

**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 86**

**Held at :**

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

Tuesday, January 30, 2007

**Tenue à:**

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

Mardi, le 30 janvier 2007

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Marc Crane	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Robert Duncan	The Children's Aid Society of the United Counties
Mr. Peter Wardle Mr. Steven Canto	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Dominic Lamb	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Paul Marshall	Catholic District School Board

**Table of Contents / Table des matières**

	<b>Page</b>
List of Exhibits :	iv
Opening remarks/Remarques préliminaires	1
<b>DAVID SILMSER, Resumed/Sous le même serment</b>	<b>2</b>
Examination in-Chief by/Interrogatoire en-chef par Mr. Peter Engelmann	2

## LIST OF EXHIBITS/LISTE D' EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-262	David Silmser - Handwritten Statement 2013 Undated	28
P-263	David Silmser - Full Release and Undertaking Not to Disclose - Septmber 2, 1993	57
P-264	David Silmser - Certificate of Independent Legal Advice - September 2, 1993	57
P-265	David Silmser - Acknowledgement - September 2, 1993	60
P-266	David Silmser - Statement - September 2, 1993	60
P-267	David Silmser - Interview - February 22, 1994	72
P-268	Letter from A.M. MacDonald to Sean Adams - September 2, 1993	81
P-269	David Silmser - Handwritten Statement - September 29, 1993	84
P-270	David Silmser - Project Blue Transcript - February 11, 1993	99
P-271	David Silmser - Handwritten Statement - November 26, 1993	111
P-272	David Silmser - Public Complaint Against CPS - January 21, 1994	137
P-273	Letter from Carl R. Johnston to David Silmser - June 2, 1994	142
P-274	Letter from Bryce Geoffrey to Jacques Leduc - January 13, 1994	146
P-275	Letter from Bryce Geoffrey to Jacques Leduc - January 13 - Second Letter	148

**LIST OF EXHIBITS/LISTE D'EXHIBITS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
P-276	Letter from Bryce Geoffrey to Jacques Leduc - January 17, 1994	151
P-277	Letter from Mr. Gregory Bell, Ms. Giussepina DeBellis and William Carriere to Mr. Silmser - March 1, 1994	171
P-278	Letter from Mr. Gregory Bell, Ms. Giussepina DeBellis and William Carriere to Mr. Silmser - July 28, 1994	176
P-279	Letter from Mr. Gregory Bell, Ms. Giussepina DeBellis and William Carriere to Mr. Silmser - November 9, 1994	179
P-280	Letter from L. Brunet to David Silmser - September 12, 1994	183
P-281	David Silmser - Note to File - August 21, 1995	193
P-282	Handwritten Notes by R. Abell - Undated	194

1 --- Upon commencing at 9:36 a.m./

2 L'audience débute à 9h36

3 **THE REGISTRAR:** This hearing of the Cornwall  
4 Public Inquiry is now in session. The Honourable Mr.  
5 Justice Normand Glaude presiding.

6 Please be stated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Good morning all. Mr. Engelmann.

9 **MR. ENGELMANN:** Good morning, Mr.  
10 Commissioner.

11 **THE COMMISSIONER:** Yes.

12 **MR. ENGELMANN:** Good morning, Mr. Silmsers.

13 **MR. SILMSER:** Good morning.

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

15 **MR. ENGELMANN:** You have some water to your  
16 right. If you want to get settled. And just to remind  
17 you, if you have trouble hearing me, there is a speaker  
18 that you can adjust just to your right.

19 **MR. SILMSER:** Thank you.

20 **MR. ENGELMANN:** Thank you.

21 **THE COMMISSIONER:** May I also remind you,  
22 sir, that if you wish at any time a break or if there is  
23 something that you want to talk about, let me know.

24 All right?

25 **MR. SILMSER:** Thank you.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. ENGELMANN:** Mr. Commissioner, just  
3 before I start the continued examination of Mr. Silmsler, I  
4 just wanted to announce another new face in the lawyers'  
5 gallery here. Paul Marshall is here for the Catholic  
6 School Board.

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

8                   **MR. ENGELMANN:** He is a colleague of  
9 Jennifer Birrell.

10                  **THE COMMISSIONER:** Thank you.

11                  **MR. ENGELMANN:** I think other faces you've  
12 recently come to know or you've known for some time.

13                  **THE COMMISSIONER:** Yes.

14                  **DAVID SILMSER, Resumed/Sous le même serment:**

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

17                  **MR. ENGELMANN:** Mr. Silmsler, when we left  
18 off yesterday, we were at a time -- we were in January of  
19 1993. I know this is a long time ago. It's about 14 years  
20 ago. And I believe we were just towards the end of  
21 January.

22                  Was it at/or about this time that you had  
23 your first meeting with the Cornwall Police Service?

24                  **MR. SILMSER:** Yes, it was.

25                  **MR. ENGELMANN:** Mr. Silmsler, do you recall

1 where the meeting took place?

2 MR. SILMSER: At the police station on  
3 Fourth Street.

4 MR. ENGELMANN: Do you remember who was  
5 there?

6 MR. SILMSER: Heidi Sebalj, Mr. Malloy, I  
7 believe, and that's all I remember.

8 MR. ENGELMANN: Okay.  
9 Do you remember a third officer by the name  
10 of Lefebvre?

11 MR. SILMSER: No, I don't.

12 MR. ENGELMANN: All right.

13 Might there have been a third officer there?

14 MR. SILMSER: There might be.

15 MR. ENGELMANN: You just can't remember?

16 MR. SILMSER: I just can't remember.

17 MR. ENGELMANN: All right.

18 You told us yesterday that you had some  
19 concerns before then about a female officer investigating  
20 your allegations.

21 MR. SILMSER: Yes, I did.

22 MR. ENGELMANN: And, in fact, I think you  
23 had one or two calls perhaps with Constable Sebalj about  
24 that?

25 MR. SILMSER: That's correct.



1                   **MR. ENGELMANN:** And possibly a call with the  
2 Police Chief about that?

3                   **MR. SILMSER:** That's correct.

4                   **MR. ENGELMANN:** Was that an issue at the  
5 meeting on January 28th?

6                   **MR. SILMSER:** I think it was an issue at the  
7 beginning, and I still told her I wasn't comfortable having  
8 a female officer. She was very persuasive to stay there.  
9 So I had really no choice.

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

11                                 And did she ask you the questions at that  
12 meeting or was it a male police officer that asked you the  
13 questions or did everybody?

14                  **MR. SILMSER:** I believe it was a joint  
15 thing, Kevin Malloy and Heidi Sebalj.

16                  **MR. ENGELMANN:** All right.

17                                 Now, was this interview videotaped?

18                  **MR. SILMSER:** No, it wasn't.

19                  **MR. ENGELMANN:** Was this interview  
20 audiotaped?

21                  **MR. SILMSER:** No, it wasn't.

22                  **MR. ENGELMANN:** Were you asked if you had  
23 any objection to it being videotaped or audiotaped?

24                  **MR. SILMSER:** Well, it wasn't, so I was  
25 never asked that.

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

2                   Do you have any sense as to the length of  
3                   the meeting, whether it was a short meeting, medium or long  
4                   meeting?

5                   **MR. SILMSER:** Most meetings I had with Heidi  
6                   Sebalj were approximately around an hour. I mean some  
7                   differed, but I would imagine that meeting was around an  
8                   hour.

9                   **MR. ENGELMANN:** Okay.  
10                  You don't remember if that was one of the  
11                  longer meetings or not?

12                  **MR. SILMSER:** No, I don't.

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

14                  To your knowledge, did one or more of the  
15                  police officers take notes?

16                  **MR. SILMSER:** I remember Heidi Sebalj taking  
17                  notes. That's all I can remember.

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

19                  Had you -- just thinking back, Mr. Silmsen,  
20                  had you ever had a meeting with any police force as an  
21                  alleged victim of a crime?

22                  **MR. SILMSER:** No. This was the first.

23                  **MR. ENGELMANN:** So your other meetings with  
24                  police officers had been as a suspect or alleged suspect or  
25                  offender?

1                   **MR. SILMSER:** That's correct.

2                   **MR. ENGELMANN:** Can you just, if you can  
3 remember, describe for us your comfort level at that  
4 meeting?

5                   **MR. SILMSER:** I walked in quite nervous. I  
6 didn't know what to expect, and I suppose I still felt like  
7 an accused instead of a victim when I walked in there  
8 because I was so used to that. And the questions, there  
9 were many questions, which I expected because I wanted to  
10 get my story out and tell them what happened to me, but it  
11 was very uncomfortable.

12                   **MR. ENGELMANN:** Do you recall if you were  
13 asked many questions about your criminal record and some of  
14 your convictions?

15                   **MR. SILMSER:** I believe I was, yes.

16                   **MR. ENGELMANN:** Now, were you asked to  
17 describe your allegations of abuse by one or more of the  
18 three people that you mentioned yesterday?

19                   **MR. SILMSER:** Father Charles MacDonald was  
20 the only one they asked for the information from.

21                   **MR. ENGELMANN:** During the course of that  
22 meeting, was there some discussion about the alleged abuse  
23 by Ken Seguin as well?

24                   **MR. SILMSER:** I mentioned it at the end, but  
25 they didn't elaborate on that at all.

1                   **MR. ENGELMANN:** Okay.

2                   This is the first meeting and you are with  
3 two or possibly more police officers.

4                   Who do you talk about first, Father Charles  
5 or Ken Seguin?

6                   **MR. SILMSER:** Charles MacDonald.

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

8                   Do you describe one or more incidents of  
9 alleged child sexual abuse?

10                  **MR. SILMSER:** I described, I believe, all  
11 four.

12                  **MR. ENGELMANN:** Do you recall if you would  
13 have told the police during that first meeting whether you  
14 had had some contact with the Diocese?

15                  **MR. SILMSER:** I can't remember, except --  
16 no, I can't remember that. No.

17                  **MR. ENGELMANN:** By this point, you had  
18 spoken with Monsignor Schonenbach, in Ottawa.

19                  **MR. SILMSER:** Okay.

20                  **MR. ENGELMANN:** Do you know whether you  
21 would have mentioned that to them?

22                  **MR. SILMSER:** I believe so. If I did  
23 anything, I told him about it. So if -- I'm sure that any  
24 information that was -- that I had, they knew about it.

25                  **MR. ENGELMANN:** And at this point, late

1 January, had you also been contacted by Father MacDougald  
2 from the Diocese here?

3 MR. SILMSER: I don't know exactly what  
4 date, but I was contacted by Father MacDougald.

5 MR. ENGELMANN: Do you know if you had been  
6 contacted by Malcolm MacDonald by this point?

7 MR. SILMSER: That, I can't remember at all.  
8 No.

9 MR. ENGELMANN: So you described the  
10 incidents with Charles MacDonald?

11 MR. SILMSER: That's correct.

12 MR. ENGELMANN: And you've told us you  
13 recall being asked about your criminal record.

14 When you were asked about your criminal  
15 record, did you tell them that you had been on probation  
16 and/or parole?

17 MR. SILMSER: I believe so. I believe they  
18 had my criminal record on hand too.

19 MR. ENGELMANN: And during the discussion  
20 about the criminal record, would you have talked about Ken  
21 Seguin and your alleged abuse by him?

22 MR. SILMSER: I don't think I went into  
23 detail, but I did mention.

24 MR. ENGELMANN: All right.

25 And what about the third individual you

1 mentioned yesterday, Marcel Lalonde?

2 Do you know if you went there at all with  
3 them at that first meeting?

4 **MR. SILMSER:** I don't believe I went there  
5 at all, no.

6 **MR. ENGELMANN:** Okay.

7 At the end of the meeting, did they ask you  
8 to sign off on a statement or on their notes?

9 **MR. SILMSER:** No.

10 **MR. ENGELMANN:** Were you given a copy of  
11 their notes?

12 **MR. SILMSER:** No, I wasn't.

13 **MR. ENGELMANN:** Did they give you a form at  
14 the end of the meeting?

15 Do you remember?

16 **MR. SILMSER:** They gave me a form to --  
17 paper to write out a statement.

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

19 Did they give you some instructions about  
20 how to do that?

21 **MR. SILMSER:** No. They just said when it's  
22 completed to hand it back.

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

24 Were you told that it had to be handed back  
25 by a certain time?

1                   **MR. SILMSER:** No, I don't believe so.

2                   **MR. ENGELMANN:** What were your expectations  
3 at the end of that meeting?

4                   You talked to them about the incidents with  
5 Father Charles. You talked to them to some extent about  
6 Ken Seguin.

7                   What were you expecting them to do?

8                   **MR. SILMSER:** What the police usually do is  
9 investigate. And I expected the investigation was ongoing  
10 -- it was going at that time.

11                  **MR. ENGELMANN:** Do you have any recollection  
12 or any sense as to how you felt at the end of that meeting,  
13 that first meeting?

14                  **MR. SILMSER:** Frustrated. I've always felt  
15 frustrated at the end of meetings because nothing was  
16 really advancing. Nothing was -- they didn't say they were  
17 going to investigate this and do this and do that. I had  
18 never had any information at the end of the meeting what  
19 was going to go on. So I was frustrated.

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

21                  So they didn't tell you how they were going  
22 to plan their investigation or where they were going?

23                  **MR. SILMSER:** No.

24                  **MR. ENGELMANN:** Would they have talked to  
25 you about counselling services or other services for

1 victims of crime?

2 MR. SILMSER: Absolutely not! No.

3 MR. ENGELMANN: Now, at some time after this  
4 meeting, and we are now in late January 1993, were you  
5 contacted by someone from the Diocese to attend a meeting?

6 MR. SILMSER: Yes, I was.

7 MR. ENGELMANN: And I understand from  
8 reviewing some records that you had a meeting with  
9 individuals from the Diocese on or about February 9th,  
10 1993.

11 MR. SILMSER: That's correct.

12 MR. ENGELMANN: Do you remember who  
13 contacted you about going to this meeting?

14 MR. SILMSER: I -- it could have been either  
15 Father MacDougald or the secretary at the Diocese, I'm not  
16 sure which one it was.

17 MR. ENGELMANN: Mr. Bryan?

18 MR. SILMSER: Yes.

19 MR. ENGELMANN: So it was one of those two  
20 individuals?

21 MR. SILMSER: Yes, it was.

22 MR. ENGELMANN: And did they tell you what  
23 the meeting would be about, to your knowledge?

24 MR. SILMSER: I believed myself -- they  
25 didn't tell me anything, but I believed it was to discuss



1 the abuses I went through.

2 MR. ENGELMANN: What did you think would  
3 happen at this meeting?

4 MR. SILMSER: That I would get an apology.

5 MR. ENGELMANN: Okay.

6 That was your goal or your purpose?

7 MR. SILMSER: It was my goal right from the  
8 beginning and still was.

9 MR. ENGELMANN: Were you told who would be  
10 present at the meeting?

11 MR. SILMSER: No, I wasn't.

12 MR. ENGELMANN: Now, before attending that  
13 meeting, did you have any contact with the Cornwall Police  
14 Service about the contact from the Diocese and being  
15 invited to this meeting?

16 MR. SILMSER: Yes.

17 MR. ENGELMANN: And who would you have  
18 spoken to from the Cornwall Police Service about the  
19 meeting with the Diocese?

20 MR. SILMSER: Heidi Sebalj.

21 MR. ENGELMANN: And do you know why you  
22 would have talked to her about that?

23 MR. SILMSER: I let her know everything that  
24 was going on resulting me with this thing. I didn't hold  
25 back any information whatsoever with Heidi.

1 MR. ENGELMANN: So you would inform her ---

2 MR. SILMSER: Of everything.

3 MR. ENGELMANN: --- when things happened?

4 MR. SILMSER: That's right.

5 MR. ENGELMANN: Do you recall some  
6 discussion with her about whether you should attend this  
7 meeting?

8 MR. SILMSER: I believe we had a discussion.  
9 I just -- I forget if she was for it or against it. I  
10 don't know.

11 MR. ENGELMANN: But you had a discussion  
12 with her about whether you should go?

13 MR. SILMSER: That's correct.

14 MR. ENGELMANN: Why did you want her advice  
15 on that?

16 MR. SILMSER: I don't know if I wanted her  
17 advice. I just wanted to let her know what I was doing, if  
18 it was right or wrong.

19 MR. ENGELMANN: Did you think that was  
20 important to let her know?

21 MR. SILMSER: Oh! Definitely!

22 MR. ENGELMANN: Let's talk about the meeting  
23 then on February 9th.

24 MR. SILMSER: Okay.

25 MR. ENGELMANN: Where was it held?

1                   **MR. SILMSER:** It was held at the main  
2                   Diocese on Montreal Road?

3                   **MR. ENGELMANN:** Do you remember was this in  
4                   a large room?

5                   **MR. SILMSER:** It was in the back office of  
6                   the Diocese's offices.

7                   **MR. ENGELMANN:** And do you remember who was  
8                   present at the meeting?

9                   **MR. SILMSER:** I remember Father MacDougald,  
10                  Jacques Leduc and two other priests. I don't know their  
11                  names.

12                  **MR. ENGELMANN:** How do you know they were  
13                  priests?

14                  **MR. SILMSER:** They had collars on.

15                  **MR. ENGELMANN:** Had you met any of the  
16                  individuals before?

17                  **MR. SILMSER:** I have met Father MacDougald  
18                  only before.

19                  **MR. ENGELMANN:** All right.  
20                  So people introduced themselves?

21                  **MR. SILMSER:** I remember Jacques Leduc  
22                  introducing himself. I don't remember anybody else  
23                  introducing themselves.

24                  **MR. ENGELMANN:** All right.  
25                  And did Mr. Leduc explain why he was there?

1                   **MR. SILMSER:** I don't believe so.

2                   **MR. ENGELMANN:** Did he explain that he was  
3 the lawyer for the Diocese?

4                   **MR. SILMSER:** I don't remember him saying he  
5 was a lawyer. Actually, I think I thought he was just part  
6 of the Diocese, one of the Dioceses.

7                   **MR. ENGELMANN:** Can you describe the beating  
8 generally and, in particular, I'm interested in was there  
9 someone leading the discussion at the meeting?

10                  **MR. SILMSER:** It was all Jacques Leduc.  
11 Basically, the other priest never said a word. Jacques  
12 Leduc did all the talking and he wanted to find out about  
13 the abuses and I told him the whole story from day one and  
14 he was very sympathetic. He told me -- he wanted to ask me  
15 how I felt about it, and I told him. Basically, that was  
16 it.

17                  **MR. ENGELMANN:** So when you talk about  
18 describing abuses, and you've mentioned three individuals  
19 to us yesterday, was it just the abuse that you alleged by  
20 Father MacDonald or were the other individuals mentioned?

21                  **MR. SILMSER:** No, it was just Charles  
22 MacDonald.

23                  **MR. ENGELMANN:** And you believe you  
24 described those allegations to Mr. Leduc and the priests in  
25 some detail?

1 MR. SILMSER: That's correct.

2 MR. ENGELMANN: And do you recall if anyone  
3 was taking notes at the meeting?

4 MR. SILMSER: No, I don't believe so.

5 MR. ENGELMANN: But you weren't?

6 MR. SILMSER: No, I wasn't.

7 MR. ENGELMANN: Was Mr. Leduc?

8 MR. SILMSER: I don't believe he was, no.

9 MR. ENGELMANN: And he was primarily asking  
10 questions?

11 MR. SILMSER: He might have. I just can't  
12 remember if he did or not. I don't.

13 MR. ENGELMANN: All right.

14 But he was the one asking the questions?

15 MR. SILMSER: That's correct.

16 MR. ENGELMANN: Now, did Mr. Leduc explain  
17 to you what the Diocese was going to do?

18 MR. SILMSER: No.

19 MR. ENGELMANN: Did he tell you whether they  
20 were going to be investigating Father MacDonald?

21 MR. SILMSER: No.

22 MR. ENGELMANN: Did you ask him and/or the  
23 others for an apology?

24 MR. SILMSER: Yes, I did.

25 MR. ENGELMANN: And do you recall, sir, if

1           you were seeking an apology from the Diocese or from Father  
2           MacDonald or both?

3                       **MR. SILMSER:**   Either.

4                       **MR. ENGELMANN:**  You wanted an apology?

5                       **MR. SILMSER:**   That's right.

6                       **MR. ENGELMANN:**  And I think you told us  
7           yesterday why.

8                       **MR. SILMSER:**   That's correct.

9                       **MR. ENGELMANN:**  Was there some discussion  
10          about whether there would be an apology given to you?

11                      **MR. SILMSER:**   I think Father MacDougald said  
12          if there was an apology there would be -- that would assume  
13          guilt on the part of the priest and that's why there  
14          wouldn't be an apology.

15                      **MR. ENGELMANN:**  Did they actually tell you  
16          at that meeting that there wouldn't be an apology or did  
17          they say they'd think about it or do you remember?

18                      **MR. SILMSER:**   No, I think there wasn't going  
19          to be an apology.

20                      **MR. ENGELMANN:**  Do you recall if you were  
21          offered any particular services by the Diocese as an  
22          alleged victim of abuse?

23                      **MR. SILMSER:**   No, I wasn't.

24                      **MR. ENGELMANN:**  Might they have offered you  
25          some counselling or psychological help?

1                   **MR. SILMSER:** I can't remember that but --  
2                   no, I can't remember.

3                   **MR. ENGELMANN:** Do you remember  
4                   approximately how long the meeting took?

5                   **MR. SILMSER:** I would say approximately an  
6                   hour. It could have been longer.

7                   **MR. ENGELMANN:** So did they tell you what  
8                   they would do after receiving all of this information?

9                                   What were your expectations?

10                                  Where was this going?

11                   **MR. SILMSER:** I thought, again, that they  
12                   would believe me and that they would come forward with an  
13                   apology. Basically, that's all I was looking for at that  
14                   time.

15                   **MR. ENGELMANN:** But you have told us that  
16                   you thought Father MacDougald might have expressed the view  
17                   that they couldn't do that.

18                                   Were you still hoping for that at the end of  
19                   the meeting?

20                   **MR. SILMSER:** I was hoping for it.

21                   **MR. ENGELMANN:** Did they say they would get  
22                   back to you or someone would get back to you?

23                   **MR. SILMSER:** No.

24                   **MR. ENGELMANN:** Do you remember?

25                   **MR. SILMSER:** No, they didn't.

1                   **MR. ENGELMANN:** Was there any discussion  
2                   about Malcolm MacDonald and his role at that time?

3                   **MR. SILMSER:** I don't believe so, no.

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

5                   He came to play a role, did he not?

6                   **MR. SILMSER:** Yes, he did.

7                   **MR. ENGELMANN:** Now, do you remember if you  
8                   were offered notes at that meeting either then or later by  
9                   anybody from the Diocese?

10                  **MR. SILMSER:** No, I wasn't.

11                  **MR. ENGELMANN:** How did you feel about that  
12                  meeting?

13                  Do you have a sense as to how you felt after  
14                  it was over?

15                  And I'm just -- you talked a little bit  
16                  about the role of Jacques Leduc, apology issued.

17                  **MR. SILMSER:** I was, again, frustrated. I  
18                  felt good that somebody was concerned. I thought Jacques  
19                  Leduc was genuinely concerned about what happened, but at  
20                  the end of the day, I was still frustrated because an  
21                  apology never came.

22                  **MR. ENGELMANN:** Do you have a sense as to  
23                  how he or others felt about what you had told him, about  
24                  your allegations?

25                  **MR. SILMSER:** Again, I think Jacques Leduc



1 was concerned. He seemed sympathetic. The rest, the  
2 priests and that, they never said anything on the matter.

3 **MR. ENGELMANN:** Do you know if you would  
4 have spoken to Heidi Sebalj about what happened at the  
5 meeting?

6 **MR. SILMSER:** I would have. Definitely!

7 **MR. ENGELMANN:** Do you have some  
8 recollection of what she might have told you after you  
9 described what happened at that meeting?

10 **MR. SILMSER:** No, I don't recall. No.

11 **MR. ENGELMANN:** Now, after that meeting were  
12 you contacted by anybody from the Diocese and offered an  
13 apology?

14 **MR. SILMSER:** No, I wasn't.

15 **MR. ENGELMANN:** Did you make some efforts  
16 after that meeting to speak to someone from the Diocese or  
17 a priest here in Cornwall?

18 **MR. SILMSER:** I think I phoned every priest  
19 in the city of Cornwall. I took a phonebook out and went  
20 through the churches' phone numbers, and I phoned every  
21 priest that was in the phonebook, and looked for somebody I  
22 could talk to about this thing and they all just hung the  
23 phone up on my ear.

24 **MR. ENGELMANN:** Why did you want to speak to  
25 a priest about this?

1                   **MR. SILMSER:** Because I had to get somebody  
2 from the church to understand what I went through, and  
3 somebody to listen to me, and nobody was going to listen, I  
4 believed anyways.

5                   **MR. ENGELMANN:** So you phoned a number of  
6 parishes?

7                   **MR. SILMSER:** That's correct.

8                   **MR. ENGELMANN:** And what would happen, the  
9 priest would just refuse to speak to you or did you  
10 actually start speaking?

11                   **MR. SILMSER:** I would start speaking,  
12 introduce myself and, basically, where I was coming from,  
13 and they would hang up on me. They would actually just  
14 drop the phone down. Click!

15                   **MR. ENGELMANN:** Was there a priest that  
16 would listen to you?

17                   **MR. SILMSER:** Yes, there was.

18                   **MR. ENGELMANN:** Who was that?

19                   **MR. SILMSER:** Always Father MacDougald. He  
20 would never hang up on me.

21                   **MR. ENGELMANN:** Do you have some sense as to  
22 how often you would have called him?

23                   **MR. SILMSER:** Quite often.

24                   **MR. ENGELMANN:** Would he call you from time  
25 to time?

1                   **MR. SILMSER:** I don't believe so.

2                   **THE COMMISSIONER:** Can you give me some idea  
3 about 'quite often'?

4                   Was this on a daily basis for a while or  
5 once a week?

6                   **MR. SILMSER:** It depends on when it was,  
7 like what year it was. Right in the middle of that in '92-  
8 '93 I probably phoned him -- some weeks I probably phoned  
9 two or three times.

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

11                  **MR. SILMSER:** And then I wouldn't phone  
12 again for a month or two months or three months. When I  
13 said I talked to him a lot, for me it was a lot, but for  
14 him probably not as much.

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

16                  **MR. ENGELMANN:** So he listened to you when  
17 you called?

18                  **MR. SILMSER:** He listened, yes.

19                  **MR. ENGELMANN:** He didn't hang up the phone?

20                  **MR. SILMSER:** No, he didn't.

21                  **MR. ENGELMANN:** And he was a priest here in  
22 Cornwall?

23                  **MR. SILMSER:** At the time he wasn't. He was  
24 -- I believe he was a priest out in Lancaster.

25                  **MR. ENGELMANN:** Okay.

1 Not far from Cornwall?

2 MR. SILMSER: No.

3 MR. ENGELMANN: All right.

4 MR. SILMSER: I remember that because I had  
5 a lot of long distance phone calls.

6 MR. ENGELMANN: Okay.

7 And why were you calling Father MacDougald?

8 What was the reason?

9 What did you want?

10 MR. SILMSER: Again, I wanted somebody to  
11 understand and to listen, and he would listen, but he  
12 wouldn't understand. He would say "You have to learn to  
13 forgive. That's the only way you are going to settle this  
14 thing is to forgive."

15 MR. ENGELMANN: Who did he want you to  
16 forgive?

17 MR. SILMSER: Charles MacDonald.

18 MR. ENGELMANN: How did that make you feel?

19 MR. SILMSER: Again, angry and frustrated  
20 because that wasn't solving any problems at all for me.

21 MR. ENGELMANN: Did he ever tell you what  
22 the Diocese might be doing about Father MacDonald?

23 MR. SILMSER: No.

24 MR. ENGELMANN: So did you start calling him  
25 less frequently at some point?

1                   **MR. SILMSER:** Father MacDougald?

2                   If I was really frustrated and I had nobody  
3                   to talk to or nobody to get to listen to what was going on  
4                   and I thought he should know about something, I'd phone  
5                   him.

6                   **MR. ENGELMANN:** Okay.

7                   **MR. SILMSER:** But how many times I don't  
8                   really know.

9                   **THE COMMISSIONER:** Mr. Engelmann, can I just  
10                  stop you?

11                  **MR. ENGELMANN:** Sure.

12                  **THE COMMISSIONER:** You said you wanted him  
13                  to know what was happening. I don't know if that was quite  
14                  what -- what would you talk about?

15                  Would you talk about that you went to the  
16                  police station and the charges or was it more how you were  
17                  feeling inside?

18                  **MR. SILMSER:** Basically, at that time, the -  
19                  --

20                  **THE COMMISSIONER:** I'm sorry.  
21                  And what time are we talking about?  
22                  When you went to see the police for the  
23                  first time?

