

**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 170**

**Held at :**

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

Friday, November 30 2007

**Tenue à:**

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

Vendredi, le 30 novembre 2007

## ERRATA

November 22, 2007  
Volume 165

Transcript

Page 86 line 10

"Don't play dumb with me because I'll go and ask your Premier."

Should have read :

"Don't play dumb with me, Guzzo; go and ask your Premier."

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November 29, 2007  
Volume 169

Transcript

Page 263 line 16 and 19

**M. HORN:** Je voulais juste dire que Maître Ruel est en train de venir tout de suite.

**LE COMMISSAIRE:** Correct. On peut ---

**M. HORN:** Il le sait qu'on commence.

Should have read :

**M. ENGELMANN:** Je voulais juste dire que Maître Ruel est en train de venir tout de suite.

**LE COMMISSAIRE:** Correct. On peut ---

**M. ENGELMANN:** Il le sait qu'on commence.

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M <sup>e</sup> Simon Ruel	Commission Counsel
Ms. Maya Hamou	
Mr. John Callaghan	Cornwall Police Service Board
Mr. Mark Crane	
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Suzanne Costom	
Mr. Christopher Thompson	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 Bennett	The Men's Project
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
M <sup>e</sup> Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. John M. Rosen	Mr. Peter Sirrs

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

2 L'audience débute à 9h41

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

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

8 Please be seated. Veuillez vous asseoir.

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

11 Si vous voulez vous asseoir, Monsieur?

12 Mr. Engelmann.

13 **MR. ENGELMANN:** Good morning, Mr.  
14 Commissioner.

15 Bonjour, Monsieur Landry.

16 **PIERRE LANDRY, Resumed/Sous le même serment**

17 **M. LANDRY:** Bonjour.

18 **MR. ENGELMANN:** I'm just here for a minute,  
19 sir, a couple of housekeeping matters, if I can.

20 **THE COMMISSIONER:** Yes.

21 **MR. ENGELMANN:** I understand Maître Ruel has  
22 a few more minutes to go ---

23 **THE COMMISSIONER:** Yes.

24 **MR. ENGELMANN:** --- in his evidence in-  
25 chief, and with the cross-examination, I'm hopeful that

1 we'll be starting Mr. Guzzo at the morning break. He's  
2 available as at 10:30 is my understanding.

3 **THE COMMISSIONER:** Right.

4 **MR. ENGELMANN:** So other than that, sir, I  
5 understand that you wanted to rise at 3:00 today?

6 **THE COMMISSIONER:** Yes, at the latest.

7 **MR. ENGELMANN:** And that Monday we'll be  
8 starting at 1:00 p.m.?

9 **THE COMMISSIONER:** That's right.

10 **MR. ENGELMANN:** There's an all-counsel  
11 meeting Monday morning and I'll be sending a note out to  
12 counsel ---

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

14 **MR. ENGELMANN:** --- about that as well.

15 Sir, just one last thing. Mr. Carson  
16 Chisholm is here. He wanted to address you very briefly.  
17 I asked if he had his lawyer here.

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

19 **MR. ENGELMANN:** He said he didn't, but he  
20 still wanted to address you for a moment. I know that's  
21 unusual, but he said it would be very brief.

22 **THE COMMISSIONER:** Certainly. All right.

23 **MR. ENGELMANN:** Mr. Chisholm, just come  
24 forward.

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

1           **--- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CARSON CHISHOLM:**

2                           **MR. CHISHOLM:** Good morning. I'll be very  
3 brief. I'll read it so I get it straight here.

4                           As spokesman for the Coalition for Action on  
5 Child Sexual Abuse, I'm throwing in the towel for our  
6 group. We are too far behind the eight ball and at such a  
7 disadvantage against the power and might of the  
8 institutions that we will concede.

9                           We cannot afford to adequately represent the  
10 people and have been jerked around too often and for too  
11 long to have the belly to continue with this charade.

12                           In my opinion, this Inquiry is an  
13 abomination and a blasphemy.

14                           If anyone is interested in our opinion, it  
15 can be found on the internet at [theinquiry.ca](http://theinquiry.ca).

16                           Thank you.

17                           **THE COMMISSIONER:** Well, sir, that is your  
18 opinion.

19                           **MR. CHISHOLM:** Yes.

20                           **THE COMMISSIONER:** And while I certainly  
21 respect you as a person, I can tell you that we are going  
22 to continue on.

