

**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 251**

**Held at :**

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

Thursday, July 3 2008

**Tenue à:**

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

Jeudi, le 3 juillet 2008

**ERRATA**  
**Volume 249**  
**June 27<sup>th</sup>, 2008**

**Transcript**

**Page 118, line 5**

**Me DUMAIS:** O.k. Diligence du tribunal pour  
une minute?

**Should have read :**

**Me DUMAIS:** O.k. **Indulgence** du tribunal pour  
une minute?

**Appearances/Comparutions**

|                                    |   |
|------------------------------------|---|
| Mr. Peter Engelmann                | Lead Commission Counsel   |
| Ms. Julie Gauthier                 | Registrar   |
| Ms. Maya Hamou                     | Commission Counsel  |
| Ms. Mary Simms                     |   |
| M <sup>e</sup> Simon Ruel          |   |
| Mr. Peter Manderville              | Cornwall Community Police   |
| Ms. Reena Lalji                    | Service and Cornwall Police<br>Service Board  |
| Mr. Neil Kozloff                   | Ontario Provincial Police   |
| Actg.Det.Supt. Colleen McQuade     |   |
| Ms. Diane Lahaie                   |   |
| Mr. David Rose                     | Ontario Ministry of Community<br>and Correctional Services and<br>Adult Community Corrections |
| Mr. Abel Fok                       | Attorney General for Ontario  |
| Mr. Peter Chisholm                 | The Children's Aid Society of<br>the United Counties  |
| Mr. Peter Wardle                   | Citizens for Community Renewal  |
| Mr. Juda Strawczynski              |   |
| Mr. Dallas Lee                     | Victims' Group  |
| Mr. David Sherriff-Scott           | Diocese of Alexandria-Cornwall<br>and Bishop Eugene LaRocque                                  |
| Mr. Mark Ertel                     | The Estate of Ken Seguin and<br>Doug Seguin and Father Charles<br>MacDonald                   |
| M <sup>e</sup> Danielle Robitaille | Mr. Jacques Leduc   |
| Mr. William Carroll                | Ontario Provincial Police<br>Association  |

**Appearances/Comparutions**

Mr. Ian Paul

Coalition for Action

Père Denis Vaillancourt

Père Denis Vaillancourt

Father Kevin Maloney

Father Kevin Maloney

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1 --- Upon commencing at 9:41 a.m./

2 L'audience débute à 9h41

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

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

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning,  
10 all.

11 Good morning, Mr. Lee.

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

13 **MR. LEE:** Good morning, sir.

14 **THE COMMISSIONER:** How did we make out?

15 **MR. LEE:** Not terribly well.

16 **THE COMMISSIONER:** Oh, okay.

17 **MR. LEE:** When we left yesterday, we -- I  
18 had agreed to put my list to paper and email it around to  
19 the parties. I did that last night, I believe around 7:30  
20 or so. I've had some discussions with a few of the parties  
21 this morning, and with Mr. Sherriff-Scott obviously. We  
22 have not come to any kind of consensus on how this should  
23 proceed.

24 I -- as you know, my original intention was  
25 to read out a name, ask some questions and move on to the



1 next name. That is my preference.

2 Yesterday it sounded like perhaps we had an  
3 agreement that we may put some kind of list to the witness,  
4 file it as an exhibit and move on from there. That appears  
5 to now be off the table in terms of a consensus being  
6 reached on that at least. I'll let Mr. Sherriff-Scott  
7 speak to it, obviously, but as I understand his suggestion,  
8 he would prefer the list to be put to the witness as a sort  
9 of aide-mémoire, not filed in any way, and have him go  
10 through the list, and if he flags anybody on the list for  
11 us, we would expand on that name and otherwise his answer  
12 would be, "I have nothing to say about any of these  
13 people."

14 The concern I have about that is we then  
15 have no kind of record of which names were on the list,  
16 which I say doesn't do us a whole lot of good.

17 So that's where we're at. My position  
18 remains that the easiest way to do this and the preferable  
19 way of doing this is for me to simply ask this witness  
20 about each of these names. And I presume that some of the  
21 parties may want to address you on that, but that's -- that  
22 remains my position.

23 **THE COMMISSIONER:** Okay. Thank you.

24 **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:**

25 **MR. SHERRIFF-SCOTT:** It was proposed that I

1 speak to this first by some of my colleagues.

2 I received -- good morning, sir.

3 **THE COMMISSIONER:** Good morning.

4 **MR. SHERRIFF-SCOTT:** I received the list  
5 last night and I now understand what is being proposed in  
6 the concrete and I've had time to consider it and take  
7 instruction with my client.

8 And having had that opportunity, I am of the  
9 position and I suggest that the approach to oral  
10 questioning, as proposed by my friend, or the use of a list  
11 put in evidence, as I'll develop, is highly prejudicial, I  
12 would submit inflammatory and, for reasons that I'll  
13 develop, unnecessary, and I unequivocally object to it now  
14 and in every instance in which it is attempted.

15 The approach, I submit, whether oral or in  
16 list format as evidence will result, I suggest, in  
17 allegations against people being repeated over and over  
18 again with each witness who takes the stand, which is the  
19 stated intention of the proponent.

20 Just like I suggest websites in the past,  
21 this will effectively repeat allegations and innuendo about  
22 people and hammer them into the collective consciousness  
23 with resultant harm and, I suggest, a lack of  
24 responsibility.

25 Some of these people were never charged.

1 Some were never the subject of a public allegation or an  
2 allegation to a public institution. Others were the  
3 subject of allegations investigated but no basis to charge  
4 them was found. Many are alive, living and working in this  
5 community. Still others are deceased and no allegations  
6 against them have ever been made, but their families and  
7 relatives are living and working in this community and will  
8 hear this information for the first time.

9 I suggest that in the result, the Inquiry  
10 would become, if this proposal is followed in this  
11 instance, just like the websites, and become an instrument  
12 of harm not only in relation to people identified but in  
13 relation to the community at large.

14 Once more, I suggest unspecified allegations  
15 will be the threshold for public dissemination of  
16 allegations. "He is on the list" will be enough.

17 List format, I suggest, orally or in  
18 question vein misapprehends the need to balance the rights  
19 and interests of people affected by your proceeding, and it  
20 is the argument often repeated yesterday by the proponent  
21 that is based on a false premise, I submit; that those who  
22 may have been the subject of perhaps website allegations in  
23 the past have no rights in this regard or there is nothing  
24 to balance about them once accused on a website.

25 I disagree. This relegates people to the

1 status of damaged goods, whereas the dignity and worth of  
2 every person must be weighed here in this process.

3 I suggest the pairing of what amounts and is  
4 conceded by the proponent of effectively an innuendo or  
5 allegation over and over again will cause damage but,  
6 moreover, it is unnecessary.

7 I therefore propose what I consider to be a  
8 solution which advances everybody's interests: Your  
9 interest, Commissioner, in getting at information; my  
10 friend's interest in identifying what he considers to be  
11 his inquiry on this point; as well as the interests of  
12 people on the list, and that is this: That the document be  
13 used merely as an aide-mémoire by the witness; that the  
14 witness be asked in two categories of information. There  
15 are those, for example, who will be known to the witness to  
16 have been subject to public charges, investigation, or  
17 public allegations in the media or some medium, and there  
18 will be the others that the witness does not recognize in  
19 that category.

20 I suggest the interests of the Inquiry be  
21 satisfied in the first instance by asking the witness  
22 whether or not he recognizes or knows of information about  
23 the first category which came to his attention or to the  
24 attention of the Diocese before any of that happened; that  
25 is to say, before investigations, charges, or the

1 dissemination of this information in a public medium.

2 If that is the case, the issue can be  
3 explored by my friend. The witness can be asked, "What did  
4 the Diocese do? What didn't it do?"

5 In connection with the other category that  
6 the person doesn't recognize as having been the subject of,  
7 say, public allegations or charges, the witness can be  
8 asked the same question, "What information do you know  
9 about these people, if any?" If they're not identified or  
10 he doesn't have any information on any person, I submit  
11 there's simply no interest in identifying that person's  
12 name. The Inquiry will know that my friend's desire to  
13 inquire with respect to particular names is satisfied and  
14 the witness will have no information. Thus, there is no  
15 need to put the name forward.

16 If the name is identified or a name is  
17 identified, in a similar vein, my friend can explore, "What  
18 did the Diocese know? What did it do? What did it not  
19 do?"

20 I suggest this satisfies and balances  
21 everybody's interests, as we are bound to do here, and it  
22 will not result in any prejudice. It will neutralize  
23 prejudice and serve your interests, as well as be efficient  
24 from the point of view of economy in time.

25 Thank you.

1                   **THE COMMISSIONER:** Thank you.

2                   All right. Anyone else want to wander in?

3                   Mr. Wardle?

4                   Is there any problem with me seeing the list  
5                   at this time?

6                   --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WARDLE:

7                   **MR. WARDLE:** I was going to suggest that,  
8                   Mr. Commissioner. I have a copy which my friend has  
9                   provided to me. I don't know if we have extra copies. We  
10                  have extra copies.

11                  **THE COMMISSIONER:** Thank you. M'hm. Go  
12                  ahead, sir.

13                  **MR. WARDLE:** Mr. Commissioner, my client is  
14                  opposed to the use of a list, period, whether it's marked  
15                  or used as an aide-mémoire, and our primary concern is  
16                  about the integrity of the Commission's processes and its  
17                  credibility in this community.

18                  If you look at the list, you'll see it  
19                  contains, as Mr. Sherriff-Scott alluded to, a number of  
20                  categories. For example, one of the names is Father Paul  
21                  Lapierre, who we know has been convicted.

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

23                  **MR. WARDLE:** There are names on the list  
24                  against whom allegations have been made. For example, when  
25                  Mr. Marleau was here, he testified about abuse by some

1 individuals on the list.

2 There are names on this list who have been  
3 investigated, for example, by Project Truth but never  
4 charged.

5 There are names on this list who I think  
6 everyone in the room would say allegations were made  
7 against but their names have since been cleared, and you're  
8 going to be hearing from one of those individuals shortly,  
9 and he apparently -- this is Father Maloney -- will testify  
10 about the effect having false allegations against him have  
11 had on his reputation and standing in the community.

12 So there's a melange here, and the primary  
13 concern is that if Father "X" is on this list and this list  
14 is marked as an exhibit, the public at large will be unable  
15 to distinguish Father "X" from Father Lapierre.

16 And whatever you may say and whatever Mr.  
17 Lee may say and whatever the witness may say, the very fact  
18 that this is a list that's been marked as a public exhibit,  
19 some people in this community are going to treat those  
20 individuals as being on the same page. That's the concern.

21 And I have a second concern which is related  
22 to that and, again, it deals with the integrity of the  
23 processes of this Commission. As I understand Mr. Lee's  
24 position, he does not have any information today that this  
25 witness who is now in the witness box actually knew about

1           any allegations about anybody on this list. He simply  
2           wants to put the list to him, hoping to elicit some  
3           information that may be useful to him.

4                        In other words, having had this Inquiry now  
5           going on for two years of -- almost two years of testimony,  
6           68,000 records at last count, Mr. Lee has been here  
7           throughout, as I understand it. Mr. Lee does not have any  
8           information that the current witness has any information  
9           that would be relevant to these names. He simply wants to  
10          put it to him as an open-ended fishing expedition. And I  
11          suggest that that is unseemly, in and of itself, and if you  
12          countenance it once, you're going to be countenancing it  
13          for every witness for the Diocese of Alexandria-Cornwall  
14          and in my submission, it calls your process into disrepute.

15                       Mr. Commissioner, you know my clients have  
16          taken a very strong position throughout this Inquiry about  
17          false allegations that have been repeated in this community  
18          and have led to this cloud which hangs over Cornwall and  
19          which one of the purposes of this Commission is to dispel.  
20          If you allow a process like this one, in my submission, it  
21          will simply ensure that that cloud hangs in the air for a  
22          much longer period of time.

23                       Those are my submissions.

24                       **THE COMMISSIONER:** Thank you.

25                       Mr. Paul?



1 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PAUL:

2 MR. PAUL: Mr. Commissioner, we would  
3 support the Victims' Group in our position. Mr. Horn has  
4 made some submissions I know and I won't repeat those.  
5 I'll just add that I would suggest that the proposed  
6 questions do have relevance to the institutional response  
7 or how the institution respond in the sense of what  
8 information members on behalf of the institution would have  
9 had at the relevant times.

10 And I think that the -- perhaps the last  
11 comments by Mr. Wardle about the absence necessarily of any  
12 information that the witness knows of rumours or  
13 information about individuals, certainly I would agree that  
14 that might bar a suggestive type of questioning where it's  
15 suggested that they have knowledge. Certainly that might  
16 be inappropriate but I think a non-leading type of series  
17 of questions to confirm whether or not they had knowledge I  
18 would suggest is not necessarily inappropriate.

19 So while I would suggest that there does  
20 need to be a record of any such questions, I would suggest  
21 that the questions, clearly, if asked in a non-leading  
22 manner, in an appropriate manner, I would suggest are not  
23 evidence and I would suggest it could be made clear that  
24 the questions about the individuals on the list are not in  
25 any way evidence against them.

1                   There's certainly an attempt to explore the  
2                   situation to see if there is any evidence in relation to  
3                   the individuals and the evidence may well result in  
4                   information that is, in some cases, in favour of some of  
5                   those individuals in the sense of an absence of information  
6                   may be to their credit.

7                   So I would suggest that the questions should  
8                   proceed.

9                   **THE COMMISSIONER:** Thank you.

10                  Mr. Ertel, any comments? Mr. Ertel?

11                  **MR. ERTEL:** Oh, sorry. I'm sorry. I don't  
12                  have anything.

13                  **THE COMMISSIONER:** Do you wish -- okay.

14                  Mr. Chisholm, any comments?

15                  **MR. CHISHOLM:** Thank you, sir. Good  
16                  morning.

17                  **THE COMMISSIONER:** Good morning.

18                  ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CHISHOLM:

19                  **MR. CHISHOLM:** I would support what Mr.  
20                  Sherriff-Scott had to say with respect to the issue. I  
21                  support a lot of what Mr. Wardle had to say as well but  
22                  there may be some benefit in, as you indicated yesterday,  
23                  having the list put to the witness to prompt their  
24                  recollection. Without the list -- without the list, it may  
25                  be difficult to hone in on an area that the witness could

1 otherwise recall.

2 If the list was put in, I would have a  
3 concern about having the list marked as an exhibit.

4 **THE COMMISSIONER:** What about marked as an  
5 exhibit and either with a publication ban or marked  
6 confidential? Would that assuage some of your concerns?

7 **MR. CHISHOLM:** It would, sir, yes.

8 One other concern I have looking at the  
9 list, are we certain that all of these people that are on  
10 the list have been the subject of a complaint to a public  
11 institution? If there are names on there that don't fit  
12 into that category, that would be another area of concern.

13 Those are my comments, sir. Thank you.

14 **THE COMMISSIONER:** Thank you.

15 Mr. Rose, do you wish to comment?

16 **MR. ROSE:** Good morning, Mr. Commissioner.

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

18 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ROSE:

19 **MR. ROSE:** As a party with standing who is  
20 not directly affected by this in terms of the evidence but  
21 as someone to gain, as I said yesterday, who sits on the  
22 wings watching what's going on, I completely agree with  
23 what Mr. Sherriff-Scott and Mr. Wardle have said to you  
24 this morning.

25 And from my clients' perspective, we have

1 great concerns about the procedure being proposed here and  
2 I ask you, Mr. Commissioner, to exercise great caution.  
3 And I'm asking you to accede to Mr. Sherriff-Scott and Mr.  
4 Wardle's position.

5 Thank you.

6 **THE COMMISSIONER:** Thank you.

7 Mr. Fok, any comments?

8 **MR. FOK:** No, sir.

9 **THE COMMISSIONER:** Thank you.

10 Ms. Robitaille, any comments?

11 ---SUBMISIONS BY/REPRÉSENTATIONS PAR MS. ROBITAILLE :

12 **MS. ROBITAILLE:** Good morning, Mr.

13 Commissioner.

14 We support the submissions of Mr. David  
15 Sherriff-Scott. We had no submissions to make.

16 Thank you.

17 **THE COMMISSIONER:** Thank you.

18 Ms. Lalji?

19 ---SUBMISIONS BY/REPRÉSENTATIONS PAR MS. LALJI :

20 **MS. LALJI:** Good morning, Mr. Commissioner.

21 **THE COMMISSIONER:** Good morning.

22 **MS. LALJI:** We support the position of Mr.

23 Wardle. Thank you.

24 **THE COMMISSIONER:** Thank you.

25 Ms. Lahaie?

1 ---SUBMISIONS BY/REPRÉSENTATIONS PAR MS. LAHAIE :

2 MS. LAHAIE: Good morning, Mr. Commissioner.

3 THE COMMISSIONER: Yes.

4 MS. LAHAIE: The Ontario Provincial Police  
5 supports the position taken by Mr. Sherriff-Scott and Mr.  
6 Wardle this morning.

7 Thank you.

8 THE COMMISSIONER: Thank you.

9 ---SUBMISIONS BY/REPRÉSENTATIONS PAR MR. CARROLL:

10 MR. CARROLL: Good morning.

11 THE COMMISSIONER: Good morning, Mr.  
12 Carroll.

13 MR. CARROLL: The Membership of the Ontario  
14 Provincial Police Association supports the position taken  
15 by Mr. Sherriff-Scott and the reasoning advanced by Mr.  
16 Wardle.

17 I might just add that my clients are the  
18 people on the ground in this community who live and work  
19 here. And they, like everyone else in this community, is  
20 entitled to benefit from this Inquiry and not to suffer as  
21 a result of it.

22 And to pursue -- you know, and I hesitate to  
23 use the word McCarthy tactics but -- and I'm not going to  
24 accuse Mr. Lee of that but every time there is a list, no  
25 good comes of it. And, sir, it may be that your proposal

1 to mark it with the highest level of confidentiality is --  
2 does satisfy all interests, but to simply put the list of  
3 21 out in the public domain, in my respectful submission,  
4 will go a long way towards defeating one of the goals of  
5 this Inquiry which is to promote healing in this community.

6 Thank you.

7 **THE COMMISSIONER:** Thank you.

8 Who is going to speak; Mr. Engelmann?

9 ---**SUBMISIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

10 **MR. ENGELMANN:** Sir, just a few brief  
11 comments, if I may.

12 And first of all, just to understand what I  
13 believe Mr. Lee was trying to do -- and if I get it wrong,  
14 I wasn't here for most of this. As I understand it, he was  
15 asking the witness a question about -- or about to ask the  
16 witness a question about whether a particular person who  
17 was named -- if a concern had been brought to this witness'  
18 attention about this individual and/or a concern had been  
19 brought to one of the individual's colleagues. Presumably,  
20 if the answer was yes, how, if at all, the institution  
21 and/or officials responded to that concern.

22 I don't think there's any question if that  
23 was the intent but the questions are relevant.

24 The question then becomes how is this  
25 material best dealt with before this Inquiry. This is a

1 public inquiry, the public has a right to know but of  
2 course we have to balance confidentiality and privacy  
3 interests and that is right in our Order in Council.

4 You've had to weigh these issues on several  
5 occasions; you've had to apply the Dagenais/Mentuk test in  
6 several occasions.

7 As I look at this proposed list and I'm not  
8 sure whose idea the list was but in any event, I think the  
9 list was helpful, at least to generate some discussion  
10 between counsel, albeit no agreement, but some discussion  
11 between counsel.

12 The list is clearly varied. The list  
13 contains people who are clearly out there, if I can use  
14 that term, in the sense that they were charged, they were  
15 involved in criminal proceedings. I think in all of those  
16 cases, questions about whether the Diocese and/or this  
17 particular official was aware of these concerns before the  
18 charge and before the publicity surrounding the charge,  
19 perhaps -- and how the Diocese responded at that time or  
20 even after the charges as to what they did. Those types of  
21 questions, again, would be relevant.

22 The question is how do we deal with those  
23 individuals who were not charged, who are not out there or  
24 who are out there but not through some mainstream media but  
25 out there on a website where we know there were people

1 named who shouldn't have been named; and we've had some  
2 evidence on the website in those issues.

3 So the question then is how do you deal with  
4 those others? And obviously, in dealing with those others  
5 some application of the Dagenais/Mentuk test would be  
6 appropriate.

7 Sir, looking at this list I don't see how  
8 you could treat the individuals on this list as one and how  
9 you could treat them the same way.

10 Questions about a number of these  
11 individuals could just be put without -- without a list  
12 because all of us in this room are aware that these  
13 individuals were charged and there was publicity  
14 surrounding them and people can make submissions as to  
15 whether or not they were convicted, whether they were found  
16 not guilty after a trial, what have you.

17 There are a number of others though, sir,  
18 who were investigated or not charged and I'm looking at the  
19 list and in a couple of instances I don't even know, sir,  
20 if there were complaints to a public institution.

21 So obviously, people who were investigated  
22 but not charged and there was no publicity surrounding it  
23 and/or people who may not have been the subject of reports  
24 to public institutions should be treated differently than  
25 those people who have been charged and there has been



1 notoriety, in a mainstream way so to speak.

