

**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 148

Held at :

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

Thursday, October 11 2007

Tenue à:

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

Jeudi, le 11 octobre 2007

ERRATA

October 10, 2007
Volume 147

Exhibit list and Transcript page 119, line 7

--- EXHIBIT NO./PIÈCE No. P-699:

(124243) An open letter to
the public by Carson Chisholm
dated 08 Mar 98

Should have read:

--- EXHIBIT NO./PIÈCE No. P-699:

(124234) An open letter to
the public by Carson Chisholm
dated 08 Mar 98

Throughout the transcript Mr. Michael Neville was identified
as Mr. James Foord.

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Deidre Harrington Mr. Ian Stauffer	Commission Counsel
Mr. John E. Callaghan Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Suzanne Costom	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	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. Michael Neville Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Me Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn Mr. Ian Paul	Mr. Carson Chisholm

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1 --- Upon commencing at 9:43 a.m. /

2 L'audience débute à 9h43

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

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you. Good morning,
8 all.

9 **MR. STAUFFER:** Yes. Good morning, Mr.
10 Commissioner.

11 Just before Mr. Chisholm returns to the
12 stand, I'd like to say a couple of matters.

13 First, yesterday I think at the end of the
14 day, in the heat of the moment, there were some exchanges
15 with respect to the document production, and certainly I
16 feel I said something inappropriate in terms of whether
17 we're all working hard enough.

18 I think we're all probably working very hard
19 here and I know a number of these people for more than 25
20 years. So I think it's fair to say everyone is working as
21 hard as they can.

22 In terms of the document production, I can
23 only say this again. Most of the documents that my friends
24 now have come to us very late. We did our best. We have
25 two people working, it seems sometimes around the clock,

1 trying to get the documents out to everyone. And so
2 without saying anything further, it's a challenge, but
3 we're doing our best and we're all trying to work together
4 here.

5 So, Mr. Commissioner, what my plan is, is to
6 call Mr. Chisholm to finish his examination in-chief. As I
7 understand it, everyone else is prepared to go, as soon as
8 I am done, with their cross-examinations and we'll go from
9 there.

10 So if Mr. Chisholm could be recalled?

11 **THE COMMISSIONER:** Thank you.

12 Mr. Chisholm?

13 **MR. STAUFFER:** And, Mr. Commissioner, while
14 Mr. Chisholm is sitting himself, the clerk has brought to
15 my attention that Exhibit 703 should be referred to in
16 reference to Document 124246. So this was entered
17 yesterday but we just want to be sure that both numbers are
18 in the record.

19 **THE COMMISSIONER:** Thank you.

20 **CARSON CHISHOLM:** Resumed/Sous le même serment

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

22 **STAUFFER: (Continued/Suite)**

23 **MR. STAUFFER:** Now, Mr. Chisholm, good
24 morning.

25 **MR. CHISHOLM:** Good morning.

1 **MR. STAUFFER:** I have a few more questions
2 for you; one matter to clear up right off the bat.

3 Yesterday, you made a remark which I think
4 was something to the effect about poisoning the bishop and
5 I just wanted to be sure that we're all clear here. That
6 was, I gather, a joke or a reference ---

7 **MR. CHISHOLM:** I was being, yes, facetious
8 when you -- I forget who you were talking about there, one
9 of your -- the main pillars of the -- of the ---

10 **MR. STAUFFER:** Yes. So there ---

11 **MR. CHISHOLM:** The case there, the case of
12 the institutions. There's two lads; I'm not sure which one
13 you were talking about, whether it was C-8 or his buddy
14 there, Ron Leroux, when you were saying about them with
15 reference to me and Dunlop changing -- making -- or asking
16 him to change his testimony.

17 **MR. STAUFFER:** Right.

18 **MR. CHISHOLM:** I said, did they tell you
19 about the plot to poison the bishop. I was being
20 facetious. There was no plot to poison the bishop.

21 **MR. STAUFFER:** All right.

22 **THE COMMISSIONER:** You were joking?

23 **MR. CHISHOLM:** That was in that context.
24 The plot; I mean like the plot to change the story, there
25 was no plot.

1 **MR. STAUFFER:** Okay.

2 **MR. CHISHOLM:** I thought that you realized
3 that.

4 **MR. STAUFFER:** Right. Well, Mr. Chisholm,
5 that's the thing, I didn't understand that.

6 **MR. CHISHOLM:** Well ---

7 **MR. STAUFFER:** And our investigators of
8 course ---

9 **MR. CHISHOLM:** I did explain it to you.

10 **MR. STAUFFER:** --- their antenna went up
11 immediately because this is something new.

12 You have to understand -- and I'm not going
13 to lecture you here, but you have to understand that
14 everything you are saying is being recorded and many people
15 are watching this. And when they hear something like that,
16 many people will assume there may be some truth to it and
17 that's the concern. Okay.

18 So we have to try to only tell the truth
19 here.

20 **MR. CHISHOLM:** I assumed that you would
21 catch that.

22 **MR. STAUFFER:** All right. Well, I'm not
23 that fast.

24 So, Mr. Chisholm, one other point that came
25 out of your comments yesterday and again, this has our

1 investigators quite concerned, you told us a story about
2 your meeting with a woman. I don't know what her name was.
3 You didn't tell it, but you talked about meeting with a
4 woman who had a complaint. This is someone you said you
5 met, you know, not that long ago.

6 Do you know what I'm talking about here
7 because I can't give you much more reference than that,
8 other than you were ---

9 **MR. CHISHOLM:** I think you're ---

10 **MR. STAUFFER:** Hold on. Hold on. Other
11 than you were saying that the investigators, that is Mr.
12 Spice and Mr. Briscoe from the Commission, didn't follow
13 up. So if I can refresh your memory, this is my
14 information.

15 When you were served with your summons
16 originally, these two gentlemen met with you. Do you
17 remember that?

18 **MR. CHISHOLM:** Yes.

19 **MR. STAUFFER:** Okay. And you advised them
20 that a woman had some complaint. Are you with me so far?
21 Did you say that to them?

22 **MR. CHISHOLM:** Had a complaint, well, she
23 told me her story, yes.

24 **MR. STAUFFER:** Yes, okay. And you said to
25 them this story, okay. Do you remember that?

1 **MR. CHISHOLM:** Yes.

2 **MR. STAUFFER:** All right. And then it's my
3 information that essentially once you said that to them,
4 they said, "Well, have her call us". Did they say that to
5 you?

6 **MR. CHISHOLM:** I don't recall that, no.

7 **MR. STAUFFER:** All right. If they did say
8 that, do you remember following that comment you said you
9 would call the woman and have her get back to us?

10 **MR. CHISHOLM:** I believe -- no, I don't
11 think so, but I did indicate that her husband -- she was
12 willing to come ahead and testify. Okay. I'll tell you
13 how it unfolded as well as I can.

14 **MR. STAUFFER:** All right.

15 **MR. CHISHOLM:** I met him at Cashway. We
16 were talking. This was back around Easter and he asked how
17 this thing was going and so on and so forth, and he said
18 that his wife had witnessed, she says, the bishop abusing a
19 boy many moons ago, whenever.

20 I said, "How did that happen?" And he told
21 me that she was at a confirmation rehearsal, went to it,
22 was late ---

23 **MR. STAUFFER:** Hold on, Mr. Chisholm.
24 There's going to be a comment from one of my friends.

25 **MR. CHISHOLM:** Okay.

1 **MR. SHERRIFF-SCOTT:** I don't -- I ---

2 **THE COMMISSIONER:** I know. I know.

3 **MR. SHERRIFF-SCOTT:** Well, yes, I don't have
4 to say too much. It's new. It's never been the subject of
5 any public institutional response. I have no notice of it,
6 et cetera. So I object to this. It's not fair.

7 **THE COMMISSIONER:** Well, let -- okay, wait a
8 minute now. How about if we skip the details of what was
9 going on. All ---

10 **MR. SHERRIFF-SCOTT:** Well, he said someone
11 has made some complaint to him and yes, the details,
12 please. It's just -- it's too much.

13 **THE COMMISSIONER:** Yes. Thank you.

14 Mr. Chisholm, so we understand the flavour
15 of what her complaint was and that's not relevant right
16 now. What we want to know, and I -- so this guy tells you
17 about his wife's story?

18 **MR. CHISHOLM:** Yes.

19 **THE COMMISSIONER:** All right. So we know
20 that. All right.

21 So then how -- what happens next?

22 **MR. CHISHOLM:** I said, "Would she be willing
23 to make a statement to that effect?"

24 **THE COMMISSIONER:** Yes.

25 **MR. CHISHOLM:** "I shouldn't have told you.

1 I wasn't supposed to tell you." That's what he said. I
2 said, "Well, too late, you already have".

3 **THE COMMISSIONER:** Yes.

4 **MR. CHISHOLM:** Well, he said -- I said, "I'd
5 like to talk to her and get a statement". And he said,
6 "Well, I'd like to talk to her first".

7 **THE COMMISSIONER:** Right.

8 **MR. CHISHOLM:** I said, "Sure". I think that
9 was maybe a Thursday and it was a few days, three or four
10 days at least later, I think it was on a Tuesday, I went to
11 see her at her house. She said she was fine with it, had
12 no problem. I said, "Then you write out your story to the
13 best of your recollection, sign it and I'll witness it.
14 We'll run with it."

15 **THE COMMISSIONER:** Right.

16 **MR. CHISHOLM:** He calls me that night about
17 six o'clock. He hadn't talked to her apparently. He was a
18 little tight-jawed about that and was worried that it would
19 all come out again and that his -- he used to have to take
20 his wife to see the psychiatrist, you see, and he didn't --
21 he thought it was going to ---

22 **THE COMMISSIONER:** Disturb her?

23 **MR. CHISHOLM:** --- raise all these problems
24 again. That was his -- so I said, "Then we'll let it be".

25 **THE COMMISSIONER:** Okay. All right. so you

1 never took a statement from this lady?

2 MR. CHISHOLM: No, I didn't.

3 THE COMMISSIONER: All right. Did you ever
4 see ---

5 MR. CHISHOLM: Well, I took it in as much as
6 I didn't write it down. I asked her to write it in her own
7 words and I would verify her signature and go from there.

8 THE COMMISSIONER: So did you ever do that?

9 MR. CHISHOLM: No.

10 THE COMMISSIONER: All right. You never saw
11 something in writing from her about her allegation?

12 MR. CHISHOLM: No.

13 THE COMMISSIONER: Okay. So that's the end
14 of that.

15 So then fast forward to when you go and see
16 Mr. Spice. They serve you with some documents. You tell
17 them about this lady.

18 MR. CHISHOLM: Yes.

19 THE COMMISSIONER: Okay.

20 MR. STAUFFER: Yes, and basically all I
21 wanted to get out, Mr. Chisholm, was whether or not this is
22 your recollection of the facts. Mr. Spice said, "Have her
23 call me or you call me if we can follow up".

24 Do you remember that?

25 MR. CHISHOLM: Maybe something to that

1 effect, yes.

2 **MR. STAUFFER:** And did you ever call Mr.
3 Spice?

4 **MR. CHISHOLM:** No, but I talked to his
5 partner there. In fact, I think you were in the room. I
6 know Deirdre was and either Frank or Ian when I mentioned
7 it again and Mr. Briscoe said, "That is irrelevant. That
8 is not part of our mandate."

9 **MR. STAUFFER:** Let's be crystal clear here
10 before we get into that. Did you give us a name to follow
11 up?

12 **MR. CHISHOLM:** No, I did not.

13 **MR. STAUFFER:** How are we going to follow up
14 without a name?

15 **MR. CHISHOLM:** Well, this is it. I would be
16 glad to give you a name if it was considered relevant.
17 But, I mean, if it's just going to all be under the rug
18 again, what's the point? I'm not going to put her through
19 it. And I would like actually -- I don't know if I should
20 or if I really have to get her permission. It really
21 should be told. If you want her name I'll give it to you
22 now. Is that what you want?

23 **MR. STAUFFER:** If you want to follow up with
24 this you meet with us after and we will follow up. All
25 right?

1 MR. CHISHOLM: Good.

2 MR. STAUFFER: The relevant thing is we
3 cannot do anything without information. We can't do
4 anything without a name.

5 MR. CHISHOLM: M'hm.

6 MR. STAUFFER: All right.

7 We have no special powers to ---

8 MR. CHISHOLM: Yes.

9 MR. STAUFFER: --- investigate without a
10 name.

11 MR. CHISHOLM: Well, but that isn't the
12 question I got. You told me -- or our friend here, that it
13 was irrelevant.

14 MR. STAUFFER: All right.

15 MR. CHISHOLM: So, like, what am I going to
16 do with that?

17 THE COMMISSIONER: Well, you have legal
18 representation here?

19 MR. CHISHOLM: Yes.

20 THE COMMISSIONER: So I think we can work
21 that out through the lawyers then.

22 MR. CHISHOLM: Good.

23 THE COMMISSIONER: All right.

24 Thank you.

25 MR. STAUFFER: Thank you, Mr. ---

1 **THE COMMISSIONER:** Can we get on, please?

2 **MR. STAUFFER:** Yes, thank you, sir.

3 Now, Mr. Chisholm, I wanted to clear up one
4 last thing as well because I may have left this hanging.
5 You had talked about testifying at a hearing regarding a
6 Mr. Leduc at one point?

7 **MR. CHISHOLM:** Yes.

8 **MR. STAUFFER:** All right.

9 And, again, without mentioning any names of
10 the complainants because this is subject to a publication
11 ban, I want to confirm whether or not you had any contact
12 with any of the complainants. And I'll take this step-by-
13 step. Did you take any statement from any of the
14 complainants in the Leduc matter? And you know what I mean
15 by taking a statement now.

16 **MR. CHISHOLM:** Yes.

17 **MR. DUNLOP:** Did you ---

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

19 **MR. STAUFFER:** --- either write something
20 down yourself or did you have a piece of paper handed to
21 you that someone else had written up?

22 **MR. CHISHOLM:** No.

23 **MR. STAUFFER:** Okay. The conversations that
24 you had I gather were brief, or am I incorrect there, with
25 any of the complainants?

1 **MR. CHISHOLM:** Very brief. I met them maybe
2 at the courthouse or something. We actually had almost
3 nothing to do with the Leduc case really.

4 **MR. STAUFFER:** All right.

5 I gather from your evidence yesterday it's
6 more with the parents. You had some brief conversations
7 with parents?

8 **MR. CHISHOLM:** That's right, yes.

9 **MR. STAUFFER:** All right.

10 Now, with respect to the concluding matters
11 here for this morning for myself, there's been a lot of
12 negative, or at least I'm perceiving a lot of negative
13 comments come out.

14 Is there anyone or any institution that has
15 been positive over the last 15 years that you've been
16 involved in this in terms of answering your requests,
17 trying to get something done, to shed the light, as you put
18 it?

19 **MR. CHISHOLM:** Nothing comes to mind.

20 **MR. STAUFFER:** All right.

21 In terms of your recommendations to this
22 Commission, you've had a chance obviously to reflect over a
23 period of time. What recommendations would you put forward
24 on behalf of the coalition you're representing?

25 **MR. CHISHOLM:** Well, I wrote -- I was still

1 writing there a few minutes ago. Can I read them?

2 MR. STAUFFER: Sure.

3 MR. CHISHOLM: Okay. I wonder -- just
4 before I forget, I want to maybe clarify something that was
5 said yesterday; a couple of points.

6 One was the bishop, when I went to his
7 house, and you were asking about -- I know a lot hinges on
8 because you weren't there you have to sit back and try to
9 dissect all this information, and I understand that, and
10 what was the mood, et cetera. It was not cordial, et
11 cetera.

12 Now, I think it was a Saturday, pretty sure.
13 It was close to it if not because the following Sunday I
14 didn't go to church and I believe it was the first time in
15 about 20 years I had missed. I was just so disenchanted
16 and I thought if this is the church I don't want any part
17 of it. But subsequent to that I changed my mind and said,
18 "Well, no, he's not the church". So anyway, I got over
19 that.

20 And the other thing was about the statement
21 and my advice to OPP officers. I forget whether it was
22 Seguin and somebody, a call maybe at the end, the last --
23 of course I hadn't seen that statement in years. In fact I
24 never saw it I believe. Although I asked for it and they
25 said they would give it but it came up yesterday. And at

1 the very end, the last sentence, "Everything you need is on
2 those tapes".

3 **THE COMMISSIONER:** Right.

4 **MR. CHISHOLM:** Remember we had that little
5 discussion. I said, "Well, that doesn't sound like I said
6 that". But in retrospect now, thinking about it, I
7 remember the comment about if I did they'd be on CNN. And
8 after that it said, "All the information you would require
9 should be on those tapes".

10 I probably did say that, but now it doesn't
11 make that much sense. You know, I was probably in the heat
12 of the moment. But how would I know that? I didn't know
13 that.

14 **THE COMMISSIONER:** Okay.

15 **MR. CHISHOLM:** You know what I mean? I just
16 wanted to kind of clarify that so you'd get the -- I know
17 these little -- every sentence means something. You know
18 what I mean?

19 **THE COMMISSIONER:** Okay.

20 **MR. CHISHOLM:** So you understand?

21 **THE COMMISSIONER:** Yes.

22 **MR. CHISHOLM:** Thank you.

23 **THE COMMISSIONER:** Thank you.

24 **MR. STAUFFER:** So, Mr. Chisholm, do you have
25 some recommendations for us?

1 **MR. CHISHOLM:** Yes, it's a little bit
2 scattered but, hey, I was up late. Anyway, now, I've got
3 here -- I'll just read it

4 Regarding recommendations, it's difficult to
5 know where to start. So just to give you an idea of where
6 I'm coming from I'll start by quoting two long since
7 deceased American presidents. The very first, President
8 George Washington, said:

9 "It is impossible to rightly govern
10 without God and the Bible."

11 Abraham Lincoln -- I think he was the 16th --
12 but anyway, Abraham Lincoln believed and stated that:

13 "The Bible is the best gift that God
14 has ever given to men. All the good
15 from the Saviour of the world is
16 communicated to us through this book."

17 Solomon inherited his father Daniel's
18 throne. The Lord appeared to Solomon in a dream and told
19 Solomon:

20 "Ask something of me and I will give it
21 to you."

22 Solomon said:

23 "Give your server therefore an
24 understanding to judge your people and
25 to distinguish right from wrong."

1 The Lord was pleased because he didn't ask
2 for riches or long life or the lives of his enemies and
3 said:

4 "I give you a heart so wise and
5 understanding that there has never been
6 anyone like you up to now and after you
7 there will come no one to equal you.
8 In addition, I give you what you have
9 not asked for, riches and glory, that
10 among kings there is not your like, and
11 if you follow my commandments I will
12 give you a long life."

13 Subsequent to that -- that was from Kings --
14 subsequent to that revelation in Second Chronicles 7:14,
15 God is again speaking to Solomon and he says:

16 "If my people, who are called by my
17 name, humble themselves and pray and
18 seek my presence and turn from their
19 evil ways, I will hear them from heaven
20 and pardon their sins and revive their
21 land."

22 I believe that promise made to Solomon
23 applies to this present generation and there are many
24 similar promises in the Holy Bible which is really our
25 instruction manual.

1 Of course, the key is repentance. Without
2 it there can be no reconciliation. Without repentance we
3 are just adding Christ to the self we intend to continue
4 serving. As scarce as truth is, the supply has always been
5 in excess of the demand.

6 Anti-abuse training should be mandatory in
7 all schools from kindergarten to grade 12.

8 Whistle blower protection should be enacted
9 as it is in the U.S.A., otherwise, who would stand up for
10 any righteous cause if they thought they would be subjected
11 to even half of the abuse dumped on the Dunlops.

12 I think apologies are in order.

13 This is stuck together. I must have got jam
14 on it. I'm sure there's two pages there. There should be
15 another page.

16 And overdue -- I guess this is it here --
17 the apologies are overdue, but unless they are sincere and
18 contrite, they will be of no value.

19 I believe the Dunlops should be compensated
20 financially for loss of career, security, home and harmony
21 and for the incredible effort expended to seek justice for
22 children in that alternate system that has gone terribly
23 wrong.

24 At the Holocaust Museum in Washington, D.C.,
25 there is an inscription:

1 "Thou shalt not be a victim. Thou
2 shalt not be a perpetrator. Above all,
3 thou shalt not be a bystander".

4 In the preamble to the *Charter of Rights*, it
5 used to state that Canada was founded on the principle of
6 supremacy of God and the rule of law, but has now been
7 changed to take out the "Supremacy of God" clause and
8 replace it with the "Supremacy of Parliamentary Procedure".

9 Without God, all moral conclusions are
10 merely subjective human opinions without any binding
11 authority beyond what culture attributes to them. I
12 believe there should be a trust fund set up for alleged
13 victims of sexual abuse and also for the whistle blowers.

14 I'd rather lose in a battle that will
15 eventually be won than win in a battle that will
16 subsequently -- or ultimately be lost.

17 Losing my pages on top of that. I should
18 have numbered them.

19 I did have some more recommendations here
20 but if I can just -- one page, two -- was in kind of a
21 hurry.

22 **THE COMMISSIONER:** Would you like a few
23 moments to ---

24 **MR. CHISHOLM:** Well, I think I got most of
25 it here.

1 **THE COMMISSIONER:** Okay.

2 **MR. CHISHOLM:** It' just -- like I said, I
3 was writing pretty fast. recommendations.

4 Recommendations: There should be an
5 independent support group of men and women formed to act as
6 counsellors and witnesses for any citizens who attend the
7 OPP or the city police with concerns with sexual abuse.
8 Further, any citizens giving a statement to police should
9 receive a copy of their statement and the names of the
10 officer and supervisor assigned to the incident.

11 That Steve Parisien be compensated for
12 months of stress and monetary loss he suffered for being
13 falsely charged with obstruction of justice stemming from
14 this Inquiry.

15 The copies of all webcast tapes of this
16 Inquiry be made available for further public viewing so
17 people can have the opportunity to learn and observe what
18 transpired here on a daily basis.

19 Some questions left unanswered: How much
20 money has this Inquiry cost the Ontario taxpayer to date?
21 A monthly accounting summary should be made available to
22 the public. Depending on who the witness was, this Inquiry
23 was at times conducted like a trial; adversarial and
24 combative. Why? Will there be criminal charges of
25 obstruction brought against those police officers who

1 failed to report David Silmser's pay-off? Will Crown
2 attorney Murray MacDonald be charged; ex-Chief Claude
3 Shaver; city lawyer John Adams; former Bishop LaRocque; and
4 former lawyer Jacques Leduc?

5 The public should be made aware how Crown
6 attorneys and judges are assigned to oversee trials
7 concerning sexual abuse.

8 In closing, I would like to suggest that we
9 as Christians should follow the advice left in His
10 instruction manual, the Bible. I can't even read my own
11 writing. And if we do, I firmly believe to paraphrase John
12 Muir, "His peace will flow into us as sunshine flows into
13 trees and our cares will fall away like autumn leaves".

14 Thank you.

15 **MR. STAUFFER:** Thank you, Mr. Chisholm.

16 So if you could remain there just for a
17 moment and I'll get direction from the Commissioner as to
18 whether we will go straight into cross-examination?

19 **THE COMMISSIONER:** If we are ready, yes.

20 **MR. STAUFFER:** Yes.

21 **THE COMMISSIONER:** Ms. Daley?

22 **MR. STAUFFER:** Thank you.

23 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

24 **DALEY:**

25 **MS. DALEY:** Good morning.

1 **MR. CHISHOLM:** Good morning.

2 **MS. DALEY:** Good morning, Mr. Chisholm.

3 **MR. CHISHOLM:** Good morning.

4 **MS. DALEY:** Mr. Chisholm, my name is Helen
5 Daley. I'm a lawyer for the Citizens for Community
6 Renewal.

7 **MR. CHISHOLM:** M'hm.

8 **MS. DALEY:** And that is a community group in
9 Cornwall whose mandate is to try to promote changes in
10 institutions with the object of better protecting children
11 and ensuring that all receive justice.

12 And I am going to take a moment and just
13 explain to you the purpose of my questions and the lines of
14 questioning that I want to pursue. For the most part, sir,
15 I want to pursue with you areas of fact that I think
16 perhaps you can help the Inquiry with a little bit further.
17 All right?

18 **MR. CHISHOLM:** M'hm.

19 **MS. DALEY:** I want to start by getting some
20 further information from you about your role as a lobbyist
21 and an activist in this community. All right?

22 **MR. CHISHOLM:** M'hm.

23 **MS. DALEY:** And you spoke to my friend here
24 yesterday about that, but I take it that you would accept
25 that you do play those roles, you're both a lobbyist and a

1 community activist in Cornwall. Is that fair?

2 MR. CHISHOLM: I guess so, yes.

3 MS. DALEY: And you have in fact run for
4 elected office?

5 MR. CHISHOLM: Yes.

6 MS. DALEY: On a federal level?

7 MR. CHISHOLM: Yes.

8 MS. DALEY: For what party?

9 MR. CHISHOLM: Christian Heritage Party.

10 MS. DALEY: And also in your role as a
11 lobbyist, obviously we've heard that you were involved in
12 circulating community petitions?

13 MR. CHISHOLM: Yes.

14 MS. DALEY: Is that correct, sir?

15 MR. CHISHOLM: M'hm.

16 MS. DALEY: And you have been the author of
17 many letters that were published in the newspapers here.
18 Is that correct, sir?

19 MR. CHISHOLM: Yes.

20 MS. DALEY: And you've also given media
21 interviews on the subject at hand, which is the sexual
22 abuse of children in this town; correct?

23 MR. CHISHOLM: I believe so, yes.

24 MS. DALEY: Now, on the topic of your
25 letters and your publications, if I can call it that ---

1 **MR. CHISHOLM:** M'hm.

2 **MS. DALEY:** --- I apologize, I know that you
3 brought a lot of documents with you to the Commission's
4 office last week. I haven't had a chance to review all of
5 those but I gather that you brought forward many, many
6 newspaper articles that you had published on the subject of
7 child sexual abuse here?

8 **MR. CHISHOLM:** I believe so.

9 **MS. DALEY:** And I know that you've done this
10 over a period of 14 years. Do you have any ballpark
11 estimate of how many times your views have been published
12 in the press here?

13 **MR. CHISHOLM:** No, I don't.

14 **MS. DALEY:** Over a dozen?

15 **MR. CHISHOLM:** Probably, yes.

16 **MS. DALEY:** All right. And, sir, I think
17 it's fair to say, is it not, that you hold strong views and
18 strong personal convictions about the subject of child
19 sexual abuse in this town. Is that not fair?

20 **MR. CHISHOLM:** That's fair, yes.

21 **MS. DALEY:** And I take it you also hold
22 strong views about the cover-up, the conspiracy and the
23 collusion of highly placed people in this town with respect
24 to the abuse of children. Is that correct?

25 **MR. CHISHOLM:** I believe so, yes.

1 **MS. DALEY:** And my impression of you is that
2 you're not a shy person when it comes to expressing your
3 personal views. Is that fair?

4 **MR. CHISHOLM:** That's probably fair, yes.

5 **MS. DALEY:** In other words, in fairness,
6 sir, you haven't hesitated to express yourself publicly on
7 the views that you have on these subjects?

8 **MR. CHISHOLM:** Is that right?

9 **MS. DALEY:** Would you agree with that?

10 **MR. CHISHOLM:** Well, sometimes, yes.
11 Sometimes. Recently, I haven't too much. I kind of more
12 or less gave up on it. Not completely, but I kind of
13 backed away, you know. It's like beating your head against
14 the wall.

15 **MS. DALEY:** All right. But ---

16 **MR. CHISHOLM:** It feels so good when you
17 stop, you know what I mean.

18 **MS. DALEY:** But would it be ---

19 **THE COMMISSIONER:** I'm sorry? What did you
20 say?

21 **MR. CHISHOLM:** I said it's something akin to
22 beating your head against the wall; it feels so good when
23 you stop.

24 **THE COMMISSIONER:** Oh, that's what you said.
25 The last part is, "It feels good when you stop". Okay.

1 **MS. DALEY:** All right. But to help us here,
2 sir, during the period of time say from September of '93 up
3 till the time Perry and Helen left town and moved west,
4 would it be fair to say that you were fairly forthcoming
5 about expressing your views on child sexual abuse and the
6 cover-up of it by prominent people?

7 **MR. CHISHOLM:** I guess so, yes.

8 **MS. DALEY:** All right. And I take it that
9 you are still involved as an active member of the coalition
10 that has received standing here?

11 **MR. CHISHOLM:** Yes.

12 **MS. DALEY:** Correct? And although, as you
13 say, you may have retreated a little bit from your
14 activities, you're still involved ---

15 **MR. CHISHOLM:** Yes.

16 **MS. DALEY:** --- are you not, as a
17 spokesperson for that organization?

18 **MR. CHISHOLM:** Yes, yes.

19 **MS. DALEY:** Is it correct, sir, that that
20 organization also holds strong views and convictions about
21 abuse and about a cover-up or a conspiracy to keep it
22 quiet?

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

24 **MS. DALEY:** Is that correct, sir?

25 **MR. CHISHOLM:** M'hm.

1 **THE COMMISSIONER:** You have to answer.

2 **MR. CHISHOLM:** Yes, yes.

3 **MS. DALEY:** Thank you. Thank you.

4 And I take it that although your sister and
5 brother-and-law obviously left this town some seven years
6 ago, you're still here. Are you the spokesperson for those
7 views amongst the family members?

8 **MR. CHISHOLM:** Well, I certainly am for
9 myself.

10 **MS. DALEY:** All right.

11 **MR. CHISHOLM:** I can't speak for everybody.
12 They can have their own voice.

13 **MS. DALEY:** That's fair enough. But in
14 their absence, you have continued to speak up for yourself
15 on those subjects?

16 **MR. CHISHOLM:** Yes.

17 **MS. DALEY:** All right. I want to move to a
18 slightly different subject now, and that's the
19 investigation that you became involved in and you spoke
20 about it at some length yesterday. All right?

21 **MR. CHISHOLM:** M'hm, yes.

22 **MS. DALEY:** My impression of what you said
23 is that that activity started in September of '97 with Mr.
24 Dunlop's issue about disclosing the Silmsler statement. So
25 that's the starting point, but as far as you're concerned,

1 it really hasn't ended yet in the sense that you still feel
2 committed to investigate matters. Is that fair, sir?

3 **MR. CHISHOLM:** Well, I don't know about --
4 did it take -- did it really take four years to get to CAS?
5 From '93 to '97; was it that long? I thought it was like
6 '94.

7 **MS. DALEY:** I misspoke.

8 **THE COMMISSIONER:** Yes.

9 **MS. DALEY:** And if I did, let me correct it.
10 No, no, you are quite right. I misspoke. I
11 should have said September of '93.

12 **THE COMMISSIONER:** Yes.

13 **MS. DALEY:** So that the starting point is
14 September of '93?

15 **MR. CHISHOLM:** Yes.

16 **MS. DALEY:** But it hasn't had an end point
17 yet for you has it, sir?

18 **MR. CHISHOLM:** It hasn't what?

19 **MS. DALEY:** It hasn't ended.

20 **MR. CHISHOLM:** It hasn't ended for a lot of
21 people, for sure.

22 **MS. DALEY:** Right. From your personal
23 involvement though, sir, the impression that I had from
24 what you said yesterday is that you still continue to
25 function as an investigator concerning allegations of

1 sexual abuse and perhaps also cover-up. Is that not fair?

2 MR. CHISHOLM: Well, I suppose to a certain
3 extent, yes. The people ask me or tell me things, I guess,
4 and I repeat it to authorities or whatever. I guess that
5 would make me an investigator or if they -- you know, it's
6 obvious that something like that had happened and, like, I
7 mentioned on Friday there, I did go to check out a story
8 that I had heard and he confirmed basically what the fellow
9 had told me that ---

10 THE COMMISSIONER: We don't need ---

11 MR. CHISHOLM: --- you know, in that
12 respect, yes.

13 MS. DALEY: All right.

14 MR. CHISHOLM: So that's pretty recent, yes.

15 MS. DALEY: Without going into detail of
16 that story ---

17 MR. CHISHOLM: Yes.

18 MS. DALEY: --- that's an example of what
19 I'm understanding here, is that you are still personally
20 involved in investigating allegations that come forward to
21 you; correct?

22 MR. CHISHOLM: Well, I suppose, yes.

23 MS. DALEY: All right. Let's just talk
24 about that in a little bit more detail. The objective of
25 this, the purpose, if you will, as I heard it from you

1 yesterday, was to uncover the business of pedophiles
2 abusing children, and that is still your focus. Is that
3 correct?

4 **MR. CHISHOLM:** Sometimes, I guess, yes.

5 **MS. DALEY:** All right. And when we talk
6 about pedophiles, we're talking about male pedophiles who
7 are abusing male children; orrect?

8 **MR. CHISHOLM:** Is that right? Well, ---

9 **MS. DALEY:** Isn't that the experience?

10 **MR. CHISHOLM:** --- when you're -- what was
11 the question again? When you're talking about it? I don't
12 know what your ---

13 **MS. DALEY:** Okay, that's fine. If you don't
14 understand a question, let me know that and I'll put it a
15 different way so that we understand each other.

16 **MR. CHISHOLM:** You can put it the same way
17 again, but just I want to make sure I heard it.

18 **MS. DALEY:** Oh, okay. The business of
19 pedophiles that you've concerned yourself with relates to
20 male pedophiles abusing male children for the most part;
21 correct?

22 **MR. CHISHOLM:** For the most part, yes.

23 **MS. DALEY:** All right.

24 **MR. CHISHOLM:** But I mean pedophiles can
25 also abuse ---

1 **MS. DALEY:** We understand that, but what ---

2 -

3 **MR. CHISHOLM:** --- females.

4 **MS. DALEY:** But what has -- but the ---

5 **MR. CHISHOLM:** By and large here, it's been
6 males.

7 **MS. DALEY:** Are there any examples of female
8 victims you've involved yourself with?

9 **MR. CHISHOLM:** I believe -- not that I can
10 recall, no. I think that a few have come up and have
11 surfaced that were abused as children. I think there was
12 one just recently and they said, "Well, no, that doesn't
13 count because it doesn't fit into our mandate". I believe
14 that was a female, but by and large these are all boys
15 basically, yes.

16 **MS. DALEY:** That's what I took from your
17 evidence.

18 **MR. CHISHOLM:** Yes, it's true.

19 **THE COMMISSIONER:** Well, I don't know that
20 it's us that has said, "It's not part of our mandate". I
21 think if you are referring to someone who is -- that's
22 going up to the Court of Appeal to decide.

23 **MR. CHISHOLM:** Okay, well, yes, I'm not sure
24 who made it seem that it wasn't part of the ---

25 **THE COMMISSIONER:** I know, I know. It's

1 just that it sounds to me when you say ---

2 MR. CHISHOLM: Well, who ---

3 THE COMMISSIONER: --- "not part of the
4 mandate", well, I'm saying let's just be clear.

5 MR. CHISHOLM: Well, that's -- yes, maybe it
6 is and maybe it isn't, but it was -- who said that it
7 wasn't part of the mandate? Like why is it going to the
8 Court of Appeal? Why wouldn't it just be part of this
9 investigation? I don't know.

10 THE COMMISSIONER: Because, sir, I ruled --
11 if we are talking about the same thing -- that it was part
12 of the mandate, and the parties have a right to say maybe
13 you're wrong, Mr. Commissioner.

14 MR. CHISHOLM: Oh, okay. Oh, sure.

15 THE COMMISSIONER: And so then went up to
16 the Divisional Court, and the Divisional Court in a split
17 decision said that I was right or they agreed with me.

18 MR. CHISHOLM: Good. That's good.

19 THE COMMISSIONER: Now they have a right to
20 go to the Court of Appeal.

21 MR. CHISHOLM: Oh.

22 THE COMMISSIONER: But it's just I don't
23 want you -- you are saying it's not part of our mandate,
24 and I'm saying don't attribute ---

25 MR. CHISHOLM: Well, I'm sorry.

1 **THE COMMISSIONER:** I get attributed a lot of
2 things, but ---

3 **MR. CHISHOLM:** I'm sorry.

4 **THE COMMISSIONER:** All right, no, but just
5 to make it clear that isn't the way it's going. All right?

6 **MR. CHISHOLM:** And it's wonderful. Thank
7 you.

8 **MS. DALEY:** Okay. The thrust of my question
9 was simply the focus of your investigation that's -- and
10 you've clarified that.

11 One of the things I want to also clarify is
12 that if we speak about the investigation that you and your
13 sister and brother-in-law undertook, none of you were
14 acting in an official police capacity. That's correct is
15 it not, sir?

16 **MR. CHISHOLM:** Well, I obviously was not.

17 **MS. DALEY:** Precisely.

18 **MR. CHISHOLM:** I know that some of your gang
19 are trying to paint me as a police officer. I never was a
20 police officer. I never will be a police officer, and I
21 never said I was a police officer. Mr. Dunlop was a police
22 officer.

23 **MS. DALEY:** And notwithstanding that, when
24 he investigated these allegations, he wasn't acting in his
25 capacity as a police officer?

1 **MR. CHISHOLM:** He wasn't? Is that your
2 statement?

3 **MS. DALEY:** Well, he -- what is your
4 understanding of that?

5 **MR. CHISHOLM:** Well, was that a question you
6 said?

7 **MS. DALEY:** Yes, that was a question. Was
8 it your understanding that he was acting in his official
9 capacity as an officer of the law?

10 **MR. CHISHOLM:** I believe he was some of the
11 time. I'm not sure when he was or wasn't. After he quit,
12 he wasn't.

13 **MS. DALEY:** No, but during the time he was
14 on the force ---

15 **MR. CHISHOLM:** Yes.

16 **MS. DALEY:** --- and during the time he was
17 on active duty, when he was involved with you in the
18 investigation, tell me your understanding. Did you believe
19 he was acting in an official capacity or in a personal
20 capacity?

21 **MR. CHISHOLM:** I can't recall what the
22 timeline was there. I know he was a policeman and that was
23 his job as a policeman to do that.

24 **MS. DALEY:** All right. Is that your best
25 understanding of how your brother-in-law acted?

1 **MR. CHISHOLM:** Yes, I don't recall exactly
2 when he was on and off, and he was on stress leave and I'm
3 not sure about those times, so ask him.

4 **MS. DALEY:** But would it be your
5 understanding ---

6 **THE COMMISSIONER:** Well ---

7 **MR. CHISHOLM:** Well, okay, that's right, you
8 tried, but I believe it's in his will-state. There's 110
9 pages there, maybe ---

10 **THE COMMISSIONER:** No, no.

11 **MS. DALEY:** No, no, no, sir.

12 **MR. CHISHOLM:** --- you can check that out.

13 **THE COMMISSIONER:** No, no.

14 **MR. CHISHOLM:** I don't know.

15 **MS. DALEY:** My focal point is simply on what
16 you understood about Perry's role, and do I have it right
17 that you understood that during the time he was on duty as
18 a police officer, if he was investigating allegations of
19 abuse or cover-up, he was acting in an official capacity?
20 Is that what you understood?

21 **MR. CHISHOLM:** I don't recall it even being
22 -- coming up as an issue that I had to deal with.

23 **MS. DALEY:** Can you help us here at all on
24 that point or is this just something you never thought
25 about?

1 **MR. CHISHOLM:** I never really thought about
2 it.

3 **MS. DALEY:** All right. And, sir, the
4 investigation was aimed at uncovering these issues because
5 you held the belief that the diocese and the police and
6 their lawyers were conspiring to cover it up and to subvert
7 justice. That's what I heard you say yesterday. Is that a
8 fair statement of what you believe?

9 **MR. CHISHOLM:** Do you want to repeat that
10 again?

11 **MS. DALEY:** Yes, certainly. You are
12 investigating to uncover the problem. Why? Because you
13 think it has been covered up by the diocese, by the police,
14 and by their lawyers. Is that a fair statement of what you
15 believe?

16 **MR. CHISHOLM:** Yes, yes, yes.

17 **MS. DALEY:** And I gather, sir, that you
18 started with that belief as your starting point. In other
19 words, you didn't conduct an investigation and then
20 conclude that at the end, but you started the investigation
21 because you did believe that; correct?

22 **MR. CHISHOLM:** Probably.

23 **MS. DALEY:** Yes. And would it be fair to
24 say that that's a strongly held belief on your part?

25 **MR. CHISHOLM:** I would say so.

1 MS. DALEY: And that's a belief that you've
2 expressed publicly many times?

3 MR. CHISHOLM: Probably.

4 MS. DALEY: And that's a belief -- is that a
5 belief that you still hold today?

6 MR. CHISHOLM: If there was a cover-up?

7 MS. DALEY: Yes.

8 MR. CHISHOLM: Yes.

9 MS. DALEY: And has your belief changed at
10 all over the 14 years that the matter has been occupying
11 you?

12 MR. CHISHOLM: Yes.

13 MS. DALEY: Can you explain to us how your
14 belief has changed and in what manner?

15 MR. CHISHOLM: Well, it's worse than I
16 thought.

17 MS. DALEY: All right. How so?

18 MR. CHISHOLM: We were pretty naïve.

19 Starting thinking that if we just exposed ---

20 THE COMMISSIONER: No.

21 MR. CHISHOLM: I beg your pardon?

22 THE COMMISSIONER: I'm not talking to you.

23 MR. CHISHOLM: Oh, sorry.

24 THE COMMISSIONER: Go ahead.

25 MS. DALEY: I'm sorry. Can you continue?

1 **MR. CHISHOLM:** Well, I admit we were -- at
2 least for myself for sure -- was naïve enough to think that
3 this would be over and done with relatively quickly if we
4 gave this information to the authorities but it hasn't
5 happened and I believe the -- yes, the cover-up continues.

