school itself. Many of the times it was, if I recall
22 correctly, it was at Sacred Heart Brothers place on
23 Number 2 highway there, which is now a novitiate for the
24 Legionaries of Christ.

25 **MS. TYMOCHENKO:** Okay. And the decision

1 about retreats and meetings, were those decisions made by
2 the priests who participated with the youth in the movement
3 or group?

4 **MSGR. LAROCQUE:** I really have no idea but I
5 would suppose so. I don't know.

6 **MS. TYMOCHENKO:** Okay, and Father
7 Deslauriers was one of the priests who was involved with
8 the R³ movement?

9 **MSGR. LAROCQUE:** Yes.

10 **MS. TYMOCHENKO:** And there were other
11 priests as well?

12 **MSGR. LAROCQUE:** Yes. As I've mentioned,
13 Father Denis Vaillancourt and Father Luc Bouchard were his
14 assistants from time to time.

15 **MS. TYMOCHENKO:** And are you familiar with
16 what types of activities would have taken place at these
17 retreats or meetings?

18 **MSGR. LAROCQUE:** No. I never participated
19 except at the closing sometimes, but I never participated
20 in the full thing.

21 **MS. TYMOCHENKO:** Okay. Would that have been
22 a decision of the priests who were involved?

23 **MSGR. LAROCQUE:** No, there was a program
24 that should be available some place I would imagine, but I
25 don't know what it was. It usually began on Friday night,

1 lasted all day Saturday and ended Sunday afternoon.

2 **MS. TYMOCHENKO:** Okay. Thank you.

3 So would you clarify -- would you
4 characterize the activities as diocesan activities; as part
5 of the Diocese?

6 **MSGR. LAROCQUE:** It was under the diocesan
7 plan for youth, yes.

8 **MS. TYMOCHENKO:** Okay. Thank you.

9 Those are my questions.

10 **MSGR. LAROCQUE:** Thank you very kindly.

11 **THE COMMISSIONER:** Thank you.

12 **MS. TYMOCHENKO:** And I'm going to beg your
13 pardon, but we'll be leaving so if I make a little of
14 noise, I apologize.

15 **THE COMMISSIONER:** Thank you.

16 Who's next? Ah, Ms. Robitaille.

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

18 **ROBITAILLE:**

19 **MS. ROBITAILLE:** Good afternoon, Mr.
20 Commissioner.

21 **THE COMMISSIONER:** Good afternoon.

22 **MS. ROBITAILLE:** Good afternoon Monsignor
23 LaRocque.

24 **MSGR. LAROCQUE:** Good afternoon.

25 **MS. ROBITAILLE:** My name is Danielle

1 Robitaille and I'm counsel for Jacques Leduc here at the
2 Inquiry.

3 **MSGR. LAROCQUE:** All right. Okay.

4 **MS. ROBITAILLE:** I want to start with the
5 insurance issue in the Silmser matter.

6 **MSGR. LAROCQUE:** Right.

7 **MS. ROBITAILLE:** You testified earlier that
8 Gordon Bryan was the person responsible for communicating
9 with insurance companies. Is that right?

10 **MSGR. LAROCQUE:** On behalf of the Diocese, I
11 would imagine so, yes.

12 **MS. ROBITAILLE:** And you, yourself, were
13 aware of the provision in the insurance scheme that the
14 insurance company was to be notified within 24 hours of a
15 complaint of sexual abuse; right?

16 **MSGR. LAROCQUE:** That came up at certain --
17 I don't know exactly when that came in.

18 **MR. SHERRIFF-SCOTT:** Excuse me.

19 Maybe my friend can point me to the
20 existence of an insurance policy which existed at the time
21 which would have that dictate in; I'm not aware of any.

22 **THE COMMISSIONER:** Exactly.

23 **MS. ROBITAILLE:** If we could go to Exhibit
24 2084?

25 **THE COMMISSIONER:** Twenty-eighty-four

1 (2084). Yeah.

2 (SHORT PAUSE/COURTE PAUSE)

3 MS. ROBITAILLE: Do you have it there in
4 front of you, Monsignor?

5 MSGR. LAROCQUE: Yes, I believe so, yes.

6 THE COMMISSIONER: Yeah. But the problem --

7 -

8 MS. ROBITAILLE: These ---

9 THE COMMISSIONER: No, just a second now.

10 The problem is that coverage -- the people
11 that are covering in 1989 may -- the way the purser (sic)
12 explained it to me, I think, is that you had to go back to
13 the year in which the offence took place and find out who
14 the insurer was at the time. Am I correct in that? Okay?

15 MS. ROBITAILLE: That's how I understood his
16 evidence also.

17 THE COMMISSIONER: All right.

18 MS. ROBITAILLE: And I did not mean to
19 mislead in my question.

20 THE COMMISSIONER: No, no.

21 MS. ROBITAILLE: If I can just confirm a
22 couple of things?

23 THE COMMISSIONER: Sure, sure, go ahead.

24 MS. ROBITAILLE: You were present at that
25 meeting on May 16th, 1989, Monsignor?

1 **MSGR. LAROCQUE:** That's what the minutes
2 indicate, yes.

3 **MS. ROBITAILLE:** And the minutes also
4 indicate that Monsignor McDougald was also present?

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

6 **MS. ROBITAILLE:** And Father Denis
7 Vaillancourt also.

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

9 **MS. ROBITAILLE:** And if you turn to page 3,
10 Monsignor.

11 **MSGR. LAROCQUE:** I only have two pages.

12 **THE COMMISSIONER:** Well, it's page 2; it's
13 page 3.

14 **MSGR. LAROCQUE:** Okay.

15 **THE COMMISSIONER:** Sometimes page 3 is page
16 2 around here.

17 **MS. ROBITAILLE:** It's the second heading,
18 "Committee for the Study of Cases of Sexual Aggression".

19 And there is some mention there of what, you
20 know, when an incident of sexual abuse should be reported
21 to the insurance company.

22 **MSGR. LAROCQUE:** Right.

23 **MS. ROBITAILLE:** Do you see that?

24 **MSGR. LAROCQUE:** Yes, I see that.

25 **MS. ROBITAILLE:** So yourself, Monsignor

1 McDougald and Monsignor Vaillancourt would at least have
2 some knowledge of the existence of insurance company;
3 right?

4 **MSGR. LAROCQUE:** Yes.

5 **MS. ROBITAILLE:** Some knowledge of the
6 relationship between the insurance company and allegations
7 of sexual abuse?

8 **MSGR. LAROCQUE:** Yes.

9 **MS. ROBITAILLE:** Now, Monsignor, you could
10 have advised the insurers of Mr. Silmser's allegations
11 could you not?

12 **MSGR. LAROCQUE:** I could have but I don't
13 see it as my responsibility.

14 **MS. ROBITAILLE:** You could have asked Gordon
15 Bryan to advise the insurers?

16 **MSGR. LAROCQUE:** Yes, and I should have.

17 **MS. ROBITAILLE:** And Monsignor McDougald and
18 Father Vaillancourt could have notified the insurers?

19 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, when
20 Mr. Bryan testified, he didn't even know who the insurer
21 was at the applicable period of time; we do now. It was
22 Lombard from 1969 to 1973 and then another insurer for
23 another period and so on and so forth. And what he
24 testified to was that he didn't know who they were and they
25 had to carry out an investigation.

1 So there would be no policy and, in fact,
2 there is no policy that exists; only line cards of coverage
3 verifying the fact that there was insurance in the first
4 place in the '50s and '60s and '70s.

5 And we can produce that if necessary but
6 those are matters that haven't been explored here. So --
7 but there's no evidence there was a policy in place that
8 had a 24-hour requirement or what the reporting
9 requirements were in connection with the reporting of an
10 historical complaint of abuse.

11 Maybe that's what the insurer required in
12 1993 for a case that was reported to them. I don't know
13 about 1968, '69, '70 and so forth.

14 **THE COMMISSIONER:** Ms. Robitaille, maybe you
15 can change your -- the question to say "In 1989"; right?

16 **MS. ROBITAILLE:** Mr. Commissioner, I can
17 stop here. I'm just going to move on. I don't need to
18 stay here.

19 **THE COMMISSIONER:** All right.

20 **MS. ROBITAILLE:** Bishop, I just want to make
21 sure I have your evidence on a very specific point.

22 You say that you would never have agreed to
23 the Silmsler settlement but for the fact that Mr. Leduc and
24 Malcolm MacDonald pressured you into it. Is that right?

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

1 **MS. ROBITAILLE:** I want to talk to you a bit
2 about your role as a Bishop in general within the Diocese.
3 You have ultimate authority in the Diocese or you had
4 ultimate authority; right?

5 **MSGR. LAROCQUE:** That's what they tell me,
6 yes.

7 **MS. ROBITAILLE:** Not just what they told
8 you, Monsignor.

9 **THE COMMISSIONER:** No, I know, that was ---

10 **MSGR. LAROCQUE:** I'm being facetious.

11 **THE COMMISSIONER:** Yes.

12 **MS. ROBITAILLE:** You could delegate certain
13 task to certain people but you were really the boss; right?

14 **MSGR. LAROCQUE:** I was responsible, yes.
15 I've said that before.

16 **MS. ROBITAILLE:** You could ask for advice on
17 certain matters. Is that right?

18 **MSGR. LAROCQUE:** Of course.

19 **MS. ROBITAILLE:** And you told us about how
20 you relied on Monsignor Guindon, your Vicar General, for
21 advice on canon law matters?

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

23 **MS. ROBITAILLE:** And Reverend Bryan for
24 financial matters?

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

1 **MS. ROBITAILLE:** You testified about how you
2 consulted Father Vaillancourt from time-to-time?

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

4 **MS. ROBITAILLE:** And often as issues arose
5 within the Diocese, you would come before the Senate of
6 Priests and discuss and debate matters. Is that right?

7 **MSGR. LAROCQUE:** On certain issues, yes.

8 **MS. ROBITAILLE:** And all these people were
9 below you on the chain of command in the Diocese; right?

10 **MSGR. LAROCQUE:** Depends what you mean. I
11 know what you're saying, but I don't like the term "below";
12 they were associates.

13 **MS. ROBITAILLE:** In the hierarchy, you're at
14 the top?

15 **MSGR. LAROCQUE:** I am, yes.

16 **MS. ROBITAILLE:** And they're under you?

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

18 **MS. ROBITAILLE:** And your time as the
19 Bishop, Monsignor, sometimes you would consult with
20 advisors when making a decision; sometimes you would just
21 make the decision on your own; right?

22 **MSGR. LAROCQUE:** Depending on the issue,
23 yes.

24 **MS. ROBITAILLE:** And, in fact, in some legal
25 situations, like meetings with police, sometimes you would

1 ask Monsieur Leduc to accompany you and sometimes you
2 wouldn't. Do you recall that?

3 **MSGR. LAROCQUE:** If I knew the police were
4 coming ahead of time, but sometimes they just came like Mr.
5 Shaver without my knowing much about it. The appointment
6 had been made and they were there before I could even
7 contact Mr. Leduc.

8 **MS. ROBITAILLE:** And so when Mr. Shaver
9 arrived, you didn't pick up the phone and say, "Monsieur
10 Leduc, can you get over here, we're having a meeting"?

11 **MSGR. LAROCQUE:** No, I did not, no.

12 **MS. ROBITAILLE:** And you had meetings with
13 the CAS without Monsieur Leduc being present?

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

15 **MS. ROBITAILLE:** And meetings with the
16 police -- one meeting with the police in the Deslauriers
17 matter without Monsieur Leduc being present; right?

18 **MSGR. LAROCQUE:** That's what the minutes
19 show, yes.

20 **MS. ROBITAILLE:** You advised Monsieur Leduc
21 of matters and gave him information as you saw fit; right?

22 **MSGR. LAROCQUE:** As I thought that he needed
23 them. I tried to cooperate with him as much as possible.
24 He was our legal advisor.

25 **MS. ROBITAILLE:** Just by way of example, you

1 first heard of the Deslauriers complaint in January of
2 1986. You did not retain Monsieur Leduc to advise you on
3 the matter until you appointed him to the ad hoc committee
4 in April of '86. Does that ring a bell?

5 **MSGR. LAROCQUE:** That he was the legal
6 advisor for the Diocese, that's -- he was a standing legal
7 advisor if we needed advice. And I didn't go to him, no,
8 until the committee, that's correct.

9 **MS. ROBITAILLE:** He didn't have an office in
10 the Diocesan Centre did he?

11 **MSGR. LAROCQUE:** No -- well, he didn't have
12 an office but he was often there because he was also on the
13 tribunal, the marriage tribunal. He's one of the defender
14 -- he is the defender -- he was the defender of the bond in
15 the matrimonial tribunal. So he was in the Diocesan Centre
16 from time-to-time ---

17 **MS. ROBITAILLE:** For those purposes?

18 **MSGR. LAROCQUE:** For those purposes, but he
19 did not have an office there, you're correct.

20 **MS. ROBITAILLE:** Monsignor, before you
21 appointed Mr. Leduc to the ad hoc committee, you had had
22 discussions concerning the Deslauriers matter with Father
23 Ménard; right?

24 **MSGR. LAROCQUE:** Correct, yes.

25 **MS. ROBITAILLE:** Father Bisailon?

1 MSGR. LAROCQUE: Yes.

2 MS. ROBITAILLE: Monsignor Guindon?

3 MSGR. LAROCQUE: I believe so, yes.

4 MS. ROBITAILLE: Father Vaillancourt?

5 MSGR. LAROCQUE: Yes.

6 MS. ROBITAILLE: The Brisson family?

7 MSGR. LAROCQUE: They had been in to see me,

8 yes.

9 MS. ROBITAILLE: Father Thibault?

10 MSGR. LAROCQUE: Yes.

11 MS. ROBITAILLE: Bishop Proulx?

12 MSGR. LAROCQUE: I'm not certain.

13 MS. ROBITAILLE: You're not certain of the

14 timing?

15 MSGR. LAROCQUE: Of the timing for Bishop

16 Proulx, yes.

17 MS. ROBITAILLE: Do you recall that you saw

18 Bishop Proulx before you struck the ad hoc committee?

19 MSGR. LAROCQUE: No, I don't believe I did.

20 MS. ROBITAILLE: Certainly, Father Ménard

21 spoke to Bishop Proulx before the striking of the ad hoc

22 committee?

23 MSGR. LAROCQUE: I believe so, yes.

24 MS. ROBITAILLE: You spoke with Father

25 Deslauriers himself?

1 **MSGR. LAROCQUE:** Yes.

2 **MS. ROBITAILLE:** And other victims and their
3 families?

4 **MSGR. LAROCQUE:** Other victims?

5 **THE COMMISSIONER:** All in relation to before
6 or after you consulted with Mr. Leduc.

7 **MSGR. LAROCQUE:** Oh, the other victims, I
8 think would have been after I consulted with Mr. Leduc,
9 yes. They came in later, except for Father Thibault.

10 **MS. ROBITAILLE:** We've talked a little about
11 your relationship with certain advisors in the Diocese.
12 They were free to give you advice and you were free to
13 follow their advice or not; right?

14 **MSGR. LAROCQUE:** Yes.

15 **MS. ROBITAILLE:** And, Monsignor, even the
16 CAS didn't have very much power over your decision-making.
17 Am I right?

18 **MSGR. LAROCQUE:** I tried to cooperate with
19 them as much as I could.

20 **MS. ROBITAILLE:** You are aware that the CAS
21 has no jurisdiction over your hiring, firings or suspension
22 practices?

23 **MSGR. LAROCQUE:** I would suppose so, yes.

24 **MS. ROBITAILLE:** A good example of that is
25 when the CAS begins to investigate Father MacDonald. You

1 have a meeting with them and they ask you, they don't tell
2 you, that Father MacDonald should be removed.

3 **MSGR. LAROCQUE:** Should be released so that
4 they could investigate on the scene, and I did so.

5 **MS. ROBITAILLE:** But it's totally up to you
6 whether to suspend him or not; right?

7 **MSGR. LAROCQUE:** Yes, that's true.

8 **MS. ROBITAILLE:** And, initially, you agree
9 to two weeks and later you extend the time; right?

10 **MSGR. LAROCQUE:** Yes, so he never returned,
11 yes.

12 **MS. ROBITAILLE:** And even in the fall of
13 1994 when CAS concludes its investigation of Father
14 MacDonald, do you recall that CAS needed to obtain Father
15 MacDonald's consent in order to release the results of
16 their investigation to you?

17 **MSGR. LAROCQUE:** I did not know that.

18 **MS. ROBITAILLE:** You don't recall that?

19 **MSGR. LAROCQUE:** No.

20 **MS. ROBITAILLE:** Mr. Commissioner, it's in
21 the record. I don't know if I should go to the document.

22 **THE COMMISSIONER:** To what now? To say that
23 they needed Father MacDonald's permission?

24 **MR. ENGELMANN:** I would have covered that
25 with the Bishop.

1 THE COMMISSIONER: Yes.

2 MR. ENGELMANN: If you'd like, I could find
3 the document.

4 THE COMMISSIONER: Well, no, no.

5 MS. ROBITAILLE: I have it here.

6 THE COMMISSIONER: That's okay.

7 MR. ENGELMANN: My friend is correct.

8 MS. ROBITAILLE: And if we could go to the
9 final results of the CAS investigation, Monsignor, we don't
10 have to go to the document, but I am going to read you a
11 portion of the final conclusions.

12 "The CAS found that there were
13 reasonable and probable grounds to
14 believe that the abuse of a child did
15 occur."

16 Do you recall that being the final
17 conclusion?

18 MSGR. LAROCQUE: I believe so, yes.

19 MS. ROBITAILLE: And, finally, the CAS says,
20 and this is in quote:

21 "We are therefore concerned that any
22 further assignment to Father MacDonald
23 in the Diocese be done with this
24 information."

25 Do you recall that being the conclusion?

1 **MSGR. LAROCQUE:** Yes, and that's the reason
2 why he was not assigned.

3 **MS. ROBITAILLE:** And so they don't tell you
4 not to reassign him; right?

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

6 **MS. ROBITAILLE:** They don't even really
7 strongly advise you to do that do they?

8 **MSGR. LAROCQUE:** They gave me the advice
9 that I need.

10 **MS. ROBITAILLE:** They just say that this
11 information should be -- that you should be concerned with
12 this information; right?

13 **MSGR. LAROCQUE:** That's right, and I was.

14 **MS. ROBITAILLE:** And so the CAS couldn't
15 bind your decisions and not even your own Diocesan
16 protocols or guidelines could bind you totally; right?

17 **MSGR. LAROCQUE:** Correct.

18 **MS. ROBITAILLE:** You told us about two
19 examples where you used your, shall I call it, inherent
20 discretion to go beyond the protocol; right?

21 **THE COMMISSIONER:** Two examples would be?

22 **MSGR. LAROCQUE:** I remember Father Dubé;
23 what is the other one?

24 **MS. ROBITAILLE:** Father Dubé is one.

25 **MSGR. LAROCQUE:** Yes.

1 **MS. ROBITAILLE:** And you also mentioned in
2 your testimony that you did not provide funds for the legal
3 defence of two priests, contrary to the policy.

4 **MSGR. LAROCQUE:** It depends when -- we did
5 not supply funds for Father Deslauriers, that I'm sure.
6 And for Father MacDonald, I'm not sure.

7 **MS. ROBITAILLE:** The Standard Freeholder
8 quoted you in 1999, Monsignor LaRocque, that:

9 "I am not shackled to a protocol
10 especially when my conscience comes
11 into play."

12 Do you recall telling The Standard
13 Freeholder that?

14 **MSGR. LAROCQUE:** No, I don't, but it's in
15 keeping with my thinking.

16 **MS. ROBITAILLE:** That sounds like something
17 you would say?

18 **MSGR. LAROCQUE:** Yes, that's what I said.

19 **MS. ROBITAILLE:** And that's how you thought
20 at the time?

21 **MSGR. LAROCQUE:** That's how I think right
22 now. Anyone who acts against his conscience is putting
23 himself in a very delicate situation.

24 **MS. ROBITAILLE:** And so even in the diocesan
25 protocols and guidelines, there's an inherent discretion

1 available to the bishop; right?

2 **MSGR. LAROCQUE:** That's what I was told by
3 Father Vaillancourt, yes. That's why he told -- I
4 consulted him with regard to Father Dubé, and he said you
5 can -- you can act because the guidelines leave you open to
6 act in this particular way.

7 **MS. ROBITAILLE:** But you would have done
8 that whether Father Vaillancourt had said that or not;
9 right?

10 **MSGR. LAROCQUE:** I would suppose I would
11 have, yes, because I would have to follow my conscience,
12 yes.

13 **MS. ROBITAILLE:** Now, over the last eight
14 days we've talked about many of the difficult decisions
15 you've had to make on your time as Bishop. We talked about
16 the Stone matter, the Deslauriers matter, the Silmsen
17 matter, and the Dubé matter; right?

18 **MSGR. LAROCQUE:** Right, and others.

19 **MS. ROBITAILLE:** Many of these are
20 controversial?

21 **MSGR. LAROCQUE:** Yes, they certainly are.

22 **MS. ROBITAILLE:** And people may disagree
23 with the decisions you made?

24 **MSGR. LAROCQUE:** I would suppose so, yes.

25 **MS. ROBITAILLE:** But because of the nature

1 of your office, they were your decisions and yours alone?

2 MSGR. LAROCQUE: That's right, and I have to
3 bear the responsibility, and I've said that before.

4 MS. ROBITAILLE: There is only one difficult
5 decision that I would like to take you to, Monsignor.

6 I want to talk about the moment when the
7 investigators in the Deslauriers matter come to you and ask
8 you questions in relation to Deslauriers, and you tell them
9 that you'd rather go to jail than answer their questions.
10 Do you recall that?

11 MSGR. LAROCQUE: Yes, because I was at that
12 time at the level -- as I explained before -- of thinking
13 that if I said something, I would be breaking the
14 confidentiality and lose the trust of the rest of the
15 priests in the Diocese.

16 MS. ROBITAILLE: And Mr. Leduc told you that
17 even though you didn't want to breach the confidence of the
18 priests, he explained to you that your conversations with
19 priests weren't privileged; right?

20 MSGR. LAROCQUE: That's true.

21 MS. ROBITAILLE: But you maintained your
22 position?

23 MSGR. LAROCQUE: Yes. At that time, yes.

24 MS. ROBITAILLE: I would like to enter a
25 document, a new document. My friends have copies. If I

1 could just pass up a copy to Madam Clerk.

2 Document Number 118892.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit 2168 is a letter dated September 3rd,
5 1986, to Father Gilles from Bishop LaRocque.

6 --- **EXHIBIT NO./PIÈCE NO. P-2168:**

7 (118892) Lettre d'Eugène LaRocque à Gilles
8 Deslauriers datée le 03 sep 86

9 **MS. ROBITAILLE:** Monsignor, as the
10 Commissioner just said, this is dated the 3rd of September
11 1986. You had come to your decision of not wanting to
12 testify in June of '86 when the officers first came to
13 speak with you; right?

14 **MSGR. LAROCQUE:** Right.

15 **MS. ROBITAILLE:** And here now, we're a month
16 later in September, could you read the second paragraph for
17 us?

18 **THE COMMISSIONER:** Three months.

19 **MSGR. LAROCQUE:** Yes.

20 "Ce matin, deux officiers m'ont servi
21 une assignation pour témoigner à la
22 demande de la Couronne. Je dois te
23 dire qu'une telle procédure va contre
24 toute confidentialité qui doit exister
25 entre l'évêque et ses prêtres. Je n'ai

1 nullement l'intention de témoigner ni
2 pour ni contre toi ou les jeunes."

3 Now for the wholly Anglophone members of the
4 public.

5 "This morning, two officers came to
6 serve me with a warrant to testify on
7 behalf of the Crown. I must tell you
8 that such a procedure goes against all
9 confidentiality which must exist
10 between a bishop and his priests. I
11 have no intention of witnessing either
12 for you nor against you or the young
13 people."

14 **MS. ROBITAILLE:** Now, this must have been a
15 very difficult decision to make. Am I right?

16 **MSGR. LAROCQUE:** At that time I was asking -
17 - I was acting according to the knowledge that I had.

18 **MS. ROBITAILLE:** To your moral compass?
19 Your moral compass.

20 **MSGR. LAROCQUE:** To my conscience, yes, my
21 moral conscience.

22 **MS. ROBITAILLE:** Now, the threat ---

23 **MSGR. LAROCQUE:** I would not -- I would not
24 do so now because I've learned differently, but this is
25 where I was at that moment.

1 **MS. ROBITAILLE:** Mr. Leduc explained to you
2 that if you were subpoenaed, and you were, and you were
3 called and refused to answer questions you could be found
4 in contempt of court ---

5 **MSGR. LAROCQUE:** And go to jail.

6 **MS. ROBITAILLE:** And go to jail.

7 **MSGR. LAROCQUE:** Yes, he told me that. Yes,
8 he did.

9 **MS. ROBITAILLE:** And so, Monsignor, the
10 threat of jail must have exerted some extraordinary
11 pressure on that decision?

12 **MSGR. LAROCQUE:** It didn't make me change my
13 mind at that time.

14 **MS. ROBITAILLE:** Not even jail made you
15 change your mind?

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

17 **MS. ROBITAILLE:** Monsignor, I've noticed a
18 pattern emerge in the last eight days and I want to explore
19 it a bit with you, so I'm going to jump around a bit, but
20 bear with me.

21 In the Stone affair you testified, when it
22 was pointed out to you, that you never advised the Montfort
23 Fathers of Father Stone's misconduct. You said that it was
24 your secretary's responsibility to c.c. them on the letter;
25 right?

1 **MSGR. LAROCQUE:** I said that, but it's
2 really my responsibility as well.

3 **MS. ROBITAILLE:** Not your secretary's?

4 **MSGR. LAROCQUE:** No, I should have indicated
5 to c.c. That's what I usually did in my correspondence.

6 **MS. ROBITAILLE:** And you testified at a
7 couple of occasions when speaking about the Father Stone
8 affair that Father Ostler was the one responsible for
9 Father Stone being in the Diocese in the first place?

