

**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 253

Held at :

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

Monda, July 14 2008

Tenue à:

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

Lundi, le 14 juillet 2008

ERRATA

December 5th, 2007
Volume 172

Page 97, line 16 to 19

MR. RUEL: --- so I'd be surprised, unless they again employed one of the investigative units that we've talked about or some outside source, that they would actually be conducting an investigation themselves.

Should have read

MR. DOWNING: --- so I'd be surprised, unless they again employed one of the investigative units that we've talked about or some outside source, that they would actually be conducting an investigation themselves.

June 11th, 2008
Volume 242

Page 68, line 23

MR. ENGELMANN: No, I asked him. I said, "So where is -- where does the Diocese get \$32,000?" And that's when he broke it down. He said that the Diocese paid \$10,000 and he qualified -- he qualified these numbers by saying, "Listen, we believed and Father MacDougal believed that this man needed extreme counselling and this was going to pay for the counselling".

Should have read:

MR. SHAVER: No, I asked him. I said, "So where is -- where does the Diocese get \$32,000?" And that's when he broke it down. He said that the Diocese paid \$10,000 and he qualified -- he qualified these numbers by saying, "Listen, we believed and Father MacDougal believed that this man needed extreme counselling and this was going to pay for the counselling".

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Maya Hamou	Commission Counsel
Ms. Karen Jones Mr. Peter Manderville	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
Ms. Marie Henein M ^e Danielle Robitaille Mr. Steven Skurka	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Jacques Leduc	Mr. Jacques Leduc

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1 --- Upon commencing at 1:09 p.m./

2 L'audience débute à 13h09

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
10 afternoon, all.

11 Mr. Engelmann.

12 **MR. ENGELMANN:** Good afternoon, Mr.
13 Commissioner.

14 Just before we call the next witness, I just
15 wanted to deal with a couple of housekeeping matters ---

16 **THE COMMISSIONER:** Certainly.

17 **MR. ENGELMANN:** --- to let you know what's
18 happening for the week ---

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

20 **MR. ENGELMANN:** --- and inform the public.
21 Today -- but just before I do, this
22 afternoon we have Steven Skurka with us.

23 **MR. SKURKA:** Good afternoon, Mr.
24 Commissioner.

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

1 afternoon, sir, rather.

2 **MR. ENGELMANN:** Mr. Skurka is one of the
3 counsel for Jacques Leduc. Next to him, of course, we have
4 Danielle Robitaille, whom you know.

5 **THE COMMISSIONER:** Yes.

6 **MR. ENGELMANN:** We also have Giuseppe
7 Cipriano back with us.

8 **THE COMMISSIONER:** Yes. Good seeing you,
9 sir.

10 **MR. ENGELMANN:** We haven't seen him for a
11 while.

12 **THE COMMISSIONER:** Yes.

13 **MR. ENGELMANN:** And I think everybody else
14 you've seen recently. Well, no, you haven't seen Mr.
15 Neuberger for a while.

16 **THE COMMISSIONER:** Mr. Neuberger, yes.

17 **MR. NEUBERGER:** I feel left out.

18 **MR. ENGELMANN:** I'm terribly sorry. He's
19 back with us.

20 Sir, so today my colleague Karen Jones will
21 be ---

22 **THE COMMISSIONER:** Yes.

23 **MR. ENGELMANN:** --- leading the evidence of
24 Jacques Leduc. We anticipate that the chief will go today
25 and pretty well all the day tomorrow.

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

2 **MR. ENGELMANN:** And that the cross-
3 examination will take place on Wednesday.

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

5 **MR. ENGELMANN:** As for Thursday, we have a
6 motion that's been scheduled. This is a motion filed by a
7 lawyer named Eldon Horner on behalf of his client, Ron
8 Wilson. That's a motion to excuse Mr. Wilson from
9 testifying. Mr. Horner will be filing his materials
10 tomorrow. Any counsel for parties opposed have to file
11 their materials on Wednesday, and I indicated to counsel
12 that you would be giving us some direction on timing for
13 the argument of the motion on Thursday morning.

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

15 As well, sir, we've had a change in our
16 schedule. It's no longer Père Lebrun. It's Père Bernard
17 Ménard. Il va faire son témoignage jeudi.

18 After Père Ménard, we have Monsignor Peter
19 Schonenbach who will be testifying. Ménard en français;
20 Schonenbach in English, and that's this week.

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

22 **MR. ENGELMANN:** We have Diocese evidence
23 next week as well.

24 **THE COMMISSIONER:** We have what?

25 **MR. ENGELMANN:** We have the Diocese evidence

1 continuing next week as well.

2 **THE COMMISSIONER:** Yes.

3 **MR. ENGELMANN:** So that's your week, sir.

4 We'll leave you in the capable hands of Ms. Jones, who will
5 be leading the next witness.

6 **THE COMMISSIONER:** Thank you.

7 **MR. ENGELMANN:** Thank you.

8 **THE COMMISSIONER:** Ms. Jones?

9 **MS. JONES:** Yes, good afternoon, Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Good afternoon.

12 Monsieur Leduc?

13 **MS. JONES:** Yes. Just call Mr. Leduc,
14 please.

15 **THE COMMISSIONER:** Yes, come forward,
16 please.

17 Madam Clerk, could you swear in the witness?

18 **JACQUES LEDUC, Sworn/Assermenté:**

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

20 **MR. LEDUC:** Good afternoon.

21 **THE COMMISSIONER:** How are you doing today?

22 **MR. LEDUC:** Fine, thank you.

23 **THE COMMISSIONER:** There's water -- a fresh-
24 water pitcher. I'd ask you to bring down the microphone so
25 you can speak into it so we can hear you properly.

1 There is a speaker that's on full-blast
2 there. So if it gets noisy, you can bring it down a bit.

3 We probably will be showing you some
4 documents. They'll be in hard copy or on on the computer.

5 If at any time you need a break or there's
6 something you don't understand or you're uncomfortable with
7 something, please address me and we'll take care of it.

8 Other than that, I'd like you to listen to
9 the questions, answer them to the best of your abilities.
10 If you don't understand, you can tell me that. If you
11 don't remember, you can tell me, and if you don't know,
12 that's all fine too.

13 Do you have any questions at this point?

14 **MR. LEDUC:** None at all. Thank you, Mr.
15 Commissioner.

16 **THE COMMISSIONER:** Thank you.

17 Go ahead.

18 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN CHEF PAR MS.**

19 **JONES:**

20 **MS. JONES:** Thank you, Mr. Leduc.

21 As you know, we've already met and we had
22 canvassed the major areas that we would be discussing, but
23 for the benefit of the public, just to outline the areas
24 that we're going to be talking about in the next couple of
25 days.

1 First of all, we're going to be going over
2 your background. You're a lawyer, and we're going to be
3 looking at specific areas of training that you had.

4 We're also going to be looking at your role
5 in the matter that involved Father Gilles Deslauriers and
6 the second major part of the evidence will be attributed to
7 the settlement or the release that involved David Silmser.

8 So that's going to be sort of the other half
9 of your testimony. So that's what we're going to be doing
10 over the next couple of days.

11 So the first area that I'd like to canvass
12 with you, please, is your background, and I'm going to lead
13 you through the evidence as best I can, and if I'm
14 incorrect or if I've misstated or if I've left something
15 out, please feel free to interject.

16 I understand that you were born on March
17 30th, 1951 and raised here in Cornwall, Ontario, and you
18 attended Collège Classique de Cornwall and St. Lawrence
19 High School. Is that correct?

20 **MR. LEDUC:** That's correct.

21 **MS. JONES:** And you actually finished Grade
22 13 high school from St. Lawrence?

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

24 **MS. JONES:** You then attended the University
25 of Ottawa and completed your LLB or your law school

1 training in 1976. You were called to the Ontario Bar in
2 1978 and you articulated and practised law for four years at
3 the firm of Adams, Bergeron and Sherwood?

4 MR. LEDUC: That's correct.

5 MS. JONES: You had attended earlier than
6 that the University of Ottawa and had a B.A. in Literature,
7 specifically English Literature, and you actually completed
8 a Master's in English Literature between '72 and '73?

9 MR. LEDUC: I did not complete the Master's.

10 MS. JONES: Okay. You just studied the
11 Master's and then went on to law school?

12 MR. LEDUC: I did one year of graduate work.

13 MS. JONES: Okay. In your last year of law
14 school, I understand you were also President of the Student
15 Federation at the Faculty of Common Law?

16 MR. LEDUC: Yes, I was.

17 MS. JONES: Okay. And after law school and
18 articling and being called to the Bar, you then received
19 your Bachelor and Master's in Canon Law from St. Paul's
20 University, and I believe you finished in 1979?

21 MR. LEDUC: The same year I completed the
22 Bar was the first degree and the second degree, the
23 Master's, came the following year.

24 MS. JONES: The following year in 1979.

25 And the certificate that you have from St.

1 Paul's, I believe it's actually called a licence in canon
2 law. Is that correct?

3 MR. LEDUC: I believe that's correct.

4 MS. JONES: And I'm just wondering if you
5 could distinguish between the two degrees because you've
6 mentioned already that you have two degrees, one in '78 and
7 one in '79. What's the distinction there?

8 MR. LEDUC: One is the first canon law
9 degree and the other one is a post-graduate degree.

10 MS. JONES: And what sort of prerequisites
11 do you need to get into there? Did you have those
12 prerequisites?

13 MR. LEDUC: I don't recall, but there were
14 some theology courses that I had to take and some readings
15 I had to undertake to qualify, yes.

16 MS. JONES: To qualify before you got
17 admitted?

18 MR. LEDUC: Before I got admitted and as I
19 was studying.

20 MS. JONES: Okay. So, in essence, once
21 you've received this training you can hold yourself out to
22 be a trained or qualified canon lawyer. Is that a proper
23 term?

24 MR. LEDUC: I would just say that I've
25 studied canon law and that I have two degrees.

1 **MS. JONES:** Okay. And in your studies, you
2 studied both the new and the old Code of Canon Law?

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

4 **MS. JONES:** In 2001, just to finish up your
5 education here, you also completed a mediation course and
6 got a certificate from the Canadian Institute for Conflict
7 Resolution?

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

9 **MS. JONES:** And am I also correct in stating
10 you're still a practising lawyer today?

11 **MR. LEDUC:** Yes, I am.

12 **MS. JONES:** With the Bar of Ontario?

13 **MR. LEDUC:** Yes, I am.

14 **MS. JONES:** And have you had any other
15 provincial bars or state bars in the meantime?

16 **MR. LEDUC:** No.

17 **MS. JONES:** And you have -- I would also
18 assume, as you're still practising, you're doing the
19 typical CLE or continuing legal education courses
20 throughout your time as a practitioner?

21 **MR. LEDUC:** As best I can, yes.

22 **MS. JONES:** Is there any sort of speciality
23 that you take when completing your CLE? Is there a special
24 area you focus in?

25 **MR. LEDUC:** At present, I'm focussing on

1 employment law.

2 MS. JONES: I understand for quite a while
3 you were a real estate lawyer?

4 MR. LEDUC: I did general practice for 30
5 years.

6 MS. JONES: And did you focus on any
7 specific area within that general practice?

8 MR. LEDUC: Just general practice. It was
9 easier to say what I would not do.

10 MS. JONES: So can you describe that,
11 please?

12 MR. LEDUC: Sure. I would basically
13 undertake general practice which included real estate,
14 estates, some matrimonial, very little of it, but corporate
15 and commercial. I did not do tax law. I did not do
16 environmental law. I did not do criminal law. I did very
17 little litigation, no matrimonial litigation.

18 MS. JONES: And is it fair to say no
19 criminal litigation?

20 MR. LEDUC: None.

21 MS. JONES: Now, from time-to-time between
22 1978 and 1994, I understand you were retained by the Roman
23 Catholic Episcopal Corporation for the Diocese of
24 Alexandria-Cornwall?

25 MR. LEDUC: From time-to-time, yes.

1 **MS. JONES:** From time-to-time. And we're
2 going to call that organization "the Diocese" from now on
3 ---

4 **MR. LEDUC:** That's correct.

5 **MS. JONES:** --- because it's quite a lengthy
6 name.

7 And when you were retained you were asked to
8 act on a variety of matters. Would it be fair to say
9 principally on real estate issues for the Diocese. If you
10 look at the number of contacts you had with them, was that
11 your main function as their lawyer?

12 **MR. LEDUC:** I think that would be a fair
13 assessment.

14 **MS. JONES:** You are maintaining you were
15 never retained by the Diocese on an annual or general
16 basis?

17 **MR. LEDUC:** That's correct.

18 **MS. JONES:** And you were just retained on a
19 case-by-case basis?

20 **MR. LEDUC:** That's correct.

21 **MS. JONES:** I'm just wondering too, as a
22 real estate lawyer, you said that you didn't do matrimonial
23 litigation or criminal litigation. Just going back to
24 that, as a real estate lawyer or general practitioner, did
25 that require you to go to the courthouse at all at

1 Cornwall?

2 MR. LEDUC: Yes, I would attend the
3 courthouse, not as frequently as my colleagues who were
4 there on a regular basis, but I would attend the
5 courthouse, yes.

6 MS. JONES: And what would bring you to the
7 courthouse then if you didn't do litigation?

8 MR. LEDUC: Filings, Small Claims Court.

9 MS. JONES: So the civil side of things?

10 MR. LEDUC: Yes, yes.

11 MS. JONES: Rather than criminal side of
12 things?

13 MR. LEDUC: Yes.

14 MS. JONES: And the filing areas for civil
15 claims, I don't know about the Cornwall courts in that time
16 period when you were doing your general practising, but was
17 it in one area distinct in the courthouse versus the
18 courtrooms?

19 MR. LEDUC: There were two different
20 courthouses in that period and, yes, the Registrar's office
21 is separate from the courthouse's -- from the courtrooms.

22 MS. JONES: So criminal court cases would be
23 heard in one building and the civil filing and Small Claims
24 Court, real estate documents, even matrimonial documents--
25 would be in another building?

1 **MR. LEDUC:** It would depend whether or not
2 it was a Provincial Court matter; then it would be held at
3 Provincial Court in a separate building at a certain point-
4 in-time.

5 If it was a Superior Court matter, then it
6 would be held at the other courtroom during certain times
7 and since we have the new courtroom in Cornwall, it's all
8 in the same courtroom.

9 **MS. JONES:** Well, I know now it is, but back
10 then, they were separate buildings?

11 **MR. LEDUC:** Yes.

12 **MS. JONES:** That's what I'm trying to
13 establish here.

14 **MR. LEDUC:** Yes.

15 **MS. JONES:** Okay. I also understand that
16 you have sat as a judge on matrimonial tribunals and,
17 again, this is, I believe, as your role as lawyer for the
18 Diocese?

19 **MR. LEDUC:** No.

20 **MS. JONES:** That's not?

21 **MR. LEDUC:** No.

22 **MS. JONES:** Was this -- what was your role
23 then in doing that?

24 **MR. LEDUC:** Sitting as a collegial judge on
25 the matrimonial tribunal was an appointment, which was

1 basically made from time-to-time to assist the tribunal as
2 a judge.

3 **MS. JONES:** But which matrimonial tribunal
4 would be convening? Who ---

5 **MR. LEDUC:** It is called the Toronto
6 Regional Matrimonial Tribunal, which is a Catholic church
7 tribunal to examine the petitions of individuals who want
8 to have their marriages nullified.

9 **MS. JONES:** So it was then affiliated in
10 some way to a diocese or the Catholic church?

11 **MR. LEDUC:** Yes.

12 **MS. JONES:** Is that a ---

13 **MR. LEDUC:** The Catholic church, yes.

14 **MS. JONES:** --- better classification?

15 **MR. LEDUC:** Yes.

16 **MS. JONES:** And were you at the time a
17 practising Roman Catholic yourself?

18 **MR. LEDUC:** Yes.

19 **MS. JONES:** And was your time there on the
20 matrimonial tribunal, was that about 25 or 26 years?

21 **MR. LEDUC:** Yes.

22 **MS. JONES:** And do you know the exact years
23 that you were there or are you still there today?

24 **MR. LEDUC:** No. The local tribunal has been
25 -- it doesn't function any more. The tribunal now

1 functions, I believe, out of Toronto. It was always the
2 Toronto Regional Tribunal having its local office in
3 Cornwall.

4 I believe three or four years ago is the
5 time at which my participation stopped because the local
6 tribunal wasn't functioning anymore.

7 **MS. JONES:** And what was your role? Like
8 what was it that you did on this tribunal?

9 **MR. LEDUC:** I assumed two different
10 functions; sometimes I was a collegial judge and sometimes
11 I took the office of the defender of the bond.

12 **MS. JONES:** So what does that mean?

13 **MR. LEDUC:** The purpose of the collegial
14 judge is, together with two other judges, to adjudicate on
15 the matter before the tribunal, which is whether or not the
16 -- this marriage is null.

17 The office of the defender of the bond has a
18 very specific purpose in defending the bond of matrimony.
19 So he or she is the advocate pleading in favour of the
20 bond.

21 **MS. JONES:** So essentially you're arguing in
22 favour of keeping the marriage together?

23 **MR. LEDUC:** That's correct. No ---

24 **MS. JONES:** No?

25 **MR. LEDUC:** --- the defender of the bond

1 argues in favour of the evidence supporting that the
2 marriage is valid.

3 **MS. JONES:** Okay. And I don't know if this
4 is the same role or not because I'm not familiar with the
5 terms, but I also understand you were former judge of the
6 Canadian Ecclesiastical Appeal Tribunal of Canada based in
7 Ottawa?

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

9 **MS. JONES:** And could you please describe
10 what that is?

11 **MR. LEDUC:** The tribunals in Canada have
12 various levels as the civil tribunals do. So there are
13 various levels of appeal and the ultimate level in Canada
14 is this particular tribunal and for a very short while,
15 maybe two years, I was a collegial judge on that tribunal.

16 **MS. JONES:** And your role as judge or
17 collegial judge and your participation on these tribunals
18 did not have anything to do with your function as counsel
19 in any way for the Diocese here in Cornwall?

20 **MR. LEDUC:** No.

21 **MS. JONES:** They're separate and distinct
22 roles?

23 **MR. LEDUC:** Absolutely.

24 **MS. JONES:** And just to again go back to
25 your role as the Diocese -- with the Diocese here, I

1 believe you stated you acted on limited retainers for
2 certain functions?

3 MR. LEDUC: That's correct.

4 MS. JONES: You were retained for certain
5 functions and you were not a compliance officer in the
6 Diocese?

7 MR. LEDUC: No, I was not.

8 MS. JONES: Could you please explain what
9 that means?

10 MR. LEDUC: Well, I understand from your
11 question that a compliance officer would be responsible to
12 see that the organization complied with rules and
13 regulations, if that's what you mean by a compliance
14 officer.

15 My role was very simple. I was a barrister
16 and solicitor and I acted for the Diocese as the Diocese
17 required me to from time-to-time.

18 MS. JONES: Do you know of any other lawyers
19 that were hired, in the Cornwall area even, that had a
20 similar function as you did for the Diocese?

21 MR. LEDUC: Other lawyers have acted for the
22 Diocese in various other instances in the Diocese, yes.

23 MS. JONES: I just mean during the time you
24 were acting ---

25 MR. LEDUC: Yes.

1 **MS. JONES:** --- on occasion for the Diocese.

2 **MR. LEDUC:** Yes.

3 **MS. JONES:** And would it be fair to classify
4 that you would be the one they would go to first for
5 assistance?

6 **MR. LEDUC:** Not necessarily.

7 **MS. JONES:** And was it clear what you could
8 and couldn't do for the Diocese? Would they go to another
9 lawyer for another area of speciality, for example?

10 **MR. LEDUC:** If it was a matter that I was
11 not able to do, I would so advise.

12 **MS. JONES:** Okay. And I also understand
13 that when you studied canon law in St. Paul's, you did not
14 have a speciality per se when you had your studies for
15 those two years?

16 **MR. LEDUC:** No.

17 **MS. JONES:** So it was what we'd call maybe a
18 general degree?

19 **MR. LEDUC:** Absolutely.

20 **MS. JONES:** When you started to represent
21 the Diocese on occasion, did you develop any sort of
22 speciality just by virtue of the fact you were representing
23 them on the same sort of matters?

24 **MR. LEDUC:** Are you referring to canon law?

25 **MS. JONES:** In canon law?

1 **MR. LEDUC:** No.

2 **MS. JONES:** So you didn't develop any sort
3 of speciality as a result of your work for the Diocese
4 within canon law?

5 **MR. LEDUC:** Other than my tribunal work, I
6 did not advise the Diocese on canon law matters.

7 **THE COMMISSIONER:** Can you -- excuse me,
8 sir. What prompted you to take two years and study canon
9 law?

10 **MR. LEDUC:** The real answer is circumstance,
11 just a circumstance where I was present and it was being
12 discussed and it was of interest to me, and the
13 circumstance allowed me to do it.

14 **THE COMMISSIONER:** Okay. And what were your
15 aspirations in so doing?

16 **MS. JONES:** To assist the church in Canada.
17 At that time, there were, I think, one or two other civil
18 lawyers who had this kind of background. And I understood
19 that the Church more and more needed the -- both sides of
20 it.

