

30 September, 2005

Red Flag Committee  
P.O. Box 231  
Cornwall, ON  
K6H 5S7

Mr. Justice G. Normand Glaude  
709 Cotton Mill St.  
Cornwall, ON  
K6H 7K7

Your Honour:

Please recuse yourself.

We believe that the Dunlops, the many “Cornwall” sex abuse victims and all persons in the Cornwall area have a right to an inquiry which is independent and impartial.

Furthermore, we strongly concur with the frequently quoted words of Lord Hewart that “(it) is of fundamental importance that justice should not only be done, but should manifestly be seen to be done,” and those of Justice de Grandpre:

... the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is “what would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude.”

We believe our apprehensions are reasonable, and that we and the many who question your appointment are reasonable and right-minded persons who have sought – against difficult odds – to obtain the information required to confirm or allay our fears. We have thought the matter through and concluded that justice will not be done or manifestly seen to be done if the inquiry proceeds under your direction.

Therefore, we respectfully ask you to honour the 1983 *Declaration of Independence of Justice in Canada* which states: “A judge shall not sit in a case where a reasonable apprehension of bias on his part may arise.”

Our apprehensions of bias are founded upon the following issues of independence and impartiality:

## I. **Independence**

### A. ***Office of the Attorney General:***

You and all provincially-appointed judges and Crown attorneys are employed and paid by the office of the Attorney General. There are allegations of cover-up against the office of the Attorney General. The allegations include, but are not limited to, the following:

1. ***The illegal payoff:***

- a. Three lawyers, one a former Crown attorney, finalized a payoff between a male victim of clerical sexual abuse, his priest molester (Fr. Charles MacDonald), the Alexandria-Cornwall diocese, and Bishop Eugene Larocque. The signed deal contained an illegal gag order obliging the victim to terminate criminal proceedings;
- b. The former Crown attorney, Malcolm MacDonald, was charged with obstruction of justice for his role in brokering the deal on behalf of the priest;
- c. Malcolm MacDonald pled guilty. Curt Flanagan, the prosecuting Crown attorney, supported an absolute discharge;
- d. Senior Judge B. W. Lennox gave Malcolm MacDonald an absolute discharge;
- e. Malcolm MacDonald was charged with sexual assault and gross indecency. He died before standing trial. He was known to socialize with Fr. MacDonald, Bishop Larocque and Cornwall Chief of Police, Claude Shaver;
- f. No charges were laid against the other two lawyers involved in the deal, one of whom was lawyer and Church canon lawyer Jacques Leduc. In front of Judge Lennox, Crown attorney Flanagan exonerated both, their excuses of not seeing the illegal gag clause seemingly accepted at face value; and,
- g. Jacques Leduc was charged with sexual assault, sexual exploitation, procuring sexual services of someone under age, sexual interference, and invitation to sexual touching. He eluded justice. He was frequently seen in the company of members of the alleged ring.

2. ***Chief Justice B. W. Lennox:***

- a. Senior Judge B. W. Lennox is now Chief Justice of the Ontario Court of Justice;
- b. Chief Justice Lennox, as noted above, granted an absolute discharge to the former Crown attorney who brokered the illegal gag order;
- c. Chief Justice Lennox is an employee of the office of the Attorney General, and is responsible for the assignment of judges; and,
- d. We believe it is highly probable that Chief Justice Lennox played a role in the selection of a judge for the Cornwall inquiry.

3. ***Dunlop death threats:***

- a. A Crown attorney was removed from a Project Truth case due to a conflict-of-interest arising from his friendship with a Cornwall Crown attorney. Despite this, he later handled the death threats against Constable Perry Dunlop; and,
- b. This Crown attorney concluded that it would be “contrary to the public interest” to pursue the allegations, and not in the public interest to lay charges.

4. ***Project Truth files:***

- a. In 1999, Project Truth files naming at least 26 suspects were forwarded to the office of the Attorney General to determine if charges would be laid. Included was an

approximately 1,000 page file on Bishop Eugene Larocque. No charges have been laid on any of the 26 files; and,

- b. In June of this year a sex abuse lawsuit was launched against Bishop Larocque. We are aware that those allegations have yet to be proven in court.