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

3 **MR. ENGELMANN:** So I think the use of the  
4 list of all of these names would be inappropriate. I think  
5 there's certainly questions that can be put about a number  
6 of these individuals, presumably without objection, but  
7 with some of them I think you may have to look at some  
8 other form of treatment; whether that is the aide-memoire  
9 suggestion of my friend Mr. Sherriff-Scott or perhaps the  
10 use of an exhibit with confidentiality measures, something  
11 like that might be appropriate but there clearly -- there's  
12 more than one category of people on this list.

13 That's my brief submission, sir.

14 ---RULING BY THE COMMISSIONER/DÉCISION PAR LE COMMISSAIRE:

15 **THE COMMISSIONER:** Thank you.

16 All right, well let me say this, that I am  
17 certainly in the minority when it comes to the position  
18 that I'm going to take, in the sense that I don't see this  
19 list being anything more than asking the witness those  
20 questions which I think are relevant to address his mind to  
21 the people that are on the list and to answer the  
22 questions.

23 So, what I do understand though is that  
24 certainly the people, such as Father Gilles Deslauriers, I  
25 don't think there's any question that -- those questions

1           should be put to -- can be put about him and without any  
2           confidentiality measures.

3                       I am concerned, of course, in balancing the  
4           interests that the names of other people that are really  
5           not in the public light at this point in time who have  
6           perhaps never been investigated, never been charged or  
7           anything like that, who have legitimate privacy issues  
8           should be protected.

9                       I agree with Mr. Engelmann that the list in  
10          itself, as it is, would be a disservice to the community,  
11          either if we put it all out or we made it all confidential.

12                      So my ruling will be as follows is that I  
13          rule that Mr. Lee will be able to pose those questions;  
14          that I will be taking a break, that the list will be  
15          changed to exclude those people whom the parties hopefully  
16          will agree upon, are names that are out there in the public  
17          and can be asked and that the list be reduced and numbered  
18          so that the witness can be asked after he's been asked  
19          about the individual people that can be mentioned, then he  
20          be given the list only -- and only not to indict or to cast  
21          any aspersions on the people that are remaining on the  
22          list, but simply to have the witness be able to look at  
23          those to refresh his memory and to draw his attention  
24          particularly to those people and answer the questions  
25          appropriately.

1                   With respect to the list of those folks that  
2                   I will determine, of course with the cooperation and  
3                   assistance of counsel, that should not be named, my  
4                   suggestion is that that list be put to him but that list be  
5                   made confidential. And that way -- what I think is  
6                   important is that the record -- we'll have a record of who  
7                   those names were put and how the question was put but it  
8                   will not be in such a way as to -- two things; first of  
9                   all, hurt any of the people that are here that should be on  
10                  the list and second, to fuel any further rumours or  
11                  innuendoes.

12                   So I'm going to take a short break. What  
13                  I'd like you people to do is confer and see if there's any  
14                  consensus on who the names of the people that could be put  
15                  to this witness publicly and those that should be put on  
16                  the list.

17                   And in doing so, I, of course, have  
18                  considered the Dagenais/Mentuk test and I figure that's the  
19                  best way to balance all of the interests concerned.

20                   So we'll take a short break, let me know  
21                  when you're ready to go.

22                   Thank you.

23                   **THE REGISTRAR:** Order. All rise. À  
24                  l'ordre. Veuillez vous lever.

25                   This hearing will resume at 10:20.

1 --- Upon recessing at 10:09 a.m./

2 L'audience est suspendue à 10h09

3 --- Upon resuming at 10:40 a.m.

4 L'audience est reprise à 10h40

5 **THE REGISTRAR:** Order. All rise. À

6 l'ordre. Veuillez vous lever.

7 This hearing is now resumed; please be

8 seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Will we hear ourselves  
10 over the din? Can we carry on with the rain? We stopped  
11 last year.

12 All right, so listen, this is what I  
13 understand, is I've been given the list. I understand that  
14 parties were able to agree on over half of them, barely,  
15 and so I think there should be some discussion about Mr.  
16 Lee justifying why he wants to hear -- have the name put  
17 publicly and why others want it to be private and so the  
18 question I have now is can we do this in a public forum or  
19 should we do that in camera?

20 So for those who will be arguing this, can I  
21 have your thoughts on that?

22 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:**

23 **MR. SHERRIFF-SCOTT:** If I can put my oar in  
24 first, I'd suggest we do it privately and if your  
25 disposition is that the matter be public then that's the

1 end of the matter. So ---

2 **THE COMMISSIONER:** No, no, but why -- is  
3 there -- if we numbered all of the people would you be able  
4 to argue and say, "Okay, now we're going to deal with  
5 Number 1 because it's contested and tell me why that person  
6 should not be public or whether it should be ---

7 **MR. SHERRIFF-SCOTT:** In the absence of the  
8 person's name I don't have any trouble with that.

9 **THE COMMISSIONER:** Okay. No, no, obviously  
10 -- obviously ---

11 **MR. SHERRIFF-SCOTT:** As long as it's not  
12 sort of attempting to identify the person I'm fine.

13 **THE COMMISSIONER:** So you --- yeah but --  
14 m'hm, that's a good principle. Do you think you're able to  
15 make the argument without going into that territory?

16 **MR. SHERRIFF-SCOTT:** Well, I look at Number  
17 1 and, for example, that may -- you know, the problem --  
18 the potential problem with that approach as I look at this  
19 list from that point of view is that some will be  
20 identified by complainant who -- and in connection with  
21 Number 1 there is a very ubiquitous complainant ---

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

23 **MR. SHERRIFF-SCOTT:** --- that was the  
24 subject of an investigation which resulted in no charges.  
25 I wonder whether that would be sort of tending to identify.

1                   There are others that don't necessarily fall  
2                   under that category but I can think that Number 1 would,  
3                   Number 10 would and some of the others.

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

5                   **MR. SHERRIFF-SCOTT:** But not all of them  
6                   would. So that would be a concern.

7                   **THE COMMISSIONER:** Mr. Lee.

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

9                   **MR. LEE:** There may be some issue, as Mr.  
10                  Sherriff-Scott just suggested. As an example, I may say  
11                  that person "A" testified at this Inquiry and made  
12                  allegations against three people on the list and  
13                  immediately there's going to be ties. I may say that  
14                  person "C" was charged in somewhere that would tend to  
15                  identify who -- it's going to be difficult. I mean, I'm in  
16                  your hands, and I can certainly do it by number but there  
17                  may be -- you may get into a little bit of trouble with  
18                  tending to identify.

19                  **THE COMMISSIONER:** No, I won't get into  
20                  trouble but you might.

21                  Okay. Anyone else have any comments about  
22                  whether we should be going private or public?

23                  Well, I can tell you that given the number,  
24                  that we have 10 people that we have to discuss, and given  
25                  that I certainly don't want to make any slips, that I think

1 we should go in-camera and I will report to the public once  
2 we finish this exercise of which people will be in public  
3 and which people will be in private, by numbers.

4 All right? So how long do we need, 10  
5 minutes? All right, so let's take 10 minutes and we'll  
6 come back.

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

9 This hearing will resume at 10:55.

10 ---Upon recessing at 10:45 a.m. to resume in camera/

11 L'audience est suspendue à 10h45 pour reprendre à huis  
12 clos

13 --- Upon resuming in public at 12:28 p.m./

14 L'audience est reprise en public à 12h28

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

17 This hearing is now resumed. Please be  
18 seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** Thank you. We're back in  
20 the public eye now with the connection.

21 What I wanted to do was apprise everyone of  
22 what we have been doing. You will recall that Mr. Lee  
23 wanted to ask the witness certain questions with respect to  
24 the institutional response and whether this witness had  
25 ever heard of any complaints or had been reported that

1 others had received complaints with respect to a number of  
2 people.

3 When the list was prepared there's some  
4 questions as to whether or not some should be confidential  
5 names and some not.

6 And so what I did is I heard argument with  
7 respect to that matter and I have determined that some will  
8 be made public and some will not.

9 The reason for that is simply that some  
10 names have been heard in this Inquiry. I should tell you  
11 that the questions being put are not there to determine  
12 guilt or innocence, that the sole purpose for the question  
13 is to determine whether or not an institutional response  
14 was called for or whether it wasn't.

15 Accordingly -- and I will resume this  
16 afternoon when the questioning, or maybe after the  
17 questioning, and reinforce that with the public, that the  
18 question here is dealing with the Diocese's institutional  
19 response. That's it and that's all.

20 And so one should not look into whether or  
21 not a name has been made confidential or public as a  
22 reflection of anyone's credibility, their reputation or  
23 otherwise.

24 And I have decided that because as we've  
25 said, I have to balance a person's right to privacy to the



1 right to the public to know what a public inquiry is all  
2 about.

3 In doing that, I balanced the fact that  
4 whether or not the name had been used or dealt with in this  
5 Inquiry previously and whether or not any confidentiality  
6 measures have been asked at that time.

7 So that was one of the principles that I  
8 used, but bottom line is the question of balancing, as  
9 we've indicated in what we call the Dagenais/Mentuck test,  
10 whether or not the public's right to know is outweighed by  
11 some privacy interests.

12 I've reviewed those privacy interests, and  
13 in some parts I've allowed the names to be used publicly;  
14 in others I haven't dealing simply on -- with that basis --  
15 on that basis.

16 Accordingly, what we're going to do now is  
17 break for lunch and we will come back and hopefully deal  
18 with Father Vaillancourt in short order and get on with the  
19 next witness.

20 Before I go though, I see that Mr.  
21 Manderville and Mr. Engelmann have a matter to be brought  
22 forward and to be discussed.

23 **MR. MANDERVILLE:** That's correct.

24 Good afternoon, Mr. Commissioner.

25 **THE COMMISSIONER:** Good afternoon, sir.

1           ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANDERVILLE:

2                   **MR. MANDERVILLE:** Very briefly, you issued a  
3 ruling yesterday that has raised some privacy concerns.

4                   **THE COMMISSIONER:** Right.

5                   **MR. MANDERVILLE:** And I've spoken about it  
6 with Mr. Engelmann. I understand -- and with my friends --  
7 and we would request that the text of the ruling be amended  
8 to use innocuous terms such as "his doctor," "his medical  
9 specialist" ---

10                  **THE COMMISSIONER:** Yes.

11                  **MR. MANDERVILLE:** --- without referring to  
12 the doctor by name or the specialty in question.

13                         Secondly, we would request that the entire  
14 motion record, which was made an exhibit, be made  
15 confidential due to the contents of the Aikman Affidavit  
16 and the exhibits attached thereto.

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

18                  **MR. MANDERVILLE:** And I understand Mr.  
19 Engelmann may wish to speak to this briefly.

20                  **THE COMMISSIONER:** All right.

21                         Mr. Engelmann.

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

23                         **MR. ENGELMANN:** Sir, Mr. Manderville and I  
24 had discussions about this yesterday evening and this  
25 morning. I am certainly not opposed to that request. I

1 think that the substance of the decision remains the same -  
2 --

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

4 **MR. ENGELMANN:** --- with a couple of very  
5 minor changes. Those words can be inserted.

6 And with respect to the motion record, he's  
7 referring to M-14 -- what is now M-14-A1. You, in your  
8 ruling, had said we should make the exhibits to the  
9 Affidavit ---

10 **THE COMMISSIONER:** Right.

11 **MR. ENGELMANN:** --- confidential because  
12 they do contain the medical information.

13 Mr. Manderville alerted me to the fact that  
14 in the text of the Aikman Affidavit itself, it gets into  
15 this also.

16 So, sir, if we could simply then make M-14-  
17 A1 a "C" exhibit because it does contain intimate, personal  
18 information. In accordance with our rules, that has been  
19 done in the past and the two references, I think, that Mr.  
20 Manderville has suggested are reasonable in the  
21 circumstances.

22 **THE COMMISSIONER:** All right.

23 Then there being no comments otherwise, I  
24 totally agree. I wish you to -- I'd like you to pass on my  
25 regrets to any inconvenience it may have caused your

1 client.

2 As well, I don't know; maybe I'm getting  
3 old, but somehow, I don't know if through the media or  
4 otherwise, it was reported that your client would be  
5 testifying, and that's simply not correct at this point in  
6 time.

7 What we've done is simply adjourned the  
8 matter to permit you to consider your position and to come  
9 back with further evidence.

10 And so again, that wasn't my doing, so I  
11 just wanted to make it very clear that that's where we  
12 stand with that matter.

13 **MR. MANDERVILLE:** Thank you, Mr.  
14 Commissioner.

15 **THE COMMISSIONER:** All right?

16 **MR. MANDERVILLE:** I appreciate your  
17 comments.

18 **THE COMMISSIONER:** Thank you.

19 We'll come back at 2:00.

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

22 This hearing will resume at 2:00 p.m.

23 --- Upon recessing at 12:34 p.m./

24 L'audience est suspendue à 12h34

25 --- Upon resuming at 2:02 p.m./

1 L'audience est reprise à 14h02

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

4 This hearing is now resumed. Please be  
5 seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Thank you. Merci  
7 beaucoup.

8 Re-bonjour, Père Vaillancourt.

9 **PÈRE VAILLANCOURT:** Bonjour.

10 **LE COMMISSAIRE:** Vous allez nous pardonner  
11 pour le délai. Il semblerait que nous avons des  
12 discussions afin de pouvoir simplifier votre témoignage ici  
13 cet après-midi.

14 Donc, encore une fois, mes excuses.

15 Donc, nous avons déterminé que nous allons  
16 avoir deux listes.

17 So can we make those exhibits now, Mr. Lee?

18 **MR. LEE:** Yes.

19 **THE COMMISSIONER:** All right.

20 **MR. LEE:** I don't have either list. I  
21 believe they were prepared by the clerk.

22 **THE COMMISSIONER:** That's my surprise.

23 **LE COMMISSAIRE:** Donc, nous avons deux  
24 listes, Père Vaillancourt, une liste que les noms, on va  
25 pouvoir utiliser en public et puis une autre liste qu'on va

1           vous demander de simplement, si vous avez à vous référer à  
2           cette liste, d'utiliser les numéros sur la liste. Compris?

3                       **PÈRE VAILLANCOURT:** O.k.

4                       **LE COMMISSAIRE:** O.k. Merci.

5                       Donc, 1855 -- on devrait, Madame la  
6           greffière, les donner aux gens aussi pour qu'ils puissent  
7           confirmer.

8                       Donc, 1855 c'est la pièce des noms des gens  
9           qu'on peut mentionner en public et C-1856 c'est la liste  
10          des gens qu'on ne doit pas mentionner.

11          **--- EXHIBIT NO./PIÈCE NO. P-1855:**

12                      Public list of names of priests for which  
13                      questions may be asked

14          **--- EXHIBIT NO./PIÈCE NO. C-1856:**

15                      Confidential list of names of priests for  
16                      which questions may be asked

17                      **LE COMMISSAIRE:** Maintenant, avant de  
18           commencer, je voudrais vérifier avec tous et ceux qui sont  
19           ici, m'assurer que les deux listes sont belles et bien  
20           correctes? Est-ce que c'est bien?

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

22                      **THE COMMISSIONER:** Mr. Lee, does it accord  
23           with your ---

24                      **MR. LEE:** It does, sir.

25                      **THE COMMISSIONER:** Thank you.

1 Bon, o.k., nous pouvons procéder.

2 Monsieur Lee.

3 **MR. LEE:** Mr. Commissioner, if I can just --  
4 Mr. Sherriff-Scott made a suggestion to you relating to  
5 Exhibit 1855 ---

6 **THE COMMISSIONER:** Yes.

7 **MR. LEE:** --- which is the public list, if  
8 you will.

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

10 **MR. LEE:** And he suggested that rather than  
11 having me put these names individually to the witness, that  
12 it may be preferable to put the list to him. I wasn't  
13 clear. You seemed to be in agreement with Mr. Sherriff-  
14 Scott. I wasn't clear on whether or not that was part of  
15 your ruling or whether or not that was your preference.

16 **THE COMMISSIONER:** No, no, no, I think for  
17 ease of reference, I've got this Document 1855, which is a  
18 public document.

19 **MR. LEE:** Yes.

20 **THE COMMISSIONER:** It's your cross-  
21 examination. I'm going to leave it in your discretion at  
22 this point on how you want to use it.

23 If at some point there's some objection that  
24 you may be doing things improperly, then we'll face them,  
25 but I thought it best to have two lists and deal with them

1 as you want.

2 **MR. LEE:** Perhaps what I'll do is ask the  
3 witness to review -- we'll start with Exhibit 1855, which  
4 is the longer list, and perhaps I'll ask the witness to  
5 take a moment to review the names on that list. I'll ask  
6 him generally the questions I had intended to ask him and I  
7 may take him to just a couple of names on it and ask some  
8 specific questions.

9 **THE COMMISSIONER:** Fine.

10 **MR. LEE:** But we'll start that way and see  
11 how that goes.

12 **THE COMMISSIONER:** Yeah.

13 --- **PÈRE DENIS VAILLANCOURT, Resumed/Sous le même serment:**  
14 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE**  
15 **(cont'd/suite):**

16 **MR. LEE:** So, Father Vaillancourt, if you  
17 can look at the longer list, 1855, and read through that  
18 list of names, and please take as much time as you need to  
19 do that, and I have a number of questions I'd like to ask  
20 you. One of the first questions I'll ask you is whether or  
21 not you recognize all of the names on this list or if there  
22 are any that don't mean anything to you at all, okay? So  
23 please let me know when you're finished reading that.

24 **PÈRE VAILLANCOURT:** Je reconnais tous les  
25 noms.



1                   **MR. LEE:** Okay. So the first question I  
2                   have is whether or not you personally have ever received a  
3                   complaint of abuse relating to any of the persons listed on  
4                   Exhibit 1855?

5                   **PÈRE VAILLANCOURT:** À l'exception du Père  
6                   Deslauriers et du Père Charlie MacDonald, les autres, je  
7                   n'ai jamais reçu de plaintes.

8                   **MR. LEE:** And the second question I have for  
9                   you is you've told us that you have never received a  
10                  complaint of abuse in relation to any of those persons.

11                  Do you have any knowledge of the Diocese  
12                  ever having received a complaint of abuse relating to any  
13                  of the persons on Exhibit 1855?

14                  **PÈRE VAILLANCOURT:** Non.

15                  **MR. LEE:** We talked a little bit yesterday  
16                  about the difference between a complaint of abuse from a  
17                  victim or from a member of the victim's family and  
18                  information generally that there may have been some sexual  
19                  impropriety on the part of a person. Have you ever  
20                  received information suggesting possible sexual misconduct  
21                  at the hands of any of these persons on Exhibit 1855?

22                  **MR. SHERRIFF-SCOTT:** I object to the  
23                  question as framed. I think that the question should be  
24                  cast in the jurisdiction of the Tribunal, which is "Have  
25                  you information which shows or tends to show an allegation

1 of abuse -- an historical allegation of abuse of a young  
2 person by someone at the Diocese?" as opposed to sexual  
3 misconduct. I don't know what that means, but it seems a  
4 lot broader than what's in the mandate, I would submit.

5 Thank you.

6 **MR. LEE:** I think that's fair.

7 **THE COMMISSIONER:** Okay.

8 **MR. LEE:** Let me rephrase the question,  
9 Father Vaillancourt.

10 Have you ever received information  
11 suggesting -- have you ever received information suggesting  
12 that any of the persons listed on Exhibit 1855 may have  
13 sexually abused minors at some point in the past?

14 **PÈRE VAILLANCOURT:** Non.

15 **MR. LEE:** Do you have any knowledge of the  
16 Diocese ever having received such information in relation  
17 to any of the persons on this list?

18 **PÈRE VAILLANCOURT:** Non.

19 **MR. LEE:** Are you satisfied that you've had  
20 enough time to review this list and to turn your mind to  
21 these questions at this point?

22 **PÈRE VAILLANCOURT:** Oui.

23 **MR. LEE:** Are there any other priests of the  
24 Diocese not listed on Exhibit 1855 or 1856 for which you  
25 have received an allegation of abuse?

1                   **PÈRE VAILLANCOURT:** Non.

2                   **MR. LEE:** Are there any other priests of the  
3 Diocese not listed on one of these two exhibits for which  
4 you are aware the Diocese has received information or an  
5 allegation of abuse?

6                   **PÈRE VAILLANCOURT:** Je le sais pas.

7                   **MR. LEE:** You -- when I asked you initially  
8 about Exhibit 1855, you pointed out that other than Father  
9 Deslauriers and Father MacDonald your answers were no.

10                   In relation to Father Deslauriers, we know  
11 that once Benoît Brisson came forward, there were several  
12 complaints of abuse alleged. Is that correct?

13                   **PÈRE VAILLANCOURT:** Oui.

14                   **MR. LEE:** Did you at any point receive an  
15 allegation of abuse relating to Father Deslauriers prior to  
16 Benoît Brisson coming to the Diocese?

17                   **PÈRE VAILLANCOURT:** Non.

18                   **MR. LEE:** One of the other names on the list  
19 1855 is Father Paul Lapierre. Do you see that name, sir?