10 **MSGR. LAROCQUE:** No, I said that Father
11 Ostler was the one who received him and he came to me on
12 his behalf. That's quite different.

13 **MS. ROBITAILLE:** You don't recall testifying
14 that Father Ostler was the one responsible for Father Stone
15 being in the Diocese?

16 **MSGR. LAROCQUE:** Insofar as he received him
17 as his guest, I would suppose that would be one
18 interpretation, yes. But I don't think that he invited him
19 to come into the Diocese. That is beyond my knowledge at
20 that time and now.

21 **MS. ROBITAILLE:** Because Father Stone's
22 being in the Diocese is -- was totally your responsibility;
23 right? Your choice to make.

24 **MSGR. LAROCQUE:** Well, the fact that he was
25 here is not my choice. He came as an invited guest of

1 Father Ostler's, and then from there whether he remained in
2 the Diocese and was active in the Diocese was my choice,
3 yes.

4 **MS. ROBITAILLE:** You could have turned him
5 away?

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

7 **MS. ROBITAILLE:** When we talked about the
8 Father Deslauriers matter and we discussed your rejecting
9 Father Thibault's complaints and a mother's complaints in
10 1983 and 1985 about Father Deslauriers' behaviour, you said
11 that really it wasn't your fault because you were under the
12 manipulations of Father Deslauriers; right?

13 **MSGR. LAROCQUE:** I don't know. I didn't say
14 that it was my fault but I was under his manipulation.
15 There's no doubt about that. I had given him a post of
16 great confidence as the new rector of the co-cathedral and
17 the hope of setting up a centre for the fostering of
18 vocations there.

19 **MS. ROBITAILLE:** But his spell over you
20 didn't abdicate your responsibility?

21 **MSGR. LAROCQUE:** No, and I can see that now,
22 but that was a very important factor in my evaluation of
23 the situation at that moment.

24 **MS. ROBITAILLE:** When we talked about the
25 Silmsler matter, you said that when the protocol wasn't

1 followed that was Monsignor McDougald's fault. Do you
2 remember that?

3 **MSGR. LAROCQUE:** To a certain extent.

4 **MS. ROBITAILLE:** To which extent?

5 **MSGR. LAROCQUE:** Insofar as he was my
6 delegate and the protocol was there and I don't know
7 whether he didn't follow it or not because we don't have
8 any notes with regard to what he did.

9 **MS. ROBITAILLE:** And you have admitted that
10 you ought to have supervised?

11 **MSGR. LAROCQUE:** More diligently? Yes.

12 **MS. ROBITAILLE:** And today, you even
13 testified, Monsignor, that Reverend Bryan should have taken
14 you to the finance committee with the proposed expenditure
15 of the Silmsner settlement?

16 **MSGR. LAROCQUE:** No, I said -- sorry, but I
17 said that if I'd only asked Mr. Bryan to come when I was
18 making the decision or if I had taken it to the finance
19 commission, I may have avoided all the difficulties that we
20 have run into.

21 **MS. ROBITAILLE:** But it's not Reverend
22 Bryan's fault, is it?

23 **MSGR. LAROCQUE:** No, not at all. And I
24 never blamed him for that.

25 **MS. ROBITAILLE:** And finally, Monsignor,

1 when we talked about the Silmsers settlement also, when
2 people found out that you had settled civilly with Mr.
3 Silmsers, that was Mr. Leduc's fault. That he had pressured
4 you into that settlement; right.

5 MSGR. LAROCQUE: And that is true. Along
6 with Malcolm MacDonald.

7 MS. ROBITAILLE: Let's talk about that.

8 You say that in the first meeting,
9 Monsignor, that you flatly refused to consider the
10 settlement; right?

11 MSGR. LAROCQUE: Absolutely.

12 MS. ROBITAILLE: That you were unequivocal?

13 MSGR. LAROCQUE: That's right.

14 MS. ROBITAILLE: And that you would not
15 invite these two gentlemen to a second meeting?

16 MSGR. LAROCQUE: I didn't say that, I'm
17 sorry.

18 MS. ROBITAILLE: You didn't say that?

19 MSGR. LAROCQUE: I don't believe I did, no.
20 I didn't invite him to the first meeting.

21 MS. ROBITAILLE: Did you turn them away?

22 MSGR. LAROCQUE: No, I did not.

23 MS. ROBITAILLE: Did you turn them away in
24 the second meeting?

25 MSGR. LAROCQUE: No, I did not.

1 **MS. ROBITAILLE:** Did you tell your secretary
2 to call them and cancel the meeting that they have
3 scheduled?

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

5 **MS. ROBITAILLE:** Now, you were within your
6 rights to refuse the settlement; right?

7 **MSGR. LAROCQUE:** Yes. Certainly.

8 **MS. ROBITAILLE:** And it was your decision to
9 make and yours alone?

10 **MSGR. LAROCQUE:** Yes. I've never denied
11 that.

12 **MS. ROBITAILLE:** So we talked a little bit
13 about your meeting with the Canadian Bishops. You
14 testified that there were approximately 90 bishops in the
15 room?

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

17 **MS. ROBITAILLE:** Monsieur Leduc wasn't in
18 the room with you that day?

19 **MSGR. LAROCQUE:** He's not a bishop.

20 **MS. ROBITAILLE:** He's not a bishop.

21 And you rise during this meeting to discuss
22 with the room the Silmsler case; right?

23 **MSGR. LAROCQUE:** Without naming names.

24 **MS. ROBITAILLE:** And you're looking for
25 advice from your fellow bishops?

1 **MSGR. LAROCQUE:** I'm contributing to the
2 conversation that's going on.

3 **MS. ROBITAILLE:** You rise, Monsignor,
4 because the issue wasn't closed in your mind was it? You
5 were still considering the settlement after the first
6 meeting?

7 **MSGR. LAROCQUE:** No, I was finding out what
8 the procedures was with other bishops.

9 **MS. ROBITAILLE:** If the matter was closed
10 and you weren't going to address it again, why would you
11 rise in that meeting to get advice and to ---

12 **MSGR. LAROCQUE:** To find out if I had been
13 correct in the first place.

14 **MS. ROBITAILLE:** So ---

15 **MSGR. LAROCQUE:** Isn't that a prudent thing
16 to try to do?

17 **MS. ROBITAILLE:** So when you left the first
18 meeting you were still questioning whether you had made the
19 right decision then?

20 **MSGR. LAROCQUE:** No, I was questioning what
21 others were trying to do in their dioceses; if they had had
22 similar experiences and what they had done?

23 **MS. ROBITAILLE:** You wanted to compare your
24 experience with the experience of others?

25 **MSGR. LAROCQUE:** I wanted to learn from

1 others if I could possibly do so because this was a first
2 for me.

3 MS. ROBITAILLE: And possibly change your
4 mind depending on their advice?

5 MSGR. LAROCQUE: I was ready to change my
6 mind, yes, if they had said something that would have
7 convinced me. But they did not convince me that I should
8 change my mind.

9 MS. ROBITAILLE: You were open ---

10 MSGR. LAROCQUE: I was not hoping for it.

11 MS. ROBITAILLE: You were open.

12 THE COMMISSIONER: One at a time, please.

13 You were open to ---

14 MSGR. LAROCQUE: I was seeking advice.

15 MS. ROBITAILLE: And the general consensus
16 was that they urged you not to enter into the settlement;
17 right?

18 MSGR. LAROCQUE: That's what I said, yes.
19 Repeatedly.

20 MS. ROBITAILLE: And so when it comes time
21 for you to make your decision, you have quite a lot of
22 advice on your hands; right?

23 MSGR. LAROCQUE: Yes.

24 MS. ROBITAILLE: You have the advice of the
25 two local lawyers?

1 **MSGR. LAROCQUE:** Right.

2 **MS. ROBITAILLE:** And you have the advice --
3 or the general consensus of approximately 90 bishops?

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

5 **MS. ROBITAILLE:** And again here, the
6 decision is yours and yours alone?

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

8 **MS. ROBITAILLE:** I'm going to suggest to
9 you, Monsignor, that it's not because you are under
10 pressure from the lawyers that you enter into the
11 settlement, it's because that's what you wanted to do.

12 **MSGR. LAROCQUE:** You would be absolutely
13 wrong.

14 **MS. ROBITAILLE:** And if 90 bishops can't
15 make you decide one way, certainly two local lawyers
16 couldn't make you decide the other?

17 **MSGR. LAROCQUE:** That is your opinion.

18 **MS. ROBITAILLE:** You say that the one
19 argument that persuaded you was the therapy argument;
20 right?

21 **MSGR. LAROCQUE:** That's what I have repeated
22 some six or seven times.

23 **MS. ROBITAILLE:** But you knew you didn't
24 need a settlement to pay for Mr. Silmser's therapy; right?

25 **MSGR. LAROCQUE:** And I've admitted that

1 before.

2 MS. ROBITAILLE: Because you had offered
3 Madame Brisson in your second meeting with her in '86 to
4 pay for therapy?

5 MSGR. LAROCQUE: That's right.

6 MS. ROBITAILLE: And to be absolutely clear,
7 you never at any time said to Monsieur Leduc, "You know
8 what, Jacques, the only thing I'm interested in is Mr.
9 Silmsner's psychological health"?

10 MSGR. LAROCQUE: I can't remember that
11 conversation to that detail, no.

12 MS. ROBITAILLE: You didn't say, "I don't
13 care about Father Charlie's reputation. I don't care about
14 scandal. I don't care about the expense of defending a
15 civil claim and I don't care whether it gets into the
16 media." You didn't say that?

17 MSGR. LAROCQUE: I'm not going to answer
18 that question.

19 THE COMMISSIONER: Well, just a minute now.

20 MSGR. LAROCQUE: Not the way that it's
21 posed. I did care and you're putting things backwards.

22 MS. ROBITAILLE: That's cross-examination,
23 Monsignor.

24 MSGR. LAROCQUE: I know.

25 THE COMMISSIONER: So you can answer the

1 question.

2 **MSGR. LAROCQUE:** I did not.

3 **THE COMMISSIONER:** You did not ---

4 **MSGR. LAROCQUE:** I did care -- all these
5 other things that you said. I did care, yes.

6 **MS. ROBITAILLE:** You were concerned about
7 Father MacDonald's reputation?

8 **MSGR. LAROCQUE:** I said that before.

9 **THE COMMISSIONER:** No, sir, just so you can
10 understand, this lawyer represents Monsieur Leduc.

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

12 **THE COMMISSIONER:** No, no. She's just
13 trying to make points vis-à-vis Monsieur Leduc's interests.
14 In order to do that, there has to be a certain amount of
15 repetition and it's the lead-up to the answer.

16 And what we're trying to do is just -- is
17 give you the groundwork in short answers to get you to
18 where she wants to go.

19 **MSGR. LAROCQUE:** Yes, and she wants to make
20 me contradict myself. That's what she wants to do.

21 **THE COMMISSIONER:** Well, that's a fair thing
22 to do and there's nothing wrong with that. All right? So
23 just ---

24 **MSGR. LAROCQUE:** I just wanted to let her
25 know that I'm on to her game, that's all.

1 **THE COMMISSIONER:** Well, it certainly isn't
2 a game but go ahead.

3 **MSGR. LAROCQUE:** Well, maybe it's not the
4 right word or choice of words.

5 **THE COMMISSIONER:** No, I understand and I --
6 that's fine. So we're nearly ---

7 **MSGR. LAROCQUE:** It's getting late in the
8 day and in the week.

9 **THE COMMISSIONER:** And we're trying to
10 finish so that you can go home and so there's about -- I'm
11 told about 90 minutes left. So if you could be patient
12 that much more, then we'll all be on our way.

13 Carry on.

14 **MS. ROBITAILLE:** So you've just told us that
15 you did care about Father MacDonald's reputation and you
16 obviously cared about the reputation of the Diocese; right?

17 **MSGR. LAROCQUE:** And the scandal and
18 everything else, yes.

19 **MS. ROBITAILLE:** And you were also concerned
20 about the finances for the Diocese and the costly expense
21 of possibly defending a claim; right?

22 **MSGR. LAROCQUE:** That was one of the
23 arguments advanced by the lawyers.

24 **MS. ROBITAILLE:** And one of the arguments
25 that persuaded you to some extent?

1 **MSGR. LAROCQUE:** I suppose it had its
2 measure, yes.

3 **MS. ROBITAILLE:** And you made the decision
4 to enter into the settlement like you had made so many
5 others, independently?

6 **MSGR. LAROCQUE:** I made the decision myself
7 and I take the responsibility for that decision.

8 **MS. ROBITAILLE:** Those are my questions.
9 Thank you.

10 **MSGR. LAROCQUE:** But -- and I didn't draw up
11 the legal document.

12 **THE COMMISSIONER:** Thank you.

13 **MS. ROBITAILLE:** Thank you.

14 **THE COMMISSIONER:** I'm sorry, I don't recall
15 who's in -- Mr. Neville?

16 **MR. NEVILLE:** Commissioner, just before I
17 introduce myself to the Bishop, I do have a few extra
18 documents and it might move things along more smoothly if
19 the Bishop had -- they're not lengthy; here's perhaps nine
20 or ten. They're mostly correspondence and if he had a
21 chance to read that it may -- and yourself could read them
22 of course and it might -- just a suggestion. I can start
23 anyway and ---

24 **THE COMMISSIONER:** Oh, no, that's fine, if
25 you want to do that.

1 Any objections, Mr. Sherriff-Scott?

2 **MR. SHERRIFF-SCOTT:** It might help if we
3 could just scan the material before he starts.

4 **MR. NEVILLE:** I have the requisite six sets
5 for you and Madam Clerk. And perhaps if I provide one to
6 Monsignor then as we ---

7 **THE COMMISSIONER:** Oh, you want to take a
8 break?

9 **MR. NEVILLE:** Well, I just thought he may --
10 it might take him five or six minutes to read them, sir,
11 that's all.

12 **THE COMMISSIONER:** Oh, no, no. Give it to
13 me and then and -- so, Monsignor, what we'll do is I'll
14 rise and you can read the material; I'll read the material
15 back in my office and then we'll reconvene.

16 **MSGR. LAROCQUE:** Right.

17 **THE COMMISSIONER:** All right?

18 **MR. NEVILLE:** Just so you will know, sir,
19 and Bishop LaRocque, there's one document relating at the
20 seminary as a follow-up to other documents you've seen.
21 There's two documents ---

22 **THE COMMISSIONER:** Well, we should enter it
23 as an exhibit then.

24 **MR. NEVILLE:** Oh, I will ask that as I do it
25 with each one. Is that acceptable?

1 **THE COMMISSIONER:** Sure.

2 **MR. NEVILLE:** There's a couple dealing with
3 appointments of Father MacDonald to parishes I believe
4 including by the Bishop. And then the balance are
5 correspondence related to Mr. Silmsers's re-litigating of
6 the case in which the Bishop was Discovered in December,
7 '95.

8 And a document relating to the settlement
9 for C-3. And that's it.

10 **THE COMMISSIONER:** Okay, well good. Folks
11 will be able to review it and ---

12 **MR. NEVILLE:** And I have provided sets to
13 all other counsel.

14 **THE COMMISSIONER:** Right.

15 Madam Clerk, just give me a copy. They
16 won't be put in as exhibits right now. Give me one copy of
17 each and give a set to the Bishop.

18 **MR. NEVILLE:** Each is a set, sir, so that's
19 -- she doesn't have to break them up. Each is a set, a
20 complete set of each.

21 **THE COMMISSIONER:** Terrific, thank you.

22 Okay, so why don't we take the afternoon
23 break now and we'll come back at three o'clock.

24 All right? Thank you.

25 **THE REGISTRAR:** Order; all rise. A l'ordre;

1 veuillez vous lever.

2 The hearing will resume at 3:00 p.m.

3 --- Upon recessing at 2:43 p.m./

4 L'audience est suspendue a 14h43

5 --- Upon resuming at 3:02 p.m./

6 L'audience est reprise a 15h02

7 **THE REGISTRAR:** Order; all rise. A l'ordre;
8 veuillez vous lever.

9 The hearing is now resumed. Please be
10 seated. Veuillez vous asseoir.

11 **THE COMMISSIONER:** All right. Mr. Neville?

12 **MR. NEVILLE:** Thank you, Commissioner.

13 **EUGÈNE LAROCQUE:** Resumed/Sous le même serment

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

15 **NEVILLE:**

16 **MR. NEVILLE:** Good afternoon, Bishop. My
17 name is Michael Neville. I represent Father Charles
18 MacDonald. I also represent the Estate of Ken Seguin and
19 members of his family. And although not relevant directly
20 to His Honour's Commission here, as you heard earlier, I
21 defended Father Menard -- Father Major back in the days
22 when he was before the court.

23 **MSGR. LAROCQUE:** I see.

24 **MR. NEVILLE:** And just so I can just confirm
25 how -- whether you and I know each other I -- as I recall,

1 we never met in person before today but spoke occasionally
2 on the phone?

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

4 **MR. NEVILLE:** Now, the first area I just
5 want to touch on briefly with you, Bishop, you had a chance
6 to read through the documents?

7 **MSGR. LAROCQUE:** I did, yes, sir.

8 **MR. NEVILLE:** Thank you.

9 You'll recall, Bishop, you were asked a few
10 questions by Mr. Engelmann about documents from the 1967
11 timeframe for Father Charles at the seminary.

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

13 **MR. NEVILLE:** I believe there were three and
14 just -- I won't refer to them directly, Commissioner, just
15 to confirm for the record for you, they are Exhibits 2091,
16 92 and 93.

17 And they involve certain assessments of him,
18 some of which were somewhat negative and then concluding
19 with one showing improvement?

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

21 **MR. NEVILLE:** All right.

22 And the first document I'd have us look at
23 briefly from your package, Commissioner, for the record is
24 Document Number 738028 and the Bates page ends in 1526.

25 **THE COMMISSIONER:** Okay, wait a minute,

1 we'll make that exhibit.

2 **MR. NEVILLE:** Please. You have it there ---

3 **THE COMMISSIONER:** Are you making them all
4 exhibits now?

5 **MSGR. LAROCQUE:** I will eventually unless
6 you wish ---

7 **THE COMMISSIONER:** One at a -- no, no,
8 that's fine.

9 **MR. NEVILLE:** So I brought some of these
10 individually, Commissioner, and perhaps as you've seen them
11 the litigation ones could be a group, I don't know.
12 Whatever you prefer.

13 **THE COMMISSIONER:** Let's just keep them
14 single for now.

15 **MR. NEVILLE:** All right. Very good.

16 **THE COMMISSIONER:** So the witness has his
17 copies, Madam Clerk?

18 **MR. NEVILLE:** He does.

19 **THE COMMISSIONER:** So just give me the
20 exhibits themselves. Thank you.

21 Okay, so that'll be 2169 is the 1969 report
22 on Father Charles MacDonald.

23 ---EXHIBIT NO./PIECE NO. P-2169

24 (738028) Rapport Semestrial de Charles
25 MacDonald datee le 17 mar 69

1 **MR. NEVILLE:** Right. And looking at this
2 one, Bishop, it's dated so to speak at the top as the
3 winter of 1969?

4 **MSGR. LAROCQUE:** Correct, yes.

5 **MR. NEVILLE:** And it's a very short time, a
6 couple of months prior to Charles MacDonald's ordination?

7 **MSGR. LAROCQUE:** As a priest, yes.

8 **MR. NEVILLE:** Which we know was the 14th of
9 June, 1969. And can you just tell us some of the things
10 that are said about him in this one?

11 **MSGR. LAROCQUE:** Where do you want me to
12 start?

13 **MSGR. LAROCQUE:** Well, why don't we start
14 under the heading "Conduct". And I'm using the English, of
15 course. It's in French.

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

17 **MSGR. LAROCQUE:** "Popular among the
18 students. I only see him from afar and
19 only on certain occasions. My
20 impression now that he has sacred
21 orders is that he is reluctant to have
22 relations with us, especially with me."

23 **MR. NEVILLE:** Can we just stop there,
24 Bishop.

25 So there appears to be some degree of, if I

1 may put it, personality conflict reflected here between the
2 two men.

3 **MSGR. LAROCQUE:** Yes. Yes, I would say so.
4 Yeah.

5 **MR. NEVILLE:** Fair enough.
6 Can we deal with "Character" then, the next
7 topic?

8 **MSGR. LAROCQUE:** "Has a very thin skin."

9 **MR. NEVILLE:** Yes.

10 **MSGR. LAROCQUE:** "Needs people around him,
11 a group of friends around him."

12 **THE COMMISSIONER:** Étroit.

13 **MSGR. LAROCQUE:** Étroit.

14 **THE COMMISSIONER:** It means a small circle
15 of friends.

16 **MR. NEVILLE:** Yes.

17 **THE COMMISSIONER:** Would that be fair?

18 **MSGR. LAROCQUE:** Yes, I suppose.

19 **MR. NEVILLE:** That's what I took it as, sir.

20 **MSGR. LAROCQUE:** "For the past two years, he
21 has overcome or submerged his aggressivity."

22 **MR. NEVILLE:** So that appears to refer back
23 to the '67 reports that he would be somewhat aggressive or
24 unhappy about being confronted or challenged?

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

1 **MR. NEVILLE:** And he appears to have, on the
2 face of it at least, improved in that area?

3 **MSGR. LAROCQUE:** But the personality clash
4 comes out with that little parenthesis.

5 **MR. NEVILLE:** Yes.

6 **MSGR. LAROCQUE:** "Volontaire"; he
7 volunteers, I guess, readily. "We would not be surprised
8 if sometimes he is bull-headed."

9 **MR. NEVILLE:** Would that be the Scotch in
10 him as you said before? Sorry.

11 **(LAUGHTER/RIRES)**

12 **MSGR. LAROCQUE:** I don't know if it's the
13 Scotch or the Scott.

14 **MR. NEVILLE:** Sometimes both. My slip. My
15 mother would be very unhappy with me.

16 Go ahead, sir.

17 **MSGR. LAROCQUE:** "He would probably hold
18 resentment, which would manifest itself in his "rapport
19 gêné" ---

20 **THE COMMISSIONER:** "He will have strained
21 relations with those who have displeased him."

22 **MSGR. LAROCQUE:** Yes.

23 **THE COMMISSIONER:** Would that be fair?

24 **MSGR. LAROCQUE:** Something -- yes, that --
25 strange, strained or far-off relationship.

1 **THE COMMISSIONER:** Right.

2 **MSGR. LAROCQUE:** "He would not be the priest
3 with the most agreeable type of character. He has
4 initiative and tenacity. He has a happy side to him" --
5 "mais non vraiment enjouée".

6 **MR. NEVILLE:** So just -- thank you very
7 much, Bishop.

8 Now, just to highlight under "Studies", it
9 appears, and I'll just summarize, that he has improved over
10 the past two years?

11 **MSGR. LAROCQUE:** Yes, but he still has
12 homework to hand in.

13 **MR. NEVILLE:** An assignment unfinished, yes.
14 And if we go down to the second last or the last two
15 paragraphs, which is kind of the conclusion about him.

16 **MSGR. LAROCQUE:** Yeah.

17 **MR. NEVILLE:** It indicates that he's a very
18 acceptable candidate?

19 **MSGR. LAROCQUE:** That's what they say.
20 They're all unanimous. The vote of the faculty was
21 unanimous in favour of his being promoted to the
22 priesthood.

23 **MR. NEVILLE:** Right. And just coming back
24 so I'm complete and fair for the record, his personality
25 could prove to be difficult on occasion in confrontations?

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

2 **MR. NEVILLE:** But unanimously in favour in
3 the faculty that he be ordained?

4 **MSGR. LAROCQUE:** And the rector says that he
5 approves of this recommendation.

6 **MR. NEVILLE:** And we know from his C.V.
7 that's an exhibit, that a couple of months later, he indeed
8 was ordained?

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

10 **MR. NEVILLE:** All right.

11 Now, we also know from yourself and just
12 from the tombstone information that we have, Bishop, that
13 he was in the seminary from 1963 to '69 and that's
14 reflected, Commissioner, in Exhibit 2014.

15 And he would have entered the seminary,
16 Bishop, at the age of 30 approximately?

17 **MSGR. LAROCQUE:** Which is about 12 years
18 after finishing his high school.

19 **MR. NEVILLE:** Right. And so he would have
20 entered the seminary not just at a somewhat advanced age
21 compared to many candidates, but he had had a career as a
22 teacher?

23 **MSGR. LAROCQUE:** That's right, and that
24 would be unusual at that time.

25 **MR. NEVILLE:** Exactly. So he would have

1 gone from a professional world, living on his own and
2 acting as a professional, as a teacher, to a very
3 structured setting in a seminary?

4 **MSGR. LAROCQUE:** And at that time, very
5 monastic.

6 **MR. NEVILLE:** Yes, all right.

7 Now, I just want to then deal with a couple
8 of brief questions about parish placements, Bishop, and if
9 you could look for me -- as I mentioned, Commissioner, the
10 C.V., which might assist the Bishop, is Exhibit 2014
11 because it lists them all. I don't know if you have that
12 volume there, Bishop.

13 Two-zero-one-four (2014) is ---

14 **MSGR. LAROCQUE:** I have a pretty good idea
15 though from memory.

16 **MR. NEVILLE:** All right. Fair enough.

17 So we know that he was ordained on June --
18 I'll just wait for the Commissioner.

19 **THE COMMISSIONER:** And put it on the screen,
20 please.

21 **MR. NEVILLE:** Two-zero-one-four (2014),
22 Commissioner.

23 **THE COMMISSIONER:** Yes, I have it.

24 **MR. NEVILLE:** Document 119887.

25 **THE COMMISSIONER:** Go ahead.

1 **MR. NEVILLE:** So he's ordained on the 14th of
2 June, 1969 at St. Columban's and serves in that parish from
3 that date to July of 1975; correct?

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

5 **MR. NEVILLE:** Now, can we just look next
6 then at what I understand, Commissioner, is Exhibit 2012,
7 Exhibit (sic) 120087.