24                  **MR. SILMSER:** A little bit later than that.

25                  **THE COMMISSIONER:** Okay.

1           **MR. SILMSER:** Basically, at that time, the  
2 news media was out full blast on this thing all the way  
3 through the years, and for the first two years they were  
4 giving me a real bad light on things. They weren't  
5 believing me and they were -- I was treated more like the  
6 accused, and when information came out or something came  
7 out that was negative, I wanted somebody to answer for it -  
8 --

9           **THE COMMISSIONER:** Right.

10          **MR. SILMSER:** --- and who else could I talk  
11 to?

12                   Nobody else would listen.

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

14          **MR. SILMSER:** So Father MacDougald was a  
15 person to phone.

16          **THE COMMISSIONER:** Okay.

17          **MR. ENGELMANN:** We are going to be getting  
18 to some of that media stuff later but I think, Mr. Silmsers,  
19 that may be into '94, when there is a ---

20          **MR. SILMSER:** Okay.

21          **MR. ENGELMANN:** --- leakage of a statement  
22 and there is press releases.

23          **MR. SILMSER:** Okay.

24          **MR. ENGELMANN:** So, at that point in time,  
25 you were still talking to Father MacDougald?

1                   MR. SILMSER: I believe so, yes.

2                   MR. ENGELMANN: All right.

3                   But you had started talking to him at some  
4 point after the meeting with the Diocese?

5                   MR. SILMSER: Yes.

6                   MR. ENGELMANN: In fact, you may have  
7 started speaking to him before that February 9<sup>th</sup> meeting in  
8 '93?

9                   MR. SILMSER: It's possible, yes.

10                  MR. ENGELMANN: Now, you told us with  
11 respect to the Cornwall Police Service that after your  
12 meeting you had been given a form to fill out.

13                  MR. SILMSER: That's correct.

14                  MR. ENGELMANN: And to write a statement.

15                  MR. SILMSER: That's correct.

16                  MR. ENGELMANN: And can you give us a sense  
17 as to whether that was an easy or difficult task for you?

18                  MR. SILMSER: It was a very difficult task.  
19 It took approximately two or three weeks, I forget how long  
20 it took me to actually sit down; I dreaded to sit down and  
21 write it because I had to relive everything and to relive  
22 it again brought pain at that time, a lot of pain.

23                  But finally I sat myself down when the house  
24 was empty and once I started writing, I couldn't stop. I  
25 wrote the whole thing probably in around two or three

1 hours.

2 MR. ENGELMANN: So it took you a while to  
3 get to it?

4 MR. SILMSER: It took me a while to get to  
5 it, yes.

6 MR. ENGELMANN: All right.  
7 Did you have any help in filling it out when  
8 you actually did it?

9 MR. SILMSER: No.

10 MR. ENGELMANN: Do you recall attending at  
11 the Cornwall police station approximately mid-February to  
12 provide the Witness Statement or Witness Form to Constable  
13 Sebalj?

14 MR. SILMSER: Yes, I do.

15 MR. ENGELMANN: So you would have met with  
16 her at the police station to do that?

17 MR. SILMSER: Yes.

18 MR. ENGELMANN: Sir, I am just going to show  
19 you a document if I might.

20 THE COMMISSIONER: M'hm.

21 MR. ENGELMANN: Madam Clerk Document Number  
22 725227.

23 THE COMMISSIONER: Exhibit number 262,  
24 appears to be a statement of Mr. Silmsers. There is no date  
25 -- undated Mr. ---



1           **MR. ENGELMANN:** There is a date ---

2           **THE COMMISSIONER:** Some place.

3           **MR. ENGELMANN:** --- on a copy of this  
4 statement and I note it's not on this copy.

5           **THE COMMISSIONER:** In any event, just for  
6 identification purposes, it is Document Number 725227.

7           **---EXHIBIT NO./PIÈCE NO P-262:**

8                     David Silmsers - Handwritten Statement 2013  
9                     Undated.

10           **MR. ENGELMANN:** It's a statement that's  
11 written in February of 1993.

12                     Is that correct, Mr. Silmsers?

13           **MR. SILMSER:** That's correct.

14           **MR. ENGELMANN:** And it's a statement --  
15 whose handwriting?

16           **MR. SILMSER:** It's my handwriting.

17           **MR. ENGELMANN:** If you could turn to the  
18 last page of the document.

19                     Those would be your initials?

20           **MR. SILMSER:** Yes, they are.

21           **MR. ENGELMANN:** Now, in this statement, you  
22 describe -- I am not going to ask you to get into the  
23 details -- do you describe the allegations ---

24           **MR. SILMSER:** Yes, I did.

25           **MR. ENGELMANN:** --- that you talked to us

1 about yesterday?

2 These are the Father MacDonald?

3 **MR. SILMSER:** Yes, I did.

4 **MR. ENGELMANN:** Do you also describe, sir,  
5 allegations of child sexual abuse by Ken Seguin?

6 **MR. SILMSER:** I believe I said he abused me,  
7 but I don't think I went into details in these statements.

8 **MR. ENGELMANN:** In fact, sir, and again I  
9 don't want to get into the details, but it appears that you  
10 talk about that briefly on the last page of your statement.  
11 If you could just have a look and confirm that for me.

12 **MR. SILMSER:** Right.

13 That's correct.

14 **MR. ENGELMANN:** And I just noticed on the  
15 last page about the fifth line up, you say "I learned he  
16 was MacDonald's best friend."

17 Do you see that?

18 **MR. SILMSER:** Yes.

19 **MR. ENGELMANN:** Do you remember how you  
20 would have learned that?

21 Was it from one of them or was it from  
22 someone else?

23 **MR. SILMSER:** I believe it was from them.  
24 They talked amongst -- they talked like they were best  
25 friends.

1                   **MR. ENGELMANN:** Why did you write that?

2                   Why did you think that was significant for  
3                   the police to know?

4                   **MR. SILMSER:** Because they were, it was just  
5                   a fact, they were best friends. So, basically, I think it  
6                   should have been said.

7                   **MR. ENGELMANN:** And they were both -- and,  
8                   of course, you alleged that both of them abused you?

9                   **MR. SILMSER:** Yes, I did.

10                  **MR. ENGELMANN:** Now it does not appear in  
11                  that statement that you make allegations about Marcel  
12                  Lalonde.

13                  **MR. SILMSER:** No, it doesn't.

14                  **MR. ENGELMANN:** Do you have any idea why you  
15                  only raised that later in time?

16                  **MR. SILMSER:** It was hard enough for me to  
17                  come forward on Charles MacDonald and Ken Seguin, it was --  
18                  that's why I didn't go into detail with Ken Seguin also.  
19                  It was a step-by-step thing with me. And I just wasn't  
20                  ready, you know, to tell the whole thing.

21                  **MR. ENGELMANN:** Mr. Commissioner, without  
22                  turning the screen to that page -- Mr. Silmsers if you could  
23                  just excuse us for a moment -- there's a name referenced on  
24                  the fourth page of the document, I'd like a moniker for it,  
25                  if I could?

1 THE COMMISSIONER: Page 4.

2 MR. ENGELMANN: Line 3. I believe we have  
3 monikers for eight individuals.

4 THE COMMISSIONER: Right.

5 MR. ENGELMANN: Could the individual  
6 identified there be C-9?

7 THE COMMISSIONER: Has he been given a  
8 moniker before?

9 MR. ENGELMANN: No.

10 THE COMMISSIONER: As C-9?

11 And this is a person that has been  
12 identified as someone who ---

13 MR. ENGELMANN: Who does not want to be  
14 identified.

15 THE COMMISSIONER: All right.

16 Thank you.

17 MR. ENGELMANN: I apologize, I should have  
18 dealt with that earlier.

19 At the very end of your statement Mr.  
20 Silmsers, you say:

21 "I from then on led a life of crime,  
22 hating all authority which ruined 20  
23 years of my life".

24 Do you see that?

25 MR. SILMSER: That's correct.

1                   **MR. ENGELMANN:** "They say this is a  
2                                   healing process talking about it and  
3                                   bringing all of it out, but it still  
4                                   hurts like you wouldn't believe. Still  
5                                   today my moods change from crime to  
6                                   anger."

7                   **MR. SILMSER:** That's correct.

8                   **MR. ENGELMANN:** Why did you write that in  
9                   your statement?

10                  **MR. SILMSER:** Oh! That's the way I felt.

11                  **MR. ENGELMANN:** That's how you felt then,  
12                  sir?

13                  **MR. SILMSER:** And to some extent today. It  
14                  is getting better.

15                  **MR. ENGELMANN:** I don't know if I asked you  
16                  this.

17                                 Are you currently getting some form of  
18                  counseling or therapy?

19                  **MR. SILMSER:** Not at this time, no.

20                  **MR. ENGELMANN:** But you have from the mid-  
21                  '90s into the 2000s.

22                  **MR. SILMSER:** Approximately five years.

23                  **MR. ENGELMANN:** Now, Mr. Silmsers, after you  
24                  went to the police station with that statement, you had  
25                  some further contact with Constable Sebalj and her other

1 officers from the Cornwall Police Service?

2 MR. SILMSER: Yes, I did.

3 MR. ENGELMANN: All right.

4 And do you recall if they came to your home?

5 MR. SILMSER: They came ---

6 MR. ENGELMANN: Sorry.

7 MR. SILMSER: They came to my home once.

8 MR. ENGELMANN: And this would be about

9 three weeks or so after you gave Constable Sebalj the  
10 statement.

11 MR. SILMSER: I would think, approximately,  
12 yes.

13 MR. ENGELMANN: Is there some notes that  
14 indicate that they would have visited your home on March  
15 the 10<sup>th</sup> of 1993.

16 MR. SILMSER: Okay.

17 MR. ENGELMANN: Does that seem about right?  
18 Hard to say?

19 MR. SILMSER: It's hard to say.

20 MR. ENGELMANN: All right.

21 You have no reason to disbelieve that.

22 MR. SILMSER: That's correct.

23 MR. ENGELMANN: All right.

24 Where were you living then?

25 MR. SILMSER: Bourget.

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

2                   And do you have some recollection of that  
3 meeting at your home?

4                   **MR. SILMSER:** Yes, I do.

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

6                   And do you know, for example, whether they  
7 spoke to you about the statement we just looked at; Exhibit  
8 262?

9                   **THE COMMISSIONER:** Yes.

10                  **MR. ENGELMANN:** Did they talk to you about  
11 that statement?

12                  **MR. SILMSER:** I don't remember them talking  
13 much about the statement, but I remember I didn't sign it.

14                  **MR. ENGELMANN:** They told you you hadn't  
15 signed it?

16                  **MR. SILMSER:** That's correct.

17                  **MR. ENGELMANN:** And did you sign it that  
18 day?

19                  **MR. SILMSER:** I believe so.

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

21                  Did they talk to you at all about having the  
22 statement analyzed?

23                  **MR. SILMSER:** Yes, they did.

24                  **MR. ENGELMANN:** Did they explain to you what  
25 that meant?

1                   **MR. SILMSER:** They said they had a  
2 professional come into their office and analyze the  
3 statement. I don't know if they came to the office or sent  
4 the statement. No, I have no idea.

5                   Anyways, they had it professionally analyzed  
6 and it came back 100 per cent truthful.

7                   **MR. ENGELMANN:** How did you feel or react to  
8 that?

9                   **MR. SILMSER:** I didn't really because there  
10 was big surprise. I knew it was 100 per cent truthful.

11                   **MR. ENGELMANN:** Did they give you a sense,  
12 sir, at that time, what steps they would be taking to  
13 follow-up on your allegations?

14                   **MR. SILMSER:** I just automatically thought  
15 it was an investigation. But they never really told me  
16 what they were doing except that they were really having a  
17 hard time with it, just because I was the only one that  
18 came forward.

19                   **MR. ENGELMANN:** They had told you that you  
20 were the only one?

21                   **MR. SILMSER:** That's correct.

22                   **MR. ENGELMANN:** And was that with respect to  
23 allegations against Father Charles or allegations against  
24 Ken Seguin or both?

25                   **MR. SILMSER:** I have no, really, idea if it



1 was both or just one. But the whole investigation they  
2 were saying I was the only person that ever came forward.

3 MR. ENGELMANN: Did they tell you at that  
4 time ---

5 MR. SILMSER: At that time.

6 MR. ENGELMANN: --- or later what the  
7 significance of that might be, you being the only one?

8 MR. SILMSER: That was next to impossible to  
9 prove this -- a case like this with only one person coming  
10 forward.

11 MR. ENGELMANN: And who would have told you  
12 that?

13 MR. SILMSER: Heidi Sebalj.

14 MR. ENGELMANN: So, did they tell you they  
15 were investigating, and just not tell you what they were  
16 doing by way of an investigation plan or do you just can't  
17 remember?

18 MR. SILMSER: I don't even know what kind of  
19 investigation they were doing. All I know is I had around  
20 two or three meetings with them.

21 MR. ENGELMANN: All right.

22 MR. SILMSER: And near the end of the  
23 meetings, the last meeting anyways, they said that,  
24 basically, that "The investigation is finished."

25 MR. ENGELMANN: We will come to that. Let's

1 just stay in March for a minute.

2 Did they give you some sense they were  
3 looking for other victims, other alleged victims?

4 **MR. SILMSER:** They never gave me that  
5 indication, no.

6 **MR. ENGELMANN:** Well, they told you that you  
7 were the only one and there was some difficulty with that.

8 **MR. SILMSER:** That's correct.

9 **MR. ENGELMANN:** Would it be fair to say that  
10 they might have been looking for others?

11 **MR. SILMSER:** That's a possibility. I don't  
12 know.

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

14 Did they sit down and show you school  
15 yearbooks and ask you to help them identify other potential  
16 victims?

17 **MR. SILMSER:** No.

18 **MR. ENGELMANN:** Do you know if they reviewed  
19 any church bulletins with you, to get the names of altar  
20 servers and possible other potential victims that way?

21 **MR. SILMSER:** No, they didn't. They never  
22 really conducted an investigation what they were doing in  
23 their investigation with me.

24 **MR. ENGELMANN:** Well, they didn't tell you  
25 what they were doing.

1 Is that fair?

2 They may have been looking for people.

3 **MR. SILMSER:** They may have, yes.

4 **MR. ENGELMANN:** Okay.

5 In fact, Ms. Sebalj may have been trying to  
6 contact a number of people to find someone.

7 **MR. SILMSER:** May have.

8 **MR. ENGELMANN:** Okay.

9 She was not telling you that?

10 **MR. SILMSER:** No. Again, I was told more  
11 than once that I was the only victim that had come forward.

12 **MR. ENGELMANN:** Did she tell you that she  
13 had contacted other people and that they had said they  
14 weren't victims?

15 **MR. SILMSER:** No.

16 **MR. ENGELMANN:** Okay.

17 So you were keeping them informed ---

18 **MR. SILMSER:** That's correct.

19 **MR. ENGELMANN:** --- about meetings with the  
20 Diocese and things you were doing.

21 Did you feel you were being kept informed?

22 **MR. SILMSER:** I wasn't being informed about  
23 anything of their investigation. But I didn't know if that  
24 was proper or improper.

25 **MR. ENGELMANN:** So you don't know if they

1           were reviewing school yearbooks or church bulletins?

2                   **MR. SILMSER:** No, I don't.

3                   **MR. ENGELMANN:** They just weren't doing it  
4           with you?

5                   **MR. SILMSER:** That's correct.

6                   **MR. ENGELMANN:** Now, would it be fair to say  
7           they asked you about names of other victims or potential  
8           victims and asked you to give them names if you could?

9                   **MR. SILMSER:** I can't remember. I imagine  
10          that the altar boys' names might have come up once upon a  
11          time. I just ---

12                   **MR. ENGELMANN:** Okay.

13                   I don't want you to give me any names, sir.

14                   **MR. SILMSER:** No. No.

15                   **MR. ENGELMANN:** But I'm going to suggest to  
16          you that they asked you if you could give them some names.

17                   **MR. SILMSER:** That's possible. I think they  
18          had tried to get me to remember the altar boys' names one  
19          time.

20                   **MR. ENGELMANN:** Because they were looking  
21          perhaps for other potential victims of Father MacDonald?

22                   **MR. SILMSER:** I would imagine, yes. That's  
23          what I would have thought.

24                   **MR. ENGELMANN:** Now, at/or about this time,  
25          did they also ask you about Ken Seguin and individuals that

1           you might have known that would have had contact with him?

2                       **MR. SILMSER:** No, they never brought Ken  
3           Seguin's name up, as far as I can remember.

4                       **MR. ENGELMANN:** But they may well have with  
5           Father MacDonald, asking you about altar boys and potential  
6           victims?

7                       **MR. SILMSER:** I believe they did.

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

9                       **MR. SILMSER:** Actually, I should -- I think  
10          you're going the wrong way on this. They wanted me -- I  
11          felt, anyways, that they wanted me to name the altar boys,  
12          not because they were looking for other victims, but to  
13          make sure that my story was correct.

14                      I always felt that I was being investigated  
15          in this thing; that they weren't investigating the priest;  
16          they weren't investigating the church; they weren't  
17          investigating anything but me. I felt like that all the  
18          way through this thing.

19                      **MR. ENGELMANN:** Okay.

20                      Did they tell you whether they were meeting  
21          with the priest?

22                      **MR. SILMSER:** No.

23                      **MR. ENGELMANN:** Did they tell you whether  
24          they ever interviewed him?

25                      **MR. SILMSER:** No. I don't believe they did.

1                   **MR. ENGELMANN:** Did you expect that they  
2 would?

3                   **MR. SILMSER:** Definitely!

4                   **THE COMMISSIONER:** That they would what?  
5 Investigate -- speak to the priest?

6                   You expected them ---

7                   **MR. SILMSER:** Definitely!

8                   Didn't they? I don't know. I still think  
9 they should have and I don't know if they did or not.

10                  **MR. ENGELMANN:** We'll be asking them that.  
11 If they did, they certainly didn't tell you.

12                  **MR. SILMSER:** No.

13                  **MR. ENGELMANN:** Now, this meeting at your  
14 home in March '93, do you remember if you would have said  
15 something to them to the effect that you could only deal  
16 with one alleged abuser at a time and that they should  
17 focus on Father Charles at that point in time?

18                  **MR. SILMSER:** I don't remember that, no.

19                  **MR. ENGELMANN:** Might you have said that?

20                  **MR. SILMSER:** I don't remember.

21                  **MR. ENGELMANN:** Okay.

22                  You did tell us that you had some trouble  
23 dealing with one alleged abuser ---

24                  **MR. SILMSER:** That's correct.

25                  **MR. ENGELMANN:** --- and, therefore, may have

1 had difficulty dealing with more than one?

2 MR. SILMSER: That's correct.

3 MR. ENGELMANN: All right.

4 Now, throughout this period of time, and  
5 let's go back to December of '92, your initial meeting with  
6 the Diocese in Ottawa and you had some other meetings with  
7 the Diocese. You've had meetings with the Cornwall Police  
8 and you've had telephone conversations with the Cornwall  
9 Police.

10 Did you ever have a lawyer representing you  
11 or assisting you with any of these meetings or discussions?

12 MR. SILMSER: No, I didn't.

13 MR. ENGELMANN: Now, did you ever meet a  
14 lawyer by the name of Don Johnson?

15 MR. SILMSER: Yes, I did.

16 MR. ENGELMANN: And I'm trying to get you to  
17 think back to approximately mid-February of 1993.

18 Okay?

19 MR. SILMSER: Okay.

20 MR. ENGELMANN: His name has come up here  
21 before and I understand that at one point he was a Crown  
22 prosecutor and at one point he was a defence counsel.

23 MR. SILMSER: That's correct.

24 MR. ENGELMANN: How did you meet him?

25 MR. SILMSER: In a restaurant downtown.

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

2                   And did you have any discussion with him  
3 about what you were going through?

4                   **MR. SILMSER:** Yes, I did.

5                   **MR. ENGELMANN:** And did he offer to assist  
6 you in anyway?

7                   **MR. SILMSER:** I actually think I asked him  
8 if he would consider taking on the case, as my lawyer and I  
9 think he was very agreeable to it, but that's as far as the  
10 extent. We went on. There was very, very little  
11 conversation going on at the time.

12                   **MR. ENGELMANN:** Did you ever hire him?  
13 Did you ever actually retain him to help  
14 you?

15                   **MR. SILMSER:** No, I didn't.

16                   **MR. ENGELMANN:** All right.

17                   **THE COMMISSIONER:** Was this a casual meeting  
18 or was it a pre-planned meeting at the ---

19                   **MR. SILMSER:** Actually, a casual meeting; I  
20 just bumped into him.

21                   **MR. ENGELMANN:** You bumped into him in a  
22 restaurant?

23                   **MR. SILMSER:** That's right. I knew of Don  
24 Johnson previously.

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



1 MR. SILMSER: So.

2 THE COMMISSIONER: Thank you.

3 MR. ENGELMANN: All right.

4 So up until September 2<sup>nd</sup> ---

5 MR. SILMSER: Yes.

6 MR. ENGELMANN: --- and we'll come to a  
7 meeting on September 2<sup>nd</sup>, at Malcolm MacDonald's office,  
8 September 2<sup>nd</sup>, 1993.

9 MR. SILMSER: Okay.

10 MR. ENGELMANN: But up until that time, did  
11 you have the assistance of a lawyer at all, in any of your  
12 discussions with the Cornwall Police Service or the Diocese  
13 or anyone else?

14 MR. SILMSER: No, I didn't.

15 MR. ENGELMANN: On September 2<sup>nd</sup> -- as I  
16 said, we'll come to it -- you had the assistance of a  
17 lawyer on that day?

18 MR. SILMSER: With the agreement?

19 MR. ENGELMANN: Yes.

20 MR. SILMSER: Yes.

21 MR. ENGELMANN: That was a local lawyer here  
22 by the name of Sean Adams?

23 MR. SILMSER: Yes, I did.

24 MR. ENGELMANN: All right.

25 Had he assisted you before that day in any

1 way?

2 MR. SILMSER: Yes, he did.

3 MR. ENGELMANN: With respect to these  
4 allegations or something completely unrelated?

5 MR. SILMSER: Something completely  
6 unrelated.

7 MR. ENGELMANN: All right.

8 MR. SILMSER: It was a real estate -- I had  
9 bought a mobile home in Bourget and the owner of the mobile  
10 home dealt with Sean Adams. So they had Sean Adams do the  
11 paperwork on it. So that's how I knew Sean.

12 MR. ENGELMANN: All right.

13 Now, after the meeting at your home in  
14 Bourget in March, do you remember when you were next  
15 contacted by anybody from the Cornwall Police Service?

16 MR. SILMSER: No, I don't remember.

17 MR. ENGELMANN: Okay.

18 Sir, I've reviewed some notes and haven't  
19 been able to see any contact for several months until  
20 there's a reference to a telephone call to you in August  
21 returning a call you've made.

22 Do you recall if there was some gap in time  
23 between your discussions or contacts with the Cornwall  
24 Police Service?

25 MR. SILMSER: At the end of the -- at the

1 end, like I said previously, was -- Heidi Sabalj said they  
2 were dropping the case, because there was no -- unless any  
3 further information came forward, they had nowhere to go  
4 with this case. So they were dropping it. So I didn't  
5 expect any phone calls from them. Basically, I thought the  
6 case was finished at the time.

7 **MR. ENGELMANN:** Do you recall if you would  
8 have spoken to her at some time in the summer of 1993,  
9 before you attended at this settlement meeting, if I can  
10 call it that?

11 **MR. SILMSER:** I can't remember that. I  
12 could have; I just don't remember.

13 **MR. ENGELMANN:** Do you recall calling her  
14 for an update on what was going on and her telling you that  
15 she was seeking an opinion from an outside Crown prosecutor  
16 or words to that effect?

17 **MR. SILMSER:** Yes, I do. I do remember  
18 that.

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

20 And did she say anything to you in that  
21 discussion about whether other victims had come forward?

22 This is in August of '93.

23 **MR. SILMSER:** I still believed I was the  
24 only victim.

25 **MR. ENGELMANN:** All right.

1                   Why do you believe that?

2                   **MR. SILMSER:** Because that's what they were  
3 saying. The police were saying that I was the only victim.

4                   **MR. ENGELMANN:** And what else were they  
5 saying if you were the only victim, if anything?

6                   **MR. SILMSER:** That the case was going to be  
7 dropped. Her exact words were, "We can't go ahead with the  
8 case; it's come to an end".

9                   **MR. ENGELMANN:** But wasn't she still seeking  
10 an opinion?

11                   **MR. SILMSER:** Which I couldn't understand.  
12 Why would she be seeking an opinion for an  
13 outside Crown if she tells me the case is finished?

14                   It was something like -- I thought it was  
15 just to say "Well, maybe we're not giving up 100 per cent,  
16 but the case is finished." You know, just to -- I couldn't  
17 understand that, no.

18                   **MR. ENGELMANN:** So by the summer of 1993,  
19 had you obtained an apology from the Diocese or Father  
20 MacDonald?

21                   **MR. SILMSER:** Never.

22                   **MR. ENGELMANN:** What was your view as to  
23 whether or not the criminal process would proceed?

24                   **MR. SILMSER:** I believed the criminal  
25 process was finished.

1                   **MR. ENGELMANN:** Was that with respect to  
2                   Father MacDonald or Father MacDonald and Ken Seguin?

3                   **MR. SILMSER:** Father MacDonald and Ken  
4                   Seguin.

5                   **MR. ENGELMANN:** Had they told you that any  
6                   other victims had come forward with respect to Ken Seguin?

7                   **MR. SILMSER:** They never mentioned his name  
8                   as far as I can remember.

9                   **MR. ENGELMANN:** Okay.

10                   So, in August of 1993, were you contacted by  
11                   Malcolm MacDonald?

12                   **MR. SILMSER:** I believe so, yes.

13                   **MR. ENGELMANN:** And do you recall if he had  
14                   contacted you before then as well?

15                   **MR. SILMSER:** No, I can't recall.

16                   **MR. ENGELMANN:** All right.

17                   Was this a telephone contact or was it an  
18                   in-person meeting?

19                   **MR. SILMSER:** It was a telephone contact.

20                   **MR. ENGELMANN:** And do you know why he  
21                   called you?

22                   Did he tell you why he was calling you?

23                   **MR. SILMSER:** I believe it was a discussion  
24                   to try and settle the matter.

25                   **MR. ENGELMANN:** Did you talk about the

1 apology and whether that would be forthcoming?

2 MR. SILMSER: I've always talked about that.

3 MR. ENGELMANN: All right.

4 And did he tell you whether or not that was  
5 a possibility?

6 MR. SILMSER: They all told me that that was  
7 not a possibility because that would prove guilt if they  
8 gave me an apology.

9 MR. ENGELMANN: He told you his client was  
10 unwilling to do that.

11 MR. SILMSER: That's correct.

12 MR. ENGELMANN: Did he suggest any other  
13 form of settlement or resolution to you?

14 MR. SILMSER: Yes, he said that we would  
15 have a money settlement and that we discussed how much it  
16 should be. I forget exactly who came up with the number.  
17 I think it was a mutual thing. Basically, that's what was  
18 said.

19 MR. ENGELMANN: Was that in one telephone  
20 call or two telephone calls or do you remember?

21 MR. SILMSER: I can't remember. No.

22 MR. ENGELMANN: So he suggested that there  
23 might be some monetary settlement.

24 Do you remember who it was that came up with  
25 the amount?

1                   **MR. SILMSER:** I think it was a mutual thing.  
2                   We both came up with it. I don't know exactly how it came  
3                   about, except for the -- the \$32,000 was -- I remember him  
4                   saying something about if you need help later on for help,  
5                   like psychological help ---

6                   **THE COMMISSIONER:** Yes.

7                   **MR. SILMSER:** --- we put an extra \$12,000 in  
8                   there or something like that, but I'm not sure about that.  
9                   I'm not exactly sure how that number came out.

10                  **MR. ENGELMANN:** So was the \$12,000 to be for  
11                  counselling or treatment cost?

12                  **MR. SILMSER:** That's -- I would think so,  
13                  yes.

14                  **MR. ENGELMANN:** What about the other  
15                  \$20,000?

16                  Did you understand what that was for?

17                  **MR. SILMSER:** For the abuse.

18                  **MR. ENGELMANN:** And did he tell you who was  
19                  going to pay this money?

20                  **MR. SILMSER:** He said \$10,000 would come  
21                  from the church; \$10,000 would come from Charles MacDonald;  
22                  and \$12,000 would come from the insurance company.

23                  **MR. ENGELMANN:** That's what you recall him  
24                  telling you?

25                  **MR. SILMSER:** That's correct.

1                   **MR. ENGELMANN:** So he was telling you that  
2                   the Diocese was going to pay you money?