20                   **PÈRE VAILLANCOURT:** Oui.

21                   **MR. LEE:** Are you aware that Father Lapierre  
22 was tried on charges in Ontario and also tried on charges  
23 in Quebec and that he was convicted in Quebec?

24                   **PÈRE VAILLANCOURT:** Oui.

25                   **MR. LEE:** Are you aware that at his trial,

1 Father Lapierre testified about possible misconduct by  
2 other priests of the Diocese?

3 **PÈRE VAILLANCOURT:** Non.

4 **MR. LEE:** You're not aware of that?

5 **PÈRE VAILLANCOURT:** Non.

6 **MR. LEE:** And the one other name I would  
7 like to put to you on 1855 specifically is Father Lucien  
8 Lussier. You will see him at Number 9 sir.

9 **PÈRE VAILLANCOURT:** Oui.

10 **MR. LEE:** Do you have any knowledge of a  
11 victim of Father Lussier having met with Bishop Larocque  
12 around the time of the Project Truth investigation?

13 **PÈRE VAILLANCOURT:** Non.

14 **MR. LEE:** You were not involved in any such  
15 meeting?

16 **PÈRE VAILLANCOURT:** Non.

17 **MR. LEE:** And you do not have any  
18 discussions with Bishop Larocque at any time about such a  
19 meeting?

20 **PÈRE VAILLANCOURT:** Non.

21 **MR. LEE:** Can you pull up -- the shorter  
22 list is Exhibit C-1856. You'll see there are five names on  
23 that list sir. Do you recognize all of those names?

24 **PÈRE VAILLANCOURT:** Je reconnais pas numéro  
25 cinq.

1                   **MR. LEE:** You don't recognize Number 5 at  
2                   all?

3                   **PÈRE VAILLANCOURT:** Non.

4                   **MR. LEE:** Okay. In relation to the other  
5                   men on that list, numbers one through four, did you  
6                   personally ever receive a complaint of abuse relating to  
7                   any of them?

8                   **PÈRE VAILLANCOURT:** Non.

9                   **MR. LEE:** Do you have any knowledge of the  
10                  Diocese ever having received a complaint of abuse relating  
11                  to any of these men?

12                  **PÈRE VAILLANCOURT:** Non.

13                  **MR. LEE:** Did you receive any information  
14                  suggesting that any of these men may have sexually abused  
15                  minors in the past?

16                  **PÈRE VAILLANCOURT:** Non.

17                  **MR. LEE:** And do you have any knowledge of  
18                  the Diocese having received such information?

19                  **PÈRE VAILLANCOURT:** Non.

20                  **MR. LEE:** You were ordained in 1974 by  
21                  Bishop Larocque, sir?

22                  **PÈRE VAILLANCOURT:** En '74.

23                  **MR. LEE:** Seventy four ('74), yes. And  
24                  you've spent you entire career in this Diocese?

25                  **PÈRE VAILLANCOURT:** Sauf pour deux ans, je

1           suis allé aux études en Droit canonique à Ottawa.

2                       **MR. LEE:** And at the completion of those  
3 studies, you earned a licentiate in Canon Law; is that  
4 correct?

5                       **PÈRE VAILLANCOURT:** C'est ça.

6                       **MR. LEE:** And you've been the Chancellor of  
7 the Diocese since 1985?

8                       **PÈRE VAILLANCOURT:** Oui.

9                       **MR. LEE:** And you were involved at the time  
10 of the Gilles Deslauriers complaints received by the  
11 Diocese as well as at the time of the Father Charles  
12 MacDonald allegations received by the Diocese?

13                       **PÈRE VAILLANCOURT:** J'ai reçu les plaintes  
14 directement des victimes.

15                       Dans l'affaire du Père MacDonald comme vous  
16 le savez, on m'a demandé d'être témoin pour entendre le  
17 plaignant qui désirait une lettre d'excuses. C'est le seul  
18 rôle que j'ai joué dans l'affaire du Père MacDonald.

19                       **MR. LEE:** I understand that, sir. My  
20 question was whether or not you will agree that you were at  
21 least involved in some way in the Diocese's institutional  
22 response to allegations received against Gilles Deslauriers  
23 and Father MacDonald?

24                       **PÈRE VAILLANCOURT:** Oui.

25                       **MR. LEE:** And you were tasked with drafting

1 the sex abuse guidelines for the diocese in the early '90s?

2 **PÈRE VAILLANCOURT:** Oui.

3 **MR. LEE:** And your evidence here, in  
4 relation to the questions I've just asked you relating to  
5 Exhibits 1855 and 1856 is that you have no further  
6 information for us whatsoever relating to allegations of  
7 historic sexual abuse at the Diocese; is that correct?

8 **PÈRE VAILLANCOURT:** C'est exact.

9 **MR. LEE:** Mr. Commissioner, those are my  
10 questions.

11 **THE COMMISSIONER:** Thank you.

12 Mr. Chisholm?

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
14 CHISHOLM:

15 **MR. CHISHOLM:** Good afternoon, sir.

16 **THE COMMISSIONER:** Good afternoon, sir.

17 **MR. CHISHOLM:** Father Vaillancourt, my name  
18 is Peter Chisholm. I'm counsel for the local Children's  
19 Aid Society. If I could have your attention for a few  
20 minutes, just a couple of questions that I want to put to  
21 you.

22 Last Friday, you spoke of a meeting that you  
23 attended with CAS personnel. Do you recall that?

24 **PÈRE VAILLANCOURT:** Oui.

25 **MR. CHISHOLM:** And am I correct that your

1 recollection is that you only attended the one meeting with  
2 the CAS personnel?

3 **PÈRE VAILLANCOURT:** Oui.

4 **MR. CHISHOLM:** And would I be correct that  
5 you have no independent recollection of the names of the  
6 CAS personnel that you attended the meeting with?

7 **PÈRE VAILLANCOURT:** C'est exact.

8 **MR. CHISHOLM:** And it's my understanding  
9 that you attended the meeting that -- that was the meeting  
10 that you attended on October the 26<sup>th</sup>, 1993 and that Greg  
11 Bell and Pina DeBellis met with you and Jacques Leduc; does  
12 that fit with your recollection?

13 **PÈRE VAILLANCOURT:** Oui.

14 **MR. CHISHOLM:** And on Friday, you made  
15 reference to meeting with Rick Abell of the CAS; do you  
16 recall that evidence?

17 **PÈRE VAILLANCOURT:** Oui.

18 **MR. CHISHOLM:** Do you know Rick Abell?

19 **PÈRE VAILLANCOURT:** J'l'ai rencontré à  
20 quelques reprises.

21 **MR. CHISHOLM:** And it's your recollection  
22 that you met with Rick Abell as well as the two individuals  
23 that I mentioned, Greg Bell and Pina DeBellis?

24 **PÈRE VAILLANCOURT:** Je ne suis pas certain  
25 de ça.



1                   **MR. CHISHOLM:** So it's possible you only met  
2                   with Mr. Bell and Ms. DeBellis; is that fair?

3                   **PÈRE VAILLANCOURT:** Oui.

4                   **MR. CHISHOLM:** Thank you, sir.  
5                   Those are my questions.

6                   **THE COMMISSIONER:** Thank you.  
7                   I don't have my list. Mr. Fok, do you have  
8                   any questions?

9                   **MR. FOK:** No questions.

10                  **THE COMMISSIONER:** Thank you. Mr. Ertel?

11                  **MR. ERTEL:** No sir.

12                  **THE COMMISSIONER:** Where do we go now? Ms.  
13                  Lalji?

14                  **MS. LALJI:** No questions.

15                  **THE COMMISSIONER:** Thank you.  
16                  Mr. Rose.

17                  **MR. ROSE:** No questions.

18                  **LE COMMISSAIRE:** Madame Lahaie?

19                  **MS. LAHAIE:** Bonjour Père Vaillancourt.

20                  **PÈRE VAILLANCOURT:** Bonjour.

21                  **Me LAHAIE:** Diane Lahaie, avocate pour la  
22                  Police provinciale de l'Ontario. Merci de votre  
23                  témoignage. J'ai aucune question pour vous cet après-midi.

24                  **PÈRE VAILLANCOURT:** Merci.

25                  **THE COMMISSIONER:** Oh, I'm sorry, of course.

1 Mr. Carroll isn't here.

2 **MS. ROBITAILLE:** Good afternoon, Mr.  
3 Commissioner.

4 **THE COMMISSIONER:** Good afternoon.

5 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**  
6 **ROBITAILLE:**

7 **Me ROBITAILLE:** Bonjour, Père Vaillancourt.  
8 Je m'appelle Danielle Robitaille. Puis je suis avocate  
9 pour monsieur Jacques Leduc. Mais je vais demander mes  
10 questions en anglais. Je m'excuse.

11 In-chief, you described your role as the  
12 Chancellor of the Diocese as an administrative role; is  
13 that right?

14 **PÈRE VAILLANCOURT:** C'est exact.

15 **MS. ROBITAILLE:** And as Chancellor, your co-  
16 signature is required on certain documents, for example the  
17 incardination, excardination correspondence for Father  
18 Deslauriers; right?

19 **PÈRE VAILLANCOURT:** Oui.

20 **MS. ROBITAILLE:** But this co-signature is an  
21 administrative step and does not reflect any joint  
22 decision-making power that you share with the Bishop; is  
23 that right?

24 **PÈRE VAILLANCOURT:** C'est exact.

25 **MS. ROBITAILLE:** In all aspects of Diocese

1 business, it's the Bishop that makes the final decision;  
2 right?

3 **PÈRE VAILLANCOURT:** Oui.

4 **MS. ROBITAILLE:** And the Bishop doesn't have  
5 to go through the Senate for approval before he makes  
6 decisions about incardination, excardination, buying or  
7 selling property for example?

8 **PÈRE VAILLANCOURT:** Pour la vente de  
9 propriété, il doit passer par le Conseil de finances. Pour  
10 des montants excédant selon -- spécifiés selon le code du  
11 Droit canonique. Et pour la transaction comme telle,  
12 l'évêque signe avec le vicaire général et le chancelier sur  
13 les documents légaux pour le transfert de propriété, vente  
14 ou achat de propriété.

15 **MS. ROBITAILLE:** But for incardination or  
16 excardination, it's his sole decision; there is no  
17 committee that he has to go through?

18 **PÈRE VAILLANCOURT:** C'est exact.

19 **MS. ROBITAILLE:** Thank you. Yesterday, you  
20 gave us a good example of Bishop's final decision-making  
21 power when you told us that, in essence, the Deslauriers ad  
22 hoc committee could make recommendations to the Bishop on  
23 how to deal with Father Deslauriers. But that the ultimate  
24 decision was the Bishop's to make; right?

25 **PÈRE VAILLANCOURT:** Oui.

1                   **MS. ROBITAILLE:** And so bodies like the Ad  
2                   Hoc Committee or the Senate of Priests or even yourself can  
3                   give advice to the Bishop or make recommendations but  
4                   they're in no way binding.

5                   **PÈRE VAILLANCOURT:** C'est ça; ne lient pas.

6                   **MS. ROBITAILLE:** I just want to turn to the  
7                   Silmsers matter briefly. You've told us that you were not  
8                   the Bishop's designate to receive complaints about sexual  
9                   abuse. Is that right?

10                  **PÈRE VAILLANCOURT:** Oui.

11                  **MS. ROBITAILLE:** And that was Monseigneur  
12                  McDougald's role.

13                  **PÈRE VAILLANCOURT:** Oui.

14                  **MS. ROBITAILLE:** And so you've described  
15                  yourself in several instances as a witness in the meeting  
16                  with Mr. Silmsers, Mr. Leduc and Mr. McDougald. Is that  
17                  right?

18                  **PÈRE VAILLANCOURT:** Oui.

19                  **MS. ROBITAILLE:** And Mr. Leduc wasn't the  
20                  Bishop's designate either; was he?

21                  **PÈRE VAILLANCOURT:** Non.

22                  **MS. ROBITAILLE:** In fact, Monseigneur  
23                  McDougald described himself in an OPP statement as the one  
24                  in charge. Would you agree with that characterization?

25                  **PÈRE VAILLANCOURT:** Oui.

1                   **MS. ROBITAILLE:** And so even though as you  
2 say Mr. Leduc did much of the questioning of Mr. Silmser,  
3 he was not the person who was in charge of the meeting.

4                   **PÈRE VAILLANCOURT:** C'est ça.

5                   **MS. ROBITAILLE:** Now, both in yours and Mr.  
6 Leduc's statements from 1994, both of you say in those  
7 statements that Mr. Leduc asked Mr. McDougald and yourself  
8 to prepare a report after the meeting and to submit it to  
9 the Bishop.

10                   Do you recall that?

11                   **PÈRE VAILLANCOURT:** Je me souviens pas si  
12 c'est Monsieur Leduc directement qui m'a demandé de  
13 préparer un rapport.

14                   **MS. ROBITAILLE:** Let me just see if I can  
15 refresh your memory. If we turn to Exhibit 317, à la page  
16 7.

17                   **LE COMMISSAIRE:** Donc, vous comprenez, Père  
18 Vaillancourt, que c'est une transcription de l'interview  
19 que vous auriez eu avec Mike Fagan et Chris MacDonnell au  
20 détachement de Long Sault, le 29 septembre 1994.

21                   **PÈRE VAILLANCOURT:** Oui.

22                   **LE COMMISSAIRE:** O.k.

23                   **MS. ROBITAILLE:** It's just down a little bit  
24 further than half the page. It's your response. Je vais  
25 le lire en anglais là.

1 "After that, I think -- after the  
2 meeting, it was suggested I think by  
3 Jacques that I write down a report."

4 Si tu veux lire plus d'avance pour  
5 comprendre le contexte.

6 **THE COMMISSIONER:** He goes on later on:

7 "I might be wrong but I believe that  
8 was the situation. So I did and  
9 Monseigneur McDougald was aware I  
10 think."

11 **MS. ROBITAILLE:** So it is your evidence  
12 today that you're still unsure if it was Jacques or who  
13 exactly suggested that a report be written?

14 **PÈRE VAILLANCOURT:** Oui.

15 **MS. ROBITAILLE:** Monseigneur McDougald told  
16 the OPP in 1994 that he recalled Mr. Silmser saying during  
17 the meeting that he was going to go to the police with his  
18 allegations and that no one in the meeting tried to  
19 dissuade him from doing that.

20 Do you recall that?

21 **PÈRE VAILLANCOURT:** Non.

22 **MS. ROBITAILLE:** You don't recall?

23 **PÈRE VAILLANCOURT:** Non.

24 **MS. ROBITAILLE:** Thank you. Those are my  
25 questions.

1                   **THE COMMISSIONER:** Thank you.

2                   Mr. Sherriff-Scott?

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

4                   **SHERRIFF-SCOTT:**

5                   **MR. SHERRIFF-SCOTT:** Does that complete the  
6 queue except for Commission counsel?

7                   I just -- Father Vaillancourt, I just have  
8 one short question.

9                   Do you actually know what the Pierrefonds  
10 facility is and what it's about?

11                   **PÈRE VAILLANCOURT:** Je ne suis pas certain à  
12 quoi vous faites référence.

13                   **MR. SHERRIFF-SCOTT:** Well, you'll recall the  
14 evidence was -- and there was a reference to you attending  
15 with Bishop Larocque at Pierrefonds where Gilles  
16 Deslauriers was staying.

17                   And my question is, do you know what that  
18 facility is designed to do? What it's about and so forth?

19                   **PÈRE VAILLANCOURT:** Le Père Deslauriers  
20 était en résidence avec Monseigneur Charbonneau à une des  
21 maisons qui appartient aux Sœurs de Sainte-Croix à  
22 Pierrefonds. C'est tout ce que je peux vous dire.

23                   **MR. SHERRIFF-SCOTT:** That's fine, sir.  
24 That's just what I wanted to clarify. Thank you.

25                   The other question I had was my friend Mr.

1 Wardle asked you about the communication of information  
2 from Father Aimée Leduc and Brother Laflamme in the context  
3 of the Deslauriers matter. Do you remember that?

4 And my question to you is, do you know or do  
5 you have any knowledge whether the Bishop, that is Bishop  
6 Larocque, communicated with those individuals?

7 **PÈRE VAILLANCOURT:** Premièrement, quand  
8 l'information au sujet du Père Leduc nous est parvenue,  
9 c'était dans la cause Deslauriers qui était -- qui a  
10 commencé en janvier '86 et le Père Leduc est décédé en  
11 novembre '85.

12 **MR. SHERRIFF-SCOTT:** Do you know whether or  
13 not these individuals ever met with the Bishop to discuss  
14 these issues?

15 **PÈRE VAILLANCOURT:** Je le sais pas.

16 **MR. SHERRIFF-SCOTT:** Okay. Thank you, sir.  
17 Those are my questions.

18 **THE COMMISSIONER:** Thank you, Mr. Sherriff-  
19 Scott.

20 Madame Hamou?

21 **Me HAMOU :** Père Vaillancourt, j'ai pas de  
22 question pour vous mais je vous remercie de votre patience  
23 et je vous remercie de votre présence devant la Commission.

24 **LE COMMISSAIRE:** Et bien, Père Vaillancourt,  
25 vous êtes libre de partir sachant que j'ai apprécié votre



1           témoinage et certainement je prendrai en considération  
2           votre témoignage dans la préparation du rapport.

3                         **PÈRE VAILLANCOURT:** Merci.

4                         **LE COMMISSAIRE:** Merci beaucoup.

5                         Donc, on devrait prendre une courte pause  
6           pour changer de témoin. A short break.

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

9                         This hearing will resume at 2:40.

10           --- Upon recessing at 2:29 p.m. /

11                         L'audience est suspendue à 14h29

12           --- Upon resuming at 2:43 p.m. /

13                         L'audience est reprise à 14h43

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

16                         This hearing is now resumed. Please be  
17           seated. Veuillez vous asseoir.

18                         **MR. RUEL:** Good afternoon, Mr. Commissioner.

19                         **THE COMMISSIONER:** Maître Ruel, how are you  
20           doing today? Welcome back.

21                         **MR. RUEL:** Thank you.

22                         **THE COMMISSIONER:** If only for a Cameo,  
23           you're always welcome.

24                         **MR. RUEL:** We have today -- the next witness  
25           is Father Kevin Maloney.

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

2           **FATHER KEVIN MALONEY:** Sworn/Assermenté

3                   **FATHER MALONEY:** Thank you.

4                   **THE COMMISSIONER:** Thank you.

5                   Welcome, Father Maloney.

6                   **FATHER MALONEY:** Thank you.

7                   **THE COMMISSIONER:** A few preliminary  
8 matters. You have some fresh water. I see you found that  
9 already.

10                  **FATHER MALONEY:** Yes, thank you.

11                  **THE COMMISSIONER:** Great. There is a  
12 microphone, I'd like you to speak into it as much as  
13 possible so as you get older, you can't hear very well.

14                   There's a speaker in front of you and I  
15 think it's up to the maximum, but if ever you want to turn  
16 it down a little bit, you can always turn it down if you  
17 want.

18                   There will be a screen. If there are any  
19 documents to be shown, you'll either be given a hard copy  
20 or you can follow on the screen.

21                  **FATHER MALONEY:** Okay.

22                  **THE COMMISSIONER:** If at any time you need a  
23 break, just let me know. In the meantime, I'd ask you to  
24 listen to the questions and give me your best answer. If  
25 you don't remember, that's fine. If you don't understand

1 the question, please stop the lawyer and we'll go over it  
2 and we'll see what comes up.

3 All right? Do you have any questions at  
4 this point?

5 **FATHER MALONEY:** No. Thank you.

6 **THE COMMISSIONER:** Thank you.

7 Maître Ruel?

8 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
9 RUEL:

10 **MR. RUEL:** Father Maloney, good afternoon.

11 **FATHER MALONEY:** Good afternoon.

12 **MR. RUEL:** So my name is Simon Ruel and I  
13 will go over some issues with you that are of interest to  
14 the Commission.

15 So the way I will proceed is we will cover  
16 your professional background first and then I have four or  
17 five topics, specific topics I'd like to cover with you, if  
18 that's okay.

19 The first thing I'd like to do, Mr.  
20 Commissioner, this would be a new exhibit. This is the  
21 résumé of Father Maloney which is Document number 702976.

22 **(SHORT PAUSE/COURTE PAUSE)**

23 **MR. RUEL:** Two nine seven six (2976), yes.

24 **THE COMMISSIONER:** Thank you.

25 So Exhibit 1857 is a document entitled Kevin

1 Joseph Maloney and it seems to be a CV.

2 --- EXHIBIT NO./PIÈCE NO. P-1857:

3 CV - Father Kevin Maloney

4 MR. RUEL: So, Father Maloney, is this your  
5 CV?

6 FATHER MALONEY: Yes.

7 MR. RUEL: So we'll go through it. The  
8 first point is that you are a priest with the Diocese of  
9 Alexandria-Cornwall.