6 Are there not 50-odd lawyers here to defend
7 the institutions' response to these allegations?

8 **MS. DALEY:** In your view, sir, is that part
9 of a cover-up?

10 **MR. CHISHOLM:** Is that part of a cover-up?
11 Is that not part of the reality?

12 **MS. DALEY:** I'm not going to answer your
13 questions. I just want to understand your view. Is that
14 part of the cover-up?

15 **MR. CHISHOLM:** Well, there're certainly
16 entitled to defend themselves.

17 **MS. DALEY:** All right.

18 **MR. CHISHOLM:** There's no problem with that.

19 **MS. DALEY:** I'm just asking you to help us
20 understand the view you hold on this subject?

21 **MR. CHISHOLM:** What I can't understand is,
22 if there is no cover-up why were these guys never charged
23 with obstruction of justice? I mean, if Dunlop did the
24 right thing apparently -- I've always held the view that he
25 did and I would say most people in this community believe

1 that -- that he reported suspicions of sexual abuse to the
2 Children's Aid Society.

3 Now, his police force tried to have him
4 basically fired for that -- for refusing orders to let it
5 be. It had been dealt with. He beat it. They appealed
6 it. He beat it again. How hard is that trying to keep the
7 lid on it?

8 **MS. DALEY:** So circumstances ---

9 **MR. CHISHOLM:** I don't get it. Does that
10 not sound like a cover-up to you?

11 **MS. DALEY:** So those circumstances have
12 reinforced your view ---

13 **MR. CHISHOLM:** Well, yes.

14 **MS. DALEY:** --- about a conspiracy. Has
15 your view -- do you believe that others, apart from police
16 and the diocese, are now involved in the conspiracy?

17 **MR. CHISHOLM:** Probably.

18 **MS. DALEY:** Can you express to me who that
19 would be?

20 **MR. CHISHOLM:** Like, why doesn't the
21 Children's Aid Society do more to protect these? Where
22 were they? What other institutions are you talking about?
23 Who did you mention? The Cornwall police and the diocese?

24 **MS. DALEY:** Well, I was quoting you because
25 yesterday you mentioned the diocese, the police and their

1 lawyers, but I gather from you that your present belief is
2 that the conspiracy includes additional people or
3 institutions?

4 **MR. CHISHOLM:** Well, whoever was involved in
5 it, yes. Let them come forward and if they have this
6 information and don't use it, I mean, wouldn't that be part
7 of the cover-up?

8 **MS. DALEY:** Does the conspiracy in your
9 mind, sir, also include the Children's Aid Society?

10 **MR. CHISHOLM:** Well, quite likely. I'm not
11 sure -- I don't have all the particulars but, I mean, it
12 smells bad.

13 **MS. DALEY:** And are there any other
14 individuals or institutions that you presently believe are
15 part of this conspiracy?

16 **MR. CHISHOLM:** Well, nothing jumps to mind
17 right now. I'll let you know if it does.

18 **THE COMMISSIONER:** Well, what about
19 Corrections?

20 **MR. CHISHOLM:** Corrections? There's another
21 one, yes. I believe that they were part of the problem.
22 For instance, Mr. Seguin worked there as a probation
23 officer. Nelson Barque, I believe, worked there as a
24 probation officer.

25 The story is there. That was part of the

1 problem, so that's another institution.

2 **THE COMMISSIONER:** M'hm. The OPP?

3 **MS. DALEY:** I'm sorry, Mr. Commissioner, I
4 missed your ---

5 **THE COMMISSIONER:** OPP.

6 **MS. DALEY:** Thank you.

7 **MR. CHISHOLM:** Yes, I'm afraid so.

8 **THE COMMISSIONER:** Okay. I wanted you to
9 cover all of the institutions.

10 **MS. DALEY:** I appreciate that.

11 **MR. CHISHOLM:** Yes, well this is it, to
12 remember them all, but I believe they said they left no
13 stone unturned in their investigation and couldn't find any
14 problems and subsequent to that, after being given lots of
15 affidavits of victims or alleged victims, they charged 115
16 people -- or 115 charges anyway.

17 Like, where did that come from? Is that --
18 where does that come from? One-hundred-and-fifteen (115)
19 charges when there was nothing there? Why would they
20 charge these people? Why aren't they being charged for
21 charging them if it was all an illusion. I don't get it.
22 I can't follow it anymore. It's too much.

23 **MS. DALEY:** All right. This belief that you
24 have about the conspiracy and all of the players in it, is
25 that a belief that you've expressed publicly in this

1 community, apart from sitting here today?

2 MR. CHISHOLM: Yes.

3 MS. DALEY: All right and you've expressed
4 it in writing and in media interviews. Is that correct?

5 MR. CHISHOLM: Yes.

6 MS. DALEY: And would I be right to think
7 this, sir? I'm trying to understand your motivation for
8 continuing with your investigation. Is the motivation
9 because you continue to believe that no organization will
10 deal appropriately with sexual abuse? Is that why you are
11 personally involved?

12 MR. CHISHOLM: No, I think it goes a little
13 deeper than that.

14 MS. DALEY: Can you explain your thinking?

15 MR. CHISHOLM: My mother used to have a
16 saying, "It's better to light one candle than curse the
17 darkness" and that's basically the gist of it. Do you
18 follow?

19 MS. DALEY: What does that mean to you?

20 MR. CHISHOLM: Well, I think it's our
21 Christian duty. I know it's my Christian duty to follow-up
22 this kind of stuff. If a child's being abused to do
23 something and not just to turn the other cheek.

24 MS. DALEY: The people that are speaking to
25 you now are speaking about events that happened in the

1 past; right?

2 MR. CHISHOLM: M'hm.

3 MS. DALEY: Is it your feeling that it's
4 part of your Christian duty to investigate what they tell
5 you?

6 MR. CHISHOLM: Yes.

7 MS. DALEY: All right. Now, I understand
8 from you very clearly that you do not trust any law
9 enforcement agency. Is that fair?

10 MR. CHISHOLM: No.

11 MS. DALEY: Sorry. Does that mean I'm
12 correct that you don't trust law enforcement agencies?

13 THE COMMISSIONER: Do you trust ---

14 MR. CHISHOLM: Not necessarily.

15 MS. DALEY: All right.

16 THE COMMISSIONER: Do you trust law
17 enforcement agencies?

18 MR. CHISHOLM: Any law enforcement agency?

19 THE COMMISSIONER: Cornwall Police.

20 MR. CHISHOLM: Pardon?

21 THE COMMISSIONER: Cornwall Police.

22 MR. CHISHOLM: Do I trust them that they're
23 doing their jobs properly? No.

24 THE COMMISSIONER: OPP?

25 MR. CHISHOLM: That they're doing their job

1 properly? No.

2 **THE COMMISSIONER:** Okay.

3 **MS. DALEY:** Thank you. And the people who
4 tell you then about occurrences in the past that have
5 involved abuse, I take it you wouldn't feel that you could
6 trust the OPP or the Cornwall Police to deal with those
7 statements; correct?

8 **MR. CHISHOLM:** Oh, they would deal with
9 them. You mean ---

10 **MS. DALEY:** Maybe we're miscommunicating.

11 **MR. CHISHOLM:** Maybe.

12 **MS. DALEY:** Here's what I'm trying to
13 understand about your thought process, sir.

14 People tell you that they were abused in the
15 past and you think it -- you perceive it's your duty as a
16 Christian to hear that statement and to do something about
17 it; correct?

18 **MR. CHISHOLM:** Yes.

19 **MS. DALEY:** Are we on the same page so far?

20 **MR. CHISHOLM:** Yes. Maybe.

21 **MS. DALEY:** Am I right to say that you
22 wouldn't trust the OPP or the Cornwall Police to handle
23 that matter on behalf of the victim?

24 **MR. CHISHOLM:** I'd be very reluctant to just
25 -- yes, very reluctant. I don't know anymore who -- the

1 person you give it to.

2 MS. DALEY: All right.

3 MR. CHISHOLM: Really.

4 MS. DALEY: So, that's what I'm ---

5 MR. CHISHOLM: I'm a little bit nervous but
6 maybe they're starting to catch the play here and deal with
7 it and keep it a little more open. Hopefully, hopefully.
8 I think that's one good thing about this Inquiry process is
9 that it is getting some of this stuff out in the open so
10 some of these kids, or adults now, can speak about it and I
11 think people, when they hear them, will believe them.

12 It's just like -- what would be their
13 motivation to go through this otherwise if not to get the
14 truth out and to try to explain in their head what happened
15 to them.

16 MS. DALEY: All right. You've confused me a
17 little bit. So are you saying, in fact, that you do in
18 fact trust the OPP or the Cornwall Police to appropriately
19 handle ---

20 MR. CHISHOLM: I don't know -- I know you're
21 trying to put words in my mouth here, but ---

22 MS. DALEY: No, I'm not sir. I just want
23 you to explain yourself.

24 MR. CHISHOLM: Okay, whatever. I get the
25 impression of that.

1 Anyway, I don't -- I haven't completely
2 washed my hands of them. Surely there's good people in
3 those institutions who are trying, I mean we've had
4 evidence of that in the past, but they get shot down and
5 the next guy doesn't want to maybe quite try so hard. Look
6 at what happened to Mr. Dunlop.

7 **MS. DALEY:** Right.

8 **MR. CHISHOLM:** Do you know what I mean?

9 **MS. DALEY:** Sure, I do.

10 **MR. CHISHOLM:** It's very tough for some -- I
11 think some of the police have good intentions, but they get
12 shot down and the next guy doesn't want to maybe try quite
13 so hard, look what happened to Mr. Dunlop."

14 **MS. DALEY:** Right.

15 **MR. CHISHOLM:** Do you know what I mean?

16 **MS. DALEY:** Sure I do.

17 **MR. CHISHOLM:** It's very tough for -- I
18 think some of the police have good intentions, et cetera,
19 they take these statements, they hand them in, they give
20 them to their superiors, that's the end of it, you know.
21 What can they do; make some noise? Get demoted?

22 **MS. DALEY:** Let me try it again because what
23 I'm trying to understand is this, and I'll say it as simply
24 as I can.

25 **MR. CHISHOLM:** Yes.

1 **MS. DALEY:** To the extent that you presently
2 are investigating any allegations, or receiving allegations
3 from people, right?

4 **MR. CHISHOLM:** M'hm.

5 **MS. DALEY:** Where would you take them if you
6 don't trust the OPP or the Cornwall Police Service to deal
7 with those statements?

8 **MR. CHISHOLM:** I don't know.

9 **MS. DALEY:** All right. That's what I ---

10 **MR. CHISHOLM:** Scotland Yard, maybe. I
11 don't know.

12 **MS. DALEY:** That's what I wanted to
13 understand. So you feel stymied ---

14 **MR. CHISHOLM:** I don't know.

15 **MS. DALEY:** You feel stymied. You can't do
16 anything with what you're being told.

17 **MR. CHISHOLM:** Very tough. Very tough.

18 **MS. DALEY:** All right. So what is your
19 purpose, then, in taking those statements? What -- do you
20 understand what I'm trying to -- I'm trying to understand
21 your thought process. Why do it if you feel that you can't
22 take it to law enforcement and have it acted on
23 appropriately?

24 **MR. CHISHOLM:** Well, hope springs eternal.
25 On Friday, I spoke to a lad but where are you going to go

1 then, to the Cornwall police to investigate themselves
2 about disappearing tapes? I mean, the OPP have admitted to
3 destroying videotapes. Now we're told there was tapes in
4 this Eckerson's basement, strewn all over the place. Where
5 are they?

6 **MS. DALEY:** The lad that you spoke to on
7 Friday, I take it you didn't suggest that he should go to
8 the police?

9 **MR. CHISHOLM:** He didn't want to go to the
10 police.

11 **MS. DALEY:** But you didn't suggest that he
12 should.

13 **MR. CHISHOLM:** No, I didn't. He obviously
14 didn't want to. I mean, this is yesterday's news.

15 **MS. DALEY:** I take it you wouldn't ---

16 **MR. CHISHOLM:** He's had it for a long time.
17 In fact, he said he didn't want to -- I just forget
18 verbatim what he said but he intimated that he didn't want
19 to talk about it. He was not happy that I had even heard
20 about it from his friend.

21 **MS. DALEY:** All right.

22 **MR. CHISHOLM:** And he give him a little
23 tonguing. But I said, "Well, it's out there and it's a
24 fact, apparently." "Well, I'm not -- I don't to talk to,
25 you know, anybody," this type of thing. I said, "Well, if

1 you're subpoenaed, will you talk?" "Well, I'd have to tell
2 the truth then." That's what he said and that's the way we
3 left it.

4 **MS. DALEY:** All right. So this
5 investigation must be frustrating because you can't hand
6 anything over to the police for action. Is that a fair
7 comment?

8 **MR. CHISHOLM:** No, it's -- it should be
9 dealt with but, like, who? How -- who do you suggest I
10 give that information to, to investigate the Cornwall
11 police?

12 **MS. DALEY:** I'm just trying to understand
13 what you do with it.

14 **MR. CHISHOLM:** Well, you're a professional
15 lawyer, I'm just kind of wondering, maybe I could use a
16 little help here. Who would I give it to?

17 **MS. DALEY:** Well, I'm a professional lawyer
18 but the Commissioner isn't interested in my views on
19 anything.

20 **MR. CHISHOLM:** Well, maybe I'll ask ---

21 **MS. DALEY:** The Commissioner is trying to
22 understand ---

23 **MR. CHISHOLM:** --- the Commissioner.

24 **MS. DALEY:** --- the facts of what happened
25 here.

1 **MR. CHISHOLM:** Sir, who would I give it to?
2 I'm stymied, really. I'm not playing games here. Who
3 would I give that information to? I can give it to you
4 right now. I can give you the guy's name.

5 **THE COMMISSIONER:** You can do it after to
6 one of the investigators, if you wish.

7 **MR. CHISHOLM:** Give it to who?

8 **THE COMMISSIONER:** One of our investigators,
9 if you wish.

10 **MR. CHISHOLM:** Okay.

11 **MS. DALEY:** All right. I take it, sir, that
12 the reason that you've been involved in this personal
13 investigation is your continued belief that the police
14 forces aren't acting appropriately and aren't
15 investigating. Fair?

16 **MR. CHISHOLM:** Unfortunately, yes.

17 **MS. DALEY:** All right. Now, let's talk a
18 little bit -- I'm going to move to a different subject.

19 I'm going to try to get some further details
20 from you about the activities that you did with Perry and
21 with Helen at any earlier point in time during the
22 investigation, okay?

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

24 **MS. DALEY:** And in fairness, I think that
25 that was a very large undertaking, was it not?

1 MR. CHISHOLM: I guess so.

2 MS. DALEY: And you yourself, as you've
3 said, conducted many, many interviews; so many it was
4 difficult for you to give a number. Correct?

5 MR. CHISHOLM: Yes.

6 MS. DALEY: And I take it that over the
7 course of that investigation, there was many, many
8 documents, boxes of documents that Perry ultimately had?

9 MR. CHISHOLM: Yes.

10 MS. DALEY: And you travelled to Florida and
11 to Maine as part of this investigation, correct, at your
12 own expense?

13 MR. CHISHOLM: Yes.

14 MS. DALEY: Did you also cover Mr. Leroux's
15 expenses when you and he went to Florida?

16 MR. CHISHOLM: Yes.

17 MS. DALEY: And ---

18 MR. CHISHOLM: I believe he paid once.

19 MS. DALEY: All right.

20 MR. CHISHOLM: When we come back.

21 MS. DALEY: But you ---

22 MR. CHISHOLM: When we got to Maine, he paid
23 for breakfast, period.

24 MS. DALEY: All right. But you, out of your
25 pocket, paid the expenses for the Florida trip?

1 MR. CHISHOLM: Yes.

2 MS. DALEY: And you also travelled to Maine
3 at your expense.

4 MR. CHISHOLM: Yes.

5 MS. DALEY: Were there any other places
6 outside of Cornwall that you travelled to for the purpose
7 of this investigation? Toronto, for example, Newmarket?

8 MR. CHISHOLM: No. Spencerville, I guess.

9 MS. DALEY: Spencerville?

10 MR. CHISHOLM: David Silmser lived in
11 Spencerville, yes.

12 MS. DALEY: Okay. And all the while you
13 were doing this, you had a young family of six to support,
14 correct?

15 MR. CHISHOLM: M'hm.

16 MS. DALEY: Is that a yes?

17 MR. CHISHOLM: Yes.

18 MS. DALEY: And you were working full time
19 in real estate and in auctioneering as well?

20 MR. CHISHOLM: Well, I don't know about full
21 time but that's what I do, yeah. I don't ---

22 MS. DALEY: You had to earn a living.

23 MR. CHISHOLM: --- much time -- pardon?

24 MS. DALEY: You had to earn a living ---

25 MR. CHISHOLM: Yes.

1 MS. DALEY: --- to support your family as
2 well.

3 MR. CHISHOLM: Yes.

4 MS. DALEY: Right?

5 MR. CHISHOLM: Yes.

6 MS. DALEY: And you've been very candid and
7 said you had no police college training to ---

8 MR. CHISHOLM: That's right.

9 MS. DALEY: --- investigate, right?

10 MR. CHISHOLM: That's right.

11 MS. DALEY: I'm wondering whether Perry gave
12 you any training in investigating?

13 MR. CHISHOLM: I don't believe so.

14 MS. DALEY: For example, did he talk to you
15 about how to question witnesses?

16 MR. CHISHOLM: I don't believe so.

17 MS. DALEY: Did he talk to you about how to
18 test the stories that people were telling you by asking
19 follow-up questions?

20 MR. CHISHOLM: No, I don't recall that --
21 any of that.

22 MS. DALEY: Okay. Did he talk to you about
23 how to crosscheck information to verify if it was correct
24 or not?

25 MR. CHISHOLM: I don't recall any of that,

1 no.

2 **MS. DALEY:** All right. And one other thing
3 I want to speak to you about is the idea of tainting a
4 witness. In other words, if you ask a question in a
5 certain way, sometimes the witness will tell you an answer
6 that is not really correct. Did Perry ever give you any
7 training about how to avoid that?

8 **MR. CHISHOLM:** No.

9 **MS. DALEY:** All right. And did he give you
10 any help about how to accurately record what is said in an
11 interview? In other words, how to make correct notes of
12 the questions and the answers?

13 **MR. CHISHOLM:** Not that I recall, no.

14 **MS. DALEY:** All right. Help me -- help us
15 understand how you and Perry functioned during the active
16 part of the investigation. In other words, did you operate
17 independently of him?

18 **MR. CHISHOLM:** I guess so -- pretty well,
19 yeah, basically.

20 **MS. DALEY:** All right.

21 **MR. CHISHOLM:** I guess I'd say yeah.

22 **MS. DALEY:** So did Perry then ---

23 **MR. CHISHOLM:** I think we did go to
24 Spencerville and went down to Maine, so that was ---

25 **MS. DALEY:** Together.

1 **MR. CHISHOLM:** -- two trips. Yeah, that I
2 recall. But other than that, I basically ---

3 **MS. DALEY:** You were on your own?

4 **MR. CHISHOLM:** Basically, I think, yeah.

5 **MS. DALEY:** All right. So, for example,
6 leads, if I can call it that, would come to you directly
7 and you would follow up. Is that how it happened?

8 **MR. CHISHOLM:** I guess so, yeah.

9 **MS. DALEY:** And on this issue of your role,
10 I take it you -- you've said here, and I'm not going to
11 criticise you, you thought in your mind what you were doing
12 was an investigation, correct? That's how you would
13 describe it?

14 **MR. CHISHOLM:** I guess it would be called an
15 investigation of sorts.

16 **MS. DALEY:** And you would be the person
17 conducting it, or the investigator, that's how you
18 understood it, correct?

19 **MR. CHISHOLM:** I guess so.

20 **MS. DALEY:** So if you told somebody you were
21 an investigator, in your mind, you wouldn't be telling a
22 falsehood, would you?

23 **MR. CHISHOLM:** Well, I'm doing a private
24 investigation of my own. I know where you're leading, that
25 I'm telling people I'm a police investigator.

1 MS. DALEY: No, no.

2 THE COMMISSIONER: No.

3 MR. CHISHOLM: I made that very clear, I
4 would never say that.

5 MS. DALEY: I'm not leading anywhere, sir.

6 THE COMMISSIONER: No.

7 MR. CHISHOLM: Okay. All right.

8 THE COMMISSIONER: No, sir, she's not.

9 MR. CHISHOLM: Okay, fine.

10 MS. DALEY: But we're clear that you
11 understood, in all sincerity, you were a private
12 investigator; that's what you were doing. Correct?

13 MR. CHISHOLM: Yes.

14 MS. DALEY: And if you told somebody that,
15 it would make logical sense, because you have to explain to
16 them somehow who you are and what you're doing, fair?

17 MR. CHISHOLM: I suppose.

18 MS. DALEY: And during the -- if I could
19 call it the active part of the investigation, so I'm going
20 to refer to the period from '93 up to 2000 when Perry
21 leaves as the active part of the investigation, during that
22 time, sir, I take it you were also vocal in the community
23 with your views.

24 You talked about the petition in support of
25 Perry and you were also actively publishing your views

1 about abuse and a cover-up, correct?

2 MR. CHISHOLM: Probably, yeah.

3 MS. DALEY: All right.

4 And it's -- the reason I'm asking you about
5 that or putting it that way is that you said yesterday that
6 sometimes people would come to you because they knew that
7 you were on the same side as them in terms of the sexual
8 abuse.

9 MR. CHISHOLM: I was -- yes.

10 MS. DALEY: Do you recall that?

11 MR. CHISHOLM: I think so, yeah.

12 MS. DALEY: And people knew that because you
13 published your views.

14 MR. CHISHOLM: That's it.

15 MS. DALEY: Is that how it worked?

16 MR. CHISHOLM: Yes.

17 MS. DALEY: Okay. Let me just canvas one
18 other aspect of your investigation and that's the use of
19 photographs of people.

20 MR. CHISHOLM: M'hm.

21 MS. DALEY: So we'll talk about that for a
22 second if that's okay.

23 MR. CHISHOLM: M'hm.

24 MS. DALEY: I gather from what you said that
25 the photos were supplied by Perry. Is that right?

1 **MR. CHISHOLM:** I believe so, yeah.

2 **MS. DALEY:** And were they all men that were
3 believed to either be perpetrators of sexual abuse or
4 involved in the cover-up conspiracy?

5 **MR. CHISHOLM:** I don't know.

6 **MS. DALEY:** Okay. That's fair.

7 I guess what I'm asking is did you ever use
8 a photograph of just an ordinary person, someone who wasn't
9 a priest or a prominent Cornwall person?

10 **MR. CHISHOLM:** That would be an ordinary
11 person; anybody that isn't one of the those two?

12 **MS. DALEY:** Right.

13 **MR. CHISHOLM:** I don't know whose ---

14 **MS. DALEY:** Okay.

15 **MR. CHISHOLM:** Actually some of them I don't
16 think I even remember. If I did find out or I don't recall
17 who they are or if I even did know who they were. You
18 know, they were unknown to me kind of thing.

19 **MS. DALEY:** I had the ---

20 **MR. CHISHOLM:** I don't know who the hell
21 they were.

22 **MS. DALEY:** Well, sorry, but I had the
23 impression from what you said yesterday that you knew most
24 of these people by sight yourself because ---

25 **MR. CHISHOLM:** Most of them probably, yeah,

1 but I think there was some on there that I didn't know.
2 That's what I'm trying to say.

3 **MS. DALEY:** All right. That's helpful.

4 The use of these photographs, I take it, was
5 Mr. Dunlop's idea?

6 **MR. CHISHOLM:** I believe so.

7 **MS. DALEY:** And did he give you any
8 instructions about how to use the photographs with the
9 witnesses you were speaking with?

10 **MR. CHISHOLM:** I don't remember any
11 specifics. Maybe just show it to them.

12 **MS. DALEY:** Is that what you ---

13 **MR. CHISHOLM:** No, I don't recall exactly
14 what he said.

15 **MS. DALEY:** All right.

16 Do you recall how you did use the
17 photographs in your witness interviews?

18 **MR. CHISHOLM:** Well, I would probably just
19 put them out there and say "Do you recognize any of these
20 guys?"

21 **MS. DALEY:** All right.

22 I don't know if you can help me with this
23 detail, but were the priests in your photographs in
24 clerical garb?

25 **MR. CHISHOLM:** I don't remember.

1 **MS. DALEY:** Now, if I heard you correctly
2 yesterday you said that the primary reason that you used
3 the photographs was to be able to put them down at Ken's
4 place or at Malcolm's cottage and that that was the main
5 purpose. Do you recall that?

6 **MR. CHISHOLM:** Do you want to run that by me
7 again?

8 **MS. DALEY:** I think I'm quoting you and I
9 think what you said -- because you were asked by my friend
10 here about what you were using them for. And if I
11 understood you, you said that the main drift was to be able
12 to put these people down, either at Ken's place or at
13 Malcolm's cottage. Is that correct?

14 **MR. CHISHOLM:** Well, that might be an
15 unfortunate choice of words. I wasn't trying to put them
16 down ---

17 **THE COMMISSIONER:** No, no.

18 **MR. CHISHOLM:** --- in that sense.

19 **THE COMMISSIONER:** No, no.

20 **MR. CHISHOLM:** I know what you mean. But,
21 you see, there's a hook there too. If it was -- maybe if
22 you're talking about Al Laplante -- Al Laplante I think it
23 is or a local it might be yes to that, but if I was showing
24 them to, for instance, the guy in Florida it wouldn't be to
25 put him at Malcolm's cottage.

1 MS. DALEY: Understood.

2 MR. CHISHOLM: You know what I mean? So ---

3 MS. DALEY: Okay. So for the local folks
4 you were showing photographs principally because you wanted
5 to know if those people could say yes, I saw this man or
6 this man at either ---

7 MR. CHISHOLM: That could be, yeah.

8 MS. DALEY: --- Ken Seguin's place or
9 Malcolm's cottage?

10 MR. CHISHOLM: It could be, yes. That would
11 be ---

12 MS. DALEY: Is that your best recollection?

13 MR. CHISHOLM: Yeah.

14 MS. DALEY: And how did you illicit that
15 information from people? Do you remember?

16 MR. CHISHOLM: Well, I -- no, I don't, but I
17 might have said "Did you ever see these guys down at either
18 of those cottages?" I don't remember, but I presume that
19 would be ---

20 MS. DALEY: Sir, that's fine. It's not a
21 memory test. If you don't recall that's fine. No one will
22 criticize you.

23 MR. CHISHOLM: It's a bit of a memory test
24 for me. I mean, you guys have all the information. I'm
25 just trying to go by memory and trying to put the pieces

1 together really. It's a memory test.

2 **MS. DALEY:** All right.

3 Let me move to just to another subject for a
4 moment, sir, and I want to try and help you with some
5 timeframes that are rather important to us. Okay?

6 **MR. CHISHOLM:** Yes.

7 **MS. DALEY:** See if this helps you and if you
8 can confirm it.

9 This I'm sure you'll agree with. The
10 starting point to your involvement is September of '93 and
11 it arises with Perry and the disclosure issue to the CAS.
12 So that's where it all starts. Okay?

13 **MR. CHISHOLM:** M'hm. Yeah.

14 **MS. DALEY:** That's correct, is it?

15 **MR. CHISHOLM:** Yeah, pretty well, yeah.

16 **MS. DALEY:** And then during 1994 you're
17 active in the community with a petition of support for
18 Perry and I guess with other community activities in
19 support of what Perry is attempting to do; correct?

20 **MR. CHISHOLM:** Yeah.

21 **MS. DALEY:** And in 1995 -- so I'm moving
22 into the next year -- by that point I think is it correct
23 that people are coming to you to talk about their own
24 experience? And John MacDonald would be an example.

25 **MR. CHISHOLM:** I believe that was in '95,

1 yeah.

2 **MS. DALEY:** Correct?

3 **MR. CHISHOLM:** M'hm.

4 **MS. DALEY:** All right.

5 So this is how things are progressing.

6 **MR. CHISHOLM:** Yeah.

7 **MS. DALEY:** Now, I don't know if you can
8 confirm this, but we've also talked a lot here about the
9 police Act charges that were laid against Perry, and you've
10 talked about the appeal. Do you recall, sir, that by the
11 end of the year 1995 the appeal was terminated in Perry's
12 favour so that part of the process was over; correct?

13 **MR. CHISHOLM:** If you say so.

14 **THE COMMISSIONER:** Well, no.

15 **MR. CHISHOLM:** I don't know the time, but
16 yeah, something to that effect.

17 **MS. DALEY:** Do you remember the Fifth Estate
18 program? Does that ---

19 **MR. CHISHOLM:** Yeah, they showed it here ---

20 **MS. DALEY:** Right.

21 **MR. CHISHOLM:** --- a little while ago.

22 **MS. DALEY:** And do you remember that that
23 was shown I guess at the end of the year 1995 possibly
24 early '96?

25 **MR. CHISHOLM:** I don't know. I wouldn't

1 remember the date. But anyways, it probably was.

2 MS. DALEY: Okay.

3 MR. CHISHOLM: Okay.

4 MS. DALEY: So I want to move into the year
5 1996 with you now ---

6 MR. CHISHOLM: M'hm.

7 MS. DALEY: --- because you were I think
8 fairly actively investigating by '96. Is that fair?

9 MR. CHISHOLM: I don't know if it's fair or
10 not, but I probably was. I don't know.

11 MS. DALEY: Okay. Well, I want to see if
12 you can help me with another event. The record here
13 suggests that Perry started his \$70 million lawsuit against
14 the police officers and the police service and the Diocese
15 and others. That started with Mr. Bourgeois in June of
16 1996. Is that generally what you recall?

17 MR. CHISHOLM: No, I don't recall it at all.
18 I recall him having the lawsuit but the month or year means
19 nothing really.

20 MS. DALEY: All right.

21 But is it correct that Perry, at the time --
22 at the time these events were unfolding Perry kept you in
23 the picture? In other words, he told you what was
24 happening?

25 MR. CHISHOLM: Oh, yeah, I would say so,

1 yes, sure.

2 **MS. DALEY:** All right.

3 So he told you then about the lawsuit when -

4 --

5 **MR. CHISHOLM:** Oh, I would know about it,
6 yeah, sure.

7 **MS. DALEY:** Okay. So the only difficulty we
8 have is -- and it's not your fault at all -- as we sit here
9 today you can't say for sure that it happened in June of
10 '96, but when it did happen ---

11 **MR. CHISHOLM:** Of course not.

12 **MS. DALEY:** --- Perry told you about it.

13 **MR. CHISHOLM:** Oh, yeah, I would presume,
14 yes.

15 **MS. DALEY:** All right.

16 **MR. CHISHOLM:** Yeah.

17 **MS. DALEY:** And if it helps you at all,
18 that's why Charles Bourgeois comes into the picture because
19 that's who Perry's lawyer is in that lawsuit; correct?

20 **MR. CHISHOLM:** Apparently, yes.

21 **MS. DALEY:** All right.

22 And, sir, I'm going to try to help you a
23 little bit. All right?

24 **MR. CHISHOLM:** M'hm.

25 **MS. DALEY:** Because as you said, you did

1 give evidence in the Leduc matter.

2 MR. CHISHOLM: M'hm.

3 MS. DALEY: You recall that.

4 MR. CHISHOLM: Yes.

5 MS. DALEY: It's correct?

6 MR. CHISHOLM: Yes.

7 MS. DALEY: And in that lawsuit when you
8 were in the witness stand you acknowledged that you knew
9 that the investigation was relevant to Mr. Dunlop's
10 lawsuit. You recall that, do you?

11 MR. CHISHOLM: No, I don't but ---

12 MS. DALEY: All right.

13 I'm going to help you with that.

14 MR. CHISHOLM: --- I'm not saying I didn't
15 say it I just don't recall it.

16 MS. DALEY: That's fine. But we need to get
17 this right. So just bear with me a second and I'll help
18 you. Okay?

19 (SHORT PAUSE/COURTE PAUSE)

20 MS. DALEY: Madam Clerk, I wonder if you
21 could help us. It's document number 109983 and that's the
22 transcript of this gentleman's testimony and I'm going to
23 ask if you could turn up page 47 of that transcript.

24 (SHORT PAUSE/COURTE PAUSE)

25 THE COMMISSIONER: Thank you. It is Exhibit

1 707, which is a transcript -- an extract of a pre-trial
2 motion.

3 **---** **EXHIBIT NO./PIÈCE No. P-707:**

4 (109983) *R. v. J. Leduc* - Carson Chisholm,
5 Cross-examination transcript.

6 **MS. DALEY:** That's correct.

7 **THE COMMISSIONER:** Our Majesty the Queen v
8 Jacques Leduc, and this is subject to a publication ban.

9 **MS. DALEY:** That's correct, Your Honour, and
10 I am going to focus exclusively on, I think, a three-
11 question exchange that is on page 47 of that transcript.

12 **THE COMMISSIONER:** All right.

13 **MS. DALEY:** And at page 47, I am going to
14 have the witness look at lines 24 -- well, actually, lines
15 24 down to the end of that page and then over on page 48,
16 there is a final answer to the question.

17 **THE COMMISSIONER:** Okay, so just to help you
18 out here, who is cross-examining?

19 **MS. DALEY:** This is the cross-examination of
20 Mr. Chisholm by Ms. Henein.

21 **THE COMMISSIONER:** All right. So does that
22 help you a little bit, sir?

23 **MR. CHISHOLM:** Yes, yes.

24 **THE COMMISSIONER:** The Leduc matter. Mrs.
25 Henein is asking you a question, and it starts with:

1 "All right, so you were conducting this
2 investigation that you hope goes
3 somewhere and then I think it -- you
4 knew that this was important material
5 that you were gathering?"

6 "Yes".

7 **MS. DALEY:** Yes.

8 **MR. CHISHOLM:** They we start.

9 **MS. DALEY:** That's exactly right, sir, and
10 then if you're with us, Mr. Chisholm, she then says:

11 "All right. And this investigation you
12 were conducting also you knew had
13 something to do with a \$70 million
14 lawsuit that Mr. Dunlop had filed.
15 Right?"

16 And you said:

17 "Seventy million? I thought it was
18 more than that even."

19 She then says:

20 "A multimillion dollar lawsuit. You
21 knew the investigation was also
22 relevant to Mr. Dunlop's civil lawsuit,
23 right?"

24 Answer:

25 "Yes."

1 And then just to complete it, she then says:
2 "All right. So you're gathering the
3 information and certainly at that time,
4 you thought it was pretty important
5 what you were doing. Right?"

6 You say:

7 "M'hm."

8 And then you clarify that your answer is
9 yes.

10 **MR. CHISHOLM:** M'hm, yes.

11 **MS. DALEY:** So, sir, you were asked those
12 questions and you gave those answers under oath?

13 **MR. CHISHOLM:** Yes.

14 **MS. DALEY:** Correct?

15 **MR. CHISHOLM:** Yes.

16 **MS. DALEY:** And that is true information, is
17 it not, sir?

18 **MR. CHISHOLM:** I believe so, yes.

19 **MS. DALEY:** Thank you.

20 And, indeed, we had some evidence from you
21 yesterday that you tried to assist Perry financially in his
22 lawsuit by raising money in the community to defray his
23 legal costs?

24 **MR. CHISHOLM:** Yes.

25 **MS. DALEY:** And the object ---

1 **THE COMMISSIONER:** I'm sorry, sorry. Was it
2 \$15,000?

3 **MR. CHISHOLM:** I think so, but -- and is
4 this all relevant to institutional response?

5 **THE COMMISSIONER:** Yes.

6 **MR. CHISHOLM:** Yes, good. Well, I think it
7 was 15 ---

8 **THE COMMISSIONER:** No, no, what ---

9 **MR. CHISHOLM:** Right around that.

10 **THE COMMISSIONER:** What was the reason for
11 it? I don't know if he's -- what was the reason for
12 raising the money?

13 **MR. CHISHOLM:** To help him financially.

14 **THE COMMISSIONER:** To do what?

15 **MR. CHISHOLM:** With legal fees, et cetera.

16 **THE COMMISSIONER:** What legal fees?

17 **MR. CHISHOLM:** Well, whatever legal fees he
18 would require. I mean, just to carry on life.

19 **MS. DALEY:** But, sir, was it his legal fees
20 in connection with the seventy-plus million-dollar lawsuit?
21 I can show you the exhibit.

22 **MR. CHISHOLM:** Yeah. No, I think it's just
23 actually living, you know, fees, legal fees if they come in
24 to it, but it was nothing to do with any civil case --
25 raise money to support a civil case.

1 MS. DALEY: Well, one second, sir.

2 Maybe I then misunderstood Exhibit 699.

3 THE COMMISSIONER: Right.

4 MS. DALEY: But if we could have a look at
5 that?

6 THE COMMISSIONER: Yes, if you look in ---

7 MR. CHISHOLM: The same one?

8 THE COMMISSIONER: The book, no.

9 MR. CHISHOLM: Is it a transcript?

10 MS. DALEY: No, no. It's the document we
11 marked yesterday, Mr. Commissioner.

12 THE COMMISSIONER: Six, nine, nine (699),
13 right.

14 Madam Clerk, would the witness have that in
15 the black binder? Thank you. All right, sorry.

16 Yes, you were right.

17 So this is the March 8th, 1998 letter that
18 you wrote to the Editor, I think?

19 MR. CHISHOLM: Yes.

20 THE COMMISSIONER: All right. And in there,
21 you say in the middle:

22 "The church has basically unlimited
23 resource to keep this travesty from
24 going to trial..."

25 MR. CHISHOLM: Yeah, yeah, civil lawsuit.

1 You're right, yeah.

2 **THE COMMISSIONER:** So and you are saying
3 that ---

4 **MR. CHISHOLM:** Yeah, I guess you're right,
5 civil lawsuit.

6 **THE COMMISSIONER:** --- to that date, Mr.
7 Dunlop had paid up to \$150,000 in legal fees?

8 **MR. CHISHOLM:** This costs him \$150,000 so
9 far, but I don't know what he spent on lawyers. I think
10 maybe more downtime, yeah.

11 **THE COMMISSIONER:** Well, you wrote the
12 lawyer ---

13 **MS. DALEY:** We are trying to understand what
14 you were talking about, sir, if you could help us.

15 **MR. CHISHOLM:** Well, it's cost him
16 approximately \$150,000 so far and just to get the travel,
17 cost another \$50 or \$75 thousand, I don't know, when is
18 that, '98? When was he -- I don't know. I think it's just
19 in aggravation and downtime and whatever. I don't know
20 exactly how that figure -- I'm just guessing \$150,000
21 there. I don't know exactly.

22 **THE COMMISSIONER:** Well you wrote it. I
23 just want to know what was going through your mind when you
24 wrote this letter.

25 **MR. CHISHOLM:** Well, just -- I don't know

1 exactly. I -- that's '98, nine years ago.

2 **THE COMMISSIONER:** I understand.

3 **MS. DALEY:** Okay. In that paragraph, sir,
4 you went on to state ---

5 **MR. CHISHOLM:** I'm sure -- excuse me -- I'm
6 sure it cost me more than that, but I haven't necessarily
7 spent it all. It's downtime too. Like, you probably get a
8 couple of hundred bucks an hour. I'm not and the time
9 spent in this over the years is subtracted from what I
10 could be doing somewhere else, like, my job type of thing.
11 When I'm saying 150-250 thousand dollars over 14 years,
12 that's in lost time. That's what I mean.

13 **THE COMMISSIONER:** No, no, this was written
14 in 1998.

15 **MR. CHISHOLM:** Yes, well ---

16 **THE COMMISSIONER:** So it all started in
17 1993.

18 **MR. CHISHOLM:** Okay, then.

19 **THE COMMISSIONER:** So that's five years.

20 **MR. CHISHOLM:** Okay, \$30,000 a year, I don't
21 know. That's guesstimate. It would cost \$30,000 a year in
22 downtime for me to play these games.

23 **MS. DALEY:** All right.

24 **MR. CHISHOLM:** This wasn't for me. I never
25 got a nickel out of that.

1 **MS. DALEY:** Well, sir, just bear with me a
2 second. In that paragraph, you talk about how much it
3 might take to go to trial for ---

4 **MR. CHISHOLM:** I'm guessing. \$50-75
5 thousand is probably -- maybe that's for a week. I don't
6 know.

7 **MS. DALEY:** All right.

8 **MR. CHISHOLM:** But it's expensive business.

9 **MS. DALEY:** Right, and you say:

10 "However, Mr. Dunlop is broke and will
11 have to give up this fight for justice,
12 unless we get the public's financial
13 help."