3                   **MR. SILMSER:** That's correct.

4                   **MR. ENGELMANN:** And who was speaking for the  
5                   Diocese when you spoke with him?

6                   Did you have contact with Mr. Leduc at that  
7                   point?

8                   **MR. SILMSER:** No, I didn't.

9                   **MR. ENGELMANN:** It was all through Malcolm?

10                  **MR. SILMSER:** That's correct. I thought  
11                  Malcolm was the Diocese' lawyer.

12                  **MR. ENGELMANN:** You knew he was Charles  
13                  MacDonald's lawyer.

14                  **MR. SILMSER:** But I thought he was the  
15                  Diocese' lawyer also.

16                  **MR. ENGELMANN:** Okay.

17                  Did you have any other discussions or  
18                  meeting with Jacques Leduc after the meeting you described  
19                  in February?

20                  **MR. SILMSER:** No, I didn't.

21                  **MR. ENGELMANN:** Now, you had a phone call or  
22                  two; you agreed on an amount.

23                  And did he mention something about the need  
24                  for you to have a lawyer to sign a document?

25                  **MR. SILMSER:** Yes, he did.



1                   **MR. ENGELMANN:** And did he explain to you  
2 why that was necessary?

3                   **MR. SILMSER:** He said "Any agreement like  
4 this, you need a lawyer."

5                   **MR. ENGELMANN:** And did you have some  
6 discussion about who that lawyer might be for you?

7                   **MR. SILMSER:** I told him I would phone Sean  
8 Adams.

9                   **MR. ENGELMANN:** Okay.  
10 Did he appear to know who that was?

11                   **MR. SILMSER:** Yes, he did.

12                   **MR. ENGELMANN:** All right.  
13 And was a time set for you to meet?

14                   **MR. SILMSER:** Yes, there was.

15                   **MR. ENGELMANN:** Would that have been on  
16 September 2<sup>nd</sup>, 1993?

17                   **MR. SILMSER:** I don't remember the exact  
18 date.

19                   **MR. ENGELMANN:** I'm going to show you some  
20 documents and hopefully that will help.

21                   **MR. SILMSER:** All right.

22                   **MR. ENGELMANN:** I am going to suggest to you  
23 it was on September the 2<sup>nd</sup>, 1993.

24                   **MR. SILMSER:** Okay.

25                   **MR. ENGELMANN:** And do you recall where you

1           were to meet?

2                       **MR. SILMSER:** At Malcolm MacDonald's office  
3           on Pitt Street.

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

5                       And did you or Mr. MacDonald call Mr. Adams  
6           and tell him he had to be there?

7                       **MR. SILMSER:** I called Sean Adams and Sean  
8           said he'd meet me down at the office ---

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

10                      **MR. SILMSER:** --- Malcolm MacDonald's  
11           office.

12                      **MR. ENGELMANN:** And did you have any  
13           discussion with Mr. Adams about the case before?

14                      **MR. SILMSER:** I told him basically that I  
15           had come up -- Malcolm MacDonald wanted me to sign in a  
16           settlement of \$32,000 and that he needed a lawyer to sign  
17           on my behalf. And that's basically all that was said. And  
18           Sean said that he would be down there.

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

20                      And he had helped you with a real estate  
21           transaction a few years before (Mr. Adams)?

22                      **MR. SILMSER:** That's correct.

23                      **MR. ENGELMANN:** So do you recall what time  
24           of day you would have attended Mr. MacDonald's office --  
25           Malcolm MacDonald's office?

1                   **MR. SILMSER:** It wasn't late in the day. I  
2 would -- probably around 10 o'clock in the morning, I would  
3 imagine, 11:00 somewhere in there.

4                   **MR. ENGELMANN:** All right.  
5 So what happened when you arrived?  
6 Who was there?

7                   **MR. SILMSER:** I walked in alone and sat down  
8 in the waiting room. Around five minutes later, Charles  
9 MacDonald walked into Malcolm MacDonald's office.

10                   **MR. ENGELMANN:** Did you talk to him or have  
11 any discussion with him?

12                   **MR. SILMSER:** Did I feel uncomfortable?  
13 Yes, I did.

14                   **MR. ENGELMANN:** I didn't ask you that  
15 question, but that's fine.

16                   Did you speak to him?

17                   **MR. SILMSER:** No. He kind of scurried in  
18 like a -- I don't know how you -- he wouldn't look at me.  
19 He just kind of thought I wouldn't see him, as he scurried  
20 into his office and was in and out. He was in the office  
21 probably for around five minutes, ten minutes. Then, he  
22 scurried right back out.

23                   **MR. ENGELMANN:** You were in the waiting  
24 room?

25                   **MR. SILMSER:** I was in the waiting room.

1                   And then Sean came -- no, actually Malcolm  
2                   MacDonald invited me into his office. We discussed -- he  
3                   discussed a few things. I can't ---

4                   **MR. ENGELMANN:** Did he show you a document  
5                   at that point or did he wait for Mr. Adams?

6                   Do you remember?

7                   **MR. SILMSER:** No, I believe he showed me a  
8                   document.

9                   And then Sean came in. Sean went into  
10                  Malcolm MacDonald's office without me. I went back into  
11                  the waiting room. They discussed for a little while. Sean  
12                  came back out into the waiting room, told me to look at the  
13                  agreement.

14                  I was a little frustrated, a little -- not  
15                  frustrated, but a little shocked that Charles MacDonald had  
16                  just walked into his office. And I just wanted to get out  
17                  of that office. So I basically just -- I didn't read the  
18                  document. I put my trust in Sean. He would be the one to  
19                  read it and so I didn't have ---

20                  **MR. ENGELMANN:** Let me just stop you for a  
21                  second.

22                  You weren't expecting Charles MacDonald to  
23                  be there that morning?

24                  **MR. SILMSER:** Absolutely not!

25                  **MR. ENGELMANN:** All right.

1 So that had bothered you?

2 MR. SILMSER: That's correct.

3 MR. ENGELMANN: And you're discussing the  
4 document -- a document with Sean Adams in the waiting room?

5 MR. SILMSER: Yes.

6 MR. ENGELMANN: Of Malcolm MacDonald's  
7 office?

8 MR. SILMSER: Yes.

9 MR. ENGELMANN: You're not in a private  
10 office?

11 MR. SILMSER: No. The same room the  
12 secretary is in.

13 MR. ENGELMANN: And you're flustered or  
14 you're upset.

15 And does he read the document?

16 MR. SILMSER: I have no idea. He didn't  
17 read it in the waiting room. He might have skimmed through  
18 it, but I figured he had time to read it in Malcolm  
19 MacDonald's office. So.

20 MR. ENGELMANN: All right.

21 I want to have you take a look at a  
22 document.

23 It is document number 724249. I would also  
24 like the witness to be given document number 724253.

25 There are a couple of other documents, Mr.

1 Silmsers, that I'm going to show you later, but I just want  
2 you to look at these together if you could.

3 MR. SILMSER: Okay.

4 MR. ENGELMANN: It's 724249 and 724253.

5 THE COMMISSIONER: Exhibit No. 263.

6 MR. ENGELMANN: I believe, sir, these were  
7 together, but they are separate in our database.

8 THE COMMISSIONER: Well, you have two  
9 different exhibits made.

10 MR. ENGELMANN: Yes, two exhibits.

11 THE COMMISSIONER: Two sixty-three (263) is  
12 the full release and undertaking not to disclose and  
13 there's a date there of -- I don't know if it's the 2nd or  
14 3rd of September, 1993.

15 And Exhibit No. 264 will be a certificate if  
16 independent legal advice. That's dated September 2nd as  
17 well, I think, 1993.

18 --- EXHIBIT NO./PIÈCE NO P-263:

19 David Silmsers - Full Release of Undertaking  
20 Not to Disclose -  
21 September 2, 1993

22 --- EXHIBIT NO./PIÈCE NO P-264:

23 David Silmsers - Certificate of Independent  
24 Legal Advice - September 2, 1993

25 MR. ENGELMANN: Mr. Silmsers, do you have

1 Exhibits 263 and 264?

2 MR. SILMSER: Yes, I do.

3 MR. ENGELMANN: Does your signature appear  
4 on both of those documents?

5 MR. SILMSER: Yes, they do.

6 MR. ENGELMANN: All right.

7 And are these the documents that you would  
8 have been looking at with Sean Adams in the waiting room of  
9 Malcolm MacDonald's office?

10 MR. SILMSER: As far as I know, yes.

11 MR. ENGELMANN: All right.

12 I am going to show you -- as I understand  
13 it, sir, there were a couple of other documents prepared  
14 that day?

15 MR. SILMSER: Okay.

16 MR. ENGELMANN: Is that correct?

17 I'll show them to you in a minute.

18 MR. SILMSER: Okay.

19 MR. ENGELMANN: But without going into the  
20 documents right now, why don't you just describe the course  
21 of events. You are in the waiting room; you're talking  
22 about these documents.

23 Correct?

24 MR. SILMSER: That's correct.

25 MR. ENGELMANN: And ---

1                   **MR. SILMSER:** We weren't in the waiting room  
2                   very long.

3                   **MR. ENGELMANN:** All right.  
4                   Did you sign them right there?

5                   **MR. SILMSER:** No. We went back into Malcolm  
6                   MacDonald's office.

7                   **MR. ENGELMANN:** Okay.

8                   **MR. SILMSER:** Sean, myself and Malcolm  
9                   MacDonald. They told me where to sign.

10                  **MR. ENGELMANN:** Yes?

11                  **MR. SILMSER:** I signed the papers. Then  
12                  they wanted me to sign a different paper. So they had to  
13                  make up a different paper, I guess.

14                  **MR. ENGELMANN:** So where did you go when  
15                  they did that?

16                  **MR. SILMSER:** I believe back in the waiting  
17                  room.

18                  **MR. ENGELMANN:** All right.  
19                  And were there other documents that the  
20                  lawyers prepared?

21                  **MR. SILMSER:** Yes, there was.

22                  **MR. ENGELMANN:** All right.  
23                  I'm just going to have you identify those  
24                  documents, and then we'll come back and talk about all of  
25                  them.



1 Is that okay?

2 MR. SILMSER: Okay.

3 MR. ENGELMANN: I will just be a moment.

4 THE COMMISSIONER: M'hm.

5 (SHORT PAUSE / COURTE PAUSE)

6 MR. ENGELMANN: Madam Clerk, document number  
7 706387. I would ask you for one more as well, 719998.

8 THE COMMISSIONER: All right.

9 So Exhibit No. 265 is an acknowledgement  
10 dated the second day of September 1993 and signed by David  
11 Silmsers.

12 And 266 is a direction, I guess, to the  
13 Cornwall Police and to Sergeant Luc Brunet from Mr. Silmsers  
14 dated September 2nd, 1993.

15 --- EXHIBIT NO. P-265/PIÈCE NO P-265:

16 David Silmsers - Acknowledgement -  
17 September 2, 1993

18 --- EXHIBIT NO. P-266/PIÈCE NO P-266:

19 David Silmsers - Statement -  
20 September 2, 1993

21 MR. ENGELMANN: Mr. Silmsers, Exhibit 265  
22 which has the title "Acknowledgement" does that have your  
23 signature?

24 MR. SILMSER: Yes, it does.

25 MR. ENGELMANN: Exhibit 266 which starts,

1 "To Cornwall City Police" does that have your signature?

2 MR. SILMSER: Yes, it does.

3 MR. ENGELMANN: And sir, to the best of your  
4 knowledge, are these two documents, documents that were  
5 prepared by the lawyers while you waited in the waiting  
6 room after you had signed the previous documents?

7 MR. SILMSER: To the best of my knowledge,  
8 yes.

9 MR. ENGELMANN: All right.

10 Now, let's then go back to Exhibit 263.  
11 That is the full release and undertaking not to disclose.

12 MR. SILMSER: Okay.

13 MR. ENGELMANN: Okay. When did you first  
14 see this document?

15 MR. SILMSER: When I first walked into  
16 Malcolm MacDonald's office. He had shown me the document,  
17 I believe, on his desk.

18 MR. ENGELMANN: Do you know who prepared  
19 this document?

20 MR. SILMSER: I believe Malcolm MacDonald.

21 MR. ENGELMANN: You didn't prepare it?

22 MR. SILMSER: No.

23 MR. ENGELMANN: Mr. Adams didn't prepare it?

24 MR. SILMSER: No.

25 MR. ENGELMANN: Okay. And the document

1           says:

2                           "Full release and undertaking not to  
3           disclose from David Silmser..."

4           And it says:

5                           "...to Father Charles MacDonald and to  
6           the Most Reverend Eugene P. LaRocque,  
7           Bishop, and to his successors and  
8           assigns and to the Roman Catholic  
9           Episcopal Corporation for the Diocese  
10          of Alexandria-Cornwall in Ontario."

11          Do you see that?

12          **MR. SILMSER:** Yes, I do.

13          **MR. ENGELMANN:** I just want to go through  
14          the document quickly if we can, but perhaps not as quickly  
15          as you did the first time.

16                        You say you didn't read the document that  
17          day?

18          **MR. SILMSER:** No, I didn't.

19          **MR. ENGELMANN:** You believe Mr. Adams did?

20          **MR. SILMSER:** Yes.

21          **MR. ENGELMANN:** I think you told us why you  
22          didn't read it.

23                        **MR. SILMSER:** I trusted Sean Adams to make  
24          sure it was proper.

25                        **MR. ENGELMANN:** You told us as well that

1 because Father MacDonald was there you were in a hurry to  
2 get out of there or words to that effect.

3 MR. SILMSER: Definitely.

4 MR. ENGELMANN: So in paragraph one, it  
5 talks about your being paid \$32,000 and that you were then  
6 going to release Father MacDonald, the Bishop and the  
7 Diocese.

8 MR. SILMSER: Okay.

9 MR. ENGELMANN: It doesn't say in this  
10 document what the Diocese is paying, what Father MacDonald  
11 is paying?

12 MR. SILMSER: No, it doesn't.

13 MR. ENGELMANN: And who, sir, was acting for  
14 the Diocese if anyone in these settlement discussions, to  
15 your knowledge?

16 MR. SILMSER: Malcolm MacDonald.

17 MR. ENGELMANN: Now, the second paragraph  
18 says that you:

19 "...undertake not to take any legal  
20 proceedings, civil or criminal against  
21 any of the parties hereto and will  
22 immediately terminate any actions that  
23 may now be in process."

24 Was that paragraph explained to you?

25 MR. SILMSER: No, it wasn't. This whole

1 document wasn't explained to me right.

2 MR. ENGELMANN: Did you have any legal  
3 proceedings, any civil legal proceedings ongoing at that  
4 time?

5 MR. SILMSER: No, I didn't.

6 MR. ENGELMANN: You had never hired a lawyer  
7 to sue anybody at this time?

8 MR. SILMSER: At this time, no, I don't  
9 believe so.

10 MR. ENGELMANN: And you had a complaint with  
11 the Cornwall Police Service about Father Charles MacDonald?

12 MR. SILMSER: That's correct.

13 MR. ENGELMANN: A complaint that you say you  
14 didn't think was going anywhere?

15 MR. SILMSER: I knew it wasn't going  
16 anywhere because they told me it wasn't going anywhere.

17 MR. ENGELMANN: Now, in paragraph three  
18 there is what is known as a non-disclosure provision and it  
19 says that you're not going to disclose certain things. For  
20 example, it says you're not going to disclose the terms of  
21 the settlement.

22 Do you see that?

23 MR. SILMSER: Yes.

24 MR. ENGELMANN: And it also says that not  
25 only you are not to disclose the terms of the settlement

1 but you are not to disclose any of the events alleged to  
2 have occurred.

3 MR. SILMSER: I see that.

4 MR. ENGELMANN: All right.

5 Now, was the scope of that release, was that  
6 explained to you?

7 MR. SILMSER: Like I said, the release was  
8 never explained to me by Sean Adams or by Malcolm  
9 MacDonald.

10 MR. ENGELMANN: Well, at some point in time  
11 did you realize that if you did disclose that you might  
12 lose that \$32,000?

13 MR. SILMSER: No.

14 MR. ENGELMANN: Was paragraph four explained  
15 to you at all as some provisions of the *Negligence Act* and  
16 amendments thereto?

17 MR. SILMSER: Again, none of the document  
18 was explained to me.

19 MR. ENGELMANN: What about the fact that  
20 there was no admission of liability in the fifth paragraph?  
21 Was that explained to you what that meant?

22 MR. SILMSER: No.

23 MR. ENGELMANN: Now, if we look at the next  
24 document, which is Exhibit 264, this is a document that you  
25 were looking at and signing at the same time as the

1 previous one, Sean Adams is certifying that he gave you  
2 independent legal advice? Do you see that, a certificate  
3 of independent legal advice?

4 **MR. SILMSER:** Yes.

5 **MR. ENGELMANN:** And now this is saying that  
6 he explained the nature and effect of the release. Would  
7 it be fair to say, sir, that you knew by signing this that  
8 that was it, you couldn't go against Father MacDonald or  
9 the Diocese? Do you have that sense or what did you  
10 understand?

11 **MR. SILMSER:** I just thought it was another  
12 piece of paper I had to sign to get to put a finish to it,  
13 for the \$32,000 settlement. Like none of these documents  
14 were ever explained to me. I just had the papers in front  
15 of me on his desk to sign.

16 **MR. ENGELMANN:** I'm just looking at the  
17 acknowledgement in that document that you have signed. It  
18 says:

19 "I confirm that I understand the nature  
20 and the effect of the document."

21 Do you see that?

22 **MR. SILMSER:** Yes.

23 **MR. ENGELMANN:**

24 "I have executed it freely and  
25 voluntarily. I have given complete

1 disclosure and I am satisfied with the  
2 disclosure provided by the release and  
3 confirmed by my solicitor."

4 Do you know what disclosure you were giving  
5 by signing this?

6 **MR. SILMSER:** No, I didn't.

7 **MR. ENGELMANN:** So you say that after this  
8 you go back into the waiting room and the lawyers prepare a  
9 couple more documents?

10 **MR. SILMSER:** That's correct.

11 **MR. ENGELMANN:** Now, Exhibit 265 and 266,  
12 what was your understanding of these documents? And what I  
13 mean by that is did you read them through before you signed  
14 265?

15 **MR. SILMSER:** Actually, this is the first  
16 time I have read it.

17 **MR. ENGELMANN:** It says at the end that you:  
18 "...hereby release Sean Adams and his  
19 firm for any actions or claims I may  
20 have should I determine that the  
21 compensation paid to me is  
22 insufficient."

23 Do you see that?

24 **MR. SILMSER:** Yes, I do.

25 **MR. ENGELMANN:** So you're releasing him from



1 any claim you might have against him. Correct?

2 MR. SILMSER: That's correct.

3 MR. ENGELMANN: Yes. Now, Mr. Adams hadn't  
4 really dealt with this issue at all before September 2<sup>nd</sup>?

5 MR. SILMSER: No, he didn't.

6 MR. ENGELMANN: And did he suggest to you  
7 that very day, September 2<sup>nd</sup>, that he really didn't know the  
8 details and so he really couldn't comment on the amount of  
9 the settlement and whether it was fair, or words to that  
10 effect?

11 MR. SILMSER: I don't believe any  
12 conversation in any -- anything to do with these documents  
13 or the settlement took place. I told him that I just came  
14 in to sign the papers for the \$32,000 and I needed a  
15 lawyer.

16 MR. ENGELMANN: Were you told that you had  
17 to sign Exhibits 265 and 266 to get your settlement?

18 MR. SILMSER: Yes, I did.

19 MR. ENGELMANN: Because they are not  
20 referred to in Exhibit 263 but you understood you had to  
21 sign these?

22 MR. SILMSER: Yes, I did.

23 MR. ENGELMANN: Now, 266, this is the  
24 document you were asked to sign that's to be sent to the  
25 Cornwall City Police. Correct?

1                   **MR. SILMSER:** Yes.

2                   **MR. ENGELMANN:** And it says not only  
3 Cornwall City Police but it says "and to Detective Sergeant  
4 Luc Brunet" and to "Constable Heidi Sebalj".

5                   **MR. SILMSER:** I see that.

6                   **MR. ENGELMANN:** Did you give those names to  
7 Mr. Adams or Mr. MacDonald to put in this document?

8                   **MR. SILMSER:** No, I didn't.

9                   **MR. ENGELMANN:** Mr. Adams didn't have  
10 anything to do with this case before September 2<sup>nd</sup>?

11                   **MR. SILMSER:** He didn't know nothing about  
12 it, I believe.

13                   **MR. ENGELMANN:** So do you know how it was  
14 that Mr. MacDonald or why Mr. MacDonald would have referred  
15 to Detective Sergeant Luc Brunet or Constable Heidi Sebalj?

16                   **MR. SILMSER:** No.

17                   **MR. ENGELMANN:** Were you aware of  
18 conversations and contacts Malcolm MacDonald would have had  
19 with the Cornwall Police Service?

20                   **MR. SILMSER:** No.

21                   **MR. ENGELMANN:** About your case?

22                   **MR. SILMSER:** No.

23                   **MR. ENGELMANN:** Were these two new documents  
24 explained to you, to your knowledge?

25                   **MR. SILMSER:** No, they weren't.

1                   **MR. ENGELMANN:** Did either of the lawyers  
2 tell you why they were necessary in order for you to get  
3 your settlement?

4                   **MR. SILMSER:** Basically, it's just extra  
5 papers to sign.

6                   **MR. ENGELMANN:** Mr. Commissioner, perhaps  
7 this would be the appropriate time to take the morning  
8 break?

9                   **THE COMMISSIONER:** All right. Let's take a  
10 break and come back at 11:15.

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

13                   The hearing will resume at 11:15.

14 --- Upon recessing at 11:00 a.m. /

15                   L'audience est suspendue à 11h00

16 --- Upon resuming at 11:23 a.m. /

17                   L'audience est reprise à 11h23

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

20                   This hearing of the Cornwall Public Inquiry  
21 is now in session. Please be seated. Veuillez vous  
22 asseoir.

23                   **THE COMMISSIONER:** Mr. Engelmann, are you  
24 pouring water off your ---

25                   **MR. ENGELMANN:** Yes. I am reminded about

1           why we have the rule in the hearing room about no coffee; a  
2           little clumsy.

3                       **THE COMMISSIONER:** I guess we should get a  
4           warrant and do a search of the lawyer's tables and see how  
5           much coffee.

6                       **MR. ENGELMANN:** I can assure you there is no  
7           Tim Horton's cups underneath my podium.

8                                       **(LAUGHTER/RIRES)**

9                       **MR. ENGELMANN:** I'm not hiding them.

10           **DAVID SILMSER, Resumed/Sous le même serment:**

11           --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
12           **ENGELMANN, (cont'd/suite):**

13                       **MR. ENGELMANN:** Mr. Silmsers, we were dealing  
14           with the meeting on September 2<sup>nd</sup>, '93, in Malcolm  
15           MacDonald's office and I just asked you a question about  
16           Sean Adams and his lack of involvement before. I'm going  
17           to jump ahead. I was going to come to a statement a little  
18           later but I would like to go there now.

19                                       So if the witness could be shown this -- I'm  
20           sorry, document number 721305?

21                                       Mr. Silmsers, just to advise you that that is  
22           a statement that was videotaped with the OPP in Kanata in  
23           February of 1994.

24                       **MR. SILMSER:** Okay.

25                       **MR. ENGELMANN:** Do you remember that?

1                   **MR. SILMSER:** Yes, I do.

2                   **MR. ENGELMANN:** And you had a lawyer present  
3 by the name of Bryce Geoffrey?

4                   **MR. SILMSER:** Yes, I did.

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

6                   **MR. SILMSER:** I'm sorry, the document number  
7 is 721305. It may have another number as well, so just  
8 give me a moment. Yes, 715059. They are the same  
9 statement but 715059 is more complete.

10                   **THE COMMISSIONER:** All right. So this will  
11 be Exhibit 267, which is an interview dated February 22<sup>nd</sup>,  
12 1994 of Mr. Silmsers.

13                   **--- EXHIBIT NO./PIECE NO. P-267:**

14                                   David Silmsers - Interview -  
15                                   February 22, 1994

16                   **MR. ENGELMANN:** Sir, I wanted to point out  
17 and, again, this is not something I want to take the  
18 witness to but there's a name on page 47 of an alleged  
19 victim. I'm not sure if there's a publication ban and we  
20 are trying to locate this witness so I would ask for the  
21 time being that we have a moniker for him. He's found ---

22                   **THE COMMISSIONER:** If you're not going to  
23 mention him ---

24                   **MR. ENGELMANN:** I'm just worried about --  
25 for the purposes of publishing the name ---

1                   **THE COMMISSIONER:** Okay, well ---

2                   **MR. ENGELMANN:** I'm certainly not going to  
3                   that excerpt.

4                   **THE COMMISSIONER:** Then what we should be  
5                   doing is putting an interim publication ban as opposed to a  
6                   moniker, or maybe not.

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

8                   **THE COMMISSIONER:** Well, you tell me.

9                   **MR. ENGELMANN:** Let's do that. It's a  
10                  public document; perhaps an interim ban on that name and I  
11                  can advise because I'm just not sure if there's a  
12                  publication ban in effect from the courts.

13                  **THE COMMISSIONER:** All right.

14                  So it's on page -- what page?

15                  **MR. ENGELMANN:** Forty-seven (47).

16                  **THE COMMISSIONER:** Madam Clerk, you don't  
17                  have to put it up again.

18                  Where?

19                  **MR. ENGELMANN:** It is about 10 lines down.  
20                  The sentence starting ---

21                  **THE COMMISSIONER:** Yes.

22                  **MR. ENGELMANN:** "Silmser inaudible."

23                  **THE COMMISSIONER:** All right.

24                  So the media is present and should be aware  
25                  that the name that is found on page 47 of this document,

1 Exhibit 267, will be an interim publication ban.

2 The reason I'm doing that is simply because  
3 counsel has indicated that he is not certain at this point  
4 whether or not there is an outstanding publication ban and  
5 that you'll undertake to advise us when? Today, sometime?

6 **MR. ENGELMANN:** I'm not sure if I'm going to  
7 be able to do that.

8 **THE COMMISSIONER:** Okay. What time?

9 **MR. ENGELMANN:** Certainly -- hopefully, by  
10 the end of the week.

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

12 All right. So now you want to deal with  
13 this document 267 -- Exhibit 267?

14 **MR. ENGELMANN:** So Mr. Silmsers, you recall  
15 attending at an OPP station in Kanata?

16 **MR. SILMSER:** Yes, I do.

17 **MR. ENGELMANN:** As I said, this was February  
18 22<sup>nd</sup>, 1994.

19 **MR. SILMSER:** That's correct.

20 **MR. ENGELMANN:** Would it be fair to say that  
21 -- and we'll come back to this statement but this  
22 statement; you're asked about all of the alleged abusers  
23 that you mentioned to us yesterday?

24 **MR. SILMSER:** I believe so; yes.

25 **MR. ENGELMANN:** So that would include the

1           allegations with respect to Father MacDonald? Correct?

2                       **MR. SILMSER:** Yes.

3                       **MR. ENGELMANN:** The allegations with respect  
4           to Ken Seguin?

5                       **MR. SILMSER:** Yes.

6                       **MR. ENGELMANN:** And there is, I believe,  
7           some discussion about the third individual, Marcel Lalonde?

8                       **MR. SILMSER:** Okay.

9                       **MR. ENGELMANN:** I'll take you to this now  
10          because there's some discussion about what happens on  
11          September 2<sup>nd</sup>, '93. This is, of course, a statement you  
12          were giving in February of '94, which is only about six  
13          months after September 2<sup>nd</sup>, '93.

14                      **MR. SILMSER:** Okay.

15                      **MR. ENGELMANN:** If you could look at page 43  
16          of the statement? The Bates page number, for the record, is  
17          7078116, but I'm referring to the wrong doc number. If I  
18          could just have a moment?

19                      **THE COMMISSIONER:** What is it that you want?  
20          You want the doc number for page 43 of the document?

21                      **MR. ENGELMANN:** Yes.

22                      **THE COMMISSIONER:** Doc number 715059.

23                      **MR. ENGELMANN:** Yes. Perhaps just -- if  
24          Madam Clerk could read that Bates page number into the  
25          record?



1                   **THE REGISTRAR:** Seven-oh-five-six-eight-  
2 four-four (7056844).

3                   **MR. ENGELMANN:** Thank you.

4                   Now, Mr. Silmsers, there's a reference to  
5 Sean Adams near the top of the page. Do you see that?

6                   **MR. SILMSER:** Where?

7                   **MR. ENGELMANN:** Four lines down.

8                   **MR. SILMSER:** You're on page 43?

9                   **MR. ENGELMANN:** If I could just have a  
10 moment, sir, and approach the witness?