10 FATHER MALONEY: Correct.

11 MR. RUEL: And you've been with the Diocese  
12 since your ordination in 1972.

13 FATHER MALONEY: That's correct.

14 MR. RUEL: So you're a Catholic priest?

15 FATHER MALONEY: Yes.

16 MR. RUEL: So you were ordained on February  
17 11, 1972 in -- at St. Columban's Church in Cornwall by  
18 Bishop Adolphe Proulx. Is that accurate?

19 FATHER MALONEY: That's correct.

20 MR. RUEL: And then your studies, it's at  
21 the first page of the CV. I'm going to go right to  
22 college. So you went to St. Francis Xavier. Is that  
23 correct?

24 FATHER MALONEY: That's correct.

25 MR. RUEL: And you obtained a -- which

1 diploma?

2 **FATHER MALONEY:** Bachelor of Arts.

3 **MR. RUEL:** And following that?

4 **FATHER MALONEY:** I went to St. Paul's  
5 Seminary in Ottawa and received my degree in theology.

6 **MR. RUEL:** And following your ordination in  
7 1972, where did you start working?

8 **FATHER MALONEY:** Initially at Ste-Thérèse  
9 Parish in Cornwall from February till June and then I moved  
10 to St. Columban's Parish.

11 **MR. RUEL:** Okay. So February till June of  
12 1972?

13 **FATHER MALONEY:** That's correct.

14 **MR. RUEL:** At St. Columban's.  
15 St. Columban's you were there for how long?

16 **FATHER MALONEY:** I was there for a year and  
17 then I went to do post-graduate studies.

18 **MR. RUEL:** So at St. Columban's, you were  
19 there in what capacity?

20 **FATHER MALONEY:** As an assistant priest, an  
21 associate.

22 **MR. RUEL:** So you were not the only priest  
23 there I gather?

24 **FATHER MALONEY:** No.

25 **MR. RUEL:** How many priests were there?

1                   **FATHER MALONEY:** Four.

2                   **MR. RUEL:** And following that, you went for  
3 graduate studies. I believe this was in London, Ontario.

4                   **FATHER MALONEY:** That's correct.

5                   **MR. RUEL:** And you've obtained what diploma  
6 there?

7                   **FATHER MALONEY:** Through that, I worked on  
8 my Masters of religious education.

9                   **MR. RUEL:** Okay. For what purpose?

10                  **FATHER MALONEY:** To be able to work in the  
11 area of catechetics or catechism for young people.

12                  **MR. RUEL:** So that's between '73-'74?

13                  **FATHER MALONEY:** That's correct.

14                  **MR. RUEL:** Okay. And you returned to  
15 Cornwall after that?

16                  **FATHER MALONEY:** Yes, I did.

17                  **MR. RUEL:** So when was that?

18                  **FATHER MALONEY:** I believe '74. I can't see  
19 it on this sheet here.

20                  **THE COMMISSIONER:** Could you flip the -- I  
21 don't think flipping it will do. Yeah, there you go.

22                               Will that help you, sir?

23                  **FATHER MALONEY:** Yes, thank you.

24                               I came back in '74. You're correct.

25                  **MR. RUEL:** Okay. And where did you go when

1           you came back?

2                           **FATHER MALONEY:** I lived in residence at St.  
3 Columban's and I worked for the SD&G School Board.

4                           **MR. RUEL:** Okay. And what did you do at the  
5 school board?

6                           **FATHER MALONEY:** I was Director of Religious  
7 Education on the English side.

8                           **MR. RUEL:** And did you have any role at St.  
9 Columban's as well?

10                           **FATHER MALONEY:** Yes, I did weekend ministry  
11 there and usually I celebrated daily mass.

12                           **MR. RUEL:** Okay. So your assignment at the  
13 SD&G School Board, that was until when?

14                           **FATHER MALONEY:** Nineteen seventy-eight  
15 (1978).

16                           **MR. RUEL:** And what happened then?

17                           **FATHER MALONEY:** Nineteen seventy-eight  
18 (1978), I went to be an assistant at St. Columban's again.

19                           **MR. RUEL:** Full time?

20                           **FATHER MALONEY:** Yes.

21                           **MR. RUEL:** Okay. And in 1979, you moved  
22 parish -- to another parish?

23                           **FATHER MALONEY:** Yes, I became pastor of  
24 Blessed Sacrament Parish in Cornwall.

25                           **MR. RUEL:** A pastor is essentially the

1 leader of that parish, if I can say?

2 FATHER MALONEY: That's correct.

3 MR. RUEL: And you stayed there  
4 approximately?

5 FATHER MALONEY: Nine years.

6 MR. RUEL: Nine years. And in 1988, you  
7 moved to another parish. Is that correct?

8 FATHER MALONEY: That's correct.

9 MR. RUEL: And which one was that?

10 FATHER MALONEY: Our Lady of Grace, St. Pius  
11 X.

12 MR. RUEL: That's in Long Sault?

13 FATHER MALONEY: St. Pius X is in Long  
14 Sault. Our Lady of Grace is in Ingleside.

15 MR. RUEL: So you had two parishes?

16 FATHER MALONEY: No, it's one parish, two  
17 churches.

18 MR. RUEL: Oh, I see. Okay.

19 I gather that at the same time, you became  
20 chaplain at the St. Joseph Catholic Secondary School?

21 FATHER MALONEY: That's correct.

22 MR. RUEL: That's in Cornwall?

23 FATHER MALONEY: Yes, it is.

24 MR. RUEL: So what did you -- what did that  
25 involve?



1                   **FATHER MALONEY:** It involved two days a  
2 week, I would make myself available for the students or for  
3 the teachers, sometimes in counselling, sometimes in  
4 celebrating mass.

5                   **MR. RUEL:** So that role as chaplain, that  
6 was until when?

7                   **FATHER MALONEY:** Nineteen ninety-three  
8 (1993).

9                   **MR. RUEL:** Okay. And what happened in 1993;  
10 you moved to other functions?

11                   **FATHER MALONEY:** I became pastor of St.  
12 Columban's Parish in that year.

13                   **MR. RUEL:** And are you still at St.  
14 Columban's?

15                   **FATHER MALONEY:** No, now I'm at St. Peter's  
16 Parish ---

17                   **MR. RUEL:** I see. So ---

18                   **FATHER MALONEY:** --- in the east end of  
19 Cornwall.

20                   **MR. RUEL:** --- so how long did you stay at  
21 St. Columban's as pastor?

22                   **FATHER MALONEY:** Twelve (12) years.

23                   **MR. RUEL:** So until when?

24                   **THE COMMISSIONER:** Two thousand and five  
25 (2005)?

1                   **FATHER MALONEY:** Two thousand and five  
2                   (2005).

3                   **MR. RUEL:** You also, I believe, in 1996,  
4                   became a chaplain at the Cornwall jail. Is that correct?

5                   **FATHER MALONEY:** Yes, that's correct.

6                   **MR. RUEL:** Part time chaplain?

7                   **FATHER MALONEY:** Part time, yes.

8                   **MR. RUEL:** And can you just describe briefly  
9                   what that involved as -- what type of work did that  
10                  involve?

11                  **FATHER MALONEY:** It involved making myself  
12                  available for any of the inmates or any of the guards who  
13                  needed to talk on a basis. It was also to make sure that  
14                  volunteer program in the jail was going on, in particular  
15                  the AA program and bingos.

16                  **MR. RUEL:** And throughout your career in the  
17                  Diocese, I gather you also had some involvement in  
18                  volunteer activities. Is that correct?

19                  **FATHER MALONEY:** Yes.

20                  **MR. RUEL:** For example?

21                  **FATHER MALONEY:** I worked on the board for  
22                  the Cornwall General Hospital when it existed. I worked on  
23                  the board at the Children's Aid Society. I worked on the  
24                  board at Big Brothers Association and am presently on the  
25                  board of Agape in Cornwall.

1                   **THE COMMISSIONER:** I'm sorry; of what?

2                   **FATHER MALONEY:** Agape.

3                   **THE COMMISSIONER:** Okay. Right.

4                   **FATHER MALONEY:** Sorry.

5                   **THE COMMISSIONER:** No, no, it's me.

6                   **MR. RUEL:** Is there anything you wanted to  
7 add with respect to your CV or your career?

8                   **FATHER MALONEY:** No.

9                   **MR. RUEL:** Thank you.

10                  **FATHER MALONEY:** Thank you.

11                  **MR. RUEL:** The next topic I'd like to talk  
12 with you is your involvement with the Council of Priests,  
13 the Senate, as it's called in Cornwall, for the Diocese of  
14 Alexandria-Cornwall. So you've been a member of the  
15 Senate. Is that correct?

16                  **FATHER MALONEY:** That's correct.

17                  **MR. RUEL:** When was that?

18                  **FATHER MALONEY:** Those dates vary because  
19 I've been on for several terms.

20                  **MR. RUEL:** Okay. What is the -- this may  
21 have been covered before, but briefly, what is the Senate  
22 exactly?

23                  **FATHER MALONEY:** The Senate or the Council  
24 of Priests is an advisory council that advises the Bishop  
25 on pastoral concerns in the Diocese.

1                   **MR. RUEL:** And what -- is it -- the members  
2                   on the Senate, are they appointed, elected; how does it  
3                   work?

4                   **FATHER MALONEY:** Some are elected and some  
5                   are appointed. The elections are either through deans or  
6                   they're elected by age groups to make sure that clergy is  
7                   totally represented.

8                   **MR. RUEL:** So for you, were you elected to  
9                   the Senate?

10                  **FATHER MALONEY:** Yes.

11                  **MR. RUEL:** So as a representative of some  
12                  entity within the Diocese?

13                  **FATHER MALONEY:** I was the representative or  
14                  am right now the representative of the English Deanery of  
15                  the City of Cornwall.

16                  **MR. RUEL:** So I gather the Diocese is  
17                  composed of a number of deaneries?

18                  **FATHER MALONEY:** Yes, there are four  
19                  deaneries; two French, two English.

20                  **MR. RUEL:** And this is varied through times?

21                  **FATHER MALONEY:** Yes, depending on the  
22                  complexity.

23                  **MR. RUEL:** And it's essentially an area  
24                  within the Diocese for administrative purposes, I guess?

25                  **FATHER MALONEY:** That's right.

1                   **MR. RUEL:** Okay. So I'd like to go to, Mr.  
2 Commissioner, Exhibit 58, which is the corporate  
3 presentation documents of the Diocese, Tab 5.

4                   And, Madam Clerk, do you need the document  
5 number?

6                   And it's -- those are minutes, I gather of  
7 the Senate of September 25, in 1986; is that correct?

8                   **FATHER MALONEY:** Yes, that's correct.

9                   **MR. RUEL:** So just pausing here, I just want  
10 to clarify one point. There is a priest within the Diocese  
11 whose name is Kelvin Maloney; is that correct?

12                   **FATHER MALONEY:** That's correct.

13                   **MR. RUEL:** That's not to be confused with  
14 you?

15                   **FATHER MALONEY:** Definitely not confused  
16 with me, thank you.

17                   **MR. RUEL:** And you're related; I believe  
18 he's your cousin?

19                   **FATHER MALONEY:** He's a cousin of mine, yes.

20                   **MR. RUEL:** Okay. But he's ---

21                   **THE COMMISSIONER:** I've lost -- there's  
22 Kevin Maloney and there's Kelvin?

23                   **FATHER MALONEY:** K-E-L-V-I-N.

24                   **THE COMMISSIONER:** Kelvin?

25                   **FATHER MALONEY:** Right.

1                   **THE COMMISSIONER:** Okay.

2                   **MR. RUEL:** The purpose of this, Mr.  
3 Commissioner, is that in some documents and especially  
4 minutes of the Senate, during some period, Kelvin -- Father  
5 Kelvin Maloney is a member and some other period is Kevin  
6 Maloney.

7                   So we're dealing here with -- well, this  
8 one, I guess you were a member of the Senate at that time  
9 so, Kevin Maloney, you were a member in 1986; that's  
10 correct?

11                   **FATHER MALONEY:** That's correct.

12                   **MR. RUEL:** Okay. And how would it work in  
13 terms of the agenda? Who would set the agenda?

14                   **FATHER MALONEY:** Usually the Bishop with the  
15 executive.

16                   **MR. RUEL:** So you're listed here as a Dean?

17                   **FATHER MALONEY:** Yes.

18                   **MR. RUEL:** What's a Dean?

19                   **FATHER MALONEY:** The Dean would be -- when  
20 the Diocese divided into four deaneries, the Dean would be  
21 the head of that deanerie to call meetings and to  
22 coordinate the activities within that region.

23                   **MR. RUEL:** So it seems that at that time  
24 there were five deaneries?

25                   **THE COMMISSIONER:** Five Deans, in any event.

1                   **FATHER MALONEY:** Five Deans.

2                   **MR. RUEL:** Five Deans, one for each  
3 deanerie?

4                   **FATHER MALONEY:** Yes. That's what it says  
5 but ---

6                   **MR. RUEL:** Okay.

7                   **THE COMMISSIONER:** But you only -- but you  
8 figured there's only four?

9                   **FATHER MALONEY:** That's what I figured but  
10 I've been known to be wrong before.

11                   **MR. RUEL:** Okay. At the last page of the  
12 document, there is an item at point ii and I'll read it in  
13 French, if you understand French; is that okay with you?

14                   **FATHER MALONEY:** Yes.

15                   **MR. RUEL:** And it reads:

16                           « L'affaire du Père Deslauriers,  
17                           qu'est-ce qu'on aurait pu faire? Peut-  
18                           on avoir un comité pour nous dire quoi  
19                           faire, nous donner une ligne de  
20                           conduite devant une situation  
21                           semblable? »

22                   And switching to English:

23                           "According to the Canadian law we have  
24                           no privilege."

25                   So do you recall that discussion at the

1 Senate on September 25, 1986?

2 **FATHER MALONEY:** No, I don't recall what the  
3 context was.

4 **MR. RUEL:** And do you recall the matter of  
5 Father Deslauriers?

6 **FATHER MALONEY:** Yes.

7 **MR. RUEL:** So what did it involve, what do  
8 you recall of the situation?

9 **FATHER MALONEY:** Father Deslauriers had been  
10 charged with and pleaded guilty to sexual misconduct.

11 **MR. RUEL:** On the -- on a young person or  
12 young persons?

13 **FATHER MALONEY:** Yes.

14 **MR. RUEL:** Is that correct?

15 **FATHER MALONEY:** Yes.

16 **MR. RUEL:** So did you recall -- there seemed  
17 to have been a discussion there; you don't recall the  
18 nature of the discussion that's what you indicate?

19 **FATHER MALONEY:** I don't recall the nature  
20 of it. No, not at all.

21 **MR. RUEL:** And do you know the follow-up, if  
22 any follow-up was -- if there was any follow-up to this  
23 discussion here with respect to Father Deslauriers?

24 **FATHER MALONEY:** No, I don't remember what  
25 happened after that.



1                   **MR. RUEL:** Were you involved in any way  
2                   concerning the matters that dealt with Father Deslauriers?

3                   **FATHER MALONEY:** No.

4                   **MR. RUEL:** Did you know Father Deslauriers?

5                   **FATHER MALONEY:** Yes.

6                   **MR. RUEL:** How did you know him?

7                   **FATHER MALONEY:** He was ordained, I believe,  
8                   probably a year or two before I was. He worked in the  
9                   Diocese for a few years. He worked primarily in French  
10                  language parishes.

11                  **MR. RUEL:** Okay. Had you heard any  
12                  complaint or any -- did you obtain any information prior to  
13                  this situation occurring with respect to allegations  
14                  against -- concerning -- well, involving Father  
15                  Deslauriers?

16                  **FATHER MALONEY:** No, not at all.

17                  **MR. RUEL:** Never heard anything?

18                  **FATHER MALONEY:** No.

19                  **MR. RUEL:** The next document I'd like to  
20                  cover with you, Father Maloney, is the same exhibit, Tab 7,  
21                  so Exhibit 58, Tab 7.

22                  **THE COMMISSIONER:** So this is about a year  
23                  later?

24                  **FATHER MALONEY:** I don't have a date on Tab  
25                  7, unless I'm in the wrong tab. Oh, sorry.

1                   **MR. RUEL:** Yes.

2                   **FATHER MALONEY:** Yes, I do have a date.

3                   Thank you.

4                   **MR. RUEL:** Sorry to interrupt.

5                   This is -- those are minutes of a meeting of  
6                   the Senate, I believe; is that correct?

7                   **FATHER MALONEY:** That's correct. Yes.

8                   **MR. RUEL:** Of March 17, 1987.

9                   **FATHER MALONEY:** That's correct.

10                  **MR. RUEL:** And again, you were a member of  
11                  the Senate?

12                  **FATHER MALONEY:** Yes.

13                  **MR. RUEL:** And there's -- at the second  
14                  page, there's Item 5, there's an item and it reads:

15                                 "Criteria for Accepting Candidates and  
16                                 Priests to the Diocese. Father Kevin  
17                                 presented the criteria."

18                  Do you recall that?

19                  **FATHER MALONEY:** Yes.

20                  **MR. RUEL:** So what was that about?

21                  **FATHER MALONEY:** It was a policy put in  
22                  place that if a priest from another Diocese was applying to  
23                  come into our Diocese to work in our Diocese, there would  
24                  be a policy set up on interviewing and what we would do to  
25                  make sure that the person was established.

1                   **MR. RUEL:** So were you tasked to develop  
2                   that policy?

3                   **FATHER MALONEY:** Could you explain that,  
4                   please?

5                   **MR. RUEL:** Well did you have the role of  
6                   developing the policy? Did you draft it?

7                   **FATHER MALONEY:** I was on the drafting  
8                   committee, yes.

9                   **MR. RUEL:** So there was a committee?

10                  **FATHER MALONEY:** Yes.

11                  **MR. RUEL:** And do you know the reason why  
12                  that committee was set up?

13                  **FATHER MALONEY:** I don't remember why it was  
14                  set up.

15                  **MR. RUEL:** Did it have anything to do with  
16                  the situation of Father Deslauriers?

17                  **FATHER MALONEY:** I don't know.

18                  **MR. RUEL:** Is it not accurate that Father  
19                  Deslauriers was a priest that came from another diocese?

20                  **FATHER MALONEY:** Yes, it is.

21                  **MR. RUEL:** Is it possible that there's a  
22                  link between the two?

23                  **FATHER MALONEY:** Yes.

24                  **MR. RUEL:** So was there any criteria before  
25                  this -- before this item was discussed at the Senate for

1 screening priests or -- that came from another diocese?

2 **FATHER MALONEY:** I don't know what the  
3 policy was before. I think we just wanted it more  
4 formalized.

5 **MR. RUEL:** Okay.

6 Mr. Commissioner, there's another document  
7 I'd like to go through. It's in the grey binder, so it's  
8 in the cross documents I should say; Document Number  
9 129779.

10 **THE COMMISSIONER:** Thank you.

11 Exhibit 1858 will be a copy of the meeting  
12 of the Council of Priests dated September 13<sup>th</sup>, 1989 at 1:00  
13 p.m. at the Diocesan Centre.

14 **--- EXHIBIT NO./PIÈCE No. P-1858:**

15 (129779) - Meeting of the Council of Priests  
16 dated 13 Sep 89

17 **MR. RUEL:** So, Father Maloney, this -- those  
18 are minutes of the Senate again; is that accurate?

19 **FATHER MALONEY:** They are but do you have  
20 the right Maloney?

21 **MR. RUEL:** Okay, you were not on that?

22 **FATHER MALONEY:** No, my name is not there.

23 **MR. RUEL:** Okay, I just want to ---

24 **THE COMMISSIONER:** So who's George?

25 **FATHER MALONEY:** George is the third one of

1 us; he's the brother of Kelvin.

2 **THE COMMISSIONER:** Okay.

3 **MR. RUEL:** Okay. And I just wanted to show  
4 you a document which is at the fourth page of this  
5 document, which is -- and there's a criteria for accepting  
6 ordained priests to the Diocese. Do you see that?

7 **FATHER MALONEY:** Yes, I do.

8 **MR. RUEL:** So those were adopted by the  
9 Council of Priests, so adopted by the Senate ---

10 **FATHER MALONEY:** That's correct.

11 **MR. RUEL:** --- in September -- on September  
12 13<sup>th</sup>, 1989. That's what it says?

13 **FATHER MALONEY:** Yes.

14 **MR. RUEL:** And are those the criteria that  
15 you've drafted?

16 **FATHER MALONEY:** Yes.

17 **MR. RUEL:** So they were adopted -- what you  
18 presented to the meeting of the Senate in 1987 were  
19 essentially a draft?

20 **FATHER MALONEY:** That's correct.

21 **MR. RUEL:** And they were subsequently  
22 adopted?

23 **FATHER MALONEY:** That's correct.

24 **MR. RUEL:** And can you say if there was any  
25 change between those -- the criteria or the draft criteria

1           that you presented and those here?

2                       **FATHER MALONEY:** I can't say whether there  
3 was any change.

4                       **MR. RUEL:** So the thrust of those criteria  
5 is that if a priest from another diocese was coming to the  
6 Diocese of Alexandria-Cornwall, he had to provide  
7 references and a check had to be made by the Diocese,  
8 essentially, a verification as to the background of the  
9 priest. Is that ---

10                      **FATHER MALONEY:** That's correct.