8 **THE COMMISSIONER:** Which is part of the
9 package that you had us read.

10 **MR. NEVILLE:** Yes, sir.

11 **THE COMMISSIONER:** Okay.

12 **MR. NEVILLE:** Do you have it there, Bishop?

13 **MSGR. LAROCQUE:** Eight-seven (87)?

14 **MR. NEVILLE:** It's ---

15 **THE COMMISSIONER:** It's the letter dated
16 June 14th, 1969.

17 **MSGR. LAROCQUE:** Yes, I have that, yes.

18 **MR. NEVILLE:** One-two-zero-zero-eight-seven
19 (120087). We also have it as an exhibit.

20 **MSGR. LAROCQUE:** Yeah.

21 **MR. NEVILLE:** Thank you, sir. So this
22 appears to be, in a sense, his letter of appointment from
23 the then bishop to St. Columban's?

24 **MSGR. LAROCQUE:** That's correct. To St.
25 Columban's and also as a teacher of religion at CCVS.

1 **MR. NEVILLE:** Right, you anticipated my next
2 question. He does have a teaching background, so the arts
3 of the -- the bishop of the day not only appoints him to
4 the parish but as a religion teacher at the local high
5 school?

6 **MSGR. LAROCQUE:** Public high school.

7 **MR. NEVILLE:** Public high school, that's
8 what I meant.

9 Now, what I wanted to ask you is in the next
10 paragraph, the fourth line from the bottom of that
11 paragraph, and I'll just read it out:

12 "Although you are appointed assistant,
13 I see more your role as a co-pastor or
14 an associate pastor."

15 Can you explain the significance of that?

16 **MSGR. LAROCQUE:** That was one of the Vatican
17 II changeovers from being what they used to call a curate.

18 **MR. NEVILLE:** Right.

19 **MSGR. LAROCQUE:** Then it went to an
20 assistant and now it's co-pastor or associate pastor. It's
21 the whole idea of teamwork with a team leader rather than a
22 sort of hierarchical organization.

23 **MR. NEVILLE:** I understand. Would that be
24 influenced at all by his more mature age and teaching
25 background or simply a part of Vatican II amendments?

1 **MSGR. LAROCQUE:** The one might have
2 contributed, but this was very much in the air at that
3 time.

4 **MR. NEVILLE:** All right, thank you.
5 The next document, if you could, Bishop, is
6 120089 in your packet.

7 **MSGR. LAROCQUE:** I have it.

8 **MR. NEVILLE:** And it's Exhibit,
9 Commissioner, 2013. It's a letter, if you have it in front
10 of you, Bishop, of February 26th, 1974, again by Bishop
11 Proulx to Charles MacDonald, and it refers to the Cursillo
12 movement.

13 **MSGR. LAROCQUE:** It's the Cursillo movement,
14 yes.

15 **MR. NEVILLE:** Now, is that the same thing as
16 Core?

17 **MSGR. LAROCQUE:** For adults.

18 **MR. NEVILLE:** For adults, okay. When you
19 say adults, at that time in 1974, what are we talking
20 about? What age and up?

21 **MSGR. LAROCQUE:** Working people and married
22 people.

23 **MR. NEVILLE:** So certainly beyond the high
24 school level?

25 **MSGR. LAROCQUE:** Yes.

1 **MR. NEVILLE:** All right. And it says in the
2 middle of the paragraph:

3 "Since you have shown a great deal of
4 interest in the movement and since you
5 have been instrumental in making it
6 possible for the first weekend to be
7 organized in the City of Cornwall, I am
8 asking you to consider yourself
9 responsible for this special ministry."

10 And he goes on in a similar vein to the
11 bottom of the paragraph.

12 When a bishop sends a letter of this type
13 to, for example, Father MacDonald, is that in effect the
14 delegating of an obligation or responsibility to do it in
15 the nature almost of an order?

16 **MSGR. LAROCQUE:** It's a kind way of putting
17 it that you are responsible for this movement in the
18 diocese, yes.

19 **MR. NEVILLE:** So he's really, in effect,
20 assigning him that activity?

21 **MSGR. LAROCQUE:** Just before he leaves.

22 **MR. NEVILLE:** Yes, I understand.

23 **MSGR. LAROCQUE:** Yeah. He was that when I
24 came here. He was responsible for it.

25 **MR. NEVILLE:** I understand. And so the

1 Cursillo movement would be, if I understood you a moment
2 ago, the adult equivalent of Core, in essence?

3 **MSGR. LAROCQUE:** Yes. I believe it's just
4 the other way around though. The Cursillo came first.

5 **MR. NEVILLE:** I understand.

6 **MSGR. LAROCQUE:** And the Core was an
7 adaptation of the Cursillo for younger people.

8 **MR. NEVILLE:** Got it. And when you say
9 "younger", you explained to other counsel late teens, late
10 high school and up?

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

12 **MR. NEVILLE:** All right.

13 And the next document briefly if we could is
14 119361, and this is a letter by yourself to Father
15 MacDonald.

16 **THE COMMISSIONER:** So is this an exhibit or
17 we'll make it an exhibit?

18 **MR. NEVILLE:** Oh, I'm sorry, Commissioner.
19 I guess, no it's -- yes, it is. It is 2094.

20 **THE COMMISSIONER:** Two-zero-nine-four
21 (2094).

22 **MR. NEVILLE:** That's what I have it as
23 being.

24 **THE COMMISSIONER:** Okay, so you're going to
25 have to go to 2094.

1 **MR. NEVILLE:** Is it not there?

2 **THE COMMISSIONER:** It's there but it wasn't
3 in your package.

4 **MR. NEVILLE:** I thought it was, sorry.

5 **MSGR. LAROCQUE:** Oh, I have it here.

6 **THE COMMISSIONER:** Two zero nine four
7 (2094).

8 **MSGR. LAROCQUE:** Yes, I have it.

9 **MR. NEVILLE:** Now, this is authored by
10 yourself, Bishop, to Father MacDonald.

11 **MSGR. LAROCQUE:** Right.

12 **MR. NEVILLE:** And you are appointing him the
13 first chaplain of a new Catholic school.

14 **MSGR. LAROCQUE:** Yes.

15 **MR. NEVILLE:** And that school was which?

16 **MSGR. LAROCQUE:** It was Bishop Macdonell, I
17 believe, at the time.

18 **MR. NEVILLE:** Right.

19 **MSGR. LAROCQUE:** And it was a nine and 10,
20 which we had decided would go on to 11, 12 and 13 before
21 extension.

22 **MR. NEVILLE:** All right.

23 **MSGR. LAROCQUE:** As you recall, the
24 extension came in '84, you see.

25 **MR. NEVILLE:** And he would be available to

1 the students at the high school as what, a religious
2 adviser or what would he be?

3 **MSGR. LAROCQUE:** As the Chaplain. So in any
4 way that the principal would want to use him for Mass for
5 the students or for retreats for the students or whatever
6 it might be.

7 **MR. NEVILLE:** So it would be -- his duties
8 would be somewhat controlled or directed, I guess is a
9 better word, by the principal?

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

11 **MR. NEVILLE:** And it would appear from your
12 second paragraph that he would also be largely working with
13 a Sister Scanlon.

14 **MSGR. LAROCQUE:** Yes.

15 **MR. NEVILLE:** Who I gather had a strong
16 background in counselling and the like.

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

18 **MR. NEVILLE:** All right.

19 And finally on this particular topic could
20 we look at -- and it's Exhibit 2095, Commissioner; 119365.

21 **THE COMMISSIONER:** Next page over,
22 Monsignor.

23 **MR. NEVILLE:** Do you have it, sir?

24 **MSGR. LAROCQUE:** I do.

25 **MR. NEVILLE:** I'm sorry, you do? Yes, all

1 right.

2 MSGR. LAROCQUE: Yes.

3 MR. NEVILLE: So this is your appointing of
4 him from Williamstown over to the parish in St. Andrew's.

5 MSGR. LAROCQUE: That's correct, yes.

6 MR. NEVILLE: And that was the parish in
7 which he was presiding as pastor when the Silmser events
8 came to a head and he left.

9 MSGR. LAROCQUE: That's correct.

10 MR. NEVILLE: All right.

11 And you seem to be referring in the second
12 paragraph of that letter that he might be able, in
13 particular, to give a -- make a contribution to the youth
14 of the parish.

15 MSGR. LAROCQUE: Especially in finding
16 vocations to the priesthood.

17 MR. NEVILLE: Okay. And when you make
18 reference in the last sentence of paragraph 2.

19 "All the people, especially the youth,
20 will find in you a real father."

21 MSGR. LAROCQUE: Right.

22 MR. NEVILLE: Did you have in mind again, at
23 least in part, his teaching background and working with
24 youth?

25 MSGR. LAROCQUE: I suppose so, yes.

1 **MR. NEVILLE:** And by this point he'd had a
2 number of years of working with Core and other
3 extracurricular activities involving youth?

4 **MSGR. LAROCQUE:** That's correct. It'd be 14
5 years, under me at least.

6 **MR. NEVILLE:** Yes, all right.

7 Now, we know, Bishop, from material you've
8 read, and of course you lived the events yourself and
9 you've refreshed your memory, that -- and I touched on it a
10 moment ago; that it is while he is at St. Andrew's that the
11 David Silmsen matter commences in December of '92.
12 Eventually there's the settlement, the visit from Chief
13 Shaver, the admissions of homosexual inclinations to you,
14 and his being sent to Southdown and no longer being a
15 practising priest.

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

17 **MR. NEVILLE:** Now, his tenure at St.
18 Andrew's was just over five years; correct?

19 **MSGR. LAROCQUE:** Right.

20 **MR. NEVILLE:** And you know that in the fall
21 of 1993 and thereafter there was a Project Blue from the
22 Children's Aid Society?

23 **MSGR. LAROCQUE:** That's what I've learned,
24 yes.

25 **MR. NEVILLE:** Yes, and you knew because you

1 had to have some -- had to be consulted and to arrange
2 cooperation, that the CAS conducted a fairly extensive
3 investigation in that parish.

4 **MSGR. LAROCQUE:** Very extensive, yes.

5 **MR. NEVILLE:** Interviewed a great many young
6 people ---

7 **MSGR. LAROCQUE:** Right.

8 **MR. NEVILLE:** --- that would have been in
9 contact with Father MacDonald.

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

11 **MR. NEVILLE:** Can you confirm for me that at
12 no time was any complaint of misconduct brought against him
13 by a young person from that five-year period?

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

15 **MR. NEVILLE:** Now, can we turn next -- and
16 this is not a packet document, Commissioner.

17 I want to ask you a few questions, Bishop,
18 about the D.S., or David Silmsler, matter and I want to
19 start, if I may, with Exhibit 311, Commissioner; Document
20 110167 and it is the letter of Monsignor Schonenbach to
21 Monsignor McDougald.

22 **THE COMMISSIONER:** Three one one (311)?

23 **MR. NEVILLE:** I have it as Exhibit 311, sir.

24 **THE COMMISSIONER:** Yep.

25 **MR. NEVILLE:** Have you found it, Bishop?

1 **MSGR. LAROCQUE:** Yes, I do. Yes.

2 **MR. NEVILLE:** And you're cc'd on the
3 document; you can see that from the signature page.

4 **MSGR. LAROCQUE:** Yes.

5 **MR. NEVILLE:** So obviously you got it and
6 I'm sure read it very intently and carefully ---

7 **MSGR. LAROCQUE:** Yes.

8 **MR. NEVILLE:** --- to say the least.

9 Now, you'll notice Monsignor Schonenbach
10 starts off by indicating that he had spoken on the 9th of
11 December with Monsignor McDougald, having met Mr. Silmsers
12 that day.

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

14 **MR. NEVILLE:** Right?

15 **MSGR. LAROCQUE:** Right.

16 **MR. NEVILLE:** Now, did you become aware that
17 on the same day Mr. Silmsers had spoken to the Cornwall
18 Police?

19 **MSGR. LAROCQUE:** I became aware of it later
20 on but not at that time, no.

21 **MR. NEVILLE:** All right.

22 Now, let's -- if you'd just look for me at
23 the second paragraph; this is where Monsignor Schonenbach
24 appears to set out the essence of the allegation of Mr.
25 Silmsers against Father Charles. If you just read it

1 briefly to yourself.

2 (SHORT PAUSE/COURTE PAUSE)

3 MSGR. LAROCQUE: Yes.

4 MR. NEVILLE: Now, other than an event of
5 what appears to be particularly inappropriate language,
6 right; where he talks about Father MacDonald saying
7 something to him about girls and looking out his window.

8 MSGR. LAROCQUE: Right.

9 MR. NEVILLE: Other than that allegation of
10 inappropriate language, do you agree with me that, at least
11 as far as Monsignor Schonenbach hears and reports, he
12 alleges one incident?

13 MSGR. LAROCQUE: That's what it says, yes.

14 MR. NEVILLE: Indeed the next paragraph
15 reads, "Silmser goes on to say that the incident radically
16 changed his life." Correct?

17 MSGR. LAROCQUE: Right.

18 MR. NEVILLE: Now, did you come to learn
19 that eventually the alleged incidents grew to four?

20 MSGR. LAROCQUE: Yes.

21 MR. NEVILLE: Now, you read this letter and
22 I'm sure thought about its contents. Let me refer you to
23 the last paragraph, third line.

24 MSGR. LAROCQUE: On the other page or on the
25 bottom?

1 **MR. NEVILLE:** No, on the first page. Sorry,
2 I apologise. First page, sir:

3 "He told me he was raising the matter
4 at this time because he wanted to lose
5 the label of being a bad person. He
6 said --"

7 And Monsignor puts it in quotation marks.

8 "'For starters I would like a letter
9 from Father MacDonald, acknowledging
10 what he did so I could show this to my
11 mother'."

12 Now, when you read that what did you think
13 "for starters" meant?

14 **MSGR. LAROCQUE:** I can't recall really but
15 it should have ---

16 **MR. NEVILLE:** It might mean something more
17 than an apology; right?

18 **MSGR. LAROCQUE:** It should have raised a red
19 flag, yes.

20 **MR. NEVILLE:** Exactly.

21 Now, let's look at the second page.

22 **MSGR. LAROCQUE:** If you might -- I'm just --

23 -

24 **MR. NEVILLE:** No, I don't interrupt, carry
25 on, finish.

1 **MSGR. LAROCQUE:** I just wanted to comment
2 with regard to the last sentence with the description of
3 Father MacDonald. Actually, you know, that seemed to me,
4 when I read it, so out of character.

5 **MR. NEVILLE:** You're talking now about the
6 incident described at the end of the second paragraph;
7 correct?

8 **MSGR. LAROCQUE:** That's correct, yes.

9 **MR. NEVILLE:** It appears to have an element
10 of violence to it.

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

12 **MR. NEVILLE:** And you're not the only one,
13 that -- your reaction to that was that does not ---

14 **MSGR. LAROCQUE:** That helped to diminish my
15 credibility in the accusation.

16 **MR. NEVILLE:** Thank you.

17 Page 2, the Monsignor says that his
18 awareness or knowledge of Mr. Silmsen, as he puts it, and I
19 quote "is restricted to this one meeting." And then he
20 says "He seems like a credible person."

21 Does he endorse him as unequivocally
22 credible or does he just say he seems like a credible
23 person?

24 **MSGR. LAROCQUE:** That's what the language
25 says, yes.

1 **MR. NEVILLE:** Now, let's look at Exhibit 312
2 and this is a letter by Angus Malcolm MacDonald, Q.C., to
3 Monsignor McDougald on December 21st, 1992.

4 Do you have it, sir?

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

6 **MR. NEVILLE:** Very good. Do you have it,
7 Commissioner?

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

9 **MR. NEVILLE:** So, were you provided, if you
10 recall, Bishop, a copy of this by Monsignor McDougald?

11 **MSGR. LAROCQUE:** I can't recall, no.

12 **MR. NEVILLE:** The reason I ask is that, of
13 course, he was your -- to use the official title --
14 designate for that ---

15 **MSGR. LAROCQUE:** My delegate, yes.

16 **MR. NEVILLE:** Delegate, pardon me, I meant
17 to say that. And we know from page 2 and this was touched
18 upon by Mr. Engelmann in-chief, that it appears that while
19 writing or drafting this letter, Malcolm MacDonald had
20 spoken briefly to you which makes me think that in all
21 likelihood, putting those pieces together, Monsignor
22 McDougald likely gave you this -- or a copy of this letter.
23 Would that be fair?

24 **MSGR. LAROCQUE:** I suppose it might be, yes.
25 I can't remember really.

1 **MR. NEVILLE:** All right. Fair enough.

2 And if we look briefly at the letter, it's
3 very clear that by the 21st of December, a little over 10
4 days from the Shonenbach/Silmser meeting, Monsignor
5 McDougald is advised that Charles MacDonald has a lawyer;
6 right?

7 **MSGR. LAROCQUE:** Right.

8 **MR. NEVILLE:** There was -- there had been a
9 meeting on this date with Monsignor McDougald?

10 **MSGR. LAROCQUE:** Right.

11 **MR. NEVILLE:** At which Mr. MacDonald, the
12 lawyer, was there.

13 **MSGR. LAROCQUE:** Right.

14 **MR. NEVILLE:** And that the basic position is
15 being stated clearly and unequivocally that Father Charles
16 says he's not guilty.

17 **MSGR. LAROCQUE:** Correct.

18 **MR. NEVILLE:** All right. He says that he
19 and Father Charles will make full disclosure of all facts;
20 right?

21 **MSGR. LAROCQUE:** Right.

22 **MR. NEVILLE:** And at the bottom of that
23 page, purports to offer the taking of a polygraph test by
24 his client, Father MacDonald.

25 **MSGR. LAROCQUE:** Right.

1 **MR. NEVILLE:** He then suggests, at the top
2 of page 2 ---

3 **MSGR. LAROCQUE:** He suggests that the so-
4 called victim do the same thing.

5 **MR. NEVILLE:** Yes, yes. Correctly,
6 suggesting perhaps the complainant, that would be Mr.
7 Silmsler. And then he sets out at the top of the next page
8 a degree of knowledge of Mr. Silmsler's criminal history;
9 right?

10 **MSGR. LAROCQUE:** Yes.

11 **MR. NEVILLE:** Did you become aware at some
12 point, sir, from roughly this date to the fall of '93 that
13 Father MacDonald had had a number of dealings with Mr.
14 Silmsler where he had attempted to assist him with his legal
15 difficulties?

16 **MSGR. LAROCQUE:** It seems to me I remember
17 something of that ---

18 **MR. NEVILLE:** Right.

19 **MSGR. LAROCQUE:** --- but not in detail, no.

20 **MR. NEVILLE:** All right. Now, can we look
21 next at Exhibit 313? This, Commissioner, is a fax letter
22 if one can call it that, or memo maybe, from Monsignor
23 Shonenbach to Malcolm MacDonald.

24 Do you have it Bishop?

25 **MSGR. LAROCQUE:** Yes.

1 **MR. NEVILLE:** Now, this is dated the 29th of
2 December and I didn't refer you directly to it but there's
3 a reference in the previous letter to contacting the
4 complainant to suggest to the complainant the kind of
5 approach that Malcolm MacDonald wanted to see taken; things
6 under oath and the like; right?

7 **MSGR. LAROCQUE:** Right.

8 **MR. NEVILLE:** Fairly formal things; correct?

9 **MSGR. LAROCQUE:** Right.

10 **MR. NEVILLE:** Now, it appears that Monsignor
11 Shonenbach took up the suggestion and called Mr. Silmsner
12 who did not wish to cooperate along the lines proposed by
13 Malcolm MacDonald; right?

14 **MSGR. LAROCQUE:** Right.

15 **MR. NEVILLE:** And says he intends taking the
16 matter to the police.

17 **MSGR. LAROCQUE:** That's what it says, yes.

18 **MR. NEVILLE:** Now, we all, in this room,
19 know and you came to know, I don't know by that date or
20 not, he'd already been to the police.

21 **MSGR. LAROCQUE:** Right.

22 **MR. NEVILLE:** Right?

23 Now, correct me if I'm wrong, Bishop, but my
24 sense is in terms of the protocol that once a complainant
25 in the position of Mr. Silmsner has gone the conventional

1 criminal law route with the police; is there some
2 suggestion or am I correct that the protocol in effect goes
3 into suspension while the civil authorities take their
4 steps?

5 **MSGR. LAROCQUE:** I'm not sure of that.

6 **MR. NEVILLE:** All right. That's what I -- I
7 wasn't clear about whether that were the case. I've seen
8 some material, including the statements by Monsignor
9 McDougald, to that effect.

10 **MR. ENGELMANN:** I think it's a subsequent
11 protocol, Mr. Neville, after '95.

12 **MR. NEVILLE:** No, I know that.

13 **THE COMMISSIONER:** But it's not the one that
14 was in existence at the time.

15 **MR. NEVILLE:** No, exactly sir, I understood
16 that from the '96 one, it became more or less formalized
17 but I was just wondering whether -- and this being one of
18 the firsts, if not the first, for the previous protocol
19 that was a concern, it's now a police matter.

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

21 **MR. NEVILLE:** All right. And one of the
22 reasons I'm suggesting that was likely the case, Bishop, is
23 that, and it's been touched on in different contexts by
24 other counsel, if you, for example, whereas in your role as
25 authority of the Diocese and Bishop were to speak to Father

1 MacDonalld or even your committee with Monsignor McDougald
2 and Mr. Leduc and Father Vaillancourt and obtained
3 unhelpful, if not incriminating admissions, there's no
4 privilege. And one or more of you could end up finding
5 yourselves as witnesses; right?

6 **MSGR. LAROCQUE:** I guess so, I'm not sure.

7 **MR. NEVILLE:** Okay. Well, if there's no
8 privilege and it becomes known that admissions of guilt of
9 some sort were made, you can't hide behind that, it's not
10 confession.

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

12 **MR. NEVILLE:** Right? It's a hearing so to
13 speak; right?

14 Now, you would know, I take it, or perhaps
15 you don't, that criminal defence counsel of any level of
16 experience faced with a situation like this, would you not
17 expect them to advise their client to discuss the matter
18 only with them, the lawyer, for reasons of solicitor/client
19 privilege? Would you not expect that?

20 **MSGR. LAROCQUE:** I would suppose so, yes.

21 **MR. NEVILLE:** Yeah. Now, do you agree with
22 me, because ---

23 **THE COMMISSIONER:** Well, sir, I don't want
24 to get in a debate about law; right. But there is also the
25 argument that he may be a person in authority and that ---

1 **MR. NEVILLE:** Absolutely.

2 **THE COMMISSIONER:** --- and that -- saying it
3 might be inadmissible.

4 **MR. NEVILLE:** You're quite right, sir.
5 There could be an issue there as well. Absolutely. Yeah.
6 Absolutely.

7 All I wanted to establish, Commissioner, is
8 there is no automatic privilege such as would exist with
9 counsel.

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

11 **MR. NEVILLE:** Now, can we agree with this
12 Bishop, and I won't necessarily turn to the protocol but
13 Mr. Engelmann just touched upon the one that comes out in
14 1996. It makes specific reference in a couple of places to
15 the *Constitution Act* of 1982 which we lawyers in the room,
16 that you've been looking at for eight days ---

17 **(LAUGHTER/RIRES)**

18 **MR. NEVILLE:** --- know that that's better
19 known as the Canadian Charter of Rights and Freedoms.

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

21 **MR. NEVILLE:** All right. And you agree with
22 me Bishop, that a priest does not somehow lose or surrender
23 his charter and other legal rights as a citizen simply
24 because he is a priest and is being charged or could be?

25 **MSGR. LAROCQUE:** I would certainly admit

1 that, yes.

2 **MR. NEVILLE:** Do you agree with that?

3 **MSGR. LAROCQUE:** He's still a human being
4 and a citizen of the country.

5 **MR. NEVILLE:** Exactly, with the same rights
6 and protections as everybody; correct?

7 **MSGR. LAROCQUE:** Correct.

8 **MR. NEVILLE:** And indeed the protocols,
9 especially the more -- the ones in the latter years,
10 emphasize, as I suggest they had to and should, the
11 presumption of innocence.

12 **MSGR. LAROCQUE:** Yes.

13 **MR. NEVILLE.** Right?

14 **MSGR. LAROCQUE:** Right.

15 **MR. NEVILLE:** And indeed, and I don't wish
16 to bring up unhappy times but you found yourself not too
17 far down the road in time a target, both civilly and
18 criminally?

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

20 **MR. NEVILLE:** And you had no hesitation to
21 assert your innocence?

22 **MSGR. LAROCQUE:** That is correct.

23 **MR. NEVILLE:** Now, we know this, the
24 settlement is struck in the September of '93. Chief Shaver
25 comes to see you about a month later. Matters get into the

1 media in early '94. There are press releases, press
2 conferences, a great deal of controversy and embarrassment
3 to some degree?

4 **MSGR. LAROCQUE:** To a great degree. Yes.

5 **MR. NEVILLE:** A great degree. Very well.
6 And we also know, and I presume that you know or from your
7 memory, will recall that one of the things that happens in
8 the aftermath of those events I just summarized, is the
9 Ontario Provincial Police come to the city and spend about
10 10 months re-investigating the entire matter.

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

12 **MR. NEVILLE:** Indeed, that's when you were
13 interviewed. In one of the interviews referred to you by
14 Mr. Engelmann in September of '94, it was part of that
15 investigation.

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

17 **MR. NEVILLE:** Headed by, in particular
18 Inspector Smith.

19 **MSGR. LAROCQUE:** At that time and then
20 Inspector Hall afterwards.

21 **MR. NEVILLE:** I'm sorry.

22 **MSGR. LAROCQUE:** At the first Inspector
23 Smith and then Inspector Hall.

24 **MR. NEVILLE:** Quite right. But that's
25 later. I just want to focus for the moment on the fact

1 that in the immediate aftermath of the events of '93
2 particularly the fall, there is close to a year
3 investigation by the OPP of the very same matters. Right?

4 **MSGR. LAROCQUE:** True.