14 So I took it that what you were doing here
15 is soliciting donations to support Perry's payment of fees
16 so that he can pursue his civil case. Is that not fair?

17 **MR. CHISHOLM:** No, I think that is fair.

18 **MS. DALEY:** Okay, thank you.

19 That's all I wanted to clarify about this
20 document.

21 **MR. CHISHOLM:** Okay, sure.

22 **MS. DALEY:** All right. I am going to move
23 to a different subject. I'm in your hands, Mr.
24 Commissioner, as to whether you would like to break now.

25 **THE COMMISSIONER:** Why don't we take a break

1 now; we'll take the morning break. Thank you.

2 **MS. DALEY:** Sure.

3 **THE REGISTRAR:** Order. All rise. À
4 l'ordre. Veuillez vous lever.

5 This hearing will resume at 11:15 a.m.

6 --- Upon recessing at 11:01 a.m./

7 L'audience est suspendue à 11h01

8 --- Upon resuming at 11:25 a.m./

9 L'audience est reprise à 11h25

10 **THE REGISTRAR:** This hearing is now resumed.

11 Please be seated.

12 Veuillez vous asseoir.

13 **CARSON CHISHOLM:** Resumed/Sous affirmation solennelle

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

15 **DALEY (cont'd/suite):**

16 **THE COMMISSIONER:** Thank you. Can I just
17 make a comment? We were talking about the lawsuit and this
18 letter of March 8th, 1998.

19 **MS. DALEY:** Yes.

20 **THE COMMISSIONER:** If I have my bearings
21 correct from all of this, is that Mr. Bourgeois and Mr.
22 Dunlop started a lawsuit for \$70 million, but by the time
23 this letter, if that letter went anywhere, the lawyer has
24 changed to I forget who, and the lawsuit -- the Statement
25 of Claim had changed drastically reducing those amounts of

1 money. But I just want to make sure we are on the same
2 wavelength here.

3 MS. DALEY: I think you're probably right
4 about both those.

5 THE COMMISSIONER: Yes.

6 MS. DALEY: I'm not completely confident
7 about the timing, but I do know that the lawyer changed to
8 someone at the Borden Ladner firm?

9 THE COMMISSIONER: Right, Mr. Morris.

10 MS. DALEY: Mr. Morris. And it may well --
11 you are absolutely right that the lawsuit itself had
12 changed fairly radically. There was a substantial
13 amendment to a Statement of Claim that happened in November
14 of '96.

15 THE COMMISSIONER: Right, so by March 8th of
16 1998 ---

17 MS. DALEY: It's an amended claim.

18 THE COMMISSIONER: --- it's an amended
19 claim.

20 MS. DALEY: Correct.

21 THE COMMISSIONER: So it's not for \$70
22 million anymore. I don't know ---

23 MS. DALEY: I think that's probably right,
24 sir.

25 THE COMMISSIONER: Okay.

1 **MS. DALEY:** It's a claim that has been
2 amended to include allegations of conspiracy, the VIP
3 meeting that we've heard about, and all that material.
4 Okay?

5 **THE COMMISSIONER:** Okay. So I just want to
6 make sure that we don't get lost in the shuffle here; that
7 when we're talking about a lawsuit, by then it's not for
8 \$70 million; it's for considerably less with substantial
9 amendments to its ---

10 **MS. DALEY:** I think that's correct, sir.

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

12 **MS. DALEY:** Mr. Chisholm, I now want to move
13 to a different subject and that's the role of Ron Leroux in
14 your investigation. And I'm hoping you can help us clarify
15 some of your dealings with him, all right, because I want
16 to see if we can get some more information on the table.

17 Now, you did say to my friend yesterday that
18 Ron Leroux -- I think you said came in as an investigator
19 but that you weren't quite sure what he did?

20 **MR. CHISHOLM:** Perhaps, I don't know.

21 **MS. DALEY:** Can you elaborate on that at all
22 in terms of ---

23 **MR. CHISHOLM:** No.

24 **MS. DALEY:** --- the role Mr. Leroux played
25 as an investigator?

1 MR. CHISHOLM: Not really, no.

2 MS. DALEY: Okay. Do you -- did you ever
3 delegate any part of an investigation to Mr. Leroux to
4 conduct?

5 MR. CHISHOLM: No.

6 MS. DALEY: To your knowledge, did Perry
7 Dunlop do so?

8 MR. CHISHOLM: No.

9 MS. DALEY: All right. I want to clarify
10 your contacts with Mr. Leroux. You told us last time that
11 you did spend time with him in Maine and I wonder if you
12 can help us.

13 Is that the first time you met him in Maine
14 as opposed to Florida for example?

15 MR. CHISHOLM: I can't remember. I think it
16 was Maine.

17 MS. DALEY: All right. Because by the time
18 you and he travelled to Florida, you were already
19 acquainted. You knew him.

20 MR. CHISHOLM: Yes.

21 MS. DALEY: All right. And the Florida trip
22 took what; seven odd days, something in that neighbourhood?

23 MR. CHISHOLM: Pretty odd, yeah.

24 MS. DALEY: Okay. What do you mean by that?

25 MR. CHISHOLM: Well, you ---

1 **MS. DALEY:** Was it an odd experience for
2 you?

3 **MR. CHISHOLM:** Well, I mean in the sense I'm
4 not sure if it was five days, seven days, something like
5 that.

6 **MS. DALEY:** That was ---

7 **MR. CHISHOLM:** Roughly.

8 **MS. DALEY:** That's the right neighbourhood?

9 **MR. CHISHOLM:** Right.

10 **MS. DALEY:** And how much time did you spend
11 with him in Maine; do you recall?

12 **MR. CHISHOLM:** I think we stayed overnight.
13 I believe that was it.

14 **MS. DALEY:** And were you there with Perry?

15 **MR. CHISHOLM:** I went with Perry once, yeah,
16 and then I believe the time -- I can't remember where we
17 started out from for Florida but it might have been from
18 Maine and then Perry wasn't there.

19 **MS. DALEY:** Perry had nothing to do with the
20 Florida trip?

21 **MR. CHISHOLM:** That's right.

22 **MS. DALEY:** But the few -- the day or so
23 that you spent with Mr. Leroux in Maine, you're fairly sure
24 Perry was with you?

25 **MR. CHISHOLM:** Perry and I went once to

1 Maine, yes.

2 **MS. DALEY:** Okay. And let me just clarify
3 that on that trip, Mr. Bourgeois was not part of that trip.

4 **MR. CHISHOLM:** That's right.

5 **MS. DALEY:** And I gather your sister Helen
6 was also not part of that trip?

7 **MR. CHISHOLM:** That's right.

8 **MS. DALEY:** We've heard from other witnesses
9 here, sir, that Perry attended on Mr. Leroux in Maine
10 around the beginning of October 1996, and I think the days
11 are around October 7th to October 11th, 1996.

12 Is that likely the trip that you were with
13 him on, do you think, sir?

14 **MR. CHISHOLM:** I don't remember.

15 **MS. DALEY:** Do you remember any details of
16 what happened in terms of your interactions with Mr. Leroux
17 the time you met him in Maine?

18 **MR. CHISHOLM:** Not in particular, no,
19 nothing jumps out ---

20 **THE COMMISSIONER:** Well, did you go to his
21 house?

22 **MR. CHISHOLM:** Yes.

23 **THE COMMISSIONER:** Okay. Did you meet his
24 wife?

25 **MR. CHISHOLM:** Yes.

1 **MS. DALEY:** Did you hear any information
2 from his that was relevant to a sexual abuse of children in
3 Cornwall?

4 **MR. CHISHOLM:** Probably.

5 **MS. DALEY:** Do you remember what information
6 he gave you?

7 **MR. CHISHOLM:** No.

8 **MS. DALEY:** Did you obtain any information
9 from him about the cover-up on sexual abuse in Cornwall?

10 **MR. CHISHOLM:** I don't really remember any
11 of what transpired there.

12 **MS. DALEY:** All right. Do you remember
13 whether on this occasion he was shown photographs of
14 prominent people in Cornwall?

15 **MR. CHISHOLM:** I don't remember.

16 **MS. DALEY:** I'm asking this to see if any of
17 this jogs your mind and that ---

18 **MR. CHISHOLM:** I don't remember really.

19 **MS. DALEY:** That's fine. Do you remember if
20 Mr. Leroux gave any written statements to you and Perry on
21 that visit in Maine?

22 **MR. CHISHOLM:** I would assume so but I don't
23 remember. He probably did.

24 **MS. DALEY:** All right.

25 **MR. CHISHOLM:** But it wasn't to me. I never

1 wrote them.

2 **MS. DALEY:** Did you personally interview Mr.
3 Leroux about sex abuse of children in Cornwall?

4 **MR. CHISHOLM:** I believe so, yeah.

5 **MS. DALEY:** Can you tell me -- can you give
6 us any details as to that interview? In other words ---

7 **MR. CHISHOLM:** I don't know about an
8 interview as such. It's just we talked.

9 **THE COMMISSIONER:** You talked about it.

10 **MR. CHISHOLM:** That's what I mean, yeah.

11 **MS. DALEY:** Can you help us at all with what
12 he told you?

13 **MR. CHISHOLM:** It's quite a while ago. I
14 really don't recall those conversations.

15 **THE COMMISSIONER:** Well, let's -- so you
16 drive down with Perry.

17 **MR. CHISHOLM:** Yes.

18 **THE COMMISSIONER:** All right. Why were you
19 going there?

20 **MR. CHISHOLM:** Well, to see what he knew
21 about these things, yes.

22 **THE COMMISSIONER:** All right. So on your
23 way down, you drove down.

24 **MR. CHISHOLM:** Yes.

25 **THE COMMISSIONER:** Did you talk to Perry

1 about what kind of questions you're going to ask or what --
2 -

3 **MR. CHISHOLM:** Probably. Probably, I would
4 presume so, yes, but I don't recall any of them, you know.

5 **THE COMMISSIONER:** Do you remember where you
6 were when you spoke to Mr. Leroux about those things, when
7 you had those talks? Were you at his house? Were you in a
8 hotel room?

9 **MR. CHISHOLM:** I think it was probably in
10 his house.

11 **THE COMMISSIONER:** Okay.

12 **MS. DALEY:** Thank you, sir.

13 I don't know if you'll recollect this, but
14 do you recall a connection with Mr. Leroux that Perry, and
15 perhaps you also, believed that he was the inside man, so
16 to speak, and that he knew a lot about the comings and
17 goings at Mr. Seguin's house and at Malcolm MacDonald's
18 cottage? Is that part of what you knew about Mr. Leroux?

19 **MR. CHISHOLM:** That seems to fit, yes.

20 **MS. DALEY:** All right. And that would be a
21 reason to go to Maine to hear what he had to say I guess,
22 sir?

23 **MR. CHISHOLM:** Yeah, yeah.

24 **MS. DALEY:** And sir, in your dealings with
25 Mr. Leroux, did you believe or did Perry believe that he

1 himself was a pedophile?

2 **MR. CHISHOLM:** Do I believe and did Perry
3 believe that?

4 **MS. DALEY:** Well, that's two questions. So
5 you're quite right. Let's break it down.

6 Did you have any information from any source
7 that Mr. Leroux himself was a pedophile?

8 **MR. CHISHOLM:** I don't think so, but I don't
9 recall.

10 **MS. DALEY:** Do you know if Perry ever
11 expressed to you that belief?

12 **MR. CHISHOLM:** I don't recall it.

13 **MS. DALEY:** We talked yesterday a little bit
14 about C-8.

15 **MR. CHISHOLM:** Yes.

16 **MS. DALEY:** Do you remember who that person
17 is?

18 **MR. CHISHOLM:** Yes.

19 **MS. DALEY:** And you were aware that that
20 person had had a longstanding relationship with Mr. Leroux?

21 **MR. CHISHOLM:** Yes.

22 **MS. DALEY:** And did you understand that it
23 was a homosexual relationship?

24 **MR. CHISHOLM:** I think that did come out,
25 yes. I'm not sure when though; that's the problem that I

1 may know that.

2 **MS. DALEY:** Sorry. When you knew that ---

3 **MR. CHISHOLM:** I'm not sure when I became
4 aware of that, but over the years or whatever, I had become
5 aware of it. It's part of the information I guess.

6 **MS. DALEY:** Did you ever become aware that
7 C-8 that made an allegation that Mr. Leroux had abused him
8 when C-8 was a minor?

9 **MR. CHISHOLM:** Yes.

10 **MS. DALEY:** And did you ---

11 **MR. CHISHOLM:** I just read that in fact I
12 think yesterday. I was trying to get up to speed on this
13 stuff and it was in those three binders.

14 **MS. DALEY:** So help us with this ---

15 **MR. CHISHOLM:** But -- yeah. Go ahead.

16 **MS. DALEY:** Sorry. I didn't mean to cut you
17 off. Was there more you wanted to say?

18 **MR. CHISHOLM:** I believe I knew that before
19 that but that reinforced it in a way, the fact that he was
20 also a victim. They lived together and there was a -- I
21 didn't realize the age spread. I think it was like 33
22 years or something like that I read.

23 **MS. DALEY:** When you were working with Mr.
24 Leroux on the investigation, did you know that C-8 alleged
25 Mr. Leroux had abused him as a minor?

1 **MR. CHISHOLM:** I can't remember if I knew
2 that then, you know.

3 **MS. DALEY:** All right.

4 Have you -- did you read the written
5 statements that Mr. Leroux eventually gave to Mr. Dunlop?

6 **MR. CHISHOLM:** Way back when, then?

7 **MS. DALEY:** Yes, back ---

8 **MR. CHISHOLM:** I believe so, oh, yeah.

9 **MS. DALEY:** You're familiar with ---

10 **MR. CHISHOLM:** I think so, yeah.

11 **MS. DALEY:** You read this ---

12 **MR. CHISHOLM:** Oh, yes. Yeah, I'm sure.

13 **MS. DALEY:** Okay. So I'm referring to
14 statements that Mr. Leroux gave in October of '96 and
15 November of '96.

16 **MR. CHISHOLM:** Probably.

17 **MS. DALEY:** You read them?

18 **MR. CHISHOLM:** Probably.

19 **MS. DALEY:** Did you ever -- did you notice
20 any changes in those statements?

21 **MR. CHISHOLM:** I don't remember any changes
22 I've done. I don't even remember the statements. I just
23 assumed that I read them.

24 **MS. DALEY:** All right.

25 **MR. CHISHOLM:** But what I do recall of

1 Leroux was he basically stayed to his story -- like we were
2 looking for jinx in that story. We never found them until
3 fairly recently.

4 Now, I never listened to his testimony or
5 read the transcripts on the web page but from what I did
6 read in the paper, he's changed it dramatically as did his
7 partner C-8. So ---

8 **MS. DALEY:** You're referring to the
9 testimony that Mr. Leroux gave before this inquiry?

10 **MR. CHISHOLM:** Yeah, that's right.

11 **MS. DALEY:** Right.

12 **MR. CHISHOLM:** Yeah.

13 (SHORT PAUSE/COURTE PAUSE)

14 **MR. CHISHOLM:** There's quite a shift in
15 that.

16 **MS. DALEY:** Let me just -- I'm happy to show
17 you the statements. I don't know if it's going to help
18 your recollection or not, but let's try it this way first
19 and I'll put to you some of the key things that Mr. Leroux
20 said. You tell me if you remember these were in his
21 statements. Do you remember that he spoke about a clan of
22 pedophiles in Cornwall?

23 **MR. CHISHOLM:** Yeah, yeah, yeah.

24 **MS. DALEY:** And you remember that the clan
25 he named and they included many officers of the church. Do

1 you recall that?

2 **MR. CHISHOLM:** Yes.

3 **MS. DALEY:** As well as Crown attorneys and -

4 --

5 **MR. CHISHOLM:** As well as what?

6 **MS. DALEY:** As well as a Crown attorney.

7 **MR. CHISHOLM:** I don't remember the
8 specifics of his allegations but I remember the Crown
9 Attorney was named as being at some of these cottages -- one
10 or two of the cottages down there.

11 **MS. DALEY:** All right.

12 **MR. CHISHOLM:** I think that was the -- my
13 recollection is that some of these names were there. I
14 don't recall him saying they were pedophiles.

15 **MS. DALEY:** All right. That's fine.

16 It's your recollection ---

17 **MR. CHISHOLM:** So when you lump it all
18 together like that it gets pretty confusing.

19 **MS. DALEY:** Well, as I say, that's why I was
20 happy to take you to the statement.

21 **MR. CHISHOLM:** M'hm.

22 **MS. DALEY:** And perhaps I will.

23 Do you recall though that he also said that
24 there was a meeting that had occurred on Stanley Island?

25 **MR. CHISHOLM:** I recall that, something to

1 that, yeah.

2 MS. DALEY: And that that meeting occurred
3 right before the agreement to pay Mr. Silmser some money?

4 MR. CHISHOLM: Oh, well, it could be, yes.
5 I don't know exactly.

6 MS. DALEY: And do you recall generally that
7 he was saying that that meeting occurred and that that
8 would be important to you because that gave you some
9 evidence of a conspiracy to cover up?

10 MR. CHISHOLM: That's part of his statement
11 then that he was supplying information to support us? I
12 don't recall that.

13 MS. DALEY: I'm ---

14 MR. CHISHOLM: I don't know what's in his
15 statement really.

16 MS. DALEY: Listen, I think maybe I can help
17 you. Why don't we just let the witness have a quick look
18 at Exhibit 565, and that should be Mr. Leroux's November
19 13th, '96 statement.

20 (SHORT PAUSE/COURTE PAUSE)

21 MS. DALEY: Should I show him my hardcopy?

22 THE COMMISSIONER: No, no.
23 What are we looking at?

24 MS. DALEY: It's Mr. Leroux's November 13th,
25 '96 statement.

1 **THE COMMISSIONER:** Was it -- it's got to be
2 an exhibit.

3 **MS. DALEY:** It's Exhibit 565.

4 **THE COMMISSIONER:** Okay. So, Madam Clerk,
5 do we not have that in a binder some place for us, and a
6 screen some place?

7 **THE REGISTRAR:** On the screen.

8 **THE COMMISSIONER:** And the binders?

9 **THE REGISTRAR:** Yes.

10 **THE COMMISSIONER:** Okay. Put it on the
11 screen to start off with.

12 And I would like to have my binder, please.
13 Will it be a big thing to get it, Madam Clerk? Just go get
14 it, please.

15 All right. So can we start -- do you have
16 any questions on this page while the clerk goes and -- can
17 you look at the computer.

18 **MR. CHISHOLM:** Oh, sure.

19 **MS. DALEY:** Sir, I just want to try to help
20 put you in a context here. This is a statement that Mr.
21 Leroux signed on November 13th, '96. So that would have
22 been after you visited him in Maine but before you go to
23 Florida with him.

24 **MR. CHISHOLM:** Okay.

25 **MS. DALEY:** All right.

1 And I was just -- I'm happy to have you look
2 at the whole thing because I know you haven't seen it
3 recently, but I was going to focus you a little bit on
4 paragraph 7.

5 **MR. CHISHOLM:** What is the split there
6 between the Maine trip and the Florida trip? This is when
7 this came up?

8 **MS. DALEY:** This comes in between those two
9 events.

10 **MR. CHISHOLM:** And what does that mean?
11 What is the difference in time there between those trips?
12 I can't remember.

13 **MS. DALEY:** Well, to the best of my
14 recollection of the evidence I think your Maine trip
15 probably happened around the first week of October '96.

16 **MR. CHISHOLM:** The fall I think, yeah.

17 **MS. DALEY:** Right. And we know that you're
18 in Florida by December 6th, '96 because you take Mr.
19 Cvetakovski's ---

20 **MR. CHISHOLM:** In the winter, yeah.

21 **MS. DALEY:** --- statement that day.

22 So this statement from Mr. Leroux is
23 November 13th. Is that ---

24 **MR. CHISHOLM:** In that interim of two
25 months.

1 MS. DALEY: It's in that interim.

2 THE COMMISSIONER: Thank you.

3 MS. DALEY: Thank you.

4 And as I say, I'm not going to rush you.

5 You take your time but if you could look for me at
6 paragraph 6 and 7 and 8 of this document.

7 And then I'm going to actually ask you to
8 look at also paragraph 28, which deals with a group of
9 people that go to Mr. MacDonald's cottage on the island.

10 (SHORT PAUSE/COURTE PAUSE)

11 MR. CHISHOLM: Did you want me to read the
12 whole thing, yeah?

13 MS. DALEY: Did you have a chance to look at
14 paragraph 28?

15 MR. CHISHOLM: Yeah, I was -- yeah.

16 MS. DALEY: So does this help you recall
17 that Mr. Leroux was making some very serious statements
18 about a clan of pedophiles in your town and a meeting at
19 which many of them congregated at Mr. MacDonald's cottage
20 right before the Silmsler deal? Do you recall Mr. Leroux
21 talked about that?

22 MR. CHISHOLM: Yeah, this rings a bell for
23 sure.

24 MS. DALEY: All right.

25 Having looked at it, sir, does it bring back

1 any personal recollection of you speaking with him about
2 these things?

3 MR. CHISHOLM: Not really, but I remember
4 reading this.

5 MS. DALEY: All right.

6 MR. CHISHOLM: Seeing it.

7 MS. DALEY: And are we agreed that this
8 information comes from Mr. Leroux and him alone? In other
9 words, he was the only witness who talked about these
10 particular matters, the pedophile clan and the meeting at
11 Malcolm's cottage?

12 MR. CHISHOLM: And what is your specific
13 question?

14 MS. DALEY: Is Leroux the only person who
15 told you and Perry about these events?

16 MR. CHISHOLM: Oh, no, I don't think so.

17 MS. DALEY: Who else told you about these
18 events?

19 MR. CHISHOLM: Well, there was other lads
20 that were there. I don't remember who all, but I remember
21 one of the Renshaw boys saying that -- kind of basically
22 verifying a lot of the stuff, seeing these guys there.
23 Maybe that was Gerry Renshaw.

24 MS. DALEY: All right.

25 MR. CHISHOLM: I can't remember who else but

1 ---

2 **MS. DALEY:** Did you take a statement from
3 Gerry Renshaw?

4 **MR. CHISHOLM:** I don't think so, no, but I
5 just remember him mentioning that.

6 **MS. DALEY:** All right.

7 **MR. CHISHOLM:** That's one.

8 **MS. DALEY:** In any event, I focused you on
9 these aspects of Mr. Leroux's statement because when he
10 came to the Inquiry ---

11 **MR. CHISHOLM:** Yes.

12 **MS. DALEY:** --- what he told the
13 Commissioner, and what we've been told, is that he never
14 used the phrase "clan of pedophiles" for example.

15 Now, just stopping there for a second. Is
16 that correct or not?

17 **MR. CHISHOLM:** I don't think that's correct,
18 no.

19 **MS. DALEY:** Okay. What Mr. Leroux told us
20 about that phrase is that you and Perry kept using the word
21 pedophile and told him to use those words. Is that correct
22 or not?

23 **MR. CHISHOLM:** No, that wouldn't be correct.
24 I wouldn't tell somebody what to say. And I definitely
25 heard him say a clan of pedophiles. I mean, I don't know

1 how many times but many.

2 **MS. DALEY:** All right.

3 And Mr. Leroux also told us that the meeting
4 on Stanley Island that we've just looked at, that that
5 really didn't happen at all.

6 **MR. CHISHOLM:** Is that right?

7 **MS. DALEY:** That's what he told us at this
8 Inquiry. Where you aware of that?

9 **MR. CHISHOLM:** No.

10 **MS. DALEY:** Essentially what Mr. Leroux told
11 us is that he felt pressured and manipulated ---

12 **MR. CHISHOLM:** So I've heard.

13 **MS. DALEY:** ---well by you and Perry into
14 saying these things and it's his swearing in affidavit.
15 And you're aware that that's what he's told the Inquiry?

16 **MR. CHISHOLM:** Apparently, I don't know.

17 **MS. DALEY:** All right.

18 **MR. CHISHOLM:** That's El Torro pooh pooh.

19 **MS. DALEY:** I'm sorry?

20 **MR. CHISHOLM:** It is absolutely false ---

21 **MS. DALEY:** Okay.

22 **MR. CHISHOLM:** --- that we would say that.
23 You'd have to be brain-dead to say that.

24 **MS. DALEY:** All right. Now, do you have any
25 information or explanation to offer as to why Mr. Leroux

1 would have come to this Inquiry and said things that were
2 false?

3 In other words, he recanted what he said
4 earlier. You say that the recantation is false. Why, in
5 your mind, would that have happened?

6 **MR. CHISHOLM:** Good question. Have you ever
7 read the Franklin cover-up?

8 **MS. DALEY:** Cant' say I have. How does ---

9 **MR. CHISHOLM:** You should.

10 **MS. DALEY:** --- How does it answer the
11 question though ---

12 **MR. CHISHOLM:** Because it's basically a
13 story that happened in Franklin, Nebraska. It's happening
14 here. And the book is out and the movie's out. You can
15 Google it. It's a great book and it leads right up to the
16 White House. It is incredible.

17 **MS. DALEY:** But, in your words, what
18 happened to make Mr. Leroux testify falsely?

19 **MR. CHISHOLM:** Well, when the heat is on and
20 it comes -- and if it ever gets to court, how is the other
21 side of the issue going to deal with it? Discredit the
22 whistle blower. That's the way to do it. Get a couple of
23 vulnerable witness and turn them. Like I mentioned to her
24 the other day when they had his buddy ---

25 **MS. DALEY:** C-8.

1 **MR. CHISHOLM:** --- C-8, Mr. Anonymous. He
2 changed his story, obviously. At the Marcel Lalonde trial,
3 he said that Dunlop told him to change his story so that
4 some of this tuff happened in Toronto. And then a year or
5 so later, a year and a half, now he is saying that I also
6 said that. Like I mean ---

7 **THE COMMISSIONER:** Okay, but ---

8 **MS. DALEY:** But here is where I'd like you
9 to focus ---

10 **MR. CHISHOLM:** --- this is how, if you can
11 get the victim to twist their story, and it isn't hard, and
12 I did speak to him, as I mentioned the other day, after
13 that. I said "What in hell is going on here? Why would
14 you say that?" He said "They twisted what I told them".

15 **MS. DALEY:** Who's they?

16 **MR. CHISHOLM:** The police.

17 **MS. DALEY:** Okay. Now, do you believe
18 someone also twisted Mr. Leroux to give false ---

19 **MR. CHISHOLM:** Absolutely. Absolutely.

20 **MS. DALEY:** Who did that?

21 **MR. CHISHOLM:** I don't know.

22 **MS. DALEY:** Do you have ---

23 **MR. CHISHOLM:** Who would have any reason to
24 do such a thing? Who? Who do you think might have a
25 reason?

1 MS. DALEY: I'm not here. I have no idea.

2 MR. CHISHOLM: You are here.

3 MS. DALEY: No, sir. I don't live here; I
4 didn't ---

5 MR. CHISHOLM: No, but you're here now and I
6 am asking you now.

7 THE COMMISSIONER: No, no. Well, you don't
8 ask ---

9 MR. CHISHOLM: Excuse me.

10 THE COMMISSIONER: --- she won't have to
11 answer questions.

12 MR. CHISHOLM: That's the problem. Nobody
13 has to answer the questions except us guys.

14 MS. DALEY: Well, but sir, that's your role
15 at the moment. Can you help us at all as to who you
16 believe got to Mr. Leroux and made him give false testimony
17 here?

18 MR. CHISHOLM: Hard to say. Hard to say.
19 Who would benefit from it? The church? The police?

20 THE COMMISSIONER: Well sir, he does
21 maintain, other than for the meeting he does maintain that
22 some people went to the island and some people went to Mr.
23 Seguin's home.

24 So it's not like he's saying that everything
25 that he told you and Mr. Dunlop is wrong. And he is not

1 saying that everybody's cleared. So I would see that if he
2 was going to do something; if he'd cleared everybody -- so
3 can you help me on that? There is a ---

4 **MR. CHISHOLM:** Yeah. It wouldn't make any
5 sense at all then, would it? But if he can just twist it
6 enough to throw it out and on the whistle blower or on
7 myself that will serve the purpose.

8 I think basically he was telling the truth
9 the first time for the most part. We grilled him fairly
10 hard on that and he never seemed to change his story.

11 C-8 told me about Charlie abusing him the
12 day of his father's funeral. He broke down crying when he
13 was telling me. I don't think he was faking it. I don't
14 think Stephen King could write this novel.

15 It was true as far as I'm concerned, and
16 I've never had any reason to discontinue thinking that way
17 ---

18 **MS. DALEY:** Was ---

19 **MR. CHISHOLM:** I'm not quite finished, if
20 you don't mind.

21 **MS. DALEY:** Sorry.

22 **MR. CHISHOLM:** And he admitted it when I did
23 confront him with his change in testimony. I am talking
24 about C-8 again, he just -- he just was so ashamed of
25 himself. That's why he was avoiding me.

1 **THE COMMISSIONER:** Well, just a second, just
2 a second, just a second. Let's be clear here. You
3 interpret the fact that he bowed his head as an admission?

4 **MR. CHISHOLM:** Well, plus he backed it up
5 verbally, he said "They twisted everything I said". And he
6 just -- I know, well, that's how it works. If you can get
7 him to twist it and change it, discredit Dunlop and
8 company, you know, works for them.

9 And why would he, like, why didn't he
10 mention to me a year and a half before? And then after he
11 is saying now, just recently, that he couldn't remember for
12 sure. He couldn't recall if Father Charlie had abused him.
13 You think that's something that rings true. If somebody is
14 abusing you at your father's funeral, do you think you
15 might forget that. I don't think so.

16 You know, it's just -- it was so obvious.
17 The poor fellow and I have no animosity towards C-8. He is
18 a hardworking fellow, shake hands with him, you'll know.
19 His hands are calloused. He is a hardworking guy. He is
20 incredibly hurt.

21 **MS. DALEY:** In your dealings with Mr.
22 Leroux, did you ever observe that he seemed to be a
23 suggestible person?

24 **MR. CHISHOLM:** I don't know. He is another
25 one that is very damaged.

1 **MS. DALEY:** Is part of that damage that
2 perhaps he is suggestible or his memory is ---

3 **MR. CHISHOLM:** No, the damage comes from
4 being sodomized as a child. That's where it comes from.
5 Hello, you're here now. That's what's happening. Get with
6 the program.

7 **MS. DALEY:** What program?

8 **MR. CHISHOLM:** The program to hide these
9 pedophiles.

10 **MS. DALEY:** Who's running the program?

11 **MR. CHISHOLM:** Who's running the program?
12 The church, the police, they have a pretty big hand in it,
13 wouldn't you say?

14 **MS. DALEY:** Anybody else running the
15 program?

16 **MR. CHISHOLM:** Well, let's work with those
17 pair.

18 **MS. DALEY:** Just like your complete evidence
19 if I can get it.

20 **MR. CHISHOLM:** Go for it.

21 **MS. DALEY:** Is there anyone else who is
22 behind the program?

23 **MR. CHISHOLM:** Well, we'll find out, won't
24 we? Let's have some more questions.

25 **MS. DALEY:** You're aware that Mr. Leroux'

1 affidavit was about the alleged clan of pedophiles and the
2 cover-up was posted on Mr. Nadeau's website? You knew
3 that?

4 **MR. CHISHOLM:** Am I aware of it? There was
5 a lot of stuff on that website. I don't know exactly if
6 that was on or not.

7 **MS. DALEY:** Are you not aware that Leroux's
8 affidavit was on the website?

9 **MR. CHISHOLM:** Probably was. I am not aware
10 of it. But it probably was.

11 **MS. DALEY:** But did you not see it there?

12 **MR. CHISHOLM:** Probably did. I don't recall
13 seeing it exactly.

14 **MS. DALEY:** Do you know sir that Perry
15 testified under oath that he gave affidavits and statements
16 from the investigation to Mr. Nadeau?

17 **MR. CHISHOLM:** I don't know that but he
18 probably did.

19 **MS. DALEY:** That's information that you
20 would accept as being correct?

21 **MR. CHISHOLM:** Well, if he said it was I
22 would accept it as being correct.

23 **MS. DALEY:** Right.

24 Mr. Leroux told us here that he never gave
25 permission for his statements or affidavits to be posted on

1 a public website; is that correct?

2 MR. CHISHOLM: Is that correct that he said
3 that?

4 MS. DALEY: No, sir.

5 MR. CHISHOLM: Very probably. He said a lot
6 of things. He is sworn and perjured himself I don't know
7 how many times. Who knows? I don't know what he said.

8 MS. DALEY: It's not my question. Is it --
9 to your knowledge, did he ever give permission to Perry or
10 yourself to post his statements on a website?

11 MR. CHISHOLM: I don't know. I don't know
12 if he did or not.

13 MS. DALEY: Did he give that permission to
14 you?

15 MR. CHISHOLM: I don't recall.

16 MS. DALEY: Do you consider it to be a ---

17 MR. CHISHOLM: But I wouldn't put it on if
18 he didn't; I know that much.

19 MS. DALEY: But you didn't put it on?

20 MR. CHISHOLM: I didn't say I did. I just
21 said I wouldn't put it on unless he gave permission.

22 MS. DALEY: All right. Did you consider it
23 to be good thing that these statements by Mr. Leroux were
24 on Mr. Nadeau's website?

25 MR. CHISHOLM: I never thought about it. I

1 can't recall what I thought.

2 **MS. DALEY:** If Mr. Leroux' statements were
3 in fact false and they were posted on the website, does it
4 follow that innocent people were wrongfully labelled as
5 pedophiles? Does that follow?

6 **MR. CHISHOLM:** I don't know. You tell me,
7 you're the lawyer. This is conjecture, I don't know.

8 **MS. DALEY:** Are you ---

9 **MR. CHISHOLM:** This is supposition, I don't
10 know.

11 **MS. DALEY:** Are you not able to answer that
12 question?

13 **MR. CHISHOLM:** I don't know. If everything
14 is false and it's on the website, is it a bad thing? Yes,
15 of course.

16 **MS. DALEY:** All right.

17 **MR. CHISHOLM:** Is that what you're saying,
18 if everything's false?

19 **MS. DALEY:** And ---

20 **MR. CHISHOLM:** Of course it's wrong.

21 **MS. DALEY:** And would you acknowledge that
22 if people were falsely identified as a pedophile on a
23 public website in Cornwall, that would be very detrimental
24 for their reputation?

25 **MR. CHISHOLM:** Yes.

1 MS. DALEY: Do you agree with that?

2 MR. CHISHOLM: Yes. Yes, for sure.

3 MS. DALEY: And would you agree -- you spoke
4 in your statement about an apology to the Dunlop family.
5 If people were falsely accused in this town of being
6 pedophiles, would you not think that they're also owed an
7 apology?

8 MR. CHISHOLM: Absolutely.

9 MS. DALEY: Do you believe that people have
10 been falsely accused of being pedophiles in this community?

11 MR. CHISHOLM: That could be.

12 MS. DALEY: Are you concerned about that?

13 MR. CHISHOLM: Of course. It would be a
14 tragedy.

15 MS. DALEY: All right.

16 I want to talk to you a little bit further
17 about Mr. Nadeau. And, again, you did, at an earlier time
18 in the Leduc matter, give some evidence about your dealings
19 with Mr. Nadeau. So perhaps with that context, I'll see if
20 you can help me with these questions.

21 And I'm only going in this direction because
22 you said very little about Mr. Nadeau in response to my
23 friend's questions, so I want to see if we can flush things
24 out a bit further.

25 Now, I understood from your evidence in the

1 Leduc motion that you met Mr. Nadeau in connection with
2 sexual abuse matters in Cornwall. Is that correct?

3 **MR. CHISHOLM:** I guess so, yes.

4 **MS. DALEY:** And as far as you were led to
5 believe, Mr. Nadeau was another victim of sexual abuse in
6 this community. Is that right?

7 **MR. CHISHOLM:** That's right.

8 **MS. DALEY:** And I believe he indicated that
9 he was a victim of abuse at Classical College. You recall
10 discussing that with Mr. Nadeau?

11 **MR. CHISHOLM:** Yes.

12 **MS. DALEY:** And Mr. Nadeau initiated the
13 contact with you as opposed to you initiating with him. Is
14 that fair?

15 **MR. CHISHOLM:** I believe so. I didn't know.
16 I might have met him. I think I did actually, maybe ten
17 years or so before. I knew him just very vaguely, or his
18 name. I don't -- other than that I didn't know him, like.

19 **MS. DALEY:** No, no, but I gather at some
20 point after ---

21 **MR. CHISHOLM:** He must have, yes, got a hold
22 of me, I assume.

23 **MS. DALEY:** And that would have happened
24 after there'd been some public ---

25 **MR. CHISHOLM:** I would think so.

1 MS. DALEY: --- statements about the
2 situation ---

3 MR. CHISHOLM: Yes.

4 MS. DALEY: --- with Perry.

5 MR. CHISHOLM: Otherwise why would we --
6 yeah.

7 MS. DALEY: Now, I gather from your prior
8 testimony that you met with Mr. Nadeau between five to ten
9 times over the course of things.

10 MR. CHISHOLM: Probably, yeah.

11 MS. DALEY: Is that fair?

12 MR. CHISHOLM: Yeah.

13 MS. DALEY: And that you would also speak to
14 him by telephone?

15 MR. CHISHOLM: Yes.

16 MS. DALEY: And your prior testimony was to
17 the effect that Mr. Nadeau had probably helped you in your
18 investigation. Correct?

19 MR. CHISHOLM: Probably, yes.

20 MS. DALEY: And he helped you by telling you
21 about different people who were involved in sexual abuse
22 issues?

23 MR. CHISHOLM: Probably, yeah.

24 MS. DALEY: And I believe you also said in
25 an earlier time that you got statements from different

1 victims via Mr. Nadeau.

2 MR. CHISHOLM: It's possible.

3 MS. DALEY: Is that your recollection?

4 MR. CHISHOLM: It's possible. I don't
5 recall exactly.

6 MS. DALEY: And did you also share
7 statements that you were collecting from victims with him?

8 MR. CHISHOLM: I don't recall.

9 MS. DALEY: All right.

10 Some questions for you about Mr. Guzzo.

11 MR. CHISHOLM: M'hm.

12 MS. DALEY: And one of the documents that
13 you looked at yesterday, forgive me, I might have the
14 exhibit number wrong but I thought it was Exhibit No. 698
15 and it was a document that you looked at in which Mr. Guzzo
16 was saying various things about a pedophile ring and a
17 cover up. Just give me one second to make sure ---

18 THE COMMISSIONER: It is 698.

19 MS. DALEY: 698?

20 THE COMMISSIONER: I believe. Would the
21 witness have it in the binder, Madam Clerk? Yes, 698.

22 MR. CHISHOLM: 698.

23 THE COMMISSIONER: That's the article from
24 the Ottawa Citizen.

25 MR. CHISHOLM: Okay.

1 **MS. DALEY:** That's right.

2 **THE COMMISSIONER:** It will be up on the
3 screen shortly.

4 **MR. CHISHOLM:** Yeah, Ottawa Citizen. Yeah.

5 **MS. DALEY:** I'm just making this available
6 to you because it's a pretty detailed statement about
7 certain things that Mr. Guzzo claimed. But before I ask you
8 specifics, did Mr. Guzzo assist you at all in the
9 investigation that you conducted?

10 **MR. CHISHOLM:** What investigation? Like, I
11 ---

12 **MS. DALEY:** Well, you're dealing with
13 victims of sex abuse. Did you work with Mr. Guzzo ---

14 **MR. CHISHOLM:** I spoke to him so I guess
15 that would be a help because he seemed to be on-side.

16 The -- his bills that he was promoting, that
17 was help. Is that what you mean? That's part of the, I
18 suppose, the whole situation.

19 **MS. DALEY:** All right. In the conversations
20 that you had with him, did he give you information about
21 sex abuse in Cornwall?

22 **MR. CHISHOLM:** No, I don't think so. I
23 don't recall him giving any information as such, no.

24 **MS. DALEY:** Did you give information to him?

25 **MR. CHISHOLM:** I probably told him what was

1 going on to my recollection at the time. I don't remember
2 the conversations or, you know, what -- if he considered it
3 information.

4 I presume if I was talking to him about it
5 there would be -- he might call it information; it might be
6 something new to him. I don't know.

7 **MS. DALEY:** Do you recall at all what
8 information you gave him?

9 **MR. CHISHOLM:** No. That's what I'm saying.
10 I don't recall any of these conversations. I know I spoke
11 to him but I presume it was about this stuff, otherwise why
12 would we be talking? Like, it's not like we were golfing
13 buddies or something.

14 **MS. DALEY:** Did you meet with him face to
15 face?

16 **MR. CHISHOLM:** Oh, yeah.

17 **MS. DALEY:** Do you recall roughly how many
18 times?

19 **MR. CHISHOLM:** Six, eight, ten. I don't
20 know. He was around. He was here a week or two ago I met
21 him, spoke to him briefly.

22 **MS. DALEY:** And these contacts, sir, would
23 all have been in relation to sex abuse in Cornwall and ---

24 **MR. CHISHOLM:** I would think so.