11                      **MR. RUEL:** --- essentially it?

12                      **FATHER MALONEY:** That's it.

13                      **MR. RUEL:** Thank you.

14                      And coming back to the minutes of the Senate  
15 of March 17<sup>th</sup>, 1987, there's an item under -- that's Exhibit  
16 58, Tab 7. We just went through that.

17                      **FATHER MALONEY:** Yes.

18                      **MR. RUEL:** And it's at the second page, Item  
19 6. The item reads "Diocesan procedures in case of  
20 indictable offences". Do you read that?

21                      **FATHER MALONEY:** Yes, I do.

22                      **MR. RUEL:** And Bishop -- Monsignor Larocque  
23 was the Bishop at the time; that's correct?

24                      **FATHER MALONEY:** Yes.

25                      **MR. RUEL:** And he read some notes concerning

1           this issue. That's what you read there?

2                       **FATHER MALONEY:** That's correct.

3                       **MR. RUEL:** Do you recall that discussion?

4                       **FATHER MALONEY:** No.

5                       **MR. RUEL:** The next subject I'd like to  
6 cover with you is a letter you received from a person named  
7 John MacDonald. Do you recall that, receiving a letter  
8 from John MacDonald?

9                       **FATHER MALONEY:** Yes, I do.

10                      **MR. RUEL:** So the letter is -- it's already  
11 been filed as an exhibit. So it's been covered here. It's  
12 been reviewed here by the Commission. So it's Exhibit 202.

13                      Madam Clerk, I don't know if you have the  
14 letter or I should give you the Bates pages? Yes, that's  
15 the first page.

16                      So in 19 -- this letter is dated August 11<sup>th</sup>,  
17 1995 and it's signed by John MacDonald. So you recall  
18 receiving that letter?

19                      **FATHER MALONEY:** Yes, I do.

20                      **MR. RUEL:** So at the time, you were a pastor  
21 at St. Columban's?

22                      **FATHER MALONEY:** That's correct.

23                      **MR. RUEL:** Did you know Mr. MacDonald at the  
24 time?

25                      **FATHER MALONEY:** No, I did not.

1                   **MR. RUEL:** I don't intend to read the  
2 letter, but my -- just to summarize what I understand of  
3 it, I gather in this letter Mr. MacDonald describes  
4 incidents of abuse he suffered at the hands of Father  
5 Charles MacDonald when he was an altar boy. Is that your  
6 understanding too?

7                   **FATHER MALONEY:** Yes.

8                   **MR. RUEL:** So what was your -- the letter  
9 speaks for itself, but what did you understand this man  
10 wanted from you?

11                   **FATHER MALONEY:** I don't know. He wanted  
12 action.

13                   **MR. RUEL:** Going to the second-to-last page  
14 of the letter, the last paragraph, it reads:

15                                    "I want something done, but I don't  
16                                    want to go through what I can imagine  
17                                    Dave is going through."

18                   Pausing there, do you know -- did you know  
19 at the time who "Dave" was?

20                   **FATHER MALONEY:** Yes.

21                   **MR. RUEL:** And who was that?

22                   **FATHER MALONEY:** David Silmser.

23                   **MR. RUEL:** And how did you know David  
24 Silmser?

25                   **FATHER MALONEY:** Because David Silmser's



1 case had already appeared before this letter came.

2 MR. RUEL: Okay. Appeared, you mean it was  
3 public?

4 FATHER MALONEY: Yes.

5 MR. RUEL: And the rest of the paragraph  
6 reads:

7 "I don't want any of my family, my  
8 wife, my children, lawyers, police,  
9 CAS, nobody involved."

10 That's what it says?

11 FATHER MALONEY: That's correct.

12 MR. RUEL: "I want and expect a reply from  
13 you very soon."

14 That's what it says. And this man describes  
15 the emotional state he was in at the time. Is it fair to  
16 say he was describing himself as a disturbed person as a  
17 result of the events?

18 FATHER MALONEY: Yes.

19 MR. RUEL: So this letter, was it -- did you  
20 meet Mr. MacDonald when he -- how did you get it? How did  
21 you get the letter?

22 FATHER MALONEY: It was in the mailbox.

23 MR. RUEL: So you never met -- you didn't  
24 meet Mr. MacDonald when he ---

25 FATHER MALONEY: No, I didn't.

1                   **MR. RUEL:** What did you do with this letter?

2                   **FATHER MALONEY:** I brought it to the police  
3 department and to the Children's Aid Society.

4                   **MR. RUEL:** I gather you answered -- you  
5 responded to Mr. MacDonald; is that correct?

6                   **FATHER MALONEY:** Yes, I did.

7                   **MR. RUEL:** And that's the same -- Mr.  
8 Commissioner, it's Exhibit 203.

9                   **THE COMMISSIONER:** Yes.

10                  **MR. RUEL:** And this is your response, Father  
11 Maloney?

12                  **FATHER MALONEY:** Yes, it is.

13                  **MR. RUEL:** Do you recall sending it?

14                  **FATHER MALONEY:** Yes, I do.

15                  **MR. RUEL:** So essentially, you referred to  
16 the applicable Diocesan policy and indicating that it  
17 requires that the complaint be forwarded to the police for  
18 investigation, and you talk about healing process as well?

19                  **FATHER MALONEY:** Yes.

20                  **MR. RUEL:** And you attached the applicable  
21 Diocesan policy; is that correct?

22                  **FATHER MALONEY:** That's correct.

23                  **MR. RUEL:** Did you ever think of contacting  
24 directly Mr. MacDonald to inquire further as to why he was  
25 sending this letter or what he wanted?

1                   **FATHER MALONEY:** No.

2                   **MR. RUEL:** Why is that?

3                   **FATHER MALONEY:** Because the policy said  
4 that the police would do the investigation.

5                   **MR. RUEL:** What prevents you or the Diocese  
6 from contacting this person in any event to find out what  
7 happened?

8                   **FATHER MALONEY:** The policy made it clear  
9 that the Diocese or the individual priest would allow the  
10 police or the Children's Aid to do the investigation and  
11 then we would do something, but we would have no contact.

12                   **MR. RUEL:** Were you involved in the  
13 development of the Diocesan policies dealing with those  
14 matters?

15                   **FATHER MALONEY:** No, I was not.

16                   **MR. RUEL:** And how did that work? Did you  
17 get a briefing on those policies when they came into  
18 effect?

19                   **FATHER MALONEY:** We each received a copy and  
20 a copy was put in the local Freeholder, our newspaper --  
21 sorry -- so that the community would be aware of what the  
22 policy was.

23                   **MR. RUEL:** The second page of your letter,  
24 there's -- the policy is attached and it's dated June 21<sup>st</sup>,  
25 1995. That's correct?

1                   **FATHER MALONEY:** Yes.

2                   **MR. RUEL:** So you were sent a copy of the  
3 policy, but just asking you again, was there some training  
4 with respect to this policy or briefing by Diocesan  
5 authorities?

6                   **FATHER MALONEY:** I can't say for sure.

7                   **MR. RUEL:** Were you familiar with the  
8 previous policies that -- policy that was applicable with  
9 respect to this type of situation?

10                  **FATHER MALONEY:** I was aware of some of the  
11 -- parts of it, but not the complete part.

12                  **MR. RUEL:** It's my understanding, and we can  
13 go in the policy, that the previous policy was different in  
14 that a designated Diocesan person was to meet with both the  
15 complainant and the person subject of the complaint and  
16 essentially get the facts. Is that your understanding?

17                  **FATHER MALONEY:** That's what I understood,  
18 yes.

19                  **MR. RUEL:** And do you know what that was  
20 changed?

21                  **FATHER MALONEY:** No, I don't.

22                  **THE COMMISSIONER:** Did you contact the  
23 Bishop?

24                  **FATHER MALONEY:** You mean after I received  
25 the letter?

1                   **THE COMMISSIONER:** Once you received the  
2                   letter, you said you phoned the CAS or ---

3                   **FATHER MALONEY:** No, I brought a copy of the  
4                   letter to the Childrens' Aid, to the police and to the  
5                   Bishop's office as well.

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

7                   **MR. RUEL:** So you sent it to the Bishop's  
8                   office?

9                   **THE COMMISSIONER:** No, he walked it over.

10                  **FATHER MALONEY:** I walked it to the Bishop's  
11                  office.

12                  **MR. RUEL:** You didn't discuss with the  
13                  Bishop?

14                  **FATHER MALONEY:** Not that I can remember.

15                  **MR. RUEL:** So in terms of meeting with the  
16                  police and the Childrens' Aid Society, I gather that you  
17                  had meetings with them to discuss the matter; is that  
18                  correct?

19                  **FATHER MALONEY:** I -- the police came to my  
20                  residence to take my statement. And when I brought the  
21                  letter to the Childrens' Aid, I gave it to a Mr. Rick  
22                  Abell.

23                  **MR. RUEL:** Okay. Just to -- when you say  
24                  taking your statement, you gave the letter to the police;  
25                  correct?

1                   **FATHER MALONEY:** Yes. Oh, most definitely.

2                   **MR. RUEL:** And you gave the letter to the  
3 CAS as well?

4                   **FATHER MALONEY:** Yes.

5                   **MR. RUEL:** There's record of that. I just  
6 want to go through the document. Not for you to confirm  
7 the document because they were not written by you but just  
8 to see if this -- what's written is consistent with your  
9 memory.

10                               So the first one is Exhibit 1553. This is  
11 an Occurrence Report by the Cornwall Police Service.

12                               The date of the document is on August 15,  
13 1995.

14                               You have that, Father?

15                   **FATHER MALONEY:** I believe -- yes.

16                   **MR. RUEL:** So the author is R. Trew. We  
17 know it's Rick Trew.

18                   **FATHER MALONEY:** Yes.

19                   **MR. RUEL:** Do you remember meeting with Mr.  
20 Trew?

21                   **FATHER MALONEY:** Yes.

22                   **MR. RUEL:** He was the police officer you  
23 spoke with?

24                   **FATHER MALONEY:** Yes.

25                   **MR. RUEL:** And here I'm just going to read

1           you this first paragraph, second -- well, middle of the  
2           sentence:

3                                "I met with Father Kevin Maloney in my  
4                                office, the Cornwall Police Service.  
5                                We went over a letter that he received  
6                                at his residence on August 14, 1995.  
7                                This letter is from the victim and  
8                                states that he was sexually assaulted  
9                                as an alter boy while under the care of  
10                               a Roman Catholic priest named Father  
11                               Charlie."

12                            Is that consistent with your memory?

13                            **FATHER MALONEY:**   Yes.

14                            **MR. RUEL:**   Then at the bottom of the second  
15           paragraph:

16                                "I advised Father Maloney that we would  
17                                be assigning an investigator and that  
18                                the officer would be speaking with John  
19                                MacDonald and himself at a later date.  
20                                I assured Father Maloney that we would  
21                                also be in contact with the CAS -- with  
22                                CAS as of this date."

23                            Is that consistent with what happened?

24                            **FATHER MALONEY:**   Yes.

25                            **MR. RUEL:**   Did you ever -- were you ever in

1 contact with the Cornwall police with respect to this  
2 matter?

3 **FATHER MALONEY:** Other than the fact that I  
4 brought the letter to them?

5 **MR. RUEL:** Yes.

6 **FATHER MALONEY:** And then they came and did  
7 an interview.

8 **MR. RUEL:** That's it?

9 **FATHER MALONEY:** That's it.

10 **MR. RUEL:** Just coming back to the letter,  
11 do you have any idea why John MacDonald went to you?

12 **FATHER MALONEY:** I was at St. Columban's.

13 **MR. RUEL:** And the -- briefly I just want to  
14 go over the CAS meeting. And the document is already an  
15 exhibit. It's Exhibit 230. It's in the cross-examination  
16 documents.

17 So I don't know if everybody -- yes, this is  
18 it. So this document is dated August 15. It's a note  
19 drafted by R. Abell. We know it's Rick Abell from the CAS.  
20 And it refers to an office visit from Kevin Maloney. And  
21 referring to in the second paragraph:

22 "Came to inform me he had received a  
23 letter yesterday from a 30-year old  
24 about claiming to be an abused victim  
25 of Father Charlie MacDonald."



1 Is that what happened?

2 **FATHER MALONEY:** Yes.

3 **MR. RUEL:** The bottom of the paragraph, it  
4 reads:

5 "Also spoke to Bishop Naomi, now me."

6 So he seems to say that you spoke to the  
7 Bishop. But is it possible you spoke to the Bishop about  
8 this?

9 **FATHER MALONEY:** Anything is possible. I  
10 don't remember that far back.

11 **MR. RUEL:** You don't recall?

12 **FATHER MALONEY:** No.

13 **MR. RUEL:** So can you explain to Mr.  
14 Commissioner what happened after this -- those events. You  
15 went to the CAS; you went to the police. Did you have to  
16 deal with this matter, this complaint by -- made by John  
17 MacDonald after those events?

18 **FATHER MALONEY:** No, the police and the  
19 Childrens' Aid took over.

20 **THE COMMISSIONER:** Did you speak with Father  
21 MacDonald -- yeah, Charlie MacDonald about this during that  
22 period of time?

23 **FATHER MALONEY:** No, I did not.

24 **MR. RUEL:** Did you know Father MacDonald?

25 **FATHER MALONEY:** Yes, I did.

1                   **MR. RUEL:** How did you know him?

2                   **FATHER MALONEY:** I lived with him for the  
3 brief period of time when I was first ordained and at St.  
4 Columban's.

5                   **MR. RUEL:** So that was for a year  
6 essentially?

7                   **FATHER MALONEY:** Yes.

8                   **MR. RUEL:** And is there anything during that  
9 period that you either witnessed or any complaint of --  
10 with respect to his behaviour vis-à-vis young persons?

11                   **FATHER MALONEY:** Nothing.

12                   **MR. RUEL:** Nothing of that nature?

13                   **FATHER MALONEY:** Nothing.

14                   **MR. RUEL:** Rumours?

15                   **FATHER MALONEY:** No, nothing at all.

16                   **MR. RUEL:** Is it accurate to say that after  
17 you visited the CAS and the Cornwall police, you received  
18 phone calls from John MacDonald and David Silmser?

19                   **FATHER MALONEY:** That is accurate.

20                   **MR. RUEL:** So how many phone calls did you  
21 receive?

22                   **FATHER MALONEY:** A couple.

23                   **MR. RUEL:** From whom?

24                   **FATHER MALONEY:** Both. Both John MacDonald  
25 and David Silmser.

1                   **MR. RUEL:** And how does it work? Did you  
2                   have an answering -- your own answering machine at the  
3                   parish?

4                   **FATHER MALONEY:** We had an answering  
5                   exchange if you will that picked up most messages. The  
6                   ones from John MacDonald had gone through the answering  
7                   system. The one from David Silmser I picked up myself.

8                   **MR. RUEL:** So you spoke to Mr. Silmser?

9                   **FATHER MALONEY:** Yes, I did.

10                  **MR. RUEL:** And what -- do you recall what  
11                  was discussed?

12                  **FATHER MALONEY:** Do not remember what was  
13                  discussed. I do remember that he was angry, agitated.

14                  **MR. RUEL:** Did you feel threatened in any  
15                  way?

16                  **FATHER MALONEY:** He was definitely  
17                  aggressive.

18                  **MR. RUEL:** Did he threaten you? Did he use  
19                  a word that you know, would involve -- did you fear for  
20                  your safety in any way?

21                  **FATHER MALONEY:** No. No.

22                  **MR. RUEL:** So one call -- one message was  
23                  left and the other you spoke directly to David Silmser,  
24                  that's correct?

25                  **FATHER MALONEY:** I spoke directly to David

1 Silmser.

2 MR. RUEL: And you left another -- you left  
3 a message -- not ---

4 FATHER MALONEY: I can't remember right now.  
5 But I do remember that there was messages left by John  
6 MacDonald on the answering system.

7 MR. RUEL: Okay. Do you know what Mr.  
8 MacDonald said?

9 FATHER MALONEY: It was just a phone number  
10 to return a call.

11 MR. RUEL: Okay. Did you call him back?

12 FATHER MALONEY: No, I did not.

13 THE COMMISSIONER: How was his message? Was  
14 it -- how was his voice during that conversation?

15 FATHER MALONEY: We don't have that. The --  
16 it was Canpage. So it would just give you the message,  
17 John MacDonald called and the number.

18 THE COMMISSIONER: Okay.

19 MR. RUEL: I'd like to show you a document  
20 which is in the cross-examination documents. It's -- just  
21 a second, Mr. Commissioner.

22 This is Document 119913.

23 THE COMMISSIONER: Sir ---

24 MR. RUEL: And that's a document dated  
25 October 18, 1995.

1                   **THE COMMISSIONER:** Thank you.

2                   Exhibit 1859 is a document signed by  
3 Reverend Kevin Maloney, dated October 18<sup>th</sup>, 1995 and  
4 entitled "To Whom it May Concern".

5                   **MR. SHERRIFF-SCOTT:** Mr. Commissioner, I  
6 think this might already be an Exhibit, 408.

7                   **THE COMMISSIONER:** That's helpful.

8                   Madam Clerk, could you verify?

9                   **MR. RUEL:** Sorry, Mr. Commissioner, I didn't  
10 have the number.

11                   **THE COMMISSIONER:** So we are going to --  
12 we're trying to cut down on paper here, Father Maloney, so  
13 we're going to take back Exhibit 1859, and it is found at  
14 Exhibit 408.

15                   All right. Thank you.

16                   Just leave it there, that's fine.

17                   All right. So here's the letter.

18                   **MR. RUEL:** Did you recall -- this seems to  
19 be a document originating from you. Is that -- is that the  
20 case?

21                   **FATHER MALONEY:** That's my signature, yes.

22                   **MR. RUEL:** And it mentions a call received  
23 on Monday, October 16, 1995, at 10:30 approximately:

24                                 "Phone answered by Father Rory

25   MacDonald and caller identified himself

1 as David Silmser. He informed Father  
2 Rory that he would be picketing at St.  
3 Columban's Church on the following  
4 weekends. David was polite and non-  
5 confrontational. He stated he just  
6 wanted us to know what would be  
7 happening."

8 Do you recall that?

9 **FATHER MALONEY:** Yes.

10 **MR. RUEL:** So this is not the message you  
11 were referring to?

12 **FATHER MALONEY:** Definitely not.

13 **MR. RUEL:** This is a second message?

14 **FATHER MALONEY:** Yes.

15 **THE COMMISSIONER:** Some months later?

16 **FATHER MALONEY:** Yes.

17 **MR. RUEL:** So you didn't call back? I mean,  
18 you spoke with David Silmser; you didn't speak with Mr.  
19 MacDonald; that's accurate?

20 **FATHER MALONEY:** That's correct.

21 **MR. RUEL:** And what did you do with this  
22 after receiving those messages?

23 **THE COMMISSIONER:** Wait a minute, which one  
24 are we talking about, the one on October 18<sup>th</sup> or the ones  
25 before?

1                   **MR. RUEL:** All the messages.

2                   **THE COMMISSIONER:** Well, we might want to  
3 break it down and go with the two -- the phone messages  
4 that occurred shortly after you received ---

5                   **FATHER MALONEY:** Okay.

6                   **THE COMMISSIONER:** --- the letter of  
7 complaint; is that correct?

8                   **FATHER MALONEY:** Right.

9                   **THE COMMISSIONER:** Okay.

10                  **FATHER MALONEY:** When I received the first  
11 phone calls I reported them to the police and then I left  
12 the matter with them.

13                  **MR. RUEL:** Why did you report that to the  
14 police?

15                  **FATHER MALONEY:** Because I didn't want to  
16 get involved with talking to them and interfering in the  
17 investigation because the protocol said that they were to  
18 look after the investigation.

19                  **MR. RUEL:** Okay.

20                  **THE COMMISSIONER:** Was it your intention to  
21 lay a complaint ---

22                  **FATHER MALONEY:** No.

23                  **THE COMMISSIONER:** --- against these two?

24                  **FATHER MALONEY:** No. It's just to let them  
25 know that I wasn't supposed to be communicating with them.

1                   **THE COMMISSIONER:** Right.

2                   **MR. RUEL:** Did you do that on your own or  
3 you acted on the basis of advice you received?

4                   **FATHER MALONEY:** I received advice.

5                   **MR. RUEL:** From whom?

6                   **FATHER MALONEY:** I received advice from a  
7 lawyer.

8                   **THE COMMISSIONER:** And we can ask you the  
9 name of the lawyer?

10                   **FATHER MALONEY:** Sean Adams.

11                   **THE COMMISSIONER:** Thank you.

12                   **MR. RUEL:** So was that name referred to you  
13 by someone, the lawyer, I mean?

14                   **FATHER MALONEY:** Was the name referred to  
15 me?

16                   **MR. RUEL:** Yes.

17                   **FATHER MALONEY:** No. I had used Sean as a  
18 lawyer myself.

19                   **MR. RUEL:** Okay. Did you know he had  
20 represented David Silmser previously?

21                   **FATHER MALONEY:** No.

22                   **MR. RUEL:** He didn't tell you that?

23                   **FATHER MALONEY:** I did not know.