5 **MR. NEVILLE:** And in December of that year,
6 the OPP made a press release, a public statement that no
7 charges were warranted against anyone or in particular
8 Father MacDonald.

9 **MSGR. LAROCQUE:** I believe that's true yes.

10 **MR. NEVILLE:** Now, when you heard that --
11 and you were one of the persons interviewed, right?

12 **MSGR. LAROCQUE:** Yes, I was.

13 **MR. NEVILLE:** Right.

14 And many other of the clergy were
15 interviewed?

16 **MSGR. LAROCQUE:** Those who were named yes.

17 **MR. NEVILLE:** I'm sorry?

18 **MSGR. LAROCQUE:** All those who were named in
19 there were interviewed, yes.

20 **MR. NEVILLE:** Right.

21 And did you come to learn that the OPP --
22 did you know that Inspector Smith was one of the most
23 experienced senior investigators, particularly in the field
24 of child sexual abuse?

25 **MSGR. LAROCQUE:** I think I had been told

1 that, but I'm not sure.

2 MR. NEVILLE: Did you know that he headed up
3 the Alfred Training School investigation?

4 MSGR. LAROCQUE: No, I didn't.

5 MR. NEVILLE: Okay.

6 In any event, they determined no charges are
7 warranted against Father MacDonald. I'm just going to
8 focus for the moment on my client.

9 Now by this point, Father MacDonald has been
10 removed from the Parish and sent to Southdown. You have
11 final reports from Southdown and the OPP after close to a
12 year have decided there's no grounds on which to charge
13 him.

14 Did that cause you to reflect on his
15 position then?

16 MSGR. LAROCQUE: I can't recall really.

17 MR. NEVILLE: Did you know Bishop that
18 during the course of that investigation Father MacDonald
19 submitted himself to an interrogation by the Police?

20 MSGR. LAROCQUE: I believe so, yes.

21 MR. NEVILLE: And had provided to them
22 certain information and documentary material about Mr.
23 Silmser?

24 MSGR. LAROCQUE: I wasn't aware of all the -

25 --

1 **MR. NEVILLE:** Now, the police conclude in
2 late -- in December, Christmas approximately that no
3 charges are warranted against Father Charles and yet three
4 weeks later, you receive a letter that was showed to you
5 and your Chief by Mr. Engelmann in January '95 that the
6 CAS, a different agency, a social type agency have
7 concluded there is grounds to believe that there was abuse
8 and you were sent that letter.

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

10 **MR. NEVILLE:** So, we have the OPP saying
11 there aren't grounds to lay charges and the CAS saying
12 there are. Not to lay charges, to find that there was an
13 abuse, not to lay charges. They don't lay charges. Right.
14 So you came to know both outcomes.

15 **MSGR. LAROCQUE:** Right.

16 **MR. NEVILLE:** What did you think then?

17 **MSGR. LAROCQUE:** I was perplexed.

18 **MR. NEVILLE:** Now I just want to touch on
19 just one other topic briefly.

20 During the course of your evidence Bishop,
21 you used the word, and I don't say this as a criticism, you
22 use the word "victim".

23 **MSGR. LAROCQUE:** It should be "so-called
24 victim."

25 **MR. NEVILLE:** Well, you did make that

1 distinction eventually because you'd agree with me with the
2 presumption of innocence absent a conviction there's an
3 allegation.

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

5 **MR. NEVILLE:** All right.

6 Now can we look -- again, getting back to
7 the packet of documents, Commissioner. If you'd look --
8 you know Bishop that in the first part of 1995 Mr. Silmser
9 recommences a piece of litigation against the diocese and
10 Father Charles.

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

12 **MR. NEVILLE:** And there has been some
13 reference made to your examination for discovery in
14 December of 1995.

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

16 **MR. NEVILLE:** And you now understand or I
17 presume recall now that that discovery was in relation to
18 this action?

19 **MSGR. LAROCQUE:** Right.

20 **MR. NEVILLE:** All right.

21 So can we look Bishop at document 738059.

22 **MSGR. LAROCQUE:** I have it. Yes.

23 **THE COMMISSIONER:** Okay. We'll make it an
24 Exhibit then?

25 **MR. NEVILLE:** Please.

1 **THE COMMISSIONER:** Thank you. Exhibit
2 number 2170 is a letter to Peter Annis and Michel Hebert
3 from Bryce Geoffrey dated March 8th, 1995. '95 -- '95. Did
4 I say '85.

5 **---EXHIBIT NO./PIECE NO. 2170**

6 (738059) Letter fr Bryce Geoffrey to
7 Peter Annis and Michael Hebert dated
8 08 Mar 95

9 **MR. NEVILLE:** Thanks Commissioner.
10 You've had chance to read through this over
11 the break Bishop?

12 **MSGR. LAROCQUE:** I have yes.

13 **MR. NEVILLE:** You can confirm for us that
14 Mr. Annis of Scott & Aylen was counsel for the diocese on
15 behalf of that firm?

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

17 **MR. NEVILLE:** And when he refers in some of
18 these letters that we're going to look at briefly to his
19 client or my client, that's essentially you.

20 **MSGR. LAROCQUE:** The diocese. Yes.

21 **MR. NEVILLE:** Represented by you.

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

23 **MR. NEVILLE:** So when Mr. Annis would need
24 to consult, obtain instructions and the like, it would be
25 essentially with you?

1 **MSGR. LAROCQUE:** With me, yes.

2 **MR. NEVILLE:** Maybe Mr. Bryant or Reverend
3 Bryant at times but for purposes of major instructions on
4 the course of the litigation would it not be with you?

5 **MSGR. LAROCQUE:** That's true. Yes.

6 **MR. NEVILLE:** All right.

7 So let's look at this first, March 8th, 1995.
8 And this is a letter by Mr. Silmser's new counsel, Mr.
9 Geoffrey. Right?

10 **MSGR. LAROCQUE:** Yes.

11 **MR. NEVILLE:** And can you confirm for me
12 that Mr. Geoffrey throughout this letter keeps emphasizing
13 the significance of media attention? And what he's
14 proposing here is that the lawyers get together to see if
15 they can resolve this to avoid media attention.

16 **MSGR. LAROCQUE:** Yes.

17 **MR. NEVILLE:** He also refers at the bottom
18 to the fact that litigation could prove expensive and I'm
19 quoting, "for all parties".

20 **MSGR. LAROCQUE:** Yes.

21 **MR. NEVILLE:** Correct.

22 **MSGR. LAROCQUE:** Yes.

23 **MR. NEVILLE:** Now, those are two of the very
24 same issues that motivated the discussions and the decision
25 ultimately by yourself with legal advice to settle in the

1 first place.

2 **MSGR. LAROCQUE:** There were two -- the main
3 one isn't there, but ---

4 **MR. NEVILLE:** Right. I understand ---

5 **MSGR. LAROCQUE:** Yes.

6 **MR. NEVILLE:** That there was concern about
7 publicity and embarrassment and the reputation of Father
8 MacDonald and cost.

9 **MSGR. LAROCQUE:** That was more factors.
10 Yes.

11 **MR. NEVILLE:** Right.

12 Mr. Leduc emphasized to you that it was a
13 good settlement. I'm now going back to the 32,000 because
14 to defend fully apart from the issues of embarrassment and
15 publicity would be far more expensive than the 32,000.

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

17 **MR. NEVILLE:** Do you recall the phrase
18 "nuisance settlement"?

19 **MSGR. LAROCQUE:** I believe that was used.
20 Yes.

21 **MR. NEVILLE:** All right.

22 Now Mr. Geoffrey proposes what we see in
23 this letter. Let's look at the reply by your Counsel.
24 Commissioner, it's 738065.

25 **THE COMMISSIONER:** Exhibit number 2171 is a

1 letter to Bryce Geoffrey from Mr. Annis dated March 10th,
2 1995.

3 ---EXHIBIT NO./PIECE NO. 2171

4 (738065) Letter from Bryce Geoffrey
5 to Peter Annis dated 10 Mar 95

6 **MR. NEVILLE:** Do you have it Bishop?

7 **MSGR. LAROCQUE:** I do.

8 **MR. NEVILLE:** He says, "He thanks Mr.
9 Geoffrey for the previous letter of March 8th and says, and
10 I quote:

11 "After reviewing this matter with my
12 client ..."

13 That's you.

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

15 **MR. NEVILLE:** "... we believe that no
16 benefit would be achieved in attending
17 any meeting with the view to attempting
18 to resolve this matter. If your client
19 is of the view that he must proceed to
20 litigation; that is his choice."

21 And then he makes arrangements for serving
22 the statement of claim. Now, I'm going to suggest, Bishop,
23 that once burned twice shy. There wasn't going to be any
24 more settlements. Right?

25 **MSGR. LAROCQUE:** You've read my mind. Yes.

1 **MR. NEVILLE:** Let's look at the next
2 document, Number 738060.

3 **THE COMMISSIONER:** Thank you. Exhibit
4 Number 2172 is a letter from Mr. Geoffrey to Peter Annis
5 and Michael Hebert dated April 19th, 1995.

6 **--- EXHIBIT NO./PIÈCE NO. P-2172:**

7 (738060) Letter from Bryce Geoffrey to Peter
8 Annis and Michael Hebert dated 19 Apr 95

9 **MR. NEVILLE:** And I didn't confirm it
10 specifically as explicitly as perhaps I ought to but we'll
11 get to it.

12 You understood, Bishop, I take it, that
13 Monsieur Hebert was Father MacDonald's lawyer now?

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

15 **MR. NEVILLE:** All right. And you can see,
16 and I won't dwell on this, that Mr. Geoffrey is confirming
17 in this correspondence that the statement of claim has now
18 been served.

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

20 **MR. NEVILLE:** Can we look next at 738061?

21 **THE COMMISSIONER:** Thank you. Exhibit 2173
22 is a letter dated April 21st, 1995 to Mr. Geoffrey from
23 Michael Hebert.

24 **--- EXHIBIT NO./PIÈCE NO. P-2173:**

25 (738061) Letter from Michael Hebert to Bryce

1 Geoffrey dated 21 Apr 95

2 **MR. NEVILLE:** Now, this is actually a letter
3 by Father MacDonald's counsel copied to your counsel. It's
4 addressed to Mr. Geoffrey but copied to your counsel, Mr.
5 Annis, and you're seeing that he confirms the receipt of
6 the statement of claim. He's having difficulty reaching
7 Father MacDonald who's away at school.

8 Stopping there, that's the Regis College
9 attendance?

10 **MSGR. LAROCQUE:** In Toronto, yes.

11 **MR. NEVILLE:** Thank you.

12 And says in the fourth line, "I am having
13 some difficulty sorting out our retainer." Right?

14 **MSGR. LAROCQUE:** Yes.

15 **MR. NEVILLE:** Now, I'm going to suggest when
16 we see this letter and the subsequent one by your counsel
17 that this was the difficulty that Reverend Bryan explained
18 to the Commissioner, given the dated nature of the matter,
19 of trying to sort out is there insurance that's going to
20 cover this and cover the legal costs?

21 **MSGR. LAROCQUE:** Right.

22 **MR. NEVILLE:** All right, so let's look at
23 the next letter by Mr. Annis.

24 **THE COMMISSIONER:** Which is?

25 **MR. NEVILLE:** Yes, Commissioner. Sorry, I

1 apologise; 738062, a letter of April 24th, 1995 from Scott &
2 Aylen; Mr. Annis, the author, to Mr. Geoffrey.

3 **THE COMMISSIONER:** Two one seven four (2174)
4 is the exhibit number.

5 **--- EXHIBIT NO./PIÈCE NO. P-2174:**

6 (738062) Letter from Peter Annis to Bryce
7 Geoffrey dated 24 Apr 95

8 **MR. NEVILLE:** Do you have it there, Bishop?

9 **MSGR. LAROCQUE:** I do, yes.

10 **MR. NEVILLE:** You can see in lines 3 and 4
11 again there's still an issue about ---

12 **MSGR. LAROCQUE:** Insurance.

13 **MR. NEVILLE:** --- insurance coverage.

14 Right?

15 **MSGR. LAROCQUE:** Right, yes.

16 **MR. NEVILLE:** Now, we're going to come to a
17 letter in a moment that shows that apparently that issue
18 got resolved, but I now want to put in -- by going through
19 these letters, take us back if I could now, Commissioner,
20 to Exhibit -- I have it as 1963, Commissioner, 119897, and
21 this is the correspondence, sir, between Bishop LaRocque
22 and Charles MacDonald about the matter of fees and money.

23 Do you have it, Bishop?

24 **MSGR. LAROCQUE:** I do, yes.

25 **MR. NEVILLE:** May I inquire, Commissioner --

1 my copy seems to have the two letters together. Am I
2 right?

3 **THE COMMISSIONER:** Yeah. The back page is
4 the initial letter from Father ---

5 **MR. NEVILLE:** So we have both?

6 **THE COMMISSIONER:** Yeah.

7 **MR. NEVILLE:** Okay.

8 Now, you'll note, Bishop, if you could for
9 me, that the date of Charles MacDonald's letter to you is
10 April 19th, 1995.

11 **MSGR. LAROCQUE:** Yes, received on the 27th.

12 **MR. NEVILLE:** Sorry?

13 **MSGR. LAROCQUE:** Received on the 27th of
14 April.

15 **MR. NEVILLE:** Yes, and you'll recall that I
16 just walked you through a series of correspondence relevant
17 to this litigation; that the question of retainer and fees
18 and representation is being sorted out.

19 **MSGR. LAROCQUE:** Right.

20 **MR. NEVILLE:** Father MacDonald, through his
21 counsel, has been served with the claim and that's exactly
22 what he says to you in the second paragraph, right?

23 **MSGR. LAROCQUE:** Right.

24 **MR. NEVILLE:** "A suit against the Diocese
25 and myself. I had to hire another lawyer." Correct?

1 **MSGR. LAROCQUE:** Right.

2 **MR. NEVILLE:** And he refers a little further
3 down to the fact that he -- and then in brackets his family
4 -- had expended 15,000 including 6,000 as part of the
5 initial Silmser resolution.

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

7 **MR. NEVILLE:** Leaving some 9,000 that
8 appears to relate to legals. Right?

9 **MSGR. LAROCQUE:** Right.

10 **MR. NEVILLE:** Now, by this point we know
11 this: Father MacDonald has been through the events of
12 1993; correct?

13 **MSGR. LAROCQUE:** Right.

14 **MR. NEVILLE:** The OPP investigation of 1994?

15 **MSGR. LAROCQUE:** Right.

16 **MR. NEVILLE:** And we know, through all of
17 those matters, represented by and obviously paying Mr.
18 MacDonald.

19 **MSGR. LAROCQUE:** Right.

20 **MR. NEVILLE:** And now he's being sued again
21 by Mr. Silmser.

22 **MSGR. LAROCQUE:** Right.

23 **MR. NEVILLE:** And he's telling you he's
24 without funds any longer to pay for a lawyer.

25 **MSGR. LAROCQUE:** Right.

1 **MR. NEVILLE:** And we know from the previous
2 correspondence that even the Diocese is trying to sort out,
3 given the passage of time, where, if anywhere, the coverage
4 is.

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

6 **MR. NEVILLE:** So let's look next at Document
7 738063.

8 **MSGR. LAROCQUE:** Yes.

9 **THE COMMISSIONER:** Which is a letter dated
10 May 8th, 1995 to Peter Annis and Michael Hebert from Mr.
11 Geoffrey.

12 **MR. NEVILLE:** Yes Commissioner.

13 **THE COMMISSIONER:** Exhibit 2175.

14 **--- EXHIBIT NO./PIÈCE NO. P-2175:**

15 (738063) Letter from Bryce Geoffrey to Peter
16 Annis & Michael Hebert dated 08 May 95

17 **MR. NEVILLE:** Do you have it Bishop?

18 **MSGR. LAROCQUE:** Right.

19 **MR. NEVILLE:** Now, you can see, when we look
20 in the first paragraph, that Mr. Geoffrey has been in
21 contact shortly before with Mr. Annis and it looks like
22 insurance coverage has been resolved. And we've had the
23 assistance of Mr. Sherriff-Scott today that I guess it
24 turned out to be, from that era, Lombard. And it says:

25 "I understand the Diocese also made a

1 decision with respect to providing
2 financial assistance for Father
3 MacDonald regarding this defence."

4 So whether it's insurance-funded or
5 otherwise, it would appear that, in fairness to you, you
6 took into consideration his letter, in spite of your fairly
7 abrupt response ---

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

9 **MR. NEVILLE:** --- and a decision was made,
10 with or without the aid of insurance, to assist Father
11 MacDonald with the fees of Mr. Hebert.

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

13 **MR. NEVILLE:** All right.

14 **THE COMMISSIONER:** Now I'm lost. They're
15 not paying? The decision was they would not pay?

16 **MSGR. LAROCQUE:** No.

17 **MR. NEVILLE:** No, would.

18 **THE COMMISSIONER:** Would.

19 **MSGR. LAROCQUE:** We changed our mind.

20 **MR. NEVILLE:** That was the point of the
21 exercise, Commissioner, that in fact between the exchange
22 of correspondence in late April ---

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

24 **MR. NEVILLE:** --- to now, the decision has
25 been made; whether funded by insurance I don't know, sir,

1 personally.

2 **THE COMMISSIONER:** Well, no, in the letter
3 it says that issue has been resolved. I don't know how;
4 one way or the other.

5 **MR. NEVILLE:** Well, I can tell you,
6 Commissioner, that Mr. Hebert continued to act throughout,
7 including through the discoveries and the like.

8 **THE COMMISSIONER:** Right, but ---

9 **MR. NEVILLE:** I don't think it was pro bono.

10 **MSGR. LAROCQUE:** The end of the paragraph.

11 **THE COMMISSIONER:** "Pro bono" is a word here
12 I don't think applies, but "has made the decision with
13 respect to" -- okay, "co-providing financial and" -- so he
14 was -- so the Diocese did pay for Father Charles
15 MacDonald's defence of this action.

16 **MR. NEVILLE:** Right.

17 **THE COMMISSIONER:** Well, I don't know if
18 they did. Maybe the insurer paid.

19 **MR. NEVILLE:** Exactly. A source was
20 identified, let's put it ---

21 **THE COMMISSIONER:** Okay.

22 **MR. NEVILLE:** --- neutrally, sir.

23 And if we look, Bishop, at the next two
24 Documents, 73066 and 73067 -- and I'm more interested,
25 frankly, in 067, Commissioner.

1 **THE COMMISSIONER:** Well, hang on now. I'm
2 sorry, you're ---

3 **MR. NEVILLE:** But they do go together.

4 **THE COMMISSIONER:** Okay, these are two new
5 documents. All right, so here we go. The letter dated --
6 well they're both dated the 11th. Exhibit 2176 will be a
7 letter dated May 11 -- well, it says nineteen-nine --
8 anyway, it's 1995 I guess, to Bryce Geoffrey from Peter
9 Annis.

10 --- **EXHIBIT NO./PIÈCE NO. P-2176:**

11 (738066) Letter from Peter Annis to Bryce
12 Geoffrey dated 11 May 95

13 **THE COMMISSIONER:** And the letter from
14 Michael Hebert to Mr. Annis and Geoffrey, May 11th, 1995
15 will be Exhibit 2177.

16 --- **EXHIBIT NO./PIÈCE NO. P-2177:**

17 (738067) Letter from Michael Hebert to Peter
18 Annis dated 11 May 95

19 **MR. NEVILLE:** So we can see from these two
20 letters, Bishop, that not only is -- are defences being
21 filed but Father MacDonald is counterclaiming against Mr.
22 Silmser. Right?

23 **MSGR. LAROCQUE:** That's what it seems to
24 say, yes.

25 **MR. NEVILLE:** Did you know about that, that

1 he was claiming against Mr. Silmser?

2 **MSGR. LAROCQUE:** I don't believe I did but I
3 can't remember.

4 **MR. NEVILLE:** Fair enough.

5 The final letter in the packet Commissioner,
6 I don't think we need to bother as an exhibit. It simply
7 confirms procedural steps to be followed. I don't ask ---

8 **THE COMMISSIONER:** Is this the release?

9 **MR. NEVILLE:** No, no. No.

10 **THE COMMISSIONER:** Oh.

11 **MR. NEVILLE:** I had another one, maybe it
12 didn't get into the packet, of May 17th, '95.

13 **THE COMMISSIONER:** Okay.

14 **MR. NEVILLE:** Better still.

15 **MSGR. LAROCQUE:** We have it here.

16 **MR. NEVILLE:** Better still. It adds very
17 little to what we already know, sir.

18 **THE COMMISSIONER:** And the less paper the
19 better.

20 **MR. NEVILLE:** Yes. All right.

21 So can I now turn, Bishop, briefly to our
22 Exhibit 2102. It's Document 104390.

23 **THE COMMISSIONER:** I have 2102. How much
24 longer, Mr. Neville?

25 **MR. NEVILLE:** Not long, sir; 10 minutes

1 perhaps.

2 THE COMMISSIONER: Thank you.

3 MSGR. LAROCQUE: Yes.

4 THE COMMISSIONER: This is a letter asking
5 for his retirement?

6 MR. NEVILLE: Essentially.

7 THE COMMISSIONER: All right.

8 MR. NEVILLE: Do you have it, Bishop?

9 MSGR. LAROCQUE: I do.

10 MR. NEVILLE: I'm sorry?

11 MSGR. LAROCQUE: Yes, I do.

12 MR. NEVILLE: Yes, thank you. Sorry, I
13 couldn't hear you.

14 In the main body full paragraph:

15 "Since it will be impossible, no matter
16 the outcome of the criminal charges
17 against you, to reassign you to active
18 ministry in this Diocese or in any
19 other, I would ask you to retire
20 officially from active ministry."

21 Now, at that point in January of 1998 Father
22 MacDonald had been convicted of nothing. Right?

23 MSGR. LAROCQUE: That's true, yes.

24 MR. NEVILLE: Now, do you take the position,
25 regardless of the outcome of the criminal charges, his

1 career as a priest is over? It effectively had been over
2 anyway since '93, but now officially.

3 **MSGR. LAROCQUE:** Yeah.

4 **MR. NEVILLE:** Is that because of his
5 admissions of homosexuality?

6 **MSGR. LAROCQUE:** That would be one of the
7 factors, yes.

8 **MR. NEVILLE:** Is it because of the publicity
9 surrounding him?

10 **MSGR. LAROCQUE:** That could be a
11 contributing factor as well.

12 **MR. NEVILLE:** So even if acquitted, he was
13 no longer going to be an active priest?

14 **MSGR. LAROCQUE:** That's what the letter
15 says, yes.

16 **MR. NEVILLE:** Now, can we look briefly,
17 Bishop, at your statement to the OPP in December of 1998.
18 It's Exhibit 680, Commissioner, Document Number 703260.

19 **THE COMMISSIONER:** I don't have it.

20 **MR. NEVILLE:** Now, Bishop, this is the
21 interview that takes place with Inspector Smith and then
22 Detective Sergeant Hall and it relates directly to your
23 status as a potential criminal accused.

24 **MSGR. LAROCQUE:** Right.

25 **MR. NEVILLE:** Flowing from the allegations

1 of Mr. Leroux essentially.

2 **MSGR. LAROCQUE:** Right.

3 **MR. NEVILLE:** And I take it you were aware,
4 sir, and the Commissioner and all the lawyers here know,
5 that the Leroux allegations surfaced in the context of Mr.
6 Dunlop's civil action.

7 **MSGR. LAROCQUE:** That's true, I believe,
8 yes.

9 **MR. NEVILLE:** And we have seen what is
10 called an Amended Statement of Claim from November of 1996
11 in which there is all manner of accusations against many
12 people, including you.

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

14 **MR. NEVILLE:** And you became targeted as,
15 number 1, someone who himself had committed abuse in 1961?

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

17 **MR. NEVILLE:** And you were able to point out
18 to the police, as you've done here and elsewhere, you
19 weren't even in the city and hadn't been.

20 **MSGR. LAROCQUE:** I'd never been here at that
21 time.

22 **MR. NEVILLE:** Right. So you were a de facto
23 innocent man, wrongly accused.

24 **MSGR. LAROCQUE:** Correct.

25 **MR. NEVILLE:** Right.

1 **THE COMMISSIONER:** Well, what do you mean?

2 I'm sorry, say that again. He was a de facto ---

3 **MR. NEVILLE:** Innocent man, wrongly accused.

4 **THE COMMISSIONER:** Well ---

5 **MR. NEVILLE:** Commissioner, the allegation
6 by Leroux was that this man, our witness the Bishop,
7 assaulted him in 1961.

8 **THE COMMISSIONER:** No, I understand that.

9 **MR. NEVILLE:** And I'm simply saying that his
10 position is that he was de facto innocent.

11 **THE COMMISSIONER:** That ---

12 **MR. NEVILLE:** He, the Bishop, was de facto
13 innocent of that allegation.

14 **THE COMMISSIONER:** Well, that's what he --
15 it hasn't been contested in court. There hasn't been a
16 finding -- and with the greatest of respect, I don't mean
17 to cast any -- it's his word against his. It hasn't been
18 proven ---

19 **MR. NEVILLE:** May I put the question
20 differently, sir?

21 **THE COMMISSIONER:** Sure, yes, yes. I think
22 so.

23 **MR. NEVILLE:** You advised them in this
24 interview of your whereabouts at that time?

25 **MSGR. LAROCQUE:** I did.

1 MR. NEVILLE: Pardon me?

2 MSGR. LAROCQUE: I did, yes.

3 MR. NEVILLE: Were you ever charged?

4 MSGR. LAROCQUE: Never.

5 MR. NEVILLE: You are asked in this
6 statement about something called the "clan of paedophiles".

7 MSGR. LAROCQUE: Correct.

8 MR. NEVILLE: You told them that the only
9 knowledge you had of it was from newspapers?

10 MSGR. LAROCQUE: Correct.

11 MR. NEVILLE: You were questioned about a
12 so-called VIP party on Stanley Island that led to the
13 settlement and the withdrawing of the criminal complaint by
14 David Silmser?