25 **MS. DALEY:** A cover-up?

1 **MR. CHISHOLM:** Yeah.

2 **MS. DALEY:** All right. I want to focus you
3 on this exhibit. And if you look at the very last
4 paragraph of the first page there's a statement that says,
5 "Because they were destroyed..." and just to help you,
6 we're referring to videotapes, right?

7 **MR. CHISHOLM:** M'hm.

8 **MS. DALEY:**

9 "Because they were destroyed, Mr.
10 Guzzo, has never seen the tapes. He said he learned the
11 details of them in the course of his own exhaustive
12 investigation."

13 And just to help you, the tapes are the
14 tapes that we spoke about yesterday that the OPP removed
15 from Mr. Leroux's home that had belonged to Mr. Seguin.
16 Those are the tapes.

17 So Guzzo acknowledges he never saw them.
18 Correct?

19 **MR. CHISHOLM:** I can't see that in here but
20 I believe, yeah, I think that's assumed ---

21 **MS. DALEY:** Did you find it?

22 **MR. CHISHOLM:** Not exactly, no. In the last
23 paragraph?

24 **MS. DALEY:** Yes.

25 **MR. CHISHOLM:** On the first page?

1 **MS. DALEY:** Yes.

2 **MR. CHISHOLM:** How many lines up? I mean,
3 it's so small. "They were quick to destroy the tapes," is
4 that ---

5 **MS. DALEY:** No, no. It's about nine lines
6 up from the bottom, sir.

7 **MR. CHISHOLM:** "Never seen the tapes," yeah:
8 "He said Project Truth was
9 the...investigation into the..."

10 Yeah, okay.

11 **MS. DALEY:** All right?

12 **MR. CHISHOLM:** Yeah, we got you.

13 **MS. DALEY:** I'm wondering whether you were
14 involved in the investigation that Mr. Guzzo is referring
15 to there. In other words, he talks about his own
16 investigation. Did you ---

17 **MR. CHISHOLM:** NO. No, it's -- no, I had
18 nothing to do with that, for sure.

19 **MS. DALEY:** Do you know what he ---

20 **MR. CHISHOLM:** He talks about 26 tapes. I
21 didn't know what -- where that number come from either.
22 How would he know unless he had some information, like -- I
23 don't know where he got it.

24 **MS. DALEY:** Did you ever ask Mr. Guzzo how
25 he knew these things or where his information came from?

1 **MR. CHISHOLM:** I don't recall asking him,
2 no. No, this is -- I don't know where he got it, I have no
3 idea. If he had his own investigation, I guess he'd be the
4 boy to ask it, Mr. Guzzo. Maybe he should be brought down.

5 **MS. DALEY:** All right.

6 **THE COMMISSIONER:** Oh, he will.

7 **MR. CHISHOLM:** Good.

8 **MS. DALEY:** I'm going to switch topics for a
9 second and take you back to the Salt Air Motel.

10 **MR. CHISHOLM:** Yes.

11 **MS. DALEY:** When you were there with Mr.
12 Leroux, did you review the register at the motel?

13 **MR. CHISHOLM:** No.

14 **MS. DALEY:** Did you ask Mr Cvetkovsky if you
15 could see his ---

16 **MR. CHISHOLM:** No.

17 **MS. DALEY:** --- registration records?

18 **MR. CHISHOLM:** No.

19 **MS. DALEY:** Do you know anything about
20 whether or not Mr. Guzzo obtained that register?

21 **MR. CHISHOLM:** Do I know if he ---

22 **MS. DALEY:** Anything about whether Mr. Guzzo
23 obtained the register?

24 **MR. CHISHOLM:** I think I read something to
25 that effect that he indicated that he had or his

1 investigation revealed or yada-yada, whatever. I don't
2 know. Nothing to do with me; just something I read in some
3 of the stuff.

4 **MS. DALEY:** All right. But you have no
5 direct information about that?

6 **MR. CHISHOLM:** None, none.

7 **MS. DALEY:** Give me just a minute ---

8 **MR. CHISHOLM:** Sure.

9 **MS. DALEY:** --- to collect my thoughts here.

10 **(SHORT PAUSE/COURTE PAUSE)**

11 **MS. DALEY:** Sir, I'm asking you this because
12 you've been a public voice about the issue for a long time.

13 **MR. CHISHOLM:** Yes.

14 **MS. DALEY:** Do you have a view -- in your
15 view, is there a relationship between pedophilia of the
16 sort you were looking at and homosexuality?

17 **MR. CHISHOLM:** There seems to be.

18 **MS. DALEY:** What's the relationship as
19 you've come to understand it?

20 **MR. CHISHOLM:** Well, most of these lads are
21 homosexual pedophiles. I mean it's almost all boys and
22 almost all guys. In fact, I believe it's exclusively guys
23 as perpetrators and victims, 90 plus-plus percent. So
24 there is a correlation there, it seems pretty high.

25 **MS. DALEY:** All right. So in your view, are

1 the two things equivalent; homosexuality and pedophilia?

2 MR. CHISHOLM: Well, hardly.

3 MS. DALEY: I'm asking for your ---

4 MR. CHISHOLM: No, no, no, they're not
5 equivalent.

6 MS. DALEY: All right. Are they -- how do
7 you see them being connected?

8 MR. CHISHOLM: Well, they seem to have been
9 connected in this community pretty closely. Like I said,
10 most of these guys, these pedophiles, are homosexual
11 pedophiles, but I think there are actually more
12 heterosexual pedophiles than homosexual pedophiles, but
13 it's just like there's more heterosexuals. It's like why
14 do white sheep eat more than black sheep; because there's
15 more white sheep.

16 MS. DALEY: But in this town, your
17 observation told you that the pedophiles were homosexuals?

18 MR. CHISHOLM: The ones we've come across
19 varied, well, yes, it's off the scale almost; almost all
20 homosexual pedophiles.

21 MS. DALEY: All right. Those are my
22 questions. Thank you very much, Mr. Chisholm.

23 MR. CHISHOLM: Bet you.

24 THE COMMISSIONER: Thank you.

25 Who is going to -- who is next? Mr. Lee?

1 Thank you.

2 (SHORT PAUSE/COURTE PAUSE)

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

4 MR. LEE: Mr. Chisholm, my name is Dallas
5 Lee. I'm counsel for the Victims Group here.

6 Many of the areas I want to canvass have now
7 been -- you've been brought through those, but I have a few
8 issues that haven't been touched on and some things I want
9 to talk to you about.

10 Just to sort of give you a little bit of
11 context and set you back in time, you told us about the
12 initial meeting you have with Perry Dunlop about the DS
13 statement in September of '93 in a vehicle. Is that right?

14 MR. CHISHOLM: Yes.

15 MR. LEE: And you're not sure whether or not
16 he showed you the statement, but he apparently told you
17 what the allegations were. Is that right?

18 MR. CHISHOLM: He told me, yes.

19 MR. LEE: Was that the first you knew about
20 any of these activities going on in Cornwall?

21 MR. CHISHOLM: As I recall, yes.

22 MR. LEE: You don't recall having heard any
23 rumours about Charlie MacDonald or about Ken Seguin before
24 that?

25 MR. CHISHOLM: Prior to that? Well, I think

1 we kind of knew about Kenny but not in any depth. They
2 just said that he liked the lads. That's all.

3 MR. LEE: That he liked boys or that he
4 liked men?

5 MR. CHISHOLM: Young fellows.

6 MR. LEE: That was a rumour around town
7 before then?

8 MR. CHISHOLM: Well, I think it was, yes.

9 MR. LEE: And then -- so Mr. Dunlop tells
10 you about what's going on with Silmser and the police and
11 the church and you told us yesterday I think that you
12 supported his decision to go to the CAS. Is that right?

13 MR. CHISHOLM: Yes.

14 MR. LEE: And you gave him that opinion
15 before he had gone. He asked you before he went what you
16 thought. Is that right?

17 MR. CHISHOLM: I believe so, yes.

18 MR. LEE: And you told him it was the right
19 decision he was making to go to the CAS?

20 MR. CHISHOLM: Yes, absolutely.

21 MR. LEE: And I think you'll agree with me
22 in the end that didn't make his life any easier, did it?

23 MR. CHISHOLM: It didn't make his life --
24 well, if he hadn't had went, then he'd have his conscience
25 to deal with and that might make it a lot worse, which

1 would be considerable.

2 MR. LEE: There was a price to pay either
3 way?

4 MR. CHISHOLM: Absolutely.

5 MR. LEE: I want to show you a couple of
6 documents. They are two separate letters but they're found
7 at the same document number. It's 110019.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. LEE: One-one-zero-zero-one-nine
10 (110019). The Commission was provided notice of these for
11 cross.

12 THE COMMISSIONER: What are they?

13 MR. LEE: I may be able to do this. The
14 document was -- one of the documents was flagged twice. I
15 may be able just to use the one. Can you try 105673,
16 please?

17 (SHORT PAUSE/COURTE PAUSE)

18 THE COMMISSIONER: All right. So we have
19 Exhibit Number 708, which is a letter to Seaway News,
20 attention Mr. Aubry, re: Claude Shaver, from Colin
21 McKinnon, Q.C.

22 --- EXHIBIT NO./PIÈCE No. P-708:

23 (105673) Letter from Colin D. McKinnon to
24 Seaway News re: Claude Shaver, dated October
25 14, 1994

1 **MR. LEE:** And you'll notice as well, sir,
2 it's copied at the bottom to Claude Shaver and to Carson
3 Chisholm.

4 **THE COMMISSIONER:** Yes.

5 **MR. LEE:** Do you have that document in front
6 of you, Mr. Chisholm?

7 **MR. CHISHOLM:** Yes, yes.

8 **MR. LEE:** Do you recognize this letter?

9 **MR. CHISHOLM:** Yes.

10 **MR. LEE:** If you can just take a quick
11 minute to scan over it, there are a couple of parts I want
12 to read to you and ask you about.

13 Just so you know what the other letter would
14 have been, sir, on October 18, a subsequent letter was sent
15 to Mr. Chisholm from Mr. McKinnon simply stating --
16 enclosing this October 14th letter anew and essentially
17 reiterating the same things in it.

18 So, sir, did you receive this letter? Do
19 you recall receiving it?

20 **MR. CHISHOLM:** Yes.

21 **MR. LEE:** Now, as the Commissioner pointed
22 out, it's addressed to the Seaway News, attention R.N.
23 Aubry, the publisher, and it's sent from Colin McKinnon.
24 And you'll see on the first page that the "re" line is
25 Claude Shaver.

1 To give context here and so we make sure we
2 know what we're dealing with, I'm going to read this first
3 page. I'm not going to bother with the whole letter, but
4 it reads:

5 "Please both be advised that in the
6 Seaway News of Monday, October 3, 1994,
7 a paragraph appearing at page 12 under
8 the "Scuttlebutt" section of the
9 newspaper contained language that
10 constitutes liable pursuant to the
11 *Libel and Slander Act*, R.S.O. 1990,
12 which has defamed the reputation of
13 Claude Shaver. The paragraph reads as
14 follows:..."

15 And the quote is set out.

16 "Congratulations to Constable Perry
17 Dunlop of the City Police for giving a
18 copy of the sexual abuse complaint to
19 the Children's Aid Society. Shame on
20 management of the police force for
21 trying to sweep it under the rug. We
22 hope that no one from that management
23 team would ever on the school board or
24 similar position of trust."

25 That's the end of that quote and Mr.

1 McKinnon carries on:

2 "It is well known in the Cornwall
3 community that the only member of the
4 so-called management team who was
5 running for a position on the school
6 board was former police chief Claude
7 Shaver. The clear implication in the
8 story and the only meaning that can be
9 drawn from it is that Claude Shaver is
10 a person of bad character who had
11 participated in sweeping under the rug
12 sexual abuse allegations and that
13 because he is a person prone to cover
14 up such allegations, he should not be
15 permitted to occupy a position of trust
16 on the school board."

17 Do you see that, sir?

18 And on the second page, I just want to draw
19 your attention to the fourth paragraph where it's written:

20 "The words quoted in the story are in
21 fact the words of Carson Chisholm who
22 happens to be the brother-in-law of
23 Constable Perry Dunlop. If anything
24 should put the Seaway News on notice is
25 the fact that Mr. Chisholm is the

1 brother-in-law of a person presently
2 facing a public inquiry for misconduct
3 contrary to the *Public Services Act*.
4 This added fact further exacerbates the
5 damages flowing as a result of this
6 particular libel."

7 And he goes on to demand an apology and so
8 on and so forth.

9 So obviously, we have Colin McKinnon here
10 acting for Claude Shaver. That was your understanding of
11 the letter at the time, sir?

12 **MR. CHISHOLM:** Yes.

13 **MR. LEE:** Did you at any point forward an
14 apology to Mr. McKinnon?

15 **MR. CHISHOLM:** Not likely, no.

16 **MR. LEE:** Did this go anywhere?

17 **MR. CHISHOLM:** No.

18 **MR. LEE:** No. You told us -- why I am
19 asking about this -- you told us yesterday that you
20 testified as a witness during the criminal proceedings
21 against Jacques Leduc. Is that right?

22 **MR. CHISHOLM:** Yes.

23 **MR. LEE:** You recall being called as a
24 witness to court and giving evidence?

25 **MR. CHISHOLM:** Yes, yes.

1 **MR. LEE:** Are you aware that earlier in
2 those proceedings these letters came up? This letter, in
3 particular, was put before the court?

4 **MR. CHISHOLM:** I don't recall, but it
5 probably did. I didn't follow it all that close.

6 **MR. LEE:** If I can hopefully refresh your
7 memory, Colin McKinnon later became a judge.

8 **MR. CHISHOLM:** Yes.

9 **MR. LEE:** Were you aware of that?

10 **MR. CHISHOLM:** Yes.

11 **MR. LEE:** And you are aware that he presided
12 over the original criminal proceeding involving Jacques
13 Leduc?

14 **MR. CHISHOLM:** Yes.

15 **MR. LEE:** You are aware of that?

16 **MR. CHISHOLM:** You mean, as a judge?

17 **MR. LEE:** As a judge, that's right.

18 **MR. CHISHOLM:** Yes, yes. That's I believe
19 when this came up. I had forgotten all about it actually.
20 What's his name, Dick Nadeau, was being charge by Colin
21 McKinnon for, I believe, contempt of court for having his
22 website up, and that's what triggered my recollection
23 because I did happen to stop in one day. I maybe stopped
24 in -- I believe that trial went on for about five weeks,
25 and I stopped in maybe three times, but only for a few

1 minutes because it just -- I wasn't into that. And he
2 mentioned ---

3 **MR. LEE:** Who is "he"? Mr. Nadeau?

4 **MR. CHISHOLM:** What's his name, Nadeau, I
5 think he was taking the stand or something to the effect
6 that, well, you're dirty because you're Shaver's lawyer.

7 **MR. LEE:** So that's the question I was
8 leading to. You understand that Mr. Nadeau raised an issue
9 of conflict of interest ---

10 **MR. CHISHOLM:** Yes, it was him that, yes --
11 and I almost ripped that up and deep-sixed that letter, but
12 I filed it and when that name, McKinnon, came up, I said,
13 "I've heard that name before". So I did check and I had
14 that copy of that letter, so I told Nadeau, "You're right,
15 he is compromised".

16 **MR. LEE:** That's my question. Did you
17 provide Mr. Nadeau with a copy of the letter?

18 **MR. CHISHOLM:** Yes. He asked for it. He
19 said, "Can I have a copy of that letter?" And I said,
20 "Yes, but don't use it. They're going to throw this trial
21 out. It's imminent."

22 I mean, it had been going on for five weeks.
23 It was obvious it was going to be thrown out. I said,
24 "Don't use it until they do. Then show it at this trial."

25 But he showed it. McKinnon stepped aside, I

1 believe. Chadwick, was his name, took his place and tossed
2 it. That's what happened.

3 **MR. LEE:** Okay. That's -- my curiosity was
4 whether or not you had provided Mr. Nadeau with the letter
5 or where he got it from. We are going to set these aside
6 and we are going to deal with the Leduc affair later in
7 this Inquiry. That's the only question on that I have for
8 you.

9 **MR. CHISHOLM:** Okay.

10 **MR. LEE:** One of the issues you have dealt
11 with in the last couple of days is you've been shown a
12 couple of statements about whether you were identifying
13 yourself as a detective or as an inspector; what exactly
14 you were doing. I want to make sure that I have your
15 answers clear.

16 Is it your evidence ---

17 **MR. CHISHOLM:** Never as a commissioner
18 anyway, thanks.

19 **THE COMMISSIONER:** I'm sorry?

20 **MR. LEE:** Sorry?

21 **MR. CHISHOLM:** I said at least never --
22 nobody's identified me as a commissioner.

23 **MR. LEE:** No, you haven't been ---

24 **MR. CHISHOLM:** Commissioner of the RCMP or
25 something, no.

1 **MR. LEE:** You -- I want to be clear. You've
2 never identified yourself to a victim or any other witness
3 as a police officer?

4 **MR. CHISHOLM:** Never.

5 **MR. LEE:** You've never told anybody you were
6 a detective?

7 **MR. CHISHOLM:** Never.

8 **MR. LEE:** You never told anybody you were a
9 court-appointed investigator?

10 **MR. CHISHOLM:** Never.

11 **MR. LEE:** Did you ever have any kind of
12 badge or official identification you were showing people?

13 **MR. CHISHOLM:** Never. Never.

14 **MR. LEE:** And yet you'd agree that you
15 talked during the course of -- over the last 14 years with
16 many, many people. You would agree with that?

17 **MR. CHISHOLM:** Yes.

18 **MR. LEE:** And many of those have been
19 victims of abuse or alleged victims of abuse?

20 **MR. CHISHOLM:** Yes.

21 **MR. LEE:** And I take it you would agree with
22 me that many of the stories you're hearing from these
23 people when they share their experiences with you, it's
24 personal?

25 **MR. CHISHOLM:** Very, yes.

1 MR. LEE: It's pretty heavy stuff?

2 MR. CHISHOLM: Yes.

3 MR. LEE: Often embarrassing?

4 MR. CHISHOLM: Yes.

5 MR. LEE: The question that begs to be
6 asked, I guess, and one I'm hoping you can shed some light
7 on, is why are these people speaking to you? If you're not
8 a private ---

9 MR. CHISHOLM: Trust.

10 MR. LEE: Sorry?

11 MR. CHISHOLM: Trust.

12 MR. LEE: Can you expand on that a bit?
13 What do you mean by trust? Why do these people trust you?

14 MR. CHISHOLM: Why not? Who are they going
15 to trust? They've been, in many of these cases, to the
16 authorities, the established authorities, and got nowhere.
17 It goes on for years and years and years. I mean there's
18 tons of evidence to that. It was obvious that Dunlop
19 didn't fit in that category, nor did I, because I was
20 supporting him.

21 MR. LEE: Sorry. Dunlop didn't fit in what
22 category?

23 MR. CHISHOLM: Of people that couldn't be
24 trusted although he was a police officer, because he did
25 expose it. He went against his force to expose it. They'd

1 already dealt with it, paid it off. He said, "That's not
2 cricket. Go to the CAS." And that's how this all came
3 out. So it was obvious to victims that here is a champion
4 for their cause.

5 **MR. LEE:** And that was public knowledge?

6 **MR. CHISHOLM:** Well, it became public
7 knowledge. When he went to ---

8 **MR. LEE:** People in the city?

9 **MR. CHISHOLM:** Yes, absolutely. That's why
10 there is 10,000 people who signed the petition verifying
11 that, that he did the right thing.

12 **MR. LEE:** Did people in this community know
13 -- they knew who Perry Dunlop was ---

14 **MR. CHISHOLM:** Yes.

15 **MR. LEE:** --- it's in the news. They know
16 what he had done.

17 **MR. CHISHOLM:** He was twice, I believe,
18 awarded the top cop on his force. There's only one other
19 guy who ever got that.

20 **MR. LEE:** Did they know -- these people you
21 were talking to, did they know that you were in his corner?

22 **MR. CHISHOLM:** Yes, obviously, yes.

23 **MR. LEE:** Did you tell them that?

24 **MR. CHISHOLM:** Well, I -- not in so many
25 words, but it was pretty obvious from -- I sent many of

1 these letters to the editor and they mentioned dozens of
2 letters, some of them were that I probably handed in there
3 were not on that issue. They were on pro-life issue, but
4 it was no secret. I mean it was in the paper.

5 **MR. LEE:** You were both in the media?

6 **MR. CHISHOLM:** Yes.

7 **MR. LEE:** And you were in the media as Perry
8 Dunlop's brother-in-law?

9 **MR. CHISHOLM:** Yes.

10 **MR. LEE:** And as a supporter of Perry?

11 **MR. CHISHOLM:** Well, there was no -- yes --
12 problem.

13 **MR. LEE:** You've followed this Inquiry to
14 some extent as it's gone on. Is that right?

15 **MR. CHISHOLM:** Yes.

16 **MR. LEE:** You were here for your sister's
17 testimony?

18 **MR. CHISHOLM:** Yes.

19 **MR. LEE:** You were here when Perry Dunlop
20 came and answered some questions ---

21 **MR. CHISHOLM:** Yes.

22 **MR. LEE:** --- as to whether he was going to
23 answer questions.

24 **MR. CHISHOLM:** Yes.

25 **MR. LEE:** I take it you are aware then that

1 throughout this process, there has been suggestion that a
2 big reason that many of the institutions that we are
3 looking at here couldn't do their jobs is because of your
4 actions. Are you aware of that?

5 **MR. CHISHOLM:** Am I aware of the accusations
6 I made? Yes, of course. What ---

7 **MR. LEE:** You are aware that there's some
8 suggestion that you interfered in police investigations?

9 **MR. CHISHOLM:** Well, investigations ---

10 **MR. LEE:** I am asking if you are aware of
11 that allegation?

12 **MR. CHISHOLM:** That there was -- that I
13 interfered in ---

14 **MR. LEE:** Are you aware that there's been a
15 suggestion ---

16 **MR. CHISHOLM:** --- that I interfered? Yes.
17 Yes.

18 **THE COMMISSIONER:** Whoa, whoa. Two people
19 speaking at the same time.

20 **MR. CHISHOLM:** Sorry.

21 **THE COMMISSIONER:** You can't get it on the
22 record. So ---

23 **MR. LEE:** Go ahead, Mr. Chisholm. Go ahead.

24 **MR. CHISHOLM:** Okay. Well, repeat the
25 question and then I'll answer.

1 **MR. LEE:** Are you aware that the suggestion
2 has been made that you interfered in police investigations?

3 **MR. CHISHOLM:** Oh, yes. Yes, yes.

4 **MR. LEE:** Are you aware that the suggestion
5 has been made that your role in this whole thing
6 compromised prosecutions?

7 **MR. CHISHOLM:** Yes.

8 **MR. LEE:** Was that ever your intention, sir?

9 **MR. CHISHOLM:** Never.

10 **MR. LEE:** That wasn't why you were
11 conducting this investigation?

12 **MR. CHISHOLM:** Absolutely not.

13 **MR. LEE:** I am going to give you the
14 opportunity, if you wish, to respond to those suggestions.
15 Do you wish to respond to them?

16 **MR. CHISHOLM:** Sure, absolutely.

17 **MR. LEE:** Please go ahead.

18 **MR. CHISHOLM:** I need specific -- well,
19 what's ---

20 **MR. LEE:** What do you say to the suggestion?
21 What do you say to the suggestion that you're part of the
22 reason why these institutions failed as they did?

23 **MR. CHISHOLM:** Well, I'd have to watch what
24 I said there. What immediately jumps to mind is BS, which
25 it is, but bear in mind that the -- back to the original

1 pay-off, that was 11 months old. When I learned about it,
2 that deal had been made, settled, buried. They told
3 Dunlop, "Don't go there. You have a family. You have a
4 job." Not so veiled threats. The implication was very
5 clear; dummy up, leave it alone.

6 So how was that interfering with their
7 investigation when we tried to get it exposed? I don't
8 follow their reasoning. That's interfering with their
9 investigation? I don't think so. That's interfering with
10 their cover-up.

11 **THE COMMISSIONER:** When you're saying 11
12 months later, can you help me out on that? What do you
13 mean?

14 **MR. CHISHOLM:** Well, I believe it was 11
15 months after the original victim impact statement come in
16 before Dunlop heard about it. He heard two police
17 officers, as I recall, talking about it, and he said,
18 "What's this all about? Can I see that victim impact
19 statement?"

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

21 **MR. CHISHOLM:** When he got it, that's when
22 he realised the deal had been made. It was all yesterday's
23 news.

24 **THE COMMISSIONER:** Okay, are you saying that
25 you, in your mind, the deal had been done 11 months before?

1 **MR. CHISHOLM:** Yes, as I recall. I'm just,
2 like I say, recalling. I think it had been over for about
3 that long.

4 **THE COMMISSIONER:** That's what you think?

5 **MR. CHISHOLM:** Yes.

6 **MR. LEE:** So as I understand it anyway, the
7 deal was done?

8 **MR. CHISHOLM:** Yes, done like dinner.

9 **MR. LEE:** The charges weren't going
10 anywhere. It was over and done with.

11 **MR. CHISHOLM:** And the payoff had been made.

12 **MR. LEE:** Mr. Chisholm, I appreciate your
13 time today. That's all I have.

14 **MR. CHISHOLM:** Thank you.

15 **THE COMMISSIONER:** Thank you. We will take
16 lunch then and we'll come back at 2:00. Thank you.

17 **MR. CHISHOLM:** Thank you.

18 **THE REGISTRAR:** Order. All rise. À
19 l'ordre. Veuillez vous lever.

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

21 --- Upon recessing at 12:28 p.m./

22 L'audience est suspendue à 12h28

23 --- Upon resuming at 2:05 p.m./

24 L'audience est reprise à 14h05

25 **THE REGISTRAR:** This hearing is now resumed.

1 Please be seated.

2 Veuillez vous asseoir.

3 **THE COMMISSIONER:** Good afternoon everyone.

4 So just -- Mr. Chisholm.

5 Mr. Neville?

6 **CARSON CHISHOLM:** Resumed/Sous affirmation solennelle

7 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

8 **NEVILLE:**

9 **MR. NEVILLE:** Thank you sir. Good
10 afternoon, Mr. Chisholm.

11 **MR. CHISHOLM:** Good afternoon.

12 **MR. NEVILLE:** My name is Michael Neville,
13 and I represent Father Charles MacDonald and the Estate of
14 Mr. Seguin. You are aware of that I take it?

15 **MR. CHISHOLM:** M'hm.

16 **MR. NEVILLE:** I don't expect to be too long
17 with you but I do want to cover a few points.

18 You have told the Commission that you are in
19 the real estate industry.

20 **MR. CHISHOLM:** M'hm.

21 **THE COMMISSIONER:** You have to answer yes.

22 **MR. CHISHOLM:** Yes.

23 **MR. NEVILLE:** It's just that we have a
24 record. And you are in the auction business?

25 **MR. CHISHOLM:** Yes.

1 **MR. NEVILLE:** You have been involved in the
2 real estate industry for about how long?

3 **MR. CHISHOLM:** I think around '84, somewhere
4 in there.

5 **MR. NEVILLE:** So over 20 years.

6 **MR. CHISHOLM:** Over 20 years, yes.

7 **MR. NEVILLE:** And I take it as a real estate
8 broker, you would list properties for sale?

9 **MR. CHISHOLM:** Yes.

10 **MR. NEVILLE:** And you would show properties
11 for sale?

12 **MR. CHISHOLM:** Yes.

13 **MR. NEVILLE:** Depending who had the listing,
14 it might be you; it might be someone else.

15 **MR. CHISHOLM:** That's right.

16 **MR. NEVILLE:** All right. And if someone,
17 for example, wanted to use your services to sell a piece of
18 property ---

19 **MR. CHISHOLM:** Yes.

20 **MR. NEVILLE:** --- and they came to you and
21 said Mr. Chisholm, I have a really nice vacation property
22 on Loch Gary, north of the city here, and I would like to
23 list it with you for a million dollars. Would you simply
24 go ahead and list it or what would you do?

25 **MR. CHISHOLM:** I don't know. I would have

1 to see the property.

2 MR. NEVILLE: You would have to see it? You
3 would want to check it out?

4 MR. CHISHOLM: Yes.

5 MR. NEVILLE: You wouldn't list it for a
6 million dollars expecting to sell it for a million dollars,
7 if it was worth a hundred thousand?

8 MR. CHISHOLM: Not likely, no.

9 MR. NEVILLE: No. It's important in the
10 business world, for example, that one doesn't simply take
11 another person's word for something without questioning it,
12 if appropriate?

13 MR. CHISHOLM: If I told you a dog's tail
14 was a leg, how many legs would the dog have?

15 MR. NEVILLE: Well, if you don't mind, I'll
16 ask the questions.

17 MR. CHISHOLM: No, but that's a simple
18 question in math.

19 MR. NEVILLE: You agree with me, Mr.
20 Chisholm, that in the business world in which you operate
21 it is sometimes important, necessary to do your job
22 properly that you check something out before you rely on
23 it. Is that fair?

24 MR. CHISHOLM: No. It's not fair.

25 MR. NEVILLE: So when I gave you the little

1 homely example about listing a property, didn't you tell me
2 you'd go and check it out first?

3 **MR. CHISHOLM:** Yes.

4 **MR. NEVILLE:** Isn't that an example of what
5 I just said?

6 **MR. CHISHOLM:** No.

7 **MR. NEVILLE:** All right.

8 **MR. CHISHOLM:** You said sometimes.

9 **MR. NEVILLE:** Yes, I said sometimes.

10 **MR. CHISHOLM:** No.

11 **THE COMMISSIONER:** And you mean?

12 **MR. NEVILLE:** And you mean what?

13 **MR. CHISHOLM:** All times.

14 **MR. NEVILLE:** Even better. Even better.

15 So you don't simply take people's word for
16 things in the business world simply because they assert it.
17 You check it. Right?

18 **MR. CHISHOLM:** Yes, of course, right.

19 **MR. NEVILLE:** Do you agree that that ought
20 to apply to the police investigation world as well?

21 **MR. CHISHOLM:** What is your question?

22 **MR. NEVILLE:** That they should check things
23 out before simply relying on somebody's first story?

24 **MR. CHISHOLM:** Who's "they"?

25 **MR. NEVILLE:** The police.

1 **MR. CHISHOLM:** Yes, I would think so.

2 **MR. NEVILLE:** Okay. And when you were doing
3 your private investigation with Mr. Dunlop and you would
4 take a statement, for example, with Mr. Leroux, did you do
5 anything to check out any of his allegations?

6 **MR. CHISHOLM:** Which allegations is that?

7 **MR. NEVILLE:** His allegations, Mr. Leroux's.

8 **MR. CHISHOLM:** Which allegations?

9 **MR. NEVILLE:** Well, he made many; clan of
10 pedophiles, things he purportedly saw; people he
11 purportedly saw. Did you do anything to check any of those
12 details then?

13 **MR. CHISHOLM:** I don't recall.

14 **MR. NEVILLE:** Pardon me?

15 **MR. CHISHOLM:** I don't recall.

16 **MR. NEVILLE:** The answer is you didn't.
17 Isn't that right?

18 **MR. CHISHOLM:** No, the answer is I don't
19 recall.

20 **MR. NEVILLE:** So you are suggesting with
21 that answer you may have. You just don't know.

22 **MR. CHISHOLM:** My answer is I don't recall.
23 Is your hearing poor?

24 **MR. NEVILLE:** No, I can hear quite well.

25 **THE COMMISSIONER:** No, no, just a second.

1 No, no, no.

2 MR. NEVILLE: Your answer, I take it, would
3 tell us that you may have checked things out. You just
4 don't recall.

5 MR. CHISHOLM: That's right.

6 MR. NEVILLE: Now, you mentioned in your
7 evidence today, I believe, the fact that the OPP, at one
8 point, indicated they had done an investigation -- I'm
9 paraphrasing, to be fair -- had done an investigation and
10 had left no stone unturned. You remember that phrase? And
11 yet it turned out eventually there were some 115 charges.
12 Do you remember telling us a bit about that?

13 MR. CHISHOLM: Yes.

14 MR. NEVILLE: All right. And I take it what
15 you were referring to was the fact that the Ontario
16 Provincial Police, throughout the year 1994, had done a
17 reinvestigation of what had happened before and did a press
18 release indicating no charges.

19 That's what you meant when you talked about
20 no stone unturned and then eventually 115 charges. Is that
21 fair?

22 MR. CHISHOLM: Probably, I think that's what
23 they were referring to.

24 MR. NEVILLE: You, of course, weren't part
25 of anything that the OPP did in 1994?

1 MR. CHISHOLM: I don't know.

2 MR. NEVILLE: Were you interviewed?

3 MR. CHISHOLM: I don't remember.

4 MR. NEVILLE: And I don't mean to be
5 facetious, but just so it's clear for the record, you
6 didn't accompany them during their work during that year?

7 MR. CHISHOLM: No.

8 MR. NEVILLE: No. You don't know what they
9 did in terms of interviews conducted?

10 MR. CHISHOLM: Not really.

11 MR. NEVILLE: You don't know how many people
12 they interviewed?

13 MR. CHISHOLM: No.

14 MR. NEVILLE: You don't know how many leads
15 they tracked down?

16 MR. CHISHOLM: No.

17 MR. NEVILLE: You don't know how many
18 allegations they attempted to verify or disprove?

19 MR. CHISHOLM: Not really, no.

20 MR. NEVILLE: Pardon me?

21 MR. CHISHOLM: Not really, no.

22 MR. NEVILLE: Now, do you know a person by
23 the name of Robert Roth?

24 MR. CHISHOLM: Bob Roth? Yeah.

25 MR. NEVILLE: And could you just tell us who

1 he is please?

2 MR. CHISHOLM: Well, he was the author of a
3 column in the Seaway News for two years.

4 MR. NEVILLE: Yes.

5 MR. CHISHOLM: That's the Robert Roth you
6 are talking about?

7 MR. NEVILLE: I presume so. And he wrote a
8 number of columns generally in support of what we'll call
9 Perry Dunlop's position. Is that right?

10 MR. CHISHOLM: Yes.

11 MR. NEVILLE: And there were others in the
12 community who wrote columns to a different purpose. Right?
13 Said different things than what he was saying?

14 MR. CHISHOLM: Oh, I'm sure.

15 MR. NEVILLE: There was a debate or a
16 dispute in the media?

17 MR. CHISHOLM: I would think so.

18 MR. NEVILLE: Mr. Roth on one side; other
19 writers on the other side.

20 MR. CHISHOLM: I don't remember the other
21 writers, but there were differences of opinion, no doubt.

22 MR. NEVILLE: All right. Fair. There was a
23 difference of opinion.

24 MR. CHISHOLM: Yes.

25 MR. NEVILLE: Fair enough.

1 Now, do you -- we've heard about the
2 coalition?

3 MR. CHISHOLM: Yes.

4 MR. NEVILLE: What was his involvement in
5 the coalition, Mr. Roth?

6 MR. CHISHOLM: He was generally, I would
7 say, in support.

8 MR. NEVILLE: He was in support?

9 MR. CHISHOLM: I would think so, yes.

10 MR. NEVILLE: Was he part of it?

11 MR. CHISHOLM: I don't recall.

12 MR. NEVILLE: Could we ---

13 MR. CHISHOLM: Quite likely.

14 MR. NEVILLE: Pardon me?

15 MR. CHISHOLM: Quite likely. He was always
16 a supporter. So I presume so.

17 MR. NEVILLE: So he's a commentator in the
18 media who may well have been part of the coalition?

19 MR. CHISHOLM: Oh, yeah, sure.

20 MR. NEVILLE: I see. All right. And what,
21 if any, connection was there between the coalition and Mr.
22 Nadeau?

23 MR. CHISHOLM: What do you mean? What
24 connection? I'm sure he read it.

25 MR. NEVILLE: Was he part of the coalition?

1 **MR. CHISHOLM:** I don't think he was.

2 **MR. NEVILLE:** Okay.

3 **MR. CHISHOLM:** He may have been. Yeah, he
4 was certainly a supporter. I can't remember all. There
5 was hundreds probably of people.

6 **MR. NEVILLE:** Mr. Commissioner, if I may ---

7 **MR. CHISHOLM:** That wasn't actually ---

8 **MR. NEVILLE:** I'm sorry? Sorry?

9 **MR. CHISHOLM:** I think, well, there was
10 probably over 10,000 people supporting it; our position.

11 **THE COMMISSIONER:** No ---

12 **MR. CHISHOLM:** The ones that signed the
13 petition. Now how many of them belonged to the coalition?
14 I really don't know but quite a few.

15 **MR. NEVILLE:** If I may Mr. Commissioner,
16 from the material that we received yesterday, if we could
17 put up on the screen, it will be Document 124322, it will
18 come up before you there Mr. Chisholm.

19 **THE COMMISSIONER:** Well, just a minute. Do
20 we have it? We don't have it?

21 **MR. NEVILLE:** I don't know. Do we have it?
22 Well, we just got it this morning or last night. It was on
23 the disk that we just got. How do we do that?

24 **MR. STAUFFER:** Well, Mr. Commissioner, I
25 know the document that Mr. Neville's referring to. I don't

1 honestly know if it found its way into the paperwork
2 because I don't know if Mr. Neville has given us enough
3 notice ---

4 **THE COMMISSIONER:** Well, he couldn't because
5 it was late last night.

6 **MR. STAUFFER:** So I mean, the reality is, we
7 know this -- I know this document. I hope everyone else
8 has it.

9 **THE COMMISSIONER:** But I don't.

10 **MR. NEVILLE:** More importantly, Mr.
11 Commissioner doesn't and perhaps even more importantly Mr.
12 Chisholm doesn't.

13 **THE COMMISSIONER:** And we don't have ---

14 **MR. NEVILLE:** Can we make a pho -- just for
15 this purpose, to keep moving ---

16 **THE COMMISSIONER:** Absolutely.

17 **MR. NEVILLE:** --- Mr. Commissioner, make
18 copies? Just while we ---

19 **THE COMMISSIONER:** Yeah.

20 **MR. NEVILLE:** We can start if it's all right
21 with you two, one for you and one for Mr. Chisholm. I
22 don't know why? Can we not show it from the disk?

23 **THE COMMISSIONER:** It's coming up now. Do
24 you have it Madam Clerk? We have it now. We're just
25 putting it up right-side up. It's always the last way.

1 Okay, so this will be -- all right, so do
2 you see this document?

3 **MR. NEVILLE:** Yes, thank you.

4 **MR. CHISHOLM:** Yes.

5 **MR. NEVILLE:** That's the one.

6 **THE COMMISSIONER:** Okay. Have we identified
7 the document number for the record?

8 **MR. NEVILLE:** Yes, Mr. Commissioner, it's
9 Document number 124322, it's two pages, at least as
10 received.

11 **THE COMMISSIONER:** All right. And we're
12 going to -- that will be Exhibit 709 when we get to it. So
13 all right.

14 So do you recognize this document Mr.
15 Chisholm?

16 --- **EXHIBIT NO./PIÈCE No. P-709:**

17 (124322) Coalition for Action pamphlet

18 **MR. CHISHOLM:** Yeah.

19 **MR. NEVILLE:** What is it?

20 **MR. CHISHOLM:** It looks familiar; kind of a
21 mission statement, I think or something.

22 **MR. NEVILLE:** If Madam Clerk could scroll
23 for us, you'll see at the top I think, that's exactly what
24 it is Mr. Chisholm. There we are. So this is the mission
25 statement of the coalition?

1 MR. CHISHOLM: M'hm.

2 MR. NEVILLE: Among other things.

3 MR. CHISHOLM: Yes.

4 MR. NEVILLE: And you provided this to
5 Commission counsel as part of the recent material?

6 MR. CHISHOLM: I guess so, yeah.

7 MR. NEVILLE: All right. And ---

8 MR. CHISHOLM: I think -- no, this has been
9 in there for ages, but ---

10 MR. NEVILLE: That's fine.

11 MR. CHISHOLM: --- made another copy of it
12 again yesterday but that's old -- yesterday's news.

13 MR. NEVILLE: I've asked you questions a few
14 minutes ago about Mr. Roth?

15 MR. CHISHOLM: Yes.

16 MR. NEVILLE: Could we refer Mr. Chisholm to
17 the next page please? And just scroll a bit, you see in
18 the top-right corner, no, no, more towards the centre, ---

19 MR. CHISHOLM: Yeah.

20 MR. NEVILLE: --- there is a box. It says
21 "For further information, please contact Robert Roth,
22 Coordinator".

23 MR. CHISHOLM: M'hm.

24 MR. NEVILLE: Was he the coordinator?

25 MR. CHISHOLM: According to this.

1 **MR. NEVILLE:** Do you recall that he was the
2 coordinator?

3 **MR. CHISHOLM:** I don't even recall seeing
4 that but apparently so, yeah. But I guess he was
5 coordinating things, he was a ---

6 **MR. NEVILLE:** So this is the same gentleman
7 who was ---

8 **MR. CHISHOLM:** Same guy.