21 **THE COMMISSIONER:** M'hm, thank you.

22 **MS. JONES:** The other lawyers that you were
23 familiar with who were retained from time-to-time by the
24 Diocese, and Cornwall is a small place. I assume you would
25 know who these people were from time-to-time that they

1 would retain?

2 MR. LEDUC: I would recall some of them,
3 yes.

4 MS. JONES: Did any of them, to your
5 knowledge anyway, have any sort of specialized training in
6 canon law such as yourself?

7 MR. LEDUC: Not that I know of.

8 MS. JONES: Was there anyone in Cornwall
9 besides yourself that you knew of, another lawyer that had
10 canon law training?

11 MR. LEDUC: A civil lawyer?

12 MS. JONES: Yes.

13 MR. LEDUC: Not that I know of, no.

14 MS. JONES: I understand after your years of
15 practising with partners, you became a sole practitioner in
16 2001 and you practised as a sole practitioner until 2007.
17 And I understand you retired from private practice in July,
18 2007 and now work as in-house counsel for an automotives
19 part company here in Cornwall?

20 MR. LEDUC: That's correct.

21 MS. JONES: And that's where you -- you
22 still are there today?

23 MR. LEDUC: That's correct.

24 MS. JONES: And I also understand that
25 you've sat on numerous goodwill boards, including Separate

1 School Trustee of Stormont, Dundas and Glengarry, the Roman
2 Catholic Separate School Board, Cornwall Family Counselling
3 Centre; Hotel Dieu Hospital Comprehensive Planning
4 Committee; le Petit patriote, a not-for-profit corporation
5 assisting in vocational training and professional
6 organizations, and you were also a founding member of the
7 Maison Baldwin House which is a home for battered women and
8 children.

9 MR. LEDUC: That's correct.

10 MS. JONES: Is there anything else I'm
11 missing there with regards to any boards that you sat on?

12 MR. LEDUC: In relation to the Cornwall
13 area?

14 MS. JONES: Yes.

15 MR. LEDUC: No.

16 MS. JONES: Or anything else of notes as far
17 as your background you would wish us to be aware of?

18 MR. LEDUC: Canadian Bar Association,
19 Ontario Bar Association, the other usual professional
20 associations.

21 MS. JONES: Okay. From your legal
22 profession.

23 MR. LEDUC: Association des juristes
24 d'expression française.

25 MS. JONES: Okay. Just briefly, before we

1 start into the material, I just want to ask you also about
2 your contact or relationship or level of relationship with
3 certain -- what we call people of interest and these are
4 people that have been mentioned fairly regularly here in
5 the Inquiry and this is a pretty standard sort of a
6 question that witnesses are asked just to see if there's an
7 overlap or how well you knew someone or if you didn't them
8 at all.

9 So I'm just going to put a few names to you
10 and I'm just wondering if you can tell me what sort of
11 relationship, if you had one with this person; if you were
12 close; if you had seen each other just rarely or
13 frequently, or something of that nature.

14 The first person is Ken Seguin. Did you
15 have contact with him?

16 **MR. LEDUC:** Never.

17 **MS. JONES:** You never met him?

18 **MR. LEDUC:** Never.

19 **MS. JONES:** Jeannine Seguin?

20 **MR. LEDUC:** Jeannine Seguin, yes.

21 **MS. JONES:** And how is it you know her?

22 **MR. LEDUC:** She was a fellow Catholic school
23 board trustee.

24 **MS. JONES:** And for how long; several years?

25 **MR. LEDUC:** I would say several years, yes.

1 **MS. JONES:** Bishop Proulx?

2 **MR. LEDUC:** He was the local bishop but I
3 have never dealt with him.

4 **MS. JONES:** With him professionally you
5 mean?

6 **MR. LEDUC:** Or any other way.

7 **MS. JONES:** Okay. And Malcolm MacDonald?

8 **MR. LEDUC:** He was a member of the local
9 Bar.

10 **MS. JONES:** And your dealings with him?

11 **MR. LEDUC:** I knew him as a lawyer but
12 certainly not socially or in any other way.

13 **MS. JONES:** We're going to be talking about
14 the involvement that he had and yourself with the David
15 Silmsler matter. Besides that involvement, did you have any
16 other dealings in any other files with him as a lawyer?

17 **MR. LEDUC:** Sporadically. I remember one
18 real estate transaction, possibly an estate, but I have no
19 distinct memory of anything else.

20 **MS. JONES:** Claude Shaver?

21 **MR. LEDUC:** The former Chief of Police?

22 **MS. JONES:** Yes.

23 **MR. LEDUC:** I knew of him. I may have met
24 him.

25 **MS. JONES:** Murray MacDonald, the Crown

1 Attorney?

2 MR. LEDUC: Yes, he's a member of the Bar
3 and I've spoken with him occasionally and that's it.

4 MS. JONES: Personal friends or ---

5 MR. LEDUC: Professionally only. No.

6 MS. JONES: Just professional. Okay.
7 What about Duncan McDonald, also a lawyer?

8 MR. LEDUC: Yes. Very senior, well-
9 respected member of the local Bar. He would be in
10 attendance at the Jade Garden when lawyers used to meet for
11 lunch and that was basically my contact with Mr. McDonald;
12 and of course, real estate, some estates.

13 MS. JONES: And what about a personal
14 relationship?

15 MR. LEDUC: No.

16 MS. JONES: No. Okay.

17 Karen Derochie?

18 MR. LEDUC: That's the legal assistant?

19 MS. JONES: Yes, that's right.

20 MR. LEDUC: I knew Karen as a legal
21 assistant in this legal community and if I'm not mistaken,
22 she also did work for me on a contractual basis.

23 MS. JONES: Okay. What about the Knights of
24 Columbus; have you ever been a member of the Knights of
25 Columbus?

1 **MR. LEDUC:** I still am.

2 **MS. JONES:** You still are. And when did you
3 join the Knights of Columbus?

4 **MR. LEDUC:** I'm guessing but I would say '77
5 or '78.

6 **MS. JONES:** And were you aware of the
7 elevated position Malcolm MacDonald has had within the
8 Knights of Columbus?

9 **MR. LEDUC:** What do you mean by elevated
10 position?

11 **MS. JONES:** That there was an elevated
12 position that he had at one point within the Knights of
13 Columbus? Were you aware of that?

14 **MR. LEDUC:** I know he was very active in the
15 organization. I may remember him being maybe a Grand
16 Knight, but I'm not sure.

17 **THE COMMISSIONER:** A Grand Knight, yes.

18 **MS. JONES:** Yes, okay. But did you have any
19 contact with him in that realm at the Knights of Columbus?

20 **MR. LEDUC:** No.

21 **MS. JONES:** And what about Father
22 Vaillancourt?

23 **MR. LEDUC:** Denis Vaillancourt?

24 **MS. JONES:** Yes.

25 **MR. LEDUC:** He's a good friend.

1 MS. JONES: And how long have you been
2 friends?

3 MR. LEDUC: Since I was 14, since I started
4 to the Collège.

5 MS. JONES: Did you go to the Collège
6 together?

7 MR. LEDUC: He was older than I was, yes.

8 MS. JONES: And I understand, did you go to
9 St. Paul's together as well?

10 MR. LEDUC: Yes. Yes.

11 MS. JONES: At the same time?

12 MR. LEDUC: Yes.

13 MS. JONES: Yeah.

14 MR. LEDUC: He was -- not during his
15 seminary years. I was there the year I was married and I
16 resided at St. Paul's while I was doing the Bar and doing
17 the first year of canon law.

18 MS. JONES: Okay. And you still are friends
19 today?

20 MR. LEDUC: I hope so.

21 MS. JONES: Okay. I mean personal friends
22 as well?

23 MR. LEDUC: Yes, yes.

24 MS. JONES: All right.

25 We're going to be moving on now to the area

1 concerning Father Gilles Deslauriers and I would just call
2 upon Mr. Sherriff-Scott to make a comment.

3 **MR. SHERRIFF-SCOTT:** Well, my friend has
4 asked me to address the question of privilege because Mr.
5 Leduc acted from time-to-time for the Diocese. And in the
6 discussions that we had during interviews, there were
7 several issues that arose that are canvassed in is A.E. and
8 connection with which privilege was waived.

9 **THE COMMISSIONER:** Okay.

10 **MR. SHERRIFF-SCOTT:** So that's all I can
11 say. If other issues come up, then I'll deal with it as
12 they come up.

13 **THE COMMISSIONER:** Fine.

14 **MR. SHERRIFF-SCOTT:** Thank you.

15 **THE COMMISSIONER:** Thank you very much.

16 **MS. JONES:** Again, I'm going to lead just a
17 couple of facts but I will be asking questions
18 periodically, but I really want to start at the very
19 beginning and make sure that we all understand how this all
20 started and what your role was in that.

21 So, again, if I do get a fact incorrect,
22 please stop me before I continue. Okay?

23 Now, it's my understanding that Bishop
24 Larocque had decided to form what's called an ad hoc
25 committee on about April 3rd, 1986 and that committee was

1 set up to inquire into allegations of historical sexual
2 abuse as launched against Father Gilles Deslauriers. And
3 I'm going to call him Father Deslauriers from now on.

4 And I understand on this committee Monsignor
5 Bernard Guindon was appointed as the chair of the
6 committee. Sister Claudette Pilon was also appointed and
7 you were the third member also appointed on the committee.

8 Have I got everything correct so far?

9 **MR. LEDUC:** As the lawyer for the Diocese,
10 yes.

11 **MS. JONES:** As the lawyer for the Diocese.

12 And as part of your investigation, I
13 understand that you interviewed alleged victims and family
14 members of alleged victims, priests and other members of
15 the community that had affiliation with Father Deslauriers?

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

17 **THE COMMISSIONER:** Can we step back a little
18 bit? How did you find out -- first find out about the
19 Deslauriers matter? Do you remember?

20 **MR. LEDUC:** I would be guessing.

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

22 **MS. JONES:** And did you have any prior
23 involvement in the Deslauriers matter until you were
24 appointed on the committee?

25 **THE COMMISSIONER:** Did you know Gilles

1 Deslauriers?

2 MR. LEDUC: I knew of him. I had never
3 actually met him.

4 MS. JONES: But had the Diocese asked you
5 for any sort of assistance prior to you joining this ad hoc
6 committee with regards to Father Deslauriers?

7 MR. LEDUC: It may have, but I don't recall
8 any specific request for advice. I don't recall.

9 MS. JONES: When you were requested by the
10 Diocese to assist on a matter, be it a real estate matter
11 or be it a civil matter or to provide advice for a possible
12 priest that's getting involved in these situations, would
13 it not have been standard practice for you, like any other
14 lawyer, to open up a file on the matter?

15 MR. LEDUC: Not necessarily.

16 MS. JONES: What would dictate ---

17 MR. LEDUC: Not my practice.

18 MS. JONES: What would dictate when you did
19 not open a file?

20 MR. LEDUC: It would more -- it would be
21 more when I would open a file if there were documentations.
22 There was no governing -- I had no governing office
23 protocol as to when I would open a file or not open a file.
24 That was a decision I made from time-to-time.

25 THE COMMISSIONER: But would you -- were you

1 billing this file?

2 MR. LEDUC: Then, yes.

3 THE COMMISSIONER: All right.

4 MR. LEDUC: Yes.

5 THE COMMISSIONER: So you'd have to keep
6 track of your time?

7 MR. LEDUC: No. I never time billed.

8 THE COMMISSIONER: Okay.

9 MR. LEDUC: I would discuss billings with my
10 client before I would do the work. That's always been my
11 practice.

12 THE COMMISSIONER: M'hm.

13 MR. LEDUC: And unless the client requested
14 that I keep track of my hours and provide him with services
15 on a billable hour basis ---

16 THE COMMISSIONER: M'hm.

17 MR. LEDUC: --- I would never keep track. I
18 did not have a docketing system other than -- and it worked
19 very well for 30 years. It wouldn't work today.

20 THE COMMISSIONER: No, I guess not.

21 MS. JONES: Well, I do -- I am familiar that
22 the Law Society of Upper Canada does require you to have
23 certain file management, even if it doesn't require time
24 dockets.

25 MR. LEDUC: Now, it does.

1 **MS. JONES:** Well, it would have required at
2 least 20 years ago.

3 **MR. LEDUC:** Not to my recollection.

4 **MS. JONES:** So you're saying 20 years ago,
5 the Law Society never required any sort of file management?

6 **MR. LEDUC:** I'm just telling you that I
7 don't recall being advised by the Law Society or being
8 required to keep time dockets in my files.

9 **MS. JONES:** I wasn't referring to time
10 dockets, Mr. Leduc. I was referring to a file, in a file
11 management sort of a way, not necessarily time dockets, but
12 keeping papers together.

13 **MR. LEDUC:** I think if I opened a file, it
14 would certainly be ascribed -- assigned a number and it
15 would have a card index with the client and particulars of
16 the client. If that's the kind of management system that
17 you're referring to, yes, but if I opened the file.

18 **MS. JONES:** So if the Diocese approached you
19 and asked you for assistance on a matter, such as the
20 Deslauriers matter, your testimony is you did not open any
21 sort of a file?

22 **MR. LEDUC:** I don't recall if I opened a
23 file or not in that matter. I certainly remember recently
24 looking at an account, I think.

25 **MS. JONES:** You did look at an accounting?

1 **MR. LEDUC:** I'm just thinking which account
2 I was looking at. In the Deslauriers matter, yes, there
3 was an account that I recall seeing.

4 **MS. JONES:** What about all the pieces of
5 paper that would come your way as a result of doing work on
6 the Deslauriers matter? Surely that would have gone into a
7 file folder?

8 **MR. LEDUC:** There are none that I remember.

9 **MS. JONES:** So are you saying you never took
10 pen to paper and made one note or one ---

11 **MR. LEDUC:** With respect to the Deslauriers
12 matter?

13 **MS. JONES:** --- transcription with respect
14 to Deslauriers?

15 **MR. LEDUC:** Not that I recall.

16 **MS. JONES:** Now, you stated that you believe
17 you were selected to come on this committee because you
18 were the lawyer -- a lawyer for the Diocese?

19 **MR. LEDUC:** Yes.

20 **MS. JONES:** Do you know why you specifically
21 were chosen rather than another lawyer?

22 **MR. LEDUC:** No.

23 **MR. SKURKA:** With respect, Mr. Commissioner
24 -- I apologize, Mr. Commissioner.

25 Perhaps, in fairness, the question should be

1 worded "Was he ever advised?" Otherwise, it would require
2 speculation on his part.

3 **THE COMMISSIONER:** No, no, no. The question
4 was -- I understand your point.

5 **MR. SKURKA:** Yes.

6 **THE COMMISSIONER:** The question was "Do you
7 know why?" And he could say, "No, I don't know why" or "I
8 think I know why" or "I was told". But I understand your
9 point.

10 So without imagining what went on in anybody
11 in the Diocese's mind, were you ever told or do you know
12 why you were picked to do this?

13 **MR. LEDUC:** Other than I was the Diocesan
14 lawyer from time-to-time, no.

15 **THE COMMISSIONER:** Okay.

16 **MS. JONES:** For instance, did you have any
17 prior involvement in a matter similar to Mr. Deslauriers'
18 prior to being asked to go on the Deslauriers committee?

19 **MR. LEDUC:** With respect to the Diocese?

20 **MS. JONES:** Yes.

21 **MR. LEDUC:** No.

22 **MS. JONES:** Or any other diocese?

23 **MR. LEDUC:** Yes.

24 **MS. JONES:** So you did have experience in
25 that field?

1 **MR. LEDUC:** I wouldn't say I had experience.
2 I had some experiences, not in the field, in specific
3 cases.

4 **MS. JONES:** So perhaps you could elaborate.
5 What do you mean then by experiences?

6 **MR. LEDUC:** I was consulted by telephone, I
7 believe, on three occasions in similar -- dealing with the
8 sexual misconduct of a priest in a diocese.

9 **MS. JONES:** And that was not, though, the
10 Diocese of Cornwall?

11 **MR. LEDUC:** It was not.

12 **MS. JONES:** But do you think that that was
13 part of the reason why you were selected? Was that given
14 to you as a reason?

15 **MR. LEDUC:** No.

16 **MS. JONES:** Was the Bishop made aware of
17 your previous experiences?

18 **MR. LEDUC:** I'm not sure those experiences
19 were previous to Deslauriers or subsequent to Deslauriers.
20 I'm not sure.

21 **MS. JONES:** So then if it was subsequent to
22 Deslauriers, then it clearly would not have been one of the
23 reasons?

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

25 **MS. JONES:** Of course, you didn't have any

1 files opened on these other experiences?

2 MR. LEDUC: No, it was verbal communication
3 only.

4 MS. JONES: What about taking notes of the
5 telephone call, conversation?

6 MR. LEDUC: No.

7 MS. JONES: You understand that's very
8 typical for lawyers to do, to make notes while you're on
9 the phone, even if it's just one phone call and putting it
10 somewhere in case you need it for future reference?

11 MR. LEDUC: I made no notes.

12 MS. JONES: Was that your practice?

13 MR. LEDUC: In some instances, yes, when I
14 was consulted over the telephone.

15 MS. JONES: Now, you do recall that
16 Monsignor Guindon was the Chair of the committee?

17 MR. LEDUC: Yes.

18 MS. JONES: What did that mean, being Chair
19 of the committee? What responsibility did he have?

20 MR. LEDUC: I don't recall any specific
21 responsibility being assigned to him except that he was the
22 person who was going to direct the activities of the
23 committee. He was the senior clergyman and he was the
24 Chairman of the committee.

25 MS. JONES: And do you recall who would have

1 scheduled the actual times for the meetings, the times for
2 the interviews?

3 **MR. LEDUC:** My recollection is that it was
4 done in cooperation with the individuals who wanted to be
5 received by the committee, and then we were asked whether
6 or not the members of the committee were available at that
7 particular time.

8 **MS. JONES:** So who organized all of that?

9 **MR. LEDUC:** I don't know except it was
10 organized at the Diocesan Centre and I suspect Monsignor
11 Guindon had some direction in that matter.

12 **MS. JONES:** Okay. It wasn't you in any --

13 -

14 **MR. LEDUC:** No.

15 **MS. JONES:** --- in any event?

16 **MR. LEDUC:** No.

17 **MS. JONES:** Okay. And what about Sister
18 Pilon; do you recall what her role was?

19 **MR. LEDUC:** My recollection is that she was
20 a psychologist or a therapist and her role was to listen as
21 well and to assess.

22 **MS. JONES:** And what about your role? You
23 said you were chosen because you were acting as lawyer for
24 the Diocese. What specifically then was your role? What
25 were you there to do?

1 **MR. LEDUC:** My understanding on the ad hoc
2 committee was to provide, when required, legal advice.

3 **MS. JONES:** Legal advice on what?

4 **MR. LEDUC:** On whatever issues could surface
5 or what questions would arise. That was my understanding
6 of my role on that ad hoc committee.

7 **MS. JONES:** Now, you didn't have any
8 specialized training or knowledge about dealing with sexual
9 improprieties?

10 **MR. LEDUC:** No.

11 **MS. JONES:** So what sort of advice did you
12 think you were going to be expected to have to give? I'm
13 still not clear.

14 **MR. LEDUC:** I didn't anticipate what subject
15 matters would evolve from this -- the meetings of these ad
16 hoc committees, but my understanding of my role as legal
17 counsel was to be there as legal counsel, to, if requested,
18 to provide advice on issues that would come up and assist
19 the committee.

20 **MS. JONES:** That's what I'm asking. What
21 sort of issues did you forecast you may have to give advice
22 on?

23 **MR. LEDUC:** I don't recall forecasting any
24 issues.

25 **MS. JONES:** So if you don't recall

1 forecasting any issues, how then would you know if you were
2 actually qualified to do the job?

3 **MR. LEDUC:** I would think that if issues
4 would have arisen that I felt I was not qualified to act or
5 to give advice on, I'm hoping, in retrospect, that I would
6 have had the prudence of saying so.

7 **MS. JONES:** So you recognized then, as a
8 lawyer, that if at any point you are involved in a
9 situation, a legal situation, where something is presented
10 to you that's outside your realm of knowledge, outside your
11 realm of training, you know you would have to withdraw and
12 say, "I can't do this"?

13 **MR. LEDUC:** If it's a legal issue, yes.

14 **MS. JONES:** And you also would know, as a
15 lawyer then, that you could not be expected by a client to
16 forge on in an area that is outside your area of expertise?

17 **MR. LEDUC:** That's correct.

18 **MS. JONES:** And if you were being forced to
19 do that, you would have to inform your clients of this and
20 say, "I can't do this. This is outside my area of
21 knowledge. You're going to have to get somebody else."

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

23 **MS. JONES:** And you'd agree with me that
24 that responsibility is yours to do as a lawyer?

25 **MR. LEDUC:** That assessment?

1 MS. JONES: Yes.

2 MR. LEDUC: Yes.

3 MS. JONES: Now, was there some sort of an
4 oath of confidentiality or secrecy that was taken by you
5 three committee members before these meetings started?