15 MSGR. LAROCQUE: I was accused of that but
16 I've never been on Stanley Island.

17 MR. NEVILLE: Let me just -- I'm just laying
18 the foundation, Bishop.

19 MSGR. LAROCQUE: Okay.

20 MR. NEVILLE: You were asked in this
21 interview about that?

22 MSGR. LAROCQUE: Yes.

23 MR. NEVILLE: And you point out to them in
24 this interview that not only is that absolutely false, you
25 have never been on Stanley Island.

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

2 **MR. NEVILLE:** And at the time of the so-
3 called VIP meeting, you were at the Conference of the
4 Canadian Bishops in another city.

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

6 **MR. NEVILLE:** Were you ever charged with
7 anything arising out of those allegations?

8 **MSGR. LAROCQUE:** Never, no.

9 **MR. NEVILLE:** Now, Chief Shaver came to see
10 you on October 7th, 1993?

11 **MSGR. LAROCQUE:** Yes.

12 **MR. NEVILLE:** And he was upset?

13 **MSGR. LAROCQUE:** Yes.

14 **MR. NEVILLE:** And you've told us about that.
15 And he told you that there were two other allegations
16 against Father MacDonald.

17 **MSGR. LAROCQUE:** That's what he told me,
18 yes.

19 **MR. NEVILLE:** Did you ask him for any
20 details of what those allegations were, if you can recall?

21 **MSGR. LAROCQUE:** I can't recall at that
22 time, but I did get to know at least one of the victims,
23 so-called victims, anyway.

24 **MR. NEVILLE:** Exactly, because you spoke to
25 him on the phone.

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

2 **MR. NEVILLE:** A person who wrote a letter.

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

4 **MR. NEVILLE:** C-3.

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

6 **MR. NEVILLE:** All right. Well, my question
7 to you was: when Mr. Shaver said there were two other, for
8 a total of three complainants ---

9 **MSGR. LAROCQUE:** Right.

10 **MR. NEVILLE:** --- you knew one was David
11 Silmsner.

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

13 **MR. NEVILLE:** You knew his allegations
14 related to a period when he was roughly 12 to 14 years of
15 age, a pre-teen or an early teen.

16 **MSGR. LAROCQUE:** Right.

17 **MR. NEVILLE:** And in part related to his
18 status an altar boy.

19 **MSGR. LAROCQUE:** Right.

20 **MR. NEVILLE:** Did you assume, based on what
21 Mr. Shaver said to you, that the other two allegations were
22 the same, at that time?

23 **THE COMMISSIONER:** The same in which way?

24 **MR. NEVILLE:** Of the same nature.

25 **THE COMMISSIONER:** Sexual abuse.

1 **MR. NEVILLE:** Of somebody 12 to 14 years
2 old. Did you just assume that's what he meant?

3 **MSGR. LAROCQUE:** I can't remember, but I
4 suppose I would have assumed. I'm not sure.

5 **MR. NEVILLE:** There was evidence led that
6 Mr. Shaver may have said something to you along the lines
7 that the settlement had tied his -- meaning his police
8 department's -- hands.

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

10 **MR. NEVILLE:** Did you know or did he ever
11 tell you that by the time of the settlement the
12 investigator was not in a position to form reasonable and
13 probable grounds to lay any charge?

14 **MSGR. LAROCQUE:** I don't believe he said
15 that, no. I am not sure.

16 **MR. NEVILLE:** You didn't know that, did you?
17 That she had not formed reasonable, probable grounds?

18 **MSGR. LAROCQUE:** I don't believe I knew
19 that, no.

20 **MR. NEVILLE:** You were asked in chief by Mr.
21 Engelmann to address a letter or to talk about a letter
22 that Father MacDonald wrote to the complainant known as C-
23 4?

23 **MSRG. LAROCQUE:** Yes.

24 **MR. NEVILLE:** Just after Christmas of 1997?

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

1 **MR. NEVILLE:** And your recollection is you
2 may have contacted Father Charles to suggest he do that?

3 **MSGR. LAROCQUE:** That he contact at least
4 the family, yes.

5 **MR. NEVILLE:** And what, make an apology of
6 some sort?

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

8 **MR. NEVILLE:** Okay. Now, were you -- and
9 you told our Commissioner that you did that as a result of
10 a visit by one or both of his parents?

11 **MSGR. LAROCQUE:** I believe the two parents
12 were there.

13 **MR. NEVILLE:** okay. And that would have
14 been shortly before the letter that we saw written in late
15 December of '97?

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

17 **MR. NEVILLE:** Were you aware -- do you
18 recall, Bishop, the parents telling you that they had been
19 interviewed by the police themselves?

20 **MSGR. LAROCQUE:** I can't recall that, no.

21 **MR. NEVILLE:** And that they knew of the
22 allegation from their son?

23 **MSGR. LAROCQUE:** That I remember, yes.

24 **MR. NEVILLE:** Okay. So when -- and Mr.
25 Commissioner has certain dates. You have those dates,

1 Commissioner of the statements by C-4. You got them as
2 exhibits from the fall of '97.

3 And I can tell you, Commissioner, it doesn't
4 affect the Bishop's evidence that once we get perhaps to
5 the OPP response there are statements by the parents in
6 early December of '97.

7 **THE COMMISSIONER:** Yeah, okay.

8 **MR. NEVILLE:** Now, we're close to finished,
9 Bishop. I just want to ask you a couple of brief questions
10 if you'll indulge me.

11 During your cross-examination by one of my
12 colleagues, Mr. Wardle, I believe yesterday, he was asking
13 you questions about Monsignor Schonenbach's letter
14 reporting the Silmsler complaint; right?

15 And he asked you -- he had you confirm that
16 that was your first real notice of the matter; right?

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

18 **MR. NEVILLE:** And that's when you said for
19 the first time how, in your view, utterly out of character
20 it was for Father MacDonald and Mr. Wardle had you confirm
21 that at the start you felt Mr. Silmsler was not credible for
22 four reasons.

23 The dated nature of the allegation, 20 years
24 or so before; the lack of details from Mr. Silmsler; that
25 Father MacDonald would not be one to have used force; and

1 that he had denied it.

2 Do you remember that evidence; those
3 questions?

4 **MSGR. LAROCQUE:** Yes.

5 **MR. NEVILLE:** And Mr. Wardle said to you,
6 you -- and you've said that you now know that those four
7 factors are not determinative; right?

8 **MSGR. LAROCQUE:** Absolutely not determinate
9 but ---

10 **MR. NEVILLE:** Right.

11 **MSGR. LAROCQUE:** --- the circumstances.

12 **MR. NEVILLE:** Sure they are. And Mr. Wardle
13 suggested to you that especially the denial by one who is
14 accused is not determinative?

15 **MSGR. LAROCQUE:** Yes, I remember that quite
16 distinctly.

17 **MR. NEVILLE:** Right.

18 Now do you agree with me that it's at least
19 of some relevance if a complaint is 20 years old to say why
20 now? Does that have some relevance?

21 **MSGR. LAROCQUE:** It would seem to, yes.

22 **MR. NEVILLE:** Yes. The fact that the person
23 has no helpful details to offer, time, place, location or
24 for example as we looked at earlier, one event become four?

25 **MSGR. LAROCQUE:** Yes.

1 **MR. NEVILLE:** Is that not relevant?

2 **MSGR. LAROCQUE:** Yes.

3 **MR. NEVILLE:** That the conduct alleged
4 against a member of the clergy, a respected priest in this
5 community, appears to be entirely out of character. Is
6 that relevant?

7 **MSGR. LAROCQUE:** The way it was described,
8 yes.

9 **MR. NEVILLE:** Okay. And the fact that
10 someone would deny it, isn't that relevant?

11 **MSGR. LAROCQUE:** Well, I denied it myself so
12 I suppose ---

13 **MR. NEVILLE:** Exactly. You read my mind.
14 You were faced with an allegation and you denied it; right?

15 **MSGR. LAROCQUE:** And some people still
16 believe that it -- you know, not true.

17 **MR. NEVILLE:** Bishop, people believe a lot
18 of things in this city. You made a denial when faced with
19 an allegation?

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

21 **MR. NEVILLE:** And you wanted to be believed
22 in that denial and taken seriously by making it?

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

24 **MR. NEVILLE:** Or you wouldn't have done it.

25 **MSGR. LAROCQUE:** Under oath, yes.

1 **MR. NEVILLE:** Fine.

2 Now, the other thing that Mr. Wardle asked
3 you about in relation to the settlement and the
4 confidentiality clause, did you know that the
5 confidentiality clause is a typical ordinary clause that
6 appears in virtually all civil settlements?

7 **THE COMMISSIONER:** Mr. Engelmann?

8 **MR. ENGELMANN:** I know Mr. Neville is a
9 criminal lawyer. I would take great issue with that
10 comment.

11 **THE COMMISSIONER:** So would I.

12 **MR. NEVILLE:** I'll withdraw the question. I
13 don't need the question.

14 **THE COMMISSIONER:** Okay.

15 **MR. NEVILLE:** What Mr. Wardle suggested to
16 you was this. You were told that there would be a standard
17 confidentiality clause and he suggested to you that if
18 there was no fall-out, as eventually did happen, fall-out -
19 --

20 **MSGR. LAROCQUE:** Yes.

21 **MR. NEVILLE:** That only a few would know;
22 right?

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

24 **MR. NEVILLE:** Now, let's just discuss that
25 for a moment and I'll be finished.

1 The police had investigated here in this
2 community for a number of months; right?

3 **MSGR. LAROCQUE:** Right.

4 **MR. NEVILLE:** They interviewed a great many
5 people in the city about Father MacDonald.

6 **MSGR. LAROCQUE:** Yes.

7 **MR. NEVILLE:** So all those people and
8 anybody they chose to talk to, family members, friends,
9 neighbours would know of the allegation?

10 **MSGR. LAROCQUE:** Right.

11 **MR. NEVILLE:** Did you know that prior to the
12 settlement being initiated, I guess it would appear to a
13 large extent by Malcolm MacDonald, that he in fact had
14 advised the Crown Attorney twice that a settlement might be
15 done?

16 **MSGR. LAROCQUE:** I was not aware of that,
17 no.

18 **MR. NEVILLE:** So if the settlement had had
19 no fall-out, the Crown Attorney of the city, the senior law
20 enforcement official in this county, would have known about
21 a proposed settlement; right?

22 **MSGR. LAROCQUE:** Yeah.

23 **MR. NEVILLE:** You raised with these men your
24 insistence that there be no interference with the criminal
25 process.

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

2 **MR. NEVILLE:** Do you recall if either of
3 them, in particular Malcolm MacDonald, said to you, "I have
4 kept the Crown advised"?

5 **MSGR. LAROCQUE:** I can't recall that, I'm
6 sorry.

7 **MR. NEVILLE:** You simply don't remember?

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

9 **MR. NEVILLE:** Those are my questions. Thank
10 you, Commissioner.

11 **THE COMMISSIONER:** Thank you.

12 All right. We'll take a break. How long do
13 you think you're going to be?

14 **MR. SHERRIFF-SCOTT:** Forty-five (45)
15 minutes-ish.

16 **THE COMMISSIONER:** Mr. Neville has
17 established a new barometer for that so ---

18 **MR. SHERRIFF-SCOTT:** I'm fairly accurate
19 usually but I don't expect to be much longer.

20 **THE COMMISSIONER:** No, Mr. Manderville's
21 next.

22 **MR. MANDERVILLE:** I'll be about 10, 15
23 minutes, sir.

24 **THE COMMISSIONER:** Mr. Engelmann?

25 **MR. ENGELMANN:** I was an hour-and-a-quarter,

1 so we're not doing well with our estimates. I'm going to
2 be a few minutes, sir.

3 **THE COMMISSIONER:** Okay. Well, we'll take a
4 break.

5 **MSGR. LAROCQUE:** We can go on if you wish,
6 sir. I'll sacrifice myself.

7 **THE COMMISSIONER:** All right.

8 So as long you're not too tired I'd just as
9 soon finish this witness today, but does anybody have any
10 objections to that? Can we give that a try?

11 All right. So let's take 15 minutes and
12 we'll come back.

13 **THE REGISTRAR:** Order; all rise. A l'ordre;
14 veuillez vous lever.

15 The hearing will resume at 4:30 p.m.

16 --- Upon recessing at 4:14 p.m./

17 L'audience est suspendue a 16h14

18 --- Upon resuming at 4:31 p.m./

19 L'audience est reprise a 16h31

20 **THE REGISTRAR:** All rise. A l'ordre;
21 veuillez vous lever.

22 The hearing is now resumed. Please be
23 seated. Veuillez vous asseoir.

24 **THE COMMISSIONER:** Thank you.

25 Mr. Engelmann?

1 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:

2 MR. ENGELMANN: Sir, just before my friend,
3 Mr. Manderville, starts with his questions on behalf of the
4 Cornwall Police Service, I neglected to deal with one
5 matter very briefly this morning. And that is that as you
6 know we had some outstanding medical issues with a couple
7 of witnesses.

8 THE COMMISSIONER: Yes.

9 MR. ENGLEMANN: One is a witness from the
10 Cornwall Police Service. Another is a witness from the
11 Diocese. These individuals were summonsed today with the
12 assistance of their counsel with an understanding that they
13 did not have to appear if counsel appeared on their behalf
14 today to give a short report.

15 THE COMMISSIONER: M'hm.

16 Those counsel are here, Mr. Manderville and
17 Mr. Sherriff-Scott. And I think they're in agreement with
18 this process that we could put this matter over till
19 tomorrow and they could speak to the issue then if that
20 suits you, sir.

21 Or do you want to hear that from them?

22 THE COMMISSIONER: Well, I just want to make
23 sure they're representing the people that we're discussing,
24 Mr. Lefebvre and Father McDougald?

25 MR. ENGELMANN: That's correct.

1 **THE COMMISSIONER:** And that they recognize
2 the summons and that they -- we don't have to re-summons
3 people now that they're summonsed for today.

4 **MR. ENGELMANN:** I think they will both tell
5 you that, sir.

6 **THE COMMISSIONER:** All right.
7 Mr. Manderville, do you agree with that?

8 **MR. MANDERVILLE:** Certainly.

9 **THE COMMISSIONER:** And you'll report
10 tomorrow as to where we're going?

11 **MR. MANDERVILLE:** Yes.

12 **THE COMMISSIONER:** Right.

13 Mr. Sherriff-Scott, same thing?

14 **MR. SHERRIFF-SCOTT:** Yes.

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

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

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

18 **MR. MANDERVILLE:**

19 **MR. MANDERVILLE:** Good afternoon, Bishop
20 LaRocque. My name is Peter Manderville. I am counsel for
21 the Cornwall Police Service.

22 **MSGR. LAROCQUE:** Right.

23 **MR. MANDERVILLE:** Bishop, my impression is
24 that you had no interaction with my client, the Cornwall
25 Police, with respect to Father Stone at any time.

1 **MSGR. LAROCQUE:** Not to my recollection, no,
2 sir.

3 **MR. MANDERVILLE:** And nor did you have any
4 interaction with the Cornwall Police with respect to Father
5 Don Scott or Father Paul Lapierre?

6 **MSGR. LAROCQUE:** Not to my recollection.

7 **MR. MANDERVILLE:** And your only interactions
8 with the Cornwall Police came in what I will refer to as
9 the Deslauriers matter and in the David Silmsers matter.
10 Correct?

11 **MSGR. LAROCQUE:** Yes, that's right.

12 **MR. MANDERVILLE:** I'm going to suggest to
13 you it's fair to say from the documents we've looked at
14 that the Cornwall Police perceived you to have been
15 uncooperative in the Deslauriers matter.

16 **MSGR. LAROCQUE:** Yes.

17 **MR. MANDERVILLE:** And that perception
18 coloured their view of the level of cooperation they could
19 expect from you in the fall of 1993 with respect to the
20 Silmsers matter, didn't it?

21 **MSGR. LAROCQUE:** It may have, yes.

22 **MR. MANDERVILLE:** And indeed Chief Shaver
23 and Staff Sergeant Brunet went over your head, so to speak,
24 to the Papal Nuncio in Ottawa before they came to see you,
25 didn't they?

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

2 **MR. MANDERVILLE:** Now, from Chief Shaver's
3 statements it's apparent that he found you to be quite
4 cooperative and forthcoming in the Silmsier matter.

5 **MSGR. LAROCQUE:** I believe so.

6 **MR. MANDERVILLE:** Did the papal nuncio ever
7 contact you and tell you about Chief Shaver and Officer
8 Brunet's visit to him?

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

10 **MR. MANDERVILLE:** Did he give you any advice
11 about cooperation?

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

13 **MR. MANDERVILLE:** And would I be correct in
14 presuming that the cooperation you did show during the
15 Silmsier matter is a reflection of the evolution of your
16 thinking and that of the church?

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

18 **MR. MANDERVILLE:** Towards being more open
19 and less secretive.

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

21 **MR. MANDERVILLE:** And that's an evolution
22 that's still ongoing, isn't it?

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

24 **MR. MANDERVILLE:** Now, I want to talk with
25 you about the Deslauriers matter and I'd ask that Bishop

1 LaRocque be shown Exhibit 1785. That's Document 703441.

2 And while the clerk is getting it for you,
3 Bishop LaRocque, I can tell you it's a document you've seen
4 before. It's a will state, a document called a will state
5 of Sergeant Ronald Lefebvre of the Cornwall Police. It's
6 703441 is the document number.

7 **THE COMMISSIONER:** Pardon? Exhibit 1785?
8 That's a document we're going to have to work on because we
9 have to edit it for public view. Mr. Engelmann?

10 **MR. ENGELMANN:** It's okay. I just want to
11 speak to Mr. Manderville for a moment.

12 **THE COMMISSIONER:** Okay.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. MANDERVILLE:** And Bishop LaRocque, I'd
15 ask you to turn to page 2 of the document, which is Bates
16 page ending in 470.

17 **MSGR. LAROCQUE:** Yes.

18 **MR. MANDERVILLE:** Do you have that in front
19 of you, sir?

20 **MSGR. LAROCQUE:** I do, yes.

21 **MR. MANDERVILLE:** You see halfway down the
22 page Officer Lefebvre states that they spoke with Monsignor
23 Guindon ---

24 **MSGR. LAROCQUE:** Yes.

25 **MR. MANDERVILLE:** --- on Tuesday, May 27th,

1 and Monsignor Guindon stated that he had taken an oath of
2 secrecy to you regarding his involvement in the ad hoc
3 committee and could not reveal any information or names of
4 victims. Do you see that? It's about two-thirds of the
5 way down the page, sir.

6 **MSGR. LAROCQUE:** I see it. Yes, I've got
7 it. Okay.

8 **MR. MANDERVILLE:** It's fair to say from
9 that, if Officer Lefebvre is reporting accurately, that
10 Monsignor Guindon felt he had a duty of confidentiality.
11 Correct?

12 **MSGR. LAROCQUE:** I would have used the word
13 "confidentiality" rather than "secrecy" but I guess they
14 both mean the same thing.

15 **MR. MANDERVILLE:** And felt, as a result, he
16 could not reveal information that would assist the police.

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

18 **MR. MANDERVILLE:** And on that same page
19 Officer Lefebvre goes on to note that on the same date, May
20 27th, 1986, they attended at your office -- and I'm quoting
21 from the will state:

22 "Where a brief interview was had.
23 Bishop LaRocque acknowledged that
24 Father Deslauriers had a very forceful
25 character and that..."

1 And if you'd turn the page:

2 "...the man could manipulate people.

3 The Bishop felt that Father Deslauriers
4 could also influence bishops."

5 If you go down to the bottom of that
6 paragraph, they ask you about or you reveal to them the
7 existence of the ad hoc committee, and it states:

8 "When asked further about the records
9 of the committee's findings, if they
10 were here at 220 Montreal Road, he..."

11 Being yourself:

12 "...replied, 'Yes, but they are
13 confidential, and could not show them
14 to us. He stated that the transcript
15 was approximately 180 pages."

16 Do you see that?

17 **MSGR. LAROCQUE:** That's correct, yes.

18 **MR. MANDERVILLE:** And again, like Monsignor
19 Guindon, you're indicating to them that you feel this
20 information is confidential and you can't provide it to the
21 police?

22 **MSGR. LAROCQUE:** That's what the witnesses
23 were told when they gave their witnessing, but I did
24 indicate to the police that the document was there and how
25 long it was.

1 **MR. MANDERVILLE:** Right, as is written on
2 the page here.

3 **MSGR. LAROCQUE:** Yes.

4 **MR. MANDERVILLE:** I would ask you, sir, to
5 turn to page 6 of the document which ends Bates 474, and
6 this is Officer Lefebvre's recording of a further meeting
7 with you. It was Officer Ron Lefebvre, Officer Herbert
8 Lefebvre and Jacques Leduc and yourself?

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

10 **MR. MANDERVILLE:** At your residence?

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

12 **MR. MANDERVILLE:** And it indicates there:

13 "Bishop LaRocque would not supply a
14 written statement other than what was
15 already public knowledge. He stated
16 that he did not want to lose the trust
17 of his priests and therefore would not
18 answer any of our questions and should
19 he be called to court, he would not
20 answer questions; he would go to jail
21 first. With that said, the interview
22 was completed."

23 Do you see that?

24 **MSGR. LAROCQUE:** Yes. I've said that
25 before, yes.

1 **MR. MANDERVILLE:** So after these meetings
2 with you is it fair to say that Cornwall Police would have
3 come away with the understanding that you were in
4 possession of relevant information and documentation which
5 could assist them in their investigations but you were
6 refusing to provide it and you told them you would sooner
7 go to jail than provide that information? Correct?

8 **MSGR. LAROCQUE:** Not provide the
9 information; be witness against my priest. But I did
10 indicate where the document was and how long it was and so
11 if they had issued a warrant they would have gotten it, I'm
12 quite sure, as they did with school records when they
13 issued a warrant.

14 **MR. MANDERVILLE:** Well, we'll talk about
15 that in a minute.

16 If the Cornwall Police wanted to get that
17 information, they had to get it from someone other than
18 you. Correct?

19 **MSGR. LAROCQUE:** On a voluntary basis,
20 correct.

21 **MR. MANDERVILLE:** And there has been the
22 suggestion, and you just gave voice to it, that the
23 Cornwall Police could have perhaps obtained and executed a
24 search warrant.

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

1 **MR. MANDERVILLE:** Are you familiar with what
2 happens in the public execution of a search warrant?

3 **MSGR. LAROCQUE:** Not entirely, no.

4 **MR. MANDERVILLE:** A number of police
5 vehicles pulled up in front of the Diocese and a number of
6 officers went in and searched the premises, would that in
7 your mind be a bit of a scandal?

8 **MSGR. LAROCQUE:** It certainly would. Is
9 that what they did at the high school?

10 **MR. MANDERVILLE:** I'm not here to answer
11 your questions, Bishop.

12 **MSGR. LAROCQUE:** I'm sorry. It's not fair
13 then.

14 **THE COMMISSIONER:** Life isn't fair.

15 **MR. MANDERVILLE:** You're not the first to
16 have commented on that, I'm sure.

17 Bishop LaRocque, were you aware following
18 your refusal to provide information that the Cornwall
19 Police established and made use of informants in the
20 Diocese, who provided them with the information they were
21 seeking?

22 **MSGR. LAROCQUE:** No, I was not aware of
23 that.

24 **MR. MANDERVILLE:** Did you tacitly condone
25 others in the Diocese assisting the Cornwall Police when

1 you, because of your sense of a duty of confidentiality,
2 felt you could not provide that information?

3 **MSGR. LAROCQUE:** They weren't in the same
4 position and I wouldn't have impeded them in any way
5 whatsoever.

6 **MR. MANDERVILLE:** Would you agree with me,
7 Bishop LaRocque, in retrospect that if your refusal to
8 provide information had resulted in the failure of Father
9 Deslauriers being brought to justice, it turned out to be
10 fortuitous that others in the Diocese were willing to
11 assist. Correct?

12 **MSGR. LAROCQUE:** And I thank them for it.

13 **MR. MANDERVILLE:** So you're agreeing with
14 me?

15 **MSGR. LAROCQUE:** Yes.

16 **MR. MANDERVILLE:** And nowadays, in your
17 view, the police would never encounter that sort of
18 difficulty with the Church in attempting to carry out an
19 investigation?

20 **MSGR. LAROCQUE:** I don't believe so.

21 **MR. MANDERVILLE:** Thank you very much,
22 Bishop LaRocque.

23 **THE COMMISSIONER:** Thank you.

24 Mr. Sherriff-Scott?

25 Are you planning to spend the night here?

1 Not in this room, but are you staying overnight here?

2 (LAUGHTER/RIRES)

3 MSGR. LAROCQUE: I'm ready to spend the
4 night here if it's needed. But I have an early train out
5 tomorrow morning.

6 THE COMMISSIONER: Well, it all falls on the
7 shoulders of Mr. Sherriff-Scott, okay.

8 MR. SHERRIFF-SCOTT: Like so many other
9 things.

10 (LAUGHTER/RIRES)

11 THE COMMISSIONER: But I suspect it will be
12 a little friendlier fire, so I hope it's ---

13 MR. SHERRIFF-SCOTT: Perhaps I should say on
14 the head like so many other things.

15 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
16 SHERRIFF-SCOTT:

17 MR. SHERRIFF-SCOTT: Okay, Bishop, what I'd
18 like to do first is talk about the Deslauriers matter; all
19 right?

20 MSGR. LAROCQUE: Right.

21 MR. SHERRIFF-SCOTT: And just so you know
22 what I'm -- where I'm going, we're going to talk about the
23 Father Menard's letter to you of March 25th, 1986 which
24 preceded the ad hoc committee and in fact recommended its
25 creation as well as containing a number of other

1 recommendations; all right?

2 MSGR. LAROCQUE: Yes.

3 MR. SHERRIFF-SCOTT: And for the Registrar,
4 that is Exhibit 72, Bates page 7106.

5 THE COMMISSIONER: Seventy two (72); all
6 right. I'm sorry, what page?

7 MR. SHERRIFF-SCOTT: One zero six (106),
8 Commissioner. It's the Bates page.

9 THE COMMISSIONER: Yep.

10 MR. SHERRIFF-SCOTT: So if you can start by
11 looking at "Au plan travail" and the first two bullets, 1
12 and 2; just read those, Bishop.