9 **MR. NEVILLE:** --- who was writing opinion
10 columns for the benefit of the local party ---

11 **MR. CHISHOLM:** Same.

12 **MR. NEVILLE:** --- of populars.

13 **MR. CHISHOLM:** Same guy.

14 **MR. NEVILLE:** All right. Could we go back
15 to the first page? And I'd ask you if you, a minute ago or
16 so, a few minutes ago, about the involvement if any of Mr.
17 Nadeau. Can we look in the left-centre of the screen, you
18 will see the heading "The Coalition".

19 **MR. CHISHOLM:** Yes.

20 **MR. NEVILLE:** If you look at the fourth
21 bullet point under that ---

22 **MR. CHISHOLM:** Project Truth.

23 **MR. NEVILLE:** --- "Project Truth 2 website"
24 and under that www.project2.com, that's Mr. Nadeau?

25 **MR. CHISHOLM:** That's Mr. Nadeau.

1 **MR. NEVILLE:** So Mr. Nadeau and his website
2 were active participants in the coalition?

3 **MR. CHISHOLM:** According to this, yeah.

4 **MR. NEVILLE:** According to this?

5 **MR. CHISHOLM:** Yes.

6 **MR. NEVILLE:** Well, you recognize this
7 document; don't you?

8 **MR. CHISHOLM:** Yes.

9 **MR. NEVILLE:** You produced this document?

10 **MR. CHISHOLM:** Yes.

11 **MR. NEVILLE:** Were you part of preparing it?
12 Did you have some input?

13 **MR. CHISHOLM:** Probably.

14 **MR. NEVILLE:** Now, during your evidence this
15 morning, you made reference to a portion of the allegation
16 or story of C-8. And the fact that he, at some point, gave
17 an allegation or made an allegation of a sexual abuse at
18 his father's funeral.

19 **MR. CHISHOLM:** Yeah.

20 **MR. NEVILLE:** How were you aware of that
21 detail of his allegation?

22 **MR. CHISHOLM:** He told me.

23 **MR. NEVILLE:** He told you. When did he tell
24 you?

25 **MR. CHISHOLM:** I don't remember the date.

1 **MR. NEVILLE:** Did he tell you before he put
2 it in a statement?

3 **MR. CHISHOLM:** Before he put it in the
4 statement?

5 **MR. NEVILLE:** In a statement?

6 **MR. CHISHOLM:** I don't know.

7 **MR. NEVILLE:** Do you know the circumstances
8 of his giving a statement?

9 **MR. CHISHOLM:** He told me, I believe, it was
10 at his house in Summerstown but when he gave a statement, I
11 am not sure.

12 **MR. NEVILLE:** M'hm. Do you know if at the
13 time he made the statement he was facing a criminal charge?

14 **MR. CHISHOLM:** I don't know.

15 **MR. NEVILLE:** That he was facing a criminal
16 charge of sexual assault on his niece?

17 **MR. CHISHOLM:** I heard that. I'm not sure
18 the timeframe if it was then or after.

19 **MR. NEVILLE:** Did you know that he did his
20 statement at a next door neighbour's of your brother-in-
21 law's, with your brother-in-law?

22 **MR. CHISHOLM:** Who ---

23 **MR. NEVILLE:** Did you know that?

24 **MR. CHISHOLM:** No, I ---

25 **MR. NEVILLE:** Mr. Dunlop.

1 **MR. CHISHOLM:** Did he do a statement where?

2 **MR. NEVILLE:** With Mr. Dunlop, at Mr.
3 Dunlop's ---

4 **MR. CHISHOLM:** I presumed he did it with Mr.
5 Dunlop, yeah.

6 **MR. NEVILLE:** Yes. And did you know that
7 Mr. Bourgeois, Mr. Dunlop's lawyer was also C-8's lawyer --
8 sorry, C-8's lawyer? Pardon, pardon me.

9 **MR. CHISHOLM:** I just read that today in
10 fact, yeah.

11 **MR. NEVILLE:** You didn't ---

12 **MR. CHISHOLM:** I may have known it back then
13 too. I probably did.

14 **MR. NEVILLE:** You didn't know that Mr.
15 Bourgeois was C-8's lawyer?

16 **MR. CHISHOLM:** I'm telling you I just read
17 that today or yesterday and ---

18 **MR. NEVILLE:** Where did you read it? Sorry,
19 go ahead.

20 **MR. CHISHOLM:** I believe -- I just read that
21 somewhere that he was the lawyer for C-8 and I probably
22 knew it then but I don't recall it. Do you understand what
23 I'm saying?

24 **THE COMMISSIONER:** First of all, it is
25 cross-examination. You're putting to him that a statement

1 became a statement at Mr. Dunlop's neighbour's home and, if
2 I am correct, there were previous statements. So I don't
3 know ---

4 **MR. NEVILLE:** I'll clarify just which one
5 we're talking about Mr. Commissioner if you wish.

6 **THE COMMISSIONER:** Right. Because you're --
7 -

8 **MR. NEVILLE:** No, no, fair enough.

9 **THE COMMISSIONER:** --- you're giving him --
10 you might be giving a wrong impression.

11 **MR. NEVILLE:** No. Fair enough.

12 Let me ask you this ---

13 **MR. CHISHOLM:** Excuse me a minute. May I
14 interject something? I didn't know this was coming up but
15 that's cool.

16 I was told by Commission counsel on
17 different occasions, in front of witnesses, that we'd be
18 given 48 hours notice on documents that are going to be
19 presented. Am I supposed to wait now 48 hours to answer
20 this stuff?

21 **THE COMMISSIONER:** No, no, no. First of all
22 -- first of all, the way it went was those are normal rules
23 but given that your box of documents came in; and Mr.
24 Dunlop didn't testify; you're testifying today; and
25 therefore the boxes came in; and that kind of thing.

1 **MR. CHISHOLM:** Sure.

2 **THE COMMISSIONER:** And, just a minute. Just
3 a minute. The other thing is those statements have been
4 here for a while, you've been represented by lawyers and
5 you had had opportunities to meet and to review all the
6 documents that you wanted to look at as far as I can tell.

7 **MR. CHISHOLM:** Since, I think, it was a week
8 ago Monday when Dunlop came and then only when lawyers are
9 present, et cetera; I cannot access those files without a
10 lawyer being present.

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

12 **MR. CHISHOLM:** And in order to monitor
13 Dunlop's involvement here I couldn't be in two places at
14 once, so I did get through one of those -- these are large
15 binders with a lot of material. I did get through one of
16 them, but the other two was only the last day or two. But
17 anyway ---

18 **THE COMMISSIONER:** Is this witness making
19 representations that you haven't prepared him sufficiently
20 Mr. ---

21 **MR. CHISHOLM:** No, this is all brand new. I
22 was never prepared for any of this stuff. Well I mean,
23 some of it ---

24 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. IAN STAUFFER:**

25 **MR. STAUFFER:** Let's have a little comment

1 about that if you don't mind Mr. Commissioner. I can't
2 give you the exact date but I can certainly find it as to
3 when we first tried to meet with Mr. Chisholm. He refused
4 to really answer any questions so we eventually retained
5 Mr. Horn which was fine.

6 Mr. Horn and Mr. Chisholm and I met with
7 others from our Commission.

8 They've had had the three red binders, my
9 best guess, is approximately a month. So those are the
10 documents that we had in our possession.

11 **THE COMMISSIONER:** Would that include the
12 statements that were ---

13 **MR. STAUFFER:** No. The one that Mr. Neville
14 has just referred to here is something that Mr. Chisholm
15 brought it last Wednesday or Thursday. So this is -- it's
16 either Wednesday or Thursday of last week that I saw his
17 copy of that.

18 **THE COMMISSIONER:** His copy, Mr. Chisholm's
19 copy?

20 **MR. STAUFFER:** Yes, and I have seen that
21 copy through others.

22 **THE COMMISSIONER:** A copy of what?

23 **MR. STAUFFER:** Of the Coalition for Action
24 Mission Statement.

25 **THE COMMISSIONER:** No, no, right. Now,

1 we're talking about -- in cross-examination, we're talking
2 about C-8's statement.

3 **MR. STAUFFER:** Yes.

4 **THE COMMISSIONER:** Right.

5 **MR. STAUFFER:** That has been in the
6 materials in the red binders for quite some time.

7 **THE COMMISSIONER:** That they have had for a
8 month.

9 **MR. STAUFFER:** For over a month. So there's
10 no attempt to hide things from Mr. Chisholm or whatever.
11 We tried our best to inform him and his counsel as to
12 what's happening, what materials we have.

13 **THE COMMISSIONER:** Mr. Horn, have you had
14 those three binders for a month now?

15 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. FRANK HORN:

16 **MR. HORN:** We've gone over the material. I
17 don't know if it's for about a month but it's been at least
18 a couple -- three weeks now where we've come in on occasion
19 to view the documents and Mr. Chisholm, when he was
20 available, and on those occasions I'd come in with him and
21 we'd go over as many documents as we could.

22 **THE COMMISSIONER:** Right.

23 **MR. HORN:** But it was a slow process because
24 I think that he was able to go through about one of the
25 binders out of the three himself, and I was going through

1 another one, and Mr. Paul also was going through some of
2 the material. But we really never had the opportunity to
3 bring the whole thing together because we did have
4 opportunities to look at it and -- but I know that he
5 himself, because he was familiar with a lot of this
6 material because of his involvement, I was going through it
7 very carefully and I think he got through one of the
8 binders.

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

10 **MR. HORN:** Himself.

11 **THE COMMISSIONER:** So, Mr. Neville, can we
12 try to finish this off or see where we're going to go with
13 this?

14 So you were talking about the statement
15 that's -- a statement that C-8 gave?

16 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

17 **MICHAEL NEVILLE (cont'd/suite):**

18 **MR. NEVILLE:** Yes.

19 **THE COMMISSIONER:** And C-8 it is.

20 **MR. NEVILLE:** Yes, I'm mindful.

21 **THE COMMISSIONER:** Okay. Let's see if we
22 can do this. If not, well, we'll hear ---

23 **MR. CHISHOLM:** I have no problem going ahead
24 with it. It's just that some of this stuff is ancient
25 history. Now, this isn't because that's -- like I said,

1 that's been in there before and we may have submitted it
2 again. I mean it was just a box of stuff. I gave it all
3 to the lad to send in. If it's relevant, give it to them
4 and it was submitted.

5 That is obviously relevant but it isn't new
6 really. Like I mean that was all in there. So I have no
7 problem with that per se, you know, but there may be stuff
8 come up. I can't remember ever seeing this stuff for years
9 and years, so my recollection you understand will be
10 somewhat limited.

11 **THE COMMISSIONER:** Well, we'll see how it
12 goes. If not, I'll give you an extra day ---

13 **MR. CHISHOLM:** There's only so much I can
14 do.

15 **THE COMMISSIONER:** I'll give you an extra
16 day through all the documents you want.

17 **MR. CHISHOLM:** Well, yes, there's 60,000
18 apparently, documents, and I don't care what kind of a
19 speed reader you are, I don't think you can get through
20 them in a day but ---

21 **THE COMMISSIONER:** I don't think 60,000
22 documents ---

23 **MR. CHISHOLM:** Oh, that's the figure I heard
24 but maybe it's ---

25 **THE COMMISSIONER:** Well, ---

1 MR. CHISHOLM: Maybe it's 50, I don't know;
2 40, whatever.

3 THE COMMISSIONER: Well, the ones that are -
4 --

5 MR. CHISHOLM: A lot anyway.

6 THE COMMISSIONER: The ones that are
7 relevant to you are pretty restricted I think.

8 MR. CHISHOLM: M'hm, okay. Anyway, carry
9 on.

10 THE COMMISSIONER: I'll see where Mr.
11 Neville goes.

12 MR. NEVILLE: Excuse me.

13 MR. CHISHOLM: Sure.

14 MR. NEVILLE: Could I just have a moment?

15 (SHORT PAUSE/COURTE PAUSE)

16 MR. HORN: I can say something though that
17 the ---

18 THE COMMISSIONER: Can you speak in the
19 microphone, please?

20 MR. HORN: Yes. I know that during the
21 entire time that we were looking at the material, he was
22 doing his best to come down as often as he could and he was
23 complaining about the fact that he wanted more time. He
24 was always saying, "I wish I had more time to go through
25 this material".

1 **THE COMMISSIONER:** I guess he was punctual
2 and always attending all of the meetings, I guess?

3 **MR. HORN:** Pardon?

4 **THE COMMISSIONER:** And he showed up at all
5 the meetings and was ---

6 **MR. HORN:** Well, I don't know about all the
7 meetings, but I know that whenever he could, we would come
8 down and go in the back and we would go into a separate
9 room and try to see if we can go through as many of the
10 documents. And I know that he was concentrating on one of
11 the binders and there was still two others that he really
12 never had a chance to look at.

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

14 Mr. Neville?

15 **MR. NEVILLE:** Let me see if I can help
16 refresh Mr. Chisholm's memory, Mr. Commissioner, and just
17 see where we go.

18 Mr. Chisholm, you became aware, I take it
19 from what you've said already, that C-8 did get charged
20 with an offence?

21 **MR. CHISHOLM:** Yes.

22 **MR. NEVILLE:** In relation to his niece?

23 **MR. CHISHOLM:** Yes.

24 **MR. NEVILLE:** All right. And you were aware
25 that he had to make a court appearance in Alexandria on

1 that matter?

2 **MR. CHISHOLM:** I think I just find that out
3 yesterday or the day before. It was in that material in
4 those binders, I think.

5 **MR. NEVILLE:** All right. And so these are
6 binders that you looked at ---

7 **MR. CHISHOLM:** Yes.

8 **MR. NEVILLE:** --- with Mr. Horn?

9 **MR. CHISHOLM:** Yes.

10 **MR. NEVILLE:** All right. And do you recall
11 learning from Mr. Dunlop -- if you did, fine; if you
12 didn't, that's fine -- that prior -- on the morning of his
13 court appearance with Mr. Bourgeois in Alexandria, he went
14 next door to Mr. Dunlop's neighbour's house ---

15 **THE COMMISSIONER:** No, not in Alexandria.

16 **MR. NEVILLE:** No, no, no, here in Cornwall.

17 **THE COMMISSIONER:** Well, you said
18 Alexandria.

19 **MR. NEVILLE:** Oh, I meant the court
20 appearance was in Alexandria.

21 **THE COMMISSIONER:** Fine.

22 **MR. NEVILLE:** He went next door on Amelia
23 Street to Mr. Dunlop's neighbours and did a statement
24 making his allegation against Father Charles and against
25 Mr. Lalonde. Do you recall?

1 MR. CHISHOLM: Who did this?

2 MR. NEVILLE: C-8.

3 MR. CHISHOLM: Okay.

4 MR. NEVILLE: Did you learn that?

5 MR. CHISHOLM: No, I don't know that at all
6 till you just said it.

7 MR. NEVILLE: And that he went from court in
8 Alexandria to the OPP detachment I believe in either
9 Lancaster or Long Sault and did a video statement. Did you
10 know any of that?

11 MR. CHISHOLM: Could be.

12 MR. NEVILLE: Did you know any of that?

13 MR. CHISHOLM: No, I don't know that.

14 MR. NEVILLE: All right. That's fine.

15 Now, can we have Mr. Chisholm look at
16 another document from the recent disk, please, Mr.
17 Commissioner? It's Document 124460.

18 (SHORT PAUSE/COURTE PAUSE)

19 THE COMMISSIONER: All right. So that will
20 be Exhibit -- first of all, this is a statement from Perry
21 and Helen Dunlop, June 29th, 2005. It says "Carson's Copy"
22 on top and this will be Exhibit Number 710.

23 --- EXHIBIT NO./PIÈCE No. P-710:

24 (124460) Statement from Perry and Helen
25 Dunlop dated June 29, 2005

1 **THE COMMISSIONER:** Is there anything in here
2 that should not be screened?

3 **MR. NEVILLE:** I don't believe so, Your
4 Worship -- Mr. Commissioner, but I'm a bit behind others in
5 being here. So I'll rely on your and others to correct me.
6 I looked at it. I don't see anything obvious to myself,
7 but ---

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

9 **MR. NEVILLE:** This document, Mr. Chisholm,
10 has the writing on it "Carson's Copy". Is that your
11 writing?

12 **MR. CHISHOLM:** No.

13 **MR. NEVILLE:** Do you know whose it is?

14 **MR. CHISHOLM:** I believe that's Helen's.

15 **MR. NEVILLE:** Okay. And what is this
16 document?

17 **MR. CHISHOLM:** Well, it says "Statement from
18 Perry and Helen Dunlop, June 29th, 2005".

19 **MR. NEVILLE:** Yes. Well, what do you
20 understand it to be? Have you seen this?

21 **MR. CHISHOLM:** A statement from Perry and
22 Helen Dunlop.

23 **MR. NEVILLE:** No, we can all read that.
24 It's about this Inquiry, isn't it?

25 **THE COMMISSIONER:** Can you scroll it up a

1 little bit, Madam Clerk?

2 MR. NEVILLE: Take a moment. This came in
3 your material, just so you understand.

4 MR. CHISHOLM: Yes.

5 MR. NEVILLE: All of us saw it for the first
6 time I believe late yesterday or early this morning as
7 something that came through you or your counsel.

8 And one of the things I'm going to ask you
9 to confirm, if you would perhaps take a moment to look
10 through it, is it appears to be incomplete, but please look
11 at it and tell me if it appears to be only one page of more
12 than one.

13 MR. CHISHOLM: I don't know; you ---
14 Well, you ---

15 MR. CHISHOLM: I can't scroll this thing.

16 THE COMMISSIONER: Well, just -- Madam
17 Clerk, can you scroll it?

18 MR. CHISHOLM: It's number five is cut off.

19 THE COMMISSIONER: She's getting it.

20 MR. NEVILLE: I could loan him a hard copy,
21 Mr. Commissioner, if it would make it faster.

22 THE COMMISSIONER: Sure, go ahead.

23 MR. CHISHOLM: I've read it, yeah.

24 THE COMMISSIONER: It's okay, no. We'll get
25 a copy, eventually.

1 **MR. CHISHOLM:** It's all on here, now.

2 It goes to two and that's the end of it, but
3 apparently more to it.

4 **THE COMMISSIONER:** There we go; Exhibit 610.
5 We have copies, now.

6 **MR. NEVILLE:** Having seen it and looked
7 through it just now, Mr. Chisholm, do you agree with me
8 that it appears to be incomplete?

9 **MR. CHISHOLM:** I think so, yeah. It looks
10 like there is more to it.

11 **MR. NEVILLE:** Yeah.

12 **THE COMMISSIONER:** Back page is there?

13 **MR. CHISHOLM:** We have this one.

14 Ah. Môme chose.

15 **MR. NEVILLE:** I got it scanned, Mr.
16 Commissioner, so I don't have that page unless I missed it.
17 Which wouldn't be the first time.

18 **MR. CHISHOLM:** There it is.

19 **MR. NEVILLE:** I don't know if Mr. Chisholm
20 has this ---

21 **MR. CHISHOLM:** I have it. Three down.

22 **MR. NEVILLE:** It is there; all right. So
23 it's my error, Mr. Commissioner. And I apologize.

24 All right, so now this document as far as
25 you know, Mr. Chisholm, was a joint production of Perry and

1 Helen Dunlop? Right?

2 MR. CHISHOLM: What was the question?

3 MR. NEVILLE: Yes ---

4 MR. CHISHOLM: Was it a joint venture of
5 their's?

6 MR. NEVILLE: Yes.

7 MR. CHISHOLM: Yes, I believe so.

8 MR. NEVILLE: And you've got page two ---

9 MR. CHISHOLM: Yeah.

10 MR. NEVILLE: And it says in its concluding
11 sentences:

12 "We need to know the truth and truth is
13 a precursor to healing."

14 MR. CHISHOLM: You'll have to scroll it up
15 a little bit; I'm at ---

16 MR. NEVILLE: Sure. See, at the bottom?

17 THE COMMISSIONER: No, the other way.

18 MR. NEVILLE: It's at the bottom.

19 MR. CHISHOLM: The other way.

20 MR. NEVILLE: There we go; second last line.

21 MR. CHISHOLM: Yes?

22 MR. NEVILLE: And then the last line:

23 "We have never allowed the truth to be
24 sacrificed; we never will."

25 Did you discuss this document with Mr. and

1 Mrs. Dunlop, when they authored it?

2 MR. CHISHOLM: No, they were out West.

3 MR. NEVILLE: Okay.

4 MR. CHISHOLM: I believe they probably faxed
5 -- they probably faxed that to me.

6 MR. NEVILLE: All right. Well, the copy we
7 have doesn't, on its face, appear to be a faxed copy.

8 MR. CHISHOLM: I believe they're out West,
9 well ---

10 MR. NEVILLE: Pardon me?

11 MR. CHISHOLM: Well, whatever that date is -
12 --

13 THE COMMISSIONER: Two thousand and five
14 (2005).

15 MR. NEVILLE: It's June 29th 2005, a few
16 months after the Mr. -- Judge Glaude's Commission was ---

17 MR. CHISHOLM: That's right; okay, yeah.
18 They were out West.

19 MR. NEVILLE: --- announced.

20 MR. CHISHOLM: Yes.

21 MR. NEVILLE: Right.

22 And it says, speaking in the plural:

23 "We never will allow the truth to be
24 sacrificed."

25 MR. CHISHOLM: I presume that's Perry and

1 Helen Dunlop.

2 MR. NEVILLE: Well, did you discuss with
3 them their attendance at this inquiry?

4 MR. CHISHOLM: I thought it would be a good
5 idea to come down.

6 MR. NEVILLE: Right. A good idea to come
7 down and share the truth?

8 MR. CHISHOLM: Yeah

9 MR. NEVILLE: And that hasn't happened?

10 MR. CHISHOLM: Well, it has as far as I'm
11 concerned; and as far as they're concerned. Are you
12 calling them liars? Or me?

13 THE COMMISSIONER: I think he's referring to
14 Mr. Dunlop's refusal to testify.

15 MR. CHISHOLM: Well, he did agree as I
16 recall to read his will say and he didn't mention why he
17 didn't want to testify to be the subject of cross
18 examination from folks like yourself.

19 THE COMMISSIONER: M'hm.

20 MR. CHISHOLM: He said seven years ago -- or
21 whenever it was, he was at -- he remembered as much as he
22 could then, wrote it all down, he gives lots of affidavits
23 to that effect and he's been trying to forget it ever
24 since, basically.

25 So, I don't think he could improve on his

1 memory. That was his position.

2 MR. NEVILLE: We heard it. Mr. Chisholm,
3 let's just come back briefly before I conclude to C-8.

4 MR. CHISHOLM: Yes?

5 MR. NEVILLE: You told us -- and you told me
6 a few minutes ago, that you learned the details of his
7 allegation about abuse at his father's funeral, from him.
8 He told you that story.

9 MR. CHISHOLM: Well, not too many details
10 but he did tell me that, yeah.

11 MR. NEVILLE: Right. And you know that C-8
12 recanted his allegations ---

13 MR. CHISHOLM: Yes.

14 MR. NEVILLE: --- don't you?

15 MR. CHISHOLM: Some of them, apparently
16 yeah. He couldn't remember now, if he'd been abused by
17 Father Charlie ---

18 MR. NEVILLE: Well, you knew that he
19 recanted a significant part of his allegation against Mr.
20 Lalonde?

21 THE COMMISSIONER: No -- no ---

22 MR. CHISHOLM: No, I don't know that. I
23 didn't.

24 THE COMMISSIONER: Just a minute.
25 "Significant" is a big word.

1 MR. NEVILLE: A part.

2 THE COMMISSIONER: A part.

3 MR. NEVILLE: Thank you, Mr. Commissioner.

4 There was a component of his allegation
5 against Mr. Lalonde, about a school trip. You knew that?

6 MR. CHISHOLM: Apparently; what I read in
7 the paper, yes.

8 MR. NEVILLE: And you knew he had recanted
9 that and said, "That wasn't true, it didn't happen."

10 MR. CHISHOLM: I can't remember that; I
11 remember -- but I ---

12 MR. NEVILLE: Something like that.

13 MR. CHISHOLM: Well, something yeah.

14 MR. NEVILLE: Something like that.

15 MR. CHISHOLM: Something along the lines
16 that Dunlop ---

17 MR. NEVILLE: Right.

18 MR. CHISHOLM: --- persuaded him to change
19 his story ---

20 MR. NEVILLE: Right. Now ---

21 MR. CHISHOLM: --- to indicate that it
22 happened in Toronto, or something?

23 MR. NEVILLE: Right. Now, you knew he did
24 that literally in the witness box at the Lalonde trial,
25 didn't you?

1 **MR. CHISHOLM:** I didn't follow the trial; I
2 read about it, like I said, in the paper.

3 **MR. NEVILLE:** Yeah, as what he said in the
4 witness stand, as a witness.

5 **MR. CHISHOLM:** Probably, yeah.

6 **MR. NEVILLE:** Right.

7 And the Lalonde case had nothing to do with
8 the Catholic Church, did it?

9 **MR. CHISHOLM:** I don't know.

10 **MR. NEVILLE:** He was a teacher.

11 **MR. CHISHOLM:** Yeah.

12 **MR. NEVILLE:** Wasn't a priest; right.

13 **MR. CHISHOLM:** Not as far as I know.

14 **MR. NEVILLE:** Right.

15 And it had -- the Lalonde case had nothing
16 to do with the OPP?

17 **MR. CHISHOLM:** I don't know.

18 **MR. NEVILLE:** You don't know?

19 **MR. CHISHOLM:** I don't know if they were
20 involved in it, or not. I mean ---

21 **MR. NEVILLE:** Well, what do you have to offer
22 the Commission, as to the ---

23 **MR. CHISHOLM:** Are you saying that this
24 stuff was only investigated by the city police?

25 **MR. NEVILLE:** No, no; I'll ask the questions

1 if you don't mind.

2 What can you offer this Commission -- you
3 see, you've suggested to the Commission that Mr. Lalonde
4 did this recantation ---

5 **THE COMMISSIONER:** No, not Mr. Lalonde.

6 **MR. CHISHOLM:** Jeepers.

7 **MR. NEVILLE:** Sorry.

8 **MR. CHISHOLM:** Are you ---

9 **MR. NEVILLE:** Mr. -- C-8 did this
10 recantation ---

11 **MR. CHISHOLM:** Merciful ---

12 **THE COMMISSIONER:** No, no, no, no, don't.
13 No, no, no.

14 Start over, Mr. Neville.

15 **MR. NEVILLE:** Thank you Mr. Commissioner.
16 You suggested that C-8 has did his
17 recantation as a result of some kind of influence by
18 others. Is that your position?

19 **MR. CHISHOLM:** I would think so, yes.

20 **MR. NEVILLE:** Yeah; who do you suggest
21 influenced him to change his allegation about Mr. Lalonde?

22 **MR. CHISHOLM:** Who would benefit from him
23 changing that -- would the police? Yes.

24 **MR. NEVILLE:** So, the police would benefit
25 by him changing his story in the witness box, in a case

1 they were taken to trial. Is that what you're suggesting?

2 **MR. CHISHOLM:** I would think so.

3 **MR. NEVILLE:** That would benefit the police?

4 **MR. CHISHOLM:** I would think so.

5 **MR. NEVILLE:** All right.

6 **MR. CHISHOLM:** It would discredit Dunlop,
7 would it not?

8 **MR. NEVILLE:** Now -- well, was it your
9 understanding that the purpose of Mr. Lalonde's prosecution
10 was somehow about Mr. Dunlop?

11 **MR. CHISHOLM:** Hardly.

12 **MR. NEVILLE:** Exactly.

13 **MR. CHISHOLM:** What's your point?

14 **MR. NEVILLE:** Did you know how Mr. C-8 made
15 his recantation about father Charles?

16 **MR. CHISHOLM:** Do I know how he made it?

17 **MR. NEVILLE:** Yes.

18 **MR. CHISHOLM:** No.

19 **MR. NEVILLE:** Do you know that in fact, he
20 recanted his allegation in a pre-trial interview with a
21 Crown prosecutor?

22 **MR. CHISHOLM:** No.

23 **MR. NEVILLE:** You didn't know that?

24 **MR. CHISHOLM:** No.

25 **MR. NEVILLE:** That he was being interviewed

1 in preparation to give evidence ---

2 MR. CHISHOLM: M'hm.

3 MR. NEVILLE: --- and admitted it was an
4 entire fabrication.

5 MR. CHISHOLM: M'hm.

6 MR. NEVILLE: Did you know that?

7 MR. CHISHOLM: No.

8 MR. NEVILLE: Those are all my questions;
9 thank you.

10 THE COMMISSIONER: Thank you.

11 Mr. Chisholm?

12 MR. CHISHOLM: Yes.

13 THE COMMISSIONER: Sorry; that Mr. Chisholm.

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

16 MR. P. CHISHOLM: Good morning, Mr.
17 Commissioner.

18 THE COMMISSIONER: Good morning -- good
19 afternoon.

20 MR. P. CHISHOLM: Good afternoon, Mr.
21 Chisholm. No need for me to introduce myself to you.

22 MR. CHISHOLM: Your name is Chisholm, you
23 sure?

24 MR. P. CHISHOLM: I think so.

25 MR. CHISHOLM: You weren't adopted? Okay;

1 carry on.

2 MR. P. CHISHOLM: I'm counsel for the
3 Children's Aid Society. I'm not sure if you know that.

4 MR. CHISHOLM: That's the rumour.

5 MR. P. CHISHOLM: Mr. Chisholm, a few
6 questions, if I may.

7 Yesterday, when Mr. Stauffer was putting
8 questions to you, he put to you a statement from Mr.
9 Silmsler, back in -- that was given in August 14th, 1996.

10 And if I could take you to the transcript of
11 yesterday's Volume 147, and it's page 56.

12 THE COMMISSIONER: Sorry, say that again.

13 MR. P. CHISHOLM: If I can take the ---

14 THE COMMISSIONER: No, which exhibit?

15 MR. P. CHISHOLM: Exhibit 287. It's Exhibit
16 287 that was discussed, but I don't need to put the exhibit
17 to him, just the transcript of yesterday's proceedings.

18 THE COMMISSIONER: Okay, terrific.

19 MR. P. CHISHOLM: Page 56.

20 THE COMMISSIONER: So, Mr. Chisholm, at page
21 56, this is what you said yesterday. All right?

22 MR. CHISHOLM: Okay.

23 MR. P. CHISHOLM: I am interested in lines 5
24 and 6, Mr. Chisholm.

25 And to give you some context, you are

1 speaking about the statement from Mr. Silmsers of August
2 14th, '96. It was entered as Exhibit 287.

3 MR. CHISHOLM: Page ---

4 MR. P. CHISHOLM: Lines 5 ---

5 MR. CHISHOLM: Yes, okay.

6 MR. P. CHISHOLM: Lines 5 and 6, you say:

7 "Did he go to the Children's Aid
8 Society six months before Dunlop did?"

9 MR. CHISHOLM: Yes.

10 MR. P. CHISHOLM: And the "he" you are
11 referring to is Mr. Silmsers. Is that right?

12 MR. CHISHOLM: Well, let me just get back
13 into this, give me one second.

14 MR. P. CHISHOLM: Yes, certainly.

15 MR. CHISHOLM: Okay, it says -- the line
16 before that -- the one immediately before, is it right
17 above it or right beside it? You see, he starts at one,
18 but I mean, just before that, that all starts. Do you know
19 what I mean?

20 MR. P. CHISHOLM: Sorry, I don't.

21 MR. CHISHOLM: Okay, you tell me to go to
22 six, and then you go to one, and it's above it ---

23 MR. P. CHISHOLM: Lines 5 and 6.

24 MR. CHISHOLM: Okay, well ---

25 MR. P. CHISHOLM: You put a question:

1 "Did he go to the Children's Aid
2 Society six months before..." ---

3 **MR. CHISHOLM:** Let me read it. I'll have
4 to.

5 **MR. P. CHISHOLM:** Yes, certainly.

6 **MR. CHISHOLM:** It's still confusing. I
7 don't -- okay, what's your question?

8 **MR. P. CHISHOLM:** Well, I want to ask you in
9 terms of your understanding of when Dunlop went to the
10 Children's Aid Society, that would be September of 1993.
11 Is that your understanding?

12 **MR. CHISHOLM:** I guess so, yes. Okay, but
13 that's what I'm wondering, the six months, when did that
14 occur?

15 **MR. P. CHISHOLM:** Well, that's what I'm
16 trying to get from you in terms of -- those are your words:
17 "...six months before Dunlop did."

18 And I just want to get your understanding of
19 when Mr. Dunlop went to the CAS?

20 **MR. CHISHOLM:** Well, like I say, I thought
21 it was September of '93.

22 **MR. P. CHISHOLM:** Okay. So that's the
23 reference you are -- that's the date you ---

24 **MR. CHISHOLM:** Yes, I'm wondering if Silmser
25 was there six months prior to that.

1 **MR. P. CHISHOLM:** Right. Okay.

2 **MR. CHISHOLM:** Because that's -- I read that
3 somewhere, I think, in those transcripts or in something in
4 the last couple of days. There was something about him
5 talking about six months; Silmsen talking. Maybe it's in
6 here. I don't know. It's still up in the air there,
7 unless you can clarify it; I don't know.

8 **MR. P. CHISHOLM:** Well ---

9 **MR. CHISHOLM:** Do you understand what I'm
10 asking?

11 **MR. P. CHISHOLM:** You have a concern or a
12 belief or an understanding that Mr. Silmsen went to the CAS
13 six months before?

14 **MR. CHISHOLM:** Well, I just -- from what I
15 just read in the last couple of days that -- a statement of
16 his that he had been there six months before, but it was
17 pretty ambiguous. I don't know. It must be in yesterday's
18 testimony there.

19 **MR. P. CHISHOLM:** Well, I don't ---

20 **MR. CHISHOLM:** Or maybe it isn't.

21 **MR. P. CHISHOLM:** Yes. If I could take you
22 to page 58 of the transcript from yesterday, lines 3
23 through 7, you state:

24 "No, that's the only part that I was
25 concerned about. If he's already been

1 to the CAS, why -- why was it in
2 limbo?"

3 **MR. CHISHOLM:** You just said 57 to 60. What
4 -- you are talking about 58 now?

5 **MR. P. CHISHOLM:** Page 58.

6 **MR. CHISHOLM:** He doesn't identify the 57,
7 58 -- just 58? Like it doesn't really say. Fifty-nine
8 (59), 60, is that how it goes? Okay, and what is the line
9 again?

10 **MR. P. CHISHOLM:** Lines 3 through 7.

11 **MR. CHISHOLM:** Okey-doke. You are talking
12 about this statement, right?

13 **MR. P. CHISHOLM:** Well the ---

14 **MR. CHISHOLM:** "I gave it to Perry
15 Dunlop."

16 "Okay, do you know what happened to it
17 after you gave it to him?"

18 I presume that's the statement.

19 Oh, it's on this one.

20 **MR. P. CHISHOLM:** Page 58, line 3.

21 **MR. CHISHOLM:** Yes. It doesn't say what the
22 pages are on here. That's the problem. There's four of
23 them on one page and ---

24 **THE COMMISSIONER:** Oh, no, no. Okay.
25 Sorry. Okay, let's get it straight so people can

1 understand.

2 He's looking at what -- the condensed
3 version of the record. So that means there are four pages
4 on one.

5 **MR. CHISHOLM:** It's much easier if you had
6 one, because then it puts it context. Otherwise, it's ---

7 **THE COMMISSIONER:** Yes ---

8 **MR. CHISHOLM:** Otherwise it's -- same name,
9 confusion ---

10 **MR. P. CHISHOLM:** On the computer screen,
11 sir, you might ---

12 **MR. CHISHOLM:** Oh, okay. I could put one
13 eye on that and one eye on here. Or this is even better,
14 okay. Okay, where are we at now?

15 **MR. P. CHISHOLM:** Page 58, lines 3 through
16 7.

17 **MR. CHISHOLM:** Okay.

18 **MR. P. CHISHOLM:** You indicate:

19 "No, that's the only part that I was
20 concerned about. If he's already been
21 to the CAS, why -- why was it in
22 limbo?"

23 **MR. CHISHOLM:** Okay.

24 **MR. P. CHISHOLM:** So you have -- do you have
25 any information to suggest that Mr. Silmsler had been to the

1 CAS prior to September of 1993?

2 MR. CHISHOLM: Well, something like I
3 mentioned here, that I read within the last couple of days
4 in a statement about his -- and this is him talking --
5 about six months prior.

6 THE COMMISSIONER: It's in the statement.
7 If you look where I intervened yesterday, it talked about
8 that:

9 "I went to the CAS to give a
10 statement."

11 MR. P. CHISHOLM: "Met with Pina DeBellis
12 and Greg Bell."

13 THE COMMISSIONER: Exactly.

14 "Six months prior to the media leak."

15 MR. P. CHISHOLM: Exactly.

16 THE COMMISSIONER: All right.

17 MR. CHISHOLM: Okay. Where are we at here?

18 THE COMMISSIONER: Just put it to him.

19 MR. CHISHOLM: Excuse me?

20 MR. P. CHISHOLM: I don't have Exhibit 287
21 with me. Could it be the reference of six months as to the
22 media leak and not when Mr. ---

23 MR. CHISHOLM: I believe, yes. Something to
24 that effect. That does ring a bell, but I don't have it.

25 MR. P. CHISHOLM: So Mr. Silmsen was

1 speaking of the media leak and not when Mr. Dunlop went to
2 the CAS in September of 1993. Is that right?

3 **MR. CHISHOLM:** This is what I'm not sure of.

4 "Did you ever mention the CAS issue
5 when filing your complaint about the
6 media leak?"

7 "No, I have no idea about..."

8 **MR. P. CHISHOLM:** Is that the document that
9 you looked at in the last couple of weeks, sir, that gave
10 you the impression?

11 **MR. CHISHOLM:** Yes. Yes, I presume this is
12 it. It says:

13 "Did you ever mention the CAS issue
14 when filing your complaint about the
15 media leak?"

16 The "CAS issue". That's -- I'm kind of
17 wondering what is that CAS issue? Is that the issue of
18 going to the CAS? I know I'm asking the question, but this
19 was a while ago, in '96.

20 Maybe I'll go backwards and look at the
21 question before it.

22 **THE COMMISSIONER:** When was the media leak,
23 Mr. Chisholm?

24 **MR. P. CHISHOLM:** I don't have that date
25 close at hand, sir.

1 **THE COMMISSIONER:** Sorry?

2 **MR. SHERRIFF-SCOTT:** January 1st, 1994.

3 **THE COMMISSIONER:** January 1st, 1994.

4 **MR. P. CHISHOLM:** There's nothing there, Mr.
5 Chisholm, that makes reference to Mr. Silmsers going to the
6 CAS prior to Mr. Dunlop going there. Is that right?

7 **MR. CHISHOLM:** I missed that question. I
8 can't figure this out.

9 **THE COMMISSIONER:** He is working for the
10 Children's Aid Society.

11 **MR. CHISHOLM:** Yes, I know.

12 **THE COMMISSIONER:** All he wants to know is
13 which do you think, in your knowledge, just in your
14 knowledge, which happened first; Mr. Dunlop going to see
15 the Children's Aid Society about whether or not he should
16 disclose or Mr. Silmsers going to the Children's Aid Society
17 with the story. Which one do you think, on what you know,
18 happened first?

19 Is that what you want to know?

20 **MR. P. CHISHOLM:** Thank you sir.

21 **THE COMMISSIONER:** Okay.

22 **MR. CHISHOLM:** Well, unfortunately, I don't
23 know.

24 **MR. P. CHISHOLM:** So you have no knowledge
25 to suggest that Mr. Silmsers went to the CAS before Mr.

1 Dunlop did; is that fair to say?

2 **THE COMMISSIONER:** Thank you.

3 **MR. CHISHOLM:** I think so, yeah. Although
4 this kind of threw a spanner in the works. I'm a little
5 confused about the six months that he's -- I'll have to go
6 over it again, I don't know.

7 **MR. P. CHISHOLM:** The right, as it stands
8 now, you have no information to allow you to believe that
9 Mr. Silmsler went to the CAS before Mr. Dunlop did in
10 September 1993; is that fair to say?

11 **MR. CHISHOLM:** Something in the back of my
12 mind makes me think that he did but I don't know that for a
13 fact.

14 **MR. P. CHISHOLM:** But nothing you can put
15 your finger on?

16 **MR. CHISHOLM:** No, no you're right.

17 **MR. P. CHISHOLM:** Okay. If I can take you
18 please to Exhibit 704 which is a document which was put
19 into evidence yesterday.

20 **THE COMMISSIONER:** Seven zero four (704) is
21 in your black binder.

22 **MR. P. CHISHOLM:** That's the document
23 entitled "What are our concerns".

24 **THE COMMISSIONER:** All right.

25 **MR. P. CHISHOLM:** What I'm interested in Mr.

