

From

to 1-416-442-2077

at 8/19/00 11:59 AM Pg 002/003

Subject: scott : ter

ITEM 12A

Date: Fri, 11 Aug 2000 14:03:12 -0400

From: Standard Freeholder <news@standard-freeholder.southam.ca>

Organization: Standard Freeholder

To: cpregent@sympatico.ca

D

To the editor:

The purpose of this letter is to react to your editorial in the newspaper on Thursday, August 10, and to the fact of the existence of a website which has recently surfaced providing the names of actual persons, including priests in the diocese, said to be guilty of sexual misconduct with young people in the past.

I am the solicitor for the Diocese of Alexandria-Cornwall and for a number of priests whose names have surfaced in allegations of wrong doing made by citizens and former citizens of the Cornwall community and the area. The diocese and its priests have painfully lived with the allegations made initially with respect to identified individuals, latterly with respect to whole categories and classes of individuals referred to collectively in broad-based allegations of sexual impropriety.

Amongst these people there are undoubtedly the guilty but at the same time there are many, many people, both living and dead, who are entirely innocent of any wrongdoing and who have been forced, while discharging important services in the community, to hold their breath in the hope that their well-earned reputations within their church and community will not be destroyed in a frenzy of irresponsible muckraking.

The latest event is the establishment by some irresponsible person of a website which, until it was recently shut down, contained the actual names of a number of priests at the diocese while at the same time, in a curious application of a remarkable double standard, shielding the names of most of the persons said to have been victims. In other words, in a shocking disregard for the laws of defamation and the presumption of innocent, the website listed actual persons, both living and dead, who are neither charged nor convicted, as having committed acts of gross sexual impropriety.

The fundamental societal inappropriateness of this action was the subject of your editorial. On behalf of these priests, I applaud the editor for his succinct recitation of our social values in his outright condemnation of this behaviour. No benefit accrues to any victim of sexual abuse by creating more victims in the form of persons whose reputations are totally destroyed in a manner that is completely unwarranted. Our system depends on the conduct of thorough investigation by skilled and principled law enforcement agencies; the exercise of prosecutorial judgment by competent Crown counsel and, in those cases where charges are laid, the application of the law with scrupulous fairness and vigour by independent judges. The system does not depend, nor will it survive, in the face of conduct intended to circumvent the system and its protective shroud in order to assuage the escalating curiosity of the citizen, thereby destroying forever the reputations of innocent citizens. The witches of Salem is a lesson in history which should not be forgotten.

The priests whom I represent have been counselled to cooperate fully with the OPP in the conduct of their Project Truth investigation. I believe they have done so and are doing so. If this is not so, it will no doubt be the subject of elements in the ultimate police report. I have also counselled these priests to make no public comment or indeed any comment, public or private, while the investigation is ongoing. The conduct of an investigation of this kind by the OPP is an extremely difficult and delicate task. Importuning by affected persons is disruptive to the investigation which must be independent if balanced investigative judgment is to be permitted to run its course. No one at this juncture has, or can, suggest that the police are not doing their job in accordance with the long tradition of the OPP. For this reason I

ITEM 12A

have again coun led the priests whom I represent ot to give way to the very powerful instinct to strike a retaliatory blow in the courts as a result of the creation of this website.

I write this note because it is now being suggested by some, perhaps by those who have not thought this through, that a silent response by the affected priests is evidence of guilt. This is an extremely dangerous reaction because if silence were a logical inference of guilt, then the OPP investigation would be contaminated and undermined by the website and there would be a proliferation of unproductive lawsuits in order to forestall the drawing of the inference of guilt.

No. The persons whom I represent, for the time being, continue to accept my advice that though the provocation is extreme and the insult overwhelming, they should keep their powder dry and await the completion and result of the OPP investigation. There is no reason to abandon their adoption of a posture of silence and cooperation merely because someone or more persons who do not understand the system choose to circumvent it.

This is a plea, therefore, for support for the ongoing investigation and for the right of innocent persons to expect that their reputations for decency will be respected until there are compelling reasons to conclude otherwise. For these reasons, and for anyone who has seen the website, this, through your newspaper, is a statement that there will be no response, formal or otherwise, to irresponsible statements while the investigation is ongoing. If the website is reopened, or others choose to engage in similar muckraking in the future, the provocation presented by these events will be addressed.

David W. Scott,
Ottawa

ITEM 13A

"Who-Is Circumventing The Letter and Spirit Of The Law?"