24                   **MR. RUEL:** Sorry?

25                   **FATHER MALONEY:** I did not know.



1                   **MR. RUEL:** Okay. So I'd like to show you --

2                   -

3                   **THE COMMISSIONER:** I'm sorry; where are you  
4 going now?

5                   **MR. RUEL:** The discussion with the Cornwall  
6 Police.

7                   **THE COMMISSIONER:** Okay, fine. So we'll do  
8 that and then we'll come back to the October memo then.  
9 All right.

10                  **MR. RUEL:** This is Document 120890.

11                  **THE COMMISSIONER:** Whenever he says a  
12 document number, "Document" means we haven't seen it yet.

13                  **FATHER MALONEY:** Thank you.

14                  **THE COMMISSIONER:** Stay with us long enough  
15 and you'll know the ropes.

16                  **FATHER MALONEY:** I don't want to stay with  
17 you that long, thank you.

18   **(LAUGHTER/RIRES)**

19                  **THE COMMISSIONER:** I have that effect on  
20 people. I'm sorry.

21   Exhibit 1859 is an archive occurrence report  
22 and the occurrence phone calls 08/19/1995 at 2:15.

23                   --- **EXHIBIT NO./PIÈCE No. P-1859:**

24   (120890) - Archive Occurrence Report by CPS

25                  **MR. RUEL:** Again, Father, this is not your

1 document so I can't ask you to identify it in any way, but  
2 this seems to be an occurrence report from the Cornwall  
3 Police regarding the phone calls or some calls you've  
4 received. So it's listed here as "Complainant Father  
5 Maloney, Kevin" but you indicated that you didn't file this  
6 as a complaint?

7 **FATHER MALONEY:** Not as a complaint, no.

8 **MR. RUEL:** And "Remarks", it says "Harassing  
9 phone calls". Is that what you said to the police?

10 **FATHER MALONEY:** I don't know what  
11 terminology I used. That's many years ago. I don't know  
12 what terminology that I ---

13 **MR. RUEL:** The next document is already an  
14 exhibit. It's Exhibit 235.

15 **THE COMMISSIONER:** Just a minute. Just a  
16 minute.

17 **MR. RUEL:** Sorry.

18 **THE COMMISSIONER:** Before we go away from  
19 that one, they've marked it as harassing phone calls and  
20 it's classified under "indecent harass threat phone calls",  
21 at the bottom line.

22 **FATHER MALONEY:** Okay.

23 **THE COMMISSIONER:** So let's cover that off a  
24 little bit. You know, what was your tone of voice? What  
25 did you want done?

1                   **FATHER MALONEY:** What was my tone of voice?

2                   **THE COMMISSIONER:** Yeah.

3                   **FATHER MALONEY:** My tone of voice was I just  
4 wanted them to talk to these gentlemen so that they would  
5 not call me.

6                   **THE COMMISSIONER:** Okay. And did you say  
7 why?

8                   **FATHER MALONEY:** Because I couldn't get  
9 involved with them during ---

10                  **THE COMMISSIONER:** Did you say that to them,  
11 to the police?

12                  **FATHER MALONEY:** I can't say. I don't know.

13                  **THE COMMISSIONER:** I just want you to  
14 understand ---

15                  **FATHER MALONEY:** Yeah.

16                  **THE COMMISSIONER:** --- you're giving me your  
17 ---

18                  **FATHER MALONEY:** Recollection.

19                  **THE COMMISSIONER:** --- recollection and it's  
20 like, "Okay. Just tell them not to call me because I can't  
21 get involved."

22                  **FATHER MALONEY:** Right.

23                  **THE COMMISSIONER:** And here it turns into  
24 harassing phone call.

25                  **FATHER MALONEY:** Yes.

1                   **THE COMMISSIONER:** And then we've got an  
2                   indecent harass threat phone calls classification.

3                   **FATHER MALONEY:** Yes.

4                   **THE COMMISSIONER:** So what I want to  
5                   understand a little bit, as much as I can, is how would  
6                   that have occurred? Were you angry when you phoned them?  
7                   Were you angry with the two fellows? Were you threatened?  
8                   How did you feel when you phoned these people and what did  
9                   you communicate to them?

10                  **FATHER MALONEY:** Was I threatened? No.

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

12                  **FATHER MALONEY:** Did I give the impression I  
13                  was threatened? I hope not.

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

15                  **FATHER MALONEY:** I don't know what  
16                  impression they picked up.

17                  **THE COMMISSIONER:** Okay.

18                  **FATHER MALONEY:** Okay?

19                  **THE COMMISSIONER:** Fair enough.

20                  Yes?

21                  **MR. SHERRIFF-SCOTT:** If my friend turns up  
22                  the actual occurrence report, which might be more  
23                  productive of understanding what information -- it's fully  
24                  described as ---

25                  **THE COMMISSIONER:** Yes.

1                   **MR. SHERRIFF-SCOTT:** All the information he  
2 gave is right there and ---

3                   **THE COMMISSIONER:** What exhibit, please?

4                   **MR. SHERRIFF-SCOTT:** It is Document Number  
5 120888.

6                   **MR. RUEL:** It's Exhibit 235. I was going  
7 there.

8                   **THE COMMISSIONER:** There you go. Thank you.  
9 All right. Let's go to Exhibit 235, sir.

10                   **MR. RUEL:** So again, this is a document from  
11 the Cornwall Police and it's filed, as it appears on this  
12 document, by a police officer, her name is Wilson-King. We  
13 know her name is Emma Wilson-King.

14                   So do you recall meeting with this police  
15 officer on August 19, 1995?

16                   **FATHER MALONEY:** Yes.

17                   **THE COMMISSIONER:** Did you meet with her or  
18 phone her?

19                   **FATHER MALONEY:** I met with her.

20                   **THE COMMISSIONER:** Oh right, right. I'm  
21 sorry; yes, you did.

22                   **MR. RUEL:** So it reads here, and I just want  
23 you to confirm if this is accurate:

24                                   "Writer attended 36 4<sup>th</sup> Street West, the  
25                                   residence of Father Kevin Maloney.

1 Father Maloney, in the presence of his  
2 lawyer, Sean Adams, advised writer that  
3 he has received two phone calls through  
4 his answering service from a David  
5 Silmser as well as one from John  
6 MacDonald due to an investigation being  
7 done by our department. Father  
8 Maloney, on the advice of his lawyer,  
9 wished to have these two advised to  
10 stop calling until the investigation is  
11 complete."

12 Is that essentially what was discussed?

13 **FATHER MALONEY:** Yes.

14 **MR. RUEL:** Did you mention during this  
15 discussion anything about the tone of the message of Mr.  
16 Silmser that you referred to earlier?

17 **FATHER MALONEY:** Not that I can recall. I  
18 don't know.

19 **MR. RUEL:** There's no mention of that here,  
20 of some type of aggressive tone or anything of that nature?

21 **FATHER MALONEY:** No.

22 **MR. RUEL:** Is it possible you didn't tell  
23 them that?

24 **FATHER MALONEY:** I don't remember what I  
25 told them other than what I see written.

1                   **MR. RUEL:** Okay. Do you know what they did  
2 with this -- what Police Officer Wilson-King did with the  
3 information you -- sorry, I'll rephrase.

4                   Do you know what she did with the  
5 information you provided?

6                   **FATHER MALONEY:** No, I don't.

7                   **MR. RUEL:** The actions she took, if she  
8 called the two individuals?

9                   **FATHER MALONEY:** I don't know what she did.

10                  **MR. RUEL:** Those phone calls you got, did  
11 you discuss that with the Bishop or other members of the  
12 Diocese?

13                  **FATHER MALONEY:** Not that I can recall.

14                  **MR. RUEL:** Is it accurate to say and we'll  
15 go there, that you got a letter shortly after from a lawyer  
16 representing John MacDonald concerning counselling or  
17 support he wanted to get from the Diocese?

18                  **FATHER MALONEY:** Yes, that's accurate.

19                  **MR. RUEL:** The letter is -- it's already an  
20 exhibit. It's Exhibit 249. So this is a week or so after  
21 the meeting with the Cornwall Police. And the second  
22 paragraph, the lawyer's name is Walter MacLean, the second  
23 paragraph, second phrase:

24                                 "I have discussed various options with  
25                                 John and he has asked me to write to

1                   you with a view of determining, if  
2                   possible, what help and support is  
3                   available by way of the Diocese in  
4                   accordance with Phase 5 of the Diocesan  
5                   Guidelines on Sexual Abuse, a copy of  
6                   which you were kind enough to provide  
7                   him. I expect that you will refer this  
8                   correspondence to the Bishop's office  
9                   and look forward to receiving your  
10                  reply or a reply from the Bishop's  
11                  office as soon as possible."

12                 So you recall getting that?

13                 **FATHER MALONEY:** Yes, I do.

14                 **MR. RUEL:** So what did you do with this  
15                 letter?

16                 **FATHER MALONEY:** I gave it to the Bishop's  
17                 office.

18                 **MR. RUEL:** Did you discuss it with the  
19                 Bishop?

20                 **FATHER MALONEY:** I can't remember whether I  
21                 did or not.

22                 **MR. RUEL:** Okay. Do you know if the request  
23                 -- or do you know if support was offered to Mr. MacDonald  
24                 following this letter?

25                 **FATHER MALONEY:** Do I personally know?



1                   **MR. RUEL:** Yes.

2                   **FATHER MALONEY:** No, but I know in preparing  
3 for this, in the materials given to me, yes, that help was  
4 given.

5                   **MR. RUEL:** So was that the extent of your  
6 involvement with respect to this matter?

7                   **FATHER MALONEY:** Yes, it was.

8                   **THE COMMISSIONER:** So if you're going to  
9 change topics ---

10                  **MR. RUEL:** Very soon.

11                  **THE COMMISSIONER:** Whenever you do, after  
12 that, I'd like to take a break.

13                  **MR. RUEL:** Okay. Sure. I have just two or  
14 three minutes.

15                  **THE COMMISSIONER:** That's fine.

16                  **MR. RUEL:** So would it be fair to say that  
17 this matter, or the way you handled it, was under the  
18 jurisdiction or the responsibility of the Bishop to deal  
19 with?

20                  **FATHER MALONEY:** No, the investigation was  
21 under the jurisdiction of the police force and the  
22 Children's Aid, and the counselling would have been under  
23 the jurisdiction of the Bishop.

24                  **MR. RUEL:** I see. Okay.

25                               And the responsibility for investigating,

1           that's under the -- that's in accordance with the policy  
2           that was in existence?

3                         **FATHER MALONEY:** That's correct.

4                         **MR. RUEL:** Do you know if an internal review  
5           was done of the allegations within the Diocese?

6                         **FATHER MALONEY:** No, I do not know.

7                         **MR. RUEL:** I would move to another topic at  
8           this point.

9                         **THE COMMISSIONER:** All right.

10                        Let's take the afternoon break, sir. Thank  
11           you.

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

14                        This hearing will resume at four o'clock.

15           --- Upon recessing at 3:43 p.m./

16                        L'audience est suspendue à 15h43

17           --- Upon resuming at 3:42 p.m. /

18                        L'audience est reprise à 15h42

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

21                        This hearing is now resumed. Please be  
22           seated. Veuillez vous asseoir.

23                        **THE COMMISSIONER:** I guess Father Maloney  
24           didn't want to come back.

25                        He did say he didn't want to stay here very

1 long.

2 **MR. SHERRIFF-SCOTT:** Why don't I go and find  
3 out what's going on.

4 **(SHORT PAUSE/COURTE PAUSE)**

5 **THE COMMISSIONER:** Who would have thought to  
6 look for a witness in the witness room?

7 **(LAUGHTER/RIRES)**

8 **THE COMMISSIONER:** Father Maloney.

9 So it's my intention to sit until about  
10 5:00-5:15. Is that okay with you?

11 **FATHER MALONEY:** Yes, it is. Thank you.

12 **THE COMMISSIONER:** All right. And then  
13 tomorrow we can talk about either -- I don't know how long  
14 -- well, I can sit until 2:00 tomorrow. And I just want to  
15 make sure we can accommodate everybody's travel patterns  
16 and try to get this witness done by then. So we'll give  
17 that a try.

18 Does that sit well with everyone?

19 Mr. Wardle, you look confused.

20 **MR. WARDLE:** (Off mic). We're just getting  
21 some English translation ---

22 **(LAUGHTER/RIRES)**

23 **THE COMMISSIONER:** All right.

24 Maître Ruel?

25 **KEVIN MALONEY:** Resumed/Sous le même serment

1           --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
2           RUEL: (Continued/Suite)

3                       **MR. RUEL:** Just coming back briefly on  
4           Exhibit 408 which is the phone call of David Silmser of  
5           October 18, 1995, just to clarify -- finish that off.

6                       Do you have the document, Exhibit 408?

7                       **THE COMMISSIONER:** I don't think so.

8                       **MR. RUEL:** Yes.

9                       **FATHER MALONEY:** Okay.

10                      **THE COMMISSIONER:** It's up there. Okay,  
11           good.

12                      **MR. RUEL:** So we established that you wrote  
13           that note about the phone call. What did you do with this  
14           information? It seems to be -- it's "To whom it may  
15           concern". So who was that? Was that internally at the  
16           parish?

17                      **FATHER MALONEY:** It was to keep it on file  
18           in case there was any incident.

19                      **MR. RUEL:** Okay. Was it sent to the Bishop  
20           or to the Diocese's office?

21                      **FATHER MALONEY:** I can't remember what was  
22           done with it.

23                      **MR. RUEL:** Okay.

24                      **THE COMMISSIONER:** Was it sent to the  
25           police?

1                   **FATHER MALONEY:** I don't -- I don't know.

2                   **THE COMMISSIONER:** Okay.

3                   **MR. RUEL:** Father Maloney, I'd like to move  
4 to another subject and we're now going to -- it's 1997 and  
5 I'd like to refer to Exhibit 728.

6                   Mr. Commissioner, I don't believe this  
7 document was subject to a publication ban but maybe Madam  
8 Clerk can just confirm that, if possible, for the record.

9                   **THE COMMISSIONER:** Seven two eight (728) is  
10 a response to demand for particulars?

11                   **MR. RUEL:** Yes. I don't believe so.

12                   **THE COMMISSIONER:** I don't think it would  
13 but -- it's a public document, so -- okay. So this is the  
14 statement of claim; is that what you're looking at? Or  
15 statement -- response to demand for particulars, sorry?

16                   **MR. RUEL:** Yes.

17                   **THE COMMISSIONER:** All right.

18                   **MR. RUEL:** Father Maloney, you have the  
19 document?

20                   **FATHER MALONEY:** Yes, I do.

21                   **MR. RUEL:** Did you recall -- do you recall  
22 receiving that document at some point?

23                   **FATHER MALONEY:** Yes.

24                   **MR. RUEL:** Did you know that there was a  
25 civil action brought by Perry Dunlop against various

1 people, including the Chief -- former Chief of Police of  
2 the Cornwall Police, the Cornwall Police Service and the  
3 Diocese and other people?

4 **FATHER MALONEY:** Not until I received the  
5 document.

6 **MR. RUEL:** Did you know Perry Dunlop?

7 **FATHER MALONEY:** Yes, I did.

8 **MR. RUEL:** And how did you know him?

9 **FATHER MALONEY:** Perry was a member of St.  
10 Columban's Parish.

11 **THE COMMISSIONER:** And had you known him on  
12 a personal level, sir?

13 **FATHER MALONEY:** No.

14 **THE COMMISSIONER:** Okay.

15 **MR. RUEL:** So in this document, even though  
16 you're not mentioned as a defendant, a number of  
17 allegations are made against you. I don't intend to repeat  
18 all of them or even to read them before the Commission but  
19 allegations of a sexual nature made against you personally  
20 in this document. So there's a number of allegations.

21 How did you react to this information being  
22 brought to your attention?

23 **FATHER MALONEY:** I was angry and then I  
24 discussed it with other men that were on this list and we  
25 brought it to the Children's Aid Society.

1                   **MR. RUEL:** So when you said "other men that  
2                   were on this list" you're talking about ---

3                   **FATHER MALONEY:** Clergy.

4                   **MR. RUEL:** --- clergy members?

5                   **FATHER MALONEY:** Yes.

6                   **MR. RUEL:** So what was the context; who was  
7                   part of that discussion?

8                   **FATHER MALONEY:** Most of the men that are  
9                   listed in there that are actively involved as clergy in the  
10                  Diocese.

11                  **MR. RUEL:** Okay. Was the Bishop involved in  
12                  that discussion?

13                  **FATHER MALONEY:** Yes, he was.

14                  **MR. RUEL:** And what was -- was a decision  
15                  made with respect to what would be done?

16                  **FATHER MALONEY:** The decision was unanimous,  
17                  that according to the policy we should turn it over to the  
18                  Children's Aid Society.

19                  **MR. RUEL:** Okay. Why to the Children's Aid  
20                  Society and not the police or both?

21                  **FATHER MALONEY:** Because the police already  
22                  had it. They are the ones who got -- they're being sued.

23                  **MR. RUEL:** I'm talking about the OPP, for  
24                  example. The Cornwall Police was there but the OPP was --  
25                  it never came up?

1                   **FATHER MALONEY:** No, the OPP were not  
2 involved at this stage.

3                   **MR. RUEL:** Okay. There were some other  
4 documents you received as well, along with this response to  
5 demand for particulars; is that right?

6                   **FATHER MALONEY:** That's correct.

7                   **MR. RUEL:** So there was an Affidavit from  
8 Ron Leroux?

9                   **FATHER MALONEY:** Yes.

10                  **MR. RUEL:** A statement from Ron Leroux, I  
11 believe?

12                  **FATHER MALONEY:** Yes.

13                  **MR. RUEL:** And a statement from a person  
14 named Gerald Renshaw?

15                  **FATHER MALONEY:** That's correct.

16                  **MR. RUEL:** All making allegations against  
17 you?

18                  **FATHER MALONEY:** Yes.

19                  **MR. RUEL:** Of a sexual nature?

20                  **FATHER MALONEY:** Yes.

21                  **THE COMMISSIONER:** Well, I'm concerned about  
22 or interested in finding out about -- on -- if you look on  
23 the top left-hand corner of that document, there are some  
24 numbers.

25                  **FATHER MALONEY:** Yes.



1                   **THE COMMISSIONER:** Top left-hand.

2                   **FATHER MALONEY:** Okay, yes.

3                   **THE COMMISSIONER:** No, the other left. So  
4 if you look at the last numbers, you see 709 and then 2572  
5 and go to 2577, please.

6                   No, that's the same document.

7                   **FATHER MALONEY:** Okay.

8                   **THE COMMISSIONER:** Just flip the page and  
9 you'll see -- then you start seeing them numerically. Do  
10 you see what I mean?

11                   **FATHER MALONEY:** Five seven, okay.

12                   **MEMBER:** Two five seven (257).

13                   **FATHER MALONEY:** Yes.

14                   **THE COMMISSIONER:** In that statement of  
15 claim it says that -- right at the bottom, it says:

16                               "Further, Kevin Maloney showed up  
17                               uninvited at the plaintiff's home on  
18                               different occasions."

19                   Have you ever visited Mr. Dunlop at his  
20 home?

21                   **FATHER MALONEY:** Yes, I did.

22                   **THE COMMISSIONER:** Okay. And when was that?

23                   **FATHER MALONEY:** It was -- I don't know the  
24 exact date but I phoned up and asked for an appointment and  
25 I went in the evening.

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

2                   **FATHER MALONEY:** And I visited with him and  
3 his wife and his children.

4                   **THE COMMISSIONER:** And the purpose?

5                   **FATHER MALONEY:** He had stopped coming to  
6 church and I wanted him to know that he was welcome to come  
7 back anytime he chose.

8                   **THE COMMISSIONER:** Okay. All right, well  
9 we'll leave that for others then.

10                  **MR. RUEL:** Yeah, I was intending to cover  
11 that.

12                  **THE COMMISSIONER:** Oh, I'm very sorry; it's  
13 just that I thought you were moving documents.

14                  **MR. RUEL:** No, no, it's fine. Why don't we  
15 review that here.

16                                So there was one meeting with Mr. Dunlop and  
17 his wife at their home; is that ---

18                  **FATHER MALONEY:** That's right and another  
19 time I saw him in front of his home and I talked to him for  
20 a few moments.

21                  **MR. RUEL:** So is that something you do  
22 frequently; meet with parishioners who stop going to church  
23 and go to their home and discuss the matter with them?

24                  **FATHER MALONEY:** It wouldn't be something I  
25 would do frequently because something like this doesn't

1           happen frequently, thank God. So it was something because  
2           of the public nature of this I wanted him to know that he  
3           was welcome back at church.

4                   **MR. RUEL:** Why? Was it your understanding  
5           that he was ostracized in any way in the public?

6                   **FATHER MALONEY:** No. I had no idea what he  
7           was feeling.

8                   **MR. RUEL:** No, no, no, but I mean you heard  
9           his name, I guess, through the media or the papers at the  
10          time?

11                   **FATHER MALONEY:** I heard his name but he was  
12          never ostracized as far as the parish was concerned.