6 MR. LEDUC: I don't recall that.

7 MS. JONES: I'm just going to refer you to a
8 document, and it's going to be Document 703441. It is
9 already Exhibit 1785.

10 THE COMMISSIONER: Sorry, what exhibit?

11 (SHORT PAUSE/COURTE PAUSE)

12 MS. JONES: I'll just explain what this is
13 for the record.

14 This is a Will State of Sergeant Ron
15 Lefebvre of the Cornwall Police, and we don't have a date
16 on this, but this is essentially his Will State that was
17 made at the time of the criminal investigation into Father
18 Deslauriers, which comes later in time. So I'm jumping
19 ahead a little bit for that, but I just want to refer to a
20 portion in the statement that's relevant. It's what we're
21 talking about right now.

22 MR. SKURKA: Perhaps my friend could just
23 indicate the date of the Will State please?

24 THE COMMISSIONER: We don't have a date.
25 It's Exhibit 1785 and ---

1 **MS. JONES:** And if we could please go to
2 Bates page 470, which is the second page. I'm looking
3 about a third of the way down -- I'm sorry, two-thirds of
4 the way down, the sentence starts:

5 "Also appointed to this committee was
6 Sister Pilon..."

7 That's great, Madam Clerk.

8 I'll just read the portion that I'm
9 interested in:

10 "Also appointed to this committee was
11 Sister Pilon and ---

12 **THE COMMISSIONER:** "Diocesan".

13 **MS. JONES:** Thank you.

14 "...lawyer, Mr. Jacques Leduc. Monsignor
15 Guindon stated that he had taken an
16 oath of secrecy to the Bishop regarding
17 this inquiry and therefore could not
18 reveal any information or names of
19 victims, et cetera."

20 So I'm just wondering if you recall that at
21 all?

22 **MR. LEDUC:** No, I do not. I want to be
23 specific; do I recall if I took such an oath?

24 **MS. JONES:** I'm asking if you recall if an
25 oath of secrecy was taken by the committee members?

1 **MR. LEDUC:** Not that I recall.

2 **MS. JONES:** You certainly didn't take one?

3 **MR. LEDUC:** I don't remember taking one.

4 **MS. JONES:** So it's possible that you did?

5 **MR. LEDUC:** It may be, but I have no
6 recollection whatsoever.

7 **MS. JONES:** Now, if you took such an oath,
8 what authority is there for taking such an oath of secrecy?

9 **MR. LEDUC:** I would be hard pressed to
10 answer that question both in civil law and in canon law.
11 The reference in the text is to an oath of secrecy and I
12 don't know what it's referring to.

13 **MS. JONES:** Well, it's referring to ---

14 **MR. LEDUC:** And ---

15 **MS. JONES:** --- taking -- I'm sorry, if I
16 could just -- it's referring to an oath of secrecy
17 regarding the inquiry, which is your committee. In other
18 words, not saying what was done during the conduct of this
19 ad hoc committee.

20 **MR. LEDUC:** Well, my reading says that
21 Monsignor Guindon stated that he had taken an oath of
22 secrecy to the Bishop regarding this inquiry.

23 **MS. JONES:** Right.

24 **MR. LEDUC:** And I'm telling you that I don't
25 recall taking any such oath. Taking an oath to the Bishop,

1 that's peculiar.

2 **MS. JONES:** Well, let's look at this oath of
3 secrecy then. You said it was possible you did take an
4 oath of secrecy. So who was it you were taking this oath
5 of secrecy to? What was that about?

6 **MR. LEDUC:** As I've said, I -- I don't
7 remember taking an oath, and that would have been done at
8 the beginning of the meetings of the ad hoc committee.

9 **MS. JONES:** Let me refer you to another
10 document, maybe that would assist. It's document 703440.

11 **THE COMMISSIONER:** Thank you. Exhibit
12 Number 1883.

13 **MS. JONES:** This is the Will State of
14 Constable Lefebvre. There's a Sergeant Lefebvre and a
15 Constable.

16 **THE COMMISSIONER:** Herb Lefebvre. All
17 right, so this is a Will State of Constable Herb Lefebvre.

18 **MS. JONES:** It's also undated.

19 **THE COMMISSIONER:** Undated. Okay.

20 **--- EXHIBIT NO./PIÈCE NO. P-1883:**

21 (703440) Will-Say Statement of Constable
22 Herb Lefebvre

23 **MS. JONES:** So this is the other officer
24 that was doing the police investigation of Father
25 Deslauriers further down the road, and I just want to refer

1 you, please, to the second page, Bates page 462, and
2 specifically the first paragraph exactly where Madam Clerk
3 has it.

4 "Father Guindon was the Chairman of a
5 committee set up by the Bishop
6 established on April 3rd, 1986. He was
7 to work in conjunction with Sister
8 Pilon and Diocesan lawyer, Jacques
9 Leduc. Their purpose was to conduct an
10 in-house investigation into the
11 allegations and report back to the
12 Bishop. Father Guindon told us that he
13 was sworn to secrecy and would not
14 divulge any information. He conducted
15 interviews and his investigation ended
16 on or about May 16th, 1986."

17 So it would seem that Monsignor Guindon had
18 this oath of secrecy. Does that further describe what it
19 was like, if you recall that?

20 **MR. LEDUC:** I don't recall that, no.

21 **MS. JONES:** Now, you stated that the
22 authority for such law, in your experience, does not exist
23 in civil or canon law?

24 **MR. LEDUC:** No, I didn't say that. I said I
25 didn't know of the authority which you could rely on both

1 in canon law and civil law. I don't know of any. It
2 doesn't mean it doesn't exist. I don't know it.

3 **MS. JONES:** Well, it would seem that as this
4 would be one of the very first things, as you yourself
5 said, would happen right at the start of this ad hoc
6 committee?

7 **MR. LEDUC:** If it happened, it would have
8 happened at the beginning, yes.

9 **MS. JONES:** At the beginning.

10 So let's for the sake of argument say Father
11 Guindon is correct in his recollection that he, at least,
12 took an oath of secrecy, would this not be one of those
13 times where they would look to you as the lawyer for the
14 Diocese to see if, in fact, what they're doing is in
15 compliance with canon law?

16 **MR. LEDUC:** No. I did not give advice or
17 opinion on canon law matters. Monsignor Guindon had a
18 doctorate in canon law. He was the local authority on
19 canon law matters.

20 **MS. JONES:** That may be, but you're the
21 lawyer. That's your role in this.

22 **MR. LEDUC:** No. My lawyer (sic) is that of
23 a civil lawyer. I do not offer canon law advice in
24 providing advice or opinions as a civil lawyer.

25 **MS. JONES:** So then you would be outside of

1 your jurisdiction then to give any opinion on canon law at
2 all with the Diocese?

3 MR. LEDUC: No. I could offer some advice
4 if I was asked, but I was never asked.

5 MS. JONES: So in this particular instance
6 then, if you were asked to be a civil lawyer, can you see
7 any authority in civil law how such an oath could be taken?

8 MR. LEDUC: No. I can't think of any
9 authority which would compel an individual to give such an
10 oath and maintain it unless there were -- unless there was
11 -- it was in a contractual relationship, but that's -- that
12 would not be the instance here.

13 No, I know of none. There may be, but I do
14 not know of any.

15 MS. JONES: You said it was possible you
16 actually took an oath as well?

17 MR. LEDUC: I don't recall if I did.

18 MS. JONES: But you don't recall. But your
19 testimony though, just to be clear, is that it is possible
20 that you did take such an oath?

21 MR. LEDUC: It's possible.

22 MS. JONES: Were there other committees that
23 you'd taken oaths on that is causing your memory to fade on
24 that point?

25 MR. LEDUC: Not in committees, no.

1 **MS. JONES:** Now, with respect to the
2 information that you received, even if you had taken an
3 oath of secrecy, and I'm not saying you had, but even if
4 you had, if you were compelled by the police to reveal
5 information, would you feel an obligation to do so?

6 **MR. LEDUC:** Unless I determined that that
7 information was within the confines of my solicitor-client
8 relationship.

9 **MS. JONES:** If it was not within the
10 confines of solicitor-client privilege?

11 **MR. LEDUC:** Then I would be obligated to
12 answer the questions.

13 **MS. JONES:** Okay. Now, was there a protocol
14 that this committee was following of some sort?

15 **MR. LEDUC:** There were various protocols.
16 At that point-in-time, there may have been a protocol I
17 think because we were -- we may have been constituted as a
18 result of some protocol. Maybe not, I -- if you could
19 point me to the protocol, I would maybe recognise it, but
20 there were several.

21 **MS. JONES:** Well, that's my question
22 actually. I'm not familiar which protocol it would be
23 following.

24 **MR. LEDUC:** Then I can't help you because I
25 don't recall at that time if our ad hoc committee was

1 constituted by virtue of the Bishop's own decision to carry
2 out an investigation in this way or whether it was
3 constituted by virtue of an established protocol in the
4 Diocese or elsewhere.

5 **MS. JONES:** Okay, so then ---

6 **MR. LEDUC:** It may have been.

7 **MS. JONES:** So then you're chosen to be on
8 this committee because you're the lawyer. Would that not
9 have been one of your roles or functions, to find out if in
10 fact this was a legal committee formed as a result of
11 certain protocol or not?

12 **MR. LEDUC:** I think not.

13 **MS. JONES:** So you're saying the Bishop
14 could have formed a committee at his leisure, that he
15 didn't need a protocol to do it?

16 **MR. LEDUC:** That's right.

17 **MS. JONES:** Now, the authority that you're
18 saying the Bishop would have had, was this, again,
19 something vested in canon law? Where would that authority
20 have come from?

21 **MR. LEDUC:** The Bishop has authority by
22 virtue of his office to act in certain ways in accordance
23 with canon law, and I recall one of them is to constitute
24 such committees or other committees.

25 **MS. JONES:** And so ---

1 **MR. LEDUC:** And he would define the mandate
2 of the committee.

3 **MS. JONES:** And you were happy with that?

4 **MR. LEDUC:** In what way?

5 **MS. JONES:** You were satisfied that that
6 designation by the Bishop was sufficient to form such an ad
7 hoc committee?

8 **MR. LEDUC:** I was -- I understood and I was
9 satisfied of the mandate that was given to the members of
10 the committee, yes.

11 **MS. JONES:** Okay. Again, I'm asking these
12 questions because you're the lawyer for the committee. I'm
13 saying as the lawyer for the committee, you were satisfied
14 that the Bishop had the authority to give this authority to
15 the committee? That's what ---

16 **MR. LEDUC:** Yes.

17 **MS. JONES:** --- I'm trying to ask you.

18 **MR. LEDUC:** Yes. Sorry, yes.

19 **MS. JONES:** Okay. So then what instructions
20 or mandate were given to the committee?

21 **MR. LEDUC:** I think it was a letter.

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

23 **MS. JONES:** Okay. Besides anything written
24 down, was there any other verbal instructions?

25 **MR. LEDUC:** I had no discussions directly

1 with the Bishop on that issue.

2 **MS. JONES:** So any instructions that were
3 given was the one-page letter which we'll get to in just a
4 moment. And there was nothing outside of that mandate?

5 **MR. LEDUC:** No.

6 **THE COMMISSIONER:** Who contacted you? Was
7 it Monsignor Guindon or was l'évêque -- the Bishop?

8 **MR. LEDUC:** No, it was -- I don't recall,
9 but it would have been Monsignor Guindon. I don't recall a
10 conversation with the Bishop. He may have called me, but I
11 don't recall a specific invitation.

12 **MS. JONES:** I'll just refer now please to
13 Exhibit 72.

14 **MR. LEDUC:** Seventy-two "C" (72C)?

15 **MS. JONES:** I'm looking at the -- it's a
16 French document. It's the Report and Recommendations of
17 the Ad Hoc Committee.

18 **THE COMMISSIONER:** We can start with that
19 one.

20 **MS. JONES:** And I'm looking specifically at
21 the second page, which is Bates page 7072, and it's a
22 letter dated the 3rd of April, 1986. And I believe this is
23 the letter that you were referring to just a moment ago
24 that instructed the committee what to do. I'm just
25 wondering if you could just summarize that briefly, please?

1 **MR. LEDUC:** The document dated the 3rd of
2 April is addressed "To whom it may concern" and it is
3 signed by the Bishop and co-signed by the Chancellor. By
4 the letter, he constitutes a committee of -- an ad hoc
5 committee for the case of Father Gilles Deslauriers. He
6 names Monsignor Guindon, myself and Sister Claudette Pilon
7 as members and this committee here, different persons, and
8 that the committee make a report of their inquiry with
9 recommendations and that there is a search for truth in the
10 spirit of charity and justice, and so on.

11 **MS. JONES:** Thank you.

12 Now, you mentioned the Chancellor at the
13 bottom, that's Father Vaillancourt?

14 **MR. LEDUC:** Yes.

15 **MS. JONES:** Is that how he would have ---

16 **MR. LEDUC:** Yes.

17 **MS. JONES:** And that's the same Vaillancourt
18 we've mentioned before?

19 **MR. LEDUC:** Yes.

20 **MS. JONES:** Okay. Is it possible he's the
21 one who asked you to go on the committee?

22 **MR. LEDUC:** I don't recall.

23 **MS. JONES:** The other question I have is
24 when you're listed as people on the committee, it does not
25 actually distinguish, as sometimes letters do, that you're

1 acting as the lawyer advocate for the Diocese?

2 MR. LEDUC: M'hm.

3 MS. JONES: You're listed as Sister Pilon is
4 listed, as a member of the committee.

5 MR. LEDUC: M'hm.

6 MS. JONES: Would you agree with me there's
7 no actual distinction that your role there is as the
8 lawyer?

9 MR. LEDUC: That's right.

10 MS. JONES: So just in your own
11 understanding then, what did you decide or what did you
12 feel was your role then in this committee? What was it the
13 committee was supposed to do? If you can summarize that?

14 MR. LEDUC: To listen to these individuals.

15 MS. JONES: Yeah.

16 MR. LEDUC: To report to the Bishop and
17 include recommendations.

18 MS. JONES: Was also part of the process of
19 the committee to provide help or support for these
20 individuals that required or asked for it?

21 MR. LEDUC: There's nothing in the -- in
22 this letter that would provide that mandate, but my
23 recollection is that on a number of occasions we did
24 suggest that the Diocese would be offering some assistance
25 to those who required it.

1 **MS. JONES:** So it's actually not stated in
2 this letter then, but you understand that that was one of
3 the mandates of the committee. Would that suggest then you
4 had a conversation with somebody, either Father
5 Vaillancourt or Bishop Larocque saying, "In addition to
6 what's in the letter, could you also offer help, support,
7 guidance, counselling?"

8 **MR. LEDUC:** No, I'm sorry, that's not what I
9 said. That particular mandate is not here, but ---

10 **MS. JONES:** Correct.

11 **MR. LEDUC:** --- during our interviews and
12 meetings, we did say that, "If you need support, you should
13 speak to diocesan authorities because it would be the right
14 thing to do". But we had no specific mandate, nor did I
15 have any conversations with anyone prior to the meetings to
16 do this.

17 **MS. JONES:** What about ---

18 **MR. LEDUC:** I did not.

19 **MS. JONES:** Okay. What about offering money
20 for counselling for people. Was that part of the mandate
21 of the committee?

22 **MR. LEDUC:** No, not that I recall, no.

23 **MS. JONES:** Or offering suggestions of how
24 to get money for counselling?

25 **MR. LEDUC:** That was not part of the

1 mandate, but it was certainly a topic that came up.

2 MS. JONES: And would it be fair to say that
3 you would have to get instructions at least from your
4 client before you could make such offers?

5 MR. LEDUC: Yes.

6 MS. JONES: Now, it's my understanding that
7 you were quite actively a participant in doing the
8 interviews at this ad hoc committee. Is that fair to say?

9 MR. LEDUC: From time-to-time, yes.

10 MS. JONES: And were you tasked with
11 conducting all of the interviews or were you a lead
12 interviewer? Were you an assistant interviewer? What was
13 your role?

14 MR. LEDUC: I could not characterize it that
15 way. I mean, the transcripts speak for themselves. I
16 think Monsignor Guindon usually, if my recollection is
17 good, led the way and either Sister Claudette or I would
18 jump in with questions.

19 MS. JONES: Okay. But certainly you were
20 assisting in the interviews?

21 MR. LEDUC: Yes.

22 MS. JONES: At times quite actively?

23 MR. LEDUC: Yes.

24 MS. JONES: It wasn't that you just asked
25 the odd question?

1 **MR. LEDUC:** Yes, I was not a passive
2 observer.

3 **MS. JONES:** Okay. And what training did you
4 have to interview victims of historical sexual assault?

5 **MR. LEDUC:** None.

6 **MS. JONES:** So did you feel that perhaps
7 this is something that was perhaps outside your area of
8 expertise?

9 **MR. LEDUC:** Gathering information is not
10 outside of the area of my expertise.

11 **MS. JONES:** What do you mean by gathering
12 information?

13 **MR. LEDUC:** Well, receiving information,
14 assessing it, assisting in the production of a report.

15 **MS. JONES:** I understand writing a report
16 might be something that lawyers could do, putting pen to
17 paper, but gathering information when it comes from
18 interview of a very sensitive nature, would you agree with
19 me that that typically requires some sort of specialized
20 training?

21 **MR. LEDUC:** I think today we would
22 understand that it would. In 1986, that was not an issue,
23 not for me.

24 **MS. JONES:** So you felt comfortable then
25 taking on this role?

1 **MR. LEDUC:** Yes.

2 **MS. JONES:** Had you had previous experience
3 in any way of interviewing people making historical sexual
4 assault complaints?

5 **MR. LEDUC:** No.

6 **MS. JONES:** And I want to refer you, please,
7 to Bates page 7079, please, which I believe is the very
8 next page after 78.

9 And I'm looking at the portion of the
10 interview -- now, the person being interviewed here is
11 named at the top, Father Vaillancourt -- Father Denis
12 Vaillancourt, I believe. And at the end of the interview,
13 you've asked him a question starting with the phrase "Une
14 question qui va être". Do you see where I am?

15 **MR. LEDUC:** No.

16 **THE COMMISSIONER:** What Bates page?

17 **MS. JONES:** I have it here at 7079.

18 **THE COMMISSIONER:** Okay, 7079. Okay. And
19 where?

20 **MS. JONES:** Just a moment, please.

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

22 **MS. JONES:** Sorry, Mr. Commissioner. Yeah,
23 the number is wrong. The actual number is 7098. My
24 apologies.

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

1 **MS. JONES:** The interview starts at 7079. I
2 wonder if you could just read the question. Do you see
3 it's the very bottom of the interview?

4 **MR. LEDUC:** Yes.

5 **MS. JONES:** I'm just wondering if you could
6 please read your question for the record.

7 **MR. LEDUC:** "Une question qui va être
8 difficile à répondre parce que ça te
9 demande peut-être un jugement, mais je
10 ne devrais peut-être pas te demander,
11 mais des trois ou quatre jeunes que tu
12 as rencontrés, est-ce que toi tu aurais
13 pu remarquer une prédisposition de leur
14 part envers ce genre de problème-là?"

15 **MS. JONES:** And to that particular question,
16 could you just read what Mr. Vaillancourt had replied?

17 **MR. LEDUC:** "Sur les quatre que j'ai
18 rencontrés, il y en a un qui aurait une
19 prédisposition."

20 **MS. JONES:** So in these particular -- in
21 this particular exchange of question and answer, it would
22 appear that you're basically asking if there is a
23 predisposition on someone's part to the problem. I'm
24 assuming you mean a homosexuality predisposition. Is that
25 what you're referring to there?

1 **MR. LEDUC:** Yes.

2 **MS. JONES:** And Father Vaillancourt's
3 answer, of the four that he met, one would have that
4 predisposition and I believe he's referring to victims of
5 Father Deslauriers?

6 **MR. LEDUC:** I think that's a fair
7 assessment, yes.

8 **MS. JONES:** Okay. But that's the context --
9 -

10 **MR. LEDUC:** Yes.

11 **MS. JONES:** --- rather than reading the
12 whole interview?

13 **MR. LEDUC:** Yes.

14 **MS. JONES:** Okay. So he's saying then of
15 the four victims that he was aware of, one of them seemed
16 to be predisposed to homosexuality.

17 Now, my question to you is what would be the
18 relevance -- because you're the one who posed the question,
19 what would be the relevance of anyone having a
20 predisposition to homosexuality with regards to making a
21 complaint of historical sexual abuse?

22 **MR. LEDUC:** It would go, in my mind then, as
23 to a matter of consent.

24 **MS. JONES:** So if someone was homosexual,
25 there would be a greater chance of consent by the victim or

1 a lesser?

2 MR. LEDUC: No, it was a matter ---

3 MS. JONES: What do you mean then?

4 MR. LEDUC: No, it's a matter of what are
5 the facts.

6 MS. JONES: I don't understand your
7 response, sir.

8 MR. LEDUC: The question put was to
9 establish whether or not these -- this conduct could in any
10 way be explained as a matter of consent.