Suspicious and/or allegations of cover-up which arise from the above are further fuelled by questions regarding the friendships which exist or may exist between (a) Dalton McGuinty, Colin McKinnon and Curt Flanagan who “roasted” Flanagan’s father, Ottawa’s former Chief of Police, Tom Flanagan, at a 1990 fund-raiser, and (b) Colin McKinnon, James Chadwick and Dan Chilcott who were elected as benchers to the Law Society of Upper in 1987 in which they were, according to Chadwick “a packaged deal from Ottawa” for which “We campaigned hard.” McKinnon, as you know, was obliged to recuse himself from the Leduc trial (see below); Chadwick was called in to replace McKinnon and granted Leduc a stay which was overturned on appeal; Chilcott ruled that Fr. Charles MacDonald’s *Charter* right to a speedy trial had been violated.

In light of all of the above, we contend that any hope of judicial independence – real or perceived – has been abandoned by appointing you or any other provincially-appointed judge in Ontario to head the inquiry: this is tantamount to asking the office of the Attorney General to investigate itself. In this situation, this is unacceptable.

Furthermore, we believe that the issue of independence is exacerbated by your age. We believe that it is unreasonable to expect a 51-year-old judge – with a long career on the bench ahead – to publicly investigate the questionable activities of his peers, superiors, former colleagues and employer, and to expose any and all errors, omissions and/or wrongdoing.

## II. Impartiality

### A. *Family Connections:*

At the press conference announcing your appointment, Attorney General Michael Bryant publicly emphasized that you have no connections to Cornwall. We, however, discovered there was a Normand Glaude whose family came from Cornwall. Attempts to confirm or deny that this was you with Mr. Bryant and you were futile. When your staff was questioned re possible Cornwall family connections, we were told that you don’t respond to rumours.

You do indeed have connections to Cornwall: your family is rooted in the area; your father and his eight siblings were born, baptised and raised there; a number of your first cousins were born there; at least one aunt and uncle still live in the area and know you well enough to vouch for you; and, two of your second cousins recently alleged that they are victims of sexual abuse.

In light of the unique Cornwall situation, we believe that your family connections alone should have been suffice to recuse yourself. Furthermore, we must stress that the community and

victims can not cope with the stress of another legal process halted midstream because a judge who deemed his Cornwall connections irrelevant finds they are suddenly relevant, and then recalls a more relevant connection which he claims he had previously forgotten.

**B. *Ontario Police Commission:***

Former Constable Perry Dunlop deposited his Cornwall files with the Ontario Police Commission (OPC) in 1997. The OPC, like the Cornwall Police Service, the Ottawa Police Service and OPP, falls under the jurisdiction of the Solicitor General (Minister of Community Safety and Correctional Services). There are allegations of cover-up against the Cornwall Police Service, the Ottawa Police Service, the OPP and the office of the Solicitor General. In fact, the office of the Solicitor General recently reached a multimillion dollar out-of-court settlement with a number of “Cornwall” sex abuse victims.

The announcement of your appointment referenced work with the OPC. No dates or job description were given. All attempts to get the dates from you were futile: your staff advised that you don't respond to rumours.

We turned to the OPC (now OCCPS). An OPC staffer had files to confirm that you were definitely there 1989-1990, and definitely not in 1993; she could do no better because, she said, all files pre-1989 were destroyed and those for 1991 and 1992 were missing. The next day, you announced via a press release that you were with the OPC from 1989-1990.

A 1991 guide published by the Ontario government shows your OPC tenure as 05 May 1989 - 04 May 1992. An attempt to contact the chair of the OPC for clarification on this and other issues was thwarted. We were contacted by Senior Investigator Margo Boyd. Ms. Boyd could provide no information whatsoever regarding your tenure because, we were told, there is a 3/3 policy for destruction of files. Accordingly, there are presumably no files whatsoever to confirm or dispute your tenure, and absolutely no documents detailing either the OPC mandate or duties of members in the late 80s and early 90s prior to the organization's restructuring. Nothing! Furthermore, Ms. Boyd did not know if there is now, or ever was a policy governing membership of judges. And, she was taken aback when asked how, in light of the 3/3 policy and her stated absence of files, there are files for 1989-1990 and 1993.

Perhaps there is a rational explanation for this confusion and apparent lack of transparency. We assure you, however, it did nothing to quell the growing fear that the cover-up continues and, as some victims have said, “the fix is in” with the inquiry.