The Senior Partner and esteemed longtime litigator for Ottawa's prestigious Scott & Aylen Law Firm has stepped forward to publicly defend the Diocese of Alexandria-Cornwall; or is he defending his self-esteem? (see Saturday's Cornwall Standard-Freeholder, August 12, 2000.) It is this writer's belief and opinion that Scott and Aylen's efforts in "social control," as displayed by Mr. Scott's letter, is an act of desperation and face-saving. You never expected "the truth to surface" did you, Mr. Scott? Not unlike previous communiqué's chastising particular member's of the community for speaking out; written by Claude McIntosh, Chief Claude Shaver, Bishop Larocque, Liberal Member of Parliament Bob Kilger and other's, David Scott reiterates pleas to protect the innocent until proven guilty. Mr. Scott, come down from your Tower and LOOK, who circumvents criminal and civil procedure? When did the Diocese first retain you, in 1993? You know as well as I do that months may be wasted arguing that time may or may not have been exhausted and it is now too late to prosecute. Who is playing the game fairly? How much evidence is needed? Is this community and the legal community not fed up? How much more? This should never have gone on this long. I believe Scott & Aylen are distressed because the truth is leaking-out. As Mr. Scott well knows, To follow "the letter of the law" is interpreted and argued very differently from one lawyer to the other. Mr. David Scott explains his interpretation thereof, outlining the do's and don'ts of civil and criminal procedure, from his interpretation. Undoubtedly, the website was initiated because real or perceived facts would lead any reasonable person to suspect improprieties or cover-up of one kind or another existed and was impeding the investigation and justice for all. In fact, the investigators may be investigated. Read the facts since 1993. Notwithstanding this, David Scott has set aside social engagements to set the world straight, and advise aspiring website designers to watch-out! The "system" has brutally botched this whole inquiry. Mr. Scott, I believe you will undoubtedly file for withdrawal of any prosecution with prejudice, based on lack of timely prosecution or based on, "the website operator" done-it. Mr. Scott also is aware of the following definitions, however, chooses not to inform the public of this side, how typically legal; Definition#1-"defamation" a FALSE STATEMENT that injures someone's reputation; the publication of anything false which is injurious to the good name or reputation of another, or which tends to bring him into disrepute. A defamation designed to be read is a libel; an oral defamation is a slander. There is no legal cause of action called defamation.
Definition#2-"libel" an UNTRUTHFUL STATEMENT about a person, published in writing, that injures the person's reputation or standing in the community. A tort consisting of a FALSE and MALICIOUS publication printed FOR THE PURPOSE of defaming one who is living. In tort law, only a living person may be defamed. "Libel" includes any UNPRIVILEGED, FALSE, and MALICIOUS publication which by printing, writing, signs or pictures tends to expose a person to public scorn or ridicule. The TRUTH of the published statement creates a valid defense to an action for libel."
There is no defamation if the words are TRUE."
 It is my belief and opinion that the website did not INTEND to provide FALSE or MALICIOUS publications FOR THE PURPOSE of defaming one; the INTENTION was to provide THE TRUTH and it did provide THE TRUTH.

ITEM 13A

“Who Is Circumventing The Letter and Spirit Of The Law?”

The Senior Partner and esteemed longtime litigator for Ottawa’s prestigious Scott & Aylen Law Firm has stepped forward to publicly defend the Diocese of Alexandria-Cornwall; or is he defending his self-esteem? (see Saturday’s Cornwall Standard-Freeholder, August 12, 2000.) It is this writer’s belief and opinion that Scott and Aylen’s efforts in “social control,” as displayed by Mr. Scott’s letter, is an act of desperation and *face-saving*. *You never expected “the truth to surface” did you, Mr. Scott?* Not unlike previous communiqué’s chastising particular member’s of the community for speaking out; written by Claude McIntosh, Chief Claude Shaver, Bishop Larocque, Liberal Member of Parliament Bob Kilger and other’s, David Scott reiterates pleas to protect the innocent until proven guilty. Mr. Scott, come down from your Tower and LOOK, who circumvents criminal and civil procedure? When did the Diocese first retain you, in 1993? You know as well as I do that months may be wasted arguing that time may or may not have been exhausted and it is now too late to prosecute. Who is playing the game fairly? How much evidence is needed? Is this community and the legal community not fed up? How much more? This should never have gone on this long. I believe Scott & Aylen are distressed because the truth is leaking-out. As Mr. Scott well knows, To follow “the letter of the law” is interpreted and argued very differently from one lawyer to the other. Mr. David Scott explains his interpretation thereof, outlining the do’s and don’ts of civil and criminal procedure, from his interpretation. Undoubtedly, the website was initiated because real or perceived facts would lead any reasonable person to suspect improprieties or cover-up of one kind or another existed and was impeding the investigation and justice for all. In fact, the investigators may be investigated. Read the facts since 1993. Notwithstanding this, David Scott has set aside social engagements to set the world straight, and advise aspiring website designers to watch-out! The “system” has brutally botched this whole inquiry. Mr. Scott, I believe you will undoubtedly file for withdrawal of any prosecution with prejudice, based on lack of timely prosecution or based on, “the website operator” done-it. Mr. Scott also is aware of the following definitions, however, chooses not to inform the public of this side, how typically legal; Definition#1-“**defamation**” a FALSE STATEMENT that injures someone’s reputation; the publication of anything false which is injurious to the good name or reputation of another, or which tends to bring him into disrepute. A defamation designed to be read is a libel; an oral defamation is a slander. There is no legal cause of action called defamation.