11 MS. JONES: What conduct?

12 MR. LEDUC: The sexual misconduct of
13 Deslauriers.

14 MS. JONES: So what ---

15 MR. LEDUC: And whether or not the
16 individuals who were victims could be challenged and said
17 that you actually consented to this.

18 MS. JONES: That's what I'm trying to get
19 at.

20 MR. LEDUC: Yeah.

21 MS. JONES: The sexual misconduct by Father
22 Deslauriers is one aspect. What relevance would it be if a
23 victim was or was not homosexual? What relevance does that
24 have to the sexual misconduct of Father Deslauriers?

25 MR. LEDUC: Today I would agree with you

1 that it has no relevance whatsoever.

2 **MS. JONES:** So what was the relevance to you
3 in 1986?

4 **MR. LEDUC:** In 1986, the relevance for me
5 was whether or not there was an issue of consent.

6 **MS. JONES:** So, again, if someone then was
7 homosexual, was it your opinion then that that would mean
8 that victim would have consented to sexual misconduct by
9 Father Deslauriers?

10 **MR. LEDUC:** No, I believe it was an issue to
11 be canvassed. That was not my opinion. It was an issue to
12 be canvassed and that's why I asked the question.

13 **MS. JONES:** I guess I'm going to just try
14 one more time here. Clearly, because you bring it up a few
15 times in the interview ---

16 **MR. LEDUC:** Yes.

17 **MS. JONES:** This is just the first time that
18 I'm highlighting it.

19 **MR. LEDUC:** Yes.

20 **MS. JONES:** I just want to know what your
21 opinion was with regards to a victim's homosexuality or not
22 and what that had to do with the -- if I could finish my
23 question, please -- and what that would have to do with any
24 sexual misconduct by Father Deslauriers? That's my
25 question.

1 **MR. SKURKA:** In my respectful submission,
2 Mr. Commissioner, Mr. Leduc has answered the question. It
3 may not be satisfactory to my friend, but he's answered it.

4 **THE COMMISSIONER:** One last try.

5 **MS. JONES:** Are you able to enunciate that,
6 sir? In 1986, what did you think was the relationship?

7 **MR. LEDUC:** In 1986, I thought it was an
8 issue. The homosexuality of the victim could have been an
9 issue in a matter of determining whether or not there had
10 been consent.

11 **MS. JONES:** Okay. What would have been that
12 issue? This is what I'm trying to get at. You've
13 highlighted that this could be an issue. In what regard?

14 **MR. LEDUC:** Whether or not the activities
15 had been consensual or not depending on all kinds of
16 circumstances which are -- which are viewed today
17 completely differently.

18 **THE COMMISSIONER:** Mrs. Jones, I'm sorry;
19 I'm going to have to take a short break.

20 **MS. JONES:** Okay.

21 **THE COMMISSIONER:** Let's take 15. Thank
22 you.

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

25 This hearing will resume at 2:30.

1 --- Upon recessing at 2:15 p.m./

2 L'audience est suspendue à 14h15

3 --- Upon resuming at 2:35 p.m./

4 L'audience est reprise à 14h35

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

7 This hearing is now resumed. Please be
8 seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you for the break.
10 All right.

11 **JACQUES LEDUC, Resumed/Sous le même serment:**

12 --- **EXAMINATION IN-CHIEF/INTERROGATOIRE EN CHEF PAR MS.**

13 **JONES (cont'd/suite):**

14 **MS. JONES:** Just for the next little bit,
15 Mr. Leduc, just to explain, I'm just going to go through
16 this report, certain portions of your interview and ask you
17 to read into the record as your French is going to be
18 better than my French, but I'm just going to make sure that
19 the document is actually on the screen so that the
20 translators can translate it easier by having the hard
21 version up on the screen for them to see. So leave just a
22 bit of a pause, if you wouldn't mind.

23 Also too, we have a document that should be
24 filed, and that's the curriculum vitae of Mr. Leduc.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit Number 1884 will be the CV of
2 Jacques Osias Leduc.

3 **--- EXHIBIT NO./PIÈCE NO. P-1884:**

4 Curriculum Vitae of Jacques Osias Leduc

5 **MS. JONES:** I'm just waiting for the people
6 to get their ---

7 **THE COMMISSIONER:** Sure.

8 **MS. JONES:** --- translation headphones on.

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

10 **THE COMMISSIONER:** Okay. Ready to go.

11 **MS. JONES:** Right. The next excerpt I would
12 like to refer you to, Mr. Leduc, is on Bates page 7113.

13 **MR. LEDUC:** Which document would that be?

14 **MS. JONES:** The same document we had before,
15 sir.

16 **THE COMMISSIONER:** Same exhibit.

17 **MS. JONES:** Exhibit 72. This is the report.
18 I'm going to go through your report in a bit more detail.

19 **THE COMMISSIONER:** Exhibit 73 (sic), c'est
20 le rapport -- the report from l'affaire Deslauriers, from
21 the ad hoc committee -- Exhibit 72.

22 **MS. JONES:** The same document as we had just
23 before the break, sir.

24 **THE COMMISSIONER:** Okay. So then if you
25 look at the Bates pages on the top left -- that's what we

1 call them -- there's a seven-digit number and we want you
2 to look at seven -- the last three -- four digits are 7113.

3 (SHORT PAUSE/COURTE PAUSE)

4 MS. JONES: And the excerpt I'm looking at
5 here is actually starting off with you speaking saying, "Il
6 faut faire attention..." And Madam Clerk has that.

7 THE COMMISSIONER: "Il faut faire
8 attention." M'hm.

9 MS. JONES: I just wonder if you could
10 please read that paragraph there, not too quickly?

11 MR. LEDUC: "Il faut faire attention.
12 Pour une personne majeure en Ontario,
13 c'est 18 ans, mais pour consentir à une
14 relation sexuelle, c'est 21 au Canada.
15 Au point de vue criminel, ce sont
16 toutes des allégations qui portent une
17 accusation criminelle. Sauf une
18 limitation de temps, la prescription de
19 temps c'est un an. Une accusation ne
20 peut pas être portée si l'accusation
21 est pour un an après que...(je
22 n'entends pas). Alors, vous nous dites
23 qu'ils étaient tous 18 ans, sauf un
24 peut-être?"

25 MS. JONES: I think it's "un peut-être".

1 Now, you're talking there about the criminal
2 age of majority for consent to sexual activity. To be
3 frank, it seems a bit confusing there.

4 Would it be fair to say that you weren't
5 clear on what the actual criminal age for majority of
6 consent for sexual activity was at that time?

7 **MR. LEDUC:** It's very clear that what is
8 included in the transcript makes no sense to me at all.

9 **MS. JONES:** And you were attempting however
10 to explain what the majority of the age of consent was, or
11 the age of majority for consensual sexual activity?

12 **THE COMMISSIONER:** We should make it a
13 little more precise here. I think the idea of the 21 years
14 of age was the evolution of the law on homosexuality and
15 that they went to that for homosexual acts, you had to be
16 consenting adults over the age of 21.

17 Is that -- does that ring a bell to you now
18 or is that what you were thinking?

19 **MR. LEDUC:** Mr. Commissioner, it sounds good
20 to me because I have no idea what I -- what's being said
21 here, other than to say that there was a discussion about
22 limitation periods and age limitations on certain sexual
23 conduct.

24 **THE COMMISSIONER:** Right. Okay.

25 **MS. JONES:** Now, you at that time, and by

1 your own admission today, you were not a criminal lawyer at
2 that point?

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

4 **MS. JONES:** It would appear that at the very
5 best you were very unclear as to what age of majorities
6 applied to whatever activity you were talking about there?

7 **MR. LEDUC:** That's apparent in the text,
8 yes.

9 **MS. JONES:** Okay. So certainly at that
10 particular point, this is not something you had readily
11 available in your wealth of knowledge as a lawyer?

12 **MR. LEDUC:** Well, I'm not sure there was a
13 wealth of knowledge but it certainly isn't a clear
14 expression of any opinion I -- or any discussion I was
15 putting forth.

16 **MS. JONES:** Now, the limitation period that
17 you're talking about there, was that something that could
18 have been in a canon law rule of some sort rather than
19 criminal law?

20 **MR. LEDUC:** No.

21 **MS. JONES:** You're certain of that?

22 **MR. LEDUC:** Yes, because I wasn't speaking
23 about canon law.

24 **MS. JONES:** Okay. And so it was only
25 talking in the context of criminal law?

1 MR. LEDUC: I would think so, yes.

2 MS. JONES: And at that particular time, I'm
3 just wondering did you do criminal trials at all? Even to
4 this date, have you done any criminal trials?

5 MR. LEDUC: I have done no trials, no.

6 MS. JONES: You've done no criminal trials?

7 MR. LEDUC: No criminal trials.

8 MS. JONES: Have you done criminal guilty
9 pleas?

10 MR. LEDUC: Yes.

11 MS. JONES: And did you ever do sexual
12 assault guilty pleas?

13 MR. LEDUC: Yes.

14 MS. JONES: Historical sexual assaults?

15 MR. LEDUC: No.

16 MS. JONES: Now, the next portion I'd like
17 to refer you to, please, is the very next page, and I'm
18 looking at the top section, Madam Clerk, second paragraph
19 of the top section.

20 And I'm looking at the phrase that starts
21 off "À ce moment" and if you could, please, just read until
22 it ends "de ces jeunes", please?

23 MR. LEDUC: "À ce moment-là, moi, je suis
24 pris avec l'autre hypothèse; est-il
25 possible que Gilles Deslauriers croit

1 vraiment que cette démarche qu'il
2 entreprend est une démarche
3 authentique, véritable pour le bien de
4 ces jeunes. C'est une hypothèse que je
5 vous pose. Est-ce que vous pensez que
6 c'est possible ça en connaissant Gilles
7 et la situation?"

8 **MS. JONES:** Now, in this particular part, I
9 believe that you're interviewing Father Ménard. Is that
10 correct?

11 **MR. LEDUC:** It would seem to be the case,
12 yes.

13 **MS. JONES:** And I believe his answer is the
14 very next line. I was wondering if you could please read
15 that as well, just the first two sentences?

16 **MR. LEDUC:** "Je ne peux pas trancher ça."
17 Is that what you're referring to?

18 **MS. JONES:** Yes.

19 **MR. LEDUC:** "Je ne peux pas trancher ça."

20 **MS. JONES:** And the next sentence?

21 **MR. LEDUC:** "Gilles soutient ça encore."

22 **MS. JONES:** Okay. Now, when you studied
23 matrimonial law at St. Paul's, I understand that at that
24 point you learned about things such as sexual deviancies
25 and other sorts of things that happened in that sort of a

1 realm. And so you were aware to some point what the
2 church's standpoint on what was acceptable sexual conduct
3 and what was not?

4 MR. LEDUC: Yes.

5 MR. LEDUC: Now, in this particular passage,
6 it appears to me that you were trying to get Father
7 Ménard's viewpoints on whether or not Father Deslauriers
8 had been conducting himself on some sort of valid therapy
9 route?

10 MR. SKURKA: Is there a question asked, Mr.
11 Commissioner? She's just really indicated her viewpoint.

12 THE COMMISSIONER: So ---

13 MS. JONES: Yeah. So do you understand what
14 I mean by saying that?

15 THE COMMISSIONER: So what's the question?

16 MS. JONES: Okay. The question is, do you
17 think that at that particular point of time in the
18 interview process that you were trying to see if Father
19 Ménard agreed that this was a valid form of therapy that
20 Father Deslauriers was trying to embark on?

21 MR. LEDUC: My immediate reading was that I
22 was playing somewhat of the devil's advocate to get him to
23 confirm that this kind of so-called therapy had no validity
24 whatsoever.

25 MS. JONES: Well, your question seems to be,

1 is it possible that Father Deslauriers believes the therapy
2 is authentic and for the good of youth, and Father Ménard
3 is saying that he can't determine this, that Gilles still
4 believes this.

5 **THE COMMISSIONER:** Yeah, but in fairness, I
6 think "À ce moment-là, moi, je suis pris avec l'autre
7 hypothèse".

8 **MS. JONES:** M'hm.

9 **THE COMMISSIONER:** So I think he's exploring
10 hypotheses.

11 **MS. JONES:** Okay. So if you're exploring
12 hypotheses, is one of the hypotheses that this is actually
13 a valid form of therapy? Is that where your direction of
14 questioning was going?

15 **MR. LEDUC:** If only to rule it out.

16 **MS. JONES:** What would be the purpose of
17 asking such a question unless you actually thought there
18 was or could be some validity to that form of therapy?

19 **MR. LEDUC:** I would qualify it as a
20 rhetorical question.

21 **MS. JONES:** I don't understand your answer,
22 sir.

23 **MR. LEDUC:** Well, the question asked which
24 would question the validity of such a therapy. In my
25 reading, and what I'm seeing in front of me, is such that

1 it's there to eliminate that possibility.

2 MS. JONES: But you needed to actually go to
3 that stage to eliminate it? Was that not something that
4 was eliminated right at the start?

5 MR. LEDUC: Also maybe I don't recall but I
6 would think by reading this paragraph that it was to
7 underline again that there was no possibility that this
8 therapy had any type of validity whatsoever.

9 MS. JONES: If in fact then you were trying
10 to explore if this type of therapy had no validity, then
11 surely you would have chosen someone who is actually a
12 therapist to ask that question of, not a priest?

13 MR. LEDUC: We thought -- I thought Father
14 Ménard's opinion on many issues was important to get and so
15 that would have been one of the issues that I would have
16 asked for his opinion on.

17 MS. JONES: Okay. But if you're actually
18 stating, as you just did, that you're trying to eliminate
19 something as a form of therapy, then surely you would ask a
20 therapist the question, someone trained in therapy?

21 MR. LEDUC: Well, I didn't have a therapy in
22 front of -- a therapist in front of me. I had Father
23 Ménard; so he was the one being interviewed and he's the
24 one we put the question to. He was a priest. We asked him
25 the question or I asked him the question.

1 **MS. JONES:** Father Ménard is a trained
2 therapist?

3 **MR. LEDUC:** No, I didn't say that. He's a
4 priest.

5 **MS. JONES:** So you did not then ask a
6 trained therapist with professional qualifications this
7 series of questions?

8 **MR. LEDUC:** No.

9 **MS. JONES:** The next page I would like you
10 to go to -- or sorry, the next excerpt just further down
11 the same page, and it's the whole paragraph attributed to
12 you, Mr. Leduc, starting with:

13 "Moi, j'ai l'intention de faire..."
14 And just read that complete paragraph
15 please.

16 **MR. LEDUC:** "Moi, j'ai l'intention de
17 faire l'avocat du diable. Je me dis
18 comment est-ce qu'un jeune assis devant
19 moi de 23, 24 ans peut accuser Gilles
20 d'avoir abusé de lui et je me demande
21 quelle sorte de réponse qu'il va me
22 donner. Bien, écoute, une fois que
23 j'ai réalisé ce qui arrivait là, je
24 devais y consentir, mais là j'arrive à
25 votre deuxième point..."

1 **LE COMMISSAIRE:** Oh, oh, un instant. Je
2 pense que tu as sauté une phrase.

3 "Une fois que j'ai réalisé ce qui
4 arrivait..."

5 **MR. LEDUC:** "...ce qui arrivait là..."

6 **LE COMMISSAIRE:** O.k., excuse-moi.

7 **MR. LEDUC:** "...je devais y consentir, mais là
8 j'arrive à votre deuxième point. Au
9 point de vue physique, ça c'est une
10 question, mais c'est pas ça -- ce n'est
11 pas là le point. Le point c'est la
12 manipulation, le contrôle des
13 personnes, l'abus de la relation
14 fiduciaire."

15 **MS. JONES:** So given that paragraph, I just
16 have a few questions on that.

17 Is it fair to say then that your committee
18 was also looking at issues of abuse of the fiduciary
19 relationship?

20 **MR. LEDUC:** The stories that we received led
21 us to that conclusion, yes, that there was a serious abuse
22 of the trust relationship.

23 **MS. JONES:** Is it fair to say that in your
24 opinion at that time, you actually felt the abuse of the
25 fiduciary relationship was more significant than the

1 physical abuse?

2 MR. LEDUC: I don't recall having made that
3 comparison.

4 MS. JONES: So what were you looking for
5 from Father Ménard by asking or posing that particular
6 phrase to him? What was it that you thought that he was
7 going to contribute to that?

8 MR. LEDUC: I don't know how to answer the
9 question because I have no recollection as to what I was
10 thinking at the time.

11 MS. JONES: All right.

12 Let's go to Bates page 7179 please. It's
13 7179, Madam Clerk.

14 Now, in this particular excerpt, you were
15 talking with Father Bisailon, and I'm looking about
16 halfway down, there's an exchange -- stop, Madam Clerk.
17 That's good, right in the middle there of what you have,
18 just above Sister Pilon's words.

19 I wonder if you could please read that
20 exchange. It starts with yourself, and there's yourself
21 who speaks -- the Father speaks, yourself, and then the
22 Father again.

23 MR. LEDUC: It starts with "Père Bisailon"?

24 MS. JONES: Yes, that's correct.

25 "Père Bisailon, il y a longtemps que

1 vous êtes prêtre et..."

2 Je peux pas -- parce que -- it means nothing.

3 "...et il y a longtemps que vous oeuvrez
4 chez les jeunes. Est-ce que vous avez
5 déjà entendu parler d'une telle
6 thérapie?"

7 "PÈRE BISAILLON: Jamais."

8 Do you want me to continue?

9 **MS. JONES:** Yes, please.

10 **MR. LEDUC:** "Et vous ne l'endossez pas comme
11 de raison?"

12 "PÈRE BISAILLON: Non."

13 **MS. JONES:** So it's similar to what I had
14 asked you about earlier. You are asking similar questions
15 about whether or not this priest endorses the type of
16 therapy, so called, that Father Deslauriers was giving to
17 these people he was accused of assaulting.

18 And again, it would seem that you are asking
19 a priest for an opinion on the therapy. So does that again
20 endorse the notion that your committee had actually started
21 off by thinking, "Perhaps there is some validity to this
22 therapy. Let's explore that."

23 **MR. LEDUC:** First of all, in all fairness,
24 that's not the question. The question is has Father
25 Bisailon ever heard of such a therapy.

1 Secondly, our committee never started out
2 with that proposition that such a therapy could be valid.
3 And in all fairness, if you continue and see what Soeur
4 Claudette Pilon says, she adds that she's verified with
5 respect to her "entraîneur" -- and I have no idea what that
6 means -- who has confirmed that such a therapy doesn't
7 exist.

8 **MS. JONES:** But it would still seem that you
9 need Father Bisailon's opinion that it is not valid
10 therapy as part of your mandate; would you not agree?

11 **MR. LEDUC:** That wasn't the question. I
12 asked him if he knew of such therapies.

13 **MS. JONES:** On Bates page 7184 please, just
14 at the top of the page -- right there, Madam Clerk, is
15 fine.

16 Could you please read your question at the
17 top of the page and Father Bisailon's response, please?

18 **MR. LEDUC:** Beginning with, "Je vais vous
19 poser"?

20 **MS. JONES:** Yes, sir.

21 **MR. LEDUC:** "Je vais vous poser une question
22 qui demande un jugement de valeur.
23 Est-ce qu'il y a des jeunes que vous
24 connaissez, s'il y en a, qui auraient
25 une prédisposition à ce genre de

1 relation-là?"

2 "ABBÉ BISAILLON: Pas les jeunes que je
3 connais."

4 **MS. JONES:** So again, you would agree with
5 me that you are asking this priest, as you had asked
6 previously, about the predisposition of victims of sexual
7 assault to homosexuality; correct?

8 **MR. LEDUC:** Yes.

9 **MS. JONES:** And I think you've explained it
10 in your other answer, at that time in 1986, you did feel
11 and the committee felt that someone who was homosexual or
12 had a predisposition to homosexuality had some sort of
13 bearing on consent to sexual assault?

14 **MR. LEDUC:** No, I wouldn't -- I wouldn't
15 adopt your paraphrasing that way. I would say that it was
16 my concern, which may or may not have been shared with
17 other members of the committee, that the predisposition may
18 be a concern or an issue when we viewed the matter of
19 consent. I did not form an opinion that I recall, at that
20 time, about whether or not being homosexual either supports
21 or eliminates your consent. That wasn't the issue. The
22 issue was one of -- is a factual issue. And my answer was
23 what ---

24 **MS. JONES:** So the factual issue of whether
25 someone is homosexual or not would have had some bearing on

1 whether they consented to sexual assault?

2 **MR. LEDUC:** It would have been included, I
3 think, in a consideration.

4 **MS. JONES:** Could I please refer you to
5 Bates page 7198. I'm looking at the paragraph where Madam
6 Clerk has it, towards -- about halfway down, "Vous savez
7 comme moi..."

8 That first paragraph, I just wonder if you
9 could please just read to the bottom of that paragraph
10 where it ends at "21 years", and they actually were going
11 to stop the cassette at that point. Can you just read that
12 paragraph please?