11                   **MR. SILMSER:** Oh, yes. I see it.

12                   **MR. ENGELMANN:** You were asked by a police  
13 officer by the name of Smith:

14                               "Did you review that with anybody to  
15 see if that was agreeable to yourself?"

16                   And you say:

17                               "Sean Adams. It was just like, I had  
18 to have a lawyer to sign my -- just a  
19 witness thing. So I phoned him up and  
20 he said he'd go right down."

21                   Do you see that?

22                   **MR. SILMSER:** That's correct.

23                   **MR. ENGELMANN:** That's a fair comment on  
24 what happened?

25                   **MR. SILMSER:** That's exactly what happened.

1                   **MR. ENGELMANN:** Yes. And then you say --  
2                   you're asked if you knew him and you say:

3                                "I worked at a mobile home park and he  
4                                was the park lawyer."

5                   **MR. SILMSER:** That's correct.

6                   **MR. ENGELMANN:**

7                                "So he reviewed the papers?"

8                                "Yeah, with me."

9                   And then you're asked this question:

10                                "What advice this he give you on that?"

11                                "Well, he said, 'You should hold back  
12                                and ask for more or I should have hold  
13                                off.' He says, I -- he says, 'You  
14                                should take some time. I can review  
15                                this a little closer'. I said, 'No, I  
16                                just want to get it over'."

17                   Do you ---

18                   **MR. SILMSER:** Do I remember saying that?

19                   **MR. ENGELMANN:** Yes.

20                   **MR. SILMSER:** I remember there was some  
21                   discussion but I don't exactly know exactly what the  
22                   discussion was but it was very minimal. They never  
23                   elaborated much on it.

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

25                   **THE COMMISSIONER:** I'm sorry. What

1 conversation are we talking about?

2 MR. ENGELMANN: Let's be a bit more  
3 specific.

4 MR. SILMSER: To review the ---

5 MR. ENGELMANN: So in February of 1994, you  
6 are telling the OPP that Mr. Adams, presumably on September  
7 2<sup>nd</sup>, was telling you maybe you should hold off; maybe you  
8 should take some time to review this a little closer.

9 Does that refresh your memory about what he  
10 might have told you on September 2<sup>nd</sup>, 1993?

11 MR. SILMSER: I believe in Malcolm  
12 MacDonald's office, he really didn't go that much into  
13 depth with that. I think his words were or his comment  
14 was, something to, "Do you want to sign this?" type of  
15 thing, basically. "You can hold off and I can review it  
16 more." But that was it. If it went to that extent, it was  
17 surprising.

18 MR. ENGELMANN: Well, that's what you're  
19 telling the OPP then, that essentially he told you, hey,  
20 hold it; better be a bit cautious here, maybe look at this  
21 a bit closer.

22 MR. SILMSER: Yes.

23 MR. ENGELMANN: And then you said, no, I  
24 just want to do it?

25 MR. SILMSER: Yes.

1           **MR. ENGELMANN:** So is that ---

2           **MR. SILMSER:** Basically what happened; yes.

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

4           Mr. Commissioner, I'm advised that the  
5 individual we were just looking at, with respect to this  
6 exhibit, is already the subject matter of a publication ban  
7 in Exhibit 237.

8           **THE COMMISSIONER:** All right.

9           Well, has the party -- okay.

10          **MR. ENGELMANN:** I will confirm over the  
11 lunch hour and perhaps it should be a permanent, as opposed  
12 to an interim ban.

13          **THE COMMISSIONER:** We can canvas the  
14 parties.

15          **MR. ENGELMANN:** Yes.

16          **THE COMMISSIONER:** You can canvas the  
17 parties to make sure that they're of the same view,  
18 including the press.

19          **MR. ENGELMANN:** I'll make sure I do that.

20          **THE COMMISSIONER:** Thank you.

21          **MR. ENGELMANN:** Those that are here.

22          **THE COMMISSIONER:** Exactly.

23          **MR. ENGELMANN:** Sir, you go on, on that same  
24 page, to describe some discussion with the Cornwall Police  
25 Service before the settlement date and you even say -- I'm

1 looking further down on the page.

2 "They kept on saying, 'Well, we don't  
3 know what's going to happen. We're  
4 going to have to bring in an outside  
5 Crown'. They kept on going on like  
6 that. Finally they said -- I asked  
7 them at the end, 'Are you going to go  
8 forward -- forward with the charges?'  
9 'Not at this time.' So I thought it  
10 was useless. That's when I settled for  
11 the 32,000."

12 **MR. SILMSER:** Correct.

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

14 That appears to be similar to what you've  
15 told us today.

16 **MR. SILMSER:** Well, that's what happened.

17 **MR. ENGELMANN:** If I could just have a  
18 minute, sir?

19 **THE COMMISSIONER:** Yes.

20 (SHORT PAUSE/COURTE PAUSE)

21 **MR. ENGELMANN:** If the witness could be  
22 shown document number 719887?

23 **THE COMMISSIONER:** Exhibit No. 267 -- 68,  
24 sorry, a letter from Mr. Angus Malcolm MacDonald to Adams,  
25 Sherwood, Swabey & Follon, dated September 2<sup>nd</sup>, 1993.

1 --- EXHIBIT NO./PIÈCE NO. P-268:

2 Letter from A.M. MacDonald to Sean  
3 Adams, September 2, 1993

4 **MR. ENGELMANN:** Now, Mr. Silmsers, this is a  
5 letter from Malcolm MacDonald to Sean Adams, who was acting  
6 for you that day, on September 2<sup>nd</sup>, '93.

7 **MR. SILMSER:** Okay.

8 **MR. ENGELMANN:** It's a letter dated that  
9 day, enclosing a cheque. Have you seen this letter before?

10 **MR. SILMSER:** No, I haven't.

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

12 Do you recall, sir, when it was you were  
13 given that cheque for \$32,000? I assume you were given a  
14 cheque?

15 **MR. SILMSER:** Yes, I was.

16 **MR. ENGELMANN:** Do you recall if it was on  
17 September 2<sup>nd</sup> or if it was later?

18 **MR. SILMSER:** I think it was later.

19 **MR. ENGELMANN:** Did you have some  
20 difficulties with that cheque, when you received it?

21 **MR. SILMSER:** There was a hold put on the  
22 cheque when I went to the bank to try and cash it or do  
23 something with it. I wanted to put it in a bank note so I  
24 could bring it to my bank and they had told me there was a  
25 hold on the cheque.

1                   **MR. ENGELMANN:** Do you recall when that was  
2                   in relation to September 2<sup>nd</sup>?

3                   **MR. SILMSER:** It was at a later date.

4                   **MR. ENGELMANN:** All right. Do you know how  
5                   much later?

6                   **MR. SILMSER:** Not much later, but maybe a  
7                   week or so. I'm not sure.

8                   **MR. ENGELMANN:** All right. Did you call  
9                   either Sean Adams or Malcolm MacDonald for some assistance  
10                  with that?

11                  **MR. SILMSER:** Yes, I did.

12                  **MR. ENGELMANN:** Who did you speak with?

13                  **MR. SILMSER:** I spoke with Malcolm  
14                  MacDonald. He told me to come down to the office and he  
15                  drove me to the bank in his car and took the hold off the  
16                  cheque.

17                  **MR. ENGELMANN:** And then you were able to  
18                  cash the cheque?

19                  **MR. SILMSER:** Yes, I was.

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

21                  So this letter says -- this is a letter from  
22                  Malcolm MacDonald to Sean Adams:

23                                 "This cheque is being given to you and  
24                                 to be held in escrow until we are  
25                                 advised by the City Police that David

1 Silmser has attended at the police  
2 station and he advised them that he  
3 does not want to proceed with any of  
4 these charges."

5 Mr. Silmser, we understand, and there's a  
6 note and I'll come to it, that you attended at the Cornwall  
7 Police Service on September 29<sup>th</sup> ---

8 **MR. SILMSER:** Yes.

9 **MR. ENGELMANN:** --- to advise them that you  
10 did not want to proceed with the charges against Father  
11 Charles MacDonald?

12 **MR. SILMSER:** That's correct.

13 **MR. ENGELMANN:** Did you get the cheque  
14 before then?

15 **MR. SILMSER:** I believe so.

16 **MR. ENGELMANN:** All right.

17 So did Mr. Adams or Mr. MacDonald advise you  
18 that you had to go down to the police station?

19 **MR. SILMSER:** I believe it was Mr. Adams.

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

21 Was that advice similar to what we see in  
22 this letter?

23 **MR. SILMSER:** I had to do it in my own  
24 handwriting at the police station.

25 **MR. ENGELMANN:** All right. You were told



1           you had to write something out at the police station?

2                       **MR. SILMSER:** That's correct.

3                       **MR. ENGELMANN:** Were you told what would  
4 happen if you didn't do that?

5                       **MR. SILMSER:** That they would take the  
6 \$32,000 back.

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

8                       We'll come to the meeting on September 29<sup>th</sup>  
9 in a minute.

10                      So you received the cheque. You cashed it  
11 after the difficulty and sometime later, you received a  
12 phone call saying that you had to go down to the police  
13 station?

14                      **MR. SILMSER:** That's correct. And the  
15 police knew I was coming?

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

17                      **MR. SILMSER:** The police knew I was coming.

18                      **MR. ENGELMANN:** All right. Someone had  
19 notified them that ---

20                      **MR. SILMSER:** Well, this letter says it.  
21 That's what surprises me. This letter says that the police  
22 expected me to be there, didn't it?

23                      **MR. ENGELMANN:** Well, what it says is  
24 essentially, one lawyer saying to the other, if I  
25 understand the letter, that you shouldn't be getting this

1 cheque until you've gone down to the police and advised  
2 them that you don't want to proceed.

3 MR. SILMSER: Okay.

4 MR. ENGELMANN: But it appears you actually  
5 got the cheque before you did that?

6 MR. SILMSER: That's correct.

7 MR. ENGELMANN: And then were told you have  
8 to do this or you're going to lose the 32,000?

9 MR. SILMSER: That's correct.

10 MR. ENGELMANN: So if the witness could be  
11 shown Exhibit -- or sorry, document number 732417.

12 THE COMMISSIONER: Thank you.

13 Exhibit No. 269 ---

14 MR. ENGELMANN: Thank you.

15 THE COMMISSIONER: --- which is a document  
16 dated September 29, 1993, signed by Mr. Silmsers and you  
17 will identify further.

18 --- EXHIBIT NO./PIÈCE NO P-269:

19 David Silmsers - Handwritten Statement -  
20 September 29, 1993.

21 MR. ENGELMANN: Mr. Silmsers, is that your  
22 signature?

23 MR. SILMSER: Yes, it is.

24 MR. ENGELMANN: Is there another signature  
25 that's almost on it?

1                   **MR. SILMSER:** Yes, there is.

2                   **MR. ENGELMANN:** And do you know whose  
3 signature that is or do you know who would have signed this  
4 with you?

5                   **MR. SILMSER:** It would be Heidi Sebalj.

6                   **MR. ENGELMANN:** All right.  
7 And this is dated September 29, 1993?

8                   **MR. SILMSER:** Yes.

9                   **MR. ENGELMANN:** So how does this short note  
10 relate to the last exhibit we looked at and the  
11 instructions you received?

12                   **MR. SILMSER:** This note is what I had to do  
13 to keep the \$32,000.

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

15                   And did you advise Ms. Sebalj that you had  
16 to do this as part of the settlement?

17                   **MR. SILMSER:** Yes, I did.

18                   **MR. ENGELMANN:** Would you have told her that  
19 you wouldn't get the money unless you did this?

20                   **MR. SILMSER:** Yes, I did.

21                   **MR. ENGELMANN:** You kept her informed?

22                   **MR. SILMSER:** Yes, and I also told her that  
23 she said that she wasn't going forward with any charges,  
24 and she agreed she wasn't.

25                   So I said -- I had to do something. Police

1 weren't going forward with charges. The church wasn't  
2 doing anything to get the truth out.

3 So I figured if I took the \$32,000, at least  
4 the church might investigate their own priest. There had  
5 to be something done here, and this is my way of doing it.

6 **MR. ENGELMANN:** So you thought by having to  
7 pay out the money, the Diocese might actually investigate  
8 Father Charles?

9 **MR. SILMSER:** Well, there would be a better  
10 chance if -- I just didn't want this whole thing to go  
11 away, like, for them to forget about it.

12 If he abused me, I thought maybe there's a  
13 chance he might abuse somebody else in the future, and this  
14 way the church will look at it a little closer if it cost  
15 them \$32,000.

16 **MR. ENGELMANN:** When you went down to the  
17 Cornwall police station that day, where did you meet with  
18 Constable Sebalj?

19 **MR. SILMSER:** We met right at the front  
20 desk. She came out from her office to the front desk and  
21 what really surprised me about that whole thing was Ken  
22 Seguin was at the water fountain previous to that. For  
23 around five minutes, he was just watching me and then I  
24 told Heidi about this, and she seemed a little shocked and  
25 I said "I need a piece of paper to write this down." And I

1 wrote it down and that was the end of it.

2 MR. ENGELMANN: Now, at that time, in late  
3 September of '93, was Mr. Seguin -- was his office still in  
4 the same building as the police station?

5 MR. SILMSER: Yes, it was.

6 MR. ENGELMANN: All right.

7 But he was on the fourth floor?

8 MR. SILMSER: As far as I know, he was.

9 MR. ENGELMANN: And where is this front  
10 counter where you met her?

11 MR. SILMSER: Right where the police front  
12 desk is now.

13 MR. ENGELMANN: Is that on the main floor of  
14 the police station?

15 MR. SILMSER: Yes, it is.

16 MR. ENGELMANN: Was this a short meeting, if  
17 you were at the front counter or do you recall?

18 MR. SILMSER: Very short.

19 MR. ENGELMANN: Were there any other police  
20 officers present?

21 MR. SILMSER: No, there wasn't.

22 MR. ENGELMANN: Okay.

23 Did she ask you to, after you told her you  
24 had to do this to get the money, did she ask you to see a  
25 copy of the settlement?

1                   **MR. SILMSER:** No, she didn't.

2                   **MR. ENGELMANN:** Did she ever ask you to see  
3 a copy of the settlement?

4                   **MR. SILMSER:** No, she didn't.

5                   **MR. ENGELMANN:** Did you have a copy of the  
6 settlement?

7                   **MR. SILMSER:** I don't believe I did.

8                   **MR. ENGELMANN:** Okay.

9                   So on September 2<sup>nd</sup>, '93, when you left  
10 Malcolm MacDonald's office, were you given a copy of all  
11 those documents that you had signed?

12                   **MR. SILMSER:** I don't believe so.

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

14                   Do you know if Mr. Adams received those  
15 documents?

16                   **MR. SILMSER:** I have no idea.

17                   **MR. ENGELMANN:** Did you ever get them from  
18 anybody after that?

19                   **MR. SILMSER:** No.

20                   **MR. ENGELMANN:** The words that you used  
21 here, in Exhibit 269, where did you get those words from?

22                   **MR. SILMSER:** Malcolm MacDonald. Basically,  
23 he was saying "That's what you have to write down."

24                   **MR. ENGELMANN:** Was it Malcolm MacDonald or  
25 Sean Adams ---

1 MR. SILMSER: Sean Adams.

2 MR. ENGELMANN: --- or both?

3 MR. SILMSER: That's a good question. I  
4 basically think it was both because Sean had an input there  
5 too and I believe Malcolm MacDonald also.

6 MR. ENGELMANN: Okay.

7 Did you have any discussion with Malcolm  
8 MacDonald about this when he helped you cash the cheque?

9 Do you recall?

10 MR. SILMSER: No. I think there was a phone  
11 call if I remember rightly, but I'm not 100 per cent sure.

12 MR. ENGELMANN: And you are saying that the  
13 police were expecting you?

14 You said that earlier.

15 MR. SILMSER: There seemed to be no  
16 surprise.

17 MR. ENGELMANN: Did she tell you why she was  
18 expecting you?

19 MR. SILMSER: No.

20 THE COMMISSIONER: So you show up there.  
21 Heidi comes to the desk.

22 MR. SILMSER: Yes.

23 THE COMMISSIONER: You ask for paper.

24 MR. SILMSER: Yes.

25 THE COMMISSIONER: Did you?

1                   **MR. SILMSER:** Yes.

2                   **THE COMMISSIONER:** Okay.

3                   And did you copy what was written or was  
4 this out of memory that you wrote this down?

5                   **MR. SILMSER:** This, just out of memory.

6                   **THE COMMISSIONER:** Okay.

7                   And any conversation going on, at that time,  
8 between you and Heidi?

9                   **MR. SILMSER:** Very little and if there was  
10 it was "Are you sure you want to do this, Dave," or  
11 something to that extent. "Are you sure you want to write  
12 this out?"

13                   And that's when I said to her "You decided  
14 to stop the investigation or there's going to be no charges  
15 laid," and she agreed to that and basically I said, "Well,  
16 I have no choice then".

17                   **MR. ENGELMANN:** Okay.

18                   Did she ask you, do you remember, if you had  
19 ever sued Charles MacDonald or the Diocese?

20                   **MR. SILMSER:** No. I think she would have  
21 known if I sued because I pretty well kept her informed in  
22 everything.

23                   **MR. ENGELMANN:** Did she ask you about what  
24 happened at the lawyer's office and how this all came  
25 about?



1                   **MR. SILMSER:** No.

2                   **MR. ENGELMANN:** And you are sure she never  
3 asked for a copy of the settlement?

4                   **MR. SILMSER:** Absolutely not!

5                   **MR. ENGELMANN:** And in the note, you say you  
6                   "...received the settlement to my  
7                   satisfaction from the Cornwall Catholic  
8                   Diocese. I wish that this matter  
9                   against Charles MacDonald be closed."

10                   Is there any question about the connection  
11 between a settlement from the Diocese and stopping charges  
12 against Father MacDonald?

13                   **MR. SILMSER:** Can you repeat that again?

14                   **MR. ENGELMANN:** You say in this note:

15                   "I, David Silmsers, received the  
16                   settlement to my satisfaction from the  
17                   Cornwall Catholic Diocese. I wish that  
18                   this matter against Charles MacDonald  
19                   be closed."

20                   Was there any question about the connection,  
21 the settlement from the Diocese closing a criminal charge  
22 with Father MacDonald?

23                   **MR. SILMSER:** In -- I was told to write this  
24 for one thing. Basically, word-for-word, they told me what  
25 to write and I had no problem with it, knowing that the

1 charges were not being laid and the investigation was  
2 finished.

3 MR. ENGELMANN: All right.

4 MR. SILMSER: I figured I had no choice.

5 MR. ENGELMANN: All right.

6 I am wondering if she had a problem with it.

7 MR. SILMSER: Oh! I don't know.

8 MR. ENGELMANN: Did she express a concern  
9 about you getting money from the Diocese and you asking  
10 that charges against this priest be closed?

11 MR. SILMSER: Not to my knowledge.

12 It seemed to me that her hands were tied.

13 MR. ENGELMANN: I'm sorry.

14 MR. SILMSER: It seems to be -- my feeling  
15 on the situation was her hands were tied and she had -- she  
16 couldn't come back and say "I could do something." So her  
17 hands were tied on this matter too. It just seemed like  
18 that to me.

19 MR. ENGELMANN: All right.

20 She didn't actually say that to you?

21 MR. SILMSER: Oh! No. No.

22 MR. ENGELMANN: And did you tell her that as  
23 part of the settlement you had to attend at the police  
24 station and do just this, sign this form?

25 MR. SILMSER: That's correct.

1                   **MR. ENGELMANN:** Do you recall at/or about  
2                   that time also telling Constable Sebalj that there was a  
3                   woman -- I don't know if you knew the woman's name -- that  
4                   was trying to contact you about the allegations you had  
5                   made about child sexual abuse?

6                   **MR. SILMSER:** That would be Helen Dunlop.

7                   **MR. ENGELMANN:** Right.

8                   Did you know her name then?

9                   **MR. SILMSER:** No, I didn't.

10                  **MR. ENGELMANN:** And did you mention her to  
11                  -- or mention the fact that there was a woman trying to  
12                  contact you, to Constable Sebalj?

13                  **MR. SILMSER:** Yes, I did.

14                  **MR. ENGELMANN:** And did you ask if she knew,  
15                  'she' being Constable Sebalj, how this woman knew about you  
16                  and your allegations?

17                  **MR. SILMSER:** Yes, I did.

18                  **MR. ENGELMANN:** And why?

19                  **MR. SILMSER:** Basically, again, I kept Heidi  
20                  Sebalj informed on everything that happened, and I just  
21                  wanted to know who she might have been. I didn't know who  
22                  she was, and I gave her the name and there was -- I don't  
23                  believe that Heidi said anything about it at that time.

24                  **MR. ENGELMANN:** Were you concerned about  
25                  someone who is a stranger to you trying to speak to you

1 about your allegations of child sexual abuse?

2 MR. SILMSER: Yes, I was. Basically, I was  
3 concerned for one thing, how she got my phone number, and I  
4 just had no idea who she was.

5 MR. ENGELMANN: And do you think it's at the  
6 meeting on September 29th or around that time that you  
7 would have mentioned her to Constable Sebalj?

8 MR. SILMSER: That, I can't remember.

9 MR. ENGELMANN: All right.

10 THE COMMISSIONER: Could we just go back for  
11 a second there.

12 MR. ENGELMANN: Yes.

13 THE COMMISSIONER: I just want to close up.  
14 On Sean Adams, did you ever pay and get a  
15 bill for the services that he gave you?

16 MR. SILMSER: I paid but I never got a bill.

17 THE COMMISSIONER: Oh! No, no. Okay.  
18 So he charged you some money; you paid your  
19 account and that was that?

20 MR. SILMSER: Yes, I did.

21 THE COMMISSIONER: All right.  
22 Thank you.

23 Sorry.

24 MR. ENGELMANN: Just to follow-up.

25 So you didn't actually get an invoice?

1                   **MR. SILMSER:** No.

2                   **MR. ENGELMANN:** You just paid him an amount  
3 of money?

4                   **MR. SILMSER:** I think it was on the street  
5 on the way down when we were walking, and I think I handed  
6 him \$400 or in his car or something, cash.

7                   **MR. ENGELMANN:** Was it that same day?

8                   **MR. SILMSER:** No, it was the day I cashed  
9 the cheque, I believe.

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

11                   But you paid him; no one else paid him?

12                  **MR. SILMSER:** Oh! No. I paid him. It  
13 wasn't a cheque either; it was cash.

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

15                   So when you -- September 29th, you have this  
16 brief meeting with Constable Sebalj. You sign this Exhibit  
17 269, it's in your handwriting.

18                   Any feelings at that time; any reaction  
19 leaving the Cornwall police station that day about where  
20 you were at?

21                  **MR. SILMSER:** Not necessarily. Like, again,  
22 I had no problem writing this out, and I had no problem  
23 because I knew the investigation was going nowhere. It had  
24 actually stopped. She actually said "It's at an end. It's  
25 finished". And the Cornwall Police couldn't help me out at

1 all anymore.

2 **MR. ENGELMANN:** Okay.

3 Well, did she talk to you about getting  
4 advice from an outside Crown at that time?

5 Do you remember?

6 **MR. SILMSER:** I remember something about an  
7 outside Crown, and I asked her about that. I said "How can  
8 you get an outside Crown, when the Crown in Cornwall,  
9 Murray MacDonald didn't want to lay charges?" And she  
10 didn't have an answer back to me, like, in other words, she  
11 said, "Yes, it's pretty well finished -- the case is  
12 finished".

13 **MR. ENGELMANN:** Now, are you talking about a  
14 conversation you had in August now?

15 Are you talking about the conversation on  
16 September 29th?

17 **MR. SILMSER:** I believe it was before  
18 September 29th.

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

20 And you've told us earlier that you had a  
21 conversation with her before taking the settlement about  
22 whether this was going to be proceeding.

23 **MR. SILMSER:** That's right.

24 **MR. ENGELMANN:** Now, you've written this  
25 note. You've had discussions with Constable Sebalj with

1           respect to proceeding against Father MacDonald.

2                           What about Ken Seguin?

3                           Was there any discussion about whether  
4 anything was happening with him or what was your  
5 expectation at or about this time?

6                   **MR. SILMSER:** There was no expectation  
7 because I never mentioned it, or did they mention it to me.

8                   **MR. ENGELMANN:** So you hadn't been told if  
9 there were any other victims or alleged victims that had  
10 come forward?

11                   **MR. SILMSER:** No.

12                   **MR. ENGELMANN:** And that didn't come up as  
13 far as you know, in your conversation on that date?

14                   **MR. SILMSER:** No, it didn't.

15                   **MR. ENGELMANN:** Okay. You mentioned Ken  
16 Seguin coming up when he met with you in Bourget back in  
17 March. To your knowledge, had there been any discussion  
18 about Ken Seguin after that?

19                   **MR. SILMSER:** No, there wasn't.

20                   **MR. ENGELMANN:** Now, during the month of  
21 October 1993 did this woman that you didn't know, that you  
22 found out was Helen Dunlop, did she try and contact you  
23 further?

24                   **MR. SILMSER:** I believe there was a few  
25 phone calls, yes.

1                   **MR. ENGELMANN:** And did you receive any  
2 phone calls from an employee of the Children's Aid Society  
3 also trying to contact you?

4                   **MR. SILMSER:** Yes.

5                   **MR. ENGELMANN:** And did you know why someone  
6 from the Children's Aid Society was trying to contact you?

7                   **MR. SILMSER:** Not at the time, no.

8                   **MR. ENGELMANN:** And did you end up at some  
9 point agreeing to meet with employees of the Children's Aid  
10 Society?

11                   **MR. SILMSER:** Yes, I did.

12                   **MR. ENGELMANN:** Madam Clerk, if Mr. Silmsen  
13 could be shown document number 721635, please?

14                   It will just be a moment.

15                   **(SHORT PAUSE/COURTE PAUSE)**

16                   **THE COMMISSIONER:** Thank you.

17                   Exhibit 270 is a transcript called "Project  
18 Blue", entry here of David Silmsen at Children's Aid  
19 Society, 02/11 of '93.

20                   **MR. ENGELMANN:** I'm sorry, the exhibit  
21 number is?

22                   **THE REGISTRAR:** Two-seventy (270).

23                   **--- EXHIBIT NO./PIÈCE NO. P-270:**

24                   Project Blue Transcript - February  
25                   11, 1993



1                   **MR. ENGELMANN:** Mr. Silmser, do you recall  
2                   having an interview or being interviewed by a Mr. Bell and  
3                   a Ms. DeBellis from the Children's Aid Society on November  
4                   2<sup>nd</sup>, 1993?

5                   **MR. SILMSER:** Yes, I do.

6                   **MR. ENGELMANN:** And I understand that this  
7                   interview was audio taped?

8                   **MR. SILMSER:** Yes, it was.

9                   **MR. ENGELMANN:** And this was a meeting you  
10                  agreed to after you had received a few phone calls?

11                  **MR. SILMSER:** Yes, it was.

12                  **MR. ENGELMANN:** And Mr. Bell or Ms. DeBellis  
13                  was persistent in trying to get a hold of you, I  
14                  understand?

15                  **MR. SILMSER:** That's correct.

16                  **MR. ENGELMANN:** And at the beginning you  
17                  appear to be asking him how they got your name. Why were  
18                  you concerned about that?

19                  **MR. SILMSER:** At the time, I think, through  
20                  this process if somebody had my name I was just  
21                  automatically concerned.

22                  **MR. ENGELMANN:** Had you initiated any  
23                  contact with the CAS earlier?

24                  **MR. SILMSER:** No.

25                  **MR. ENGELMANN:** Did you have any idea how

1           they knew about you?

2                       **MR. SILMSER:** No.

3                       **MR. ENGELMANN:** I'm just looking at, for  
4           example, Bates page 7081000, and then onto the next page.  
5           It's page 4 and 5 of the document, sir.

6                       **MR. SILMSER:** Okay.

7                       **MR. ENGELMANN:** At the bottom of the first  
8           of those two pages you talk about a lady in Cornwall.

9                       **MR. SILMSER:** That's correct.

10                      **MR. ENGELMANN:** Trying to get a hold of you.  
11           Is that Helen Dunlop that you have referred to?

12                      **MR. SILMSER:** Yes.

13                      **MR. ENGELMANN:** And that discussion goes  
14           onto the next page?

15                               **(SHORT PAUSE/COURT PAUSE)**

16                      **MR. ENGELMANN:** Correct?

17                      **MR. SILMSER:** Yes.

18                      **MR. ENGELMANN:** So you're concerned about  
19           how she has your name?

20                      **MR. SILMSER:** That's correct.

21                      **MR. ENGELMANN:** And you're concerned about  
22           why the CAS has your name?

23                      **MR. SILMSER:** That's correct.