1 Chisholm is the third paragraph under the heading "What are
2 our concerns?"

3 THE COMMISSIONER: It's not there.

4 MR. P. CHISHOLM: I'm sorry.

5 THE COMMISSIONER: Might not be in the
6 binder?

7 MR. CHISHOLM: Blank.

8 THE COMMISSIONER: You have it now Mr.
9 Chisholm?

10 MR. CHISHOLM: Well, on the tube this is.

11 THE COMMISSIONER: Yes.

12 MR. CHISHOLM: And I return that one?

13 MR. P. CHISHOLM: And Madam Clerk, if we
14 could just blow up the last sentence of the third
15 paragraph?

16 Do you see the last sentence, "We are also
17 concerned that the CAS could possibly have done more
18 follow-ups."

19 MR. CHISHOLM: Okay, thank you. Yeah, I
20 read it.

21 MR. P. CHISHOLM: Yesterday, you told us
22 that you did not make this -- you did not create this
23 document?

24 MR. CHISHOLM: No.

25 MR. P. CHISHOLM: Seven zero four (704).

1 **MR. CHISHOLM:** I didn't. It looks like Bill
2 LaSalle did.

3 **MR. P. CHISHOLM:** Do you know who it was --
4 was it Mr. LaSalle?

5 **MR. CHISHOLM:** I presume it was Bill
6 LaSalle, yeah. It says his name in the bottom.

7 **MR. P. CHISHOLM:** And with respect to that
8 sentence I directed you to, do you adopt that sentence or
9 is that Mr. LaSalle's statement?

10 **MR. CHISHOLM:** That's his statement.

11 **MR. P. CHISHOLM:** You don't adopt it; is
12 that fair to say?

13 **MR. CHISHOLM:** Which one? The whole thing
14 or last part?

15 **MR. P. CHISHOLM:** No, the last sentence
16 "We're also concerned the CAS could possibly have done more
17 follow-ups."

18 **MR. CHISHOLM:** Follow-ups of what was this
19 now? To complaints?

20 **MR. P. CHISHOLM:** I don't know sir, I'm ---

21 **MR. CHISHOLM:** Okay, hold on, I'll have to
22 figure it out. I'm not really sure what he is talking
23 about "more follow-ups". I'm not really sure what he is
24 referring to there.

25 **MR. P. CHISHOLM:** In any event, you're not

1 adopting that statement -- you don't adopt that statement?

2 MR. CHISHOLM: I don't, well; I can't unless
3 I know what he is talking about.

4 MR. P. CHISHOLM: That's fair. This morning
5 -- we could move on to cross-examination and Ms. Daley
6 conducted this morning, Mr. Chisholm ---

7 THE COMMISSIONER: Mr. Chisholm.

8 MR. CHISHOLM: Yes.

9 MR. P. CHISHOLM: --- you asked during your
10 exchange with Ms. Daley why didn't the CAS do more to
11 protect. Do you recall that exchange?

12 MR. CHISHOLM: I think so, yeah.

13 MR. P. CHISHOLM: And you gave that answer
14 "Why didn't the CAS do more to protect?"

15 MR. CHISHOLM: Yeah, probably, I don't
16 recall it exactly.

17 MR. P. CHISHOLM: And this morning you
18 stated you didn't have all the particulars with respect to
19 what the CAS did.

20 MR. CHISHOLM: Probably not, I doubt it.
21 How would I?

22 MR. P. CHISHOLM: Is that what you said this
23 morning?

24 MR. CHISHOLM: It should be in the record,
25 probably.

1 **MR. P. CHISHOLM:** I don't have a transcript
2 yet.

3 **MR. CHISHOLM:** But why would they give me
4 all the records; I wouldn't have it.

5 **MR. P. CHISHOLM:** With respect to the
6 particulars that you were aware of, what can you tell us
7 about what the CAS didn't do?

8 **MR. CHISHOLM:** I don't know, I can't recall
9 what they did or what the dickens you're talking about
10 really.

11 **MR. P. CHISHOLM:** This morning you spoke of
12 routes of the CAS and it was quite likely that the CAS was
13 involved in a conspiracy to cover-up ---

14 **MR. CHISHOLM:** It's possible. Anything's
15 possible.

16 **MR. P. CHISHOLM:** Your evidence today was it
17 was quite likely; is that right?

18 **MR. CHISHOLM:** Well, it could be.

19 **MR. P. CHISHOLM:** Well, tell me this. Am I
20 understanding your evidence correctly when you said it was
21 quite likely that the CAS was involved in the cover-up?

22 **MR. CHISHOLM:** It's quite likely that they
23 could be involved in the cover-up, yes.

24 **MR. P. CHISHOLM:** So that's what you said
25 this morning?

1 **MR. CHISHOLM:** Well, I -- it should be there
2 in the record.

3 **THE COMMISSIONER:** Well, regardless of what
4 you said this morning. Do you still feel that this
5 afternoon?

6 **MR. CHISHOLM:** Yes. I thought I said that a
7 few times.

8 **THE COMMISSIONER:** Okay.

9 **MR. P. CHISHOLM:** And can you tell me the
10 basis of your belief to ---

11 **MR. CHISHOLM:** Well, kids are still getting
12 abused and it doesn't seem to be going all that far. A lot
13 of them are wards of the Children's Aid. It seems -- how
14 come they don't know about more of this stuff. I don't
15 know.

16 **MR. P. CHISHOLM:** Do you have any specifics?
17 Can you put your finger on the CAS ---

18 **MR. CHISHOLM:** No. No.

19 **MR. P. CHISHOLM:** --- the CAS was involved
20 in the cover-up?

21 **MR. CHISHOLM:** No, no, none.

22 **MR. P. CHISHOLM:** And you've reviewed some
23 of this material with Mr. Horn and Mr. Paul in preparing
24 for your evidence; is that right? And in your capacity as
25 a representative of a coalition withstanding; right, did

1 you look at some of the documents?

2 **MR. CHISHOLM:** We've looked at some
3 documents.

4 **MR. P. CHISHOLM:** And the documents you've
5 looked at; is there anything to suggest the CAS was
6 involved in the cover-up?

7 **MR. CHISHOLM:** Not that I recall. I
8 probably haven't reviewed 10 percent of them but ---

9 **MR. P. CHISHOLM:** But so far you haven't
10 seen any documents that suggest ---

11 **MR. CHISHOLM:** No, no.

12 **MR. P. CHISHOLM:** --- that CAS was involved
13 in the cover-up?

14 **MR. CHISHOLM:** No, no, no.

15 **MR. P. CHISHOLM:** Did you ever bring the --
16 did you ever let it be known to any authorities, be it the
17 CAS or other authorities, your belief that the CAS was
18 involved in the cover-up?

19 **MR. CHISHOLM:** I don't think so.

20 **MR. P. CHISHOLM:** You don't think so?

21 **MR. CHISHOLM:** I don't think so.

22 **MR. P. CHISHOLM:** Would you remember if you
23 ---

24 **MR. CHISHOLM:** I don't recall ever telling
25 anybody that in particular, no, I don't.

1 **MR. P. CHISHOLM:** And in terms of how you
2 rate the seriousness of such an allegation; do you consider
3 that to be a serious allegation to suggest a person or an
4 institution was involved in a cover-up?

5 **MR. CHISHOLM:** Of course, anything's
6 possible -- any of them that would be involved.

7 **MR. P. CHISHOLM:** With respect to the
8 exhibit that was filed during Mr. Neville's cross-
9 examination this afternoon, Exhibit 709, the document
10 entitled "We want an independent public inquiry, the truth,
11 justice and accountability coalition for action"; you've
12 got that document in front of you Mr. Chisholm?

13 **MR. CHISHOLM:** Yeah.

14 **MR. P. CHISHOLM:** And in that document you
15 set out for -- the author of that document set out 20
16 questions; unanswered questions as to why the public
17 inquiry was necessary; is that right?

18 **MR. CHISHOLM:** Looks like, you know.

19 **MR. P. CHISHOLM:** You reviewed the questions
20 that were contained in the two pages of that document; is
21 that right?

22 **MR. CHISHOLM:** I think so, yeah.

23 **MR. P. CHISHOLM:** Is there anything in there
24 suggesting that the CAS acted inappropriately?

25 **MR. CHISHOLM:** I don't know. I'd have to go

1 over it again.

2 MR. P. CHISHOLM: Take your time and do that
3 please.

4 MR. CHISHOLM: Okay.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. CHISHOLM: I note, yes, there that it
7 implicates the CAS anyway.

8 MR. P. CHISHOLM: Okay. Since September of
9 1993, Mr. Chisholm, have you ever reported to the CAS your
10 suspicion that a child was in need of protection?

11 MR. CHISHOLM: That a child was in need of
12 protection?

13 MR. P. CHISHOLM: Yes.

14 MR. CHISHOLM: No.

15 MR. P. CHISHOLM: Never?

16 MR. CHISHOLM: No.

17 MR. P. CHISHOLM: Thank you, sir. Those are
18 my questions.

19 MR. CHISHOLM: You bet.

20 MR. P. CHISHOLM: Madam Clerk, I have a ---

21 THE COMMISSIONER: Thank you.

22 We'll take the afternoon break.

23 MR. CHISHOLM: Okay.

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

1 This hearing will resume at 3:20.

2 --- Upon recessing at 3:06 p.m. /

3 L'audience est suspendue à 15h06

4 --- Upon resuming at 3:23 p.m. /

5 L'audience est reprise à 15h23

6 **THE REGISTRAR:** This hearing is now resumed.

7 Please be seated. Veuillez vous asseoir.

8 **THE COMMISSIONER:** Thank you.

9 Maître Rouleau?

10 **MR. ROULEAU:** We have no questions.

11 **THE COMMISSIONER:** Thank you.

12 Ms. McIntosh?

13 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

14 **McINTOSH:**

15 **MS. McINTOSH:** Good afternoon, Mr. Chisholm.

16 **MR. CHISHOLM:** Good afternoon.

17 **MS. McINTOSH:** My name is Leslie McIntosh

18 and I act for the Ministry of the Attorney General and I

19 just had a couple of questions arising out of a question

20 that Mr. Lee asked you this morning.

21 **MR. CHISHOLM:** M'hm.

22 **MS. McINTOSH:** Mr. Lee put to you that

23 suggestions had been made that Mr. Dunlop's actions and

24 your actions had compromised the prosecutions, and he asked

25 you whether it was your intention to do so and you said no,

1 as I recall your evidence.

2 And I'm not going to quarrel with what you
3 say your intention was, but I'd ask you whether you agree
4 with me that the effect of conducting your own
5 investigation and continuing the investigation while the
6 prosecutions were ongoing and refusing to provide
7 statements and documentation in connection with the private
8 investigation, seriously imperilled the prosecution until
9 it was too late to be salvaged? Wouldn't you agree that
10 that's correct?

11 **MR. CHISHOLM:** Definitely not.

12 **MS. McINTOSH:** All right. Now, Mr.
13 Chisholm, you're not just disagreeing with me I take it. I
14 was basically quoting from Justice Chilcott. So I take it
15 you're saying you disagree ---

16 **MR. CHISHOLM:** Well, I'm ---

17 **MS. McINTOSH:** --- with Justice Chilcott?

18 **MR. CHISHOLM:** --- disagreeing with him
19 also.

20 **MS. McINTOSH:** All right. And I suggest to
21 you similarly in the Leduc prosecutions, your contacts and
22 Mr. Dunlop's contacts with the mothers of the victims
23 directly lead to the non-disclosure motion which then
24 contributed to the delay that derailed that prosecution.

25 Wouldn't you agree with that?

1 **MR. CHISHOLM:** Run that by me again?

2 **MS. McINTOSH:** All right. I'm suggesting
3 that in the Leduc prosecution, the contacts that it turned
4 that Mr. Dunlop and you had with the victims' mothers led
5 to that non-disclosure motion by the defence, and that the
6 delay in disposing of that non-disclosure motion led to the
7 delay that ultimately derailed that prosecution?

8 **MR. CHISHOLM:** I believe that was one of the
9 delays but it was really a red herring. I mean, they would
10 look for anything to delay. It wasn't all that pertinent,
11 as you well know. We didn't have much to do with the Leduc
12 case. We met them in court.

13 **MS. McINTOSH:** All right. But ---

14 **MR. CHISHOLM:** And one of the mothers called
15 Dunlop because she couldn't seem to get anywhere criminally
16 and he suggested, I believe, that she sue civilly if she
17 couldn't get anywhere criminally, and that was really the
18 extent of it and I think there was another call, but that's
19 all it really amounted to. We never spoke to any of the
20 victims. We had no other contact and that was really a red
21 herring.

22 **MS. McINTOSH:** Okay. Well, I don't want to
23 go into the extent of your contact but the fact of contacts
24 was, you're agreeing then, at least a contributing factor
25 to the delay in that prosecution?

1 **MR. CHISHOLM:** Well, that's a pretty round
2 about way of getting at it. I mean, we're trying to help
3 by getting information out. If people don't want to give
4 it out after they have it, it's hardly our fault for
5 contributing to that. She may have and probably
6 inadvertently didn't disclose it. It didn't amount to much
7 but it was enough to get the job done.

8 **MS. McINTOSH:** But the fact of your contact
9 with those ---

10 **MR. CHISHOLM:** The fact ---

11 **MS. McINTOSH:** --- the mothers of those
12 victims contributed the non-disclosure problem and the
13 ultimately ---

14 **MR. CHISHOLM:** Oh, I wouldn't -- I don't
15 know about that. How would that have contributed to it?

16 **MS. McINTOSH:** Well, we'll have to ---

17 **MR. CHISHOLM:** This ---

18 **MS. McINTOSH:** We'll have to agree to
19 disagree on that, Mr. Chisholm. Those are my questions.

20 **MR. CHISHOLM:** Well, how -- I'm just
21 wondering how it could -- how -- we're trying to give
22 information. If the Crown doesn't want to give it to the
23 defence, how are we part of that problem?

24 **MS. McINTOSH:** Mr. Chisholm, there was no
25 reason for you to be involved in the Leduc prosecution.

1 The police had investigated that ---

2 MR. CHISHOLM: I believe I was called as a
3 witness.

4 MS. McINTOSH: No, I'm saying that there was
5 no reason for you to make any contacts with any of the
6 victims or their parents in the Leduc prosecutions. The
7 police had investigated that on their own; laid the
8 charges. The matter was proceeding.

9 I'm suggesting to you that if you -- at
10 least the fact that you made a contact contributed to the
11 non-disclosure problem and the delay that ultimately
12 derailed ---

13 MR. CHISHOLM: I don't buy it. I don't buy
14 it.

15 MS. McINTOSH: Thank you. Those are my
16 questions.

17 THE COMMISSIONER: Okay. Well, just a
18 minute. Before you leave though, is it your evidence that
19 you contacted the mothers or is it your evidence that the
20 mothers contacted you?

21 MR. CHISHOLM: They contacted me.

22 THE COMMISSIONER: Did you ever at any time
23 phone them?

24 MR. CHISHOLM: Oh, I believe I phoned C-16's
25 mother, yes, but I didn't initiate the calls.

1 THE COMMISSIONER: No, that's fine.

2 MR. CHISHOLM: I think I met her at the
3 court.

4 THE COMMISSIONER: Okay. Thank you.
5 All right. Mademoiselle Robitaille?

6 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

7 ROBITAILLE:

8 MS. ROBITAILLE: Good afternoon, Mr.
9 Commissioner.

10 THE COMMISSIONER: Good afternoon.

11 MS. ROBITAILLE: Good afternoon, Mr.
12 Chisholm.

13 MR. CHISHOLM: Good afternoon.

14 MS. ROBITAILLE: My name is Danielle
15 Robitaille and I am counsel for Mr. Jacques Leduc.

16 You've just testified and you testified
17 yesterday also that you testified in the Leduc proceeding.
18 You acknowledged that?

19 MR. CHISHOLM: Yes.

20 MS. ROBITAILLE: Mr. Commissioner, the
21 second volume of that testimony has been made an exhibit.

22 THE COMMISSIONER: Seven-0-seven (707)?

23 MS. ROBITAILLE: Yes.

24 THE COMMISSIONER: Yes.

25 MS. ROBITAILLE: I'd like to enter the first

1 volume, which is the first day of testimony.

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

3 **MS. ROBITAILLE:** It's Document number
4 109982.

5 **(SHORT PAUSE/COURTE PAUSE)**

6 **THE COMMISSIONER:** It's Exhibit number 711
7 and that is an extract of the Motion on her Majesty the
8 Queen and Jacques Leduc. All right; part 2 of 2.

9 **--- EXHIBIT NO./PIÈCE No. P-711:**

10 (109982) Transcript of *R. v. J. Leduc* -
11 Carson Chisholm in-chief

12 **MS. ROBITAILLE:** Thank you.

13 Now, as was stated, these proceedings were
14 subject of a 486 Order.

15 **THE COMMISSIONER:** Yes.

16 **MS. ROBITAILLE:** So we have to be careful
17 not to put them on the public screens obviously, but also
18 I'm going to be referring to two ---

19 **THE COMMISSIONER:** Well -- okay, go ahead.

20 **MS. ROBITAILLE:** Two names and I'd like to
21 have them covered by monikers, if that's possible.

22 **THE COMMISSIONER:** Can you show me where?

23 **MS. ROBITAILLE:** Sorry?

24 **THE COMMISSIONER:** Are they already
25 monikered?

1 **MS. ROBITAILLE:** No. I spoke with Madam
2 Clerk at the break and she advised me what the next
3 monikers are on the list. I've created a little sheet of
4 paper that I can pass up, if that's proper.

5 **THE COMMISSIONER:** Terrific. Thank you.
6 Mr. Chisholm?

7 **MR. CHISHOLM:** Yes.

8 **THE COMMISSIONER:** You're going to be
9 referred to this -- when you testified I guess.

10 **MR. CHISHOLM:** Okay.

11 **THE COMMISSIONER:** And in that court
12 proceedings, there was an order made that we not mention
13 the names, that we not broadcast the names in any way
14 because we're on the webcast.

15 **MR. CHISHOLM:** Yes.

16 **THE COMMISSIONER:** And on COGECO. What
17 we're going to do is show you some pages, show you the name
18 of someone and we're going to give you a "C". So please
19 make sure that you don't ---

20 **MR. CHISHOLM:** Sure, okay.

21 **THE COMMISSIONER:** All right.

22 **MS. ROBITAILLE:** Mr. Commissioner, I have
23 made a little sheet that I can pass to my friends also so
24 that they're aware.

25 **THE COMMISSIONER:** Okay. We'll have to have

1 that put on the record somehow in an in camera session
2 sometime.

3 MS. ROBITAILLE: Yes, I understand.

4 THE COMMISSIONER: Okay.

5 MS. ROBITAILLE: Okay.

6 Mr. Chisholm, I'm actually going to
7 reference your testimony from yesterday first. So we're
8 not going to go to these transcripts.

9 MR. CHISHOLM: Okay.

10 MS. ROBITAILLE: So when you came in
11 yesterday, you swore an oath. That's correct?

12 MR. CHISHOLM: I affirmed, yes.

13 MS. ROBITAILLE: Yes, you swore to tell the
14 truth?

15 THE COMMISSIONER: Well, he affirmed.

16 MR. CHISHOLM: I think I ---

17 MS. ROBITAILLE: You affirmed?

18 MR. CHISHOLM: Yes.

19 MS. ROBITAILLE: And you committed to tell
20 the truth in these proceedings?

21 MR. CHISHOLM: Yes, of course.

22 MS. ROBITAILLE: And that's what you did?

23 MR. CHISHOLM: Yes.

24 MS. ROBITAILLE: You came here yesterday and
25 you told the truth?

1 **MR. CHISHOLM:** Yes.

2 **MS. ROBITAILLE:** And you took that
3 commitment to tell the truth so seriously that when you
4 came in today you wanted to clarify some of your evidence
5 in regards to the videotapes. Do you remember that?

6 **MR. CHISHOLM:** The videotapes?

7 **MS. ROBITAILLE:** The videotapes and a
8 statement that you may have made in the news. And you came
9 in this morning and you wanted to clarify just to make sure
10 that you got your evidence correct. Do you remember that?

11 **MR. CHISHOLM:** Well, it was something about
12 the conversation with the bishop and some evidence -- a
13 statement they gave to the police.

14 **THE COMMISSIONER:** Yes. So you ---

15 **MR. CHISHOLM:** Is that what you're talking
16 about?

17 **MS. ROBITAILLE:** Yes. So you came in today
18 -- just you wanted to clarify ---

19 **MR. CHISHOLM:** Where is the videos there?
20 Oh, I see, the videos with regards to the cops. Okay.
21 Yes.

22 **MS. ROBITAILLE:** Yes, yes.

23 **MR. CHISHOLM:** Okay.

24 **MS. ROBITAILLE:** So you came in and you
25 wanted to clarify your evidence to make sure that

1 everything was on the up-and-up; that you ---

2 MR. CHISHOLM: Yes, absolutely.

3 MS. ROBITAILLE: And so yesterday you said
4 that you -- you said that C-16's mother -- you want to
5 refer to your sheet there.

6 MR. CHISHOLM: Okay.

7 MS. ROBITAILLE: C-16's mother gave you lots
8 of statements.

9 MR. CHISHOLM: Lots of statements?

10 MS. ROBITAILLE: But you never wrote any of
11 them down. Do you remember testifying to that yesterday?

12 MR. CHISHOLM: No, I don't remember saying
13 lots of statements, but she did talk to me, yes.

14 MS. ROBITAILLE: Can we pull up ---

15 MR. CHISHOLM: Maybe I said it.

16 MS. ROBITAILLE: Can we pull up that
17 transcript ---

18 MR. CHISHOLM: I'm not sure.

19 MS. ROBITAILLE: --- from yesterday? It's
20 Volume 147 I believe and it's page 104.

21 MR. CHISHOLM: I'm not denying she gave me
22 lots of statements, I just don't remember saying it
23 precisely that way.

24 MS. ROBITAILLE: Well, let's just refresh
25 your memory?

1 **MR. CHISHOLM:** Okay.

2 **THE COMMISSIONER:** So what page?

3 **MS. ROBITAILLE:** Oh, actually, if we could
4 just make sure that this isn't on the public screen either
5 just out of an abundance of caution.

6 **THE REGISTRAR:** Is this an exhibit?

7 **MS. ROBITAILLE:** No, this is the transcript
8 from yesterday.

9 **THE REGISTRAR:** Okay.

10 **MS. ROBITAILLE:** I just want to make sure
11 that it's not on the public screen because there's a name
12 there that -- so if you scroll down.

13 There at line 13, do you see that?

14 **MR. CHISHOLM:** Yes.

15 **MS. ROBITAILLE:** Mr. Stauffer asks:

16 "Okay. And C-16's mother, did she give
17 you a statement?"

18 And you say:

19 "The same. You know, lots of
20 statements but no, I never wrote down
21 these statements."

22 **MR. CHISHOLM:** Yes.

23 **MS. ROBITAILLE:** So that accurately reflects
24 what you said yesterday?

25 **MR. CHISHOLM:** Probably, yes.

1 **MS. ROBITAILLE:** Okay. You testified in the
2 Leduc proceedings in 2004 that you only had a total of
3 three conversations with C-16's mother about her son and
4 his allegations against Mr. Leduc. Do you recall that?

5 **MR. CHISHOLM:** No.

6 **MS. ROBITAILLE:** Okay. I'm going to take
7 you to the transcript then.

8 **MR. CHISHOLM:** Okay.

9 **MS. ROBITAILLE:** So this is the first
10 volume. It's Exhibit 707. And it's page 98, please.

11 And I want to be fair to you, Mr. Chisholm,
12 so I want to make sure that you get the entire context of
13 how your statement came out, how your testimony came out.
14 So if you see there at page 98 ---

15 **MR. CHISHOLM:** Yes.

16 **MS. ROBITAILLE:** --- the question starts:

17 "Well, you can think back. You knew C-
18 16's mother well before 2001, right?"

19 **MR. CHISHOLM:** Where are you starting there?
20 I just haven't ---

21 **MS. ROBITAILLE:** Starting the second -- it's
22 the second question down.

23 **MR. CHISHOLM:** Where your arrow is there?
24 Okay. I got it, yes. Okay.

25 **MS. ROBITAILLE:** So if you keep reading

1 there, you're talking about the timeframe of how you came
2 to know C-16's mother. And then you flip to page 99 ---

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

4 **MS. ROBITAILLE:** Of course.

5 **THE COMMISSIONER:** So basically you say:

6 "I don't recall ever meeting her
7 outside the parameters of this incident
8 with Leduc."

9 Does that refresh your memory a little bit?

10 "Other than that, I mean, I don't know.

11 I don't recall ever meeting her before
12 that."

13 So when the question ---

14 **MR. CHISHOLM:** Yes.

15 **THE COMMISSIONER:** So when the allegation
16 surfaced when you had been ---

17 **MR. CHISHOLM:** That's the first I'd run into
18 her, yes.

19 **THE COMMISSIONER:** Okay.

20 **MS. ROBITAILLE:** Okay. So if we flip to
21 page 99, and it's up a little bit from line 20, the
22 question is -- the question starts "All right". Do you see
23 it? "All right. Let's start with a question." That's how
24 it starts.

25 "All right. Well, let's start this

1 way. How many conversations did you
2 have?"

3 And you answer:

4 "How many times did I speak with her?
5 A few."

6 Okay?

7 **MR. CHISHOLM:** Where are you? I'm just --
8 I'm on 15 here it says:

9 "So tell me about the first
10 conversation you had with her."

11 Answer:

12 "I don't remember."

13 There?

14 **THE COMMISSIONER:** Keep going. Keep going.

15 **MS. ROBITAILLE:** Keep going.

16 **MR. CHISHOLM:** Down?

17 **THE COMMISSIONER:** Yes.

18 **MS. ROBITAILLE:** Yes.

19 **MR. CHISHOLM:** Okay. Okay. "A few." Okay.

20 **MS. ROBITAILLE:** Now, you can keep reading

21 but I can tell you that from here the rest of page 99 to

22 100, there is some discussion about how many does a few

23 conversations mean, right? Like, the same type of

24 discussion that happened yesterday. How many is a few?

25 And so we finally get to page 101. Now, do

1 you see where it says "Ms. Henein"?

2 **MR. CHISHOLM:** M'hm.

3 **THE COMMISSIONER:** Wait a second. It'll get
4 bigger.

5 **MS. ROBITAILLE:** She asks:

6 "A few, in your mind is three?"

7 And you answer:

8 "A few is three. That's what I always
9 understood a few to be."

10 **MR. CHISHOLM:** Yes.

11 **MS. ROBITAILLE:** Okay.

12 **MR. CHISHOLM:** So what you originally asked
13 me was that I met her three times?

14 **MS. ROBITAILLE:** Yes. So would you agree
15 that there is a difference between your testimony yesterday
16 where you said you had taken lots of statements from C-16's
17 mother and your evidence in 2004, where you say you had
18 three conversations with her?

19 **MR. CHISHOLM:** Lots of statements doesn't --
20 if you wanted to go back to that, after just reviewing it
21 there, it says "Lots of statements". Where is it? It
22 disappeared there. "Lots of statements", I don't know if
23 that necessarily refers to just C-16's mother. Lots of
24 statements means lots of statements from lots of people.
25 Do you understand? It wasn't specific to C-16's mother as

1 I recall. I just saw it there a minute ago.

2 MS. ROBITAILLE: We can bring it back up,
3 Mr. Chisholm.

4 MR. CHISHOLM: Okay. Do that.

5 MS. ROBITAILLE: Let's bring it back up.

6 MR. CHISHOLM: Okay.

7 THE COMMISSIONER: What are we bringing back
8 up?

9 MS. ROBITAILLE: The transcript from
10 yesterday.

11 THE COMMISSIONER: Right.

12 MS. ROBITAILLE: Volume 147.

13 MR. HORN: Can I ask one question?

14 THE COMMISSIONER: No, no, no, no.

15 MR. HORN: An objection.

16 THE COMMISSIONER: Objection? Then get up
17 and come over to the microphone.

18 MR. HORN: Did he earlier say 5 to 15, not
19 15?

20 THE COMMISSIONER: I don't know.

21 MR. HORN: He didn't say 15. He said 5 to
22 15 from what I recall.

23 MS. ROBITAILLE: Mr. Commissioner, I don't
24 know what my friend is referring to.

25 The discussion that I'm hoping to have with

1 the witness is the difference between his evidence
2 yesterday and his evidence in 2004. The difference between
3 the testimony that he had three conversations with C-16's
4 mother and his evidence yesterday that she gave him lots of
5 statements.

6 **THE COMMISSIONER:** And I guess one issue is
7 the relevance of all of this. I mean, we're not retrying
8 the whole thing. What we have to do is deal with what the
9 court had at that time, which was three. But let's go back
10 in any event to see where we're going to go, and then I
11 don't know that I want to spend too much time on this.

12 **MS. ROBITAILLE:** I understand.

13 **THE COMMISSIONER:** Okay. So, Madam Clerk,
14 let's get back on the screen the transcript of yesterday at
15 page?

16 **MS. ROBITAILLE:** At 104.

17 **THE COMMISSIONER:** Hang on a second. I'm
18 off-screen here, Madam Clerk.

19 Okay. So yesterday, Mr. Chisholm, you said
20 -- just go down a little bit and bring it -- okay. It's
21 around line 13. Mr. Stauffer says:

22 "Okay. And C-16's mother, did she give
23 you a statement?"

24 And you answer:

25 "The same. You know, lots of

1 statements but no, I never wrote down
2 these statements."

3 **MR. CHISHOLM:** M'hm.

4 **MS. ROBITAILLE:** So, Mr. Chisholm, you'd
5 agree with me that there is a difference between your
6 evidence yesterday and the evidence you gave in 2004?

7 **MR. CHISHOLM:** It's obviously not verbatim
8 evidence, but look at the thing.

9 **MS. ROBITAILLE:** Sorry; can you repeat that?

10 **MR. CHISHOLM:** Is there a difference between
11 my evidence in '04 and today?

12 Obviously, different questions, different
13 answers, different people. Here you got here on this
14 thing, we'd have to scroll and start at -- but it mentions
15 Bob Renshaw; I won't mention her name because -- the mother
16 of C-16; Stuart Macpherson and that's only the ones I can
17 see in three lines. Scrolling back to the start ---

18 **THE COMMISSIONER:** Scroll up, madam clerk?

19 **MR. CHISHOLM:** Who is he? No, no. I mean,
20 go up -- start at one.

21 Okay. There's another couple. Albert Roy,
22 Bob Renshaw, Stuart Macpherson, these are all Bing, bing,
23 bing, bing, one after the other.

24 **MS. ROBITAILLE:** So, Mr. Chisholm, is your
25 evidence today ---

1 **MR. CHISHOLM:** And then scroll it up -- no,
2 no, we're not finished yet.

3 Wait a minute, not too far. See this --
4 that's the problem with this thing; I can't control it.

5 **MS. ROBITAILLE:** I think this question will
6 clear things up.

7 **MR. CHISHOLM:** You've got about five or six
8 different -- and you're talking about taking statements.
9 I'm saying, "Yeah, I took lots of statements.

10 **MS. ROBITAILLE:** So ---

11 **MR. CHISHOLM:** I'm not talking about lots of
12 statements from Barb MacCrimmon necessarily, lots of
13 statements.

14 **MS. ROBITAILLE:** Mr. Chisholm, when you're
15 answering that question ---

16 **MR. CHISHOLM:** Yes.

17 **MS. ROBITAILLE:** --- when you're posed the
18 question ---

19 **MR. CHISHOLM:** Yes.

20 **MS. ROBITAILLE:** Okay, let's look at the
21 question again.

22 **MR. CHISHOLM:** Okay.

23 **MS. ROBITAILLE:** Okay. And C-16's mother --
24 -

25 **THE COMMISSIONER:** Scroll it up, Madam

1 Clerk.

2 **MS. ROBITAILLE:** "Did she give you a
3 statement?"

4 Is it your evidence, sir, that when you
5 answer that question, you're referring to a host of other
6 people ---

7 **MR. CHISHOLM:** Just a second, here. Where
8 are we?

9 Okay. There it is there:

10 "Did she give you..."

11 Okay, previous to that -- and just ---

12 **MS. ROBITAILLE:** No, no.

13 Mr. Chisholm, look at the question, look at
14 your answer, and tell me is that not the answer that you
15 gave, yesterday?

16 **MR. CHISHOLM:** I can't tell until I read it,
17 again, okay? Do you mind if I read it?

18 **MS. ROBITAILLE:** Please.

19 **MR. CHISHOLM:** Thank you.

20 What these guys -- I heard these stories --
21 okay, a fellow named Stuart Macpherson, that's Stauffer,
22 Chisholm, like these guys, I heard their stories yeah but I
23 didn't take any written statements as I recall, Stauffer.

24 Okay, and C-16's mother:

25 "Did she give you a statement?"

1 It's the same, you know, lots of statements.

2 No, no. I never wrote down these statements.

3 "Did she give you a statement?"

4 **MS. ROBITAILLE:** Isn't it true that you're
5 referring to C-16's mother in that answer?

6 **MR. CHISHOLM:** I'm not sure. Like, it's so
7 confusing, because you've just named about five guys and
8 you're wondering about these statements. You're talking
9 about the statements of everybody, or just C-16's mother?

10 **MS. ROBITAILLE:** Sir, it was your answer.

11 **MR. CHISHOLM:** Pardon?

12 **MS. ROBITAILLE:** It was your answer.

13 **MR. CHISHOLM:** Yeah. That's what I'm
14 saying, it's so frigging confusing.

15 **THE COMMISSIONER:** Okay, carry on.

16 **MS. ROBITAILLE:** Okay. Let's move on.

17 **MR. CHISHOLM:** Now, I know it's a big deal
18 about a three or a few, to you. It might have been four.

19 **MS. ROBITAILLE:** It doesn't what -- matter
20 what matters to me, it's just ---

21 **MR. CHISHOLM:** And if I talked to 98 -- if I
22 said I've talked to roughly 100 -- or, I talked to 100
23 victims and it turned out there was only 98, where's the
24 other 2? That's -- now, I'm obstructing justice because I
25 don't remember the other 2? Get serious.

1 **THE COMMISSIONER:** Enough; enough.

2 No, no, no.

3 **MR. CHISHOLM:** Okay?

4 **THE COMMISSIONER:** Thank you.

5 **MS. ROBITAILLE:** Okay, Mr. Chisholm. You
6 testified also in the Leduc proceeding that your motivation
7 in speaking with C-16's mother was to, "find out what
8 happened" according to her son. Do you recall that?

9 **MR. CHISHOLM:** No, I don't.

10 **MS. ROBITAILLE:** Okay.

11 Can we bring up Exhibit 707 at page 102?

12 **THE COMMISSIONER:** What do we -- I'm sorry.
13 What are we looking at, now?

14 **MS. ROBITAILLE:** We're looking at line ---

15 **THE COMMISSIONER:** No, what exhibit, I'm
16 sorry. I was distracted for a minute, there.

17 **MS. ROBITAILLE:** It's Exhibit 707.

18 **THE COMMISSIONER:** Right. Page 102?

19 **MS. ROBITAILLE:** Yes.

20 **THE COMMISSIONER:** Here, Mr. -- do you --
21 does the witness have a copy of this, Madam Clerk? A hard
22 copy?

23 **THE REGISTRAR:** (Off mic) ...Yes.

24 **THE COMMISSIONER:** Okay. You've got a hard
25 copy, here of Exhibit ---

1 MR. CHISHOLM: This is what (inaudible)

2 said?

3 THE COMMISSIONER: --- seven oh seven (707).

4 MR. CHISHOLM: Seven (7)

5 THE COMMISSIONER: One oh two (102).

6 MR. CHISHOLM: Is that it? I'm not sure.

7 THE COMMISSIONER: Ms. Robitaille -- 102?

8 MR. CHISHOLM: I think this is it, yeah.

9 This is ---

10 THE COMMISSIONER: What line?

11 MS. ROBITAILLE: One (1).

12 THE COMMISSIONER: Line one?

13 MS. ROBITAILLE: Page 102, line 12.

14 MR. CHISHOLM: M'hm.

15 THE COMMISSIONER: Okay, and what was the
16 question, again?

17 MS. ROBITAILLE: My question is whether he
18 recalled testifying that his motivation in speaking with C-
19 16's mother was to find out what happened according to her
20 son.

21 MR. CHISHOLM: That's the page before the --
22 they're talking about C-16 again? The mother?

23 MS. ROBITAILLE: Yes.

24 MR. CHISHOLM: Yes. And the question was
25 what?

1 **MS. ROBITAILLE:** Well, let's just go through
2 the evidence.

3 **THE COMMISSIONER:** Sorry; page 102?

4 **MS. ROBITAILLE:** The question that starts:
5 "You discussed..."

6 Do you see that, sir?

7 **MR. CHISHOLM:** Not yet. Okay, yes. You --
8 okay.

9 **MS. ROBITAILLE:** "You discussed in your
10 meetings with her, what happened to her
11 son. Answer: yes. Question: All
12 right; because you were interested in
13 him? Answer: Yes. Question: Right?
14 Answer: Yes. Question: Because, it was
15 your practice since 1994, that when you
16 find out about a possible allegation,
17 you..."

18 And your answer there, as well:

19 "Question: make an effort to find out
20 what happened, right?"

21 You answer:

22 "Yeah. Question: All right. And you
23 did it in this case, right? Answer:

24 M'hm. Yes."

25 Do you remember that, sir?

1 **MR. CHISHOLM:** Yeah, apparently this is --
2 yeah. I'm not denying that it happened ---

3 **MS. ROBITAILLE:** thank you.

4 **MR. CHISHOLM:** --- you just asked if I did
5 remember it. I can't remember this stuff.

6 **MS. ROBITAILLE:** I'm perfectly happy going
7 to the transcript, sir.

8 **MR. CHISHOLM:** Good.

9 **MS. ROBITAILLE:** You further testified, in
10 the Leduc proceeding, that you reported your conversations
11 with C-16's mother to Perry Dunlop. Do you recall that?

12 **MR. CHISHOLM:** I don't recall it, but I
13 probably did.

14 **MS. ROBITAILLE:** You probably reported your
15 conversation?

16 **MR. CHISHOLM:** I probably did, yes.

17 **MS. ROBITAILLE:** With C-16's mother, to
18 Perry Dunlop?

19 **MR. CHISHOLM:** Yes.

20 **MS. ROBITAILLE:** Thank you.

21 Sorry, there may have been some confusion --
22 I just, clear for the record, I said "reported to Perry
23 Dunlop" not "recorded."

24 **THE COMMISSIONER:** No.

25 **MS. ROBITAILLE:** Okay.

1 Mr. Chisholm, in the Leduc proceeding, you
2 also testified that you met with C-16 himself -- not his
3 mother, we're talking now -- a couple of times.

4 Do you recall that?

5 **MR. CHISHOLM:** Do I recall meeting him, or
6 saying it?

7 **THE COMMISSIONER:** Okay; what's the
8 relevance of all of this?

9 **MR. CHISHOLM:** What?

10 **THE COMMISSIONER:** What's the relevance of
11 all this?

12 **MR. CHISHOLM:** Yeah; what the ---

13 **THE COMMISSIONER:** No, no. You stay quiet.

14 **MR. CHISHOLM:** Sorry, okay.

15 **THE COMMISSIONER:** Thank you.

16 **MS. ROBITAILLE:** Mr. Commissioner, it's our
17 position that Mr. Dunlop and Mr. Chisholm interfered in
18 certain police investigations, in particular in regards to
19 Mr. Leduc.

20 We think it's relevant as far as
21 institutional response goes, because as we've just heard
22 from the Attorney General, for example, there were serious
23 disclosure issues that resulted from these contacts, and I
24 just want to make it clear, for the record, and make sure
25 that we have it on the table.

1 **THE COMMISSIONER:** Well, you have the
2 transcripts on the table.

3 **MS. ROBITAILLE:** Yes.

4 **THE COMMISSIONER:** They've been filed. What
5 -- why do you have to go through it with the witness?

6 **MS. ROBITAILLE:** I'm interested to see if
7 his evidence is the same today as it was in 2004 because,
8 it seemed to me that he changed his evidence, yesterday.

9 **THE COMMISSIONER:** In which way?

10 **MS. ROBITAILLE:** In what we went through at
11 the beginning of this examination.

12 **THE COMMISSIONER:** When he said "a lot of
13 statements," and things like that?

14 **MS. ROBITAILLE:** Yes.

15 **THE COMMISSIONER:** Okay, I don't know that I
16 quite see it that way ---

17 **MS. ROBITAILLE:** Okay.

18 **THE COMMISSIONER:** --- so -- he hasn't
19 changed his evidence, yet.

20 I don't know. One could interpret it that
21 way. So -- how much further do you have on ---

22 **MS. ROBITAILLE:** Not very much longer.

23 **THE COMMISSIONER:** Okay, well let's ---

24 **MS. ROBITAILLE:** In fact, I believe I only
25 have two more questions.

1 THE COMMISSIONER: Terrific; okay.

2 Mr. Chisholm?

3 MR. CHISHOLM: Yes?

4 THE COMMISSIONER: Ready to go?

5 MR. CHISHOLM: I -- yes.

6 THE COMMISSIONER: Thank you.

7 MS. ROBITAILLE: Mr. Chisholm, would you
8 agree that you spoke to C-17's mother -- I don't know if
9 you need to refer to your sheet, there -- C-17's mother, on
10 a number of occasions?