13 **MR. LEDUC:** "Vous savez, comme moi,
14 Docteur, qu'il existe présentement en
15 Ontario une loi qui oblige toutes les
16 personnes dans une position de
17 responsabilité qui connaissent les
18 faits, qui pourraient attirer une
19 condamnation d'abus sexuel, ils doivent
20 le rapporter aux autorités. C'est une
21 obligation et s'ils ne le rapportent
22 pas aux autorités, le fait de ne pas le
23 rapporter -- autorités et qu'un crime -
24 - bon. Le problème qu'on a ici c'est
25 qu'aucune des victimes à ce moment-ci,

1 qu'on sache, n'est..."

2 I'm presuming that's "mineure".

3 **THE COMMISSIONER:** Yes.

4 **MR. LEDUC:** "...C'est sûr que lorsque c'est
5 arrivé, il y en avait qui n'avaient pas
6 21 ans."

7 **MS. JONES:** Thank you. And I should have
8 maybe said this at the beginning, but the people that
9 you're talking to there are the in-laws, father-in-law,
10 mother-in-law of one of the victims. So it was family
11 members of one of the victims that came forward.

12 **MR. LEDUC:** That's correct.

13 **MS. JONES:** Parental role, put it that way,
14 but they happen to be in-laws.

15 Now, the legislation that you seem to be
16 referring to there, what would that be?

17 **MR. LEDUC:** I have no recollection at all of
18 what it would be.

19 **MS. JONES:** Can you figure that out today,
20 looking back, and see what that would refer to?

21 **MR. LEDUC:** From what I'm saying, there's an
22 issue as to whether or not there's a consent before 21 or
23 not.

24 **MS. JONES:** But there's also a statement
25 that you're saying it's required by law to report sexual

1 abuse.

2 MR. LEDUC: Yes, to report sexual abuse,
3 yes.

4 MS. JONES: And again, you're the lawyer
5 acting as a lawyer on this committee, and I'm just
6 wondering what law are you referring to there, the duty to
7 report?

8 MR. LEDUC: Well, the first couple of
9 sentences, I refer to the obligation of reporting sexual
10 abuse.

11 MS. JONES: So are you stating ---

12 MR. LEDUC: And ---

13 MS. JONES: I'm sorry.

14 MR. LEDUC: And then I go on to say that the
15 problem is that none of these victims at this moment, that
16 we know, was a minor -- "qu'on sache" -- is not a minor.

17 MS. JONES: So today they're not a minor is
18 what you're saying?

19 MR. LEDUC: Today, when we're doing the
20 interview, they're not a minor.

21 MS. JONES: So your understanding then was
22 what with regards to duty to report to authorities?

23 MR. LEDUC: My understanding at that time,
24 as stated in this paragraph, was that there was a duty to
25 report and there was an issue as to whether or not you had

1 to report if the complainant was over 21 years old at the
2 time they made the complaint. So that if they were 26-27
3 years old, reporting something that had happened to them
4 when they were 16, there was an issue as to whether or not
5 the persons in authority had an obligation to report.

6 **MS. JONES:** And what about your
7 understanding of the duty to report? And I'm saying
8 specifically reporting Father Deslauriers?

9 **MR. LEDUC:** At that time I can't tell you
10 what -- my duty, can you -- my duty to whom, to the
11 Diocese?

12 **MS. JONES:** Duty to the Diocese, duty to
13 police, duty to CAS?

14 **MR. LEDUC:** Was to underline the issue of
15 reporting.

16 **MS. JONES:** And what was your understanding
17 then what the law was in requiring you or not requiring you
18 to report? This is what I'm trying to get from you.

19 **MR. LEDUC:** I do not recall what my
20 understanding was at that time.

21 **MS. JONES:** But the issues I have here is
22 that you're on this committee, as you've said yourself,
23 acting as lawyer for your client. And I just want to know,
24 is your evidence that you did not know what the duty to
25 report was or is your evidence there was not a duty to

1 report? That's what I needed clarity of because I'm not
2 sure.

3 **MR. SKURKA:** With respect, there's a third
4 alternative, Mr. Commissioner, and that is that he can't
5 recall, and indeed that is his evidence.

6 **THE COMMISSIONER:** Well, there's -- just a
7 second. Okay. Just a second now. There's a fourth one.
8 It is that -- had this been disclosed -- when you were
9 doing this ad hoc committee -- and I should know this, but
10 it's Monday -- had Father Deslauriers been charged yet or
11 had the police been involved?

12 **MR. LEDUC:** My recollection is the police
13 were involved after our report.

14 **THE COMMISSIONER:** Okay. So that cuts that
15 one out. So now the third one is what this gentleman has
16 said, Mr. Skurka.

17 So can you ---

18 **MS. JONES:** So I'll repeat. You seem to, I
19 believe anyway, be telling the in-laws of one of the
20 victims what the law is with regards to disclosing evidence
21 of sexual assaults to authorities.

22 So what was your understanding then at that
23 time of your obligations?

24 **MR. LEDUC:** My recollection now, having read
25 this paragraph, is that it was not clear whether or not my

1 client had an obligation to report or not report because
2 the complainants coming forth were adults. That was an
3 issue.

4 MS. JONES: Would you agree with me that's a
5 very significant issue?

6 MR. LEDUC: Yes.

7 MS. JONES: So not knowing the answer to a
8 very significant issue, did you discuss this with your
9 client, Bishop Larocque?

10 MR. LEDUC: No.

11 MS. JONES: Did you do any further research
12 on the issue?

13 MR. LEDUC: I don't recall.

14 MS. JONES: Well, it's not in your report.
15 Would it be fair to say you probably didn't?

16 MR. LEDUC: Didn't do any research?

17 MS. JONES: Yes.

18 MR. LEDUC: That would be fair, yes.

19 MS. JONES: So this was a very large
20 unanswered question then in your mind at the time of this
21 interview, it seems, and certainly when this report was
22 written?

23 MR. LEDUC: No, I would say that at that
24 time it was -- it was an issue to be considered, whether or
25 not my client had an obligation to report, and I

1 essentially had no answer.

2 **MS. JONES:** Would you agree that you should
3 have seen if you could find an answer to that very
4 important question?

5 **MR. LEDUC:** Yes.

6 **MS. JONES:** Do you agree that there were
7 avenues you could have taken to find out the answer to that
8 question?

9 **MR. LEDUC:** Yes.

10 **MS. JONES:** And just speaking very simply,
11 at that particular point, the police are not involved, and
12 we will get to the police investigation later, but would
13 you agree that at the very least, that as a lawyer you
14 would be obliged to tell your client that this is a very
15 real and live issue that needs to be explored?

16 **MR. LEDUC:** I don't recall what I told my
17 client at the time, but what I am saying and which is my
18 evidence now is that in reading this transcript, I recall
19 that it was a live issue. As to what opinion or advice I
20 gave my client at the time, I don't recall.

21 **MS. JONES:** Now, the next -- if we just keep
22 on that page, please, in the very next paragraph, I was
23 wondering if you could read the first four lines -- it can
24 actually end with the word "fiduciaire" but you can finish
25 the sentence off. So just read the first four lines, and

1 wherever the sentence ends -- it ends quite a ways down
2 because it's a very long sentence.

3 **MR. LEDUC:** "Ce qui m'inquiète c'est au
4 niveau civil parce que la relation
5 sexuelle c'est ça. Moi, je ne trouve
6 pas ça important cet indice, mais ce
7 qui est le plus important c'est l'abus
8 de relation fiduciaire. C'est-à-dire
9 qu'il y avait une relation privilégiée
10 entre pénitent/confesseur ou entre
11 ministre/pasteur..."

12 Je m'imagine. I think.

13 "...pasteur et fidèle et cette relation
14 privilégiée a été abusée et c'est là-
15 dessus, je pense, que les gens
16 pourraient peut-être avoir recours
17 contre le diocèse, contre le prêtre en
18 particulier."

19 **MS. JONES:** Thank you.

20 Now, just to be clear, by the way, for the
21 record -- I don't know if this has been established
22 already, but these are actually tape-recorded interviews
23 and these are actual words that you uttered on the tape,
24 just to be clear.

25 **MR. LEDUC:** I will concede that there was a

1 tape recording and that they were transcribed, but not by a
2 professional stenographer, not that I recall, but yes.

3 MS. JONES: Well, you read over this report
4 at the time?

5 MR. LEDUC: Yes. Yes.

6 MS. JONES: And you had opportunity to edit
7 or change if there was an incorrect assertion given to you?

8 MR. LEDUC: I don't recall if we were given
9 that opportunity.

10 MS. JONES: Did you read over the report?

11 MR. LEDUC: Yes.

12 MS. JONES: The excerpt that is attributed
13 to you there, is it fair to say that again, it seems that
14 you're essentially saying it's not necessarily the sexual
15 improprieties that are as great a concern as the fiduciary
16 relationship? Would you agree that's basically what you're
17 saying in that excerpt?

18 MR. LEDUC: No.

19 MS. JONES: How would you classify that
20 then?

21 MR. LEDUC: That's not the -- I'm not going
22 to use the word "flavour", but that's not how it sounds.
23 That's how -- how am I going to say this? It is that I
24 want to emphasize that the breach of the fiduciary
25 relationship is fundamental and very important. I don't

1 want to minimize -- in my reading of this, I did not intend
2 and in my reading it does not minimize, and the phrase
3 "Moi, je trouve pas ça important -- tout ça, moi je trouve
4 pas ça important" is a phrase which qualifies the issue of
5 sexual conduct in the sense that in looking at the breach
6 of the fiduciary relationship, that is what is very
7 important.

8 **MS. JONES:** So my reading of it is that you
9 felt that the sexual relationship was not the greatest
10 concern, that the fiduciary relationship was of a greater
11 concern, but you would say that is incorrect?

12 **MR. LEDUC:** I wouldn't say it's incorrect. I
13 would say it's a -- it's an incomplete description of what
14 I'm trying to explain in that I'm looking at -- as I
15 preface my remarks by saying what worries me is at the
16 civil level. And I'm trying to think back of my concerns,
17 and clearly in some -- the major -- how would I say this?
18 The major concern was the breach of this relationship,
19 which was obviously as a result of the sexual misconduct.

20 **MS. JONES:** I'll refer you now to Bates page
21 7206, and I am looking at the very bottom paragraph. I'm
22 wondering if you could please just read the very bottom
23 paragraph of that page, please?

24 **MR. LEDUC:** "Si on te disait que Gilles
25 est homosexuel, tu pourrais accepter

1 ça? Tu pourrais voir qu'il travaille
2 dans un foyer de vieux pour une
3 administration du moment qu'il pourrait
4 contrôler ses tendances sexuelles. Par
5 contre, si tu me dis, « Écoutes, ce
6 n'est pas juste ça...»

7 **MS. JONES:** Could you then please go to the
8 next page? And I'm looking at the second paragraph, and
9 I'm looking at the phrase that starts with "O.k."

10 **MR. LEDUC:** You want me to read that
11 paragraph?

12 **MS. JONES:** Yes, please, and read -- there's
13 a dialogue between you and the ex-wife of a victim,
14 actually, or former wife, and there's a dialogue between
15 the two of you there. If you could just end with her
16 saying, "C'est pas ça mon problème."

17 **MR. LEDUC:** "O.k. Mais si on te disait
18 que son problème ce n'était pas juste
19 avec des jeunes?"

20 Denise répond:

21 "Je ne pense pas que ce soit juste avec
22 des jeunes."

23 Et Jacques continue:

24 "O.k. Toi, tu me dis que ta perception
25 serait homosexuelle, donc avec des

1 something like that.

2 **MS. JONES:** Okay. All right. That's fine.
3 That's fair.

4 Would it be fair to say then you're
5 concentrating on the issues of Father Deslauriers being
6 possibly homosexual rather than a person who sexually
7 assaults people?

8 **MR. LEDUC:** Could you give me a moment to
9 read the ---

10 **MS. JONES:** Certainly.

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

12 **MR. LEDUC:** What is your question again,
13 please?

14 **MS. JONES:** Would it be a fair assessment to
15 say that in those two excerpts you seem to be focussing
16 much more on the issue of whether Father Deslauriers is a
17 homosexual rather than Father Deslauriers being a person
18 who sexually assaults people?

19 **MR. LEDUC:** I don't think I am emphasizing
20 one or the other. I am trying to get Denise to give her
21 view as to how she feels about it.

22 **THE COMMISSIONER:** And wasn't it -- if we go
23 back to the first page -- previous page and put things into
24 context, the discussion was about what would we do with
25 Father Deslauriers. What about if we put him in an old-age

1 home and deal with that? And then Denise came back and
2 said, "Well, no, that's not the problem." And then you
3 come back and you say, "Well, what about this homosexual
4 versus you?"

5 **MR. LEDUC:** Yes.

6 **THE COMMISSIONER:** Okay.

7 **MR. LEDUC:** It's attempting to get her view
8 on what should be done.

9 **MS. JONES:** I guess the problem that --
10 especially in the first quote, I don't understand what the
11 difference would be with Father Deslauriers working in an
12 old-age home if he was homosexual or heterosexual. That's
13 what I'm missing here. Could you possibly explain that,
14 what relevance that would have?

15 **MR. LEDUC:** From reading this, my
16 understanding is I'm asking her whether that would be --
17 and she comes back and talks about, I think, the issue of
18 control. So I'm asking her to tell me how she feels.

19 **MS. JONES:** Are you not making a suggestion
20 that perhaps this is something that you could put Father
21 Deslauriers in as a position?

22 **MR. LEDUC:** No, it's not a suggestion. It's
23 I'm eliciting from her what her view is as to what could be
24 done with Father Deslauriers, and the question is prefaced,
25 "If we told you that Gilles was homosexual".

1 **THE COMMISSIONER:** And just up above the
2 paragraph, Monsignor Guindon says:

3 "Qu'est-ce que vous auriez à suggérer
4 comme remède? En voyez-vous un?"

5 So then that's when Denise answers the
6 question. Monsignor Guindon comes in and then you come in.
7 And the second question from Monsignor Guindon is:

8 "Comme conclusion de ce que vous venez
9 de dire, ce serait impossible qu'il revienne dans le
10 diocèse pour faire du ministère."

11 So they're going from "What is the remedy?"
12 to "Do you think he should come back in the Diocese?" She
13 says no, and then Mr. Leduc says, "Well, okay, what about
14 an old-age home if he was just a homosexual as opposed to
15 being away from you," I think.

16 **MS. JONES:** So was this put as a suggested
17 route that could possibly be taken for Father Deslauriers?

18 **MR. LEDUC:** There were no suggested routes.
19 We were inquiring with her as to what she thought would be
20 acceptable.

21 **MS. JONES:** And on the same page, Bates page
22 7207, if I could please go to the part "Est-ce que toi" --
23 that's correct. And if we go to that excerpt plus the
24 response. If you could please read out those two portions?

25 **MR. LEDUC:** "Est-ce que toi, tu te

1 the error of a man and shouldn't the man have to pay
2 everything?", being Père Deslauriers.

3 Then he goes on, in fairness to him, he
4 says, "Well, maybe the Diocese should pay and we should
5 collect from the priest."

6 **MR. LEDUC:** M'hm.

7 **MS. JONES:** But in this particular excerpt,
8 it would seem though that there had been some discussion
9 about possibly paying for counselling, whether it came from
10 Father Deslauriers or whether it came from the Diocese.

11 **MR. LEDUC:** I recall discussions among the
12 committee members that, you know, paying for therapy would
13 be one of the recommendations that we would make, yes.

14 **MS. JONES:** If we could please go to Bates
15 page 7218, and it's the very first excerpt where you speak
16 and you are now talking to -- I believe it's the parents of
17 a victim. So if you could, please, that first excerpt
18 where your name is and then the response to that, please?

19 **MR. LEDUC:** "Monsieur Brisson, vous savez,
20 comme moi, et Monseigneur Guindon le
21 sait aussi, quand on est une gang
22 d'hommes ensemble, s'il y en a un qui
23 n'est pas comme les autres, ça se voit,
24 juste la manière de parler. Donc, ce
25 que vous me dites, vous dites et bien

1 en toute charité sans juger personne.
2 Moi, je doutais un petit peu de sa
3 prédisposition."

4 **MS. JONES:** So again, this is a theme that
5 has come up again with regards to predisposition to
6 possibly Father Deslauriers being homosexual. Do you see
7 that? You're talking there about Father Deslauriers.

8 **THE COMMISSIONER:** I think he's saying --
9 well, aren't you saying that you thought you had seen the
10 predisposition?

11 **MR. LEDUC:** No.

12 **THE COMMISSIONER:** Okay.

13 **MR. LEDUC:** No. No.

14 **THE COMMISSIONER:** "Moi je doutais un
15 petit peu de sa prédisposition."

16 **MR. LEDUC:** Monsieur Brisson.

17 **MS. JONES:** But were you not judging ---

18 **MR. LEDUC:** Because I say, "Donc, ce que
19 vous me dites". I'm trying to paraphrase what he's telling
20 me.

21 **MS. JONES:** Well, at the very beginning of
22 that, my understanding is you're basically saying ---

23 **THE COMMISSIONER:** Okay.

24 **MS. JONES:** I'm sorry?

25 **THE COMMISSIONER:** No, I'm sorry.

1 **MS. JONES:** "Mr. Brisson, you know, like me
2 and Monsignor Guindon knows this too, we're a gang of men
3 together. If there is one that's not like the others, you
4 can tell." Is that ---

5 **MR. LEDUC:** Yes.

6 **MS. JONES:** Those are your words, sir.

7 **MR. LEDUC:** Yes, that's right.

8 **MS. JONES:** So is that not a classification
9 then of you describing how Father Deslauriers may be
10 homosexual, a predisposition?

11 **MR. LEDUC:** No. I'm not sure I'm talking
12 about Father Deslauriers. I'd have to read what came
13 before that.

14 **MS. JONES:** Please do.

15 **THE COMMISSIONER:** What page are we on?

16 **MS. JONES:** We're on Bates page 7218.

17 **THE COMMISSIONER:** Seven two one eight
18 (7218). Okay.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **MR. LEDUC:** In the preceding page, page
21 7217, Monsignor Guindon is asking Monsieur Brisson if there
22 is anything -- and I believe he's talking about Gilles
23 Deslauriers -- is there anything that seemed out of place.
24 Monsieur Brisson answers, and I'm doing the translator's
25 work, I'm sorry -- answers:

1 "Me, I have said to Lise five or six
2 times when we would get together one or
3 two with him, the boys, the guys, you
4 know, with music, I know a lot about --
5 I know the public and the guys who are
6 going to make jokes, usually it's jokes
7 with respect to women. But him, five
8 or six -- five or six, he would tell
9 us, I would say, stuff and then I would
10 tell myself he's not into it. There is
11 something that -- qui ne marche pas."

12 And he continues:

13 "Ah, oui, il y avait quelque chose de
14 pas normal."

15 And in the context of that response from Mr.
16 Brisson, I repeat what he's saying to him.

17 **MS. JONES:** So you're maintaining then it
18 was his opinion, not yours?

19 **MR. LEDUC:** No. I'm just reflecting what I
20 understood from him to see if I got it right.

21 **MS. JONES:** Okay. It is correct though that
22 you were talking about Father Deslauriers?

23 **MR. LEDUC:** I believe so.

24 **MS. JONES:** Yes. Okay.

25 Now, at Bates page 7220, the first paragraph

1 attributed to you, you're still talking to the parents of
2 the victim, and I believe at this point you're asking them
3 for their recommendations. And in that first paragraph, it
4 starts of "On voudrait." If you could just read that
5 sentence, please?

6 MR. LEDUC: On 7220?

7 MS. JONES: Yes, please.

8 THE COMMISSIONER: You mean on ---

9 MR. LEDUC: I don't see "On voudrait".

10 THE COMMISSIONER: No.

11 MS. JONES: It's the first paragraph
12 attributed to yourself.

13 THE COMMISSIONER: "On nous a demandé..."

14 MS. JONES: It's the last sentence in the
15 first paragraph attributed to you. Yeah. You're basically
16 asking ---

17 MR. LEDUC: Oh, okay. Last sentence, okay.

18 MS. JONES: Yeah, you were asking them for
19 their recommendations and what should be happening with
20 Father Deslauriers and this is your response.

21 MR. LEDUC: Yes. Do you want me to read
22 that?

23 MS. JONES: Yes, please.

24 MR. LEDUC: Yes.

25 "On voudrait qu'elles soient suivies

1 mais il n'y a pas de garant là-dedans.
2 C'est ça qui est ma peur."

3 **MS. JONES:** So if I'm going to translate
4 that, essentially you're saying you're going to be making
5 recommendations. "We'd like them to be followed but
6 there's no guarantees here. That's what scares me."

7 Is that a fair translation?

8 **MR. LEDUC:** It's a very fair translation.

9 **MS. JONES:** So when reading that sentence,
10 the concern naturally is the purpose of the committee was
11 to make recommendations to the Bishop.

12 Is that a fair representation as to how you
13 felt the Bishop was going to treat your recommendations?

14 **MR. LEDUC:** No, I was expressing my concern
15 and my fear that the recommendations would not be followed.

16 **MS. JONES:** Would you agree that the
17 committee had no real power to ensure recommendations got
18 followed?

19 **MR. LEDUC:** You're right.