24                      **MR. ENGELMANN:** And there seems to be a lot  
25           of discussion from Mr. Bell about what they do and why they

1 -- what they are investigating.

2 MR. SILMSER: That's correct.

3 MR. ENGELMANN: Do you then agree to talk to  
4 them about some of the alleged sexual abuse?

5 MR. SILMSER: Yes, I did.

6 MR. ENGELMANN: And as I understand it, that  
7 involves your allegations with respect to Father MacDonald?

8 MR. SILMSER: That's correct.

9 MR. ENGELMANN: It also involves your  
10 allegations with respect to Ken Seguin?

11 MR. SILMSER: Yes.

12 MR. ENGELMANN: And there is also a brief  
13 mention of Marcel Lalonde?

14 MR. SILMSER: That's correct.

15 MR. ENGELMANN: And sir, this would appear  
16 to be the first statement you give where you mention his  
17 name.

18 MR. SILMSER: That's right.

19 MR. ENGELMANN: Do you know why it came out  
20 then -- and I'm looking at, for example, Bates page  
21 7081022. You sort of mention his name in passing and then  
22 you go into it a bit later.

23 MR. SILMSER: Okay.

24 MR. ENGELMANN: Just at the top of that  
25 page. It's page 26 of the document.

1                   **MR. SILMSER:** Okay. Okay.

2                   **MR. ENGELMANN:** Do you have some sense  
3 looking back as to why you reveal this third alleged abuser  
4 at that time?

5                   **MR. SILMSER:** For me, it was a process.  
6 First, there was Charles MacDonald; second would be Ken  
7 Seguin and third would be the last abuser. It would be  
8 Marcel Lalonde. It had -- for me it had to come out slowly  
9 like that. I could only handle so much mentally.

10                   As you read on, you'll see that I am pretty  
11 angry. I was very frustrated and I could only handle so  
12 much at that time. Even then I didn't even know if I could  
13 handle bringing out somebody else that abused me.

14                   **MR. ENGELMANN:** Well, if you take a look at  
15 page 7081028; it's page 32.

16                   **MR. SILMSER:** Okay.

17                   **MR. ENGELMANN:** There is a statement from  
18 you. Can you just have a look at it, sir, and comment on  
19 that?

20                   Then, if you could take a look at page 34,  
21 Bates 7081030 and the statement you give there?

22                   **(SHORT PAUSE/COURTE PAUSE)**

23                   **MR. SILMSER:** Thirty-four (34)?

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

25                   **MR. SILMSER:** Whereabouts on 34?

1 MR. ENGELMANN: It's on the screen.

2 MR. SILMSER: Okay.

3 MR. ENGELMANN: It's right in the middle of  
4 the page, sir.

5 MR. SILMSER: Okay.

6 MR. ENGELMANN: It says "DS".

7 MR. SILMSER: That's good.

8 MR. ENGELMANN: And I want you to look at a  
9 couple of other comments you make.

10 MR. SILMSER: Okay.

11 MR. ENGELMANN: Seven-oh-eight-one-zero-  
12 three-two (7081032), page 36.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. ENGELMANN: And then the following page,  
15 7081033, page 37.

16 MR. SILMSER: I didn't read -- I didn't  
17 finish reading.

18 MR. ENGELMANN: Oh, I am sorry.

19 MR. SILMSER: Okay.

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. ENGELMANN: And lastly, Mr. Silmsers,  
22 page 7081035. It's page 39.

23 MR. SILMSER: Okay.

24 (SHORT PAUSE/COURTE PAUSE)

25 MR. SILMSER: Okay.

1                   **MR. ENGELMANN:** Summarize for us, sir, what  
2                   you're saying, what you're trying to say to the Children's  
3                   Aid Society in November 1993.

4                   **MR. SILMSER:** Basically exactly what it  
5                   says, that I felt at that time that these people that  
6                   abused me, like Ken Seguin and Charles MacDonald, were  
7                   powerful men in the community and they had a lot more  
8                   connections with the Crown Attorney, Mary MacDonald; other  
9                   people with power, and here I was, a kid with a -- a person  
10                  with a criminal record and it was an uphill battle. But I  
11                  believed that someday the truth would come out. One way or  
12                  the other it would come out.

13                  Again, I was frustrated when I wrote this.  
14                  Many times I was frustrated.

15                  **MR. ENGELMANN:** This is a conversation you  
16                  are having.

17                  **MR. SILMSER:** Yes.

18                  **MR. ENGELMANN:** You are expressing these  
19                  views.

20                  **MR. SILMSER:** Yes.

21                  **MR. ENGELMANN:** Is that fair?

22                  **MR. SILMSER:** Yes.

23                  **MR. ENGELMANN:** Yes.

24                  **MR. SILMSER:** There is a lot of emotions  
25                  coming out here, especially when you have to relive this

1 every time. This is not the first time I wrote a  
2 statement. This is -- you've got to relive it -- every  
3 institution you've got to relive it again. Even in this  
4 Inquiry I have to relive it again. It's hard on a person  
5 and that's just what happened in CAS. They wanted me to  
6 relive my thing again and I tried to do the best job I  
7 could for them but ---

8 **MR. ENGELMANN:** Was this a difficult  
9 interview?

10 **MR. SILMSER:** They all were. That wasn't  
11 the only interview. The Tim Smith and Mike Fagan interview  
12 with the OPP was a tough, tough interview too. They never  
13 got easier.

14 **MR. ENGELMANN:** Okay.

15 At the end of this interview, or towards the  
16 end, there is some discussion. Again, you make a similar  
17 comment to the comments we have looked at on Bates page  
18 7081038, page 42.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **THE COMMISSIONER:** Can you ---

21 **MR. ENGELMANN:** I think we are frozen.

22 **THE COMMISSIONER:** Are we frozen?

23 **MR. ENGELMANN:** Oh, there we go.

24 Mr. Silmsers, if you want to look at the  
25 paper it's the very last. There you go.

1                   **THE COMMISSIONER:** Bring it up a little  
2 more. There you go.

3                   **(SHORT PAUSE/COURTE PAUSE)**

4                   **MR. ENGELMANN:** At the very next page you  
5 seem to leave things where you are to get back to them or  
6 there is going to be some follow up. Do you know if there  
7 was much follow up on your end in any event?

8                   **MR. SILMSER:** I can't remember I ever phoned  
9 them. I believe there is no follow up on their -- on  
10 behalf of them that I knew of anyways.

11                   **MR. ENGELMANN:** I'm going to show you a  
12 couple of documents from the next year where there might be  
13 some correspondence between the Children's Aid Society and  
14 yourself.

15                   **MR. SILMSER:** At a much later date.

16                   **MR. ENGELMANN:** Okay.

17                   **MR. SILMSER:** Okay.

18                   **MR. ENGELMANN:** Did they tell you what  
19 Project Blue was?

20                               Did they tell you what their purpose was?

21                               Did they talk about protecting children?

22                   **MR. SILMSER:** I didn't even know it was  
23 called Project Blue. I had no idea.

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

25                   **MR. SILMSER:** I didn't know they had a



1 project on this.

2 MR. ENGELMANN: They told you they were  
3 investigating, and they asked you about your allegations of  
4 child sexual abuse, and they asked you to describe  
5 incidents involving the three individuals you've named.

6 MR. SILMSER: That's correct.

7 MR. ENGELMANN: Do you have a sense that  
8 they were looking into these individuals with respect to  
9 protection of children?

10 MR. SILMSER: I was hoping they would.

11 MR. ENGELMANN: All right.

12 THE COMMISSIONER: Mr. Engelmann, I don't  
13 know if this would be a convenient time to break. We could  
14 take an earlier lunch hour and come back at 1:45. I know I  
15 have a conference call at 12:30.

16 MR. ENGELMANN: That would be fine, sir.

17 THE COMMISSIONER: All right.

18 MR. ENGELMANN: Yes.

19 THE COMMISSIONER: Thank you.

20 So have a good lunch and we'll see you at  
21 1:45.

22 MR. ENGELMANN: Thank you.

23 REGISTRAR: Order; all rise. À l'ordre.

24 Veuillez vous lever.

25 The hearing will resume at 1:45.

1 --- Upon recessing at 12:12 p.m./

2 L'audience est suspendue à 12h12

3 --- Upon resuming at 13:59 p.m./

4 L'audience est reprise à 13h59

5 **THE REGISTRAR:** Order; all rise. Veuillez  
6 vous lever.

7 This hearing of the Cornwall Public Inquiry  
8 is now in session. Please be seated. Veuillez vous  
9 asseoir.

10 **THE COMMISSIONER:** How are we doing?

11 **MR. SILMSER:** Good.

12 **THE COMMISSIONER:** Okay.

13 Thank you.

14 Go ahead.

15 **MR. ENGELMANN:** Good afternoon, Mr.  
16 Commissioner.

17 **THE COMMISSIONER:** Good afternoon, sir.

18 **DAVID SILMSER, Resumed/Sous le même serment:**

19 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
20 **ENGELMANN, (cont'd/suite):**

21 **MR. ENGELMANN:** Good afternoon, Mr. Silmser.

22 **MR. SILMSER:** Good afternoon.

23 **MR. ENGELMANN:** Mr. Silmser, I believe when  
24 we left off we had reviewed an exhibit dealing with the  
25 interview you had with the Children's Aid Society?

1                   **MR. SILMSER:** Yes.

2                   **MR. ENGELMANN:** And this now, just to place  
3 this in time, is early November of 1993.

4                   **MR. SILMSER:** Okay.

5                   **MR. ENGELMANN:** And shortly after that, sir  
6 -- let's move ahead a little later in the month. Later on  
7 in November of 1993, you were informed are you not, of the  
8 death of Mr. Seguin?

9                   **MR. SILMSER:** Yes, I was.

10                  **MR. ENGELMANN:** Ken Seguin.

11                  **MR. SILMSER:** Yes.

12                  **MR. ENGELMANN:** Let's go back to the  
13 beginning of the month then.

14                               Do you recall shortly after your meeting  
15 with the CAS, whether you contacted Malcolm MacDonald about  
16 Mr. Seguin?

17                  **MR. SILMSER:** I believe I did.

18                  **MR. ENGELMANN:** Okay.

19                               And why were you calling Malcolm MacDonald?

20                  **MR. SILMSER:** Basically because I knew that  
21 was his lawyer, and that I wanted the truth to come out  
22 about the abuse, and that I basically wanted him to come  
23 and give me an apology again, and to -- basically, apology  
24 at the beginning.

25                  **MR. ENGELMANN:** All right.

1 Now, you thought Malcolm MacDonald was Ken  
2 Seguin's lawyer?

3 MR. SILMSER: Yes.

4 MR. ENGELMANN: And he had been Charles  
5 MacDonald's lawyer?

6 MR. SILMSER: That's correct.

7 MR. ENGELMANN: And when you first contacted  
8 Malcolm and asked him whether he was Ken Seguin's lawyer,  
9 did he tell you he was or wasn't at that point in time?

10 MR. SILMSER: I believe he told me he was.

11 MR. ENGELMANN: Okay.

12 Do you recall if he initially told you or if  
13 he initially said to you, "Not at this time?"

14 MR. SILMSER: I don't remember that.

15 MR. ENGELMANN: All right.

16 Mr. Silmsers, shortly after Mr. Seguin died,  
17 were you interviewed by the OPP?

18 MR. SILMSER: Yes, I was.

19 MR. ENGELMANN: All right.

20 I just want to show you a document.

21 It's Document number 715498, Madam Clerk.

22 THE COMMISSIONER: Thank you.

23 This is Exhibit 271, which is an interview  
24 report, 26 November '93 of David Silmsers.

25 --- EXHIBIT NO./PIÈCE NO. P-271:

1 David Silmsler - Handwritten Statement -  
2 November 26, 1993

3 **MR. ENGELMANN:** Mr. Silmsler, just to the  
4 left on the first page of the document, 7057870, is that  
5 your signature?

6 **MR. SILMSER:** Yes, it is.

7 **MR. ENGELMANN:** And is this document written  
8 in your handwriting or that of someone else?

9 **MR. SILMSER:** That of someone else.

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

11 And do you recall whether you were  
12 interviewed by two OPP officers on November 26<sup>th</sup>, 1993?

13 **MR. SILMSER:** Yes, I was.

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

15 And I believe the names are Millar and  
16 McDonnell?

17 **MR. SILMSER:** Yes, they are.

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

19 I want to go to the statement. I don't know  
20 if you'd had a chance to read this, sir, this particular  
21 statement.

22 **MR. SILMSER:** No, I haven't.

23 **MR. ENGELMANN:** Okay.

24 I want to go to this to perhaps refresh your  
25 memory about some of the events or occurrences that took

1 place in November of 1993.

2 MR. SILMSER: Okay.

3 MR. ENGELMANN: Why don't we go to the  
4 document for that purpose first.

5 If you'd just give me a moment?

6 I believe the description of the month of  
7 November -- yes, if you look at page 4 of the document,  
8 which is Bates page 7057873, I believe it says:

9 "About three weeks ago, Gregory Bell  
10 phoned me, said he was doing an  
11 investigation on Father Charles  
12 MacDonald and Ken Seguin and he wanted  
13 to see me."

14 We've talked about Mr. Bell. He was one of  
15 the two individuals from the Children's Aid Society who  
16 interviewed you?

17 MR. SILMSER: Yes, he was.

18 MR. ENGELMANN: All right.

19 "I told him everything was settled. I  
20 didn't really want to talk to him. He  
21 kept calling me back."

22 That was probably in the month of October  
23 because you know you met with him November 2<sup>nd</sup>.

24 MR. SILMSER: Okay.

25 MR. ENGELMANN: "He told me with their

1 policy, I would be protected and that I  
2 would be protecting children. I  
3 finally agreed to go in."

4 You talk about telling your story, leaving  
5 out some of the details about the sex.

6 Do you see that?

7 **MR. SILMSER:** Yes.

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

9 "I started thinking again about what  
10 had happened to me. I had put one man  
11 in his place. That's when I decided to  
12 go after Seguin for what he had done to  
13 me."

14 **MR. SILMSER:** Yes, I see that.

15 **MR. ENGELMANN:** Now, would it be fair to say  
16 that the CAS interview might have been a sparkplug for you  
17 to want to do something about Mr. Seguin?

18 **MR. SILMSER:** I think the whole process was.  
19 I never got satisfaction out of Charles MacDonald, and the  
20 idea was to still get the truth out somehow, and Seguin was  
21 the next guy in line.

22 **MR. ENGELMANN:** And he was still an active  
23 probation officer at this time, to your knowledge?

24 **MR. SILMSER:** Yes, he was.

25 **MR. ENGELMANN:** Now it says there:

1 "I phoned Malcolm MacDonald and asked  
2 him if he was representing Ken Seguin.  
3 He said, 'No, not at this time'."

4 MR. SILMSER: Okay.

5 MR. ENGELMANN: Does that refresh your  
6 memory about that call?

7 MR. SILMSER: It doesn't refresh my memory,  
8 but ---

9 MR. ENGELMANN: All right.

10 MR. SILMSER: --- if I wrote it back then.

11 MR. ENGELMANN: Do you take any issue with  
12 that?

13 MR. SILMSER: No, I don't.

14 MR. ENGELMANN: Your memory was better then,  
15 than it would be today?

16 MR. SILMSER: Of course it is.

17 MR. ENGELMANN: And you don't take any issue  
18 with this being what you would have told the OPP that day?

19 MR. SILMSER: No.

20 MR. ENGELMANN: All right.

21 Just on that note, do you know if they would  
22 have given you an opportunity to read the statement before  
23 you signed it?

24 MR. SILMSER: I would believe so, yes.

25 MR. ENGELMANN: All right.



1 Then it says:

2 "I phoned Ken Seguin around a week or  
3 so ago, at work. Told him that I  
4 wanted the settlement from him also,  
5 for what he had done to me. He told me  
6 to talk to Malcolm MacDonald, his  
7 lawyer."

8 So Malcolm tells you he's not yet his lawyer  
9 or not at this time; you speak to Ken and he sends you back  
10 to Malcolm?

11 **MR. SILMSER:** That's fair enough.

12 **MR. ENGELMANN:** Is that kind of how you  
13 remember it?

14 **MR. SILMSER:** I have a hard time remembering  
15 that far back.

16 **MR. ENGELMANN:** Okay.

17 All right.

18 **MR. SILMSER:** But if I said it back then, my  
19 memory is better back then, like you said.

20 **MR. ENGELMANN:** Let me ask you this.

21 Do you have some recollection of discussions  
22 with both Malcolm MacDonald and Ken Seguin during the month  
23 of November?

24 **MR. SILMSER:** Yes, I did.

25 **MR. ENGELMANN:** Now, then you have a note

1 about calling -- the interview goes on and it says:

2 "I called Malcolm. He asked me if I  
3 had a lawyer. I said, 'No'. He said  
4 he could not be involved in this case  
5 if I had a lawyer."

6 Do you have any recollection of that  
7 statement at this time?

8 **MR. SILMSER:** No.

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

10 Then there's some discussion with you about  
11 amounts.

12 **MR. SILMSER:** Okay.

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

14 And there's a comment that if you don't have  
15 the money, that you're going to sue the Ministry of  
16 Probation and Parole.

17 **MR. SILMSER:** Okay.

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

19 **MR. SILMSER:** M'hm.

20 **MR. ENGELMANN:** So you told us today you  
21 were seeking an apology.

22 **MR. SILMSER:** Right.

23 **MR. ENGELMANN:** At some point in time in  
24 November, is it fair to say you're seeking some  
25 compensation for what happened as well?

1                   **MR. SILMSER:** That is correct.

2                   **MR. ENGELMANN:** And if that's not  
3                   forthcoming, you're going to hire a lawyer and take some  
4                   action.

5                   **MR. SILMSER:** Civil action; that's correct.

6                   **MR. ENGELMANN:** Right.

7                   It then goes on, on the next page, sir, and  
8                   you discuss the fact that Malcolm is going to get back to  
9                   you with an answer from Ken Seguin and you didn't hear so -  
10                  - I'm just paraphrasing -- you then phoned Ken Seguin on  
11                  the Wednesday night at his home. You say between 7:00 and  
12                  9:00 p.m.

13                  **MR. SILMSER:** That's correct.

14                  **MR. ENGELMANN:** That was just the Wednesday  
15                  before this statement, the 23<sup>rd</sup> of November?

16                  **MR. SILMSER:** Okay.

17                  **MR. ENGELMANN:** If you could just read on,  
18                  sir.

19                  **MR. SILMSER:** From where?

20                  **MR. ENGELMANN:** Just the top of that page.

21                  **MR. SILMSER:** "Malcolm said he would call  
22                  me back on Wednesday the 24<sup>th</sup>, on Friday  
23                  the 26<sup>th</sup> November, '93 with an answer  
24                  from Ken Seguin. Malcolm said he had a  
25                  doctor's appointment on Thursday. I

1                   didn't hear anything Wednesday, so I  
2                   phoned Ken Seguin at his home between  
3                   7:00 and 9:00 p.m."

4                   I don't know what that word is.

5                   **MR. ENGELMANN:** "I asked him if he was  
6                   going to make a settlement..."

7                   **MR. SILMSER:** "... if he was going to make a  
8                   settlement by Friday or not. Ken said,  
9                   'I don't think I can come up with that  
10                  type of money'. He said, 'Malcolm  
11                  would call me first...'"

12                  **THE COMMISSIONER:** "'...first thing Thursday  
13                  ...'"

14                  **MR. SILMSER:** "...first thing Thursday  
15                  morning'. I said, 'You...'"

16                  **THE COMMISSIONER:**  
17                  "'...have until...'"

18                  **MR. SILMSER:**  
19                  "'...have until Friday to get...'"

20                  **THE COMMISSIONER:**  
21                  " '... a settlement ...'"

22                  **MR. SILMSER:**  
23                  "'... a settlement ...'"

24                  **THE COMMISSIONER:** Yes.

25                  **MR. SILMSER:** Now it's flicking all over the

1 place here.

2 Where are we?

3 **MR. ENGELMANN:** Let me just give it a try,  
4 sir.

5 "... or I will be getting a lawyer and  
6 suing'."

7 **MR. SILMSER:** Okay.

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

9 **MR. SILMSER:** Yes.

10 **MR. ENGELMANN:** Then there's a comment:

11 "There was no response for three or  
12 four seconds and I said, 'Goodbye'."

13 Now, I just want to ask you. I know this  
14 was done shortly after that occurred.

15 **MR. SILMSER:** Yes.

16 **MR. ENGELMANN:** But do you recall what  
17 happened right at the end of that conversation with Mr.  
18 Seguin?

19 **MR. SILMSER:** Yes, I do.

20 **MR. ENGELMANN:** And was there more than what  
21 you've set out here in this statement?

22 **MR. SILMSER:** I haven't read the whole  
23 statement. So I don't know.

24 **MR. ENGELMANN:** Okay.

25 Well, just take your time. Have a look at

1 the rest of that page.

2 **THE COMMISSIONER:** I don't think there's  
3 anything after that, but did you phone Ken Seguin?

4 **MR. SILMSER:** No, I did not.

5 Yes, there was more. And I don't know why  
6 that's not in, because I'm sure I told them. Anyways, what  
7 I said to him was basically that and he said, "Did you go  
8 to the Cornwall Police?"

9 **MR. ENGELMANN:** He being Ken Seguin?

10 **MR. SILMSER:** Ken Seguin.

11 **MR. ENGELMANN:** This is the telephone call?

12 **MR. SILMSER:** That is correct.

13 He said, "Did you go to the Cornwall  
14 Police?" And I said, "Yes, I have gone to the Cornwall  
15 Police." And he said, "Did you tell them anything?" I  
16 told him, I said, "I told him the truth". And he went,  
17 "Oh, my God!" And then the phone went click. And then that  
18 night, he committed suicide.

19 **MR. ENGELMANN:** And that's how you remember  
20 that call ending?

21 **MR. SILMSER:** That's exactly how it went.

22 Let me say something if I can. His suicide  
23 really bothered me for a long time. In fact, I sometimes  
24 wished I wouldn't have come forward to see a man commit  
25 suicide like that. That really bothered me and still

1           bothers me today. I'm getting better with it, but  
2           sometimes I wonder if I should even come forward. I still  
3           think I did the right thing by coming forward, but that was  
4           a really, really hard time in my life when I heard that he  
5           had committed suicide, because I didn't want that to ever  
6           happen.

7                       **MR. ENGELMANN:** How did you find out about  
8           it?

9                       **MR. SILMSER:** Malcolm MacDonald, the next  
10          morning.

11                      **MR. ENGELMANN:** Was it the next morning, or  
12          was it on the Friday morning?

13                      **MR. SILMSER:** No, Malcolm MacDonald the next  
14          morning. I had phoned Malcolm ---

15                      **MR. ENGELMANN:** I just want to get the dates  
16          down. Again, just go back to your statement for a minute,  
17          that's going to be helpful.

18                      You called and had this discussion with Mr.  
19          Seguin on a Wednesday.

20                      **MR. SILMSER:** Right.

21                      **MR. ENGELMANN:** And then a little later on  
22          that page, Bates 7057874, it's page 5 of the Statement:

23                      Question:

24                               "Did you phone Ken Seguin's residence  
25                               since that call?"

1 "No, I did not. On Friday."

2 MR. SILMSER: Oh, it would have been  
3 Thursday, Thursday morning. It was the next morning that I  
4 phoned Malcolm MacDonald's office, I believe, and I said,  
5 "Is there any action on the civil suit -- on the  
6 settlement?" And he said, "You haven't heard?"

7 And I said, "No." and he said, "Oh, Ken  
8 committed suicide last night." And he pretty well blamed  
9 me for his suicide on the phone.

10 MR. ENGELMANN: Who blamed you?

11 MR. SILMSER: Malcolm MacDonald. And he  
12 hung the phone up. And later on in the day, I believe I  
13 had the visit by the OPP.

14 MR. ENGELMANN: Okay. The visit by the OPP  
15 appears to have been on the 26th ---

16 MR. SILMSER: Which would be ---

17 MR. ENGELMANN: --- that would be the  
18 Saturday.

19 MR. SILMSER: Oh, Saturday, so it had been  
20 later.

21 MR. ENGELMANN: The reason -- and just to  
22 try and trace the dates again just looking at the same page  
23 we were on, the Friday would have been the 25th. The  
24 Thursday would have been the 24th -- oh, I'm sorry -- no,  
25 the 24th was Wednesday.



1                   You are right, sir. It says 24th,  
2                   Wednesday, at the top of the page. And then Friday was the  
3                   26th.

4                   So you would have had the interview with the  
5                   OPP the same day, on Friday, this morning around 9:30 a.m.  
6                   That's when you found out.

7                   **MR. SILMSER:** That's correct.

8                   **MR. ENGELMANN:** So the OPP were interviewing  
9                   you that afternoon?

10                  **MR. SILMSER:** That's correct.

11                  **MR. ENGELMANN:** Where was that interview?

12                  **MR. SILMSER:** In Bourget, my residence in  
13                  Bourget.

14                  **MR. ENGELMANN:** And in the interview, it  
15                  appears you give them some background as to about when you  
16                  came forward with your allegations.

17                  **MR. SILMSER:** Okay.

18                  **MR. ENGELMANN:** It starts, and I'm just  
19                  looking at the first page, you talk about, in this case,  
20                  you say:

21                                 "Telephoned the Long Sault OPP."

22                  **MR. SILMSER:** No, that wasn't correct ---

23                  **MR. ENGELMANN:** And you believe today that  
24                  you made them aware as a result of a driving infraction or  
25                  driving offence.

1                   **MR. SILMSER:** That's correct.

2                   **MR. ENGELMANN:** All right. So there is some  
3 description about the history of the case from December of  
4 '92 forward.

5                   **MR. SILMSER:** Okay.

6                   **MR. ENGELMANN:** All right. Now, were you  
7 told either then or at any time later that you were being  
8 investigated?

9                   **MR. SILMSER:** I believe in that interview I  
10 was told I was being investigated. I'm not sure what for.  
11 I don't know if they ruled it as suicide at that time, that  
12 I was being -- for, I don't know, murder or whatever it  
13 was. They never really let me on, but I knew I was being  
14 investigated. At first I thought it was because they were  
15 thinking I murdered him, but they ruled it as suicide.

16                   **MR. ENGELMANN:** Did they ever mention to  
17 you, either these officers or other officers, that you were  
18 being investigated for a possible offence known as  
19 extortion?

20                   **MR. SILMSER:** That came at the later -- at  
21 the -- later on in the interview.

22                   **MR. ENGELMANN:** This particular interview,  
23 sir, or another one?

24                   **MR. SILMSER:** No, this interview.

25                   **MR. ENGELMANN:** Could you just review the

1 statement quickly if you could.

2 MR. SILMSER: Sure.

3 MR. ENGELMANN: You don't have to read it  
4 out loud. I just want you to take a look at it.

5 MR. SILMSER: The whole thing or?

6 MR. ENGELMANN: Well, the first three pages,  
7 sir, appear to be matters involving Father MacDonald and  
8 some dealings with the Cornwall Police Service, and the  
9 settlement discussion we've talked about in September of  
10 '93. And then not proceeding with charges and that takes  
11 us right to page 4.

12 MR. SILMSER: Okay.

13 MR. ENGELMANN: Where we started, looking at  
14 November. We looked at page 5 and I don't see anything in  
15 here about extortion or murder or that they're  
16 investigating you for anything.

17 MR. SILMSER: I believe they said at the end  
18 of the meeting was "If you would have said anything else to  
19 us in a statement, we would have charged you for  
20 extortion".

21 MR. ENGELMANN: Okay. All right, so you  
22 think there was a statement at the end?

23 MR. SILMSER: Oh, they still talk to me at  
24 the end of the statement.

25 MR. ENGELMANN: Yes. All right.

1 Did you know these two officers?

2 **MR. SILMSER:** I knew -- no, I never met them  
3 before, but I found out that Constable McDonell was Charles  
4 MacDonald's cousin.

5 **MR. ENGELMANN:** His first cousin?

6 **MR. SILMSER:** I'm not sure what -- he was a  
7 cousin of his.

8 **MR. ENGELMANN:** Did he tell you that or was  
9 that someone else who told you that? Can you remember?

10 **MR. SILMSER:** I can't remember which officer  
11 told me that. No.

12 But I also know that Chris McDonell was  
13 going around to the altar boys and badmouthing me, when he  
14 was doing the investigation and John Maloney was one of  
15 them saying that "Dave Silmsers is no good for nothing.  
16 He's incredible and this thing is just going to go away"  
17 type of thing, to John Maloney.

18 John Maloney told me that and ---

19 **MR. ENGELMANN:** John Maloney was another  
20 altar boy?