13                   **MR. RUEL:** Not the parish but in the public.

14                   **FATHER MALONEY:** No. I don't believe he was  
15          ostracized.

16                   **MR. RUEL:** So at paragraph 7 and this is,  
17          Father -- we must assume that Mr. Dunlop approved this  
18          because it came as the context of -- it's a document that  
19          came in the context of his lawsuit.

20                                He mentions at paragraph 7 that -- the  
21          paragraph at the bottom of the page, second sentence:

22                                        "Father Maloney overtly advised the  
23                                        Plaintiff that he was no longer wanted  
24                                        with the Cornwall Police Service and  
25                                        should resign. Father Maloney inquired

1                   about the Plaintiff's marriage and the  
2                   pressure, stress and stress must be  
3                   exacting on them. He further  
4                   suggested..."

5                   The last sentence.

6                   "He further suggested that the  
7                   Plaintiff move out of Cornwall,  
8                   Ontario."

9                   So did you discuss anything along those  
10                  lines with Mr. Dunlop and his wife?

11                  **FATHER MALONEY:** No, I did not.

12                  **MR. RUEL:** That's false?

13                  **FATHER MALONEY:** That's false.

14                  **THE COMMISSIONER:** Were you instructed by  
15                  anyone to go and see him?

16                  **FATHER MALONEY:** No, I wasn't.

17                  **THE COMMISSIONER:** So father -- Bishop  
18                  Larocque did not suggest to you that you go and see him?

19                  **FATHER MALONEY:** No, he did not.

20                  **MR. RUEL:** Did Mr. Dunlop came back to  
21                  church?

22                  **FATHER MALONEY:** No, he did not.

23                  **MR. RUEL:** So how did you react to this  
24                  statement being made by Mr. Dunlop?

25                  **FATHER MALONEY:** I reacted by shock; I could

1 not understand how my visit would be misinterpreted.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. RUEL: I'm sorry, Mr. Commissioner.

4 THE COMMISSIONER: No, that's fine.

5 MR. RUEL: Just give me a second.

6 I'd like to take you now to a document which  
7 is document 721620. It's in the -- you can find it in the  
8 cross-examination documents.

9 THE REGISTRAR: Can you repeat that number,  
10 please?

11 MR. RUEL: It's 721620. It's an excerpt of  
12 that document starting at Bates page 7080511.

13 THE COMMISSIONER: Thank you.

14 Exhibit 1860 is a case documentation system  
15 service record and it looks like the date is the 22<sup>nd</sup> of the  
16 fifth month of 1997. And it's Children's Aid Society case  
17 document system service record.

18 --- EXHIBIT NO./PIECE NO. P-1860

19 (721620) Case Notes of CAS Richard Abell  
20 dated 22 May 97

21 THE COMMISSIONER: All right. Go ahead.

22 MR. RUEL: It's already an exhibit. I'm  
23 sorry. It seems again that this document was already filed  
24 as Exhibit 281.

25 THE COMMISSIONER: Sorry, we'll take that

1 back. So exhibit 281. In any event, you can refer to it,  
2 to the document.

3 **MR. RUEL:** Okay, thank you.

4 **THE COMMISSIONER:** You know, instead of  
5 going through pages and pages.

6 All right. Go ahead, Monsieur Ruel.

7 **MR. RUEL:** So before we take a look at the  
8 document do you recall -- you mentioned the matter would be  
9 referred to the CAS. Is that accurate?

10 **FATHER MALONEY:** That's accurate.

11 **MR. RUEL:** So the documents I referred to  
12 earlier were turned over to the CAS?

13 **FATHER MALONEY:** That's correct.

14 **MR. RUEL:** And was there a meeting with the  
15 CAS, do you recall?

16 **FATHER MALONEY:** The initial -- there was a  
17 meeting between Richard Abell, myself and Monsignor  
18 McDougald when the document was handed over. Then there  
19 was a subsequent meeting.

20 **MR. RUEL:** Okay. So do recall what was  
21 discussed at the -- let's start with the first meeting?

22 **FATHER MALONEY:** The first meeting Mr. Abell  
23 thanked me for it, said he would look through it and he  
24 would arrange for a meeting that would take place at a  
25 later date.

1                   **MR. RUEL:** Okay. Those are notes from Mr.  
2 Abell from the Childrens' Aid Society. And there's an  
3 entry here on May 15, 1997. You see that?

4                   **FATHER MALONEY:** Yes.

5                   **MR. RUEL:** And it reads:

6                               "Office visit from Father Kevin  
7 Maloney, Monsignor Donald McDougald.  
8 They have material arising from the  
9 civil suit. Contains allegation  
10 against numerous clergy including  
11 themselves. They want to cooperate.  
12 Will make the material available if we  
13 want it. Told them I'd get back to  
14 them."

15                   Is that essentially what happened?

16                   **FATHER MALONEY:** Yes.

17                   **MR. RUEL:** And down at the bottom of the  
18 page, second to last paragraph, 20 May, 1997:

19                               "Father Kevin brings in his material."

20                   **FATHER MALONEY:** Okay.

21                   **THE COMMISSIONER:** All right.

22                   **MR. RUEL:** That's possible?

23                   **FATHER MALONEY:** Yes.

24                   **MR. RUEL:** You don't remember the dates but  
25 that's ---

1 FATHER MALONEY: No.

2 MR. RUEL: It's not inconsistent with your  
3 memory?

4 FATHER MALONEY: That's right.

5 THE COMMISSIONER: So as I understand from  
6 Madame Registrar, that Exhibit 1860 should stand on its own  
7 because Exhibit 281 is a different Bates page.

8 MR. RUEL: Okay.

9 THE COMMISSIONER: So we'll leave it there.

10 MR. RUEL: I'm just going through the  
11 documents to establish the chain of events.

12 MR. SHERRIFF-SCOTT: Mr. Commissioner, is  
13 that all 48 pages of that document?

14 THE COMMISSIONER: What's that? No.

15 MR. SHERRIFF-SCOTT: Exhibit 1860 is the 48-  
16 page document?

17 THE COMMISSIONER: No, just the one page  
18 document.

19 MR. SHERRIFF-SCOTT: Oh, just the one page.  
20 Thank you.

21 THE COMMISSIONER: Just the one page.

22 MR. RUEL: And the other document Mr.  
23 Commissioner, I hope hasn't been filed already. I have no  
24 mention of it. It's document 721626. It's an excerpt  
25 again of a larger document.



1                   **THE COMMISSIONER:** Thank you.

2                   This is a letter delivered to -- on May 20<sup>th</sup>,  
3                   1997 delivered by hand to the Children's Aid Society from  
4                   Father Kevin Maloney. And that will be Exhibit 1861.

5                   **--- EXHIBIT NO./PIECE NO. P-1861**

6                   (721626) Letter from Father Kevin Maloney  
7                   to Richard Abell dated 20 May, 1997

8                   **MR. RUEL:** Do you recall that it's this  
9                   letter that you signed, Father?

10                  **FATHER MALONEY:** Yes, it is.

11                  **MR. RUEL:** And it refers to the meeting of -  
12                  - it says here May 13 but the -- Mr. Abell's note referred  
13                  to May 15. I don't know if you can clarify that or not.

14                  **FATHER MALONEY:** No, I can't.

15                  **MR. RUEL:** So this is the same meeting ---

16                  **FATHER MALONEY:** Yes.

17                  **MR. RUEL:** --- you're referring to? And  
18                  you're producing essentially the documents I referred to  
19                  earlier, so the response to demand for particulars, an  
20                  affidavit from Ron Leroux, a statement from Ron Leroux and  
21                  a statement from Gerald Renshaw.

22                  **FATHER MALONEY:** Yes.

23                  **MR. RUEL:** So what was your intention in  
24                  delivering those documents to the CAS?

25                  **FATHER MALONEY:** To follow the policy and if

1           there's an accusation to allow the CAS to investigate.

2                       **MR. RUEL:** And I gather that you were --  
3           were you represented by counsel during that period?

4                       **FATHER MALONEY:** Not at the initial meeting  
5           but when Mr. Abell met with Mr. Carriere and myself there  
6           was a counsel there at that time, Mr. Swabey.

7                       **MR. RUEL:** Okay. That meeting is it  
8           possible it would have been June 20<sup>th</sup> of 1997?

9                       **FATHER MALONEY:** I don't know the exact  
10          date.

11                      **MR. RUEL:** So what happened at the second  
12          meeting?

13                      **FATHER MALONEY:** At the second meeting, we  
14          were asked some questions and then we were told or asked,  
15          sorry to make our own statement and to forward those to the  
16          Children's Aid Society.

17                      **MR. RUEL:** So questions on the allegations?

18                      **FATHER MALONEY:** Yes.

19                      **MR. RUEL:** So you responded to those?

20                      **FATHER MALONEY:** Yes, I did.

21                      **MR. RUEL:** Did you cooperate with the CAS?

22                      **FATHER MALONEY:** Yes, I did.

23                      **MR. RUEL:** There's another document again to  
24          establish the chain of events. It's document 721686. I'm  
25          not sure if it's the same -- it's the same document than

1 the previous one but it's an excerpt. And it's page  
2 7082439.

3 **THE COMMISSIONER:** Exhibit 1862 is a letter  
4 from -- to the Children's Aid Society dated June 27<sup>th</sup>, 1997  
5 and signed Thomas -- well, support staff signing for Thomas  
6 Swabey.

7 --- **EXHIBIT NO./PIECE NO. P-1862**

8 (721686) Letter from Thomas Swabey to  
9 Richard Abell dated 27 June '97

10 **MR. RUEL:** Father, Thomas Swabey was your  
11 counsel; is that correct?

12 **FATHER MALONEY:** Yes, he was.

13 **MR. RUEL:** And he's referring here to a  
14 meeting at his office on June 20<sup>th</sup>. And he's writing  
15 Children's Aid Society, Richard Abell. So is it -- would  
16 it be fair to say that the meeting -- the second meeting  
17 you referred to was June 20<sup>th</sup>?

18 **FATHER MALONEY:** Yes.

19 **MR. RUEL:** And he provided some additional  
20 documents to the CAS on your behalf?

21 **FATHER MALONEY:** Correct.

22 **MR. RUEL:** Did you represent only yourself  
23 or the other members of your -- some of your colleagues as  
24 well?

25 **FATHER MALONEY:** We were there just to

1 address the accusations against Monsignor McDougald and  
2 myself.

3 **MR. RUEL:** Oh, I see. So he represented  
4 both of you?

5 **FATHER MALONEY:** Yes.

6 **MR. RUEL:** And attached to this document  
7 here, this particular document, is what would be the  
8 response to the allegations made by Mr. Dunlop in his legal  
9 document. Is that correct?

10 **FATHER MALONEY:** That's correct.

11 **MR. RUEL:** Where you essentially, if I read  
12 this correctly, deny all the allegations?

13 **FATHER MALONEY:** Then you read it correctly.

14 **THE COMMISSIONER:** I'm sorry, there's no  
15 reference to this ---

16 **MR. SHERRIFF-SCOTT:** Can I sequence this for  
17 you? It's pretty straightforward. This refers to  
18 incorporating three things, the McDougald response, which  
19 is actually attached, Commissioner ---

20 **THE COMMISSIONER:** Right.

21 **MR. SHERRIFF-SCOTT:** --- the Amended  
22 Statement of Claim, which I guess was enclosed but is not  
23 here at this tab, and then a letter addressed to Mr. Rudden  
24 dated the 25<sup>th</sup>, which is actually another document which my  
25 friend can take the witness to. I think he has the

1 document reference.

2 **THE COMMISSIONER:** Okay. So this -- the  
3 memo does not refer to Mr. Maloney -- Father Maloney.

4 **MR. RUEL:** I'm sorry, but was there a  
5 similar memo provided to the CAS ---

6 **FATHER MALONEY:** Yes.

7 **MR. RUEL:** --- with respect to your answers  
8 to the ---

9 **FATHER MALONEY:** Yes. Both of us -- Mr.  
10 Swabey was representing both of us and he sent an answer to  
11 CAS, one in my name and one in Monsignor McDougald's name.

12 **MR. RUEL:** Mr. Commissioner, I'll try to  
13 locate the -- I'm sorry about the mistake, but I have the  
14 document concerning -- dealing with Father Maloney. I'll  
15 find it and enter it into the record.

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

17 **MR. RUEL:** So as you indicated, the  
18 expectation would be that the CAS would review the facts  
19 and investigate the matter neutrally, I suspect?

20 **FATHER MALONEY:** Mutually?

21 **MR. RUEL:** Neutrally.

22 **FATHER MALONEY:** Neutrally. Yes, sorry.  
23 Yes.

24 **MR. RUEL:** Did they do that?

25 **FATHER MALONEY:** As far as I know they did.

1 They also told us that they would be turning the documents  
2 over to the OPP at that time.

3 MR. RUEL: Okay. Was that done; do you  
4 know?

5 FATHER MALONEY: I don't know.

6 MR. RUEL: When those allegations were made  
7 against you, was that made public? Was it made available  
8 to the general public at that time?

9 FATHER MALONEY: Not at that time, no, sir.

10 MR. RUEL: Were you removed from -- first of  
11 all, you were still at -- you were at St. Columban's at the  
12 time?

13 FATHER MALONEY: Yes, I was.

14 MR. RUEL: As a pastor?

15 FATHER MALONEY: Yes.

16 MR. RUEL: Were you removed from duties as a  
17 result of those allegations?

18 FATHER MALONEY: No, I was not.

19 MR. RUEL: Was that discussed in any way  
20 with the Bishop, the possibility of removing yourself  
21 pending the investigation?

22 FATHER MALONEY: It wasn't discussed.

23 MR. RUEL: Did you think of removing  
24 yourself?

25 FATHER MALONEY: Did I think of doing it?

1 No, I didn't.

2 MR. RUEL: Do you have any concern with the  
3 way the matter was handled by the CAS?

4 FATHER MALONEY: No.

5 MR. RUEL: So subject to this document being  
6 entered, I would move to another subject.

7 Later -- more than a year later, you had an  
8 interview with the Ontario Provincial Police. Do you  
9 recall that?

10 FATHER MALONEY: Yes, I do.

11 MR. RUEL: So we're going to go to the  
12 document, but the interview was September 17<sup>th</sup>, 1998.

13 So did anything happen between the moment of  
14 the second meeting with the CAS on June 20<sup>th</sup>, 1997 and  
15 September 17<sup>th</sup>, 1998?

16 FATHER MALONEY: Project Truth was born.

17 MR. RUEL: Okay. But did you have any other  
18 meetings with the CAS ---

19 FATHER MALONEY: No, I did not.

20 MR. RUEL: --- the OPP or anyone ---

21 FATHER MALONEY: No.

22 MR. RUEL: --- regarding those allegations?

23 FATHER MALONEY: Not that I can recall, no.

24 MR. SHERRIFF-SCOTT: Mr. Commissioner, I  
25 think maybe before he goes further, the document referred

1 to in the letter of the 25<sup>th</sup> of June, it is Document 721685.  
2 Perhaps the witness could be referred to it. It might  
3 complete the ---

4 **THE COMMISSIONER:** Right. No, that's fine.

5 **MR. SHERRIFF-SCOTT:** --- package and it does  
6 refer to these discussions, OPP, CAS, et cetera.

7 **FATHER MALONEY:** Seven-two-five (725)?

8 **THE COMMISSIONER:** No, that's not in there.  
9 It's a new document.

10 **FATHER MALONEY:** Oh.

11 (SHORT PAUSE/COURTE PAUSE)

12 **THE COMMISSIONER:** Thank you.

13 **MR. SHERRIFF-SCOTT:** I never noticed that  
14 before.

15 **THE COMMISSIONER:** Right. Well, we'll leave  
16 that behind. But in any event, on June 25<sup>th</sup>, 1997, a letter  
17 was sent to lawyers Rudden, Stevenson and Levesque from Mr.  
18 Thomas Swabey. Did I give the date? Yeah. So that's  
19 Exhibit 1863.

20 --- EXHIBIT NO./PIÈCE NO. P-1863:

21 Letter from Thomas Swabey to Patrick Rudden,  
22 dated June 25, 1997

23 **MR. RUEL:** Are you aware of this document,  
24 Father?

25 **FATHER MALONEY:** Yes.



1                   **MR. RUEL:** Okay. And who is Mr. Rudden?

2                   **FATHER MALONEY:** Mr. Rudden is ---

3                   **MR. RUEL:** Rudden, sorry.

4                   **FATHER MALONEY:** He's another lawyer in  
5 Cornwall.

6                   **MR. RUEL:** Okay. Representing -- I guess he  
7 was representing ---

8                   **FATHER MALONEY:** He was representing some of  
9 the other names on that list.

10                   **MR. RUEL:** Okay. There's a mention here at  
11 the second page that the investigation of the CAS will be  
12 carried out in cooperation with the OPP. Do you recall  
13 that being said at the meeting?

14                   **FATHER MALONEY:** Yes, I do.

15                   **MR. RUEL:** Okay. So the OPP interview ---

16                   **FATHER MALONEY:** Yes.

17                   **MR. RUEL:** --- can you explain what  
18 happened? Who contacted you? Was it -- were you contacted  
19 by the OPP or did you contact them? What happened exactly?

20                   **FATHER MALONEY:** I don't know if his name is  
21 Constable, but the police officer named Seguin phoned,  
22 asked for an interview, and I gave him a time and we met  
23 together.

24                   **MR. RUEL:** Okay. Did he explain to you why  
25 he wanted to meet with you?

1                   **FATHER MALONEY:** Yes, he did.

2                   **MR. RUEL:** What did he say?

3                   **FATHER MALONEY:** He said that they were  
4 working on Project Truth and he wanted to have an  
5 interview.

6                   **MR. RUEL:** Did he tell you that you were a  
7 suspect?

8                   **FATHER MALONEY:** No, he never used the word  
9 suspect.

10                  **MR. RUEL:** He never told you that you had  
11 the right to be there with a lawyer or something of that  
12 nature, or to be represented by counsel?

13                  **FATHER MALONEY:** Not that I can remember.

14                  **MR. RUEL:** So he interviewed you as a  
15 witness to get information. Is that ---

16                  **FATHER MALONEY:** That's correct.

17                  **MR. RUEL:** --- your understanding?

18                  **FATHER MALONEY:** Yes.

19                  **MR. RUEL:** So the interview took place at  
20 the -- where did that take place?

21                  **FATHER MALONEY:** It took place in the parish  
22 hall at St. Columban's.

23                  **MR. RUEL:** Okay. Were you alone during the  
24 interview?

25                  **FATHER MALONEY:** No, there was another

1 Constable Gernier (sic) or Gemnier (sic).

2 THE COMMISSIONER: Genier?

3 FATHER MALONEY: Genier, yes.

4 MR. RUEL: But you were not represented by  
5 counsel for this ---

6 FATHER MALONEY: No, I wasn't.

7 MR. RUEL: --- interview?

8 FATHER MALONEY: No, I wasn't. I was alone.

9 MR. RUEL: You were alone.

10 So it's Document -- the Document is Exhibit  
11 678.

12 THE COMMISSIONER: Six-seven-eight (678).

13 No, you won't have that, sir.

14 (SHORT PAUSE/COURTE PAUSE)

15 THE COMMISSIONER: Okay. What page?

16 MR. RUEL: Father, this is an interview  
17 report dated September 17, 1998. Present were Detective  
18 Constable Seguin and Genier from the OPP and it's the  
19 interview -- the witness is yourself.

20 Did you read this document in preparing for  
21 this testimony?

22 FATHER MALONEY: Yes, I did.

23 MR. RUEL: Is the interview consistent with  
24 -- is the interview report consistent with your memory of  
25 what happened or what was said during the interview?

1                   **FATHER MALONEY:** Yes, it is.

2                   **MR. RUEL:** So I did not intend to read the  
3 whole document, but they went through the facts that were  
4 raised by Mr. Leroux, or the allegations, I should say, by  
5 Mr. Leroux and others in the materials that you were --  
6 that you were -- that you obtained earlier. Is that  
7 correct?

8                   **FATHER MALONEY:** Yes.

9                   **MR. RUEL:** So, for example, at -- there's  
10 some page numbers here, or I should use the Bates page.  
11 For example, at page 1059427, we can use the last three  
12 numbers. So 427, there's a question about whether you  
13 attended dinner parties at St. Andrew's Parish.

14                   **THE COMMISSIONER:** Hold it. Let's make sure  
15 he's there.

16                   Are you at page 427?

17                   **FATHER MALONEY:** Yes.

18                   **THE COMMISSIONER:** All right.

19                   **MR. RUEL:** And your answer was that you went  
20 to dinner there but, no, you did not attend to any dinner  
21 parties?

22                   **FATHER MALONEY:** That's correct.

23                   **MR. SHERRIFF-SCOTT:** Commissioner, I might  
24 just interject for a moment ---

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

1                   **MR. SHERRIFF-SCOTT:** --- by way of  
2                   expression of a concern.

3                   On September 17<sup>th</sup>, '07, you ruled that people  
4                   will not be asked about the facts underlying allegations of  
5                   investigations of charges.

6                   **THE COMMISSIONER:** Absolutely.