20 **MS. JONES:** And when you say "The Bishop may
21 not follow the recommendations. That's what scares me,"
22 what do you actually mean by "that's what scares me"?

23 **MR. LEDUC:** Where did I -- where do you see
24 that?

25 **THE COMMISSIONER:** Second paragraph on top,

1 your first paragraph on that page, top of the page, last
2 sentence.

3 **MR. LEDUC:** The one that begins "On nous a
4 demandé"?

5 **THE COMMISSIONER:** Oui, c'est -- that's the
6 paragraph, but lower down about five lines down at the far
7 right, it says:

8 "On voudrait qu'elles soient suivies
9 mais il n'y a pas de garantie là-
10 dedans. C'est ce qui me fait peur."

11 **MR. LEDUC:** That's right. And your question
12 was?

13 **MS. JONES:** The question was, what was it
14 that scared you?

15 **MR. LEDUC:** Well, I feared that -- I feared
16 that the recommendations would not be followed and ---

17 **MS. JONES:** So what did -- I'm sorry?

18 **MR. LEDUC:** --- that the -- whether it was
19 the Episcopal authority, the Diocese, or other authorities
20 or the Bishop himself would -- could not be bound to our
21 recommendations.

22 **MS. JONES:** Had you had previous experience
23 where you've been involved in making recommendations to the
24 Bishop or to the Diocese and they didn't follow your
25 recommendations? Is that what you're basing that phrase

1 on?

2 **MR. LEDUC:** As a lawyer, I give -- I make
3 recommendations and I give opinions and I give advice to
4 clients and whether they follow it or not is not my
5 responsibility.

6 I don't recall in this instance bringing to
7 mind any such situation where advice or a recommendation
8 had not been followed, but I just know from being on school
9 board committees that recommendations submitted to higher
10 authorities are often not followed.

11 **MS. JONES:** But in this particular case,
12 this is an extremely serious situation. You have a priest
13 where there's very serious allegations, possibly the worst
14 that could be imagined, quite frankly, and you, as the
15 lawyer, are afraid your client is not going to follow your
16 recommendations.

17 What was your foundation for that fear?

18 **MR. LEDUC:** Well, I have to say that I knew
19 and I understood very well that there were no guarantees
20 that any of the recommendations made by this committee
21 could or would be followed, and that -- that was the basis
22 of my fear.

23 **MS. JONES:** Were you afraid that if your
24 committee recommended that Father Deslauriers be removed as
25 a priest, certainly from the Diocese, that that would be

1 ignored and the abuse would continue? Is that what scared
2 you?

3 **MR. LEDUC:** It could have happened, yes.

4 **MS. JONES:** Now, still on the same page,
5 just one ---

6 **THE COMMISSIONER:** Okay. Before we go away
7 from there, is there anything that the Bishop had done
8 before that or your knowledge of him as a person that made
9 you come to -- was that a contributory part? Did you have
10 any inkling that Monsignor Larocque would be against any of
11 this or did you have any prior dealings with him that gave
12 you that inclination?

13 **MR. LEDUC:** No.

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

15 **MS. JONES:** Thank you.

16 The next paragraph that's attributed to you,
17 Mr. Leduc, "Il y a trois, quatre choses..." right at the top.

18 **MR. LEDUC:** Do you want me to read that?

19 **MS. JONES:** Yes, please.

20 **MR. LEDUC:** "Il y a trois, quatre choses
21 qui, je pense, sont importantes que
22 vous sachiez. Peut-être que vous avez
23 d'autres recommandations à nous
24 soumettre. Premièrement, qu'il ne
25 soit..."

1 **THE COMMISSIONER:** It says "l-u-s".

2 **MR. LEDUC:** "Vus" peut-être "lus".

3 **LE COMMISSAIRE:** "...qu'il ne soit plus dans
4 le diocèse."

5 **MR. LEDUC:** "...qu'il ne soit plus dans le
6 diocèse. Je pense que c'est clair.
7 Deuxièmement, si jamais il peut exercer
8 un ministère pastoral, que ça ne soit
9 pas un ministère où il soit dans une
10 situation de responsabilité envers les
11 gens."

12 **MS. JONES:** Okay. Trying to remember that
13 phrase, could I bring you please to Bates page 7224? You
14 are still talking to the parents, the same people, and I'm
15 looking at the first paragraph attributed to you, partway
16 down the paragraph.

17 " Tout ce que l'Évêque..."

18 Do you see that Madam Clerk?

19 **THE COMMISSIONER:** What line?

20 **MS. JONES:** It's six lines from the bottom.
21 That's correct, Madam Clerk.

22 **LE COMMISSAIRE:** "Tout ce que l'Évêque
23 pourrait faire..."

24 **MS. JONES:** Yes.

25 Could you just read that to the end of the

1 paragraph, please?

2 **MR. LEDUC:** "Tout ce que l'Évêque pourra
3 faire à un certain moment donné c'est
4 de dire à l'Évêque qui voudra
5 l'accepter, 'voici ce qui s'est passé
6 chez nous et voici le rapport'. Alors
7 maintenant la responsabilité est
8 transférée à l'autre Évêque si notre
9 Évêque à nous le laisse incardiné ou
10 transféré dans un autre diocèse."

11 **MS. JONES:** Thank you.

12 Now, that has to do with the concepts of
13 incardination and excardination.

14 Are you able to explain in simple terms what
15 that means?

16 **MR. LEDUC:** Incardination and excardination
17 are the canonical processes which govern the transferring
18 of a priest from one Episcopal authority to another.

19 **MS. JONES:** Am I correct in describing it
20 that you get excardinated from one parish and
21 simultaneously incardinated into another? Is that correct?

22 **MR. LEDUC:** Yes -- not from parish to
23 parish.

24 **MS. JONES:** No?

25 **MR. LEDUC:** From diocese to diocese.

1 **MS. JONES:** From diocese to diocese.

2 And in this particular committee that you
3 were on, you actually had a recommendation that you wanted
4 to excardinate Father Deslauriers with conditions. Is that
5 correct?

6 **MR. LEDUC:** I believe so.

7 **MS. JONES:** Was there an incardination that
8 was going to be going with that or did that come
9 automatically?

10 **MR. LEDUC:** It would come automatically.

11 **MS. JONES:** Now, the other concern is, is
12 that the type of action that would normally be taken for a
13 priest accused of sexual misconduct? Is that the normal
14 course of things?

15 **MR. LEDUC:** I don't know that. I know that
16 we have -- the Church has a sad history of having
17 transferred such persons, yes.

18 **MS. JONES:** Well, in 1986, was that the
19 normal way that that happened at that time?

20 **MR. LEDUC:** To the best of my recollection,
21 that's the only experience I recall knowing about it. What
22 happened elsewhere, I -- I couldn't tell you.

23 **MS. JONES:** So you had not heard of priests,
24 in this Diocese anyway, accused of sexual misconduct that
25 had just been thrown out of the Diocese full stop?

1 **MR. LEDUC:** I had heard of priests being
2 transferred to other functions in other dioceses, yes. I
3 can't recall if it was in relation to sexual misconduct.

4 **MS. JONES:** But have you ever heard of
5 priests being thrown out completely?

6 **MR. LEDUC:** Generally speaking?

7 **MS. JONES:** Because -- in this Diocese, in
8 your experience, because of sexual misconduct?

9 **MR. LEDUC:** No, not at that time, no.

10 **MS. JONES:** Now, further down that same
11 page, please, it's the fourth entry again still attributed
12 to you. You're still talking to the same people and it
13 starts -- the sentence I want starts with "Vous connaissez
14 le cas..."

15 **MR. LEDUC:** "Vous connaissez le cas de M.
16 Labelle, directeur. Est-ce que M.
17 Labelle peut choisir de se faire guérir
18 ou non? C'est à lui son choix. Il n'y
19 a personne qui va le forcer de se faire
20 guérir."

21 **MS. JONES:** Now, is this Mr. Labelle, the
22 school principal, the former principal of École élémentaire
23 catholique Marie-Tanguay?

24 **MR. LEDUC:** I understand -- yes, that's the
25 case, yes.

1 **MS. JONES:** So clearly you were aware of Mr.
2 Labelle at that point, and I'm wondering how you were aware
3 of that?

4 **MR. LEDUC:** I think it was public knowledge.
5 I think it was public knowledge. He -- at that point in
6 time, he may have been convicted or not, I don't -- no, he
7 was not charged.

8 **MS. JONES:** Did you find out through any
9 personal affiliations of yours, through neighbors or
10 friends?

11 **MR. LEDUC:** There were a couple of my
12 neighbors who had daughters in the school -- in the school,
13 who had concerns, yes.

14 **MS. JONES:** Was it brought to the Diocese
15 for a specific reason?

16 **MR. LEDUC:** What?

17 **MS. JONES:** Well, you just mentioned Mr.
18 Labelle there. I just wondered, was this a consideration?
19 Was there something talked about at the Diocese?

20 **MR. LEDUC:** Not that I know of. I think I'm
21 just making the point that such an individual can decide to
22 get treatment or not.

23 **MS. JONES:** Okay. On Bates page 7227,
24 please. Again, you're still talking to the parents, the
25 same parents as before. And if you could please read the

1 first paragraph attributed to you?

2 MR. LEDUC: "Si vous allez voir..."

3 MS. JONES: Oui, yes.

4 MR. LEDUC: "Si vous allez voir le Pro-
5 nonce, je veux que vous soyez avertis
6 qu'il est italien, qu'il a une attitude
7 complètement différente de nous envers
8 les fidèles, les laïques en
9 particulier. C'est un bon père de
10 famille qui reçoit ses..."

11 I would think it says "enfants."

12 "Vous allez être bien reçus. Il va
13 vous jaser. Il va vous dire qu'il a
14 beaucoup de peine de ce qui s'est
15 passé. Il va vraiment sympathiser avec
16 vous. Il va vous donner un chapelet et
17 une médaille. Il va vous dire, 'allez-
18 vous en' en vous bénissant. Alors ne
19 soyez pas déçus."

20 MS. JONES: Now, just to be clear, the Pro-
21 nuncio is the Vatican representative in Canada; is that
22 right?

23 MR. LEDUC: He's the diplomat representing
24 the Vatican State, yes.

25 MS. JONES: And essentially it seems that

1 the parents wanted to possibly go see him to talk about
2 what had happened and to talk about these allegations, et
3 cetera.

4 Would it be fair to say that your words were
5 basically saying, "Well, go see him, but don't expect much.
6 Don't be disappointed when nothing really happens."

7 **MR. LEDUC:** My words say and were meant to
8 say how they would be received.

9 **MS. JONES:** Is my description a fair
10 classification?

11 **MR. LEDUC:** Yes.

12 **MS. JONES:** Okay.

13 **MR. LEDUC:** Sorry, yeah.

14 **MS. JONES:** All right.

15 Now, had you ever met the pro-nuncio at this
16 point?

17 **MR. LEDUC:** No.

18 **MS. JONES:** And had you ever had dealings
19 with the pro-nuncio and the Diocese before this?

20 **MR. LEDUC:** I'm wondering whether that's a
21 matter of privilege or not.

22 **MS. JONES:** There seem to be no objections.

23 **MR. SHERRIFF-SCOTT:** Don't be so quick to
24 conclude that.

25 **THE COMMISSIONER:** Well, not while Mr.

1 Sherriff-Scott's here.

2 **MR. SHERRIFF-SCOTT:** I don't know what the
3 subject is.

4 **THE COMMISSIONER:** Yeah, me either. I can't
5 help you either.

6 **MR. SHERRIFF-SCOTT:** Perhaps we could
7 explore it at a break and then we could determine what the
8 appropriate course would be.

9 **THE COMMISSIONER:** Well, let's take a break.

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

12 This hearing will resume at 3:55.

13 --- Upon recessing at 3:39 p.m./

14 L'audience est suspendue à 15h39

15 --- Upon resuming at 4:01 p.m./

16 L'audience est reprise à 16h01

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

19 This hearing is now resumed. Please be
20 seated. Veuillez vous asseoir.

21 **THE COMMISSIONER:** So what I would propose,
22 ladies and gentlemen, is that we go until around five
23 o'clock, and then tomorrow I have an appointment at four
24 o'clock here in Cornwall. So we're going to have to break
25 shortly before four o'clock.

1 So would there be strong objections if we
2 started at 9:00? Anybody have any pre -- any children to
3 bring to school, anything like that? No? I guess we're
4 with the older crowd now. Okay. So we'll start at 9:00.

5 Oh, Mr. Sherriff-Scott.

6 **MR. SHERRIFF-SCOTT:** Yes, sir. I've
7 canvassed the matter with Mr. Leduc. It's of no
8 consequence and I'm happy to waive the privilege, although
9 I might observe that the speed with which I jump out of my
10 chair shouldn't be the test for waiver in the future.
11 Thank you.

12 **JACQUES LEDUC, Resumed/Sous le même serment:**

13 **--- EXAMINATION IN-CHIEF/INTERROGATOIRE EN CHEF PAR MS.**

14 **JONES (cont'd/suite):**

15 **MS. JONES:** So the question was, had you
16 ever had dealings with the pro-nuncio and the Diocese
17 before this timeframe of dealing with the Deslauriers
18 committee?

19 **MR. LEDUC:** I had dealings with a pro-nuncio
20 and the Diocese prior to this time, yes.

21 **MS. JONES:** And was this the same pro-
22 nuncio?

23 **MR. LEDUC:** I don't know.

24 **MS. JONES:** And with regards to your
25 classification of it to the parents here, it was based in

1 part on your previous contact with the pro-nuncio?

2 MR. LEDUC: Which was my only experience.

3 MS. JONES: And I just wanted to establish
4 that your opinion of this person came from personal
5 knowledge or personal experience rather than just
6 postulating?

7 MR. LEDUC: Yes.

8 MS. JONES: Okay. Would it be fair to say
9 that either you or perhaps even your client didn't want the
10 Vatican to know about what had happened with Father
11 Deslauriers?

12 MR. LEDUC: No. I -- no.

13 MS. JONES: And perhaps that was why you
14 were possibly dissuading the parents from going to the pro-
15 nuncio?

16 MR. LEDUC: I was not dissuading. I was
17 putting them on notice as to how they could expect to be
18 received. There was no -- not that I read here -- any kind
19 of statement which would have suggested that they not go.

20 MS. JONES: Well, you certainly weren't
21 encouraging them to go, put it that way?

22 MR. LEDUC: I don't believe that's the case.

23 MS. JONES: You think you were encouraging
24 them to go with those words?

25 MR. LEDUC: No, I was merely stating a fact

1 as to how they could be received.

2 **THE COMMISSIONER:** Well, Mr. Leduc, in
3 reading it, it seems like you're saying, "Look, you go over
4 there. He's a nice person. He'll receive you. He'll give
5 you some trinkets and he'll send you on your way." So then
6 the conclusion to that might be he's not going to do
7 anything, so there's no use you going. Wouldn't that be
8 the conclusion that you might reach?

9 **MR. LEDUC:** It could be a conclusion, Mr.
10 Commissioner.

11 **THE COMMISSIONER:** Okay.

12 **MS. JONES:** Now, on Bates page 7253 --
13 sorry, we're almost finished this labour of love here --
14 7253, and I'm looking at the bottom entry of yourself.
15 You're actually speaking English when you say, "He used
16 you".

17 Do you see that part further down the page,
18 Madam Clerk?

19 **THE COMMISSIONER:** So for those who are
20 following, now we're at the point where Benoit Brisson is
21 being interviewed.

22 **MS. JONES:** That's correct. So now we're
23 changing -- we're finished with the parents.

24 Now we're going -- this is actually a victim
25 of Father Deslauriers and you asked him in English. Do you

1 see that?

2 MR. LEDUC: Yes.

3 MS. JONES: And saying "He used you"

4 and the response was yes or "Oui"?

5 MR. LEDUC: That's correct.

6 MS. JONES: Okay. And on Bates page 7256,
7 it's the first time that you speak on this particular page,
8 please, "Est-ce que tu penses que Gilles"; do you see that?
9 Gilles, I should say. So if you could please read that
10 question and the response?

11 MR. LEDUC: "Est-ce que tu penses que
12 Gilles pourrait te menacer avec quelque
13 chose?
14 Oui, je sens qu'il serait capable."

15 MS. JONES: So if I could just refer you to
16 one last small bit, 7258, again, the first intervention
17 where you speak.

18 MR. LEDUC: Would you like me to read it?

19 MS. JONES: Yes, please.

20 MR. LEDUC: "Moi, la seule chose que je
21 tiens à te dire, sans te dire de le
22 faire, c'est que je t'inviterais à voir
23 si tu es intéressé à avoir quelqu'un
24 pour jaser avec, quelqu'un de
25 professionnel. Moi, je pense que c'est

1 clairement la responsabilité du
2 diocèse. Il ne faudrait pas que tu
3 sois gêné. Alors, mon avis à moi c'est
4 que tu ne te gênes pas pour te faire
5 valoir ces services-là."

6 **MS. JONES:** Okay. So in this particular
7 portion as well, you're looking at -- suggesting that
8 there's therapy that could assist this person. He said
9 that he was used. He said he was fearful of Father
10 Deslauriers, and so now leading on to the therapy that you
11 were suggesting that is something that could help him cope
12 with those sorts of situations.

13 Do you agree with that?

14 **MR. LEDUC:** The invitation was made that he
15 should consider it, yes.

16 **MS. JONES:** And you're also stating that
17 it's clearly the responsibility of the Diocese as well?

18 **MR. LEDUC:** Yes.

19 **MS. JONES:** Now, when you use the word
20 "responsible" -- the Diocese is responsible -- I just want
21 to be clear, you're meaning for the cost of the therapy?

22 **MR. LEDUC:** Yes.

23 **MS. JONES:** All right.

24 And was there any other victim that came
25 forward during the interview process that you offered

1 therapy to besides -- I believe there's two that we've
2 highlighted. Was this something you did with each
3 complainant?

4 **MR. LEDUC:** I'd have to verify the
5 transcript. I have no independent recollection of what was
6 said to what person, but I think it was a recurring issue.

7 **MS. JONES:** Now, in reviewing this document
8 from start to finish, there doesn't seem to be anywhere in
9 here where you're advising the complainants of going to the
10 police. Was the discussion of criminal charges ever
11 something just you and the committee discussed?

12 **MR. LEDUC:** If there was such a discussion,
13 I don't recall it.

14 **MS. JONES:** So the concept of Father
15 Deslauriers' criminal activity then was not one of the
16 topics that you and the committee felt was significant
17 enough to discuss?

18 **MR. LEDUC:** Again, I don't recall such
19 conversations.

20 **MS. JONES:** Let's put it this way; if you
21 had such a discussion, it likely would have appeared in
22 this extremely lengthy report; correct?

23 **MR. LEDUC:** Unless it was not transcribed,
24 but all of it was transcribed, from what I can remember.

25 **MS. JONES:** Well, it would appear -- I mean,

1 you've read the report. All of it was transcribed.

2 **MR. LEDUC:** Yes.

3 **MS. JONES:** So there was no discussion here
4 at all about criminal activity or police?

5 **MR. LEDUC:** None that is reported in these
6 transcriptions, yes.

7 **MS. JONES:** Was it -- do you recall there
8 being a discussion with the Diocese or any client of yours
9 at the Diocese, specifically perhaps the Bishop, that they
10 didn't want this to go forward in a criminal process at
11 that particular stage?

12 **MR. LEDUC:** There was never such a
13 discussion.

14 **MS. JONES:** Is there a reason why you did
15 not tell or advise the complainants of their options
16 available to them, one of which being to go to the police?

17 **MR. LEDUC:** I don't remember any of those
18 discussions or that issue which could have come up. I have
19 no recollection of that. I don't recall anything.

20 **MS. JONES:** Now, I understand that you
21 signed your report -- initial report on May 8th, 1996 and
22 you submitted the report to Father Deslauriers and asked
23 for his comments?

24 **MR. LEDUC:** Ninety-six ('96)?

25 **MS. JONES:** Did I say '96?

1 **THE COMMISSIONER:** Eight-six ('86).

2 **MS. JONES:** Eighty-six ('86). I apologize.

3 And you submitted your report to Father
4 Deslauriers and asked for his comments on or before May
5 18th.

6 I'm going to refer you to Bates page 7261
7 which shows your report of May 8th, 1986. This is I guess a
8 cover page to it. And then -- just a moment please.

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

10 **MS. JONES:** Yes. Can I please have Bates
11 page then 7267?

12 And 7267, just to summarize, is basically
13 Father Deslauriers' response to Bishop Larocque. It's
14 dated April 16th, 1986.

15 And essentially what he's saying is that he
16 was not -- he did not want to participate in this, that
17 he's not interested in making any contribution, that he
18 didn't recognize the committee.

19 Is that a fair assessment ---

20 **MR. LEDUC:** Yes.

21 **MS. JONES:** --- of some of the contents of
22 the letter anyway? There's a couple of other things as
23 well.

24 Do you remember or do you know how much of
25 the report or the testimony went to Father Deslauriers; if

1 he saw the complete large report that we have here or a
2 reduced version?