21 **MR. SILMSER:** Yes, he was. Well, he never  
22 came forward as a victim, but he was, through the court  
23 cases in Ottawa, he was kind of like a support for me  
24 because he was there. He realized what the truth was, and  
25 he saw the truth with the cases, and he was -- he became a

1 friend.

2 MR. ENGELMANN: All right. Your discussion  
3 with John Maloney, that would have taken place during the  
4 1994 calendar year after the OPP started to investigate ---

5 MR. SILMSER: That's correct.

6 MR. ENGELMANN: --- your concerns about  
7 Father Charles?

8 MR. SILMSER: That's correct.

9 MR. ENGELMANN: Now, you didn't talk to  
10 these two OPP officers about Marcel Lalonde?

11 MR. SILMSER: I don't think they were very  
12 interested in that.

13 MR. ENGELMANN: They were really interested  
14 in Ken Seguin's sudden death.

15 MR. SILMSER: That's correct.

16 MR. ENGELMANN: And you gave them some  
17 background and then you talked about what you were doing in  
18 November.

19 MR. SILMSER: That's correct.

20 MR. ENGELMANN: Now, Mr. Silmsers, I want to  
21 just ask you if you remember a couple of other things that  
22 took place in the month of November.

23 Do you remember having a telephone  
24 conversation -- and I know you had many with her, but this  
25 is later now -- with Heidi Sebalj about Ken Seguin or about

1 the CAS or about this woman that was trying to get a hold  
2 of you?

3 MR. SILMSER: I don't remember.

4 MR. ENGELMANN: All right. Do you remember  
5 if the Cornwall Police Service were trying to get hold of  
6 you to discuss whether or not you wanted to proceed with  
7 charges against Ken Seguin?

8 MR. SILMSER: They never did that. No.

9 MR. ENGELMANN: Okay. Do you know if they  
10 might have tried to contact the lawyer you had hired for  
11 that settlement agreement, Sean Adams, to ask him to find  
12 out about whether or not he wanted to proceed with any  
13 allegations against Ken Seguin?

14 MR. SILMSER: No.

15 MR. ENGELMANN: You don't know or you don't  
16 remember?

17 MR. SILMSER: No. No, there isn't -- they  
18 didn't happen.

19 THE COMMISSIONER: At least, Mr. Adams never  
20 told you that he was contacted by them.

21 MR. SILMSER: That's true.

22 MR. ENGELMANN: Mr. Silmsers, on or about the  
23 24<sup>th</sup> of November, so this is the night that you called Ken  
24 Seguin, the last time you speak to him, do you recall  
25 making a phone call to the Cornwall Police Service and

1           expressing concern to an officer on the phone there that if  
2           something happens to you -- something untoward happens to  
3           you that they should be suspicious about Ken Seguin?

4                   **MR. SILMSER:** I remember making that phone  
5           call, but I don't know exactly when I made it.

6                   **MR. ENGELMANN:** All right. And what ---

7                   **MR. SILMSER:** Prompted that?

8                   **MR. ENGELMANN:** Yes?

9                   **MR. SILMSER:** Basically, I'm still dealing  
10          with pretty powerful people in this community and I was a  
11          little paranoid ---

12                   **MR. ENGELMANN:** I believe in fairness you  
13          might have said that you were concerned about either Ken  
14          Seguin or Charles MacDonald.

15                   **MR. SILMSER:** Yeah. I don't know if that  
16          was the time when the hearsay or whatever you want to say,  
17          where they had the meeting on Stanley Island, Murray  
18          MacDonald and -- I don't know if that's the time I heard  
19          that, but there was death threats against Perry Dunlop.

20                   **MR. ENGELMANN:** This is some time before  
21          then. This is ---

22                   **MR. SILMSER:** Before that?

23                   **MR. ENGELMANN:** --- and I am going to  
24          suggest to you it was on November 24<sup>th</sup> ---

25                   **MR. SILMSER:** Okay.

1                   **MR. ENGELMANN:** --- of 1993.

2                   **MR. SILMSER:** Basically, back then it was  
3 just I was leery. You know, here I am, just one person  
4 going against the system and ---

5                   **MR. ENGELMANN:** You didn't have counsel at  
6 that time, as in a legal counsel?

7                   **MR. SILMSER:** No, I didn't.

8                   **MR. ENGELMANN:** Now, a couple of weeks after  
9 Mr. Seguin's death, so we're into mid-December of 1993, do  
10 you recall if you placed a call to an official from the  
11 Ministry of Corrections ---

12                   **MR. SILMSER:** Yes.

13                   **MR. ENGELMANN:** --- to report allegations of  
14 sexual abuse by Mr. Seguin?

15                   **MR. SILMSER:** Yes, I did. And the reason  
16 for that was I told him he better check Ken Seguin's files  
17 and all the people he had on his files because I believed  
18 there was more than just me being abused by him.

19                   **MR. ENGELMANN:** All right. Let me just stop  
20 you for a second.

21                   **MR. SILMSER:** Okay.

22                   **MR. ENGELMANN:** Can you recall if the person  
23 you spoke to was Bill Roy?

24                   **MR. SILMSER:** I don't know the name. Sorry,  
25 I can't remember the name.



1                   **MR. ENGELMANN:** All right. Was the person a  
2 manager, a regional manager for the Ministry?

3                   **MR. SILMSER:** Yes, he was.

4                   **MR. ENGELMANN:** And would you have explained  
5 to this official that you had already been to the Cornwall  
6 Police Service about Mr. Seguin, or do you remember?

7                   **MR. SILMSER:** I believe so, yes.

8                   **MR. ENGELMANN:** And did you mention that  
9 they had investigated your case or may have investigated  
10 your case?

11                   **MR. SILMSER:** I don't know. I can't  
12 remember the exact words I said to him.

13                   **MR. ENGELMANN:** Do you know now if you got  
14 into any details of the abuse that you alleged from Ken  
15 Seguin?

16                   **MR. SILMSER:** I don't believe so, no.

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

18   So what did you want him to do?

19                   **MR. SILMSER:** I wanted him to open up Ken  
20 Seguin's files and go through where his clients were and  
21 make sure that nobody else was abused by Ken Seguin.

22                   **MR. ENGELMANN:** And how did he respond to  
23 that suggestion?

24                   **MR. SILMSER:** He responded by saying that he  
25 was going to phone the OPP on me.

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

2                   Okay.

3                   So let's just go through the call as best  
4 you can recall.

5                   **MR. SILMSER:** Okay.

6                   **MR. ENGELMANN:** You make a suggestion about  
7 opening up files, looking -- you're concerned that there  
8 were other victims.

9                   **MR. SILMSER:** That's correct.

10                  **MR. ENGELMANN:** Does he indicate a  
11 willingness to do that?

12                  **MR. SILMSER:** Absolutely not!

13                  **MR. ENGELMANN:** And how so?

14                  How does he respond?

15                  **MR. SILMSER:** I forget exactly how it went,  
16 but it was totally negative on his part. In fact, that was  
17 like I was bothering him and I shouldn't be phoning him.

18                  **MR. ENGELMANN:** How did you respond to that?

19                  **MR. SILMSER:** Angrily, and that's probably  
20 why he said he'd phone the OPP. He wasn't listening to me.  
21 So I basically let him know how I felt.

22                  **MR. ENGELMANN:** And you might have been  
23 loud?

24                  **MR. SILMSER:** There is a good chance of  
25 that.

1 MR. ENGELMANN: Profane?

2 MR. SILMSER: I'm not sure about that but --

3 -

4 MR. ENGELMANN: But you were angry?

5 MR. SILMSER: I was angry.

6 MR. ENGELMANN: And he told you he might  
7 phone the OPP on you?

8 MR. SILMSER: He might. He said he was  
9 going to.

10 MR. ENGELMANN: Going to, and why?

11 MR. SILMSER: I have no idea.

12 MR. ENGELMANN: All right.

13 Did the OPP ever investigate you as far as  
14 you know about that telephone call?

15 MR. SILMSER: I never heard from them over  
16 that telephone call, no.

17 MR. ENGELMANN: Okay.

18 That was a long time ago.

19 Now, after that call did this official or  
20 anyone else from the Ministry get back to you about the  
21 concerns you had expressed and about the allegations?

22 MR. SILMSER: No, I don't believe so.

23 MR. ENGELMANN: Let's then go to January of  
24 1994, and just to -- again, now this is 13 years ago. This  
25 is when there is a large degree of media attention to your

1 case.

2 Do you remember how that starts?

3 **MR. SILMSER:** The media attention?

4 **MR. ENGELMANN:** Yes.

5 **MR. SILMSER:** I believe probably when the  
6 \$32,000 settlement ended up in the news; my statement ended  
7 up in the news, on CJOH; the \$32,000 settlement ended up in  
8 the news.

9 **MR. ENGELMANN:** And CJOH is an Ottawa  
10 television station?

11 **MR. SILMSER:** That's correct.

12 **MR. ENGELMANN:** And did you actually see the  
13 report about the settlement in your case?

14 **MR. SILMSER:** I didn't see the report of the  
15 settlement, but I saw my statement on TV.

16 **MR. ENGELMANN:** And which statement are you  
17 referring to?

18 **MR. SILMSER:** My first statement I brought  
19 to the Cornwall Police.

20 **MR. ENGELMANN:** The eight-page statement  
21 that you brought to them on February 16<sup>th</sup>?

22 **MR. SILMSER:** Yes.

23 **MR. ENGELMANN:** I have actually forgotten  
24 the exhibit number.

25 **(SHORT PAUSE/COURTE PAUSE)**

1                   **MR. ENGELMANN:** Exhibit 262.

2                   **MR. SILMSER:** Yes.

3                   **MR. ENGELMANN:** So you actually saw the  
4 statement on television?

5                   **MR. SILMSER:** Yes, I did.

6                   **MR. ENGELMANN:** Just as we see it on the  
7 screen?

8                   **MR. SILMSER:** Yes, with my signature also  
9 visible.

10                  **MR. ENGELMANN:** Did you have any idea how it  
11 came to be on television?

12                  **MR. SILMSER:** All I could think of was the  
13 police officer from the Cornwall Police had to have given  
14 it to CJOH because that's the only place my statement was  
15 ever at.

16                  **MR. ENGELMANN:** All right.

17                                 Had you ever given permission for your  
18 statement to be shown on television?

19                  **MR. SILMSER:** Absolutely not!

20                  **MR. ENGELMANN:** And how did you respond when  
21 you found this out?

22                  **MR. SILMSER:** I was in shock. I was sitting  
23 with my wife in the living room and watching it and I  
24 couldn't believe what was on TV. I forget exactly what I  
25 did right away, but I was pretty upset.

1                   **MR. ENGELMANN:** And did you decide to deal  
2 with Cornwall Police on your own about this or did you  
3 engage a lawyer at that time?

4                   **MR. SILMSER:** That's the time I hired Bryce  
5 Geoffrey, out of Ottawa, to represent me on this matter.

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

7                   Now, I understand that one of the things  
8 that you did was you filed a complaint, a citizen's  
9 complaint with the Cornwall Police?

10                  **MR. SILMSER:** That's correct.

11                  **MR. ENGELMANN:** If the witness could be  
12 shown document number 729768?

13                               **(SHORT PAUSE/COURTE PAUSE)**

14                  **THE COMMISSIONER:** Thank you.

15                               Exhibit 272 is a public complaint form dated  
16 January 21<sup>st</sup>, 1994.

17                  **--- EXHIBIT NO./PIÈCE NO P-272:**

18                                       Public Complaint Against CPS -  
19                                       January 21, 1994

20                  **MR. ENGELMANN:** Mr. Silmsers, is that your  
21 signature on the first page of the document?

22                  **MR. SILMSER:** Yes, it is.

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

24                               Now, it may be some time since you have seen  
25 this. I want to ask you a couple of questions about it, if

1 I may.

2 Mr. Geoffrey assisted you in the preparation  
3 of this complaint?

4 **MR. SILMSER:** Yes, he did.

5 **MR. ENGELMANN:** And the allegations of  
6 misconduct read:

7 "Unauthorized release of confidential  
8 statement given to police in context of  
9 criminal investigation. For additional  
10 particulars please see January 11<sup>th</sup>,  
11 '94, a letter from Bryce Geoffrey."

12 So, apparently, Mr. Geoffrey had also  
13 written a letter.

14 Is that fair?

15 **MR. SILMSER:** That's fair.

16 **MR. ENGELMANN:** Setting this out.

17 You have indicated that the officer involved  
18 was H. Sebalj.

19 Do you see that on the form?

20 **MR. SILMSER:** Yes, I do.

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

22 And you told us that you got along fairly  
23 well with Constable Sebalj.

24 **MR. SILMSER:** Yes, I did.

25 **MR. ENGELMANN:** All right.

1                   Why ---

2                   **MR. SILMSER:**    Would I say that?

3                   **MR. ENGELMANN:**  Why name her here?

4                   **MR. SILMSER:**    Because she was the only  
5                   police officer that would have access to my statement, I  
6                   thought anyways.

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

8                   So it was your understanding, as  
9                   investigating officer, she would have control of the  
10                  statement?

11                  **MR. SILMSER:**    Definitely!

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

13                  And, Mr. Silmser, on the third page, Bates  
14                  page 7117629 ---

15                  **MR. SILMSER:**    Yes.

16                  **MR. ENGELMANN:**  --- there is a summary of  
17                  the incident.

18                  **MR. SILMSER:**    Yes.

19                  **MR. ENGELMANN:**  The first paragraph  
20                  certainly is some information that you would have knowledge  
21                  of?

22                  **MR. SILMSER:**    That's correct.

23                  **MR. ENGELMANN:**  The same would be true of  
24                  the second paragraph?

25                  **MR. SILMSER:**    That's correct.



1                   **MR. ENGELMANN:** The same would also be true  
2 of the third paragraph?

3                   **MR. SILMSER:** That's correct.

4                   **MR. ENGELMANN:** What about the information  
5 we see in paragraphs four, five and six?

6                   Do you know where that information came  
7 from?

8                   **MR. SILMSER:** No, I don't.

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

10                   And to be sure here, on September 24<sup>th</sup> you  
11 didn't know that a Cornwall Police Officer uninvolved in  
12 the investigation approached the investigating officer?

13                   **MR. SILMSER:** No, I didn't.

14                   **MR. ENGELMANN:** Nor did you know about what  
15 they say happened on September 25<sup>th</sup>?

16                   **MR. SILMSER:** No.

17                   **MR. ENGELMANN:** And, likewise, September 26  
18 and September 30<sup>th</sup>?

19                   **MR. SILMSER:** That's correct.

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

21                   Now, did you have a particular purpose in  
22 mind in filing this complaint?

23                   Did you understand what these complaints  
24 were about?

25                   **MR. SILMSER:** Basically, when I hired my

1 lawyer I thought it was just wrong to have my statement out  
2 on TV.

3 MR. ENGELMANN: All right.

4 MR. SILMSER: And I thought he could do  
5 something about it.

6 MR. ENGELMANN: All right.

7 It's my understanding, Mr. Silmsers, that in  
8 addition to filing this complaint, he also filed a lawsuit  
9 on your behalf.

10 MR. SILMSER: That's correct.

11 MR. ENGELMANN: Against the City of  
12 Cornwall, the Police Service Board, the Cornwall Police and  
13 I believe two officers, Heidi Sebalj and Perry Dunlop.

14 MR. SILMSER: That's correct.

15 MR. ENGELMANN: And it is my understanding  
16 that that happened a little bit later. This was filed in  
17 January and that might have happened in February or March.

18 MR. SILMSER: Okay.

19 MR. ENGELMANN: Does that seem about right?

20 MR. SILMSER: I can't remember.

21 MR. ENGELMANN: All right.

22 Well, you recall you had pursued both  
23 avenues?

24 MR. SILMSER: That's correct.

25 MR. ENGELMANN: And that Mr. Geoffrey was

1 doing this on your behalf?

2 MR. SILMSER: That's right.

3 MR. ENGELMANN: And was the civil action  
4 settled?

5 MR. SILMSER: Yes, it was.

6 MR. ENGELMANN: And settled to your  
7 satisfaction?

8 MR. SILMSER: I don't believe so, but I  
9 signed off on it.

10 MR. ENGELMANN: All right.

11 And the other matter, this complaint -- if  
12 the witness could be shown document number 719964?

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. ENGELMANN: It's a letter from Carl  
15 Johnston, Acting Chief of Police, to David Silmsers, dated  
16 June 2<sup>nd</sup>, 1994.

17 THE COMMISSIONER: Thank you.

18 Exhibit No. 273.

19 MR. ENGELMANN: Thank you.

20 --- EXHIBIT NO./PIÈCE NO P-273:

21 P-273: Letter from Carl R. Johnston to  
22 David Silmsers - June 2, 1994

23 MR. ENGELMANN: If you could just have a  
24 look at that letter for a minute, sir?

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MR. SILMSER:** Yes.

2                   **MR. ENGELMANN:** And in the letter the  
3 finding of the Cornwall Police Service's Professional  
4 Standards Bureau is that Ms. Sebalj was not responsible for  
5 leaking this information, essentially?

6                   **MR. SILMSER:** That's correct.

7                   **MR. ENGELMANN:** She had not done anything  
8 wrong?

9                   **MR. SILMSER:** That's correct.

10                  **MR. ENGELMANN:** And did you accept that as  
11 an answer to the complaint? What was your reaction when  
12 you got that; do you recall?

13                  **MR. SILMSER:** Well, still somebody had to  
14 give it to the news media.

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

16                  **MR. SILMSER:** If it wasn't Heidi it had to  
17 be somebody. I was kind of happy it wasn't Heidi because I  
18 liked Heidi.

19                  **MR. ENGELMANN:** Okay.

20                                So let's go back to January then. There is  
21 a story about the settlement, the money, the parties and  
22 then your statements up on the screen.

23                                Do you remember whether or not there were  
24 media releases and/or press conferences by some of the  
25 institutions in the community?

1                   **MR. SILMSER:** There was numerous press  
2 releases and numerous media coverage.

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

4                   **MR. SILMSER:** I don't know which one you're  
5 talking about.

6                   **MR. ENGELMANN:** Well, I just want to get a  
7 sense as to whether or not you realized that there were  
8 several?

9                   **MR. SILMSER:** Yes.

10                  **MR. ENGELMANN:** I understand that the  
11 Diocese was involved in some of those media releases?

12                  **MR. SILMSER:** That's correct.

13                  **MR. ENGELMANN:** I understand that the  
14 Cornwall Police Service was?

15                  **MR. SILMSER:** That's correct.

16                  **MR. ENGELMANN:** I also understand the  
17 Children's Aid Society was.

18                  **MR. SILMSER:** I have missed that one. So I  
19 don't know.

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

21                                There may have been others, but my  
22 understanding that those three institutions all were  
23 speaking to the media about the settlement.

24                  **MR. SILMSER:** I see.

25                  **MR. ENGELMANN:** Can you recall the Diocese

1 and the Cornwall Police Service doing so?

2 MR. SILMSER: I remember the Bishop talking  
3 about the settlement.

4 MR. ENGELMANN: All right.

5 And, in fact, you had some concerns at that  
6 time as did your lawyer about some of what was being said  
7 by the Bishop.

8 MR. SILMSER: My lawyer actually is the one  
9 that caught it. He saw the - that they said that there was  
10 no -- they never hushes me up. Actually I saw it too. I  
11 didn't think there could be anything done about it, but he  
12 phoned the Bishop, and asked him if he would go back on TV,  
13 and straighten that mistake out.

14 MR. ENGELMANN: Might he have called the  
15 Bishop's lawyer?

16 MR. SILMSER: Oh! That is very possible.

17 MR. ENGELMANN: Okay.

18 And do you recall if there was some exchange  
19 of correspondence between your lawyer and counsel from the  
20 Diocese about press releases and/or the media?

21 MR. SILMSER: I'm not sure.

22 MR. ENGELMANN: Okay.

23 I am going just to show you a couple of  
24 documents if I can, sir. If the witness could be shown  
25 Document 738040. It's a letter dated January 13<sup>th</sup>, 1994

1 from Bryce Geoffrey to Jacques Leduc. If that can be the  
2 next exhibit.

3 **THE COMMISSIONER:** Exhibit 274, letter dated  
4 January 13<sup>th</sup>, 1994.

5 ---EXHIBIT NO./PIÈCE NO P-274:

6 Letter from Bryce Geoffrey to Jacques Leduc  
7 - January 13, 1994.

8 **MR. ENGELMANN:** Mr. Silmsers, if you could  
9 just take a minute and read the letter.

10 **MR. SILMSER:** Okay.

11 (SHORT PAUSE/COURTE PAUSE)

12 **MR. SILMSER:** Okay.

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

14 So your lawyer appears to be writing to the  
15 lawyer for the Diocese pointing out four alleged  
16 inaccuracies in a draft press release.

17 **MR. SILMSER:** That's correct.

18 **MR. ENGELMANN:** The first one deals with the  
19 extent of Mr. Adams' retainer and what he does for you, in  
20 effect.

21  
22 **MR. SILMSER:** That's right.

23 **MR. ENGELMANN:** The second one suggests that  
24 there were negotiations where all parties were represented  
25 by counsel.

1                   **MR. SILMSER:** That's right.

2                   **MR. ENGELMANN:** I think you've told us  
3 already that you were acting on your own when you spoke  
4 with Malcolm MacDonald.

5                   **MR. SILMSER:** That's right.

6                   **MR. ENGELMANN:** The third paragraph relates,  
7 again, more to the extent of the retainer and what Mr.  
8 Adams is doing for you.

9                   Correct?

10                  **MR. SILMSER:** That's correct.

11                  **MR. ENGELMANN:** And again he has concerns  
12 about the reference to independent legal counsel in the  
13 fourth note as well.

14                  **MR. SILMSER:** That's right.

15                  **MR. ENGELMANN:** And he's suggesting that  
16 there be some amendments to the release.

17                  **MR. SILMSER:** That's correct.

18                  **MR. ENGELMANN:** Now, if you could also have  
19 a look at Document 738041, this again, Mr. Commissioner is  
20 a letter from Mr. Geoffrey to Mr. Leduc dated January 13<sup>th</sup>,  
21 1994.

22                  **THE COMMISSIONER:** Thank you.

23                               Exhibit number 275.

24                  **---EXHIBIT NO./PIÈCE NO P-275:**

25                               Letter from Bryce Geoffrey to Jacques Leduc



1 - January 13, 1994 - Second Letter.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. SILMSER: Okay.

4 MR. ENGELMANN: All right.

5 Now we seem to have -- this is a second  
6 letter that Mr. Geoffrey's writing after he's spoken with  
7 you.

8 MR. SILMSER: That's right.

9 MR. ENGELMANN: Do you have any recollection  
10 of having some input into concerns about press releases?

11 Reading this, does it bring anything back at  
12 all?

13 MR. SILMSER: I remember him doing it.

14 MR. ENGELMANN: I am sorry.

15 MR. SILMSER: I remember him telling he was  
16 writing the letter.

17 MR. ENGELMANN: All right.

18 MR. SILMSER: We were in touch about this,  
19 what had happened here.

20 MR. ENGELMANN: Okay.

21 So the first concern that's expressed is  
22 about the meeting at the Diocese and whether you provided a  
23 statement.

24 That's the meeting of February 9<sup>th</sup>, '93, is  
25 that correct?

1 MR. SILMSER: That's right.

2 MR. ENGELMANN: The second concern was just  
3 about contacts with Monsignor MacDougald and who might have  
4 initiated them.

5 MR. SILMSER: That's right.

6 MR. ENGELMANN: I think you're acknowledging  
7 that you had initiated those contacts on numerous  
8 occasions.

9 MR. SILMSER: That's right.

10 MR. ENGELMANN: The third one was whether or  
11 not there were offers of help or assistance at that meeting  
12 on February 9<sup>th</sup>.

13 MR. SILMSER: That's right.

14 MR. ENGELMANN: I assume you were saying  
15 there were none and the Diocese was saying there were some.

16 MR. SILMSER: I don't remember.

17 MR. ENGELMANN: You don't remember.

18 Okay.

19 And there was a comment about whether or not  
20 you had a lawyer and you are saying it was never suggested  
21 to him that he get one. Again, I am not sure if that's  
22 referring to the February 9<sup>th</sup> meeting or not.

23 MR. SILMSER: I am not sure.

24 MR. ENGELMANN: All right.

25 And, apparently, there is a discussion with

1 the lawyers and there are some agreements to some changes,  
2 but there is still disagreements on other issues.

3 Do you recall there being some flexibility  
4 on the part of the Diocese to change some of the concerns  
5 that were being expressed by you and your lawyer?

6 **MR. SILMSER:** The only thing the Diocese  
7 ever did, I think, was they retracted what they said about  
8 my hush order. They went back on TV and the Bishop said,  
9 yes, there was a clause in the settlement.

10 **MR. ENGELMANN:** I think at that time he said  
11 that he hadn't been aware of that, the clause that  
12 prohibited criminal proceedings from going ahead.

13 **MR. SILMSER:** The Bishop said that?

14 **MR. ENGELMANN:** Yes.

15 **MR. SILMSER:** I'd believe so, yes.

16 **MR. ENGELMANN:** The second time he spoke on  
17 the issue.

18 **MR. SILMSER:** That's right.

19 **MR. ENGELMANN:** And I believe at that time  
20 he also invited other victims or potential victims to come  
21 forward with concerns if they had some.

22 Do you recall that?

23 **MR. SILMSER:** I don't remember that, no.

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

25 I just want to show you one other letter

1 at/or about that time, and that's Document Number 715865  
2 and that's, again, a letter from Mr. Geoffrey to Mr. Leduc;  
3 this one dated January 17<sup>th</sup>, 1994.

4 **THE COMMISSIONER:** Exhibit Number 276.

5 ---EXHIBIT NO./PIÈCE NO P-276:

6 Letter from Bryce Geoffrey to Jacques Leduc  
7 - January 17, 1994.

8 **MR. ENGELMANN:** Thank you.

9 Just take a minute, sir.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MR. SILMSER:** Okay.

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

13 So, shortly after Exhibits 274 and 275, your  
14 lawyer is writing to the counsel for the Diocese suggesting  
15 that the settlement document that you had entered into was  
16 illegal.

17 **MR. SILMSER:** That's correct.

18 **MR. ENGELMANN:** And he later, presumably at  
19 your instruction, files a lawsuit ---

20 **MR. SILMSER:** That's correct.

21 **MR. ENGELMANN:** --- against Father MacDonald  
22 and the Diocese. I understand that some other parties were  
23 added later, not by you, but by one of the defendants. And  
24 those are the two lawyers, Jacques Leduc and Malcolm  
25 MacDonald.

1 MR. SILMSER: That's correct.

2 MR. ENGELMANN: And that lawsuit resulted in  
3 some Examination for Discovery?

4 MR. SILMSER: Yes, it did.

5 MR. ENGELMANN: That you had to go through  
6 late in 1995?

7 MR. SILMSER: Yes.

8 MR. ENGELMANN: For I think two or three  
9 days, you were examined for discovery.

10 MR. SILMSER: That's right.

11 MR. ENGELMANN: That lawsuit was dismissed  
12 at some point in time for delay ---

13 MR. SILMSER: Actually, it was one of those  
14 timed lawsuits, where you had a year and the lawyer who had  
15 it at the time -- my lawyer who had it at the time, let it  
16 run out of time.

17 MR. ENGELMANN: All right.

18 Was the case ever heard on the merits, sir?  
19 What I mean, was there a trial?

20 MR. SILMSER: No, there was never a trial.

21 MR. ENGELMANN: Sir, on the second page of  
22 the letter, Bates page 7058878, second paragraph, there are  
23 concerns being expressed about disclosure and not  
24 respecting a non-disclosure clause.

25 MR. SILMSER: Okay.

1 Yes, I see it.

2 MR. ENGELMANN: Yes. There is a comment and  
3 we see it in some of these other letters as well at the end  
4 of the letter about not wanting to argue the case in the  
5 newspaper or the television.

6 Were those your instructions that this thing  
7 not be argued publicly?

8 MR. SILMSER: That's correct.

9 MR. ENGELMANN: Now, in February of 1994,  
10 we've looked at this document earlier, you attended with  
11 Mr. Geoffrey for an interview by the ---

12 (LOUD NOISE/GRAND BRUIT)

13 MR. SILMSER: I'm sorry.

14 MR. ENGELMANN: That's okay. They are very  
15 sensitive.

16 MR. SILMSER: Yes, I see that.

17 MR. ENGELMANN: And I understand that you  
18 were interviewed for approximately -- I need the Exhibit  
19 number Madam Clerk, I apologize. It's document 721305. We  
20 entered it just before lunch.

21 THE COMMISSIONER: Which one is it now?

22 MR. ENGELMANN: Two six seven (267).

23 THE COMMISSIONER: No, I know, what document  
24 is it?

25 MR. ENGELMANN: It's the interview,

1 videotaped interview with the OPP.