11 MR. CHISHOLM: On a number? Now we're
12 getting into numbers again? I guess, yeah.

13 THE COMMISSIONER: A number ---

14 MR. CHISHOLM: Number would be fine. Any
15 number, sure. Sure.

16 MS. ROBITAILLE: Would you agree with that?

17 MR. CHISHOLM: Oh, I'm fine.

18 MS. ROBITAILLE: Thank you.

19 You would agree, Mr. Chisholm, that you
20 spoke to Mr. C-17 on two occasions. Would you agree with
21 that?

22 MR. CHISHOLM: Probably.

23 MS. ROBITAILLE: Probably?

24 MR. CHISHOLM: Yes.

25 MS. ROBITAILLE: Thank you.

1 Those are my questions. Thank you, Mr.

2 Commissioner.

3 **THE COMMISSIONER:** You're a woman of your
4 word.

5 **MS. ROBITAILLE:** (Off mic) ...Always.

6 **THE COMMISSIONER:** Well, Mr. Sherriff-Scott?

7 **MR. SHERRIFF-SCOTT:** Thank you,
8 Commissioner.

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

10 **SHERRIFF-SCOTT:**

11 **MR. SHERRIFF-SCOTT:** Mr. Chisholm, I am
12 David Sherriff-Scott. I represent the Diocese.

13 I want to start with a few background
14 questions about what you and the Dunlops say they suffered
15 in terms of damage and impact from '93 to '96. Okay?

16 **MR. CHISHOLM:** M'hm.

17 **MR. SHERRIFF-SCOTT:** Just to orient you to
18 transition into the investigation, as we'll come to.

19 **MR. CHISHOLM:** M'hm.

20 **MR. SHERRIFF-SCOTT:** So some of this is
21 there, but let's just go over it to position the questions
22 that are going to follow.

23 Are you ready, sir?

24 **MR. CHISHOLM:** Yes.

25 **MR. SHERRIFF-SCOTT:** Okay.

1 In 1994, your brother-in-law faced with
2 *Police Act* charges. Correct?

3 **MR. CHISHOLM:** Yes.

4 **MR. SHERRIFF-SCOTT:** Ultimately, there was
5 an appeal from that proceeding. Correct?

6 **MR. CHISHOLM:** Yes, I believe.

7 **MR. SHERRIFF-SCOTT:** There were allegations
8 that he violated his duty as an officer. Correct?

9 **MR. CHISHOLM:** Yes.

10 **MR. SHERRIFF-SCOTT:** Those were made public?

11 **MR. CHISHOLM:** Yes.

12 **MR. SHERRIFF-SCOTT:** In various forms?

13 **MR. CHISHOLM:** M'hm.

14 **MR. SHERRIFF-SCOTT:** Correct?

15 **MR. CHISHOLM:** I believe so.

16 **MR. SHERRIFF-SCOTT:** And he would have told
17 you and certainly his wife testified that he was, in part,
18 at least ostracized by various members of the CPS, the
19 Cornwall Police Service?

20 **MR. CHISHOLM:** Yes.

21 **MR. SHERRIFF-SCOTT:** I will refer to them as
22 CPS, okay?

23 **MR. CHISHOLM:** Sure.

24 **MR. SHERRIFF-SCOTT:** And there some people
25 in the community that accepted what he did and believed in

1 it; others criticized him. Correct?

2 **MR. CHISHOLM:** I believe so, yeah.

3 **MR. SHERRIFF-SCOTT:** All right. And there
4 was constant media attention on his and his family,
5 including your sister?

6 **MR. CHISHOLM:** I believe so, yes.

7 **MR. SHERRIFF-SCOTT:** And he was under a fair
8 amount of stress.

9 **MR. CHISHOLM:** Yes.

10 **MR. SHERRIFF-SCOTT:** A fact that caused him
11 to take stress leave from CPS.

12 **MR. CHISHOLM:** Yes.

13 **MR. SHERRIFF-SCOTT:** Correct?

14 **MR. CHISHOLM:** Yes.

15 **MR. SHERRIFF-SCOTT:** Ultimately, he went on
16 long-term disability.

17 **MR. CHISHOLM:** I believe so, yes.

18 **MR. SHERRIFF-SCOTT:** Okay. There were
19 threats to his family as he reported them and your sister
20 testified.

21 **MR. CHISHOLM:** Yes.

22 **THE COMMISSIONER:** Well ---

23 **MR. SHERRIFF-SCOTT:** A threat was made.

24 **THE COMMISSIONER:** Which one now? The one
25 with the lady ---

1 **MR. SHERRIFF-SCOTT:** The one with the lady,
2 yes.

3 **THE COMMISSIONER:** Okay, right, but let's --
4 -

5 **MR. SHERRIFF-SCOTT:** I wasn't talking about
6 the 1993 Ken Seguin matter.

7 **THE COMMISSIONER:** No, no, no. What I'm
8 worried about is that -- well, there was a threat. It was
9 unrelated to Mr. Dunlop's situation. You are talking about
10 the threat from the lady who was down the street, who was
11 mentally unstable?

12 **MR. SHERRIFF-SCOTT:** Yes.

13 **THE COMMISSIONER:** Yes.

14 **MR. SHERRIFF-SCOTT:** I think that the
15 witness' testimony led to the inference or innuendo at
16 least that Mr. Dunlop's publicity and notoriety ---

17 **THE COMMISSIONER:** Yes.

18 **MR. SHERRIFF-SCOTT:** --- in the community
19 attracted this kind of attention.

20 **THE COMMISSIONER:** Yup.

21 **MR. SHERRIFF-SCOTT:** Is that fair, sir?

22 **MR. CHISHOLM:** Is what fair?

23 **MR. SHERRIFF-SCOTT:** What I just described
24 to the Commissioner? In other words, that a threat came
25 from some quarter, from a person who was unbalanced, but

1 probably was stimulated by the fact that Mr. Dunlop had
2 become a figure -- a public figure in the community as a
3 result of all these allegations and the *Police Act*
4 proceedings.

5 **MR. CHISHOLM:** Well, I really can't comment
6 on what was the stimulator.

7 **MR. SHERRIFF-SCOTT:** In any event, you knew
8 there was a threat?

9 **MR. CHISHOLM:** Yes.

10 **MR. SHERRIFF-SCOTT:** All right. So by the
11 end of '95 and '96, I take it that your view is, and the
12 view of your sister, as she testified that her family,
13 including her husband, had suffered emotional damage and
14 upset. Correct?

15 **MR. CHISHOLM:** Yes.

16 **MR. SHERRIFF-SCOTT:** In fact, you testified
17 this morning in your recommendations that that ought to be
18 something they should be compensated for in damages because
19 they suffered so severely. Correct?

20 **MR. CHISHOLM:** That would be fair, yes.

21 **MR. SHERRIFF-SCOTT:** All right. And I think
22 she testified and you are aware that they contend that in
23 this process, through and including up to 1996, their
24 financial resources were "stretched to the breaking point".

25 **MR. CHISHOLM:** Yes.

1 **MR. SHERRIFF-SCOTT:** Is that fair?

2 And they got into a dispute with the LTD
3 carrier over whether or not they were going to fund Mr.
4 Dunlop's disability payments?

5 **MR. CHISHOLM:** I think so, yeah.

6 **MR. SHERRIFF-SCOTT:** Yeah. You are aware of
7 that; aren't you, sir?

8 **MR. CHISHOLM:** I think so, yeah.

9 **MR. SHERRIFF-SCOTT:** Okay. This caused
10 emotional upset and hurt to the Dunlops?

11 **MR. CHISHOLM:** I would think so.

12 **MR. SHERRIFF-SCOTT:** No doubt, Mr. Dunlop
13 became depressed.

14 **MR. CHISHOLM:** M'hm.

15 **MR. SHERRIFF-SCOTT:** Yes?

16 **MR. CHISHOLM:** Yes, I would think so, yes.

17 **MR. SHERRIFF-SCOTT:** And his family, and I
18 take it, you sir, laid the blame for these events, at least
19 in part, at the feet of the CPS and the Diocese or others.
20 Correct?

21 **MR. CHISHOLM:** For sure.

22 **MR. SHERRIFF-SCOTT:** Right. And Mrs. Dunlop
23 said that by mid-1996, that the Dunlops were not going to
24 be a "punching bag anymore". Do you remember that when she
25 testified here? You were standing in the room?

1 MR. CHISHOLM: Yes.

2 MR. SHERRIFF-SCOTT: I take it that by that
3 point, she was good and fed up with these things?

4 MR. CHISHOLM: I would think so, yes.

5 MR. SHERRIFF-SCOTT: They were angry, upset?

6 MR. CHISHOLM: M'hm.

7 MR. SHERRIFF-SCOTT: Humiliated?

8 MR. CHISHOLM: M'hm.

9 MR. SHERRIFF-SCOTT: Okay. And, as a member
10 of the family, you were hand-in-hand with them, working
11 with them, trying to protect Mr. Dunlop?

12 MR. CHISHOLM: Yes.

13 MR. SHERRIFF-SCOTT: You shared their
14 feelings, sir, didn't you?

15 MR. CHISHOLM: Yes.

16 MR. SHERRIFF-SCOTT: The feelings of anger
17 and humiliation and upset?

18 MR. CHISHOLM: I don't know about the
19 humiliation part.

20 MR. SHERRIFF-SCOTT: Certainly, frustration
21 and anger on your part?

22 MR. CHISHOLM: I don't know anything to be
23 humiliated about. I think you are the folks that should be
24 humiliated.

25 MR. SHERRIFF-SCOTT: Well, the point is,

1 sir, what I'm trying ---

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

3 **MR. CHISHOLM:** Well, he's ---

4 **THE COMMISSIONER:** No, no. He's just asking
5 you some questions.

6 **MR. CHISHOLM:** Okay. What I'm saying, I
7 don't know about the humiliation. What have I got to be
8 humiliated about, except -- why am I put through this?

9 **MR. SHERRIFF-SCOTT:** All right.

10 **THE COMMISSIONER:** No, no. That's fair;
11 that's fair.

12 **MR. SHERRIFF-SCOTT:** Sir, just try and focus
13 on my questions, okay?

14 I am not trying to trick you up as being
15 humiliated by something you've done; all right?

16 I am trying to get to the bottom of the
17 thing.

18 **MR. CHISHOLM:** Wonderful.

19 **MR. SHERRIFF-SCOTT:** So let me ask my
20 questions, and we'll go along quickly.

21 **MR. CHISHOLM:** Beautiful.

22 **MR. SHERRIFF-SCOTT:** Fair enough?

23 **MR. CHISHOLM:** Wonderful.

24 **MR. SHERRIFF-SCOTT:** Good. So you agree
25 with me that ---

1 MR. CHISHOLM: Do I?

2 MR. SHERRIFF-SCOTT: --- we've just
3 described the feelings of your brother-in-law and sister.
4 And what I suggested to you is you shared, at least in
5 part, at some of those feelings.

6 MR. CHISHOLM: Sure.

7 MR. SHERRIFF-SCOTT: Sure. Frustration
8 would be one of them.

9 MR. CHISHOLM: Sure.

10 MR. SHERRIFF-SCOTT: With public
11 institutions.

12 MR. CHISHOLM: Yes.

13 MR. SHERRIFF-SCOTT: Right. Anger?

14 MR. CHISHOLM: I guess so, yeah.

15 MR. SHERRIFF-SCOTT: Okay, fine, and that
16 was the situation in 1996 when your sister said just as one
17 of the reasons they launched the lawsuit that she wasn't
18 going to be a punching bag anymore. These are the feelings
19 you and your family would have shared in 1996. Correct?

20 MR. CHISHOLM: Possibly, yeah.

21 MR. SHERRIFF-SCOTT: Possibly?

22 MR. CHISHOLM: Possibly. I don't know about
23 the punching bag; I don't think ---

24 MR. SHERRIFF-SCOTT: All right. These are
25 the feelings you and your family would have shared, sir, in

1 1996?

2 **MR. CHISHOLM:** Well, that's her description.

3 "Punching bag" she didn't ---

4 **MR. SHERRIFF-SCOTT:** Forget the punching
5 bag, sir.

6 **MR. CHISHOLM:** --- what -- to use, beating
7 bag? I think she is still being used as a punching bag, I
8 don't -- Pardon?

9 **MR. SHERRIFF-SCOTT:** Okay. We have to talk
10 one at a time.

11 **THE COMMISSIONER:** Okay.

12 **MR. SHERRIFF-SCOTT:** And I've asked this
13 question a number of times, so let's forget the punching
14 bag metaphor. Okay?

15 **MR. CHISHOLM:** Let's do. Okay.

16 **MR. SHERRIFF-SCOTT:** These are the feelings
17 that you and your family would have shared, that I've
18 described, in 1996. Fair?

19 **MR. CHISHOLM:** I don't think it's fair at
20 all, no.

21 **THE COMMISSIONER:** Well, you tell us then --
22 what are the feelings that you would have been feeling in
23 1996.

24 **MR. CHISHOLM:** Very disappointed in the
25 whole system, yes.

1 MR. SHERRIFF-SCOTT: Okay.

2 MR. CHISHOLM: No, no. We talked
3 humiliated.

4 MR. SHERRIFF-SCOTT: We talked -- forget
5 humiliation.

6 MR. CHISHOLM: Oh! That's easy for you to
7 say ---

8 MR. SHERRIFF-SCOTT: Okay? I agree you
9 weren't humiliated. Let's move on to ---

10 MR. CHISHOLM: Yeah, oh, okay.

11 MR. SHERRIFF-SCOTT: Okay?

12 MR. CHISHOLM: Okay.

13 MR. SHERRIFF-SCOTT: So anger, you agreed
14 with me?

15 MR. CHISHOLM: Yeah.

16 MR. SHERRIFF-SCOTT: Frustration?

17 MR. CHISHOLM: Yeah.

18 MR. SHERRIFF-SCOTT: Disappointment?

19 MR. CHISHOLM: Yes.

20 MR. SHERRIFF-SCOTT: Okay, so that's where
21 we are, and that's how they're feeling and you're feeling
22 in 1996.

23 MR. CHISHOLM: That's where we're at.

24 And still, yeah.

25 MR. SHERRIFF-SCOTT: Okay, and still?

1 MR. CHISHOLM: Oh, yeah.

2 MR. SHERRIFF-SCOTT: Fine. Fair enough.

3 So in the fall of 1996, you went off with
4 your brother-in-law to visit Mr. Leroux in Maine.

5 MR. CHISHOLM: I guess so.

6 MR. SHERRIFF-SCOTT: Well, you did; didn't
7 you?

8 MR. CHISHOLM: Was it '96? I presume so, if
9 you say so.

10 THE COMMISSIONER: Well, he's not ---

11 MR. SHERRIFF-SCOTT: He's not clear on the
12 dates.

13 THE COMMISSIONER: He's not denying he went.

14 MR. CHISHOLM: I'm not denying it. Thank
15 you.

16 MR. SHERRIFF-SCOTT: Okay.

17 THE COMMISSIONER: You went sometime in ---

18 MR. CHISHOLM: Yes, yes, probably '96, but
19 if I say '96, and it turned out it was '95 -- that's bad
20 news, eh?

21 THE COMMISSIONER: No, no, no. No, it's not
22 going to be bad news. We're not talking -- Mr. Chisholm?

23 MR. CHISHOLM: I hope so. Thank you.

24 I'm serious. I'm not trying to play a game
25 here.

1 **THE COMMISSIONER:** All right.

2 **MR. CHISHOLM:** I just -- I know it's all
3 about words and that's all.

4 **THE COMMISSIONER:** Well, first of all, let's
5 get a couple of things straight.

6 **MR. CHISHOLM:** Okay.

7 **THE COMMISSIONER:** It's getting late in the
8 day. You have two lawyers sitting at your table right
9 there. If they sense for a minute, and Mr. Horn has gone
10 up to object already, they're covering your back.

11 Furthermore, if they are not covering your
12 back, Commission counsel is going to cover your back. And
13 if worse comes to worse, you've got me. I know, I know,
14 you don't think much of me, but ---

15 **MR. CHISHOLM:** No, I wouldn't say that. I
16 think a lot of you.

17 **THE COMMISSIONER:** So bottom line is you
18 went to Maine with your brother-in-law.

19 **MR. CHISHOLM:** Yes, I did.

20 **THE COMMISSIONER:** Sometime in 1995 or 1996,
21 the date unless we tell you otherwise, is not that
22 important.

23 **MR. CHISHOLM:** Okay.

24 **THE COMMISSIONER:** All right? Okay.
25 Go ahead.

1 **MR. SHERRIFF-SCOTT:** Let's put it this way.
2 All the documents, the whole record says that your brother-
3 in-law went down to meet Mr. Leroux in Maine for the first
4 time in 1996, in October, and there is no suggestion of any
5 other time or that you said anything else about any other
6 time. Okay?

7 **MR. CHISHOLM:** Sure.

8 **MR. SHERRIFF-SCOTT:** All right. So would
9 you accept that probably in the fall of 1996, you went down
10 to meet Mr. Leroux with your brother-in-law?

11 **MR. CHISHOLM:** Absolutely.

12 **MR. SHERRIFF-SCOTT:** There we go. Now, do
13 you understand the first time that your brother-in-law met
14 Mr. Leroux was in October of 1996?

15 **MR. CHISHOLM:** Do I accept that?

16 **MR. SHERRIFF-SCOTT:** Do you understand that
17 to be the case?

18 **MR. CHISHOLM:** Probably.

19 **MR. SHERRIFF-SCOTT:** Probably.

20 **MR. CHISHOLM:** I don't know for sure.

21 **MR. SHERRIFF-SCOTT:** You don't have any ---

22 **MR. CHISHOLM:** I don't understand -- I have
23 any understanding of it really; that it happened before or
24 after that but I presume it happened that -- I don't know,
25 he might have met him in Cornwall first. He used to live

1 in Cornwall.

2 MR. SHERRIFF-SCOTT: Okay.

3 MR. CHISHOLM: His family is from Cornwall
4 and so is Perry.

5 MR. SHERRIFF-SCOTT: Well, forget what your
6 -- let's forget the theory, okay?

7 I want to know what you know.

8 MR. CHISHOLM: Yeah, okay.

9 MR. SHERRIFF-SCOTT: Right? So we don't
10 have to hypothesise, because ---

11 MR. CHISHOLM: Right, good!

12 MR. SHERRIFF-SCOTT: --- I only care about
13 what you know, in fact. All right?

14 MR. CHISHOLM: Okay. I didn't think you
15 did.

16 MR. SHERRIFF-SCOTT: So you don't have any
17 information, which you could give to the Commission to
18 suggest that your brother-in-law met Mr. Leroux anytime
19 before October of 1996.

20 MR. CHISHOLM: No.

21 MR. SHERRIFF-SCOTT: Fair enough? Okay.

22 Now, you've referred a number of times to Mr. Dunlop's
23 will-state and I want to read you a section of it, just a
24 small paragraph. All right?

25 MR. CHISHOLM: Sure.

1 **MR. SHERRIFF-SCOTT:** Listen carefully,
2 please.

3 "It became clear to me that Ron Leroux
4 was the inside man. He was the
5 operator who ran with these players.
6 He was the undercover operator of the
7 pedophile world. Although I had never
8 met him as of this time I believe that
9 he was also a pedophile."

10 Okay. Did Perry Dunlop tell you that?

11 **MR. CHISHOLM:** I don't recall it.

12 **MR. SHERRIFF-SCOTT:** You don't recall that?
13 Did you know, sir, that C-8 said here and in
14 various statements to the police that he told your brother-
15 in-law that he had been abused by Ron Leroux and that he
16 told him that in the summer of 1996? Did you know that?

17 **MR. CHISHOLM:** Did I know that he told him
18 that?

19 **MR. SHERRIFF-SCOTT:** Did you know that it
20 was ---

21 **MR. CHISHOLM:** I don't recall that.

22 **MR. SHERRIFF-SCOTT:** --- his evidence?

23 **MR. CHISHOLM:** No, I don't recall that.

24 **MR. SHERRIFF-SCOTT:** Did Mr. Dunlop tell you
25 that?

1 MR. CHISHOLM: It's possible.

2 MR. SHERRIFF-SCOTT: Possible?

3 MR. CHISHOLM: I found out somewhere.

4 MR. SHERRIFF-SCOTT: Certainly you know C-8
5 said Mr. Leroux was sort of at the epicentre of events at
6 Mr. Seguin's in pedophile activity?

7 MR. CHISHOLM: Who said that, C-8?

8 MR. SHERRIFF-SCOTT: C-8.

9 MR. CHISHOLM: Probably.

10 MR. SHERRIFF-SCOTT: Well, ---

11 MR. CHISHOLM: The three of them lived side
12 by side, so, I mean, for years. So ---

13 MR. SHERRIFF-SCOTT: Well, in fact, you came
14 to believe that yourself, didn't you, that Mr. Leroux was
15 involved ---

16 MR. CHISHOLM: Involved, yeah.

17 MR. SHERRIFF-SCOTT: --- and frequently at
18 Mr. Seguin's?

19 MR. CHISHOLM: Yeah.

20 MR. SHERRIFF-SCOTT: Right?

21 MR. CHISHOLM: Oh, for sure.

22 MR. SHERRIFF-SCOTT: You treated him as a
23 person who was at the centre of events?

24 MR. CHISHOLM: Well, he seemed to be. I
25 mean, he lived right beside him. They were the best of

1 friends.

2 **MR. SHERRIFF-SCOTT:** Right. And did you
3 know that it was Mr. Renshaw's evidence here that Mr.
4 Leroux was frequently at Mr. Seguin's at parties where
5 there were young probationers drinking and that possibly
6 the reason for these parties was to promote sex between
7 them and those present? Did you know that, sir?

8 **MR. CHISHOLM:** I don't doubt it at all, but
9 I don't know it.

10 **MR. SHERRIFF-SCOTT:** Okay. So certainly if
11 these things about Mr. Leroux were true he might be someone
12 with some considerable things to hide.

13 **MR. CHISHOLM:** I would think so, yeah.

14 **MR. SHERRIFF-SCOTT:** Fair enough and you
15 drove down to Maine. You were going down to Maine with
16 your brother-in-law. Surely you thought you were going to
17 interview with him. I'm sure he was going to take the
18 lead, right? Your brother-in-law was going to take the
19 lead in the interview. He was the police officer.

20 **MR. CHISHOLM:** I would think so.

21 **MR. SHERRIFF-SCOTT:** Right. You were going
22 down with him to accompany him and help him.

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

24 **MR. SHERRIFF-SCOTT:** Correct?

25 **MR. CHISHOLM:** Yes.

1 **MR. SHERRIFF-SCOTT:** And you thought this
2 was a potentially pretty important person to interview,
3 given what your brother-in-law knew, right?

4 **MR. CHISHOLM:** That's fair, that's fair.

5 **MR. SHERRIFF-SCOTT:** So on the way down
6 there -- how long did it take you to drive to Maine, three
7 or four hours, something like that?

8 **MR. CHISHOLM:** I don't recall.

9 **MR. SHERRIFF-SCOTT:** Certainly more than a
10 couple of hours, right?

11 **MR. CHISHOLM:** Probably.

12 **MR. SHERRIFF-SCOTT:** Probably, just on the
13 geography.

14 I'd suggest to you, you probably talked
15 about Mr. Leroux on the way down there, considering he was
16 going to be an important ---

17 **MR. CHISHOLM:** I would think so, yeah.

18 **MR. SHERRIFF-SCOTT:** I would think so too.
19 And you may have talked about his reluctance to originally
20 speak to your brother-in-law at all, because ---

21 **MR. CHISHOLM:** Possibly.

22 **MR. SHERRIFF-SCOTT:** Possibly and about the
23 fact that he was a pedophile or believed to be a pedophile
24 by your brother-in-law.

25 **MR. CHISHOLM:** I don't know.

1 **MR. SHERRIFF-SCOTT:** No? Didn't you talk
2 about any precautions you might take in taking his evidence
3 or statements from him because of the concern about his
4 background?

5 **MR. CHISHOLM:** I don't recall at all.

6 **MR. SHERRIFF-SCOTT:** You don't recall?

7 **MR. CHISHOLM:** No.

8 **MR. SHERRIFF-SCOTT:** Did you talk about
9 whether or not you were going to ask Mr. Leroux about the
10 allegations made by C-8 or confront him with the fact that
11 he was a suspected pedophile and abuser?

12 **MR. CHISHOLM:** I don't recall that at all.

13 **MR. SHERRIFF-SCOTT:** You don't recall that
14 at all. Is that because the plan was to set Mr. Leroux at
15 ease by not confronting him with that kind of information?

16 **MR. CHISHOLM:** I doubt it.

17 **MR. SHERRIFF-SCOTT:** You doubt it. Why do
18 you doubt it?

19 **MR. CHISHOLM:** Because I can't recall any of
20 that. Like, why would I try to set anybody not at ease or
21 at ease?

22 **MR. SHERRIFF-SCOTT:** Well, because your
23 brother-in-law believed Mr. Leroux was a pedophile and an
24 abuser.

25 **MR. CHISHOLM:** Well, he may have. I don't

1 know. I don't know that for sure. He may have told him
2 that. It's absolutely true. But I don't recall.

3 **MR. SHERRIFF-SCOTT:** In your presence, sir,
4 was there any discussion with Mr. Leroux at any time which
5 confronted him with the allegations of C-8 or that he was a
6 potential abuser or pedophile?

7 **MR. CHISHOLM:** Not that I recall.

8 **MR. SHERRIFF-SCOTT:** And did your brother-
9 in-law ever tell you that he confronted Mr. Leroux about
10 such allegations?

11 **MR. CHISHOLM:** Not that I recall.

12 **MR. SHERRIFF-SCOTT:** And you never certainly
13 asked Mr. Leroux about that kind of information when you
14 spent a week -- five or seven days in Florida with him, did
15 you?

16 **MR. CHISHOLM:** I don't believe so.

17 **MR. SHERRIFF-SCOTT:** You don't believe so.
18 And why didn't you do that?

19 **MR. CHISHOLM:** Why would I do that?

20 **MR. SHERRIFF-SCOTT:** Well, ---

21 **MR. CHISHOLM:** Ask him if he was a
22 pedophile?

23 **MR. SHERRIFF-SCOTT:** Why didn't you confront
24 him if ---

25 **MR. CHISHOLM:** I wouldn't ask you. Why

1 would I ask him if he was a pedophile?

2 MR. SHERRIFF-SCOTT: Well, because you had
3 information that there was a concern he might be so.

4 MR. CHISHOLM: I did?

5 MR. SHERRIFF-SCOTT: Well, your brother-in-
6 law certainly did, and you said this morning you may well
7 have but you weren't ---

8 MR. CHISHOLM: I might have. I don't know.

9 MR. SHERRIFF-SCOTT: You don't know?

10 MR. CHISHOLM: I don't recall asking him if
11 he was a pedophile. In fact, I don't think I ever did
12 because if I did I would have remembered it.

13 MR. SHERRIFF-SCOTT: That's precisely my
14 point.

15 MR. CHISHOLM: I think so.

16 MR. SHERRIFF-SCOTT: You didn't, did you?

17 MR. CHISHOLM: I didn't what?

18 MR. SHERRIFF-SCOTT: You didn't ask him
19 about ---

20 MR. CHISHOLM: I don't believe so.

21 MR. SHERRIFF-SCOTT: You never confronted
22 him with the idea?

23 MR. CHISHOLM: I don't think so.

24 MR. SHERRIFF-SCOTT: No. And you never
25 reported him to the police?

1 MR. CHISHOLM: No.

2 MR. SHERRIFF-SCOTT: No. Or ---

3 MR. CHISHOLM: Which police?

4 MR. SHERRIFF-SCOTT: Any police, sir.

5 MR. CHISHOLM: Well, yeah, which ones would
6 you report him too?

7 MR. SHERRIFF-SCOTT: I don't know. But you
8 didn't report him to anyone, did you?

9 MR. CHISHOLM: No. Right.

10 MR. SHERRIFF-SCOTT: And why didn't you do
11 that?

12 MR. CHISHOLM: Why wouldn't I do that? Why
13 would I -- who would I report him to?

14 MR. SHERRIFF-SCOTT: Why didn't you do it?
15 Because you didn't know who to report it to?

16 MR. CHISHOLM: I don't recall really ---

17 MR. SHERRIFF-SCOTT: Is it because ---

18 MR. CHISHOLM: --- when I even found out.

19 MR. SHERRIFF-SCOTT: Did you report him --
20 or not report him because you didn't know where to go, or
21 was it for some other reason?

22 MR. CHISHOLM: Well, I think he gave his
23 statement long -- I don't know when he gave his statement
24 but I think the police pretty well knew everything they had
25 to know about Ron Leroux.

1 **MR. SHERRIFF-SCOTT:** Let me put it this way.

2 You went down there with your brother-in-law ---

3 **MR. CHISHOLM:** Yeah.

4 **MR. SHERRIFF-SCOTT:** --- who on his own
5 will-state says that he believed this man was a pedophile.
6 Right after in his chronology he talks about C-8 who
7 testified he told him the whole story.

8 You went down there and you took statements
9 from this man who described all kinds of wild and bizarre
10 events of pedophilia and abuse.

11 And at that time, sir, in October of 1996
12 you believed this man was a pedophile, didn't you?

13 **MR. CHISHOLM:** I don't recall. Really, I
14 don't. The timeframe -- I did come to understand. Now,
15 maybe I -- maybe I did know it then. You're saying in his
16 will-state whatever -- what date was that? Was that before
17 the trip down there?

18 **MR. SHERRIFF-SCOTT:** I just gave you the
19 date, sir.

20 **MR. CHISHOLM:** Yeah, but I -- you gave me
21 lots of dates and lots of things. I don't remember when he
22 told me. That's what I'm trying to tell you.

23 **MR. SHERRIFF-SCOTT:** Let me put it to you
24 again. Your brother-in-law says in his will-state that
25 before he ever met Ron Leroux he believed that he was an

1 undercover operator of the pedophile world and that he
2 himself was also a pedophile, that is to say Ron Leroux.
3 Then you went down there ---

4 **MR. CHISHOLM:** Oh, he might have thought
5 that, yeah.

6 **MR. SHERRIFF-SCOTT:** Just wait, please.
7 Wait ---

8 **MR. CHISHOLM:** Okay.

9 **MR. SHERRIFF-SCOTT:** Just wait for the
10 question.

11 **MR. CHISHOLM:** Yes.

12 **MR. SHERRIFF-SCOTT:** Then you went down
13 there and you took all these statements from him. And you
14 must concede that the information you got was ---

15 **MR. CHISHOLM:** All these statements from him
16 of ---

17 **MR. SHERRIFF-SCOTT:** Information came from
18 Mr. Leroux which was recorded by your brother-in-law and
19 you ---

20 **MR. CHISHOLM:** Yes.

21 **MR. SHERRIFF-SCOTT:** --- and/or you and Mr.
22 Bourgeois, et cetera, right?

23 **MR. CHISHOLM:** I guess so.

24 **MR. SHERRIFF-SCOTT:** Well, you were there.
25 You recorded statements, didn't you?

1 **MR. CHISHOLM:** From Leroux? I don't think
2 so.

3 **MR. SHERRIFF-SCOTT:** Information then was
4 given to you. You heard the stories of Mr. Leroux at that
5 time, did you not? You said you were present ---

6 **MR. CHISHOLM:** I heard lots of stories.

7 **MR. SHERRIFF-SCOTT:** --- at some of the
8 interviews.

9 **MR. CHISHOLM:** Yes, of course. I heard lots
10 of stories from Ron Leroux.

11 **MR. SHERRIFF-SCOTT:** Right. And nothing you
12 heard, is it your evidence here, sir, at this Commission,
13 caused you to believe this man was an abuser or a pedophile
14 himself?

15 **MR. CHISHOLM:** I did come to that
16 conclusion. I don't know when though. That's what I'm
17 saying. I don't recall when that became evident.

18 **MR. SHERRIFF-SCOTT:** Well, I'm suggesting to
19 you that your brother-in-law would have told you at least
20 on the way to Maine, and that what you heard in Maine would
21 have caused you ---

22 **MR. CHISHOLM:** Would have told me on the way
23 to Maine?

24 **MR. SHERRIFF-SCOTT:** Just wait, sir. Wait
25 for my question.

1 MR. CHISHOLM: Okay.

2 MR. SHERRIFF-SCOTT: I'm telling -- I'm
3 suggesting to you ---

4 MR. CHISHOLM: Maybe he did. Maybe he did.

5 MR. SHERRIFF-SCOTT: Maybe he did.

6 MR. CHISHOLM: Maybe he told me then. I
7 don't recall.

8 MR. SHERRIFF-SCOTT: And if he did tell you
9 ---

10 MR. CHISHOLM: That's what I'm saying.

11 THE COMMISSIONER: Whoa, whoa, whoa, whoa.
12 First of all, Mr. Sherriff-Scott, ---

13 MR. SHERRIFF-SCOTT: Sir.

14 THE COMMISSIONER: --- could you just slow
15 down a little bit.

16 MR. SHERRIFF-SCOTT: Slow it down, yes.

17 THE COMMISSIONER: No, you're ---

18 MR. SHERRIFF-SCOTT: Yes, too rapid. Thank
19 you.

20 If he did tell you that, sir, and when you
21 did go and listen to Mr. Leroux and his extraordinary
22 stories, I'm suggesting to you, sir, in fact, that in
23 October of 1996 you believed in your heart and sole that
24 this man was an abuser and/or an abuser and a pedophile.
25 Didn't you?

1 MR. CHISHOLM: If he told me then I must
2 have known, yes.

3 MR. SHERRIFF-SCOTT: All right.

4 MR. CHISHOLM: But I don't remember ---

5 MR. SHERRIFF-SCOTT: And my question ---

6 MR. CHISHOLM: --- when he told me. That's
7 all I'm saying. You're, in fact, correct he may have told
8 me then. If he knew about it then I presume he told me
9 then before we went to Maine.

10 MR. SHERRIFF-SCOTT: All right.

11 Let's put it this way. He says in his will-
12 state he knew before he met Mr. Leroux.

13 MR. CHISHOLM: Okay.

14 MR. SHERRIFF-SCOTT: So if ---

15 MR. CHISHOLM: He probably told me.

16 MR. SHERRIFF-SCOTT: Okay.

17 MR. CHISHOLM: But I don't remember it. You
18 see?

19 MR. SHERRIFF-SCOTT: Fair enough.

20 MR. CHISHOLM: Okay.

21 MR. SHERRIFF-SCOTT: But situating you in
22 the chronology here, if he knew before he met Mr. Leroux
23 your evidence is he probably would have told you.

24 MR. CHISHOLM: Yes.

25 MR. SHERRIFF-SCOTT: Right?

1 MR. CHISHOLM: So we probably knew before we
2 got to Maine.

3 MR. SHERRIFF-SCOTT: Perfect.

4 MR. CHISHOLM: Okay.

5 MR. SHERRIFF-SCOTT: Well, we agree then.

6 MR. CHISHOLM: Okay.

7 MR. SHERRIFF-SCOTT: And so there you go,
8 you're down there, probably with this information, and then
9 you hear all these extraordinary stories from Mr. Leroux.

10 MR. CHISHOLM: M'hm.

11 MR. SHERRIFF-SCOTT: Correct?

12 MR. CHISHOLM: M'hm.

13 MR. SHERRIFF-SCOTT: And that would have
14 further exacerbated your concerns and beliefs about him,
15 surely?

16 MR. CHISHOLM: Well, his -- the only victim,
17 if I can say that, as I recall, is this C-8, his partner.

18 MR. SHERRIFF-SCOTT: Why? One isn't enough?

19 MR. CHISHOLM: One's too many obviously.

20 MR. SHERRIFF-SCOTT: Right.

21 MR. CHISHOLM: But this is -- there was some
22 animosity there between them I know. And that was the only
23 evidence I ever heard about Ron Leroux ---

24 MR. SHERRIFF-SCOTT: Sorry, do I take from
25 that the inference is to be drawn that Mr. C-8 was not a

1 reliable person?

2 MR. CHISHOLM: No.

3 MR. SHERRIFF-SCOTT: Okay.

4 MR. CHISHOLM: What do you ---

5 MR. SHERRIFF-SCOTT: Well, I'm not sure.

6 You said there was animosity.

7 MR. CHISHOLM: I'm just saying I believe we
8 heard about him and C-8 and there was quite a difference in
9 age apparently. I didn't realize it until just recently
10 how big a difference.

11 MR. SHERRIFF-SCOTT: All right. What does
12 that have ---

13 MR. CHISHOLM: But it seemed to me there
14 were more closely in age, but anyway.

15 MR. SHERRIFF-SCOTT: What does that have to
16 do with your belief that he was a pedophile and an abuser?

17 MR. CHISHOLM: Well, I think I just realised
18 that the spread there, within the last couple of days, I
19 was reading in those transcripts, I believe, there was a
20 33-year difference. Now, it seemed to me, he seemed
21 younger than that, but I didn't believe there was that kind
22 of a spread, but anyway.

23 MR. SHERRIFF-SCOTT: What does that have to
24 do with this issue? Are you suggesting C-8 consented?

25 MR. CHISHOLM: Well, consenting adults

1 rather.

2 **MR. SHERRIFF-SCOTT:** All right.

3 **MR. CHISHOLM:** As against a huge difference
4 in age; one is a kid and one is an adult.

5 **MR. SHERRIFF-SCOTT:** Let me stop you there.
6 Your brother-in-law never told you that this was a consent
7 situation. Did he?

8 **MR. CHISHOLM:** A consent, I don't recall.

9 **MR. SHERRIFF-SCOTT:** No, he didn't.

10 He said, "I found C-8 to be credible, sharp,
11 polite and sincere" after he recorded all of his
12 information.

13 **MR. CHISHOLM:** I remember C-8 telling me
14 about being abused by Charlie, but I don't recall him
15 mentioning Ron Leroux.

16 **THE COMMISSIONER:** Leroux.

17 **MR. SHERRIFF-SCOTT:** Leroux, okay.

18 In any event, we've agreed on a number of
19 propositions about what you would have known when you went
20 down there, and I'm suggesting to you, sir, that leaving
21 apart C-8 even, all of the other extraordinary stories you
22 heard about Mr. Leroux, his knowledge, his placement at the
23 centre of events would have further caused you to be
24 concerned about him as an individual and potential abuser.
25 Isn't that a fair conclusion to be drawing?

1 **MR. CHISHOLM:** Well, what I recall of Ron
2 and when we first met him was he was a good friend of
3 Kenny's, Kenny Seguin's. When he committed suicide, that
4 seemed to be a turning point for him. That's when he kind
5 of came out and gave all of this information, because he --
6 I think he wanted to expose it.

7 **MR. SHERRIFF-SCOTT:** Okay. I've asked you
8 this question, I think, a number of ways and a number of
9 times, and I'm going to ask you another time to see if we
10 can agree on a proposition. All right?

11 **MR. CHISHOLM:** Sure.

12 **MR. SHERRIFF-SCOTT:** Try and focus on my
13 question.

14 You went down there with the knowledge that
15 you say you probably had. Then you heard all these very
16 unusual stories from Mr. Leroux. Right?

17 **MR. CHISHOLM:** M'hm, yeah.

18 **MR. SHERRIFF-SCOTT:** And I am suggesting to
19 you that any right-thinking person hearing that information
20 would be further concerned about this individual, Mr.
21 Leroux, and the fact that he was a potential abuser and/or
22 pedophile. Isn't that a fair statement, sir?

23 **MR. CHISHOLM:** Well, it can be a fair
24 statement. You can suggest anything you want. What I'm
25 saying is that he seemed to be wanting to get this out and

1 -- even though it was implicating himself. He admitted
2 that. That he's going to face the heat but what I
3 understood from Ron Leroux was he was basically telling the
4 truth and trying to get this out.

5 **MR. SHERRIFF-SCOTT:** Sir, are you one of the
6 members on the coalition that instructs your counsel here
7 in terms of things that are presented?

8 **MR. CHISHOLM:** I don't know.

9 **MR. SHERRIFF-SCOTT:** Are you on the
10 committee as it were?

11 **MR. CHISHOLM:** Pardon?

12 **MR. SHERRIFF-SCOTT:** Are you on the
13 committee that instructs the lawyers here?

14 **MR. CHISHOLM:** Well, these lawyers, the
15 coalition?

16 **MR. SHERRIFF-SCOTT:** Yes, sir, these lawyers
17 beside you.

18 **MR. CHISHOLM:** Yeah, I guess so, yeah.

19 **MR. SHERRIFF-SCOTT:** Okay, so you give --
20 you are part of the team that gives them instruction and
21 direction in terms of their presentations here?

22 **MR. CHISHOLM:** I don't -- well, I don't
23 think they've made any presentations.

24 **MR. SHERRIFF-SCOTT:** Are you one of those
25 people sir?

1 MR. CHISHOLM: Yeah.

2 MR. SHERRIFF-SCOTT: Okay. A week and a
3 half ago or so, they stood up and tendered a document about
4 Mr. Leroux perjuring himself at a bail hearing and your
5 counsel said the purpose of that document was to bring to
6 the knowledge of the Commissioner the fact that Mr. Leroux
7 was a perjurer.