23                           **MR. CHISHOLM:** Oh yeah.

24                           **THE COMMISSIONER:** And that I do not share  
25 your opinion.



1 Thank you very much.

2 **MR. CHISHOLM:** Thank you.

3 **THE COMMISSIONER:** Maître Ruel.

4 **Me RUEL:** Bonjour, monsieur le Commissaire.

5 **LE COMMISSAIRE:** Monsieur Landry, vous  
6 comprenez que vous êtes encore sous serment?

7 **M. LANDRY:** Oui.

8 **LE COMMISSAIRE:** Parfait. Merci.

9 **PIERRE LANDRY, Resumed/Sous le même serment:**

10 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR Me  
11 RUEL (cont'd/suite):

12 **Me RUEL:** Monsieur Landry, j'ai quelques  
13 questions pour vous pour compléter votre interrogatoire.

14 Est-ce que l'Équipe psycho-sociale a déjà eu  
15 des ententes de service avec les services de probation à  
16 Cornwall?

17 **M. LANDRY:** Non.

18 **Me RUEL:** En 1982, est-ce que l'Équipe  
19 psycho-sociale était connue dans le milieu à Cornwall?

20 **M. LANDRY:** L'équipe était définitivement  
21 connue. C'est un service communautaire dans lequel il y  
22 avait eu beaucoup de publicité.

23 Si on se souvient, en 1980 et '82, ça avait  
24 tout fait les manchettes des journaux. Il y avait eu deux  
25 ministres qui étaient venus à Cornwall pour l'ouverture.

1 Il y avait CJOH qui était là. Il y avait la presse locale,  
2 la presse de Ottawa. Il y avait des ministres -- la  
3 ministre de l'Éducation dans le temps. Je pense que  
4 c'était Madame Davidson, et le ministre des Services  
5 sociaux et communautaires. Après ça, il y avait eu  
6 Monsieur Norton, qui était ministre -- je ne sais pas si  
7 c'était de la santé à ce moment-là, mais en tout les cas,  
8 il y avait eu énormément de publicité.

9 **Me RUEL:** Ça c'est en 1980?

10 **M. LANDRY:** En '80, '82, '83.

11 **Me RUEL:** Je veux dire, l'ouverture est en  
12 1980?

13 **M. LANDRY:** Il y a eu une ouverture en '80  
14 et puis il y a eu une ouverture en 1982, au moment où il y  
15 a eu une amalgamation, qu'on a déménagé nos locaux dans une  
16 partie de la bâtisse de Jean XXIII.

17 **Me RUEL:** Là, quand vous parlez des  
18 ministres qui étaient présents et puis tout ça, c'était à  
19 quel moment, en '80 ou en '82?

20 **M. LANDRY:** En '82, mais il y a eu aussi en  
21 '80.

22 **Me RUEL:** Est-ce que vous vous souvenez  
23 d'avoir parlé à une policière du Service de police de la  
24 ville de Cornwall nommée Heidi Sebalj?

25 **M. LANDRY:** Le nom me dit quelque chose,

1           mais je me souviens pas plus que ça.

2                       **Me RUEL:** Je vais vous demander de prendre  
3           la Pièce 120.

4                       **LE COMMISSAIRE:** Un des volumes -- l'avez-  
5           vous, monsieur? C'est dans un des trois. Donc, c'est des  
6           notes, ça, du policier Heidi Sebalj, n'est-ce pas?

7                       **Me RUEL:** C'est ça.

8                       **LE COMMISSAIRE:** Bon. Ça fait qu'on va vous  
9           référer à des notes, Monsieur Landry.

10                      **Me RUEL:** Monsieur Landry, il y a un numéro  
11           de sept chiffres ou -- oui, sept chiffres dans le coin  
12           gauche supérieur de la page et je vais vous demander  
13           d'aller au numéro 7158420. Donc, c'est des notes du 8  
14           décembre de la policière Heidi Sebalj et à 10h33, le 8  
15           décembre 1994, et je vais tenter de lire ce que je  
16           comprends des notes:

17                               "PC place to Director EP Pierre Landry  
18                               at 10:41. Advises no specific  
19                               allegation - received complaint from  
20                               parents being apprehensive about their  
21                               children being counselled by Barque and  
22                               accommodated. First complaint, didn't  
23                               act. Then when received more, became  
24                               suspicious."

25                               Est-ce que vous vous souvenez de cette

1 conversation-là?