13 MSGR. LAROCQUE: Right.

14 MR. SHERRIFF-SCOTT: And then I'll ask you
15 some questions.

16 (SHORT PAUSE/COURTE PAUSE)

17 THE COMMISSIONER: Okay?

18 MSGR. LAROCQUE: Yes.

19 MR. SHERRIFF-SCOTT: Have you read that?

20 MSGR. LAROCQUE: I have.

21 MR. SHERRIFF-SCOTT: Okay. So am I right
22 that number 1 is effectively he's got to cease all his
23 functions?

24 MSGR. LAROCQUE: All his ministry, yes.

25 MR. SHERRIFF-SCOTT: Yes. And he gives

1 examples of various elements of the ministry, confessions,
2 et cetera; correct?

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

4 **MR. SHERRIFF-SCOTT:** And the second
5 recommendation, no more pastoral work for a fair amount of
6 time?

7 **MSGR. LAROCQUE:** At least a year.

8 **MR. SHERRIFF-SCOTT:** Okay. And until he has
9 therapy and other ---

10 **MSGR. LAROCQUE:** Chance to readapt himself.

11 **MR. SHERRIFF-SCOTT:** Right. Now, what I
12 want to talk about is what you did in connection with these
13 recommendations, either before they were made or
14 ultimately. First, on February 15th, we know your evidence
15 and you said here that you'd fired him from the Co-
16 Cathedral; correct?

17 **MSGR. LAROCQUE:** Right.

18 **MR. SHERRIFF-SCOTT:** You'd suspended him
19 from his functions in the Diocese; correct?

20 **MSGR. LAROCQUE:** Right.

21 **MR. SHERRIFF-SCOTT:** You'd asked him to
22 leave the Diocese. Correct?

23 **MSGR. LAROCQUE:** Not entirely, because he
24 didn't leave the Diocese; he went to Bishop Proulx' cottage
25 which was still in the Diocese.

1 **MR. SHERRIFF-SCOTT:** He asked permission to
2 do that.

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

4 **MR. SHERRIFF-SCOTT:** You let him go.

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

6 **MR. SHERRIFF-SCOTT:** And that's where you
7 said you sort of lost control over him.

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

9 **MR. SHERRIFF-SCOTT:** Okay. And there is
10 also -- your evidence was earlier that on the 13th you'd
11 asked him -- the indications were he needed to get some
12 help and to go on a retreat.

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

14 **MR. SHERRIFF-SCOTT:** Okay. Now, we know
15 that following the 13th, at some point he showed up in Hull;
16 we're not sure when but you became aware that various
17 people complained that they had witnessed him performing
18 ministry there.

19 **MSGR. LAROCQUE:** In a parish in Hull, yes.

20 **MR. SHERRIFF-SCOTT:** Right. So I understand
21 you took some steps to deal with that. What were those?

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

23 **MR. SHERRIFF-SCOTT:** I beg your pardon, sir?

24 **MSGR. LAROCQUE:** I went to see Bishop
25 Proulx, yes.

1 **MR. SHERRIFF-SCOTT:** Okay. And can I turn
2 your attention to Exhibit 82, which is a letter of April
3 3rd, 1986.

4 **MSGR. LAROCQUE:** Eighty-two (82)?

5 **MR. SHERRIFF-SCOTT:** Yes, 82. It's a one-
6 page letter.

7 **MSGR. LAROCQUE:** Right.

8 **MR. SHERRIFF-SCOTT:** Just read the second
9 paragraph, sir, and give us -- capture the meaning there
10 and see whether or not that reflects ---

11 **MSGR. LAROCQUE:** I'm writing to Mrs.
12 Brisson:

13 "I also wish to tell you that after my
14 meeting between myself and Bishop
15 Proulx, Father Gilles has been retired
16 from pastoral -- parish ministry in the
17 Diocese of Gatineau-Hull. He is
18 following a --"
19 should be "des soins suivis".

20 **THE COMMISSIONER:** Treatment?

21 **MSGR. LAROCQUE:** "Treatment in order to help
22 him to correct himself and to rehabilitate himself."

23 **MR. SHERRIFF-SCOTT:** So when you recalled to
24 the Commissioner that you thought by Easter you had either
25 met with Bishop Proulx and had -- and received some

1 assurance of suspension of ministry in Hull, does this
2 letter capture your -- the events from your point of view?

3 **MSGR. LAROCQUE:** It does, yes.

4 **MR. SHERRIFF-SCOTT:** Okay. Now -- so by
5 this point you had suspended him from functions in the
6 Diocese. Correct?

7 **MSGR. LAROCQUE:** Right.

8 **MR. SHERRIFF-SCOTT:** Fired him from the Co-
9 Cathedral and had gone to Hull to intercede to stop his
10 functions there.

11 **MSGR. LAROCQUE:** That's correct. He was
12 under treatment at that time as well.

13 **MR. SHERRIFF-SCOTT:** Okay. Now, the next
14 recommendation in connection with the Menard letter of the
15 25th, if we can just go back to Exhibit 72, page 106, is
16 under the heading A Therapy Plan, B.

17 **THE COMMISSIONER:** I'm sorry, 72, right?

18 **MR. SHERRIFF-SCOTT:** Yes, Commissioner, 72,
19 page 106; same page as we were on before.

20 **THE COMMISSIONER:** Yep. I'm there.

21 **MR. SHERRIFF-SCOTT:** Okay. Bishop, just
22 read the first bullet.

23 **MSGR. LAROCQUE:**

24 "Present to the therapist as stated the
25 question, sufficient details so that he

1 **MR. SHERRIFF-SCOTT:** And, Bishop, the end of
2 the first paragraph where it starts "Je ne désire," if you
3 can ---

4 **MSGR. LAROCQUE:** The end of the first
5 paragraph?

6 **MR. SHERRIFF-SCOTT:** Yes. I can't quite
7 make out your handwriting.

8 **MSGR. LAROCQUE:** Oh, « Je ne désire
9 aucunement me renseigner sur les traitements ni leur
10 contenu mais seulement m'assurer qu'effectivement il a
11 entrepris une thérapie suivie. Pourriez-vous m'indiquer la
12 fréquence des rencontres? »

13 **MR. SHERRIFF-SCOTT:** Okay. So you wrote
14 this letter; correct?

15 **MSGR. LAROCQUE:** Right.

16 **MR. SHERRIFF-SCOTT:** And you enclosed all or
17 part of Mr. Menard's report?

18 **MSGR. LAROCQUE:** The final paragraph says
19 that, yes.

20 **MR. SHERRIFF-SCOTT:** Yes, and then you also
21 mentioned something here in connection with the Sacred
22 Penitentiary in Rome that appears to relate specifically to
23 confessions, and that is in the third last paragraph. Do
24 you see that?

25 **MSGR. LAROCQUE:** Yes.

1 **MR. SHERRIFF-SCOTT:** Can you explain that,
2 sir?

3 **MSGR. LAROCQUE:** I also followed the
4 recommendation of the Sacred Penitentiary of Rome to take
5 away his faculties to hear confessions, "sauf" in -- except
6 in danger of death until his treatments are finished.

7 **MR. SHERRIFF-SCOTT:** And why had you done
8 that? Do you remember?

9 **MSGR. LAROCQUE:** Because there was a
10 suspicion that he might be under a canonical penalty for
11 having heard the confession of one with whom he had been
12 involved sexually.

13 **MR. SHERRIFF-SCOTT:** And what was the advice
14 of Rome in the response?

15 **MSGR. LAROCQUE:** They said that it was not
16 clear that he met the conditions for the penalty but the
17 recommendation was that I take away his faculty to hear
18 confessions.

19 **MR. SHERRIFF-SCOTT:** All right. And ---

20 **THE COMMISSIONER:** Wait a minute now. I
21 thought I asked the witness this morning sometime whether
22 he had received any communications from Rome about the
23 letters that the Brissons had sent. So now we're saying
24 that ---

25 **MSGR. LAROCQUE:** This is not in answer to

1 the Brissons. This is my letter to the Sacred
2 Penitentiary.

3 **THE COMMISSIONER:** Okay, so this is
4 different?

5 **MR. SHERRIFF-SCOTT:** Yes, and I'll come to
6 it.

7 **THE COMMISSIONER:** All right. Okay.

8 **MR. SHERRIFF-SCOTT:** And there's a specific
9 letter by him to Rome, and this embodies the response.

10 **THE COMMISSIONER:** Fine. Thank you.

11 **MR. SHERRIFF-SCOTT:** Just coming back to the
12 subject of therapy, if we can turn to Document Number
13 118915, and I'm not sure this is an exhibit yet,
14 Commissioner. It's dated February 18th, 1987.
15 One-one-eight-nine-one-five (118915).

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

17 **THE COMMISSIONER:** Do you have it on the
18 screen?

19 Is there anything in there that's
20 confidential?

21 **MR. SHERRIFF-SCOTT:** No.

22 **THE COMMISSIONER:** All right, let's put it
23 on the screen and give it an exhibit number.

24 **THE REGISTRAR:** It's 2178.

25 **THE COMMISSIONER:** Exhibit 2178 is a letter

1 addressed to Gilles Deslauriers from Bishop LaRocque. Do
2 we have a date on this letter? Can we scroll down?

3 **MR. SHERRIFF-SCOTT:** February 18th, 1987.

4 **THE COMMISSIONER:** February 18th, 1987,
5 right.

6 --- **EXHIBIT NO./PIÈCE NO P-2178:**

7 (118915) Lettre d'Eugène LaRocque à Gilles
8 Deslauriers datée le 18 fév 87

9 **MR. SHERRIFF-SCOTT:** Now, the evidence was
10 that on the 13th of February, you had dismissed him and told
11 that he needed to get help and a retreat. And this is five
12 days later, February 18th, and it appears from the last full
13 paragraph at the bottom of the page, that you are already
14 aware, five days later, of the therapist Jobin?

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

16 **THE COMMISSIONER:** Can you scroll down,
17 Madam Clerk, I would like to read the whole thing?

18 Okay, good, thank you.

19 **MR. SHERRIFF-SCOTT:** Is that correct, sir?

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

21 **MR. SHERRIFF-SCOTT:** All right, then. You
22 did get a response from Jacques Jobin; correct?

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

24 **MR. SHERRIFF-SCOTT:** And if we can turn that
25 up, that is Exhibit 81.

1 And it appears that you are getting the
2 assurance here that he had started to see him, if you look
3 at the first larger paragraph, February 19th, which is the
4 day after the letter we just saw and that he was seeing him
5 on a weekly basis. Correct?

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

7 **MR. SHERRIFF-SCOTT:** And he foresaw a long
8 session of therapy?

9 **MSGR. LAROCQUE:** That's what he says, yes.

10 **MR. SHERRIFF-SCOTT:** All right. Now, coming
11 back to the question of the recommendations at Exhibit 72,
12 the same page 106.

13 **MSGR. LAROCQUE:** Yes.

14 **MR. SHERRIFF-SCOTT:** I just want to explore
15 with you a little bit what you took from paragraph 3. If
16 you can just have look at the third paragraph.

17 **(SHORT PAUSE/COURTE PAUSE)**

18 **MSGR. LAROCQUE:** Yes.

19 **MR. SHERRIFF-SCOTT:** First of all, he sort
20 of indicates that he has received information about Jacques
21 Jobin and that the therapy he employs appears to be a good
22 one from his point of view?

23 **MSGR. LAROCQUE:** That's what he says, yes.

24 **MR. SHERRIFF-SCOTT:** And he's giving you
25 this information presumably for your benefit in making

1 decisions?

2 MSGR. LAROCQUE: Right.

3 MR. SHERRIFF-SCOTT: And then he talks, in
4 the last paragraph, a bit about a more sort of residential-
5 based therapy programme?

6 MSGR. LAROCQUE: Right.

7 MR. SHERRIFF-SCOTT: And the options, at
8 that time, were Southdown; correct?

9 MSGR. LAROCQUE: Right.

10 MR. SHERRIFF-SCOTT: And what -- did you put
11 Southdown to Gilles Deslauriers as an option?

12 MSGR. LAROCQUE: He refused because he was
13 not at ease in English.

14 MR. SHERRIFF-SCOTT: He was -- he couldn't
15 speak English well?

16 MSGR. LAROCQUE: Not very well, no.

17 MR. SHERRIFF-SCOTT: All right. And they
18 didn't have a French facility at the time?

19 MSGR. LAROCQUE: They did not, no.

20 MR. SHERRIFF-SCOTT: And then there was the
21 subject, was there, of Madame Guindon's facility in Quebec?

22 MSGR. LAROCQUE: Yes.

23 MR. SHERRIFF-SCOTT: And that is another
24 sort of programme?

25 MSGR. LAROCQUE: For formation of priests

1 with some psychological help.

2 MR. SHERRIFF-SCOTT: Okay. And what was his
3 response to that?

4 MSGR. LAROCQUE: He absolutely refused to go
5 there because she was Monseigneur Guindon's sister.

6 MR. SHERRIFF-SCOTT: The same Monseigneur
7 Guindon who chaired the Ad Hoc Committee?

8 MSGR. LAROCQUE: That's right.

9 MR. SHERRIFF-SCOTT: That's the one he
10 refused to testify for?

11 MSGR. LAROCQUE: That's right.

12 MR. SHERRIFF-SCOTT: In fact, he sort of
13 refused to testify or talk in front of anybody in terms of
14 the Diocese, except you?

15 MSGR. LAROCQUE: That's right.

16 MR. SHERRIFF-SCOTT: And when you went to
17 see him at Pierrefonds, he refused to speak in front of
18 Denis Vaillancourt as well?

19 MSGR. LAROCQUE: Exactly.

20 MR. SHERRIFF-SCOTT: All right. Now, if we
21 can move to the next page in terms of recommendations,
22 there is the Spiritual Plan at the top of Bates 107.

23 MSGR. LAROCQUE: Yes.

24 MR. SHERRIFF-SCOTT: And if I can say, the
25 first bullet effectively incorporates a recommendation of a

1 retreat?

2 MSGR. LAROCQUE: That's right.

3 MR. SHERRIFF-SCOTT: And that raises the
4 subject of Pierrefonds.

5 MSGR. LAROCQUE: Right.

6 MR. SHERRIFF-SCOTT: And that's what you
7 recommended?

8 MSGR. LAROCQUE: That's right.

9 MR. SHERRIFF-SCOTT: And what is
10 Pierrefonds, sir?

11 MSGR. LAROCQUE: It was a programme, a
12 three-month programme set up to -- and headed by the former
13 Bishop of Hull, Bishop Charbonneau, to kind of educate the
14 priests in the whole Vatican II renewal and new ways of
15 ministry and things of that nature.

16 MR. SHERRIFF-SCOTT: All right. So it was a
17 fairly extensive complex?

18 MSGR. LAROCQUE: It was on a -- yes, it was
19 next to a river, if I remember correctly or on an island,
20 but I'm not sure. It was a ---

21 MR. SHERRIFF-SCOTT: It's not a cottage in
22 other words?

23 MSGR. LAROCQUE: No, no. It's not a
24 cottage, no. It was an institution of some kind that was
25 used for that purpose.

1 **MR. SHERRIFF-SCOTT:** Okay. All right. Now,
2 the evidence of what happened in terms of him going there
3 is a bit confusing in the record, and I'm hoping that we
4 can clarify it with your evidence.

5 First of all, we know that you asked him to
6 go there, and you asked him to get on a retreat in
7 February/ And what I would like to show you now is another
8 letter you sent him, this one on April 6th. And this is
9 Exhibit 2042.

10 **THE COMMISSIONER:** Two-zero-four-two (2042).

11 **MR. SHERRIFF-SCOTT:** Yes.

12 **THE COMMISSIONER:** Yeah, okay. Two zero
13 four two (2042).

14 **MR. SHERRIFF-SCOTT:** Do you have that,
15 Bishop?

16 **MSGR. LAROCQUE:** I do, yes.

17 **MR. SHERRIFF-SCOTT:** And I will just confirm
18 that it talks about a number of points:

19 First, in the second paragraph, you are
20 basically telling him about the Ad Hoc Committee and asking
21 him to come?

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

23 **MR. SHERRIFF-SCOTT:** In the third full
24 paragraph, which is only two lines, you're saying that he
25 must follow his sessions at Pierrefonds and continue his

1 treatments with Abbé Jobin?

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

3 **MR. SHERRIFF-SCOTT:** And then you talk about
4 Rome's response on this issue of confession, which I'll
5 develop a little more.

6 And then, at the bottom, you're talking
7 about him leaving Hull.

8 "For the moment, you must leave Hull."

9 **MSGR. LAROCQUE:** Right.

10 **MR. SHERRIFF-SCOTT:** And again you're
11 referring to a stage of retreat at Pierrefonds, et cetera;
12 down at the bottom of the page. Correct?

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

14 **MR. SHERRIFF-SCOTT:** All right. So you've
15 asked him twice, and at one point in your evidence and as
16 was the evidence of Denis Vaillancourt, there was a
17 suggestion that you went to Pierrefonds and that you did
18 meet with him while he was there?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. SHERRIFF-SCOTT:** Okay.

21 **MSGR. LAROCQUE:** We went there an evening,
22 Father Vaillancourt and myself.

23 **MR. SHERRIFF-SCOTT:** Okay.

24 **MSGR. LAROCQUE:** It was after supper and I -
25 - he refused to talk in front of Denis Vaillancourt. So he

1 and I went on a walk together.

2 **MR. SHERRIFF-SCOTT:** But just I think where
3 the confusion arises is Father Deslauriers' reply to your
4 letter that we just looked at, which is Exhibit -- and it
5 is part of the Ad Hoc Committee Report at Bates page -- so
6 it's Exhibit 72, Bates page 7167267.

7 So 267.

8 **THE COMMISSIONER:** Two six seven (267).

9 **MR. SHERRIFF-SCOTT:** Just tell me when
10 you've had a chance to look at that, Bishop.

11 **MSGR. LAROCQUE:** I've got it.

12 **MR. SHERRIFF-SCOTT:** The letter of April 16th
13 to you from him?

14 **MSGR. LAROCQUE:** Two-six-six (266), 267.

15 This is it.

16 **MR. SHERRIFF-SCOTT:** And particularly, this
17 is a letter where he tells you he's not coming to the ad
18 hoc committee and down at the bottom paragraph he's talking
19 about Pierrefonds and this captures his refusal at this
20 point to go there.

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

22 **MSGR. LAROCQUE:** To stay there.

23 **MR. SHERRIFF-SCOTT:** To stay there.

24 **MSGR. LAROCQUE:** Because he had been there,

25 ---

1 **MR. SHERRIFF-SCOTT:** Okay.

2 **MSGR. LAROCQUE:** --- but he didn't complete
3 the three months session.

4 **MR. SHERRIFF-SCOTT:** All right.

5 So he's saying, he's not -- if I read this
6 correctly -- he's not spiritually ready.

7 **THE COMMISSIONER:** He's not motivated.

8 **MR. SHERRIFF-SCOTT:** Not motivated.

9 **MSGR. LAROCQUE:** It's not for me -- well
10 it's, yes, ---

11 **MR. SHERRIFF-SCOTT:** Doesn't have the right
12 motivations to ---

13 **MSGR. LAROCQUE:** Profit from it.

14 **MR. SHERRIFF-SCOTT:** Profit from it. Okay.

15 Now, the reason I said confusing is that
16 this is the date of the 16th of April and if we go to
17 Exhibit 2050, two zero five zero.

18 **MSGR. LAROCQUE:** Two, zero, five, zero.

19 **MR. SHERRIFF-SCOTT:** This is a letter from
20 him to you and it appears to be delivered from Pierceton's
21 which is indicated at the top of the page and the date is
22 June. And he refers to a meeting on -- as described on the
23 31st of May '86 in the first line.

24 **MSGR. LAROCQUE:** When we would have gotten,
25 yes.

1 **MR. SHERRIFF-SCOTT:** Okay.

2 And your recollection was that meeting was
3 sometime in the spring, in any event.

4 **MSGR. LAROCQUE:** I think so, yes.

5 **MR. SHERRIFF-SCOTT:** Okay.

6 So either he changed his mind or he went
7 back but he was there for a period of time; correct?

8 **MSGR. LAROCQUE:** To my knowledge, yes.

9 **MR. SHERRIFF-SCOTT:** Right.

10 What we can't ascertain at this juncture and
11 through the lens of time is how long he stayed, either the
12 first time or the second time, if there were two occasions.

13 **MSGR. LAROCQUE:** I believe there was just
14 the once.

15 **MR. SHERRIFF-SCOTT:** Okay.

16 Now back, if we can, to the recommendations
17 of Father Menard at Exhibit 72 Bates page 107. And this
18 time, under the plan of -- spiritual plan there's number
19 two.

20 **MSGR. LAROCQUE:** I can't -- what is the ---

21 **MR. SHERRIFF-SCOTT:** Bates page 107, Bishop.

22 **MSGR. LAROCQUE:** One zero seven (107).

23 **MR. SHERRIFF-SCOTT:** Yes. So we've talked
24 about the Pierrefonds retreat issue which is the first one
25 ---

1 **MSGR. LAROCQUE:** Okay.

2 **MR. SHERRIFF-SCOTT:** --- and now we're on
3 the second recommendation ---

4 **MSGR. LAROCQUE:** I don't ---

5 **MR. SHERRIFF-SCOTT:** --- in the middle of
6 that paragraph called the spiritual plan.

7 **MSGR. LAROCQUE:** Right.

8 **MR. SHERRIFF-SCOTT:** And am I right that
9 here you're talking about this -- I -- this issue with
10 respect to confessions and complicity in confession?

11 **MSGR. LAROCQUE:** Is that in number one -- oh
12 clause number two.

13 **MR. SHERRIFF-SCOTT:** Number two, sir.

14 **MSGR. LAROCQUE:** Oh, I'm sorry.
15 That's correct, yes.

16 **MR. SHERRIFF-SCOTT:** All right.

17 Now just on the subject of whether you'd
18 communicated with Rome and -- that the Commissioner had
19 asked about, if we could turn up Exhibit 2041.

20 **THE COMMISSIONER:** Two zero four one (2041).
21 There we go.

22 **MR. SHERRIFF-SCOTT:** And that's a letter
23 which appears to be from you, the 24th of February 1986 to
24 Luigi Dedaglio.

25 **MSGR. LAROCQUE:** The Head of the Sacred

1 Penitentiary.

2 MR. SHERRIFF-SCOTT: Right.

3 And am I right that this is the same issue
4 about which you're writing?

5 MSGR. LAROCQUE: Exactly.

6 MR. SHERRIFF-SCOTT: Okay. And the only
7 thing we have, as I take it, or apprehend in terms of
8 Rome's response is the letter where you summarize their
9 response when you wrote to Gilles Deslauriers to tell him
10 that feature of your ability is suspended?

11 MSGR. LAROCQUE: That's right.

12 MR. SHERRIFF-SCOTT: Okay. And just for the
13 record again, that is Exhibit 2042, your letter to him
14 April 6th, 1986.

15 MSGR. LAROCQUE: Right.

16 MR. SHERRIFF-SCOTT: Okay?

17 MSGR. LAROCQUE: Right.

18 MR. SHERRIFF-SCOTT: And that letter, sir,
19 the question of that letter, if we could just turn it up
20 and you could turn it up, there are just a couple of other
21 points that I want to make about it.

22 THE COMMISSIONER: This is Father -- the
23 letter to Father Gilles on the 6th of April?

24 MR. SHERRIFF-SCOTT: Yes, Commissioner,
25 exactly.

1 THE COMMISSIONER: Okay.

2 MR. SHERRIFF-SCOTT: First of all, you --
3 this is your letter, you copied this letter to Monsignor
4 Proulx; if you can look at the second page.

5 THE COMMISSIONER: There it is.

6 MR. SHERRIFF-SCOTT: Is that right?

7 MSGR. LAROCQUE: That's right.

8 MR. SHERRIFF-SCOTT: So am I correct that
9 you're letting him know what Rome's decision is, through
10 this as well?

11 MSGR. LAROCQUE: I guess so. Yes.

12 MR. SHERRIFF-SCOTT: Okay. And -- sorry, to
13 come back to Rome's response; the Rome's response was it's
14 not entirely certain whether or not an offence has taken
15 place but suspend him anyway.

16 MSGR. LAROCQUE: He was -- suspend his
17 faculties for hearing confession. Yes.

18 MR. SHERRIFF-SCOTT: Okay. And you did that
19 by informing him.

20 MSGR. LAROCQUE: Yes.

21 MR. SHERRIFF-SCOTT: And Bishop Proulx.

22 MSGR. LAROCQUE: Right.

23 MR. SHERRIFF-SCOTT: Okay. Thank you.

24 Now, back to the Menard document Exhibit 72.

25 MSGR. LAROCQUE: Right.

1 **MR. SHERRIFF-SCOTT:** At page 107 again.

2 **MSGR. LAROCQUE:** Right.

3 **MR. SHERRIFF-SCOTT:** The last paragraph
4 under the spiritual plan number three talks about sort of
5 his daily situation and daily support ---

6 **MSGR. LAROCQUE:** Needing some help. Yes.

7 **MR. SHERRIFF-SCOTT:** This is -- by this
8 point he's gone from the Diocese.

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

10 **MR. SHERRIFF-SCOTT:** Okay.

11 And aside from your legal rights, strictly
12 interpreted, you weren't able to control his activities in
13 this regard?

14 **MSGR. LAROCQUE:** No. Hardly. No.

15 **MR. SHERRIFF-SCOTT:** Okay.

16 Now, the next recommendation is the plan of
17 residence.

18 **MSGR. LAROCQUE:** Right.

19 **MR. SHERRIFF-SCOTT:** And he recommends that
20 he -- you'll see leave Hull, which he says, "quit
21 immediately, he should quit immediately".