8 MR. CHISHOLM: Yeah, so is that news?

9 MR. SHERRIFF-SCOTT: Not to me.

10 MR. CHISHOLM: Well, it seems to be -- it's
11 not news to a lot of people ---

12 MR. SHERRIFF-SCOTT: But it's a position you
13 advanced here; isn't it?

14 MR. CHISHOLM: What?

15 MR. SHERRIFF-SCOTT: It's a position you
16 advanced here.

17 MR. CHISHOLM: What position? The fact that
18 he is a perjurer?

19 MR. HORN: Objection.

20 THE COMMISSIONER: Just a minute.

21 MR. SHERRIFF-SCOTT: Yes.

22 MR. HORN: Objection. We are getting into
23 an area in which Mr. Chisholm, if he is a client ---

24 THE COMMISSIONER: If he ---

25 MR. HORN: --- whatever it is that goes on

1 between he and the coalition and counsel is privileged, and
2 I don't think that we should get it -- it's very -- we are
3 getting close to him being questioned about confidential
4 information between a lawyer and his client.

5 **THE COMMISSIONER:** I don't think so.

6 **MR. HORN:** Pardon?

7 **THE COMMISSIONER:** I don't think so. I
8 don't think that Mr. Sherriff-Scott is anywhere close to
9 what the instructions are. He just wanted -- well, I don't
10 know.

11 From what I can see is that he wants to make
12 sure that Mr. Chisholm is aware of what you guys are doing.
13 So if he would have said I have nothing to do with what Mr.
14 Horn says or does, then ---

15 **MR. CHISHOLM:** No, I have no problem with
16 the statement.

17 **MR. HORN:** No, the issue is can he question
18 Mr. Chisholm as to what his instruction was to me at any
19 time, which is confidential between Mr. Chisholm and the
20 coalition and myself.

21 **MR. SHERRIFF-SCOTT:** I didn't ask for that
22 information.

23 **THE COMMISSIONER:** I know you didn't ask for
24 that.

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

1 **THE COMMISSIONER:** Just a minute. He didn't
2 ask for that. What he asked was "Are you the instructing
3 person or one of the instructing persons to the Coalition's
4 legal counsel"? And he said, "Yes".

5 **MR. CHISHOLM:** Sure.

6 **THE COMMISSIONER:** And I don't think that's
7 very surprising and then he came with the thing about what
8 cross-examination was with respect to Mr. Leroux in another
9 set.

10 Okay.

11 **MR. SHERRIFF-SCOTT:** Thank you, sir. Mr.
12 Chisholm, so what I was going to suggest to you before your
13 counsel rose was that you were aware that he was going to
14 take that position.

15 **MR. CHISHOLM:** What?

16 **MR. SHERRIFF-SCOTT:** You were aware that ---

17 **MR. CHISHOLM:** What position is that? That
18 he was going to perjure himself? No.

19 **MR. SHERRIFF-SCOTT:** No, no, no.

20 **MR. CHISHOLM:** How would I know that?

21 **MR. SHERRIFF-SCOTT:** No, we are at cross-
22 purposes. Listen to my question.

23 You were aware your lawyer was going to get
24 up here and put that document in here to suggest that Mr.
25 Leroux was a perjurer?

1 **MR. CHISHOLM:** I don't recall, but
2 apparently it's in there. Which exactly, which document is
3 this?

4 **MR. SHERRIFF-SCOTT:** These are the documents
5 that -- indicated through your counsel presentation that
6 Mr. Leroux was untruthful at a bail hearing while under
7 sworn testimony.

8 **MR. CHISHOLM:** At a bail hearing. I don't
9 know what that document is all about, but I think it
10 doesn't have -- I mean, it's pretty obvious there, from
11 what I understand, that he did perjure himself and so did
12 his buddy, C-8.

13 I mean they gave sworn affidavits a long
14 time ago, which we believed and I think we're a lot closer
15 to the truth than where we are now. Now they've been
16 twisted. So what good is their testimony? These are -- if
17 they're proven perjurers, the rest is kind of academic.

18 **MR. SHERRIFF-SCOTT:** So sitting here now ---

19 **MR. CHISHOLM:** Yeah?

20 **MR. SHERRIFF-SCOTT:** --- with the benefit of
21 what you said having -- and you said it in your Chief,
22 which is one of the last things that my friend, Mr.
23 Stauffer, elicited from you was that ---

24 **MR. CHISHOLM:** M'hm.

25 **MR. SHERRIFF-SCOTT:** --- he has perjured

1 himself so many times, he said. Sitting here now, he's a
2 person whose truthfulness you are concerned about.

3 **MR. CHISHOLM:** Not anymore. It's kind of
4 history now.

5 **MR. SHERRIFF-SCOTT:** No, no. No, no.
6 You're concerned that he does not tell the
7 truth.

8 **MR. CHISHOLM:** He doesn't anymore, I don't
9 think.

10 **MR. SHERRIFF-SCOTT:** All right.

11 **MR. CHISHOLM:** And he's -- I don't think he
12 probably knows anymore what the truth is. They've been so
13 screwed up.

14 **MR. SHERRIFF-SCOTT:** I am not interested in
15 your conjecture, sir.

16 **MR. CHISHOLM:** I know you're not! But I'm
17 telling you.

18 **MR. SHERRIFF-SCOTT:** Let's stick to my
19 questions, okay?

20 **MR. CHISHOLM:** I'm telling you this is very
21 important.

22 How can you expect him to be normal? I mean
23 these kids were sodomized as children. They're not going
24 to be normal!

25 **MR. SHERRIFF-SCOTT:** Well, Mr. Leroux never

1 gave such evidence, sir. Now, and that's your theory.

2 MR. CHISHOLM: Well, he was abused. It's
3 never -- it's all conjecture and it's all ---

4 MR. SHERRIFF-SCOTT: All right.

5 MR. CHISHOLM: --- what do you call it?
6 Alleged? Yeah.

7 MR. SHERRIFF-SCOTT: So maybe we could agree
8 to focus on my questions, and we will be finished very
9 rapidly. Okay?

10 MR. CHISHOLM: Okay.

11 MR. SHERRIFF-SCOTT: So I have your point
12 about Mr. Leroux being a perjurer, and you can't rely on
13 anything he says, but you say he was truthful sometime ago.

14 My point to you is you went down there. You
15 probably knew he was an abuser or a pedophile according to
16 what your brother-in-law, you say, probably told you. Then
17 you heard his stories and I am suggesting to you, sir, that
18 you heard these stories and you and your brother-in-law
19 were blinded by what you considered to be the importance of
20 this man and, therefore, overlooked his status as a
21 pedophile, an abuser in your own minds.

22 MR. CHISHOLM: That's a bit of a leap, but I
23 see what you are driving at.

24 We did -- I know I'll speak for myself --
25 more or less believe him. Now, maybe not a hundred per

1 cent, but it certainly seemed to have the ring of truth
2 what he was telling us. You understand?

3 Now, what he is saying now is completely
4 twisted around.

5 **MR. SHERRIFF-SCOTT:** M'hm.

6 **MR. CHISHOLM:** So ---

7 **MR. SHERRIFF-SCOTT:** You don't think he was
8 a person who lied because he had a whole lot of things to
9 hide and that you were simply not on your guard about that,
10 sir?

11 **MR. CHISHOLM:** No, no.

12 **MR. SHERRIFF-SCOTT:** You are not prepared to
13 accept for a moment that this man manipulated and lied to
14 you because he wanted to hide his own past?

15 **MR. CHISHOLM:** No, no. He didn't -- he was
16 fessing up I think he wanted to get this out. He was
17 admitting it that he was -- and he said I'll be taking a
18 lot of heat for it, and all that.

19 He seemed pretty credible at the time, and
20 so did his buddy, C-8.

21 **MR. SHERRIFF-SCOTT:** Pretty credible at the
22 time notwithstanding your brother-in-law said he was the
23 undercover operator of the pedophile world and believe he
24 was a pedophile, eh?

25 **MR. CHISHOLM:** Well, he was doing pretty

1 good with us as far as I'm concerned. He seemed ---

2 MR. SHERRIFF-SCOTT: I think he was too.

3 MR. CHISHOLM: Yeah, right.

4 MR. SHERRIFF-SCOTT: Now, sir, you admitted
5 to Mr. Neville that Mr. Nadeau was a part of the coalition
6 at least at some point in time. Correct?

7 MR. CHISHOLM: I believe, yes.

8 MR. SHERRIFF-SCOTT: And your own
9 promotional literature refers the readers of that
10 literature to Mr. Nadeau's website?

11 MR. CHISHOLM: I think it says that, yeah,
12 somewhere ---

13 MR. SHERRIFF-SCOTT: Yes, it does.

14 And I suggest to you, sir, that you knew
15 that Mr. Leroux's affidavit was posted to that website at
16 some point in time?

17 MR. CHISHOLM: It probably was.

18 MR. SHERRIFF-SCOTT: You knew that, sir.
19 Surely you did?

20 MR. CHISHOLM: Well, if it was on there, I
21 would certainly have seen it, yes. And I would have known
22 it.

23 MR. SHERRIFF-SCOTT: You would have known it
24 because ---

25 MR. CHISHOLM: Yes, but I don't know that I

1 -- when I learned it, or I don't remember it being on -- or
2 being aware of it, but if it was on there, I was probably
3 aware of it.

4 **MR. SHERRIFF-SCOTT:** All right, you accept
5 that, do you?

6 **MR. CHISHOLM:** Yes. If it was on there ---

7 **MR. SHERRIFF-SCOTT:** I'm not interested in
8 playing a numbers or dates game with you, sir. Okay? You
9 were probably aware?

10 **MR. CHISHOLM:** That's right.

11 **MR. SHERRIFF-SCOTT:** And you knew that it
12 was up there, I would suggest to you also, because there
13 was a big controversy going around Cornwall about the
14 strategy of the website operator, naming names at it came
15 to be described; right?

16 **MR. CHISHOLM:** Probably, yes.

17 **MR. SHERRIFF-SCOTT:** Probably. And one of
18 the concerns was that the man was naming names of alleged
19 abusers who had never ever been charged with an offence.
20 That was the concern.

21 **MR. CHISHOLM:** Probably, I think so.

22 **MR. SHERRIFF-SCOTT:** And that was a big
23 controversy in town, wasn't it?

24 **MR. CHISHOLM:** Yes.

25 **MR. SHERRIFF-SCOTT:** There were media

1 articles; correct?

2 MR. CHISHOLM: I -- yes, I think so, yes.

3 MR. SHERRIFF-SCOTT: Right. And you
4 supported the website, didn't you?

5 MR. CHISHOLM: I don't agree with naming
6 people that aren't charged.

7 MR. SHERRIFF-SCOTT: You didn't agree with
8 that?

9 MR. CHISHOLM: I don't agree with that.

10 MR. SHERRIFF-SCOTT: M'hm. And you're ---

11 MR. CHISHOLM: Making it public.

12 MR. SHERRIFF-SCOTT: And your in-laws and
13 your sister, they supported the website, didn't they?

14 MR. CHISHOLM: Well, to a certain degree. I
15 don't think they'd agree with that part of it. To name
16 people that -- you know what I mean?

17 THE COMMISSIONER: Well, careful about in-
18 laws. There's also ---

19 MR. CHISHOLM: Yes.

20 MR. SHERRIFF-SCOTT: Yes, excuse me. I mean
21 your sister and her husband?

22 MR. CHISHOLM: Yes.

23 MR. SHERRIFF-SCOTT: And your sister wrote
24 in something called, "From the desk of Helen Dunlop" didn't
25 she? Wasn't that published on the website? Doesn't that

1 ring any bells, sir?

2 MR. CHISHOLM: I don't know, no. It's
3 possible.

4 MR. SHERRIFF-SCOTT: Possible?

5 So your evidence now is that you would not
6 have supported naming names of people who were not charged
7 with criminal offences?

8 MR. CHISHOLM: Yes. I don't think that's
9 proper. I think they should be -- unless there is some
10 evidence, you know -- you can't just ---

11 MR. SHERRIFF-SCOTT: Some evidence? You
12 know, like the affidavits posted to the website?

13 MR. CHISHOLM: I don't know.

14 MR. SHERRIFF-SCOTT: Wasn't it, sir --
15 weren't you taking the position that the -- essentially the
16 ends justify the means here? That this was necessary
17 because you had no confidence in law enforcement in this
18 community?

19 MR. CHISHOLM: No. I don't buy that policy
20 at all, that the ends justifies the means.

21 MR. SHERRIFF-SCOTT: I suggest to you, you
22 supported the naming of names of people because you had no
23 confidence in law enforcement, and you believed in a
24 strategy of taking matters into your own hands or the hands
25 of the website operator to do this kind of thing, to

1 publish these names. Isn't that right?

2 **MR. CHISHOLM:** You're suggesting -- yes,
3 that's your suggestion. No, I don't agree with it.

4 **MR. SHERRIFF-SCOTT:** All right, thank you.
5 Those are my questions, Commissioner. Thank
6 you.

7 **THE COMMISSIONER:** Thank you.
8 So who's coming forward here? Mr.
9 Manderville?

10 **MR. MANDERVILLE:** I believe I'm next.

11 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
12 MANDERVILLE:

13 **THE COMMISSIONER:** So what we're going do is
14 go till five o'clock and then we'll resume tomorrow morning
15 at nine-thirty.

16 **MR. MANDERVILLE:** I should tell you right
17 now, Mr. Commissioner, I do not expect to finish by 5:00
18 p.m.

19 **THE COMMISSIONER:** I don't expect you to
20 finish by 5:00 p.m. That's why we're starting at 9:30
21 tomorrow. I take it we will be finished by sometime
22 tomorrow? Yes, okay.

23 **MR. MANDERVILLE:** I will be.

24 (LAUGHTER/RIRES)

25 **MR. MANDERVILLE:** Good afternoon, Mr.

1 Chisholm. My name is Peter Manderville. I'm counsel for
2 the Cornwall Police Service.

3 MR. CHISHOLM: Yes.

4 MR. MANDERVILLE: Now, you told the
5 Commission yesterday in your testimony that you felt that
6 yourself and Mr. Dunlop -- and I hope I'm quoting you
7 accurately -- "Had to take action to uncover the abuse of
8 children in the community". Is that a fair paraphrasing of
9 what you ---

10 MR. CHISHOLM: Probably, yes.

11 MR. MANDERVILLE: --- what you had to do?
12 And you've also acknowledged that you,
13 yourself, have no training as an investigator; correct?

14 MR. CHISHOLM: Not as a police investigator.

15 MR. MANDERVILLE: No formal investigative
16 training?

17 MR. CHISHOLM: No, I don't think so.

18 MR. MANDERVILLE: And, prior to 1994, had
19 you ever really done any investigations, informal or
20 otherwise?

21 MR. CHISHOLM: Not that I recall.

22 MR. MANDERVILLE: Okay. And is it fair for
23 me to suggest that as you went along you might have made
24 some mistakes along the way?

25 MR. CHISHOLM: That's fair to suggest.

1 **MR. MANDERVILLE:** Do you agree with that
2 suggestion?

3 **MR. CHISHOLM:** That I made mistakes?

4 **MR. MANDERVILLE:** You might have made
5 mistakes along the way, in part due to your lack of
6 training as an investigator?

7 **MR. CHISHOLM:** That's entirely possible, for
8 sure.

9 **MR. MANDERVILLE:** Now, I'm going to submit a
10 few general propositions for you and you can agree or
11 disagree as you wish.

12 Firstly, do you accept, generally, that in
13 our society people who are charged with an offence are
14 presumed innocent until proven guilty?

15 **MR. CHISHOLM:** Yes.

16 **MR. MANDERVILLE:** And do you accept that
17 that's the way it should be in our society?

18 **MR. CHISHOLM:** Yes.

19 **MR. MANDERVILLE:** And certainly, they're
20 presumed innocent before they're charged or if they're
21 never charged; right?

22 **MR. CHISHOLM:** They're presumed by whom?

23 **MR. MANDERVILLE:** Certainly, they are
24 presumed innocent in our society before they are charged or
25 if they are never charged; correct?

1 **MR. CHISHOLM:** Well, I don't know. I
2 wouldn't know. Like, if you see something happening and
3 the guy is never charged, you've still seen it, and it
4 could be argued that he's guilty because you saw it. But
5 he's never charged, so that doesn't make him innocent. I
6 don't know, what's the point?

7 **MR. MANDERVILLE:** Well, if you saw it, you
8 would come forward and report it would you not?

9 **MR. CHISHOLM:** Well, hopefully, but
10 sometimes that's a bit of a problem. It's been a problem
11 here.

12 **MR. MANDERVILLE:** Has it ever been a problem
13 for you, sir?

14 **MR. CHISHOLM:** Problematic here? Yes.
15 Absolutely.

16 **MR. MANDERVILLE:** You personally.

17 **MR. CHISHOLM:** Yes, yes.

18 **MR. MANDERVILLE:** You said if you saw
19 something?

20 **MR. CHISHOLM:** Well, if I saw something or I
21 just witnessed it or heard about it, is that -- it's not
22 the same as seeing it I realize. But if knowledge of a
23 crime comes to you, is it not a good idea to report it?

24 **MR. MANDERVILLE:** I don't disagree with you,
25 sir. I'm asking you what you feel.

1 **MR. CHISHOLM:** Well, I think it's a good
2 idea to report it. I think it's actually our duty to
3 report it.

4 **MR. MANDERVILLE:** And additionally I take it
5 -- do you accept that in our society people are entitled to
6 defend themselves against charges laid against them?

7 **MR. CHISHOLM:** Absolutely.

8 **MR. MANDERVILLE:** And otherwise, instead of
9 the rule of law in our society, we would have the rule of
10 the lynch mob, wouldn't we?

11 **MR. CHISHOLM:** I suppose -- something along
12 those lines.

13 **MR. MANDERVILLE:** And lastly, sir, again as
14 a general proposition, in your view should police proceed
15 to lay charges even if the victim does not want to proceed,
16 or should the victim have a right to decide this and retain
17 his or her privacy and that that wish should be respected?

18 **MR. CHISHOLM:** Should what happen if a crime
19 has been committed and the victim doesn't want to report
20 it?

21 **MR. MANDERVILLE:** And doesn't want to go
22 ahead.

23 **MR. CHISHOLM:** Should it be investigated?
24 Yes, it should be, I think, in certain situations though I
25 mean it's -- you're talking hypothetical cases here.

1 For instance, if a crime was committed
2 against a child, he may not have full consent. He doesn't
3 want to proceed because the perpetrator may be telling him
4 he would burn his house or, you know, whatever. So the kid
5 doesn't want to go ahead with it.

6 **MR. MANDERVILLE:** And what about if it's an
7 adult?

8 **MR. CHISHOLM:** Well, the same would apply I
9 suppose if he's under -- who knows? There's so many
10 circumstances. He may be under duress or, you know, but
11 why wouldn't he report it?

12 **MR. MANDERVILLE:** I'm not suggesting report
13 it.

14 **MR. CHISHOLM:** No, no. I think it should be
15 investigated.

16 **MR. MANDERVILLE:** So fair to say there's a
17 wide number of variables that could be in operation;
18 correct?

19 **MR. CHISHOLM:** Yes.

20 **THE COMMISSIONER:** Well, and in fairness,
21 now -- and I don't want -- you know, I haven't been in a
22 criminal court in a couple of years, but I thought the
23 Ministry of the Attorney General had certain directives
24 with respect for example -- and I may be wrong, and the
25 Attorney General's representative is here.

1 That for domestic disputes, for example, if
2 the woman gives a statement and then all of a sudden says,
3 "I don't want to do this anymore" the Crown's directed I
4 think to go ahead with it.

5 So you know, I don't think it's fair to put
6 it one way or the other. So there are circumstances where
7 it is out of their control.

8 **MR. MANDERVILLE:** Well, I don't disagree
9 with you, Mr. Commissioner. I prefaced my question with
10 the suggestion that Mr. Chisholm give me his view on how
11 things should go, and I just pointed out to him there are a
12 wide variety of ---

13 **THE COMMISSIONER:** Fair enough.

14 **MR. MANDERVILLE:** --- factors that could go
15 one way or the other.

16 **THE COMMISSIONER:** Fair enough.

17 **MR. MANDERVILLE:** So, Mr. Chisholm, you
18 would agree with me there are a number of variables which
19 could be at work in a given situation which might militate
20 one way or the other; correct?

21 **MR. CHISHOLM:** Of course.

22 **MR. MANDERVILLE:** Now, I want to talk to you
23 a little bit about John MacDonald. You're familiar with
24 him?

25 **MR. CHISHOLM:** Yes.

1 **MR. MANDERVILLE:** And you're aware he
2 testified here?

3 **MR. CHISHOLM:** Yes.

4 **MR. MANDERVILLE:** Well, he testified that he
5 first met you on September 12, 1995. And that was also the
6 day you and he went to the Cornwall Police station -- just
7 to orient you a little bit -- testified that you went to
8 his house and you arrived as he was writing out a statement
9 making allegations against Father Charles MacDonald. Do
10 you recall that?

11 **MR. CHISHOLM:** Yes.

12 **MR. MANDERVILLE:** He was in his basement
13 doing this and he told us that you had come downstairs and
14 watched as he sort of put the finishing touches on the
15 statement. Do you recall that?

16 **MR. CHISHOLM:** Yes.

17 **MR. MANDERVILLE:** And he testified that you
18 took him to the police station and that on the way you
19 stopped off at your office and made a copy of the
20 statement. Do you recall doing that?

21 **MR. CHISHOLM:** I think we did stop and make
22 a copy, somewhere, yes.

23 **THE COMMISSIONER:** I don't know if it was
24 his office but it doesn't matter.

25 **MR. MANDERVILLE:** And then subsequently you

1 took Mr. MacDonald to the police station where you had the
2 meeting with Staff Sergeant Durochie; correct?

3 **MR. CHISHOLM:** Yes.

4 **MR. MANDERVILLE:** Did you make any notes of
5 that visit to the police?

6 **MR. CHISHOLM:** No, not that I recall.

7 **MR. MANDERVILLE:** Now, Mr. MacDonald also
8 testified that you took his statement and gave it to
9 Charlie Greenwell, a television reporter, without his
10 permission to do so. Did you do that?

11 **MR. CHISHOLM:** I don't believe I did, no.

12 **MR. MANDERVILLE:** So you have no knowledge
13 of how his statement came into the hands of Mr. Greenwell?

14 **MR. CHISHOLM:** No, I don't. But, now, I'm
15 not saying I didn't give it to him, but I certainly don't
16 remember and I don't think I would without his permission.
17 So if he said he didn't give his permission, and that's a
18 fact, then I didn't give it to him. But I don't remember.
19 Really I don't.

20 **MR. MANDERVILLE:** Well, Mr. MacDonald has
21 testified under oath that you did give it to Charlie
22 Greenwell and you did not have his permission to do so. Is
23 he wrong?

24 **MR. CHISHOLM:** I would say so.

25 **MR. MANDERVILLE:** Mr. MacDonald also

1 testified that as a result of that, and he told the OPP
2 this, he felt you had betrayed his trust and he ceased
3 trusting you. Do you accept that?

4 **MR. CHISHOLM:** Well, he may take that
5 position but I don't believe that I gave it to Charlie
6 Greenwell. You should ask Charlie Greenwell where he got
7 it.

8 **MR. MANDERVILLE:** Have you forgotten giving
9 it to him?

10 **MR. CHISHOLM:** I don't remember giving it to
11 him at all, for sure. I just said that.

12 **MR. MANDERVILLE:** So you may have but you
13 can't recall?

14 **MR. CHISHOLM:** That's right. But I don't
15 think I would without John's permission. In fact, I'm sure
16 of it.

17 **MR. MANDERVILLE:** So when Mr. MacDonald
18 testifies that he did not give you permission, he's wrong?

19 **MR. CHISHOLM:** He's wrong, what? I don't
20 recall him giving me permission or giving it to Charlie
21 Greenwell. I don't know, like I said, in fact, if I did,
22 but I may have. But I don't think I would give it to him
23 without permission. And if he says I didn't give him
24 permission I don't think I gave it to him, unless he's
25 wrong about giving permission. You know what I mean?

1 **MR. MANDERVILLE:** Not really.

2 **(LAUGHTER/RIRES)**

3 **MR. CHISHOLM:** I don't think I would. We
4 should ask Charlie Greenwell, but then it still wouldn't
5 solve the problem. If John thinks that he didn't give me
6 permission and he did -- I don't remember if he did or
7 didn't. I just don't think I would give it without his
8 permission. Do you follow?

9 **MR. MANDERVILLE:** Fair to say you don't
10 recall if he ever gave you permission to give ---

11 **MR. CHISHOLM:** That's right.

12 **MR. MANDERVILLE:** --- the statement to
13 Charlie Greenwell?

14 **MR. CHISHOLM:** That's right.

15 **MR. MANDERVILLE:** Again, it's difficult
16 getting your voice and mine on at the same time. So I will
17 certainly let you finish and I'd like you to let me finish.

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

19 **MR. MANDERVILLE:** So you don't recall if he
20 gave you permission or not to give the statement to Mr.
21 Greenwell?

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

23 **MR. MANDERVILLE:** You don't recall if you
24 gave the statement to Mr. Greenwell or not?

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

1 **MR. MANDERVILLE:** We also heard from both
2 Robert Renshaw and Claire Renshaw who testified here that
3 Mr. Dunlop provided a number of victim statements to Mr.
4 Nadeau to be made public on his website, and they told the
5 OPP in a statement that they felt that the victims' trust
6 had been betrayed.

7 Did you have a role in that decision to give
8 victim statements to Mr. Nadeau for use on his website?

9 **MR. CHISHOLM:** Not that I recall.

10 You're saying Claire and Bobby Renshaw
11 thought that their statements, which were apparently on the
12 website, given by Dunlop, without their permission?

13 **MR. MANDERVILLE:** Correct.

14 **MR. CHISHOLM:** I doubt that.

15 **MR. MANDERVILLE:** My question to you, sir,
16 is did you have a role in ---

17 **MR. CHISHOLM:** No, not that I recall. I
18 wouldn't do it either.

19 **MR. MANDERVILLE:** Did you have a role in
20 providing victims' statements to Mr. Nadeau for him to put
21 on his website?

22 **MR. CHISHOLM:** I don't recall ever giving
23 him any statements.

24 **MR. MANDERVILLE:** Does that mean you did not
25 or you just don't remember?

1 MR. CHISHOLM: I don't remember.

2 MR. MANDERVILLE: Now, I'd ask that Mr.
3 Chisholm be provided with a copy of Exhibit 707.

4 THE COMMISSIONER: Does he have a copy,
5 Madam Clerk? Yes, it's the transcript of ---

6 MR. CHISHOLM: I think it's here.

7 THE COMMISSIONER: It's a thick document.

8 MR. MANDERVILLE: It's the thicker one of
9 December 13th, 2004.

10 THE REGISTRAR: I have it out here.

11 MR. MANDERVILLE: In *Her Majesty the Queen v*
12 *Jacques Leduc*.

13 MR. CHISHOLM: Okay. There it is. Yes.

14 MR. MANDERVILLE: And that is a transcript
15 of your cross-examination by Ms. Henein in a voir dire in
16 the Leduc matter. You recall that; correct?

17 MR. CHISHOLM: Yes.

18 MR. MANDERVILLE: Now, you told Mr. Stauffer
19 yesterday in response to his questions that you don't
20 believe you ever took a statement from Albert Roy and you
21 don't believe you ever took notes or met with Robert
22 Renshaw. Do you recall saying that to Mr. Stauffer
23 yesterday?

24 MR. CHISHOLM: No.

25 MR. MANDERVILLE: You don't recall saying

1 that?

2 **MR. CHISHOLM:** Well, you see, you're asking
3 two questions at once there, type of thing. I don't recall
4 taking a statement or meeting him?

5 **MR. MANDERVILLE:** I probably have six
6 actually.

7 **MR. CHISHOLM:** Yes, well, I met with him but
8 I don't remember taking a statement. So, you know, how do
9 you answer that?

10 **MR. MANDERVILLE:** Well, let's focus on Mr.
11 Roy first.

12 **MR. CHISHOLM:** Yes.

13 **MR. MANDERVILLE:** Do you recall meeting with
14 Mr. Roy?

15 **MR. CHISHOLM:** Yes.

16 **MR. MANDERVILLE:** Did you take a statement
17 from him?

18 **MR. CHISHOLM:** Not that I recall.

19 **MR. MANDERVILLE:** Okay. Do you recall
20 meeting with ---

21 **MR. CHISHOLM:** Unless you consider taking a
22 statement ---

23 **THE COMMISSIONER:** No, no.

24 **MR. CHISHOLM:** Him making a statement to me.
25 You mean a written statement? I don't think so.

1 **THE COMMISSIONER:** No, no. When he says
2 taking a statement ---

3 **MR. CHISHOLM:** A statement?

4 **THE COMMISSIONER:** Taking a statement means
5 writing it down ---

6 **MR. CHISHOLM:** No, I don't think so.

7 **THE COMMISSIONER:** --- him or you, and
8 having it signed.

9 **MR. CHISHOLM:** Yes. I don't ---

10 **THE COMMISSIONER:** That's what taking a
11 statement means.

12 **MR. CHISHOLM:** No, I don't believe so.

13 **MR. MANDERVILLE:** I'd ask you to turn to
14 page 39 of that transcript. And just to set it up for you,
15 in the preceding pages you and Ms. Henein are discussing
16 who you may have met and taken statements from.

17 **MR. CHISHOLM:** I don't think these are
18 numbered but ---

19 **THE COMMISSIONER:** Yes, page 39 on top in
20 the middle.

21 **MR. CHISHOLM:** Okay. Yes.

22 **THE COMMISSIONER:** So 39.

23 **MR. CHISHOLM:** Yes, I got her.

24 **MR. MANDERVILLE:** The page begins:

25 The Court:

1 "Albert Lalonde. Thank you."

2 Answer:

3 "Albert Roy. Bob Renshaw I believe
4 now."

5 The Court:

6 "Renshaw, sir?"

7 Answer:

8 "Renshaw."

9 The Court:

10 "Thank you."

11 Answer:

12 "Yeah. Oh, I can't remember their
13 names now."

14 Ms. Henein asked you:

15 "So you took a statement from Albert
16 Malone."

17 I think she means -- its meant to be Albert Lalonde.

18 "Do you recall that?"

19 Answer:

20 "Albert. Yes."

21 The Court:

22 "And you took a statement from Albert
23 Roy. Do you recall that?"

24 Answer:

25 "Yes."

1 The Court:

2 "And you took a statement from a
3 Renshaw. Do you remember his first
4 name? Bob was it? Okay. Robert. You
5 took a statement from Bob Renshaw as
6 well?"

7 Answer:

8 "Well, we just spoke. I didn't take a
9 statement as such."

10 So were you asked those questions and did
11 you give those answers, Mr. Chisholm?

12 **MR. CHISHOLM:** Apparently. But I see the
13 problem there with the -- about a statement from Albert
14 Malone.

15 "You took a statement from Albert Roy.
16 Do you recall that?"

17 Answer:

18 "Yes."

19 Well, but I don't think it was a written
20 statement. But, you see, that's the problem, the word
21 "statement".

22 **MR. MANDERVILLE:** So in your definition
23 taking a statement from someone as an investigator could be
24 either verbal or written?

25 **MR. CHISHOLM:** Well, yes.

1 **MR. MANDERVILLE:** Okay.

2 **MR. CHISHOLM:** Because I don't recall, like
3 I said, taking a written statement from Albert Roy.

4 **MR. MANDERVILLE:** And this transcript and
5 the portion I just referred you to does not refresh your
6 memory as to whether you ever did take a written statement
7 from Albert Roy?

8 **MR. CHISHOLM:** No. No. And I still can't
9 recall it, but I did speak to him on different occasions.

10 **MR. MANDERVILLE:** If you did take a written
11 statement from Albert Roy would you have retained it or
12 would you have turned it over to Mr. Dunlop?

13 **MR. CHISHOLM:** Turned it over.

14 **MR. MANDERVILLE:** Is it fair for me to
15 presume that virtually every written note you accumulated
16 as an investigator or statements you obtained from people,
17 you turned over to Mr. Dunlop?

18 **MR. CHISHOLM:** Basically I believe, yes.
19 Anything of any consequence for sure.

20 **MR. MANDERVILLE:** Now, Mr. Chisholm, are you
21 aware in the latter part of the 1990s or perhaps 2000, Mr.
22 Dunlop retained a publicist or a press consultant to assist
23 him in his relations with the media?

24 **MR. CHISHOLM:** No.

25 **MR. MANDERVILLE:** Does the name Adrian

1 McLennan ring any bells for you?

2 **MR. CHISHOLM:** Adrian McLennan? No, it
3 doesn't.

4 **MR. MANDERVILLE:** Are you aware that Mr.
5 Dunlop has testified in the Leduc matter that he had indeed
6 retained a press consultant to assist him in his media
7 relations?

8 **MR. CHISHOLM:** I don't recall that.

9 **MR. MANDERVILLE:** That was not something ---

10 **MR. CHISHOLM:** I'm not saying it didn't
11 happen, I just -- I have no recollection of that at all.

12 **MR. MANDERVILLE:** That's just not something
13 that registered with you?

14 **MR. CHISHOLM:** No.

15 **MR. MANDERVILLE:** Switching gears a little
16 bit, Mr. Sherriff-Scott took you through a little bit of a
17 chronology with Mr. Leroux, and Ms. Daley also talked with
18 you a little bit about Mr. Dunlop's civil suit.

19 And it would appear that on June 6th, 1996,
20 Mr. Dunlop issued his Notice of Action in that civil suit.
21 And I don't expect you to recall the date exactly, but do
22 you recall that it was in or around June of 1996 that he
23 initiated his legal proceeding?

24 **MR. CHISHOLM:** No, I don't recall.

25 **MR. MANDERVILLE:** And in June 9, 1996 we've

1 heard that Mr. Dunlop met with C-8 for the first time. Did
2 you know that?

3 MR. CHISHOLM: I'll take your word for it.

4 MR. MANDERVILLE: And one month later, as
5 you and Mr. Sheriff-Scott were discussing, C-8 told Mr.
6 Dunlop that he had been sexually abused by Mr. Leroux
7 commencing at the age of 15. And I understand you did
8 become aware of that but you don't remember when. Is that
9 right?

10 MR. CHISHOLM: That's right, yeah.

11 MR. MANDERVILLE: According to your
12 definition, and I'm not suggesting this becomes binding or
13 a legal definition, is the sexual abuse of a 15-year old a
14 pedophilic act, in your mind?

15 MR. CHISHOLM: I would think it would depend
16 on the age spread of the perpetrator.

17 MR. MANDERVILLE: If it's an adult male in
18 his 30s or 40s?

19 MR. CHISHOLM: Is it a problem? Yes. Yeah,
20 well, quite a difference in age there. I mean, like I
21 would think it would be less of a problem with -- if the
22 other lad was closer to age, like 16 type of thing, 17, it
23 would be more of a consensual thing, I would think, but a
24 30 year difference is a pretty big spread.

25 MR. MANDERVILLE: And in your mind, would

1 that constitute a pedophilic act?

2 MR. CHISHOLM: It sounds like it to me but -
3 --

4 MR. MANDERVILLE: Now, we know from Mr.
5 Leroux that your brother-in-law Perry went down to meet
6 with him in Maine from October 7 to October 11, 1996. And
7 that was the first time Mr. Dunlop went to meet with Mr.
8 Leroux. He'd not met him here, it was down in Maine for
9 the first time.

10 Do you recall going to Maine with Mr. Dunlop
11 for four or five days consecutively?

12 MR. CHISHOLM: I don't think so. No. I
13 think ---

14 MR. MANDERVILLE: And did you ever go to
15 Maine with Mr. Bourgeois as well as Mr. Dunlop?

16 MR. CHISHOLM: No. No.

17 MR. MANDERVILLE: Because we understand that
18 Mr. Bourgeois accompanied Mr. Dunlop on the October 7 to
19 11, '96 trip?

20 MR. CHISHOLM: Right.

21 MR. MANDERVILLE: So if you went ---

22 MR. CHISHOLM: I didn't.

23 MR. MANDERVILLE: --- it was on a different
24 occasion.

25 MR. CHISHOLM: I didn't -- yeah, I ---

1 **MR. MANDERVILLE:** We also know that Mr.
2 Dunlop and Mr. Bourgeois went back down to Maine in late
3 October, 1996 to meet with Mr. Leroux again.

4 Do you recall ever being in Maine for
5 Hallowe'en?

6 **MR. CHISHOLM:** Me?

7 **MR. MANDERVILLE:** Yes.

8 **MR. CHISHOLM:** I don't think so.

9 **MR. MANDERVILLE:** So it's fair to say you
10 didn't accompany Mr. ---

11 **MR. CHISHOLM:** No, I didn't go with him, no.

12 **MR. MANDERVILLE:** Okay.

13 **MR. CHISHOLM:** If that's what it was.

14 **MR. MANDERVILLE:** How many times did you go
15 down to Maine to meet with Mr. Leroux?

16 **MR. CHISHOLM:** I believe just the once.

17 **MR. MANDERVILLE:** And Mr. Bourgeois was not
18 with you, it was just Perry.

19 **MR. CHISHOLM:** I think I dropped him off
20 there when we come from Florida, if that counts. But as I
21 recall I only took one trip down, yeah.

22 **MR. MANDERVILLE:** It may count, and I might
23 ask you about that in a few minutes.

24 Did you actively participate in any
25 interviews with Mr. Leroux?

1 **MR. CHISHOLM:** I was probably there but I
2 just can't remember how that all came about. If -- I don't
3 remember ever writing anything, no but I was probably in
4 the room, I presume.

5 **THE COMMISSIONER:** Was there a tape recorder
6 in the room?

7 **MR. CHISHOLM:** I don't recall a tape
8 recorder.

9 **MR. MANDERVILLE:** And we're agreed that in
10 all likelihood that if you were in an interview, that your
11 brother-in-law Perry took the lead.

12 **MR. CHISHOLM:** Yes.

13 **MR. MANDERVILLE:** Now, we have as Exhibit
14 563 -- simply for the record, I don't think you need to see
15 it -- the initial Leroux statement.

16 We also understand that at Exhibit 567 we
17 have a second Leroux statement, and that's dated October
18 31. Mr. Leroux has told us that in November, November 11th
19 through 13th, he was in Newmarket meeting with Perry and Mr.
20 Bourgeois. Were you ever in Newmarket to meet with Mr.
21 Leroux?

22 **MR. CHISHOLM:** No.

23 **MR. MANDERVILLE:** Did you ever go to Mr.
24 Bourgeois's office in Newmarket ---

25 **MR. CHISHOLM:** No.

1 **MR. MANDERVILLE:** --- at any time?

2 **MR. CHISHOLM:** Never.

3 **MR. MANDERVILLE:** Mr. Leroux has also told
4 us that in the latter part of November 1996, he was urged
5 to go to Toronto to meet with Mr. Silmser. Were you at
6 that meeting?

7 **MR. CHISHOLM:** No.

8 **MR. MANDERVILLE:** Did you arrange for that
9 meeting?

10 **MR. MANDERVILLE:** No.

11 **MR. CHISHOLM:** And on November 13, 1996, we
12 have two more statements from Mr. Leroux, Exhibits 565 and
13 566. Were you aware of those statements?

14 **MR. CHISHOLM:** I don't know.

15 **MR. MANDERVILLE:** Were you involved in their
16 preparation?

17 **MR. CHISHOLM:** I don't know what statements
18 you're talking about.

19 **MR. MANDERVILLE:** So by my count, by the
20 time you go to meet with Mr. Stewart MacDonald, your
21 brother-in-law, on November 19th, 1996, we have four
22 different statements from Mr. Leroux, plus an Affidavit,
23 all with, what I will suggest to you, are some differences
24 among them. Do you accept that?

25 **MR. CHISHOLM:** What do you mean? With some

1 differences among them, among -- what differences and among
2 who? Like, what are you talking about?

3 **MR. MANDERVILLE:** Well, I can detail the
4 differences within the statements, but for present purposes
5 do you accept that as at November 19, 1996 through Exhibits
6 565, 566, 563, and 567 we have four different statements
7 from Mr. Leroux, all obtained by Mr. Dunlop and Mr.
8 Bourgeois? Do you accept that?

9 **MR. CHISHOLM:** Well, I have no reason to
10 really accept it or not accept it. I don't really know.

11 **THE COMMISSIONER:** I think we should ---

12 **MR. CHISHOLM:** I -- if you say so. Hey ---

13 **THE COMMISSIONER:** We will tomorrow.

14 **MR. CHISHOLM:** Who am I to argue?

15 **THE COMMISSIONER:** I think we're getting
16 tired. We'll come back at 9:30 and then we'll pick up from
17 there.

18 **MR. MANDERVILLE:** Okay.

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

21 This hearing is adjourned until tomorrow
22 morning at 9:30 a.m.

23 --- Upon adjourning at 4:49 p.m. /

24 L'audience est ajournee a 16h49

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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, CVR-CM