2 **M. LANDRY:** Vaguement, oui.

3 **LE COMMISSAIRE:** Il faudrait continuer le  
4 reste de la discussion.

5 **M. LANDRY:** Pardon?

6 **LE COMMISSAIRE:** Est-ce qu'il y a quelque  
7 chose d'autre qui continue ---

8 **Me RUEL:** Oui, je vais ---

9 **LE COMMISSAIRE:** Si on veut rafraîchir sa  
10 mémoire, on lui donne toute la page.

11 **Me RUEL:** Oui, je vais le lire au complet.  
12 Un petit peu plus loin -- bien, en fait, on continue la  
13 conversation. D'après ce que je comprends c'est:

14 "S. staff..."

15 Donc, je pense "support staff" :

16 "...sign out in case they are needed.

17 Barque would sign himself out and go to  
18 the square. Landry followed him there.

19 Hanging out in washrooms."

20 Est-ce que vous vous souvenez de ça?

21 **M. LANDRY:** Oui.

22 **Me RUEL:** Et la page suivante:

23 "Approached Barque and confronted him  
24 with parents' apprehensions and  
25 suspicions. Advised Barque, "If I'm

1 wrong, fight me. If I'm right,  
2 resign.""

3 Est-ce que c'est possible que vous auriez  
4 dit ça à la policière?

5 **M. LANDRY:** Ça se peut fort bien, oui.

6 **Me RUEL:** Et suite à -- bon, c'est inscrit:  
7 "Barque resigned."

8 Là c'est indiqué:

9 "Other employers would call for  
10 references and Landry would suggest  
11 they ask Barque."

12 Est-ce que c'est ce que vous avez indiqué?

13 **M. LANDRY:** Oui.

14 **Me RUEL:** Là il y a référence dans les notes  
15 à Madame -- Mrs. Anita Barque, principal, et une  
16 conversation que vous auriez relatée au Constable Sebalj,  
17 une conversation que vous auriez eue avec Anita Barque.

18 Qui est Anita Barque?

19 **M. LANDRY:** Anita Barque c'était l'épouse de  
20 Monsieur Barque.

21 **Me RUEL:** Donc, est-ce que vous vous  
22 souvenez d'une conversation avec l'épouse de Monsieur  
23 Barque?

24 **M. LANDRY:** Vaguement, mais je me souviens  
25 que Madame Barque m'avait demandé à ce moment-là pourquoi

1 son mari laissait l'équipe.

2 Me RUEL: Un petit peu dans le bas de la  
3 page, il y a une note qui commence -- qui se lit comme  
4 suit:

5 "Probation never expressed anything  
6 about Barque, said he complained of  
7 burnout, too many cases, court, etc..."

8 Est-ce que vous vous souvenez d'avoir dit  
9 ça?

10 M. LANDRY: Non.

11 Me RUEL: Est-ce que vous vous souvenez  
12 d'avoir -- d'abord, est-ce que cette conversation-là s'est  
13 déroulée lors d'une rencontre ou autrement?

14 M. LANDRY: Avec qui?

15 Me RUEL: Avec la Constable Sebalj de la  
16 Police de Cornwall.

17 M. LANDRY: Si ma mémoire est bonne, c'était  
18 une rencontre au bureau, oui.

19 Me RUEL: Puis est-ce qu'elle vous a demandé  
20 quelque chose?

21 M. LANDRY: La constable?

22 Me RUEL: Oui. Est-ce qu'elle vous a  
23 demandé d'autre chose? Est-ce qu'elle vous a demandé des  
24 documents?

25 M. LANDRY: Elle m'a demandé le dossier de

1 Monsieur Barque. Je lui avais remis, oui.

2 **Me RUEL:** Est-ce que vous vous souvenez  
3 d'avoir parlé ou d'avoir appris d'abord que Monsieur Barque  
4 avait été accusé au criminel et trouvé coupable  
5 d'infraction de nature criminelle?

6 **M. LANDRY:** Ce que j'ai appris, je l'ai  
7 appris par les journaux. Personne m'a informé, mais ça a  
8 été public et ça a été dans les journaux, ça fait que ---

9 **Me RUEL:** Qu'est-ce que vous avez appris?

10 **M. LANDRY:** Que Monsieur Barque avait été  
11 trouvé coupable d'agression sexuelle dans les années où il  
12 était avec le service de probation.