**C. *Bishop Paul-Andre Durocher:***

Bishop Durocher, the current bishop of the Diocese of Alexandria-Cornwall, will represent the diocese during the inquiry.

You and Bishop Durocher attended Ottawa University at the same time. We understand that you were in different faculties, but realize that it is highly possible that you knew each other through Church-related activities and/or campus organizations such as the Newman Club.

Furthermore, three years ago Bishop Durocher came to Cornwall from Sudbury where he had served as auxiliary bishop for the Diocese of Sault Ste. Marie from 1997 to 2002. You are from Sudbury. We believe it is highly possible, if not probable, that you, a Roman Catholic, know Bishop Durocher, at least in his capacity as bishop, and have formed opinions – positive or negative – on his honesty and integrity as a person. This, we believe, would create obvious problems when Bishop Durocher testifies.

**D. *Advocates Society:***

According to its website, the Advocates Society acts “as a forum for counsel to exchange ideas, share problems and enjoy the company of those with similar interests.” You are a member, as are David W. Scott and Justice Colin McKinnon.

Mr. Scott initiated legal action on behalf of Bishop Eugene Larocque and eight diocesan priests on issues related to allegations of a paedophile ring and cover-up. You were appointed to the judiciary by Mr. Scott’s brother, former Ontario Attorney General, Ian Scott.

Justice McKinnon was obliged to recuse himself several weeks into the Leduc sex abuse trial. McKinnon took the bench despite the fact that he (a) had previously served as legal counsel to former Chief of Police, Claude Shaver; (b) was longtime legal counsel to the Cornwall Police Service; and (c) advised that Constable Dunlop be charged under the Police Services Act for going to the CAS and thereby blowing the whistle on the Cornwall Police Service.

Under normal circumstances the membership of a judge in a lawyers’ organization would probably be deemed irrelevant. However, since both these men seem to deny the existence of a ring and a cover-up, and both have defended men who are allegedly part of the ring, and because there is nothing normal about what has been going on in the name of justice in Cornwall, we are confronted by the following questions:

1. How often, if ever, have you, David W. Scott and/or Justice Colin McKinnon enjoyed each others company while sharing problems and exchanging ideas about Perry Dunlop, allegations of a paedophile ring and cover-up in Cornwall, Project Truth, alleged victims and/or sex abuse trials in Cornwall? and,
2. During the course of an inquiry how often, if ever, would you?

**E. *Knights of Columbus:***

A number of men charged or accused of sexual abuse are members of the various Knights of Columbus councils in the Diocese of Alexandria-Cornwall. The former Bishop of Alexandria-

Cornwall, Eugene Larocque, has been heavily involved with the Knights for years, serving on the executive at both the provincial and national levels.

The Knights of Columbus is a fraternal organization frequently referred to as the strong right arm of the Church which is committed to the defence of the priesthood. Right or wrong, many people in Cornwall view this as a loyalty which becomes problematic when dealing with either allegations of clerical sexual abuse or sexual abuse allegations against fellow Knights.

You were asked at a press conference if you are, or ever were, a member of the Knights of Columbus. You refused to answer. In light of the above, coupled with documentation which seems to reflect a very close relationship between the Sudbury and Cornwall Knights, your non-answer did nothing to quell fears regarding your impartiality.

In conclusion, we believe our concerns regarding your independence and impartiality, both real and perceived, are justified. Furthermore, we believe that the issues of independence and impartiality detailed above are more than suffice to evoke apprehension of bias in all reasonable and right-minded persons. Finally, we conclude that justice will not be done, or seen to be done, if the inquiry proceeds with you as judge. Therefore, we respectfully ask you to do the honourable thing and recuse yourself.

Anticipating your response by 14 October 2005, we remain,

Yours truly,

F.C. Chisholm (Chair)

Barbara Fenton

Kaye Aldridge

Sylvia MacEachern

Donna Oosterbaan

Carson Chisholm

cc:

Hon. James K. Bartleman; Premier Dalton McGuinty; Attorney General Michael Bryant; all Ontario MPPs; Phil Poirier; Cornwall City Council; Paul LeDroit; Gary Guzzo; John Cleary; André Marin; and, media.