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

23 **MR. SHERRIFF-SCOTT:** And I'm sure you got
24 that message from parishioners as well, who had seen him
25 there.

1 So there was a suggestion that he not only
2 not be here from the parishioners and concerned people but
3 you were being -- it was recommended to you that he get out
4 of Hull as well.

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

6 **MR. SHERRIFF-SCOTT:** Okay. And we saw your
7 letter at Exhibit 6 or Exhibit 2042 which we just left
8 which says at the bottom of that page; "leave Hull, go to
9 Pierrefonds".

10 **MSGR. LAROCQUE:** Yes.

11 **MR. SHERRIFF-SCOTT:** Okay. That was again
12 copied to Bishop Proulx.

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

14 **MR. SHERRIFF-SCOTT:** Right.

15 Now, the next document on this subject is
16 not an Exhibit, Commissioner. It is 118888; two ones and
17 four eights.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Oh, we don't have -- how
20 come we don't have the papers? Did you give notice?

21 **MR. SHERRIFF-SCOTT:** Yeah.

22 **THE COMMISSIONER:** Okay.

23 So is there anything of confidentiality on -
24 --

25 **MR. SHERRIFF-SCOTT:** No, none.

1 **THE COMMISSIONER:** So, okay put it on the
2 screen. Put it on the screen; I don't have it on my
3 screen. Okay.

4 So the next Exhibit is a letter dated the
5 14th of July 1986 to Monsignor LaRocque from -- can you
6 scroll down Madam Clerk ---

7 **MR. SHERRIFF-SCOTT:** It's from Gilles
8 Deslauriers.

9 **THE COMMISSIONER:** --- Gilles Deslauriers.
10 All right and that's Exhibit Number 2179.

11 **THE REGISTRAR:** Two one seven nine (2179).
12 Thank you.

13 --- **EXHIBIT NO./PIÈCE No. P-2179:**

14 (118888) Lettre de Gilles Deslauriers Eugène
15 LaRocque datée le 14 jui 86

16 **MR. SHERRIFF-SCOTT:** Now, Bishop, if you
17 could scan this, it looks like at some point he's either
18 returned from Pierrefonds at this juncture, he's not in
19 Hull, and I'd suggest the conclusions to draw from this
20 letter are -- there are a number of them, but one he
21 appears to have spent time in North Gower, outside of
22 Ottawa, then in Gloucester outside of Ottawa and he doesn't
23 appear to be in ministry in Hull at this juncture.

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

25 **MR. SHERRIFF-SCOTT:** So if you could just

1 read that and confirm that for us.

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

3 He was staying with some family, I guess, in
4 North Gower for awhile.

5 **THE COMMISSIONER:** Can you scroll it some
6 more?

7 **MR. SHERRIFF-SCOTT:** Then he appears to have
8 left North Gower and gone to the Gloucester area.

9 **MSGR. LAROCQUE:** North Gower was too English
10 for him.

11 **MR. SHERRIFF-SCOTT:** Right.

12 And he wanted to be -- and Gloucester is on
13 the east side of Ottawa, he wanted to be sort of in a close
14 distance from Jacques Jobin, his therapist.

15 **MSGR. LAROCQUE:** Right.

16 **MR. SHERRIFF-SCOTT:** So the east side of
17 Ottawa is on that side of Montreal.

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

19 **MR. SHERRIFF-SCOTT:** Okay. So he's not in
20 Cornwall, he's not in Hull, he's sort of on the outskirts
21 of Ottawa and presumably commuting between there and Hull -
22 - or Montreal.

23 **MSGR. LAROCQUE:** Right.

24 **MR. SHERRIFF-SCOTT:** Right. Now, ---

25 **THE COMMISSIONER:** Keep scrolling, Madam

1 Clerk. Next page.

2 MR. SHERRIFF-SCOTT: Just coming back then
3 to the Ménard recommendations, Bishop, this time at page
4 108.

5 MSGR. LAROCQUE: Yes.

6 MR. SHERRIFF-SCOTT: There is the listening
7 plan, which is A. And that is effectively an embodiment of
8 the recommendation to create the ad hoc committee, is that
9 right?

10 MSGR. LAROCQUE: That's correct.

11 MR. SHERRIFF-SCOTT: Which you did in April.
12 Correct?

13 MSGR. LAROCQUE: Yes.

14 MR. SHERRIFF-SCOTT: Okay. Then there is a
15 sort of a therapy aid plan for victims that's referred to,
16 as a recommendation?

17 MSGR. LAROCQUE: Right.

18 MR. SHERRIFF-SCOTT: You see that?

19 Now first, your evidence to Mr. Engelmann
20 was there were six to eight people who you met with
21 personally?

22 MSGR. LAROCQUE: That's right.

23 MR. SHERRIFF-SCOTT: That were victims;
24 young people?

25 MSGR. LAROCQUE: Yes.

1 **MR. SHERRIFF-SCOTT:** And that you had
2 offered therapy to them at the cost of the Diocese?

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

4 **MR. SHERRIFF-SCOTT:** Now, if I can turn you
5 to Exhibit 2178, which we just marked.

6 **LE COMMISSAIRE:** Merci.

7 **MR. SHERRIFF-SCOTT:** Now, the last
8 paragraph, after the business about Jacques Jobin, there's
9 a sentence "En toute..."

10 Do you see that? It's the fourth line down
11 towards the end of that line. Can you just read that for
12 us?

13 **THE COMMISSIONER:** Just -- what -- no, no.

14 **MR. SHERRIFF-SCOTT:** Two one seven eight
15 (2178).

16 **THE COMMISSIONER:** Two one seven eight
17 (2178) is what, a letter?

18 **MR. SHERRIFF-SCOTT:** The letter of 18th of
19 February 1987.

20 **MSGR. LAROCQUE:** My letter to Gilles.

21 **MR. SHERRIFF-SCOTT:** To Gilles Deslauriers
22 from the Bishop.

23 **THE COMMISSIONER:** All right.

24 **MR. SHERRIFF-SCOTT:** And the last paragraph
25 is what I want him to focus on, after the "Pierre Jobin".

1 **MONS. LAROCQUE:** "J'espère que tes
2 traitements avec le Père Jobin
3 continuent à t'aider afin que tu
4 puisses reprendre le ministère
5 sacerdotal d'une façon ou d'une autre
6 et que le Seigneur t'aidera de toutes
7 façons possibles. En toute honnêteté,
8 je dois aussi te dire que certains
9 jeunes sont à suivre des traitements
10 psychologiques et que le diocèse s'est
11 engagé envers eux. Espérons que la
12 grâce de Dieu puisse œuvrer à travers
13 tout cela afin qu'il n'y ait pas de
14 dommage permanent et qu'en toutes
15 choses, même dans les grandes
16 souffrances, le Seigneur soit
17 glorifié."

18 **MR. SHERRIFF-SCOTT:** Okay. So you're
19 telling him sort of, you should be aware your actions have
20 caused young people to have to undergo therapy. You're
21 confirming that's happening.

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

23 **MR. SHERRIFF-SCOTT:** Am I right that you are
24 indicating that's being at the cost of the Diocese?

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

1 **MR. SHERRIFF-SCOTT:** Okay. Then in addition
2 to the meeting of the people that you encountered, we also
3 know from your evidence that you asked Claude Thibault to
4 reach out to people. And what you did acknowledge to Mr.
5 Engelmann is that you didn't set up some clear sort of
6 unambiguous structure for access of victims to services in
7 connection with this issue.

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

9 **MR. SHERRIFF-SCOTT:** And perhaps that would
10 have been a more efficacious way to approach the issue, but
11 you reached out as you thought in your head.

12 **MSGR. LAROCQUE:** I thought that he knew them
13 all and that he would be more approachable.

14 **MR. SHERRIFF-SCOTT:** Okay. Now I just want
15 to review a few things on the subject of ex-cardination in
16 the -- when this debate starts between you and Bishop
17 Proulx late in the year of '86; all right?

18 **MSGR. LAROCQUE:** Right.

19 **MR. SHERRIFF-SCOTT:** The first thing is
20 really what you had at the time when this debate really got
21 going. And one of the things from the file that -- in the
22 Diocesan file -- is a document, which is Exhibit 79.

23 If you could turn that up, Bishop. That's a
24 letter November 6th, 1986, which is a report of Jacques
25 Jobin.

1 **MSGR. LAROCQUE:** Okay. Yes, I have it.

2 **MR. SHERRIFF-SCOTT:** You've seen this
3 document before, sir?

4 **MSGR. LAROCQUE:** Yes.

5 **MR. SHERRIFF-SCOTT:** Okay. And one of the
6 things that this document, you'll recall, indicates is that
7 after the criminal justice system is finished with Mr.
8 Deslauriers, he should go back to ministry. That's what
9 this psychologist is recommending?

10 **MSGR. LAROCQUE:** Somewhere in there, yes.

11 **MR. SHERRIFF-SCOTT:** Okay. And it talks
12 about the fact that he's been in therapy and had 31
13 sessions since February, and they expect to continue. Is
14 that fair?

15 **MSGR. LAROCQUE:** That's what he says, yes.

16 **MR. SHERRIFF-SCOTT:** All right. So you
17 would have had that when the ex-cardination discussions
18 really got heated up?

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

20 **MR. SHERRIFF-SCOTT:** Okay. The other thing
21 that I want to see if you had, which is dated quite soon
22 after the document we just had, which is Exhibit 1805.
23 This is Gilles Deslauriers' Probation Order.

24 **MSGR. LAROCQUE:** Yes, I have it.

25 **MR. SHERRIFF-SCOTT:** Okay. And at some

1 point, you were made aware of the conditions of his
2 probation?

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

4 **MR. SHERRIFF-SCOTT:** Okay. And if we could
5 just look over to the second page of the document, sir,
6 you'll see there are two checked boxes with X's?

7 **MSGR. LAROCQUE:** Yes.

8 **MR. SHERRIFF-SCOTT:** And one of them is to
9 continue at the treatment, as may be indicated on a
10 schedule by the probation officer with the therapist?

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

12 **MR. SHERRIFF-SCOTT:** And the next one is
13 what I'm interested in, is for the duration -- it appears
14 at least, it's not indicated not to be for the duration --
15 that he conforms with the directions of Adolphe Proulx,
16 Bishop Proulx ---

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

18 **MR. SHERRIFF-SCOTT:** --- who seems to have
19 assumed the obligation to supervise him.

20 **MSGR. LAROCQUE:** "Une surveillance
21 efficace".

22 **MR. SHERRIFF-SCOTT:** Okay. Now, am I right
23 that -- were you involved in this?

24 **MSGR. LAROCQUE:** No, not at all.

25 **MR. SHERRIFF-SCOTT:** Were you informed that

1 this was in the offing?

2 MSGR. LAROCQUE: No.

3 MR. SHERRIFF-SCOTT: Did you talk to Bishop
4 Proulx about it?

5 MSGR. LAROCQUE: No.

6 MR. SHERRIFF-SCOTT: So did the Crown talk
7 to you about this issue?

8 MSGR. LAROCQUE: Not that I can remember,
9 no.

10 MR. SHERRIFF-SCOTT: Okay. So you sort of
11 got checkmated here, eh?

12 MSGR. LAROCQUE: It appears.

13 MR. SHERRIFF-SCOTT: It ended up Deslauriers
14 was under the legal supervision ---

15 MSGR. LAROCQUE: Of his friend.

16 MR. SHERRIFF-SCOTT: --- of his -- of the
17 Bishop in Hull. While you may have had the legal
18 incardination rights over him, now the legal rights in
19 connection with supervision were with the Bishop in Hull?

20 MSGR. LAROCQUE: That's correct.

21 MR. SHERRIFF-SCOTT: Okay. So this is what
22 you had when the ex-cardination process got going; correct?

23 MSGR. LAROCQUE: Right.

24 MR. SHERRIFF-SCOTT: One of the main
25 recommendations of the ad hoc committee report and the

1 Ménard report is that he not return to ministry until a
2 psychologist made the recommendations?

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

4 **MR. SHERRIFF-SCOTT:** And that was embodied
5 in the Jobin report?

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

7 **MR. SHERRIFF-SCOTT:** Okay. Now just
8 switching topics to the Charles MacDonald matter, and I
9 just want to talk about Jacques Leduc.

10 First of all, you were aware that Jacques
11 Leduc had some canon law training?

12 **MSGR. LAROCQUE:** Yes, I was.

13 **MR. SHERRIFF-SCOTT:** And in that regard, he
14 was appointed to the marriage tribunal at the Diocese?

15 **MSGR. LAROCQUE:** Yes, as Defender of the
16 Bond.

17 **MR. SHERRIFF-SCOTT:** So he would have been
18 working out of 220 Montreal Road, the headquarters?

19 **MSGR. LAROCQUE:** Occasionally, yes, when
20 they had sessions.

21 **MR. SHERRIFF-SCOTT:** And there's a basement
22 in the office there ---

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

24 **MR. SHERRIFF-SCOTT:** --- for that purpose?

25 **MSGR. LAROCQUE:** Right.

1 **MR. SHERRIFF-SCOTT:** Okay. So you had a
2 comfortable relationship with him?

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

4 **MR. SHERRIFF-SCOTT:** He had been legal
5 advisor for the Diocese for a number of years?

6 **MSGR. LAROCQUE:** Well, almost since I was
7 there, yes.

8 **MR. SHERRIFF-SCOTT:** Okay. And he was
9 involved in the Deslauriers matter?

10 **MSGR. LAROCQUE:** Yes, and on the committee,
11 yeah.

12 **MR. SHERRIFF-SCOTT:** He led, as you know
13 from reading the document, many of the interviews and
14 discussions with witnesses or certainly interacted with
15 them?

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

17 **MR. SHERRIFF-SCOTT:** But he continued to act
18 in connection with matters thereafter; for example, he
19 attended the preliminary inquiry?

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

21 **MR. SHERRIFF-SCOTT:** And it appears that he
22 attended some meetings with police of diocesan priests.

23 **MSGR. LAROCQUE:** I guess so, yes.

24 **MR. SHERRIFF-SCOTT:** Right. And ---

25 **MSGR. LAROCQUE:** And with myself.

1 **MR. SHERRIFF-SCOTT:** Correct.

2 **MSGR. LAROCQUE:** With the police.

3 **MR. SHERRIFF-SCOTT:** Now, when it came to
4 the Charles MacDonald matter, in terms of this committee,
5 what -- Monsignor McDougald was he involved in the
6 Deslauriers matter?

7 **MSGR. LAROCQUE:** No, not at all.

8 **MR. SHERRIFF-SCOTT:** No. That was a French
9 matter.

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

11 **MR. SHERRIFF-SCOTT:** Okay. He's on the
12 English side of the Diocese?

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

14 **MR. SHERRIFF-SCOTT:** Okay. And were you
15 aware of any training he might have had in connection with
16 dealing with matters of sexual abuse?

17 **MSGR. LAROCQUE:** No. Just a good man and a
18 good honest man.

19 **MR. SHERRIFF-SCOTT:** All right. That's it,
20 though; isn't it?

21 **MSGR. LAROCQUE:** That's all.

22 **MR. SHERRIFF-SCOTT:** Okay. As for Denis
23 Vaillancourt who turned up on the committee, as we now
24 know, he had a licence in canon law, and he had created one
25 of the policies. And his evidence was he sort of took that

1 from the Diocese of Quebec City and *mutatis mutandis*, he
2 sort of just recast it.

3 MSGR. LAROCQUE: I see.

4 MR. SHERRIFF-SCOTT: And he was involved in
5 the Deslauriers matter to a certain extent. He talked to a
6 number of victims.

7 MSGR. LAROCQUE: That's right.

8 MR. SHERRIFF-SCOTT: Were you aware of any
9 specialised training he might have had in connection with
10 the management of these issues?

11 MSGR. LAROCQUE: None whatsoever.

12 MR. SHERRIFF-SCOTT: Okay. Now, Mr. Leduc
13 was retained in connection with the committee proceeding;
14 he sat on the committee.

15 MSGR. LAROCQUE: Right.

16 MR. SHERRIFF-SCOTT: And the evidence was he
17 led the discussions with Mr. Silmsen.

18 MSGR. LAROCQUE: I don't know if he led them
19 or not but ---

20 MR. SHERRIFF-SCOTT: Okay. This is the
21 first time this protocol was to be used?

22 MSGR. LAROCQUE: That's right.

23 MR. SHERRIFF-SCOTT: Were you expecting Mr.
24 Leduc to be an adviser in connection to how this thing
25 should go?

1 **MSGR. LAROCQUE:** I don't think so, no,
2 because he didn't write it. Father Denis Vaillancourt, who
3 wrote it, would be the one that I would put more
4 responsibility on.

5 **MR. SHERRIFF-SCOTT:** Mr. Leduc's role there,
6 was he an adviser to the committee?

7 **MSGR. LAROCQUE:** He was a member of the
8 committee.

9 **MR. SHERRIFF-SCOTT:** Okay. And just coming
10 to the subject of the settlement, if we could turn up
11 Exhibit 1888; this is Mr. Leduc's statement. And I'm
12 particularly interested in page 747, which is the fifth
13 page of the statement.

14 **MSGR. LAROCQUE:** Yes.

15 **MR. SHERRIFF-SCOTT:** He's talking about the
16 meetings between yourself and him and Malcolm MacDonald.

17 **MSGR. LAROCQUE:** Right.

18 **MR. SHERRIFF-SCOTT:** The first one August
19 25th. The second paragraph he says:

20 "Bishop refused to consider any
21 settlement of the matter. I cannot
22 recall whether a figure was on the
23 table, even a ballpark. My feeling is
24 that there was not, at that meeting,
25 discussion of a settlement amount."

1 Now, that comports with your recollection,
2 does it?

3 **MSGR. LAROCQUE:** The first meeting, yes.

4 **MR. SHERRIFF-SCOTT:** Okay. Now, over to the
5 next page and sort of after the first paragraph, the first
6 full paragraph, "The Bishop was adamant against settling,"
7 and that's what you've told us here.

8 **MSGR. LAROCQUE:** Right.

9 **MR. SHERRIFF-SCOTT:** And your concerns are
10 set out.

11 **MSGR. LAROCQUE:** Right.

12 **MR. SHERRIFF-SCOTT:** So then he says in the
13 next paragraph, "I left the meeting feeling very angry."
14 See that?

15 **MSGR. LAROCQUE:** Yes, I see it.

16 **MR. SHERRIFF-SCOTT:** And in the next
17 paragraph he says that he even tried calling Monsignor
18 Guindon:

19 "To try and have him convince the
20 Bishop to accept to pay settlement
21 money. Not able to reach him, I
22 believe I also called Chancellor
23 Vaillancourt to have him convince the
24 Bishop to the same effect."

25 So did you know that he was calling others

1 to attempt to change your mind before the second meeting?

2 MSGR. LAROCQUE: No, I did not.

3 MR. SHERRIFF-SCOTT: Okay.

4 MSGR. LAROCQUE: I wasn't there.

5 MR. SHERRIFF-SCOTT: All right.

6 Now, over the next page, the third
7 paragraph, "I believe the Bishop was won over by our
8 arguments. We were very forceful."

9 MSGR. LAROCQUE: I've said that quite often.

10 MR. SHERRIFF-SCOTT: Okay. So that is
11 consistent with your memory of ---

12 MSGR. LAROCQUE: Yes.

13 MR. SHERRIFF-SCOTT: --- the persuasive
14 intensity of the meeting.

15 MSGR. LAROCQUE: Right.

16 MR. SHERRIFF-SCOTT: Okay. And Mr. Leduc
17 testified here that he agreed that at all times, you
18 consistently admonished him not to interfere in the
19 criminal process. And he concluded that that amounted to
20 specific advice in putting the settlement documents into
21 effect. And what was the reliance factor, from your point
22 of view, on him in connection with the settlement
23 documents?

24 MSGR. LAROCQUE: He would protect the
25 Diocese' interests.

1 **MR. SHERRIFF-SCOTT:** All right.

2 Now, the subject of scandal here and what
3 was put to you. I take it that you demonstrated, or at
4 least in your mind, you had a preoccupation with this issue
5 of not interfering with the criminal process?

6 **MSGR. LAROCQUE:** Absolutely.

7 **MR. SHERRIFF-SCOTT:** Okay. And whatever was
8 to come, your mindset was no interference.

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

10 **MR. SHERRIFF-SCOTT:** All right.

11 Now, just switching subjects to the subject
12 of Mr. Shaver who arrived in your office in October.

13 **MSGR. LAROCQUE:** Yes.

14 **MR. SHERRIFF-SCOTT:** Now, Mr. Shaver's
15 evidence in the form of a document that he had prepared
16 attributes certain things to you and that was debated
17 between yourself and Mr. Engelmann in connection with the
18 phone call between yourself and Charles MacDonald, or the
19 visit, and how you summarised that in a phone call back to
20 Chief Shaver.

21 **MSGR. LAROCQUE:** Right.

22 **MR. SHERRIFF-SCOTT:** Okay. Now, the
23 evidence here was a little different than the statement
24 that you were shown. The statement you were shown
25 effectively said that you told him that Charles MacDonald

1 admitted to the Silmsers allegation. But when he testified
2 here, he admitted that part of that document he prepared
3 was an error. And that in fact he had told you -- or you
4 had told him that you started to talk about something like
5 that but then indicated that what he had said to you was an
6 admission of homosexual relations.

7 **MSGR. LAROCQUE:** That's what he told me,
8 yes.

9 **MR. SHERRIFF-SCOTT:** Now, I just want to
10 show you another version of Chief Shaver's statement on
11 this issue as was reported to his fellow officer, Brunet,
12 and that's Exhibit 1436, Bates page 036.

13 **THE COMMISSIONER:** How much longer?

14 **MR. SHERRIFF-SCOTT:** Very short, sir.

15 **THE COMMISSIONER:** It is 5:30; so how short
16 is short?

17 **MR. SHERRIFF-SCOTT:** Ten minutes.

18 **THE COMMISSIONER:** Okay.

19 **MSGR. LAROCQUE:** I have it.

20 **MR. SHERRIFF-SCOTT:** Okay.

21 **THE COMMISSIONER:** I don't.

22 **MR. SHERRIFF-SCOTT:** Now, turn to the
23 second-last page of the document, sir. There's an entry at
24 the bottom of that page, October 8th, '93.

25 **THE COMMISSIONER:** I'm sorry, what exhibit?

1 MR. SHERRIFF-SCOTT: It's ---

2 THE COMMISSIONER: Fourteen (14)?

3 MR. SHERRIFF-SCOTT: Fourteen thirty-six
4 (1436).

5 THE COMMISSIONER: Yeah.

6 MR. SHERRIFF-SCOTT: It's the Brunet note of
7 the ---

8 THE COMMISSIONER: And what page? I have
9 it.

10 MR. SHERRIFF-SCOTT: Eighth of October.
11 Down the bottom the page says -- this is Officer Brunet
12 reporting what ---

13 THE COMMISSIONER: I'm sorry, what ---

14 MR. SHERRIFF-SCOTT: I'm on the second-last
15 page, which is the October 8th entry.

16 MSGR. LAROCQUE: Zero three six (036).

17 THE COMMISSIONER: Thank you.

18 MR. SHERRIFF-SCOTT: And he says here --
19 it's Officer Brunet. These are his notes indicating what
20 Chief Shaver told him:

21 "Called in to see Chief Shaver. He
22 advised that the Bishop called him and
23 advised that Father Charles admitted he
24 had a homosexual problem but only with
25 consenting adults. He agreed to go for

1 treatment and will be leaving
2 immediately."

3 Now, how does that statement compare with
4 your memory of what you said to Chief Shaver?

5 **MSGR. LAROCQUE:** That's probably exactly
6 what I said.

7 **MR. SHERRIFF-SCOTT:** Okay. Now, was there
8 any other discussion about admissions or sexual assaults
9 being admitted?

10 **MSGR. LAROCQUE:** By Father?

11 **MR. SHERRIFF-SCOTT:** By Father MacDonald.

12 **MSGR. LAROCQUE:** He never admitted any to
13 me.

14 **MR. SHERRIFF-SCOTT:** Okay. Now, on the
15 subject of your interactions with the Children's Aid
16 Society, Mr. Leduc acted for you in connection with the
17 Project Blue matters as well?

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

19 **MR. SHERRIFF-SCOTT:** And what were your
20 instructions to him and those people who ended up going and
21 having interviews, in terms of cooperation?

22 **MSGR. LAROCQUE:** I told him that we should
23 cooperate in every way possible.

24 **MR. SHERRIFF-SCOTT:** Okay. And there were a
25 number of informational requests that were asserted and

1 made to the Diocese?

2 MSGR. LAROCQUE: That's right.

3 MR. SHERRIFF-SCOTT: Did you answer those?

4 MSGR. LAROCQUE: I believe so.

5 MR. SHERRIFF-SCOTT: Okay. Did you ever
6 receive any criticism from the CAS that you weren't
7 complying with their information requests?

8 MSGR. LAROCQUE: Not to my recollection.

9 MR. SHERRIFF-SCOTT: You also provided them
10 with the names of altar servers in the form of lists with
11 their contact information for interviews?

12 MSGR. LAROCQUE: That was given to them,
13 yes.

14 MR. SHERRIFF-SCOTT: Okay. Now, in
15 connection with the OPP, there were a great many
16 information requests emanating from Officers Hall and
17 Smith.

18 MSGR. LAROCQUE: There were, yes.

19 MR. SHERRIFF-SCOTT: And did you comply with
20 those?

21 MSGR. LAROCQUE: I complied with their
22 requests ---

23 MR. SHERRIFF-SCOTT: And there were ---

24 MSGR. LAROCQUE: --- as far as I could.

25 MR. SHERRIFF-SCOTT: --- sir, hundreds of

1 pages of material, weren't there?

2 MSGR. LAROCQUE: There were.

3 MR. SHERRIFF-SCOTT: Photographs, priest
4 cards ---

5 MSGR. LAROCQUE: Curriculum Vitae, yes.

6 MR. SHERRIFF-SCOTT: Yes, background
7 information. But they asked for photos; not just current
8 photos but they asked for historical photos too; didn't
9 they?