2 **THE COMMISSIONER:** Okay.

3 So it's ---

4 **MR. ENGELMANN:** February 22<sup>nd</sup>, 1994.

5 Thank you.

6 **THE COMMISSIONER:** Two-sixty-seven (267).

7 It's the thicker document that you have, sir.

8 **MR. ENGELMANN:** It's 51 pages, Mr. Silmsers.

9 Now, you have had a chance to look at this  
10 document, maybe not today, but sometime in the not too  
11 distant past?

12 **MR. SILMSER:** Yes, I have.

13 **MR. ENGELMANN:** Yes.

14 Can you tell us, if you can, how this came  
15 about?

16 Did the OPP contact you or did they contact  
17 Mr. Geoffrey or did you contact them?

18 **MR. SILMSER:** I believe from then on Mr.  
19 Geoffrey was the one that contacted mostly everyone. He  
20 came down to the OPP station with me.

21 **MR. ENGELMANN:** Okay.

22 But do you recall how this got going,  
23 because you had the -- you had the termination of an  
24 investigation by the Cornwall Police Service and we had the  
25 settlement that was entered into. We had all the media

1 attention about it.

2 Were you aware, sir, that Cornwall Police  
3 Service's investigation was looked at by the Ottawa City  
4 Police?

5 MR. SILMSER: I was aware through the news.

6 MR. ENGELMANN: All right.

7 And that happened in/or around January of  
8 1994?

9 MR. SILMSER: Okay.

10 MR. ENGELMANN: All right.

11 And did the OPP contact you or your lawyer -  
12 --

13 MR. SILMSER: After that?

14 MR. ENGELMANN: --- and say to you that they  
15 were now reinvestigating the Cornwall Police Service's  
16 investigation?

17 MR. SILMSER: I'm not exactly sure how it  
18 came about.

19 MR. ENGELMANN: All right.

20 But you ended up being interviewed in  
21 February of 1994?

22 MR. SILMSER: That's correct.

23 MR. ENGELMANN: And your lawyer was present?

24 MR. SILMSER: That's correct.

25 MR. ENGELMANN: All right.



1                   It appears just from skimming through the  
2 notes -- I'll do this with you for a few minutes -- that  
3 they covered a great number of issues that you had told  
4 various other institutions and parties.

5                   **MR. SILMSER:** That's correct.

6                   **MR. ENGELMANN:** And it would appear that the  
7 bulk of what they are asking you about are your allegations  
8 against Father MacDonald.

9                   **MR. SILMSER:** That's correct.

10                   **MR. ENGELMANN:** In fact, sir, although there  
11 are some preliminary matters they deal with and then talk  
12 to about their experience, et cetera, your comments about  
13 those allegations and the incidents run until around page  
14 34 of the 51 pages.

15                   **MR. SILMSER:** Okay.

16                   **MR. ENGELMANN:** And not only do you get into  
17 the allegations with Father MacDonald, you also talked to  
18 them about some contacts you have with both him and Ken  
19 Seguin later in your teens.

20                   **MR. SILMSER:** Okay.

21                   **MR. ENGELMANN:** And just -- that, sir, if  
22 you just want to take a peek, for example, on page 32 of  
23 the statement. I apologize. I am working from a different  
24 doc number. So I don't have a Bates page.

25                   You are being asked about Mr. Seguin telling

1 you to go to MacDonald's, being Charles MacDonald, et  
2 cetera?

3 So we are talking about some context and  
4 visits or context that occur with either Mr. Seguin or  
5 Charles MacDonald later in your teens.

6 Is that the context here?

7 **MR. SILMSER:** I -- yes.

8 **MR. ENGELMANN:** You told us yesterday about  
9 this and about being somewhat mixed up or messed up, maybe  
10 that was the correct word ---

11 **MR. SILMSER:** That's correct.

12 **MR. ENGELMANN:** --- at/or about that time in  
13 your life and ---

14 **MR. SILMSER:** That's correct.

15 **MR. ENGELMANN:** You also said, and I believe  
16 you were 15, 16, 17, 18, in that range, that that was  
17 around the time when you alleged you were abused by Mr.  
18 Seguin.

19 **MR. SILMSER:** That's correct.

20 **MR. ENGELMANN:** Then at pages 34 and 35 you  
21 talk a little bit about the allegations with respect to Ken  
22 Seguin.

23 **MR. SILMSER:** Okay.

24 **MR. ENGELMANN:** I'm not going to go into the  
25 detail, but just have a quick look at that and confirm it.

1 (SHORT PAUSE/COURTE PAUSE)

2 MR. SILMSER: Okay.

3 MR. ENGELMANN: In particular on page 35.

4 MR. SILMSER: M'hm.

5 MR. ENGELMANN: You also mention, do you  
6 not, sir, some allegations concerning Marcel Lalonde on  
7 page 37?

8 MR. SILMSER: Okay.

9 MR. ENGELMANN: So this is an interview  
10 where you talk about all three of the individuals you  
11 allege abused you?

12 MR. SILMSER: Yes.

13 MR. ENGELMANN: Would it be fair to say that  
14 this is the broadest interview you have had to date on some  
15 of these allegations?

16 MR. SILMSER: It is -- yes, it is the  
17 biggest one, anyways. Yes.

18 MR. ENGELMANN: And you told us how  
19 difficult it was ---

20 MR. SILMSER: This one?

21 MR. ENGELMANN: Well, you told us that it  
22 was difficult every time.

23 MR. SILMSER: Yes.

24 MR. ENGELMANN: This one ---

25 MR. SILMSER: This one was ten times harder,

1 I think. I wasn't actually in a good state of mind when  
2 they brought me down here. I was frustrated. I was  
3 depressed. I was a big depression and Tim Smith just  
4 pushed, pushed, pushed, pushed. He wouldn't let me have a  
5 second break. His questions were going, bang, bang, bang,  
6 bang, and I had been questioned so much through that period  
7 of time that my patience ran low. That's why you see a lot  
8 of, you know ---

9 MR. ENGELMANN: Did you have a better  
10 rapport with the other officer?

11 MR. SILMSER: Mike Fagan?

12 MR. ENGELMANN: Yes.

13 MR. SILMSER: Later I did. Mike Fagan  
14 actually didn't say much at this interview.

15 MR. ENGELMANN: It was mainly Detective  
16 Inspector Smith who was asking the questions?

17 MR. SILMSER: That's right.

18 MR. ENGELMANN: So just coming at you too  
19 fast there?

20 MR. SILMSER: Way too fast.

21 MR. ENGELMANN: Now, you were also asked  
22 about the settlement or your contact with the Cornwall  
23 Police Service and the Diocese, and I'm just -- if you'd  
24 just take a peek at pages 39 and 40.

25 MR. SILMSER: Okay.

1                   **MR. ENGELMANN:** Starting at the bottom of  
2 page 39 and, in fact, onto page 41?

3                   **(SHORT PAUSE/COURTE PAUSE)**

4                   **MR. SILMSER:** Okay.

5                   Which is true.

6                   **MR. ENGELMANN:** Yes.

7                   And it is a description of your discussions  
8 with Malcolm MacDonald about monetary amounts on page 41.

9                   **MR. SILMSER:** Okay.

10                  **MR. ENGELMANN:** And then we have some  
11 questions and answers about the timeframe when Mr. Seguin  
12 killed himself.

13                  **MR. SILMSER:** Okay.

14                  **MR. ENGELMANN:** Just take a look at pages 45  
15 and 46. You were asked about that.

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

17                  **MR. SILMSER:** Okay.

18                  **MR. ENGELMANN:** Now, on page 47 Detective  
19 Inspector Smith says ---

20                  **MR. SILMSER:** What part now?

21                  **MR. ENGELMANN:** "I'd rather that you not  
22 contact any..."

23                  **THE COMMISSIONER:** That's the middle of the  
24 page, Mr. Silmser.

25                  **MR. ENGELMANN:** "...or discuss the evidence

1 with any of these."

2 And he is talking about the altar boys, I  
3 believe:

4 "But if you recall the names of some of  
5 the altar boys that were there at the  
6 same time and had access to Father  
7 MacDonald, we would appreciate that  
8 because what we will do is we will  
9 individually interview each one of  
10 them. And sometimes when they find out  
11 that there are others there then they  
12 will come and they will tell us things,  
13 et cetera."

14 Do you see that?

15 **MR. SILMSER:** Yes.

16 Did they interview them?

17 **MR. ENGELMANN:** I will come to that. I will  
18 ask you what it is -- how they followed up with you.

19 **MR. SILMSER:** Okay.

20 **MR. ENGELMANN:** I guess the first point is  
21 they are telling you that they'd prefer you not contact  
22 them.

23 **MR. SILMSER:** Okay.

24 **MR. ENGELMANN:** And also not get into the  
25 details with them.

1                   **MR. SILMSER:** That's right.

2                   **MR. ENGELMANN:** All right.

3                   And I'm just wondering if you respected that  
4 wish. They were investigating this issue during the  
5 calendar year 1994.

6                   **MR. SILMSER:** I believe so, yes.

7                   **MR. ENGELMANN:** Did you contact other  
8 victims or alleged victims, to your knowledge, during that  
9 calendar year?

10                  **MR. SILMSER:** I can't remember that year.

11                  **MR. ENGELMANN:** Well, do you recall if you  
12 ever spoke to any other victim or alleged victim about the  
13 details of ---

14                  **MR. SILMSER:** Mine?

15                  **MR. ENGELMANN:** --- the alleged abuse?

16                  **MR. SILMSER:** Oh! Never.

17                  **MR. ENGELMANN:** You never have?

18                  **MR. SILMSER:** Never have.

19                  **MR. ENGELMANN:** Not even with John  
20 MacDonald?

21                  **MR. SILMSER:** John MacDonald, I believe has  
22 never read his statement nor have I ever read his  
23 statement.

24                  **MR. ENGELMANN:** He continues to be a friend?

25                  **MR. SILMSER:** He is a very good friend, yes.

1 We have both supported each other through this, all the way  
2 through when he came forward. And when he did come  
3 forward, I was two years by myself fighting this, and it  
4 was like a million pounds coming off my back when he did  
5 come forward. I was sorry he was a victim, but it sure was  
6 a relief that somebody was out there that could understand  
7 what I went through.

8 MR. ENGELMANN: You were no longer alone at  
9 that stage?

10 MR. SILMSER: That's right. We have become  
11 good friends since then.

12 MR. ENGELMANN: At this stage when they're  
13 interviewing you, you're depressed and you're on your own?

14 MR. SILMSER: That's right.

15 MR. ENGELMANN: You have a lawyer?

16 MR. SILMSER: Yes.

17 MR. ENGELMANN: So they are indicating to  
18 you that they are going to be -- if you have some names to  
19 give them to them and they will interview them  
20 individually.

21 MR. SILMSER: I see.

22 MR. ENGELMANN: Is that -- appears what is  
23 being said.

24 MR. SILMSER: I would say, yes.

25 MR. ENGELMANN: Yes. They are also telling



1           you on page 48 that they have got a different Crown  
2           attorney now. Do you see that at the top of the page?

3                   **MR. SILMSER:** Yes.

4                   **MR. ENGELMANN:** Do you know why they would  
5           have said that to you?

6                   **MR. SILMSER:** No idea.

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

8                   **MR. SILMSER:** Oh! Well, I shouldn't say 'no  
9           idea'. I knew Murray MacDonald wasn't taking on the case.

10                   **MR. ENGELMANN:** And had either you or the  
11          police expressed some concern about him being involved?

12                   **MR. SILMSER:** Oh! No.

13                   **MR. ENGELMANN:** Okay.

14                   I'm just wondering why it says "We have a  
15          different Crown attorney."

16                   **MR. SILMSER:** I have no idea.

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

18                   Now, he says -- and I'm looking at the  
19          middle of page 48:

20                                "I can't tell you how long this  
21                                investigation is going to take because  
22                                I don't know how many are out there,  
23                                how many former altar boys or who is  
24                                going to come forward. I can tell you  
25                                that it'll be thoroughly investigated

1 by Mike and myself and other manpower  
2 as required. I don't like to be given  
3 deadlines or anything. I'd say that  
4 you can look at anywhere from two to  
5 four months."

6 **MR. SILMSER:** Right.

7 **MR. ENGELMANN:** Now, did they get back to  
8 you that calendar year and advise you about other victims  
9 or alleged victims that they had found?

10 **MR. SILMSER:** Never to me. I don't know if  
11 they ever got back to my lawyer.

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

13 Did they re-interview you, to your  
14 knowledge, at any time later in 1994?

15 **MR. SILMSER:** No.

16 **MR. ENGELMANN:** Did they ever go back and go  
17 into more detail on some of this lengthy interview that you  
18 had with them that day?

19 **MR. SILMSER:** No, I don't believe so.

20 **MR. ENGELMANN:** Do you know if you were ever  
21 asked to meet with OPP officers that year to go through  
22 schoolbooks, church bulletins, anything of that nature to  
23 try and assist in locating altar boys or others who may  
24 have been victims?

25 **MR. SILMSER:** Never. No.

1                   **MR. ENGELMANN:** Mr. Silmsers, at that time,  
2                   during the course of that interview or before or after the  
3                   tape is shut off, either of those officers talking to you  
4                   about counselling services or support for you as an alleged  
5                   victim of child sexual abuse?

6                   **MR. SILMSER:** I don't believe so, no.

7                   **MR. ENGELMANN:** Do you know if they had any  
8                   discussions with your lawyer about that?

9                   **MR. SILMSER:** My lawyer never mentioned it  
10                  to me, no.

11                  **MR. ENGELMANN:** Now, it says at the very end  
12                  of page 51, this is Detective Inspector Smith:

13                                "I may have to contact you from time to  
14                                time. Is it okay if I contact you  
15                                directly or do you want to be notified  
16                                or -- I'll let you know. Okay?"

17                                "Okay, fine."

18                  So are you able to tell us -- and I know  
19                  what you've said about being depressed and not feeling that  
20                  well at that time -- are you able to tell us whether they  
21                  attempted to follow up with you directly or with your  
22                  lawyer?

23                  **MR. SILMSER:** They never did, I don't  
24                  believe. If they did, I didn't know about it.

25                  And you say about the psychological help,

1 back then was I searched myself and found out that there  
2 was very few places, at that time, that would take abuse  
3 victim that was male. And it was a waiting list in Ottawa  
4 and -- but finally, I found someone in Brockville. But it  
5 took me probably a year to find help.

6 **MR. ENGELMANN:** Is that through the  
7 Brockville Psychiatric Hospital?

8 **MR. SILMSER:** That's right.

9 **MR. ENGELMANN:** And, sir, did that start in  
10 either late '95 or '96?

11 **MR. SILMSER:** Somewhere in there, yes.

12 **MR. ENGELMANN:** Okay.

13 Perhaps we could take the afternoon break.

14 **THE COMMISSIONER:** Yes.

15 Thank you.

16 Let's take afternoon break now.

17 **THE REGISTRAR:** Order. All rise.

18 À l'ordre; veuillez vous lever.

19 The hearing will resume at 3:30 p.m.

20 --- Upon recessing at 3:15 p.m./

21 L'audience est suspendue à 15h15

22 --- Upon resuming at 3:38 p.m./

23 L'audience est reprise à 15h38

24 **THE REGISTRAR:** This hearing of the Cornwall  
25 Public Inquiry is now in session.

1 Please be seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Madam Clerk -- Louise, it  
3 is a little hot in here. It is getting hot.

4 Mr. Engelmann, we are just going to save  
5 some energy here.

6 **MR. ENGELMANN:** We are going to turn the  
7 heat down.

8 **THE COMMISSIONER:** Turn the heat down.

9 **MR. ENGELMANN:** The room is a bit warm.

10 Mr. Silmsers, when we left off, I was asking  
11 you some questions about involvement or non-involvement or  
12 contact with the OPP in the 1994 calendar year.

13 Do you recall that?

14 **MR. SILMSER:** Yes. Yes.

15 **MR. ENGELMANN:** And there are a couple of  
16 other questions I wanted to ask. You had mentioned that  
17 when you were interviewed back on November 26, 1993, that  
18 the issue of a possible extortion charge had been brought  
19 up at the end, but they had decided not to pursue that with  
20 you or words to that effect.

21 **MR. SILMSER:** I believe so, yes.

22 **MR. ENGELMANN:** Did that, to your knowledge,  
23 ever come up in either the interview that you had in  
24 February of '94 or later in the year, in '94?

25 Were you ever advised that that was being

1 investigated?

2 MR. SILMSER: No.

3 MR. ENGELMANN: All right.

4 And were you ever advised or involved in an  
5 investigation involving an obstruct justice charge against  
6 Malcolm MacDonald with respect to the settlement that we  
7 talked about; the September 2nd, 1993 settlement?

8 MR. SILMSER: No, I wasn't.

9 MR. ENGELMANN: You were never interviewed  
10 as a possible witness for information or ---

11 MR. SILMSER: No, I wasn't.

12 MR. ENGELMANN: All right.

13 Were you aware that he was, at some point,  
14 charged?

15 MR. SILMSER: Yes, I was.

16 MR. ENGELMANN: And prosecuted?

17 MR. SILMSER: Yes, I was.

18 MR. ENGELMANN: All right.

19 That he pleaded guilty to obstructing  
20 justice and received an absolute discharged?

21 MR. SILMSER: Yes, I was.

22 MR. ENGELMANN: All right.

23 Were you ever present in court for that or -

24 --

25 MR. SILMSER: No, I wasn't.

1                   **MR. ENGELMANN:** So you just heard about it?

2                   **MR. SILMSER:** Yes. Yes, I did.

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

4                   **MR. SILMSER:** That was a closed courtroom;  
5                   wasn't it?

6                   **MR. ENGELMANN:** I -- sir, I don't know.

7                   **THE COMMISSIONER:** I'm sorry.

8                   **MR. SILMSER:** I think it was a closed  
9                   courtroom. I don't think the public were allowed in there  
10                   ---

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

12                   **MR. SILMSER:** --- what I heard anyways.

13                   **MR. ENGELMANN:** Okay.

14                   You heard that from someone else?

15                   **MR. SILMSER:** It was hearsay, yes.

16                   **MR. ENGELMANN:** All right.

17                   You were never contacted by the police or by  
18                   a Crown prosecutor with respect to that matter?

19                   **MR. SILMSER:** No.

20                   **MR. ENGELMANN:** Let's go back and talk a  
21                   little bit about the Children's Aid Society then. You told  
22                   us earlier that you had an interview with them and we went  
23                   through that in some detail on November 2nd 1993.

24                   **MR. SILMSER:** Okay.

25                   **MR. ENGELMANN:** You recall, at that time,

1       you fairly emotional and you were expressing some views  
2       about the people who allegedly abused you and other issues.

3                   **MR. SILMSER:** Yes.

4                   **MR. ENGELMANN:** And I asked you if they  
5       followed up with you at sometime later, and you said that  
6       you thought it was much later.

7                   I would just like to, now, show you a  
8       document from the Children's Aid Society, if I may.

9                   **MR. SILMSER:** Okay.

10                  **MR. ENGELMANN:** Madam Clerk, if you could  
11       give Mr. Silmsers document 721641. Mr. Commissioner, this  
12       is a letter from Gregory Bell and Giussepina DeBellis to  
13       social workers at the Children's Aid Society and William  
14       Carriere; all three of them signed it. It is a letter to  
15       Mr. Silmsers, c/o Bryce Geoffrey, dated March 1st 1994.

16                  **THE COMMISSIONER:** Thank you.

17                  Exhibit No. 277.

18                  **MR. SILMSER:** Thank you.

19       **--- EXHIBIT NO./PIÈCE NO P-277:**

20                  Letter from Mr. Gregory Bell, Ms. Giussepina  
21                  DeBellis, William Carriere to Mr. Silmsers - March  
22                  1, 1994

23                  **MR. ENGELMANN:** If you just take a moment to  
24       look at that.

25                  **MR. SILMSER:** Okay.



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

2                   Have you seen this letter before, Mr.

3                   Silmsers?

4                   **MR. SILMSER:** I've never seen it before, no.

5                   **MR. ENGELMANN:** Okay.

6                   Would you have been made aware of the  
7                   contents of the letter by Mr. Geoffrey or individuals from  
8                   the CAS?

9                   **MR. SILMSER:** I don't remember.

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

11                  The letter suggests that, well, it says that  
12                  they concluded their investigation, that they found that  
13                  you were sexually molested by Father Charles MacDonald when  
14                  you were a child. And then they say:

15                                 "...not provided sufficient information  
16                                 to draw any conclusions regarding the  
17                                 allegations that you were sexually..."

18                  **MR. SILMSER:** I have the wrong letter.

19                  **THE COMMISSIONER:** Hold it! Hold it!

20                  Yes, you do.

21                  **MR. SILMSER:** I have number 277.

22                  **MR. ENGELMANN:** Sorry.

23                  **THE COMMISSIONER:** Two seventy-seven (277)

24                  is the letter saying that we haven't heard from you  
25                  regarding Marcel Lalonde.

1                   **MR. ENGELMANN:** Oh! Oh!

2                   **THE COMMISSIONER:** So 277 ---

3                   **MR. ENGELMANN:** My error. I -- document  
4                   number 721641.

5                   **THE REGISTRAR:** Which ---

6                   **THE COMMISSIONER:** Document 721641 is the  
7                   one we have, but it's ---

8                   **MR. ENGELMANN:** Oh! Bates page number  
9                   7081164. I think the witness and I are looking at a  
10                  different letter.

11                  **THE COMMISSIONER:** Yes.

12                  So what are we going to do now with this?  
13                  Shall we replace?

14                  **MR. ENGELMANN:** I described the letter from  
15                  Gregory Bell, Giussepina DeBellis and William Carriere to  
16                  David Silmsers, c/o Bryce Geoffrey, March 1, 1994.

17                  **THE COMMISSIONER:** Okay.

18                  Exhibit 277 will now be the letter dated  
19                  March 1, 1994, Mr. Silmsers and to his lawyer dealing with  
20                  Father Charles MacDonald.

21                  **MR. SILMSER:** I do believe my lawyer had a  
22                  copy of this.

23                  **THE COMMISSIONER:** All right.

24                  **MR. ENGELMANN:** Okay.

25                  So, let's go back to my first question.

1                   **THE COMMISSIONER:** It was sent -- I'm sorry  
2                   -- it was sent to you and to him.

3                   **MR. SILMSER:** Right.

4                   **THE COMMISSIONER:** Oh! No. I'm sorry.  
5                   Was it sent to him c/o?

6                   **MR. ENGELMANN:** It says, "To Mr. David  
7                   Silmsers, c/o Bryce Geoffrey".

8                   **THE COMMISSIONER:** Yes.  
9                   Okay.

10                  **MR. ENGELMANN:** So the letter was apparently  
11                  sent to your lawyer's law firm?

12                  **MR. SILMSER:** That's right.

13                  **MR. ENGELMANN:** And it's confidential.  
14                  You've now read the letter that I'm reading.

15                  **MR. SILMSER:** That's right.

16                  **MR. ENGELMANN:** And, sir, have you seen this  
17                  letter before?

18                  **MR. SILMSER:** I don't remember seeing it,  
19                  but I remember Mr. Geoffrey telling me about it. So I must  
20                  have seen it at the same time.

21                  **MR. ENGELMANN:** But whether you saw it or  
22                  not, the contents of the letter were explained to you?

23                  **MR. SILMSER:** Yes.

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

25                  So you were advised about their conclusions

1 with respect to Father MacDonald?

2 MR. SILMSER: Yes.

3 MR. ENGELMANN: And their conclusions --  
4 well, the fact that they were unable to draw conclusions  
5 with respect to Ken Seguin and Marcel Lalonde?

6 MR. SILMSER: That's correct.

7 MR. ENGELMANN: And, at this point in time,  
8 do you provide them with further information about either  
9 Mr. Seguin or Mr. Lalonde?

10 MR. SILMSER: I don't believe so. I don't  
11 remember, but I don't believe so.

12 MR. ENGELMANN: All right.

13 But we know that Mr. Seguin is deceased at  
14 this point in time.

15 MR. SILMSER: Okay.

16 So I wouldn't have done that then.

17 MR. ENGELMANN: All right.

18 What about Mr. Lalonde?

19 MR. SILMSER: I don't believe so, no.

20 MR. ENGELMANN: And what was your reaction  
21 when you received this letter or you received the news of  
22 the contents of the letter from the CAS?

23 MR. SILMSER: I finally said somebody  
24 finally believes me.

25 MR. ENGELMANN: You had had a statement

1 analysis that supported something you had said earlier, but  
2 this is a letter now from CAS.

3 **MR. SILMSER:** This is a letter from CAS and  
4 this is something I said. They didn't analyse my  
5 statement. They just -- they invested their own  
6 investigation and believed me. Finally, somebody who was  
7 working on it. So, actually, I felt pretty good about it.

8 **MR. ENGELMANN:** Okay.

9 Now we may see one of the documents that you  
10 might have seen earlier. I am now looking at -- it's again  
11 the same document number 721641, Bates page 7081136. It's  
12 a letter from the same three individuals to you, c/o your  
13 lawyer, dated July 28, 1994.

14 I am wondering if that can be the next  
15 exhibit.

16 **THE COMMISSIONER:** Exhibit No. 278.

17 **MR. ENGELMANN:** Thank you.

18 --- **EXHIBIT NO./PIÈCE NO P-278**

19 Letter from Mr. Gregory Bell, Ms. Giussepina  
20 DeBellis, William Carriere to Mr. Silmsers - July  
21 28, 1994

22 **MR. ENGELMANN:** Okay.

23 Now, this appears to be a follow-up to the  
24 previous exhibit.

25 **MR. SILMSER:** Okay.

1                   **MR. ENGELMANN:** Because they are referring  
2 to the March 1st letter, and they are still waiting or  
3 hoping, I guess, that you'll provide them with some  
4 information about Marcel Lalonde.

5                   **MR. SILMSER:** Right.

6                   **MR. ENGELMANN:** And they also give you the  
7 choice of either communicating with them directly or  
8 through your lawyer.

9                   **MR. SILMSER:** Right.

10                   **MR. ENGELMANN:** And they also say that you  
11 could share concerns with the Cornwall Police Service or  
12 the relevant School Board.

13                   Now, you have spoken to the OPP ---

14                   **MR. SILMSER:** Yes.

15                   **MR. ENGELMANN:** --- about Marcel Lalonde?

16                   **MR. SILMSER:** Yes.

17                   **MR. ENGELMANN:** You've spoken to Greg Bell  
18 the previous year about him. You don't seem to ---

19                   **MR. SILMSER:** Pursue?

20                   **MR. ENGELMANN:** --- pursue this at this  
21 time, at least with the Children's Aid Society.

22                   **MR. SILMSER:** The reason for that would be,  
23 at that time, with us having gone through -- it's  
24 preliminary with Charles MacDonald; isn't it at the time?

25                   **MR. ENGELMANN:** No, you are before then,

1 sir.

2 MR. SILMSER: When we stood, before then?

3 MR. ENGELMANN: Yes. No charges are laid at  
4 this time against Father MacDonald.

5 MR. SILMSER: Okay.

6 But there were a lot of interviews taking  
7 place. There was -- the media was out there full force.  
8 It was a very stressful time and I still thought I should  
9 deal with one at a time.

10 MR. ENGELMANN: So, at this time, this was  
11 the time when the OPP was looking at the investigation that  
12 had been done by the Cornwall Police Service?

13 MR. SILMSER: That's correct.

14 MR. ENGELMANN: And the settlement and those  
15 issues?

16 Okay.

17 In any event, you didn't provide the CAS  
18 with further information about Marcel Lalonde?

19 MR. SILMSER: That's correct.

20 MR. ENGELMANN: Again then, finally sir, if  
21 you could look at the same document number 721641, Bates  
22 page 7081130. It's, again, a letter from the Children's  
23 Aid Society, the three individuals involved and they're  
24 writing to you care of your lawyer, dated November 9<sup>th</sup>,  
25 1994.

1                   **THE COMMISSIONER:** Thank you.

2                   Exhibit No. 279.

3                   **--- EXHIBIT NO./PIÈCE NO. P-279:**

4                   Letter from Mr. Gregory Bell, Ms.  
5                   Giussepina DeBellis and William  
6                   Carriere to Mr. Silmsers - November 9,  
7                   1994

8                   **MR. SILMSER:** Okay.

9                   **MR. ENGELMANN:** Would it be fair to say  
10                  they're essentially telling you at this point, since they  
11                  haven't heard from you, that they're going to -- they're  
12                  not going to pursue the investigation further unless you  
13                  contact them at some point in the future?

14                  **MR. SILMSER:** That's correct.

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

16                  So at that point in time ---

17                  **THE COMMISSIONER:** I think we had a problem  
18                  with Children's Aid though, at the time, didn't we?