Definition#2-“**libel**” an UNTRUTHFUL STATEMENT about a person, published in writing, that injures the person’s reputation or standing in the community. A tort consisting of a FALSE and MALICIOUS publication printed FOR THE PURPOSE of defaming one who is living. In tort law, only a living person may be defamed. “Libel” includes any UNPRIVILEGED, FALSE, and MALICIOUS publication which by printing, writing, signs or pictures tends to expose a person to public scorn or ridicule. The TRUTH of the published statement creates a valid defense to an action for libel.” There is no defamation if the words are TRUE.”

It is my belief and opinion that the website did not INTEND to provide FALSE or MALICIOUS publications FOR THE PURPOSE of defaming one; the INTENTION was to provide THE TRUTH and it did provide THE TRUTH.

Memorandum

To: Don Babick, Conrad M. Black
CC: Blair MacKenzie, Legal Counsel
From: James P. Bateman
Date: 8/19/00
Re: Letter To The Editor/Cornwall Standard-Freeholder

Dear Gentlemen and/or To Whom It May Concern:

HISTORY:

On or about July 27, 1998, I wrote to you complaining about my "Letter's To The Editor" that were not printed by the above-mentioned daily newspaper and also that the Assistant Editor, Claude McIntosh, telephoned me at my home implying legal action he would be initiating against me. Subsequently, the then Publisher with the Standard-Freeholder wrote me a reply stating that it was not the intent of his newspaper to sue writer's of "Letter's To The Editor" and that my future letter's would be welcomed for publication.

Prior to the aforementioned incident and subsequently, many of my letter's have not been published and several of them have been edited to the point of incomprehension.

CURRENT:

On Saturday, August 12, 2000, David W. Scott, Esq., esteemed advocate, currently representing the Diocese of Alexandria-Cornwall submitted a letter-to-the-editor defending his client's "rights" and condemning a website that recently disclosed names of alleged-accused, charged, and alleged offenders, in the ongoing Project Truth (www.projecttruth.com). (see attached Scott letter)

On Sunday, August 13, 2000, this writer submitted a reply to Mr. Scott's letter. (see attached reply)


To the date and time of this writing, the Cornwall Standard-Freeholder chooses not to print this reply as submitted herewith. I believe this reply is significant in explaining how different perspectives and interpretations produce different results and reactions. The "reply" is intended to be proactive and encourage reader's to "seek information, education and knowledge" enabling them establish a truth they are comfortable with.

Upon queries to Claude McIntosh at the Cornwall Standard-Freeholder, asking why the letter has not been printed, he replies that Bateman's letter's have to go to Southam's legal counsel to be "vexed."

CONCLUSION:

Please inform me as quickly as possible if Mr. McIntosh's statements are true and accurate.

Sincerely,
James P. Bateman





Hollinger

CANADIAN NEWSPAPERS G.P. INC.

J. BLAIR MACKENZIE
VICE PRESIDENT & SECRETARY

TELEPHONE: (416) 442-2929
FAX: (416) 442-3388
E-MAIL: bmackenzie@corporate.southam.ca

August 30, 2000

James Bateman
5 - 520 Erb St. W.
Suite 451
Waterloo, Ontario
N2L 6K6

Dear Mr Bateman:

Thank you for your memo of August 19. I have been asked to reply to it. You asked the Standard Freeholder to publish a letter from you in response to a letter by David Scott, published on August 12.

I have advised the Standard Freeholder that subject to a small amount of editing, your proposed letter to the editor is one which it could legally publish. However, it is not obliged to publish your letter. The invitation you were given in 1998 around further letters to the editor from you did not amount to a guarantee that any particular letter to the editor from you would be published.

The Standard Freeholder promptly published at least three letters from local residents in response to Mr. Scott's letter, and considers that the issues have been adequately covered. Notwithstanding its decision not to publish your letter, the Standard Freeholder has no intention of taking sides between you and Mr Scott, and continues to welcome letters to the editor from you. If I am correct in assuming that you operate the web site at www.projecttruth.com, it seems to me that you also have the option (although I would encourage you to obtain some legal advice first) of publishing your letter or an edited version of it on that web site.

Yours very truly,

Blair Mackenzie



Corporate Profile

- About Southam
 - Investor News
 - Corporate Officers
- What's New
- Southam on the Web
- Contact Webmaster
- Search & Site Map
- Hollinger Newspapers
- Home

CORPORATE OFFICERS

Conrad M. Black
Chairman of the Board
and Chief Executive Officer

Don Babick
President and
Chief Operating Officer

Gordon D. Fisher
Vice-President, Editorial

Calum Gillespie
Treasurer

F. David Radler
Deputy Chairman and
Associate Chief Executive Officer

Peter Lane
Vice President and
Chief Financial Officer

J. Blair Mackenzie
Vice President, Corporate Counsel, &
Secretary

Business Communications

Bruce Creighton
President
Magazine and
Information Group

Herschel Fenik
Vice President,
Canadian Magazines

Infomart Dialog Limited

Greg Hood
Vice President and
General Manager

Copyright ©1999 Southam New Media all rights reserved.
Direct your queries to [webmaster](#) at Southam Inc.

[an error occurred while processing this directive]