7                   **MR. SHERRIFF-SCOTT:** And I worry that we're  
8                   getting into that zone. Thank you.

9                   **MR. RUEL:** The only thing I wanted to  
10                  establish is that the OPP went through the facts, the  
11                  allegations that were made by some people against you and  
12                  others. It's essentially what was discussed during this  
13                  interview; correct?

14                  **FATHER MALONEY:** What was discussed is on  
15                  this interview sheet, yes.

16                  **MR. RUEL:** Okay.

17                  **THE COMMISSIONER:** Right. But what he's  
18                  trying to do is summarize a little bit and put it into  
19                  context in that -- and subject to Mr. Sherriff-Scott's  
20                  objection was without going through all of that, the police  
21                  officer asked you about the allegations ---

22                  **FATHER MALONEY:** Yes.

23                  **THE COMMISSIONER:** --- that were outstanding  
24                  out there against you.

25                  **FATHER MALONEY:** Yes.

1                   **THE COMMISSIONER:** And you gave answers to  
2 those questions.

3                   **FATHER MALONEY:** That's correct.

4                   **THE COMMISSIONER:** Okay.

5                   **MR. RUEL:** So another example, just to --  
6 I'm not intending to go into details. You were asked about  
7 Ken Seguin, whether you knew him or not and whether you had  
8 attended to his place, and the answer was "no".

9                   **FATHER MALONEY:** That's correct.

10                  **MR. RUEL:** Okay. And at the end of the  
11 interview, it's at the page -- Bates page, the last three  
12 digits would be 438, the last paragraph.

13                  **FATHER MALONEY:** Four three eight (438)? I  
14 have 437 to finish.

15                  **THE COMMISSIONER:** Then maybe if you can  
16 look at the screen, sir?

17                  **FATHER MALONEY:** Okay.

18                  **THE COMMISSIONER:** So is this where you want  
19 him to be?

20                  **MR. RUEL:** I think we may be confused with  
21 the Bates pages which are on the top-left corner of the  
22 page.

23                  **THE COMMISSIONER:** Yes. And what page do  
24 you want to bring him to?

25                  **MR. RUEL:** It's 438.

1                   **THE COMMISSIONER:** Right. No, but I think  
2                   he's ---

3                   **FATHER MALONEY:** No, it's on different  
4                   numbering. If you say 437, this is 435 here. Is it not?  
5                   Oh, sorry. Sorry, I'm not computer literate. Thank you.

6                   **THE COMMISSIONER:** Okay. So we're on the  
7                   right page.

8                   **FATHER MALONEY:** Yes.

9                   **MR. RUEL:** So you were asked if there was  
10                  something you wanted to add and you mentioned that the  
11                  rumour mill in the town had been really active since the  
12                  summer. Is that your recollection?

13                  **FATHER MALONEY:** Yes.

14                  **MR. RUEL:** Rumours involving yourself?

15                  **FATHER MALONEY:** Involving a lot of people.

16                  **MR. RUEL:** Then at the bottom of the  
17                  paragraph, you mention, and I'll read it. It would be the  
18                  last sentence of that paragraph:

19                                 "I just hope that at one point or  
20                                 another when this investigation is  
21                                 over, that those responsible either  
22                                 through Crown Attorneys or through the  
23                                 OPP will issue the statement that a  
24                                 complete investigation has been done  
25                                 and that those who have been charged

1                   were all that's involved."

2                   Do you recall saying that?

3                   **FATHER MALONEY:** Yes.

4                   **MR. RUEL:** So what was your concern there?

5                   **FATHER MALONEY:** The names were out there,  
6 but there was never any -- there was never any sense of  
7 closure.

8                   **MR. RUEL:** Ever?

9                   **FATHER MALONEY:** No.

10                  **MR. RUEL:** Is that your -- I mean, do you  
11 know if the OPP published some type of -- or the Crown --  
12 some type of statement saying that, that the investigation  
13 was over and that those that were charged were the only  
14 ones?

15                  **FATHER MALONEY:** I don't know. I know that  
16 what I was referring to is that there are those who were  
17 accused and they were never charged, but they will wear  
18 that stamp the rest of their lives.

19                  **MR. RUEL:** Is that the feeling that -- you  
20 still believe that today?

21                  **FATHER MALONEY:** Yes, I believe that, yes.

22                  **MR. RUEL:** At the following page, you  
23 mention something about the Big Brothers and that you were  
24 asked to speak at the banquet, and I gather you were  
25 hesitant to go.



1                   So can you explain this -- I'd rather ask  
2                   you to explain the situation rather than read the document,  
3                   if I can.

4                   **FATHER MALONEY:** I was nominated for an  
5                   award for the Honorary Big Brother of the Year. I was  
6                   hesitant. Then I decided to accept it on the advice of the  
7                   police officers.

8                   **MR. RUEL:** So you went and accepted it ---

9                   **FATHER MALONEY:** Yes, I did.

10                  **MR. RUEL:** --- ultimately?

11                  **FATHER MALONEY:** Yes, I did.

12                  **MR. RUEL:** And what's the reason -- I guess  
13                  it's obvious, but what's the reason why you were hesitant  
14                  to attend?

15                  **FATHER MALONEY:** I did not want to bring bad  
16                  publicity to the organization.

17                  **MR. RUEL:** Did you have any other interview  
18                  or meeting or discussion with the OPP?

19                  **FATHER MALONEY:** Not to my recollection.

20                  **MR. RUEL:** In relation to those allegations?

21                  **FATHER MALONEY:** No, not to my recollection.

22                  **MR. RUEL:** Did they ever confirm to you that  
23                  you were not a suspect and that you wouldn't be charged in  
24                  relation to the allegations that were made?

25                  **FATHER MALONEY:** No.

1                   **MR. RUEL:** Is it something you would have  
2 wanted to happen?

3                   **FATHER MALONEY:** Yes.

4                   **MR. RUEL:** You were never charged?

5                   **FATHER MALONEY:** No, I wasn't.

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

7                   **MR. RUEL:** So I'd like to show you a  
8 document which is not already an exhibit. It's Document  
9 number 700931, so 700931.

10                   And, Mr. Commissioner, this is a letter.  
11 I'm just going to ask the witness if -- I guess he's given  
12 the answer already, but if he ever was even given this  
13 letter or the information contained in it, and I just want  
14 to mention that there's at least one name of a person here  
15 who is the subject of a moniker.

16                   **THE COMMISSIONER:** M'hm. So we'll stamp it  
17 with a publication ban.

18                   All right. So Exhibit number 1864 is the  
19 letter to Detective Inspector Hall dated August 15<sup>th</sup>, 2001  
20 from Lorne McConnery who is an Assistant Crown Attorney,  
21 Project Truth.

22                   **--- EXHIBIT NO./PIÈCE No. P-1864:**

23                   (700931) - (SUBJECT TO PUBLICATION BAN)

24                   Letter from Lorne McConnery to Pat Hall  
25                   dated 15 Aug 01

1                   **MR. RUEL:** Father, maybe you want to take a  
2 second or two just to take a look at the document?

3                   **FATHER MALONEY:** Thank you.

4                   **(SHORT PAUSE/COURTE PAUSE)**

5                   **MR. RUEL:** Father, are you ---

6                   **THE COMMISSIONER:** He's on the last page  
7 now.

8                   **MR. RUEL:** I'm sorry.

9                   **FATHER MALONEY:** Okay.

10                  **MR. RUEL:** Father, did you ever see this  
11 document?

12                  **FATHER MALONEY:** It was in some of the  
13 materials that I had to prepare.

14                  **MR. RUEL:** So essentially what this is it's  
15 an opinion from the Crown attorney's office as to whether  
16 charges could be laid against certain individuals.

17                  **FATHER MALONEY:** That's correct.

18                  **MR. RUEL:** And there's a mention here of an  
19 investigation of yourself regarding certain allegations.  
20 Did you know that you were under investigation by the OPP,  
21 or that the -- I'll rephrase that -- the allegations  
22 against you were investigated by the OPP?

23                  **FATHER MALONEY:** Did I know? Only from the  
24 interview that I had with Constable Seguin.

25                  **MR. RUEL:** What this document says

1 essentially is that the Crown attorney shares the view of  
2 the OPP police officer with respect to the credibility of  
3 the allegations, essentially saying that there is a  
4 credibility problem and that charges won't -- and on that  
5 basis that charges won't be laid against you and others.

6 So you indicated earlier you were not -- I  
7 mean, you were never given confirmation of that by the OPP  
8 or the Crown attorney's office.

9 **FATHER MALONEY:** No.

10 **MR. RUEL:** Okay.

11 **THE COMMISSIONER:** Okay, I may be a little  
12 off here but the interview with the OPP, Exhibit 678, makes  
13 no mention of the allegations contained in the letter from  
14 the Crown.

15 So you said you knew you were under  
16 investigation because the officers came and interviewed  
17 you. Is that what you mean?

18 **FATHER MALONEY:** With this interview that we  
19 just looked at I knew that they had questioned me about  
20 that.

21 **THE COMMISSIONER:** Right. But -- and I  
22 don't want to use -- I think the moniker is for subsection  
23 E; right?

24 So -- I guess if you look at E, the last  
25 page, paragraph E ---

1                   **FATHER MALONEY:** Last page, yes, okay.

2                   **THE COMMISSIONER:** Okay. And we can't  
3 mention the name of the person in there.

4                   **FATHER MALONEY:** Okay.

5                   **THE COMMISSIONER:** Did you know that that  
6 person had laid a complaint against you for allegations of  
7 sexual assault?

8                   **FATHER MALONEY:** Yes.

9                   **THE COMMISSIONER:** Okay. So how did you  
10 become aware of that?

11                   **FATHER MALONEY:** Through the Criminal  
12 Compensation Board.

13                   **THE COMMISSIONER:** All right. Pardon?  
14 Okay.

15                   **MR. RUEL:** That allegation, if I'm not  
16 mistaken, did appear but not in details in the response to  
17 demand for particulars. Is that correct?

18                   **FATHER MALONEY:** That's correct.

19                   **MR. RUEL:** There was mention of that but  
20 without details.

21                   **FATHER MALONEY:** That's right.

22                   **MR. RUEL:** You learned about the details  
23 later.

24                   **FATHER MALONEY:** That's correct.

25                   **MR. RUEL:** Before the Criminal Injuries

1 Compensation Board.

2 Now I'd like to move to another subject. In  
3 the year of 2000, is it accurate to say that some website -  
4 - internet websites appeared on which information  
5 concerning or allegation concerning abuse of young people  
6 were made; are you aware of that?

7 **FATHER MALONEY:** Yes, I am aware.

8 **MR. RUEL:** Are you computer savvy? Do you  
9 have a computer yourself?

10 **FATHER MALONEY:** The parish has a computer;  
11 I don't.

12 **MR. RUEL:** Are you using a computer?

13 **FATHER MALONEY:** I can play Free Cell and I  
14 can go and get email.

15 **THE COMMISSIONER:** Was that the case in  
16 2000?

17 **FATHER MALONEY:** Yes -- well, no. I knew  
18 less in 2000 than I do now.

19 **THE COMMISSIONER:** That's good. Always  
20 learning.

21 So were you in 2000 -- did you go on a  
22 computer and see what those websites were all about?

23 **FATHER MALONEY:** No, I didn't.

24 **MR. RUEL:** Were you informed of what the  
25 websites were saying?

1                   **FATHER MALONEY:** Yes.

2                   **MR. RUEL:** So there was some allegations  
3 directly made against you; is that correct?

4                   **FATHER MALONEY:** That's correct.

5                   **MR. RUEL:** Were they the same allegations as  
6 those that were -- that you've obtained through Mr.  
7 Dunlop's lawsuit before?

8                   **FATHER MALONEY:** Substantially, but I think  
9 the one -- the name we're not supposed to mention, that was  
10 also on the website.

11                   **MR. RUEL:** There was more information, is  
12 that correct, concerning this complaint?

13                   **FATHER MALONEY:** I believe so.

14                   **MR. RUEL:** More details?

15                   **FATHER MALONEY:** As far as I know.

16                   **THE COMMISSIONER:** Did you ever see any  
17 printed pages or were you just told of these things?

18                   **FATHER MALONEY:** I saw the printed pages  
19 later but I -- initially I was just told.

20                   **THE COMMISSIONER:** All right.  
21 And when did you see the pages?

22                   **FATHER MALONEY:** Different people would run  
23 off ---

24                   **THE COMMISSIONER:** Yeah. So was that during  
25 the course of this thing or months later or ---

1                   **FATHER MALONEY:** Months later.

2                   **MR. RUEL:** Again, the same question as I  
3 asked you before. How did you react to those allegations  
4 being made on the internet against you?

5                   **FATHER MALONEY:** I was even more angry with  
6 them because there was no way to fight them. I could not  
7 rely on the judicial system or anything. I felt that there  
8 was nothing I could do.

9                   **MR. RUEL:** Do you recall if there was -- for  
10 how long the website was active?

11                   **FATHER MALONEY:** I don't know.

12                   **MR. RUEL:** Do you recall if there was one or  
13 two websites or if ---

14                   **FATHER MALONEY:** I don't recall. But I was  
15 told that there was more than one.

16                   **MR. RUEL:** So there were allegations against  
17 you. But were there allegations against other people as  
18 well on the website?

19                   **FATHER MALONEY:** Oh, yes.

20                   **MR. RUEL:** Okay.

21 I'd like to show you Exhibit 799.

22                   **THE COMMISSIONER:** Thank you.

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

24                   **THE COMMISSIONER:** So do you have it, sir?

25                   **FATHER MALONEY:** Yes.



1                   **THE COMMISSIONER:** We all have it.

2                   **MR. RUEL:** Yes. Do you recognize this  
3 document, Father?

4                   **FATHER MALONEY:** Yes, I do.

5                   **MR. RUEL:** This is a Statement of Claim  
6 filed by your counsel on September 19<sup>th</sup>, 2000. And the  
7 plaintiffs are all clergy members.

8                   **FATHER MALONEY:** Yes.

9                   **MR. RUEL:** And you're a member -- one of  
10 those plaintiff's; correct?

11                   **FATHER MALONEY:** That's correct.

12                   **MR. RUEL:** Another plaintiff is Eugene  
13 Philippe Larocque. Is that Bishop Larocque?

14                   **FATHER MALONEY:** Yes, it is.

15                   **MR. RUEL:** And you're suing a number of  
16 individuals.

17                   **FATHER MALONEY:** Yes.

18                   **MR. RUEL:** Who are those people, the  
19 defendants?

20                   **FATHER MALONEY:** Who are they; pardon me?

21                   **MR. RUEL:** Who are those people, who are  
22 they?

23                   **FATHER MALONEY:** They are -- they were  
24 responsible for the website.

25                   **MR. RUEL:** Okay. So what was the purpose of

1           this lawsuit?

2                         **FATHER MALONEY:** To stop the website.

3                         **MR. RUEL:** So the decision to take legal  
4           action against the website operators, was that a common  
5           decision made by those -- the plaintiffs mentioned here?

6                         **FATHER MALONEY:** Yes, it was.

7                         **MR. RUEL:** Did you initiate that? How did  
8           that happen?

9                         **FATHER MALONEY:** Did I personally initiate  
10          it?

11                        **MR. RUEL:** Yes.

12                        **FATHER MALONEY:** No.

13                        **MR. RUEL:** Who initiated that?

14                        **FATHER MALONEY:** I don't know. There was a  
15          discussion, there was an agreement and we went forward.

16                        **MR. RUEL:** How -- what was the Bishop's  
17          involvement in that decision?

18                        **FATHER MALONEY:** The Bishop was involved in  
19          all of the discussions that we had on this matter and he  
20          concurred with us.

21                        **THE COMMISSIONER:** So this is a discussion  
22          you had with the plaintiffs?

23                        **FATHER MALONEY:** Yes. Yes, sir. sorry.

24                        **MR. RUEL:** So essentially you were seeking  
25          damages against those defendants; is that correct?

1                   **FATHER MALONEY:** Yes.

2                   **MR. RUEL:** And an injunction against those  
3 defendants from publishing the information on the website?

4                   **FATHER MALONEY:** That's correct.

5                   **MR. RUEL:** There's a mention here of two  
6 websites being published; one was in July of 2000, the  
7 second was in August, I believe, of 2000; is that your  
8 recollection?

9                   **FATHER MALONEY:** I don't remember. Sorry.

10                  **MR. RUEL:** Do you know what was the result  
11 of that lawsuit?

12                  **FATHER MALONEY:** Yes, there was an agreement  
13 and the website was pulled, closed down, whatever the  
14 proper terminology is.

15                  **MR. RUEL:** Was that to your satisfaction?

16                  **FATHER MALONEY:** Yes.

17                  **MR. RUEL:** There's a document here which has  
18 already been filed as an exhibit which is Exhibit 802.

19                  **THE COMMISSIONER:** Same book, yeah.

20                                Okay, we're there.

21                  **MR. RUEL:** Yes. Did you -- this is a  
22 consent to dismissal of an action against one of the  
23 defendant, Dick Nadeau. And the second document, I  
24 believe, which is part of this exhibit is a notice of  
25 discontinuance of the action against Dick Nadeau without

1 cost. Do you recall that?

2 FATHER MALONEY: Yes.

3 MR. RUEL: So is this the settlement you're  
4 referring to?

5 FATHER MALONEY: Yes, it is.

6 MR. RUEL: So it's against Dick Nadeau?

7 FATHER MALONEY: Yes.

8 MR. RUEL: That's dated August 23, 2001?

9 FATHER MALONEY: Yes.

10 MR. RUEL: So about a year later?

11 FATHER MALONEY: Yes.

12 MR. RUEL: And do you know if the case was  
13 settled against the other defendants?

14 FATHER MALONEY: No, I don't remember.

15 MR. RUEL: You don't recall?

16 FATHER MALONEY: No.

17 MR. RUEL: A witness before this Commission,  
18 Mr. Guzzo indicated that he had obtained information that  
19 the case was settled following payment of costs to some of  
20 the defendants in the United States. Have you ever heard  
21 of anything of that nature?

22 FATHER MALONEY: I don't remember that.

23 MR. RUEL: So as far as you're concerned,  
24 the case was settled to your satisfaction. And that  
25 settlement involved that the website wouldn't be -- would

1 be shut down essentially?

2 **FATHER MALONEY:** That's correct.

3 **THE COMMISSIONER:** Might we -- are you  
4 finished with that document

5 **MR. RUEL:** Yes.

6 **THE COMMISSIONER:** Okay, what I'd like to do  
7 is stop for the day and canvass people as to how we're  
8 going to organize tomorrow.

9 So do you have an idea Maître Ruel, how long  
10 you're going to be to finish this?

11 **MR. RUEL:** I should be less than an hour.

12 **THE COMMISSIONER:** Okay. And cross-  
13 examination; do people have an idea.

14 Mr. Wardle?

15 **MR. STRAWCZYNSKI:** I don't expect to be long  
16 at all, 15 minutes.

17 **THE COMMISSIONER:** I'm sorry?

18 **MR. STRAWCZYNSKI:** Fifteen (15) minutes.

19 **THE COMMISSIONER:** All right. And Mr. Paul?

20 **MR. PAUL:** Half an hour.

21 **THE COMMISSIONER:** Half an hour.

22 All right, Mr. Lee?

23 **MR. LEE:** I'm guessing at this point but I  
24 would think around half an hour.

25 **THE COMMISSIONER:** All right. Where else do

1 I go? Mr. Chisholm?

2 MR. CHISHOLM: Five or less, sir.

3 THE COMMISSIONER: Five hours?

4 (LAUGHTER/RIRES)

5 MR. CHISHOLM: Five minutes, sir.

6 THE COMMISSIONER: All right, Mr. Fok?

7 MR.FOK: No questions.

8 THE COMMISSIONER: All right.

9 MS. ROBITAILLE: No examination anticipated.

10 THE COMMISSIONER: All right and then where

11 do we go? We go over to Mr. Ertle?

12 MR. ERTLE: I don't expect anything.

13 THE COMMISSIONER: All right.

14 Mr. Rose?

15 MR. ROSE: It will be five or less, sir.

16 THE COMMISSIONER: Okay. Mr. Kozloff?

17 MR. KOZLOFF: No.

18 THE COMMISSIONER: Mr. Carroll?

19 MR. CARROLL: About the same, five.

20 MEMBER: All right, so I guess we can --

21 yes?

22 MS. LALJI: Five minutes or less.

23 THE COMMISSIONER: All right. So we can

24 start tomorrow morning at 9:30 and we should be able to

25 finish in good time tomorrow morning.

1 So you okay?

2 **FATHER MALONEY:** Oh yeah. Yes, sir.

3 **THE COMMISSIONER:** Thank you. Nine-thirty  
4 tomorrow morning. Thank you.

5 **FATHER MALONEY:** Thank you.

6 **THE REGISTRAR:** Order, all rise. À l'ordre;  
7 veuillez vous lever.

8 This hearing is adjourned till tomorrow  
9 morning at 9:30 a.m.

10 --- Upon adjourning at 5:02 p.m./

11 L'audience est ajournée à 17h02

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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Dale Waterman, CM