10 MSGR. LAROCQUE: Yes. We had to go looking
11 for those, yes.

12 MR. SHERRIFF-SCOTT: Around the time people
13 were ordained ---

14 MSGR. LAROCQUE: Yes.

15 MR. SHERRIFF-SCOTT: --- or specific dates?

16 MSGR. LAROCQUE: Close to the dates where
17 the alleged assaults took place.

18 MR. SHERRIFF-SCOTT: Okay. And did they
19 tell you that those photographs might be used potentially
20 in an incriminating way in connection with people; say, for
21 photo line-ups?

22 MSGR. LAROCQUE: They never mentioned that
23 to me, I don't believe, no.

24 MR. SHERRIFF-SCOTT: And you provided
25 pictures of yourself too, both current and historical?

1 MSGR. LAROCQUE: That's right.

2 MR. SHERRIFF-SCOTT: Did they tell you that
3 might be used as an incriminating ---

4 MSGR. LAROCQUE: No, they never did.

5 MR. SHERRIFF-SCOTT: --- tool for your own
6 case?

7 MSGR. LAROCQUE: I don't believe so.

8 MR. SHERRIFF-SCOTT: Okay. And did they
9 ever give you specific information about specific
10 complaints in connection with people on those lists?

11 MSGR. LAROCQUE: I can't recall really.

12 MR. SHERRIFF-SCOTT: Did they ever tell you
13 that they had a complaint against Carl Stone, for example?

14 MSGR. LAROCQUE: I don't believe so, no.

15 MR. SHERRIFF-SCOTT: Okay.

16 Now just to close off, sir, there's a
17 subject here I just -- you were born in the 1920s?

18 MSGR. LAROCQUE: I was born in March 27,
19 1927.

20 MR. SHERRIFF-SCOTT: Okay.

21 MSGR. LAROCQUE: Just before the Depression.

22 MR. SHERRIFF-SCOTT: All right. You were
23 raised in the Depression era.

24 MSGR. LAROCQUE: Oh, I can remember it well.

25 MR. SHERRIFF-SCOTT: Okay. And in your

1 youth most people were working sort of by 16 to 18 I guess.

2 MSGR. LAROCQUE: Yeah, because they couldn't
3 afford to go to school.

4 MR. SHERRIFF-SCOTT: Post-secondary
5 education was not universally funded?

6 MSGR. LAROCQUE: No.

7 MR. SHERRIFF-SCOTT: It was only available
8 to a fraction of the population?

9 MSGR. LAROCQUE: Those who were able to
10 afford it, yes.

11 MR. SHERRIFF-SCOTT: And people were married
12 at an early age, with families at an early age.

13 MSGR. LAROCQUE: Much larger families.

14 MR. SHERRIFF-SCOTT: But at an earlier age.

15 MSGR. LAROCQUE: Yes.

16 MR. SHERRIFF-SCOTT: Okay, and there was not
17 a lot of social support services. There was no universal
18 health care; it was a different world, wasn't it?

19 MSGR. LAROCQUE: There was no welfare either

20 ---

21 MR. SHERRIFF-SCOTT: No.

22 MSGR. LAROCQUE: --- and some people were
23 starving.

24 MR. SHERRIFF-SCOTT: So your sense of
25 personal survival and responsibility kicked in at a pretty

1 young age; didn't it?

2 **MSGR. LAROCQUE:** I started delivering papers
3 at nine years old, yes.

4 **MR. SHERRIFF-SCOTT:** Well, that kind of
5 survival instinct or responsibility for yourself speaks
6 sort of something that was ingrained in your consciousness
7 or the consciousness of your generation, wasn't it?

8 **MSGR. LAROCQUE:** I suppose so, yes.

9 **MR. SHERRIFF-SCOTT:** Okay. And perhaps that
10 environment might be a little less sensitive than the
11 environment today in terms of people's vulnerability and
12 weaknesses.

13 **MSGR. LAROCQUE:** Oh, definitely so.

14 **MR. SHERRIFF-SCOTT:** And sexuality was not
15 an openly debated subject in your generation's time?

16 **MSGR. LAROCQUE:** It wasn't even talked
17 about.

18 **MR. SHERRIFF-SCOTT:** And certainly
19 homosexuality was definitely a taboo, wasn't it?

20 **MSGR. LAROCQUE:** I don't think I even knew
21 what it was.

22 **MR. SHERRIFF-SCOTT:** Whether you did or not,
23 if it was discussed it usually was in terms of reviling the
24 homosexual.

25 **MSGR. LAROCQUE:** Oh, absolutely, yes.

1 **MR. SHERRIFF-SCOTT:** Okay. And deviant
2 sexuality was something that was not talked about in your
3 day?

4 **MSGR. LAROCQUE:** Even divorce was abhorred.

5 **MR. SHERRIFF-SCOTT:** Okay. And there was no
6 discussion about these subjects; fair?

7 **MSGR. LAROCQUE:** Not openly before us
8 children anyway.

9 **MR. SHERRIFF-SCOTT:** You had no training to
10 handle this kind of matter, did you?

11 **MSGR. LAROCQUE:** None at all.

12 **MR. SHERRIFF-SCOTT:** Your education didn't
13 touch on it?

14 **MSGR. LAROCQUE:** No, there was nothing in
15 the seminary to ---

16 **MR. SHERRIFF-SCOTT:** You don't have -- you
17 didn't have any prior experience really with this kind of
18 issue at all, did you? Let me put it this way: it's not
19 something you expected as part of your job description, was
20 it?

21 **MSGR. LAROCQUE:** No, it certainly wasn't.

22 **MR. SHERRIFF-SCOTT:** Okay. It's not really
23 something you understood how to deal with it when you got -
24 - found yourself in the middle of it, was it?

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

1 **MR. SHERRIFF-SCOTT:** Okay. You certainly
2 didn't understand the pathology of offenders?

3 **MSGR. LAROCQUE:** No, not to the extent I
4 understand it now.

5 **MR. SHERRIFF-SCOTT:** Okay. Is it fair to
6 say you were sort of out of your depth dealing with these
7 issues; it was complicated stuff that you were not trained
8 for?

9 **MSGR. LAROCQUE:** I would imagine so.

10 **MR. SHERRIFF-SCOTT:** Okay. Now, even From
11 Pain to Hope, that was a lot of new information for a guy
12 like you in your sixties. It sort of ran counter to what
13 your generation grew up thinking and believing.

14 **MSGR. LAROCQUE:** It was new, yes.

15 **MR. SHERRIFF-SCOTT:** All right. So you've
16 told us here that you've made mistakes.

17 **MSGR. LAROCQUE:** Yes.

18 **MR. SHERRIFF-SCOTT:** And, in that regard, I
19 understand you want to read something?

20 **MSGR. LAROCQUE:** I do, yes.

21 **THE COMMISSIONER:** All right.

22 **MONS. LAROCQUE:** Monsieur le Commissaire, si
23 vous permettez?

24 **LE COMMISSAIRE:** Oui.

25 **MSGR. LAROCQUE:** I want to take this final

1 opportunity to apologize to the community of Cornwall, to
2 all the faithful of the Diocese and to all the people in it
3 who were hurt by mistakes I made during my administration.
4 I also want to apologize to anyone who was hurt by the
5 actions of any priest in this Diocese, or by any errors
6 which I or the Diocese may have made in handling any such
7 cases.

8 I hope, at least, that my coming here to
9 participate in this Inquiry will contribute to the
10 fulfilment of the Commission's mandate and promote healing
11 and reconciliation to all concerned. And I promise to keep
12 all in my prayers and in my daily mass.

13 **MR. SHERRIFF-SCOTT:** Sir, did you ever
14 intend to hurt anyone in your decisions in relation to
15 these issues explored by the Commission?

16 **MSGR. LAROCQUE:** Absolutely not.

17 **MR. SHERRIFF-SCOTT:** Those are my questions.
18 Thank you.

19 **MSGR. LAROCQUE:** Thank you.

20 **THE COMMISSIONER:** Monseigneur, Mr.
21 Engelmann will have a few questions for you and then we'll
22 close.

23 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

24 **MR. ENGELMANN:** Sir, I just want to start
25 maybe with a couple questions that Mr. Sherriff-Scott asked

1 you.

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** He read to you something
4 that was in the notebook of an Officer Brunet, and you
5 recall that you met with Officer Brunet and Chief Shaver
6 the afternoon of the 7th of October, 1993?

7 **MSGR. LAROCQUE:** Yes. I do remember, yes.

8 **MR. ENGELMANN:** But you didn't speak with
9 Officer Brunet after that, did you, sir, about this matter?

10 **MSGR. LAROCQUE:** I'm not sure if he was one
11 of those that I met at my home or not. There were two
12 others. Whether he was one of those I'm not sure.

13 **MR. ENGELMANN:** Cornwall Police Service?

14 **MSGR. LAROCQUE:** Yes.

15 **MR. ENGELMANN:** Okay, but on October 8th --
16 October 7th when you either met with Father Charles
17 MacDonald or you spoke to him?

18 **MSGR. LAROCQUE:** I spoke to him on the
19 phone.

20 **MR. ENGELMANN:** All right. The person you
21 related what he told you; that would have been Chief
22 Shaver?

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

24 **MR. ENGELMANN:** Okay. You have no doubt,
25 right? You called Chief Shaver that evening?

1 **MSGR. LAROCQUE:** I'm quite sure, yes.

2 **MR. ENGELMANN:** Right. And the other people
3 that you would have spoken to about this shortly after that
4 fact would have been the three officials from the
5 Children's Aid Society, correct, on October 12th?

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

7 **MR. ENGELMANN:** Right. Was there anybody
8 else that you would have told about that conversation you
9 had with Father Charles MacDonald on the evening of October
10 7th, 1993, shortly after it occurred?

11 **MSGR. LAROCQUE:** I may have talked to
12 Monsignor McDougald but I'm not sure.

13 **MR. ENGELMANN:** All right. Anybody from the
14 police, sir, or the Children's -- or anyone else that you
15 can think of?

16 **MSGR. LAROCQUE:** I can't -- no, I don't
17 believe there would have been even the police, no.

18 **MR. ENGELMANN:** All right. Did you seek
19 advice from counsel at that point, from either Mr. Leduc or
20 someone else, and advise him what had happened?

21 **MSGR. LAROCQUE:** I can't recall that. I'm
22 not sure.

23 **MR. ENGELMANN:** All right. Sir, the other
24 day, and it was August 26th, I asked you some questions
25 about Father Dubé.

1 **MSGR. LAROCQUE:** Right.

2 **MR. ENGELMANN:** During the course of that
3 you indicated to us about a phone call you had with Father
4 Lapierre.

5 **MSGR. LAROCQUE:** Right.

6 **MR. ENGELMANN:** And you were asked some more
7 questions about that from other counsel.

8 **MSGR. LAROCQUE:** Yes, I was, yes.

9 **MR. ENGELMANN:** And I just -- if you could
10 have Volume 269 of the transcripts.

11 **THE COMMISSIONER:** Thank you. What page?

12 **MR. ENGELMANN:** Sir, starting on page 58.

13 Sir, I asked you on page 58 ---

14 **MSGR. LAROCQUE:** Right.

15 **MR. ENGELMANN:** --- I was asking about whom
16 you might -- what you might have done with this
17 information; whom you might have told ---

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

19 **MR. ENGELMANN:** --- and I asked you about
20 the police and the prosecutor and you said you didn't go
21 there. And you said at line 18:

22 "No, the only initiative that I took
23 was to say that I would be ready to
24 testify to the conversation that I had
25 had on the phone."

1 And I asked:

2 "But you only told that to Father
3 Dubé's defence counsel or defence
4 lawyer?"

5 "That's right."

6 Then on page 182 of that same volume, I
7 asked you, sir, and this is line 15.

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** "After you had that phone
10 call with Father Lapierre on June of
11 1999 and he spoke to you about, you
12 know, why he knew it wasn't René Dubé,
13 et cetera, did you seek any legal
14 advice at that time about what you
15 should do about this admission that you
16 had received from Father Lapierre, do
17 you recall?"

18 "No, I didn't."

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

20 **MR. ENGELMANN:** I think it was earlier
21 today, sir, you indicated that you might have consulted
22 actually with Diocesan counsel, which seems to be
23 inconsistent with the evidence you gave the other day.

24 **MSGR. LAROCQUE:** With Mr. Leduc, you mean?

25 **MR. ENGELMANN:** Well, I'm not sure who

1 Diocesan counsel would have -- in 1999 it probably would --
2 -

3 MSGR. LAROCQUE: No, no ---

4 MR. ENGELMANN: --- have been the firm of
5 Scott & Ayles.

6 MSGR. LAROCQUE: Yes.

7 MR. ENGELMANN: Or Borden Ladner Gervais.

8 MSGR. LAROCQUE: And today I said that I had
9 consulted with them?

10 MR. ENGELMANN: Yeah, you said you'd advised
11 Diocesan counsel, so I guess ---

12 MSGR. LAROCQUE: About this conversation?

13 MR. ENGELMANN: Yes. I'm surprised because
14 the other day you told me that ---

15 MSGR. LAROCQUE: Yeah.

16 MR. ENGELMANN: --- it was just the defence
17 counsel, and you say you didn't seek legal advice or -- and
18 today it would appear you might have.

19 MSGR. LAROCQUE: I might have but, I mean, I
20 don't remember.

21 MR. ENGELMANN: You don't remember?

22 MSGR. LAROCQUE: I don't really. I don't
23 think I did but I can't remember that specifically.

24 MR. ENGELMANN: All right. So, sir, just
25 once more then. Did you tell any ---

1 **MSGR. LAROCQUE:** I know that I wrote; I
2 think I wrote a letter to the lawyer of Father Dubé in
3 Montreal to say that I would be ready to testify on his
4 behalf.

5 **MR. ENGELMANN:** All right. And were you
6 specific about what you'd been told by Father Lapierre or
7 did you just tell him you had some helpful evidence to
8 give?

9 **MSGR. LAROCQUE:** I think I just told him
10 that I was ready to testify and had helpful evidence.

11 **MR. ENGELMANN:** All right. So then, sir,
12 you wouldn't have told anybody about the contents of that
13 conversation you had with Father Lapierre?

14 **MSGR. LAROCQUE:** I don't believe so, no.

15 **MR. ENGELMANN:** All right. Not even Father
16 Dubé?

17 **MSGR. LAROCQUE:** I may have with Father
18 Dubé; I'm not sure.

19 **MR. ENGELMANN:** All right. And, sir, you
20 indicated to us that aside from admitting that he was
21 involved in abuse of Mr. Marleau, that he was -- the co-
22 abuser, if I can use the term, was Father Don Scott.
23 That's what you told us.

24 **MSGR. LAROCQUE:** Of this particular man?

25 **MR. ENGELMANN:** Yes. In Montreal.

1 **MSGR. LAROCQUE:** Yes. That is my knowledge,
2 yes.

3 **MR. ENGELMANN:** Yes. And that's what Father
4 Lapierre told you?

5 **MSGR. LAROCQUE:** That's what I -- yes,
6 that's what I understood -- the telephone call, yes.

7 **MR. ENGELMANN:** All right. And were you
8 surprised when he gave you that name as opposed to the name
9 of René Dubé, for example?

10 **MSGR. LAROCQUE:** I think I've answered that
11 before though, but no, I wasn't that surprised because of
12 his propensity that I knew of.

13 **MR. ENGELMANN:** So you had some knowledge of
14 Father Scott before, so you weren't overly surprised? You
15 told us you weren't surprised by Father Lapierre?

16 **MSGR. LAROCQUE:** No.

17 **MR. ENGELMANN:** And his admission.

18 **MSGR. LAROCQUE:** But Father Scott was dead
19 at that time was he not?

20 **MR. ENGELMANN:** Fair enough. I know it's
21 late in the day.

22 **MSGR. LAROCQUE:** And I knew what he had died
23 of.

24 **MR. ENGELMANN:** Yes.

25 **MSGR. LAROCQUE:** So I was not surprised, no.

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

2 Well, sir, were you aware that two years
3 earlier, the victim in this case, Claude Marleau, had gone
4 to the OPP in the summer of 1997 and identified Father
5 Scott with respect to some allegations of abuse here in
6 Cornwall?

7 **MSGR. LAROCQUE:** No, I was not aware of
8 that.

9 **MR. ENGELMANN:** So it would be unlikely
10 then, sir, that he would have been unable to identify
11 Father Scott as his abuser in Montreal with Father
12 Lapierre?

13 **MSGR. LAROCQUE:** I really don't know why he
14 accused Father Dubé. I'm sorry.

15 **THE COMMISSIONER:** Just a second.

16 **MR. KOZLOFF:** In fairness, sir, the record
17 should reflect that Mr. Marleau initially identified
18 someone other than Father Dubé as his assailant.

19 **THE COMMISSIONER:** Yes.

20 **MR. KOZLOFF:** And that was Father Gilles
21 Deslauriers.

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

23 **MR. ENGELMANN:** The point, sir, is that it
24 appeared Claude Marleau knew who Father Scott was, and he
25 clearly wasn't identifying Father Scott as having abused

1 him with Father Lapierre in Montreal.

2 **MSGR. LAROCQUE:** Montreal. I never knew
3 that, no, I'm sorry.

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

5 I guess, sir, that just reinforces the fact
6 that it might have been very helpful for you to come
7 forward with that information.

8 **MSGR. LAROCQUE:** I suppose so, yes.

9 **MR. ENGELMANN:** And, again, for Father
10 Lapierre to say that it was Father Scott with him, he knew
11 and you knew that Father Scott had been dead for some time
12 when he told you that?

13 **MSGR. LAROCQUE:** Yes.

14 **MR. ENGELMANN:** So there would be no need
15 for either of you to follow up on that perhaps as much as
16 it would have been if the priest was alive ---

17 **MSGR. LAROCQUE:** He had still been alive,
18 that's right.

19 **MR. ENGELMANN:** All right. Now, sir, I just
20 had a couple of other questions, if I may. I'll just be a
21 moment.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, I
24 certainly hope that line of questioning wasn't made to
25 express an indication of the credibility of the

1 identification of the person who was acquitted?

2 THE COMMISSIONER: Oh, absolutely -- ah,
3 well, I'm not.

4 MR. ENGELMANN: Oh, absolutely not.

5 THE COMMISSIONER: No, no. No.

6 MR. ENGELMANN: Not at all.

7 I'll just be moment, sir.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. ENGELMANN: I just want to ask you about
10 your own views briefly about Father MacDonald on a
11 particular matter because you gave sort of conflicting
12 evidence, and I want to just try and clarify this.

13 This was some evidence you gave to my
14 friend, Mr. Paul, for the Coalition, and then to my friend,
15 Mr. Neville, for Father Charles MacDonald about doubts that
16 you may have had or you didn't have about Father Charles
17 MacDonald.

18 MSGR. LAROCQUE: Right.

19 MR. ENGELMANN: And in answer to a question
20 from my friend, Mr. Paul, I believe you indicated that
21 certainly you had far less doubts after you were made aware
22 by Chief Shaver in October, '93 about two other alleged
23 victims?

24 MSGR. LAROCQUE: That's true.

25 MR. ENGELMANN: Far less doubts about the

1 credibility of Mr. Silmsler. And Mr. ---

2 **MSGR. LAROCQUE:** I didn't say that.

3 I had less doubts with regard to his not
4 being a perpetrator of -- but I don't know that it
5 influenced my doubts with regard to Silmsler.

6 **MR. ENGELMANN:** So how did it influence you
7 with respect to your doubts about Father MacDonald?

8 **MSGR. LAROCQUE:** Because once you have one
9 accusation but then you have three, there is much more
10 credibility.

11 **MR. ENGELMANN:** And, sir, we know that after
12 you received the letter from C-3 ---

13 **MSGR. LAROCQUE:** Yes.

14 **MR. ENGELMANN:** --- you had some concerns
15 about that, and we know after your interview in the fall of
16 1994 with the OPP, you wrote to Southdown to express some
17 concerns as well?

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

19 **MR. ENGELMANN:** And then we know Mr.
20 MacDonald took you to the fact that the OPP ---

21 **MSGR. LAROCQUE:** I wrote that though at the
22 request of the CAS to express my concerns about the test
23 not being made.

24 **MR. ENGELMANN:** Okay. So the letter you
25 wrote the day after your interview with the OPP in

1 September of 1994 to Southdown, you wrote at the request of
2 the CAS?

3 **MSGR. LAROCQUE:** No, I -- the CAS asked me
4 why he hadn't received the test.

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

6 **MSGR. LAROCQUE:** And I couldn't answer their
7 question, so I wrote to Southdown to enquire why they had
8 not.

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

10 My friend, Mr. Neville, took you to the
11 retirement letter in January of 1998.

12 **MSGR. LAROCQUE:** Yes.

13 **MR. ENGELMANN:** And he read to you that line
14 about -- it was essentially a line saying that you're not
15 going to return no matter what the outcome of your charge.

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

18 **MR. ENGELMANN:** Do you recall that?

19 **MSGR. LAROCQUE:** In this Diocese or any
20 other.

21 **MR. ENGELMANN:** Right. And he suggested to
22 you that the two reasons for that were the publicity that
23 had already been attached to this matter?

24 **MSGR. LAROCQUE:** Right.

25 **MR. ENGELMANN:** And his homosexuality?

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

2 **MR. ENGELMANN:** And you said those were two
3 of the factors?

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

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

6 Now, by that time, 1998, you'd had the
7 report from the CAS in early 1995?

8 **MSGR. LAROCQUE:** Right.

9 **MR. ENGELMANN:** Saying that they had
10 reasonable and probable grounds to suspect that something
11 had occurred?

12 **MSGR. LAROCQUE:** Right.

13 **MR. ENGELMANN:** And then you knew of other
14 victims that had come forward, and you knew that despite
15 the fact that the OPP didn't form reasonable and probable
16 grounds to charge Father MacDonald in 1994, that by 1998
17 they had formed reasonable and probable grounds to charge
18 him with several offences.

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

20 **MR. ENGELMANN:** Correct?

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

22 **MR. ENGELMANN:** You were aware of that were
23 you not, sir?

24 **MSGR. LAROCQUE:** Pardon?

25 **MR. ENGELMANN:** You were aware of that?

1 That they had formed reasonable and probable grounds with
2 respect to several individuals and charged him?

3 MSGR. LAROCQUE: I know that there was a
4 trial, yes.

5 MR. ENGELMANN: Well, the legal proceeding
6 went on for many years but by 1998, when you wrote that
7 letter to him about his formal retirement ---

8 MSGR. LAROCQUE: Right.

9 MR. ENGELMANN: --- you knew that reasonable
10 and probable grounds had been formed on several occasions
11 for charges against Father MacDonald?

12 MSGR. LAROCQUE: I probably did, yes.

13 MR. ENGELMANN: So I'm going to suggest to
14 you, sir, that perhaps one of the reasons you said that he
15 couldn't come back was that you had formed some form of
16 mental certitude, moral certitude ---

17 MSGR. LAROCQUE: Yes, that's true.

18 MR. ENGELMANN: --- about Father MacDonald
19 by January of 1998 had you not?

20 MSGR. LAROCQUE: Mostly with regard to his
21 homosexuality, yes.

22 MR. ENGELMANN: Well, sir, that was it?

23 MSGR. LAROCQUE: I was still not convinced
24 about the others because ---

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. ENGELMANN:** Sir, you wrote a letter ---

2 **THE COMMISSIONER:** I'm sorry. Have you
3 finished your answer, sir?

4 **MSGR. LAROCQUE:** I'm still thinking.

5 **THE COMMISSIONER:** Okay.

6 **MSGR. LAROCQUE:** I -- the others would have
7 come into certainly my consideration, I'm quite sure, yes.

8 **MR. ENGELMANN:** Because you wrote a letter
9 in March of 1995 to Southdown, where you said:

10 "I must also in all frankness tell you
11 that I'm not satisfied with your
12 dealings with Father Charles MacDonald.
13 You know the fact that you didn't give
14 him the test."

15 And you said:

16 "After the investment of so much time
17 and money, I would hope that if Father
18 Charles is blocking this out of his
19 memory, there should be some way in
20 which he could be helped to face the
21 truth."

22 **MSGR. LAROCQUE:** Yes.

23 **MR. ENGELMANN:** That was in 1995 in March.

24 **MSGR. LAROCQUE:** Yes, right.

25 **MR. ENGELMANN:** And three years later,

1 you're writing that letter.

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** Saying he's not coming back.

4 **MSGR. LAROCQUE:** Yeah.

5 **MR. ENGELMANN:** And at that point, there's
6 several other charges, charges that have now been laid?

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:** What I'm suggesting to you
9 is that one of the other reasons may have been because you
10 thought or you had some moral certitude that he had done
11 some of this?

12 **MSGR. LAROCQUE:** That could be the case,
13 yes.

14 but yet, despite that, you didn't take any public action
15 about that or any canonical proceedings?

16 **MSGR. LAROCQUE:** No, I did not. Except that
17 he was not doing any ministry in the Diocese.

18 **MR. ENGELMANN:** Fair enough. And he had
19 been formally retired?

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

21 **MR. ENGELMANN:** Monsignor, thank you very
22 much for answering the questions over all of these many
23 days. I wish you a safe trip home.

24 **MSGR. LAROCQUE:** Thank you.

25 **THE COMMISSIONER:** Monseigneur LaRocque, I

1 echo Mr. Engelmann's thanks for your attending all of these
2 days. I know it's not the easiest and most pleasant of
3 times. And I wish you a safe trip home and a good birthday
4 party with your brother.

5 **MSGR. LAROCQUE:** Thank you very kindly

6 **THE COMMISSIONER:** Thank you.

7 Let's close Court. Tomorrow morning, 9:30.

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

10 This hearing is adjourned until tomorrow
11 morning at 9:30.

12 --- Upon adjourning at 5:54 p.m. /

13 L'audience est ajournée à 17h54

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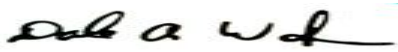
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C E R T I F I C A T I O N

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