3 **MR. LEDUC:** Well, I can only rely on the
4 letter of May 8th which says that he's being provided with a
5 report. I have no recollection as to whether or not he was
6 provided with the full transcription of the interviews?

7 **MS. JONES:** All right.

8 So on May 8th you submitted your report. You
9 were not able to get any input from Father Deslauriers as
10 he didn't recognize the committee.

11 Then on Bates page 7265 is a letter dated
12 the 14th of May, 1986 and this letter is written to Bishop
13 Larocque from Father Lebrun and it confirms that Father
14 Deslauriers had received the report, in fact he passed it
15 onto his doctor and the doctor had come to Father Lebrun
16 and expressed some concerns about it. But this is
17 confirming as well that Father Deslauriers did receive
18 something from you. Would you agree with that?

19 **MR. LEDUC:** Yes.

20 **MS. JONES:** Okay.

21 Now, what it says at the top of that letter
22 at 7265, it says it's handwritten, submitted to Bishop ---

23 **MR. LEDUC:** Just a second please; 7265?

24 **MS. JONES:** At 7265 ---

25 **MR. LEDUC:** Oh, okay. Yeah, sorry.

1 MS. JONES: --- that we just looked at.

2 MR. LEDUC: Yes.

3 MS. JONES: It's handwritten at the top.

4 MR. LEDUC: Yes.

5 MS. JONES: It's submitted to Bishop
6 Larocque's committee on the 16th of May, 1986.

7 MR. LEDUC: Yes.

8 MS. JONES: Do you recall receiving this
9 letter?

10 MR. LEDUC: No.

11 MS. JONES: Would you agree that with that
12 kind of designation on the letter it's possible that you
13 did receive this letter?

14 MR. LEDUC: It may be.

15 MS. JONES: Okay. Your final report is
16 written -- your final, final report is written on May 23rd.
17 So it seems that you -- if you did receive it it's likely
18 you received it before the 23rd. Would you agree on that?

19 MR. LEDUC: I have no information.

20 MS. JONES: Now, it appears that you
21 finished this report then and got the master copy. If you
22 go back to the very first page of Exhibit 72 at Bates page
23 7071, it says, "Report recommendations of Father
24 Deslauriers" and the date of it is the 23rd of May, 1986.

25 Now, who was responsible for preparing the

1 drafts of this document? Did you do it as a committee?

2 MR. LEDUC: I'd only be guessing. I have no
3 memory as to who prepared the document. We did work on it
4 together though, in the sense that I recall having a
5 meeting going over it.

6 MS. JONES: So it wasn't just Monsignor
7 Guindon sitting down and writing it all without
8 consultating ---

9 MR. LEDUC: No.

10 MS. JONES: --- with yourself and Sister
11 Pilon?

12 MR. LEDUC: That's right.

13 MS. JONES: Did you collectively okay the
14 final version ---

15 MR. LEDUC: Yes.

16 MS. JONES: --- as well?

17 MR. LEDUC: Yes.

18 MS. JONES: At the time of writing this
19 report, was there any sort of strict protocol on how the
20 Diocese was to deal with priests accused of sexual
21 misconduct?

22 MR. LEDUC: I don't know that. Today I
23 don't remember. There may have been.

24 MS. JONES: There's no reference to it in
25 your document. Would it be fair to say if in fact there

1 was a specific protocol in dealing with this, this would be
2 something the committee would have reviewed?

3 MR. LEDUC: Yes, that's a fair statement.

4 MS. JONES: Now, the recommendations that
5 you made start on Bates page 7075.

6 MR. LEDUC: Seven-five (75), the
7 recommendations, yes.

8 MS. JONES: And these were the -- I believe
9 it's six recommendations -- yeah, six recommendations that
10 your committee made.

11 Now, the very first one basically says that
12 he's to be suspended *a divinis* and that his exclusion from
13 the Diocese be upheld by the competent authority. Is that
14 a fair translation?

15 MR. LEDUC: Yes.

16 MS. JONES: Now, to interpret that, does
17 that mean then that he is not to exercise any sort of
18 public ministry?

19 MR. LEDUC: Yes.

20 MS. JONES: And that your recommendation was
21 that a competent authority maintain his exclusion from the
22 Diocese?

23 MR. LEDUC: Yes.

24 MS. JONES: Now, you made this
25 recommendation -- as I say, your report is dated May 23rd,

1 1986. We will learn in a moment the exact date, but at
2 that particular point you actually didn't know that Father
3 Deslauriers had already been excluded from the Diocese, did
4 you?

5 MR. LEDUC: I don't recall.

6 MS. JONES: Now, just looking at the phrase
7 "a *divinis*" ---

8 MR. LEDUC: Yes.

9 MS. JONES: --- are you able to describe
10 that, please?

11 MR. LEDUC: It means a form of suspension
12 from the exercise of ministry, the exercise over
13 sacraments.

14 MS. JONES: A public ministry?

15 MR. LEDUC: There can be some conditions to
16 it, yes. Usually it's public ministry.

17 MS. JONES: It's my understanding that a
18 bishop for the Pope can order this suspension. Is that
19 correct?

20 MR. LEDUC: The proper authority, which may
21 be a bishop.

22 MS. JONES: The second recommendation, to
23 translate it, that you're looking at the excardination and
24 incardination to another Diocese be done with certain
25 conditions attached, and the first condition was that he

1 follow therapy, psychological therapy.

2 The second one, that he not be granted
3 another ---

4 **MR. SKURKA:** Sorry, Mr. Commissioner. If my
5 friend is going to take Mr. Leduc to a recommendation, it
6 should be fairly put to him. It wasn't simply to be taken
7 to a psychiatrist. It's a more elaborate recommendation.

8 **MS. JONES:** That's fine. I don't have an
9 issue with the actual recommendation.

10 If you wish to read it in French for the
11 record, that's fine. I don't actually have any questions
12 pertaining to that, but -- no, okay.

13 The second was that he not be granted, I
14 believe -- would that be a public ministry? Is that a
15 translation of that?

16 **MR. LEDUC:** Pastoral charge.

17 **MS. JONES:** Pastoral charge?

18 **MR. LEDUC:** It would be my recollection that
19 it's more than just exercising public ministry. It would
20 be -- a pastoral charge would be a mandate given by a
21 bishop for a specific function in the Christian community.

22 **MS. JONES:** Okay. And that he not be given
23 that pastoral charge until there's a competent authority
24 that can be assured of his rehabilitation?

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

1 **MS. JONES:** Okay. And the third
2 recommendation was that he cease his pastoral function that
3 he had previously exercised.

4 **MR. LEDUC:** That he ---

5 **THE COMMISSIONER:** Actually.

6 **MR. LEDUC:** --- presently or actually ---

7 **MS. JONES:** That he presently was
8 exercising.

9 Again, you were not aware at this time, even
10 by the language of this, that he had actually been taken
11 out of commission in that regard already?

12 **MR. LEDUC:** I don't recall, but the wording
13 "qu'il assume actuellement" indicates that he was actually
14 in function.

15 **MS. JONES:** All right.

16 The recommendation of the
17 excardination/incardination that we talked about earlier,
18 you've attached these recommendations and conditions. Is
19 that actually allowable by cannon law?

20 **MR. LEDUC:** I think that question should be
21 put to a real cannon law expert who is familiar with the
22 present state of the law. I would be reluctant to tell you
23 what it is today, but I know that since Monsignor Guindon
24 participated in these recommendations, they would have been
25 at least receivable by the competent authority in the sense

1 that it would have been -- could have been considered.

2 MS. JONES: All right.

3 And Monsignor Guindon you said had a
4 doctorate in cannon law?

5 MR. LEDUC: That's correct.

6 MS. JONES: Okay. And he would have had
7 some input into this as well, would he -- would he not?

8 MR. LEDUC: Absolutely.

9 MS. JONES: Yeah. Now, I just want to refer
10 you to Bates page 7239, and in this particular case, there
11 is a victim being talked about here. There's no need to
12 use his name because it's irrelevant, actually, to this,
13 but if you could please just read for the record the second
14 entry of Monsignor Gindon's and read about halfway through
15 the paragraph. It ends "de ça". Starting with the first
16 and ending with "de ça".

17 MR. LEDUC: "Pas dans des conditions
18 semblables. Ici, sa crédibilité est
19 finie et les diocèses voisins où
20 quelques unes de ses victimes, si on
21 veut, et qui demeurent là et qui l'ont
22 déjà vu à Hull, je pense que tu es au
23 courant de ça."

24 MS. JONES: So based on that, were you and
25 the committee under the impression ---

1 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, I'm
2 sorry, but we're not getting any translation.

3 **THE COMMISSIONER:** Are we -- I don't have
4 headphones. So is there a technical problem with the
5 interpreters?

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

7 **MS. JONES:** Perhaps you could read it again
8 for the record.

9 **THE COMMISSIONER:** Just hold on a second.

10 **MS. JONES:** Oh, I'm sorry.

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

12 **MS. JONES:** I'm sorry.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **THE COMMISSIONER:** So you're okay now? All
15 right. Test, test.

16 **MS. JONES:** Okay. I'm sorry. Could you
17 read that again, please, for the record, sir?

18 **THE COMMISSIONER:** No, hang on a second.
19 Okay. So we're good. Go ahead.

20 **MS. JONES:** We're good? Okay.

21 In this particular phrase here, it would
22 appear that there was a discussion about Father Deslauriers
23 actually still being in Hull exercising ministry. Is that
24 a fair description of ---

25 **MR. LEDUC:** That's what it says, yes.

1 **MS. JONES:** --- what it's saying there?

2 So at the time that you're talking to this
3 particular victim and the time that you're writing this
4 report, was that your impression?

5 **MR. LEDUC:** Oh, I don't recall what my
6 impression was at that time. About where he was?

7 **MS. JONES:** About where he was or that he
8 was still functioning in a pastoral way in Hull?

9 **MR. LEDUC:** I can only answer that question
10 by referring to the recommendation and the wording of the
11 recommendation "qu'il assume présentement", which he is
12 presently, but I have no independent memory of that.

13 **MS. JONES:** That doesn't refresh your memory
14 reading that excerpt?

15 **MR. LEDUC:** No, I'm sorry.

16 **MS. JONES:** Okay. And the third one --
17 recommendation that you make there, again, if I can
18 translate it loosely, that every person who suffered by the
19 actions of Father Gilles Deslauriers and who require
20 professional treatment and who make a request to the
21 Diocese, be assured that the Diocese will assume the cost
22 of therapy and that the responsibility of these costs fall
23 upon Father Deslauriers.

24 Is that a fair translation?

25 **MR. LEDUC:** It is.

1 **MS. JONES:** Now, I believe there -- I've
2 highlighted two individuals that -- where funding and
3 counselling was discussed, but this was a general concept
4 that any of the complainants could then get funding for
5 counselling. Is that a general recommendation?

6 **MR. LEDUC:** It was a specific
7 recommendation.

8 **MS. JONES:** So were there any other
9 discussions amongst the committee then to get in touch with
10 the victims who had testified to bring up the issue of
11 paying for counselling with them if it hadn't been
12 discussed in the interview?

13 **MR. LEDUC:** I don't recall.

14 **MS. JONES:** And was there ever discussion of
15 seeking out other complainants to see if Father Deslauriers
16 had had contact with other people that you had not actually
17 met in this committee?

18 **MR. LEDUC:** We were guided by the mandate
19 and the Bishop's letter to the committee of the 3rd of April
20 and that mandate was that we would meet these individuals,
21 parents, who would present themselves. A few of them are
22 named, and youths who would present themselves, a few of
23 them are named, and other persons concerned.

24 So our mandate was to receive them. I don't
25 recall any discussion about actively going out and

1 soliciting people to ---

2 **THE COMMISSIONER:** No, but the question is
3 whether you considered recommending to the Bishop, "Listen,
4 if he has abused these people, there may be other people
5 out there reluctant to come and we should reach out to
6 other unnamed people and see if there are any out there"?

7 **MR. LEDUC:** I don't recall any such
8 discussion, sir.

9 **MS. JONES:** And the fourth recommendation
10 there, that every person who is interviewed be made aware
11 that the committee did not know that Father Deslauriers had
12 not followed the Bishop's order to attend a three-month
13 therapy session at Pierrefonds.

14 Is that a fair translation?

15 **MR. LEDUC:** If I may, it would be more so
16 that the witnesses be all notified that the members of the
17 committee did not know, while they were present before the
18 committee, that Gilles Deslauriers had not obeyed the order
19 with respect to being ordered to go to Pierrefonds. Sorry.

20 **MS. JONES:** Okay. So to explain what that
21 means then, when you got this committee together in April,
22 it's true that Bishop Larocque had made an announcement of
23 sorts if you say that Father Deslauriers was going to go to
24 Pierrefonds for treatment, psychological treatment, for
25 three months, or something to that effect?

1 **MR. LEDUC:** I recall that we were all under
2 the assumption that he was under care and was in
3 Pierrefonds, yes.

4 **MS. JONES:** And when you did interview
5 people, there's reference to that spotted throughout the
6 report that you were telling people he's getting treatment;
7 what do you think about that? And they were pleased that
8 that was happening.

9 But it wasn't until later on, after you'd
10 interviewed these people that you actually found out he had
11 not gone for treatment. And I just want to refer you back
12 to a document we've looked at briefly, 7267.

13 **MR. SHERRIFF-SCOTT:** Excuse me.

14 **THE COMMISSIONER:** Yes?

15 **MR. SHERRIFF-SCOTT:** My friend is being much
16 too sweeping of her descriptors. There's a distinction
17 here between Pierrefonds and treatment, as you recall from
18 the Brisson evidence. There is specific correspondence
19 already in the record, which confirms that the manner and
20 frequency of treatment which had commenced in February, and
21 then there is another specific discrete issue at
22 Pierrefonds, and she is blending this together into one
23 issue, and I don't think that is appropriate given what's
24 in the record already.

25 There is also correspondence on the issue of

1 the last recommendation, which has been put to the witness,
2 which deals with the sending of the letter to these
3 individuals and I wonder whether that's going to be
4 canvassed. Thank you.

5 **THE COMMISSIONER:** All right.

6 Well, if it's not canvassed now, I'm sure
7 you are going to bring it up in cross-examination.

8 **MR. SHERRIFF-SCOTT:** Well, I hadn't given
9 notice of it, but I will have to do that.

10 **THE COMMISSIONER:** We'll see. We'll see.
11 Okay, go ahead.

12 **MS. JONES:** I apologize if I was unclear,
13 but what was your understanding about Father Deslauriers
14 then going to Pierrefonds?

15 **MR. LEDUC:** I understood -- my understanding
16 was that Pierrefonds was a retreat centre and that he was
17 under care.

18 **MS. JONES:** What does that mean "under
19 care"?

20 **MR. LEDUC:** That he was being under the care
21 of a therapist.

22 **MS. JONES:** So getting psychological
23 treatment?

24 **MR. LEDUC:** I would think so.

25 **MS. JONES:** Okay. If we could please go to

1 the letter, Bates page 7267. We've looked at this already
2 briefly, and this is the letter from Father Deslauriers to
3 Monsignor Larocque, as he was at that time I suppose. And
4 the letter is dated April 16th, 1986, and the very last
5 paragraph deals with the issue that we are speaking of and
6 perhaps you could just read that last paragraph for the
7 record.

8 MR. LEDUC: It is the last paragraph of the
9 letter dated April 16th?

10 MS. JONES: Yes.

11 MR. LEDUC: "Pour l'autre point que vous me
12 mentionnez dans votre lettre, le stage
13 à Pierrefonds, comme vous devez le
14 savoir, une des conditions c'est la
15 motivation positive des participants.
16 Je vous prie simplement de comprendre
17 que je n'avais pas les dispositions
18 voulues pour atteindre les objectifs du
19 stage et ce que vous poursuiviez en me
20 suggérant d'y aller."

21 MS. JONES: So it would seem that the Bishop
22 had wanted him to go and Father Deslauriers said, "No, I'm
23 not going" essentially.

24 Is that a fair classification?

25 MR. LEDUC: That's what the last paragraph

1 states.

2 **MS. JONES:** Okay. Now, again handwritten at
3 the top is "Submitted to Monsignor Larocque's committee on
4 May 16th, 1986", which is a month after the letter actually
5 was written it would appear.

6 So would this have been the source of your
7 information that now you've since learned that Father
8 Deslauriers did not actually go to Pierrefonds, as you had
9 previously been told he was?

10 **MR. LEDUC:** I don't recall if that was the
11 source of the information. I can only go by the dates that
12 are on the letter, but I don't recall.

13 **MS. JONES:** If the final report is written
14 May 23rd and if we presume you got this letter, as it
15 states, on May 16th, it certainly confirms what you are
16 saying here that now you've learned he's not going for
17 therapy and you were going to tell the people that ---

18 **MR. LEDUC:** Well, that's consistent, but I
19 have no recollection.

20 **MS. JONES:** All right. Thank you.

21 And number five, the recommendation that --
22 perhaps you can read that for the record actually, in
23 French first. I'm at Bates page 7076.

24 **MR. LEDUC:** "...que ce rapport soit envoyé
25 selon votre bon plaisir aux autorités

1 supérieures qui furent impliquées dans
2 la question."

3 **MS. JONES:** So does that essentially mean
4 that a copy of this report will be sent to Rome?

5 **MR. LEDUC:** Specifically the recommendation
6 is that it be sent to those who are involved in this issue.

7 **THE COMMISSIONER:** Well ---

8 **MR. LEDUC:** And that, I believe, would be
9 the Nuncio.

10 **MS. JONES:** Was that your understanding in
11 drafting that particular clause?

12 **MR. LEDUC:** I don't remember what is going
13 through my mind, you know, at that time, but my reading of
14 this recommendation would lead me to that conclusion that
15 it was to be -- when we talk about superior authorities, it
16 would be to the Nuncio.

17 **MS. JONES:** So once authorities are
18 notified, are you aware if they have certain powers of
19 their own to do another investigation of some sort?

20 **MR. LEDUC:** Which authorities would you be -
21 --

22 **MS. JONES:** If you put higher authorities on
23 notice, are you aware if this higher authority has the
24 authority to appoint another tribunal, for example, to do
25 the investigation?

1 **MR. LEDUC:** Specifically, the Pro-Nuncio
2 would not have that authority, but he could hypothetically
3 make a recommendation to the proper congregation in Rome.
4 The Roman congregation could get involved, yes.

5 **MS. JONES:** Was this ever discussed in their
6 committee?

7 **MR. LEDUC:** No.

8 **MS. JONES:** And the last recommendation,
9 perhaps you could read that for the record?

10 **MR. LEDUC:** Was this ever discussed? This
11 recommendation was discussed.

12 **MS. JONES:** Yes.

13 **MR. LEDUC:** Okay.

14 **MS. JONES:** I'm sorry. Pardon me?

15 **MR. LEDUC:** This -- number five was
16 discussed in committee.

17 **MS. JONES:** Yes, yes.

18 **MR. LEDUC:** Yes, of course, yeah.

19 **MS. JONES:** No, the question was did the
20 committee ever discuss the possibility of the higher
21 authorities having their own investigation into it? Was
22 that ever discussed?

23 **MR. LEDUC:** I don't recall a specific
24 recommendation, but clearly the recommendation that is made
25 is one that it be sent to a higher authority. There had to

1 be some kind of discussion that brought us to that
2 recommendation.

3 **MS. JONES:** All right. The last
4 recommendation, if you could read that into the record
5 please.

6 **MR. LEDUC:** "...que le rapport du Père
7 Bernard Ménard surtout ses
8 recommandations soient prises en
9 sérieuse considération."

10 **MS. JONES:** Now, Father Ménard had prepared
11 a report about Father Deslauriers, which may have been the
12 same that started your committee getting together, I don't
13 know, but it preceded your report.

14 Do you recall that?

15 **MR. LEDUC:** Yes.

16 **MS. JONES:** Okay. And the report itself
17 actually starts on Bates page 7101. I'm actually not going
18 to be looking at this document, except just to ask in
19 general terms, would you agree that the recommendations
20 suggested in Father Ménard's report were echoed in large
21 part in your recommendations are consistent with each other
22 ---

23 **MR. LEDUC:** Yes.

24 **MS. JONES:** --- in other words?

25 **MR. LEDUC:** Yes.

1 **MS. JONES:** Okay. Now, did you ever tell
2 Monsignor -- is it Monsignor Ménard ---

3 **MR. LEDUC:** No.

4 **MS. JONES:** --- or Father Ménard.

5 **MR. LEDUC:** Not that I know of.

6 **MS. JONES:** Okay, Father Ménard. Did you
7 ever tell Father Ménard that you had put this
8 recommendation number six in, that his recommendations be
9 adopted?

10 **MR. LEDUC:** I don't -- I have no
11 recollection of that at all.

12 **MS. JONES:** Now, I don't think you have -- I
13 think it was your testimony that you don't have an
14 independent recollection of whether you knew that Father
15 Deslauriers had actually resigned at some point from the
16 Diocese. You were not made aware of that with the
17 committee?

18 **MR. LEDUC:** That he resigned?

19 **MS. JONES:** Or that he was suspended?

20 **MR. LEDUC:** I'm sorry, I can't recall if
21 that happened or when it happened.