19                  With the media leakage with my statement?

20                  **MR. ENGELMANN:** Well that, you -- there were  
21                  some ---

22                  **MR. SILMSER:** --- concerns there. I think  
23                  with my lawyer and he, basically, was very trustful of  
24                  Children's Aid at the time.

25                  **MR. ENGELMANN:** There were press releases



1 and media releases ---

2 MR. SILMSER: That's right.

3 MR. ENGELMANN: --- by several institutions  
4 when things came out in January ---

5 MR. SILMSER: That's right.

6 MR. ENGELMANN: --- '94. You've told us  
7 about the civilian complaint you filed against the Cornwall  
8 Police Service. That was concluded, I think, in June or  
9 July of '94 and you had your settlement with the Cornwall  
10 Police Service and the City of Cornwall.

11 MR. SILMSER: Okay.

12 MR. ENGELMANN: I'm not sure when that took  
13 place but the action -- you commenced an action in the  
14 spring of 1994, I believe.

15 MR. SILMSER: Children's Aid also was on  
16 that lawsuit; were they not?

17 MR. ENGELMANN: I can't tell you that, sir.

18 MR. SILMSER: I believe so.

19 MR. ENGELMANN: In any event, you decided,  
20 at least at this point in time, not to pursue things with  
21 Marcel Lalonde.

22 MR. SILMSER: I think there were  
23 circumstances for it ---

24 MR. ENGELMANN: All right.

25 MR. SILMSER: --- but I just don't know

1 exactly what.

2 MR. ENGELMANN: Now, did you ever, in  
3 talking to the -- did you ever pursue any form of a lawsuit  
4 against Mr. Lalonde?

5 MR. SILMSER: No. Not until now. Not until  
6 -- I mean there could be some in the future.

7 MR. ENGELMANN: But you have not to date?

8 MR. SILMSER: Not to date. No.

9 MR. ENGELMANN: And have you -- were you  
10 aware, sir, that he was charged and then found guilty of  
11 several counts of child sexual abuse?

12 MR. SILMSER: Yes, I was.

13 MR. ENGELMANN: All right.

14 Were you ever called as a witness or were  
15 you ever involved or asked to give a statement in the  
16 investigation of the charges against Marcel Lalonde?

17 MR. SILMSER: I was approached by the  
18 Cornwall Police if I wanted to get involved in the criminal  
19 charges and, at the time, I was involved with the  
20 preliminary with Charles MacDonald and Mike -- Detective  
21 Mike Fagan phoned Cornwall Police and said, "Dave's got too  
22 much on his plate right now. He can't be involved in two  
23 at the same time."

24 MR. ENGELMANN: All right.

25 So that would have been later, perhaps in

1 1997 or thereabouts?

2 MR. SILMSER: I don't really know.

3 MR. ENGELMANN: Okay.

4 Well, your preliminary inquiry was in -- at  
5 least when you testified, was in the fall of 1997.

6 MR. SILMSER: I see.

7 MR. ENGELMANN: Okay.

8 So you were asked to participate or you were  
9 -- they were seeking to interview you sometime later in the  
10 future?

11 MR. SILMSER: That's right.

12 MR. ENGELMANN: Okay.

13 Is it not also true, Mr. Silmsers, that the  
14 Cornwall Police were asking if you could give them  
15 information in the late summer or early fall of 1994?

16 MR. SILMSER: On?

17 MR. ENGELMANN: Marcel Lalonde. At about  
18 this time, summer of '94, when the CAS is asking you  
19 questions or asking if you have further information.

20 MR. SILMSER: The only time I ever was asked  
21 to give information to the Cornwall Police, like I said,  
22 was when Mike Fagan and the preliminary was going on.

23 MR. ENGELMANN: Okay.

24 You remember that instance?

25 MR. SILMSER: I remember that.

1 MR. ENGELMANN: Yes.

2 MR. SILMSER: Yes.

3 MR. ENGELMANN: Let me just see if I can  
4 refresh your memory about something else.

5 Okay?

6 MR. SILMSER: Okay.

7 MR. ENGELMANN: If Mr. Silmsers could be  
8 shown document number 728487?

9 Thank you.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. ENGELMANN: Let me try and just ask you  
12 a couple of questions.

13 I'm sorry.

14 This is Exhibit ---

15 THE COMMISSIONER: I'm sorry.

16 Two eighty (280), letter dated 12<sup>th</sup> of  
17 September, 1994 from Staff Sergeant Brunet to Mr. Silmsers.

18 --- EXHIBIT NO./PIÈCE NO. P-280:

19 Letter from L. Brunet to Mr. Silmsers -  
20 September 12, 1994

21 MR. ENGELMANN: So do you recall this  
22 letter, sir?

23 MR. SILMSER: No, I don't.

24 MR. ENGELMANN: All right.

25 Do you recall -- Mr. Silmsers, were you

1 living in Hammond, Ontario, at this time?

2 MR. SILMSER: Yes, I was. That's Bourget.  
3 When I say Bourget, I meant -- it's Hammond, Ontario.

4 MR. ENGELMANN: Okay.

5 I'll just ask you if you can recall Staff  
6 Sergeant Brunet trying to get a hold of you in late August,  
7 early September and then as a result, you following up and  
8 making a call to the acting Chief of Police; a fellow by  
9 the name of Carl Johnston shortly thereafter?

10 MR. SILMSER: I don't remember this.

11 MR. ENGELMANN: Okay.

12 Well, do you recall having any reluctance to  
13 give a statement to the Cornwall Police at/or about that  
14 time, because of what had happened with your previous  
15 statement; the statement you had given back in February of  
16 1993?

17 MR. SILMSER: That's possible.

18 MR. ENGELMANN: And just looking at this, do  
19 you know if that's what you were talking to the Acting  
20 Chief about?

21 MR. SILMSER: Yes, that's very possible.

22 MR. ENGELMANN: You're just not positive?

23 MR. SILMSER: I'm not positive, no.

24 MR. ENGELMANN: All right.

25 So he's writing -- this is Staff Sergeant

1 Brunet saying "Look, I understand your reluctance in making  
2 a statement to us". He's saying, "Would you consider going  
3 to another police agency?"

4 Okay.

5 You don't remember the letter?

6 **MR. SILMSER:** No.

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

8 And, again, you've told us then that you did  
9 -- or you were contacted several years later and asked if  
10 you could be questioned or interviewed and Detective  
11 Inspector Fagan ---

12 **MR. SILMSER:** --- intervened.

13 **MR. ENGELMANN:** --- intervened.

14 **MR. SILMSER:** Yes.

15 **MR. ENGELMANN:** And you appreciated that  
16 intervention at that time?

17 **MR. SILMSER:** Right at that time, yes.  
18 Because I was right in the middle of the preliminary and I  
19 did have too much on my plate at that time.

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

21 Did you ask him to do that for you or did he  
22 suggest that?

23 **MR. SILMSER:** He suggested it also; yes.

24 **MR. ENGELMANN:** Now, Mr. Silmsers, did you  
25 become aware close to the end of the calendar year, 1994,

1 that the OPP was closing its investigation into your  
2 earlier complaint to the Cornwall Police Service and the  
3 issues surrounding the alleged abuse by Father MacDonald?

4 **MR. SILMSER:** The OPP were closing the  
5 investigation?

6 **MR. ENGELMANN:** Yes.

7 **MR. SILMSER:** No, I wasn't.

8 **MR. ENGELMANN:** Okay.

9 Would you recall hearing or seeing a media  
10 release to the effect that the OPP had finished re-  
11 investigating or looking at the work of the Cornwall Police  
12 Service and that there would be no charges laid as a result  
13 of that re-investigation or that investigation?

14 **MR. SILMSER:** I thought that was the Ottawa  
15 Police, but I could be mistaken, that made the  
16 investigation on that.

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

18 I'm thinking around late 1994, just before  
19 Christmas.

20 **MR. SILMSER:** I remember something about it,  
21 but I'm not sure.

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

23 And do you recall ever hearing that because  
24 you were the only victim or there were no other victims  
25 that had been identified, that charges were not going to be

1 pursued at that time?

2 I'm thinking in particular, of charges  
3 involving Father Charles MacDonald.

4 **MR. SILMSER:** I can't remember the OPP doing  
5 that. I'm not sure I remember the Cornwall Police doing  
6 that, but I can't remember the OPP doing that.

7 **MR. ENGELMANN:** So do you have a sense as to  
8 whether the OPP investigation is finished or not in late  
9 '94 or early '95?

10 **MR. SILMSER:** No, I don't know.

11 **MR. ENGELMANN:** Do you know if they were in  
12 touch with your lawyer at the time, to advise him?

13 **MR. SILMSER:** See, that's the whole point  
14 is, I don't know when they reopened it or ---

15 **MR. ENGELMANN:** Okay.

16 **MR. SILMSER:** --- I have no idea what the  
17 dates were then.

18 **MR. ENGELMANN:** Well, there were some  
19 charges laid in the spring of 1996 against Father Charles  
20 MacDonald, and as you've told us already and we'll just  
21 come to it in a minute, another former altar boy, John  
22 MacDonald, returned to the Cornwall area in the summer of  
23 1995.

24 **MR. SILMSER:** Okay.

25 **MR. ENGELMANN:** We'll go into that. But as



1 of late '94, early '95, there were certainly no charges  
2 outstanding with respect to Father MacDonald.

3 **MR. SILMSER:** Okay.

4 **MR. ENGELMANN:** And are you saying you just  
5 don't remember if you'd been informed at that time, that  
6 the OPP had concluded its work?

7 **MR. SILMSER:** I probably was informed, but  
8 right now I just can't remember ---

9 **MR. ENGELMANN:** You don't remember ---

10 **MR. SILMSER:** --- the facts and figures.

11 **MR. ENGELMANN:** Fair enough.

12 So early '95 -- the Cornwall Police Service  
13 concluded its investigation back in '93. The OPP had been  
14 investigating since February of 1994. There are no charges  
15 proceeding against Father MacDonald. Mr. Seguin is dead.  
16 Mr. Lalonde, as I understand it, at that time, there are no  
17 charges against him. He's teaching school here in  
18 Cornwall.

19 Where are you at, at that time -- this is  
20 now 1995 -- with respect to all of these issues?

21 **MR. SILMSER:** Like I say, I was very  
22 frustrated through those years. Especially that year, like  
23 things were going nowhere fast. And I had to deal with the  
24 media. They were taking -- they were actually treating me  
25 like the criminal. I fought and fought, you know, and it

1           took a life on its own, you know. So.

2                       **MR. ENGELMANN:** Were you getting any help at  
3 that time; medical, psychological or otherwise?

4                               Do you recall?

5                               Or was that somewhat later?

6                       **MR. SILMSER:** It was around that time, maybe  
7 just a little bit later.

8                       **MR. ENGELMANN:** So let's go to the summer of  
9 1995, then.

10                               How do you find out that John MacDonald has  
11 returned to Cornwall?

12                               Do you remember?

13                       **MR. SILMSER:** Yes. My mom had phoned me and  
14 said that John MacDonald has phoned her and wanted my phone  
15 number. She asked me if she could give it out and I said  
16 "Yes, that's fine". I was a little nervous about the phone  
17 call because I thought he was phoning to give me hell for  
18 coming forward on the sexual abuse. I had no idea he was a  
19 victim.

20                       **MR. ENGELMANN:** How long had it been since  
21 you had spoken with him?

22                               Do you have any sense?

23                       **MR. SILMSER:** Last time I spoke to him  
24 before he went out west, when he lived on Cumberland  
25 Street, and I only spoke to him once in like three years

1 before that. He was probably out west five years or  
2 whatever. I don't know.

3 MR. ENGELMANN: So it had been many years  
4 since you had actually spoken to him?

5 MR. SILMSER: We weren't close friends.

6 MR. ENGELMANN: All right.

7 MR. SILMSER: We were friends, but we  
8 weren't close friends.

9 MR. ENGELMANN: And you've become better  
10 friends since the summer of 1995?

11 MR. SILMSER: That's correct.

12 MR. ENGELMANN: So what happened?  
13 Did you call him or your mother gave him  
14 your number?

15 MR. SILMSER: He called me. My mom gave him  
16 the number and he called me. He basically told me right  
17 away that he was abused by Charles MacDonald also. And I  
18 was -- it was like a million pounds coming off my back.  
19 Even though I was -- I didn't want to hear he was abused  
20 also ---

21 MR. ENGELMANN: M'hm.

22 MR. SILMSER: --- at least that's -- finally  
23 I wasn't standing alone. That meant a lot to me, not to  
24 stand alone in this. This was a big load to carry for two  
25 years.

1                   **MR. ENGELMANN:** Until this time, no one else  
2 had come forward?

3                   **MR. SILMSER:** That's correct.

4                   **MR. ENGELMANN:** Or at least, that's what you  
5 had been told; that no one had come forward; there were no  
6 other victims?

7                   **MR. SILMSER:** That's correct.

8                   **MR. ENGELMANN:** Did he get into the details  
9 of the alleged abuse that he suffered, that he ---

10                   **MR. SILMSER:** No, we've never talked about  
11 that.

12                   **MR. ENGELMANN:** But he did tell you ---

13                   **MR. SILMSER:** He was abused.

14                   **MR. ENGELMANN:** --- who the alleged abuser  
15 was.

16                   **MR. SILMSER:** That's correct.

17                   **MR. ENGELMANN:** And that was also Father  
18 MacDonald?

19                   **MR. SILMSER:** That's correct.

20                   **MR. ENGELMANN:** And after you spoke with  
21 John MacDonald -- just be a moment -- did you contact the  
22 Children's Aid Society?

23                   **MR. SILMSER:** The only time I remember  
24 contacting the Children's Aid Society is John wanted to go  
25 over and talk to Richard Abell ---

1                   **MR. ENGELMANN:** Okay.

2                   **MR. SILMSER:** --- and I went for the drive  
3 with him and into his office.

4                   **MR. ENGELMANN:** Okay.

5                   Well, let me just show you a couple of  
6 documents. I think you are referring to a meeting where  
7 you would have accompanied ---

8                   **MR. SILMSER:** John. Yes.

9                   **MR. ENGELMANN:** --- John MacDonald ---

10                  **MR. SILMSER:** Yes.

11                  **MR. ENGELMANN:** --- a meeting that he had  
12 with Richard Abell.

13                  **MR. SILMSER:** That's correct.

14                  **MR. ENGELMANN:** And I understand that  
15 meeting took place in the fall of 1995, in late September.

16                  **MR. SILMSER:** Okay.

17                  **MR. ENGELMANN:** You don't recall the date,  
18 do you?

19                  **MR. SILMSER:** No. No, I don't.

20                  **MR. ENGELMANN:** Okay.

21                  Let me just show you a couple of documents  
22 first. Document Number 721620, it appears to be a  
23 transcript -- or note-to-file of a telephone conversation.  
24 It's written by Joan Archambault, August 21<sup>st</sup>, 1995, 11:55  
25 a.m.

1 THE COMMISSIONER: Okay.

2 Thank you.

3 Exhibit Number 281.

4 ---EXHIBIT NO./PIÈCE NO P-281:

5 Joan Archambault - Note to File - August 21,  
6 1995.

7 MR. ENGELMANN: I'm sorry, Mr. Commissioner,  
8 that was 287?

9 THE REGISTRAR: Two eighty-one (281).

10 THE COMMISSIONER: Two eighty-one (281).

11 MR. ENGELMANN: I'm sorry.

12 Bates page number 7080539.

13 MR. SILMSER: I mean, it's possible I made  
14 this phone call ---

15 MR. ENGELMANN: Well, let me just ask you,  
16 is that your phone number or was that your phone number,  
17 692-2876?

18 MR. SILMSER: Six nine two two eight seven  
19 six (692-2986), I'm not sure.

20 MR. ENGELMANN: Okay.

21 MR. SILMSER: I've had a few different phone  
22 numbers through the years.

23 MR. ENGELMANN: That's perfectly  
24 understandable. Let me show you another document as well.  
25 Document Number 703560, Bates page 7010812, these appear to

1 be notes of a telephone conversation taken by R. Abell on  
2 August 21<sup>st</sup>, 1995.

3 ---EXHIBIT NO./PIÈCE NO P-282:

4 R. Abell - handwritten notes -- August 21,  
5 1995

6 **MR. ENGELMANN:** Mr. Commissioner, just on  
7 this document, there is a name about three quarters of the  
8 way down the first page starting with an 'R' ---

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

10 **MR. ENGELMANN:** --- that has a moniker.

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

12 **MR. ENGELMANN:** The moniker is C-3.

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** The name below that is  
15 subject to a publication ban.

16 **THE COMMISSIONER:** All right.

17 Thank you.

18 **MR. ENGELMANN:** Mr. Silmsers, can you  
19 actually read ---

20 **MR. SILMSER:** Some of it.

21 **MR. ENGELMANN:** Okay.

22 Some of it is easier to read than other  
23 parts. Just take your time.

24 You haven't seen this document before, have  
25 you?

1                   **MR. SILMSER:** No, I haven't.

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

3                   **MR. SILMSER:** Okay.

4                   **MR. ENGELMANN:** Would you agree with me that  
5 these appear to be notes of a conversation that Mr. Abell  
6 is having with you sir?

7                   **MR. SILMSER:** Yes.

8                   **MR. ENGELMANN:** And you're explaining to him  
9 about this other altar boy who is back and that the same  
10 thing happened to him as it happened to you.

11                   **MR. SILMSER:** That's correct. I don't  
12 remember the meeting, but if this is what it says.

13                   **MR. ENGELMANN:** This is a phone call.

14                   **MR. SILMSER:** Or a phone call.

15                   Okay.

16                   **MR. ENGELMANN:** Okay.

17                   So you don't remember calling him?

18                   **MR. SILMSER:** Not offhand, no.

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

20                   What I wanted to ask is, this is the summer  
21 of 1995; Mr. John MacDonald has come back; you're relieved;  
22 you're not the only person allegedly victimized by Father  
23 MacDonald. You talk about a big relief ---

24                   **MR. SILMSER:** That's correct.

25                   **MR. ENGELMANN:** --- you seem to be, at least



1 in these notes, suggesting "Let's go forward, let's do  
2 this".

3 **MR. SILMSER:** That's correct.

4 **MR. ENGELMANN:** I am wondering why you are  
5 calling the CAS?

6 You're not calling the Cornwall Police  
7 Service or the OPP. This is the middle of 1995.

8 Is there a reason for that?

9 **MR. SILMSER:** To be honest with you, I don't  
10 remember phoning.

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

12 **MR. SILMSER:** But it looks like I did.

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

14 **MR. SILMSER:** There's very few institutions  
15 that I trusted at the time, definitely not the Cornwall  
16 police, and definitely not the OPP at the time.

17 **MR. ENGELMANN:** What was the problem with  
18 the OPP at that time?

19 **MR. SILMSER:** The OPP was Tim Smith. And  
20 had been for that year or two, Tim Smith and I just did not  
21 see eye-to-eye. It could have been some of my fault, but I  
22 found he did push way too hard. And it was just a hard  
23 time for me at that time. So if I went to Children's Aid,  
24 it's probably one of the -- I probably didn't trust them  
25 all that much either.

1                   **THE COMMISSIONER:** Well -- sorry -- they had  
2 sent you a letter.

3                   **MR. ENGELMANN:** They had sent you a letter  
4 saying they believed you.

5                   **MR. SILMSER:** Right.

6                   So that made a difference probably. But I  
7 am saying I don't remember this phone call, but on the  
8 other hand, I sure wouldn't go to the Cornwall police.

9                   **MR. ENGELMANN:** It ends with the comment --  
10 you comment about Heidi, the CPS ---

11                   **MR. SILMSER:** Okay.

12                   **MR. ENGELMANN:** --- I'm looking at 7010814;  
13 that's the Bates page.

14                   **MR. SILMSER:** Okay.

15                   **MR. ENGELMANN:** Why you took a settlement.  
16 I'm just wondering if you can help us. I know you don't  
17 remember the call. So this may be a fruitless effort but  
18 it appears to say:

19                   "He phoned a priest last night, so  
20 upset. Wouldn't a priest want truth to  
21 come out? No answer; priest wouldn't  
22 give his name".

23                   Does that ring a bell at all?

24                   This is the summer of 1995.

25                   **MR. SILMSER:** No.

1                   **MR. ENGELMANN:** And then there is a comment:  
2                                    "He want church to admit they knew  
3                                    Father Charlie was abusing; did nothing  
4                                    about it."

5                   It appears right at the end of the call.  
6                   Were you still hoping for an apology at that  
7                   time?

8                   **MR. SILMSER:** I am still hoping today for an  
9                   apology. But I don't remember this phone call. Period!  
10                  I'm not saying I didn't make it.

11                  **MR. ENGELMANN:** Yes.  
12                  You don't remember.

13                  **MR. SILMSER:** I just don't remember it.

14                  **MR. ENGELMANN:** It appears to be another  
15                  conversation you had with Mr. Abell.

16                  Is that fair?

17                  **MR. SILMSER:** I have a problem with  
18                  something that I have never seen before and something that  
19                  Mr. Abell wrote.

20                  **MR. ENGELMANN:** You can't comment.

21                  **MR. SILMSER:** I can comment. I just don't  
22                  like Mr. Abell either.

23                  **MR. ENGELMANN:** I am sorry.

24                  **MR. SILMSER:** I just don't like Mr. Abell  
25                  either.

1                   **MR. ENGELMANN:** Okay.

2                   **MR. SILMSER:** I think he knows more  
3 information that he is saying through this whole process --  
4 -

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

6                   **MR. SILMSER:** --- and he has not come  
7 forward either with all the information he knows. I think  
8 he is hiding information throughout the investigation also.

9                   **MR. ENGELMANN:** Well, we will be speaking to  
10 Mr. Abell just as we'll be speaking to officials from other  
11 institutions ---

12                   **MR. SILMSER:** Okay.

13                   **MR. ENGELMANN:** --- to find out what they  
14 did know.

15                   **MR. SILMSER:** Okay.

16                   **MR. ENGELMANN:** Had you met him at this  
17 point, the summer of 1995, or was the first time you met  
18 him when you attended with John MacDonald, when Mr.  
19 MacDonald had a meeting later ---

20                   **MR. SILMSER:** This was a telephone call,  
21 right?

22                   **MR. ENGELMANN:** Yes.

23                   **MR. SILMSER:** So I didn't meet him.

24                   **MR. ENGELMANN:** Yes.

25                   **MR. SILMSER:** So the first time I would have

1 met him was with John MacDonald ---

2 MR. ENGELMANN: All right.

3 MR. SILMSER: --- and it was John  
4 MacDonald's meeting basically. John wanted to talk to him.

5 MR. ENGELMANN: Yes. What happened at that  
6 meeting?

7 MR. SILMSER: We sure didn't see eye-to-eye.

8 MR. ENGELMANN: What happened?

9 MR. SILMSER: There was an argument about  
10 something about when I went to see Children's Aid in the  
11 first place and they made a big deal about the date and I  
12 said "Well, I don't understand, I think it was this date I  
13 went to see". While he had one of his employees slide a  
14 piece of paper under the door.

15 MR. ENGELMANN: This was during your  
16 meeting?

17 MR. SILMSER: Yes, it was like a big top  
18 secret thing. And I just couldn't believe it. He was  
19 just, I don't know, he might have had his reasons, but he  
20 just looked so stupid. And I just kind of seen the  
21 character he was and I just didn't like him. And I walked  
22 out with bad feelings with him.

23 MR. ENGELMANN: Well, let me just understand  
24 the context.

25 You went to a meeting that John MacDonald

1 was having with Richard Abell, right?

2 MR. SILMSER: Yes.

3 MR. ENGELMANN: If I remember correctly.

4 And you were there what to provide him with  
5 some support or was there another purpose?

6 MR. SILMSER: I can't remember now.

7 MR. ENGELMANN: All right.

8 And why is it that you and Mr. Abell started  
9 to have a discussion?

10 MR. SILMSER: Because of this -- all I can  
11 remember is because of this certain time I went to see  
12 Children's Aid, if it was before Perry Dunlop -- something  
13 to do with Perry Dunlop anyways.

14 MR. ENGELMANN: Okay.

15 The first time you were interviewed by  
16 Children's Aid, that was with Mr. Bough and Ms. DeBellis?

17 MR. SILMSER: That's right.

18 MR. ENGELMANN: And we've looked at that  
19 document already today, the November 2<sup>nd</sup>, 1993.

20 MR. SILMSER: That's right.

21 MR. ENGELMANN: And so, you and Mr. Abell  
22 had an argument about when that date was or ---

23 MR. SILMSER: That's correct.

24 MR. ENGELMANN: Was there something else?

25 And you commented on the notes sliding under

1 the door.

2 MR. SILMSER: It was a certain date ---

3 MR. ENGELMANN: All right.

4 MR. SILMSER: --- that I went to Children's  
5 Aid; it was either -- it was before or after my statement  
6 at the TV I believe.

7 MR. ENGELMANN: All right.

8 We know that happened in January of '94.

9 MR. SILMSER: I see.

10 MR. ENGELMANN: Now, was there something  
11 else about how Mr. Abell spoke to you or you spoke to him,  
12 or body language, anything else that ---

13 MR. SILMSER: We just didn't see eye-to-eye.  
14 And it was just a process of pieces of paper being slipped  
15 under the door and I just -- this didn't wash with me.

16 MR. ENGELMANN: All right.

17 The other individuals you dealt with from  
18 Children's Aid, Mr. Bough, Ms. DeBellis?

19 MR. SILMSER: Very nice people.

20 MR. ENGELMANN: Did you deal with Mr.  
21 Carriere at all?

22 MR. SILMSER: No, I didn't.

23 MR. ENGELMANN: He signed some of those  
24 letters.

25 You didn't deal with him though?

1                   **MR. SILMSER:** He signed some letters?

2                   **MR. ENGELMANN:** There we some letters that  
3 were signed by Mr. Bough, Ms. DeBellis and Mr. Carriere who  
4 I think was their supervisor.

5                   **MR. SILMSER:** Oh! That's possible, I don't  
6 know.

7                   **MR. ENGELMANN:** But you didn't meet with  
8 him?

9                   **MR. SILMSER:** No, I didn't.

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

11                   Mr. Silmser, I want to ask you a question on  
12 a document that I don't have in front of me but I  
13 understand it's an exhibit, Exhibit 237.

14                   If you have a hard copy Madam Clerk, if you  
15 could give that to the witness, and I'll just look at it  
16 from the screen. No, this isn't the one.

17                   If I could just have a minute, please.

18                   **THE COMMISSIONER:** Sure.

19                   **(SHORT PAUSE/COURTE PAUSE)**

20                   **MR. ENGELMANN:** Mr. Commissioner, I  
21 apologize. I was looking for a note dated August 24, 1995,  
22 from the Cornwall Police Services Officer, and I had been  
23 led to believe that it had been entered in either the  
24 examination or the cross-examination of John MacDonald, and  
25 I don't seem to have it.



1 I'm wondering if this might be an  
2 appropriate time to break. And I apologize for not having  
3 it.

4 **THE COMMISSIONER:** All right.

5 **MR. ENGELMANN:** I could carry on, but ---

6 **THE COMMISSIONER:** Nine thirty (9:30), it is  
7 then tomorrow morning.

8 Thank you.

9 And so how much time will you be spending?

10 I am wondering time-wise, Wednesday and  
11 Thursday, will we have sufficient time with this gentleman  
12 or will we be going into the next week or is it too early  
13 to tell?

14 **MR. ENGELMANN:** I will speak to counsel  
15 perhaps right now if that suits you.

16 **THE COMMISSIONER:** Okay.

17 **MR. ENGELMANN:** And I will be probably a  
18 good part of the morning.

19 **THE COMMISSIONER:** All right.

20 Thank you.

21 **MR. ENGELMANN:** Thank you.

22 **THE REGISTRAR:** Order. All rise. À  
23 l'ordre. Veuillez vous lever.

24 The hearing is now adjourned. L'audience  
25 est ajournée.

1 --- Upon adjourning at 4:24 p.m./

2 L'audience est ajournée à 16h24

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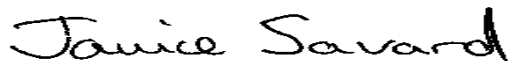
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C E R T I F I C A T I O N

1  
2  
3 I, Jamie Savard a certified court reporter in the Province  
4 of Ontario, hereby certify the foregoing pages to be an  
5 accurate transcription of my notes/records to the best of  
6 my skill and ability, and I so swear.

7  
8 Je, Jamie Savard, un sténographe officiel dans la province  
9 de l'Ontario, certifie que les pages ci-hautes sont une  
10 transcription conforme de mes notes/enregistrements au  
11 meilleur de mes capacités, et je le jure.

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14 \_\_\_\_\_  
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