22 **MS. JONES:** Do you recall if it was around
23 May 16th, 1986, just before writing this report? You don't
24 recall that?

25 **MR. LEDUC:** I have no independent

1 recollection of it, unless you can point me to a document
2 that I can review. I don't remember when we would have
3 been advised of either his resignation or his dismissal.

4 **MS. JONES:** Okay. Now, if you look at the
5 recommendations there that you summarized, nowhere in those
6 recommendations is there a recommendation that outside
7 agencies be notified about the information that you
8 received. Would you agree with me?

9 **MR. LEDUC:** Yes.

10 **MS. JONES:** Now, given the fact that the
11 allegations were historical in nature and now the victims
12 were adults, do you think that that had some sort of an
13 influence as to why you didn't make that recommendation?

14 **MR. LEDUC:** I am fairly certain that that is
15 the reason why, yes.

16 **MS. JONES:** With regards to these
17 recommendations, did you ever do any follow-up with your
18 client to see if they had been actually followed?

19 **MR. LEDUC:** No.

20 **MS. JONES:** And did you ever meet with the
21 committee or the Bishop specifically to discuss the report
22 after you had completed it and given it to your client?

23 **MR. LEDUC:** I don't -- there was never a
24 meeting with the Bishop and the committee. I can't recall
25 a meeting after the report being submitted of the members

1 of the ad hoc committee.

2 **MS. JONES:** Okay. Now, the notes and the
3 tapes that were collected as a result of this committee,
4 was there one grand file that was made?

5 **MR. LEDUC:** I don't know.

6 **MS. JONES:** Was there anybody responsible
7 for just maintaining the physical integrity of the file
8 that must have been opened somehow?

9 **MR. LEDUC:** I'm not sure which member of the
10 staff at the Diocesan Centre was handed that
11 responsibility. I don't know.

12 **MS. JONES:** But you, as a committee member,
13 didn't take any independent notes yourself?

14 **MR. LEDUC:** No, not that I recall.

15 **MS. JONES:** Now, we're going to look at the
16 police investigation into Father Deslauriers, and I'll just
17 start off by summarizing it a little bit. Allegations were
18 made on May 21st, 1986. Your final report is May 23rd. So
19 it's almost the same time period that these allegations
20 were made to the Cornwall Police Service, and that's when
21 the two statements that I referred to earlier of Sergeant
22 Lefebvre and Constable Lefebvre were made.

23 And for the record, I can just advise
24 everyone here that the CPS police notes and the actual
25 statements that were taken are actually not available

1 anymore. We have just will states at this particular
2 point.

3 And it would appear from the will states of
4 Sergeant Lefebvre and Constable Lefebvre, Exhibits 1785 and
5 1883, that they never actually interviewed you, that they
6 talked to you on a few occasions, but they never actually
7 asked you for a statement of any sort. Would you agree
8 with that?

9 **MR. LEDUC:** I only remember speaking with
10 both of these individuals. I don't remember giving a
11 statement.

12 **MS. JONES:** It would appear from their will
13 states you didn't give a statement.

14 **MR. LEDUC:** Okay.

15 **MS. JONES:** So that's consistent with your
16 memory?

17 **MR. LEDUC:** Yeah. Well ---

18 **MS. JONES:** Yes?

19 **MR. LEDUC:** --- whatever memory I have, yes.

20 **MS. JONES:** Okay. You'll agree in May or
21 June 1986 your memory is probably a bit fresher than it is
22 in July 2008?

23 **MR. LEDUC:** Absolutely.

24 **MS. JONES:** Okay. Did you find that it was
25 odd that you were not asked to provide a statement when you

1 were so intricately involved with the Deslauriers ad hoc
2 committee?

3 **MR. LEDUC:** I suspect it may have been
4 difficult, as legal counsel to the Diocese, to provide a
5 statement in an investigation. And I'm just thinking that
6 they probably knew that.

7 **MS. JONES:** Did you make yourself available
8 to provide a statement if one was wanted?

9 **MR. LEDUC:** I don't recall ever being asked.

10 **MS. JONES:** Now, the CPS took statements,
11 actually, according to the will states anyway, from seven
12 members of the Catholic Church, be they priests, sisters,
13 and 12 civilians, which includes complainants and other
14 people. And you actually attended three interviews, it
15 would appear.

16 On June 5th, 1986, it appears that you
17 attended an interview with Father Ménard and both, Sergeant
18 and Constable Lefebvre. Do you recall that?

19 **MR. LEDUC:** I recall being at a meeting with
20 those individuals, but I have no recollection of what was
21 said or ---

22 **MS. JONES:** I can just refer you, if you
23 wish. I'm looking at Exhibit 1785, Bates page 0472. This
24 is Sergeant Lefebvre's will state.

25 **MR. LEDUC:** Seventeen-eighty-five (1785)?

1 **THE COMMISSIONER:** That's right.

2 **MS. JONES:** Correct, sir. And Bates page
3 0472, the second page -- sorry, the third page, the second
4 paragraph on Thursday, June 5th, it just states:

5 "Father Ménard was interviewed at
6 police headquarters in the presence of
7 the lawyer Jacques Leduc."

8 **MR. LEDUC:** Yes.

9 **MS. JONES:** Okay. I'm not going to attempt
10 that word again today. I'll practise it at home tonight.

11 It also appears on the next page, 0473,
12 about halfway down at approximately 14:17.

13 **MR. LEDUC:** Yes.

14 **MS. JONES:** "Father Thibault was interviewed
15 in the presence of lawyer Jacques
16 Leduc."

17 So you were present -- there's another
18 interview, but you were present for three -- there's one
19 more interview you were present for too, but you're saying
20 you have no independent recollection of attending, but
21 would you agree it seems that you were there?

22 **MR. LEDUC:** Oh, I certainly was there.

23 **MS. JONES:** Okay. So what was your role
24 then in accompanying these people to the interview? What
25 was your instruction from your client?

1 **MR. LEDUC:** To provide them with legal
2 assistance if necessary or if required.

3 **MS. JONES:** So what sort of legal assistance
4 would you anticipate you would need to give someone being
5 interviewed by the police?

6 **MR. LEDUC:** Well, advice as to being
7 truthful and, you know, the standard advice you give
8 clients when they're being interviewed by police.

9 **MS. JONES:** You hadn't practised criminal
10 law though really before ---

11 **MR. LEDUC:** No.

12 **MS. JONES:** --- to any great extent?

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

14 **MS. JONES:** And had you ever accompanied any
15 other witnesses or clients or people to the police station
16 ---

17 **MR. LEDUC:** Yes, a few times.

18 **MS. JONES:** --- for interviews?

19 **MR. LEDUC:** Yes, a few times.

20 **MS. JONES:** Did you feel confident that you
21 knew what people's rights were with regards to speaking to
22 the police?

23 **MR. LEDUC:** I thought so, yes.

24 **MS. JONES:** Had you asked anyone ahead of
25 time about the sorts of things you should look out for

1 during police interviews ---

2 MR. LEDUC: No.

3 MS. JONES: --- or permissible questions,
4 what are not permissible questions police officers can ask?

5 MR. LEDUC: Not that I recall.

6 MS. JONES: Now, did you take notes of your
7 presence at the police station with these witnesses?

8 MR. LEDUC: I don't remember. I may have,
9 but I don't remember.

10 MS. JONES: Would you agree with me that if
11 you're going with someone to the police station, it would
12 be very -- it would be expected that a lawyer would take
13 some sort of notes to show that he had been there to assist
14 a client?

15 MR. LEDUC: Maybe not for that -- for the
16 purpose of showing that he was there, but to assist him in
17 later dealings with the matter, but I don't recall if I
18 took notes or not.

19 MS. JONES: So it's possible you didn't take
20 notes?

21 MR. LEDUC: It's possible.

22 MS. JONES: Nowhere in the will state does
23 it say that you spoke to either Sergeant or Constable
24 Lefebvre ahead of time to find out what sorts of questions
25 you -- they wanted to ask your clients at the time. So you

1 had no discussions with them ahead of time to find out what
2 it is they're actually wanting?

3 **MR. LEDUC:** I don't recall either way. I
4 don't know if I did; I don't know if I didn't.

5 **MS. JONES:** Could we please go to Document
6 703420?

7 **THE COMMISSIONER:** That's a new one, sir.
8 Mr. Leduc, that's a new document.

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

10 **THE COMMISSIONER:** Exhibit 1885 is a Will
11 State from -- un va déclarer from Père Bernard Ménard.

12 **--- EXHIBIT NO./PIÈCE NO. P-1885:**

13 (703420) Statement of Bernard Ménard to Herb
14 and Ron Lefebvre

15 **MS. JONES:** It's undated, but from the
16 police notes, Mr. Commissioner, it appears it took place on
17 June 5th, 1986.

18 **THE COMMISSIONER:** Thank you. Nineteen
19 eighty?

20 **MS. JONES:** Six.

21 **THE COMMISSIONER:** Thank you.

22 **MS. JONES:** This is the -- as I say, we
23 don't have a statement per se, but we have a Will State of
24 Father Ménard.

25 Do you have any independent recollection

1 about whether he was talking about this to the Lefebvre
2 police officers or not?

3 MR. LEDUC: No.

4 MS. JONES: No? If I could go to Tab 50,
5 please -- sorry, Exhibit 84 instead.

6 THE COMMISSIONER: Exhibit 84. You should
7 have that book, sir.

8 So you're looking at Exhibit 84?

9 MS. JONES: Yes. It's a will state again of
10 Father Thibault.

11 THE COMMISSIONER: M'hm.

12 MS. JONES: And, again, it would appear that
13 you accompanied him on June 12th, when he had his dealings
14 with the police. I'm not sure, as I say, if this was
15 written ahead of time that it came, but do you have any
16 independent recollection of him meeting with the police and
17 telling this particular story of any sort?

18 MR. LEDUC: I know that I was there with
19 him, but I have no memory at all of what transpired.

20 MS. JONES: Okay. Now, at the Inquiry,
21 Father Thibault actually testified and he spoke about his
22 meeting with Sergeant Lefebvre and Constable Lefebvre on
23 June 12th -- I'm sorry, on a contact they had with him on
24 June 3rd, 1986, and according to his testimony, he said that
25 initially he had told the police he was actually not a

1 victim.

2 And according to Father Thibault, apparently
3 he phoned you after he spoke to the police to get some
4 legal advice on what he had just said, and I don't know if
5 you have a memory of this or not.

6 **MR. LEDUC:** My only memory is my recently
7 refreshed memory from reading part of that transcript, I
8 believe.

9 **MS. JONES:** Okay. And according to Father
10 Thibault, you advised him that he could not deny the
11 allegations, that he basically had two choices. He could
12 immediately go forward and give a full statement or tell
13 the police he is withdrawing his statement that he was not
14 a victim and then make no comment.

15 **MR. LEDUC:** That's correct.

16 **MS. JONES:** Do you recall that?

17 **MR. LEDUC:** I don't recall that, but that's
18 what I have read in the transcript.

19 **MS. JONES:** Okay. And it appears Father
20 Thibault opted for the latter choice. He opted to withdraw
21 his statement and then make no comment on it. And
22 apparently in his presence, according to him, you
23 telephoned the police and told them that he's withdrawn the
24 statement that he was not a victim, and he's making no
25 statement at this time.

1 Do you recall that?

2 MR. LEDUC: No, I don't recall that.

3 MS. JONES: You have absolutely no memory of
4 that?

5 MR. LEDUC: I don't recall that event, but I
6 remember reading it recently.

7 MS. JONES: So when you read that over, do
8 you recall that event?

9 MR. LEDUC: No.

10 MS. JONES: No?

11 MR. LEDUC: No.

12 MS. JONES: Did you make any notes of this
13 event that would have transpired?

14 MR. LEDUC: Not that I recall. I have no
15 notes.

16 MS. JONES: Now, the concern that I have
17 here is given that Father Thibault actually gave you one
18 statement at the ad hoc committee in I believe it was April
19 or May of 1986, then in June 1986, he's giving a ---

20 MR. SHERRIFF-SCOTT: Excuse me. My friend
21 misstates the evidence.

22 THE COMMISSIONER: Just ---

23 MR. SHERRIFF-SCOTT: My friend is misstating
24 the evidence.

25 THE COMMISSIONER: M'hm.

1 **MR. SHERRIFF-SCOTT:** Claude Thibault did not
2 appear before the ad hoc committee and give a statement,
3 and it's not in the ad hoc committee report.

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

5 **MS. JONES:** I apologize for that. I've got
6 it miswritten into my notes.

7 Do you perceive that -- just a moment
8 please.

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

10 **MS. JONES:** We'll move on from that issue.
11 Thank you.

12 On June 16th, 1986, Sergeant Lefebvre and
13 Constable Lefebvre interviewed Father Vaillancourt again in
14 your presence. A statement was obtained and we have a will
15 state here, which is Document 703418.

16 **THE COMMISSIONER:** That will be a new one.

17 Thank you. Exhibit number 1886 is a Will
18 State of Père Denis Vaillancourt.

19 **--- EXHIBIT NO./PIÈCE No. P-1886:**

20 (703418) Statement of Denis Vaillancourt to
21 Herb and Ron Lefebvre

22 **MS. JONES:** Again, do you recall being
23 present with Father Vaillancourt for this?

24 **MR. LEDUC:** No.

25 **MS. JONES:** No. One thing that was

1 noticeable about this particular statement the way it was
2 written was that the dates and the transcription of what
3 happened that transpired on those dates seems to be quite
4 clear -- clearly written.

5 Do you agree that that's a good format for
6 recalling events to keep notes as they transpire?

7 **MR. LEDUC:** It would depend on your own
8 personal way of keeping notes I would think.

9 **MR. SKURKA:** Mr. Commissioner, given that
10 Mr. Leduc didn't author the notes, I don't know what the
11 relevance is ---

12 **THE COMMISSIONER:** I'm sorry. He didn't ---

13 **MR. SKURKA:** Given that he didn't author the
14 notes, I don't know how that's helpful to the Commission as
15 to whether or not that's a good or not good way to prepare
16 a will say. It seems to me that's the appropriate question
17 that should be directed to the author of the will say.

18 **THE COMMISSIONER:** Well, I think it was a
19 more general question as an example of note taking. I
20 think it was just an example of note taking. I don't know
21 that much goes on that but ---

22 **MS. JONES:** No, that's fine.

23 And that same day, apparently, according to
24 the statements of the Lefebvre police officers -- Constable
25 and Sergeant -- on the same day, you also accompanied the

1 Bishop when they spoke to -- when they went to the
2 residence of Bishop Larocque. I don't know if you recall
3 that or not.

4 I will refer you to Exhibit 1785, Bates page
5 0474.

6 **THE COMMISSIONER:** Zero, four, seven, four
7 (0474); okay.

8 **MS. JONES:** That's the statement of Sergeant
9 Lefebvre.

10 **THE COMMISSIONER:** Zero, four, seven, four
11 (0474)?

12 **MS. JONES:** Yes. It's on the screen.

13 **THE COMMISSIONER:** Okay. And that is?

14 **MS. JONES:** And the paragraph "At
15 approximately 16:06 hours".

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

17 **MS. JONES:** "At approximately 16:06 hours,
18 Mr. Jacques Leduc, Constable H.
19 Lefebvre and myself, attended Bishop
20 Larocque's residence at an address.
21 Bishop Larocque would not supply a
22 written statement other than what was
23 already public knowledge. He stated
24 that he did not want to lose the trust
25 of his priests and therefore would not

1 answer any of our questions and should
2 he be called to court, he would not
3 answer questions. He would go to jail
4 first. With that said, the interview
5 was completed."

6 Do you recall that?

7 **MR. LEDUC:** Yes.

8 **MS. JONES:** You do recall that?

9 **MR. LEDUC:** Yes.

10 **MS. JONES:** Now, how long approximately was
11 this meeting then, with the police and the Bishop?

12 **MR. LEDUC:** A few moments, very short.

13 **MS. JONES:** And had you been with -- this
14 was a prearranged meeting? There had been an advanced
15 notice given at the time they were going to show up?

16 **MR. LEDUC:** Yes. The police officers asked
17 me to arrange with the Bishop if he would meet with them,
18 and I did.

19 **MS. JONES:** And did you speak to the Bishop
20 before the police showed up?

21 **MR. LEDUC:** Yes.

22 **MS. JONES:** And what sort of conversation
23 did you have with him about what was going to be happening?

24 **MR. SKURKA:** I just want to be clear that
25 there is no issue of privilege with respect to the Bishop

1 specifically. Perhaps Mr. Scott can address that.

2 **MR. SHERRIFF-SCOTT:** As I understood the
3 development of this issue, Commissioner, in the interview
4 where I gave some input on the question of privilege, there
5 was advice given by Maître Leduc to the Bishop on his
6 obligations for testimonial compliance in court.

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

8 **MR. SHERRIFF-SCOTT:** And perhaps whether he
9 ought to or ought not to give an interview and that was the
10 subject of advice, and we have waived privilege on that
11 advice giving.

12 **THE COMMISSIONER:** Okay. So we can go
13 there.

14 So what did you talk about?

15 **MR. LEDUC:** Well, I explained to the Bishop
16 a little bit about the process, and I explained to him his
17 legal obligation to appear at court, if he was summoned,
18 and to answer the questions. And I also explained to him
19 that he could refuse to give a statement to the police.

20 **THE COMMISSIONER:** All right. And did you
21 also tell him that he could also answer the questions?

22 **MR. LEDUC:** Yes, he could decide whether he
23 wanted to answer the questions or not.

24 **THE COMMISSIONER:** And so what did he decide
25 -- what did he tell you before the meeting?

1 **MR. LEDUC:** That he was not going to answer
2 any questions other than those relating to information that
3 was already in the public record.

4 **THE COMMISSIONER:** And what did you say to
5 him about that?

6 **MR. LEDUC:** I explained to him that he did
7 not have to make a statement to the police officers who
8 were going to attend but that he may be on the receiving
9 end of a subpoena, brought before the court and then he
10 would be asked to answer certain questions. And I
11 explained to him what would happen if he refused to answer
12 certain questions.

13 **THE COMMISSIONER:** And -- okay, go ahead.

14 **MR. LEDUC:** And -- if I may complete -- and
15 hence, the officer's report about Bishop Larocque's
16 statement that he would go to jail.

17 **THE COMMISSIONER:** He would go to jail
18 first, m'hm.

19 So at this point, what's Monsignor
20 Larocque's attitude towards all of this?

21 **MR. LEDUC:** He's instructed me to offer
22 cooperation to the police investigation as -- in attending
23 with various members of the clergy.

24 **THE COMMISSIONER:** Well, let's just say that
25 from what we read here, one might conclude that he was

1 being less than cooperative with the police.

2 MR. LEDUC: He took the position that he
3 would not want to breach the trust relationship that he had
4 with his priests, and he was adamant about that.

5 THE COMMISSIONER: Was there any discussion
6 about maybe his breach of trust to his parishioners?

7 MR. LEDUC: Not that I recall.

8 THE COMMISSIONER: Go ahead.

9 MS. JONES: And presumably, the report that
10 you wrote on May 23rd, 1986 preceded these interviews with
11 these individuals?

12 MR. LEDUC: The ad hoc committee?

13 MS. JONES: Of the ad hoc committee.

14 So Bishop Larocque would have been aware of
15 your recommendations?

16 MR. LEDUC: In June?

17 MS. JONES: In June when ---

18 MR. LEDUC: Yes.

19 MS. JONES: --- he's being interviewed
20 presumably by the police?

21 MR. LEDUC: Yes.

22 MS. JONES: Were you ever asked by the
23 authorities to provide any sort of copies of your notes or
24 the tapes that had been collected in your ad hoc committee?

25 MR. LEDUC: No.

1 **MS. JONES:** Did you make the police aware of
2 the ad hoc committee?

3 **MR. LEDUC:** I don't recall if I made them
4 aware of it.

5 **MS. JONES:** Did you ever -- it doesn't say
6 in the Will State that you did, but it would appear that
7 you did not reveal to the police that you had already
8 interviewed a number of complainants that had made
9 complaints of sexual assaults by Father Deslauriers?

10 **MR. LEDUC:** I would want to review the
11 witness statements of Father Ménard and others to see if
12 there's any indication there that we would have provided
13 that report, but I have no independent recollection of
14 giving the report or the recommendations to the police. I
15 don't recall.

16 **MS. JONES:** Were you ever told not to reveal
17 the existence of the ad hoc committee or your findings to
18 the police?

19 **MR. LEDUC:** No, no. No.

20 **THE COMMISSIONER:** Can you pick a spot where
21 you would like to ---

22 **MS. JONES:** That's fine -- it's a good spot.

23 **THE COMMISSIONER:** Merci, Monsieur Leduc, on
24 se reverra à 9h00.

25 Nine o'clock tomorrow morning.

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

3 This hearing is adjourned until tomorrow
4 morning at 9:00 a.m.

5 --- Upon adjourning at 5:03 p.m./

6 L'audience est ajournée à 17h03

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C E R T I F I C A T I O N

I, Marc Demers a certified court reporter inthe 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, Marc Demers, 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.



Marc Demers, CM