13 **Me RUEL:** Est-ce que vous vous souvenez  
14 d'avoir parlé à l'agent de probation de Monsieur Barque  
15 suite à sa condamnation?

16 **M. LANDRY:** Non.

17 **Me RUEL:** Donc, je voudrais vous exhiber le  
18 document, la Pièce 113.

19 **LE COMMISSAIRE:** Cent-treize (113), ça  
20 c'était dans le volume au début, tout au début, la  
21 deuxième, je crois.

22 **Me RUEL:** Et c'est un document qui  
23 s'intitule "Pre-sentence Report: Nelson Barque" et qui a  
24 été préparé par Nicole Barbeau, agent de probation, le 14  
25 août '95. À la page 6, troisième paragraphe, il y a une

1 référence à certaines informations qui auraient été  
2 fournies par vous à Madame Barbeau.

3 Est-ce que vous voulez regarder le  
4 paragraphe, le lire et me dire si vous ---

5 **M. LANDRY:** Le troisième paragraphe, vous  
6 dites?

7 **Me RUEL:** Troisième, oui.

8 **LE COMMISSAIRE:** Bien, le premier sur  
9 l'écran-là, ça dit "Between 1982..."

10 **Me RUEL:** Oui. C'est ça.

11 **LE COMMISSAIRE:** C'est ça, ça c'est le  
12 paragraphe qu'on veut que vous lisiez.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **M. LANDRY:** Oui.

15 **Me RUEL:** Oui. Est-ce que vous vous  
16 souvenez d'avoir indiqué à Madame Barbeau ---

17 **M. LANDRY:** Le nom Madame Barbeau me dit  
18 rien, mais je me souviens que -- de ce commentaire-là, oui.

19 **Me RUEL:** Donc, dans ce commentaire-là, pour  
20 la transcription, c'est indiqué que vous fournissez  
21 certaines informations au sujet de monsieur Barque, le fait  
22 qu'il se présentait comme un employé ponctuel et le fait  
23 que vous aviez reçu des plaintes de -- à son sujet ou des  
24 préoccupations à son sujet de la part de parents. C'est  
25 ça?



1                   **M. LANDRY:** Oui. Mais c'était plutôt des  
2 appels, deux ou trois appels anonymes que j'ai eus. À  
3 savoir si c'était des parents ou pas ---

4                   **Me RUEL:** Vous ne vous souvenez pas si  
5 c'était des parents?

6                   **M. LANDRY:** Je me souviens pas, non.

7                   **Me RUEL:** Et dernièrement, le dernier point  
8 que je voudrais couvrir, est-ce que vous vous souvenez  
9 d'avoir parlé à un enquêteur du ministère des Services  
10 correctionnels en date du 2 octobre 2000? Et cette  
11 personne-là, cet enquêteur-là, son nom est monsieur Paul  
12 Downing. Est-ce que vous vous souvenez de ça?

13                   **M. LANDRY:** Non, c'est une chose que je me  
14 souviens pas du tout.

15                   **Me RUEL:** J'aimerais vous faire référence à  
16 la Pièce 1064.

17                   **LE COMMISSAIRE:** C'est un autre des trois.  
18 Si vous regardez en arrière -- au début ici ça devrait vous  
19 dire ---

20                   **Me RUEL:** Et c'est à la page 17 du document.  
21 Donc la page est indiquée de façon manuscrite dans le coin  
22 droit du bas de la page.

23                   **M. LANDRY:** La page, quel numéro vous dites?

24                   **Me RUEL:** Dix-sept (17).

25                   **M. LANDRY:** Dix-sept (17).

1                   **Me RUEL:** Et je vais vous lire ce qui est  
2                   inscrit d'après ce que j'en comprends. Donc, il s'agit de  
3                   notes de Monsieur Downing qui est inspecteur pour le  
4                   ministère des Services correctionnels et c'est dans le bas  
5                   de la page.

6                                   "October 2<sup>nd</sup>, 2000 at 2:00 o'clock, two  
7                                   hours, speak to Pierre Landry, said he  
8                                   received a positive reference from  
9                                   Peter Sirrs dated August 23, 1982 and  
10                                  made a telephone contact with Sirrs who  
11                                  was the area manager. Pierre  
12                                  telephoned, spoke with Peter Sirrs and  
13                                  asked him specifically about work with  
14                                  children and young adults. Peter  
15                                  stated importance provincial  
16                                  government, CSS. Peter told him 'no  
17                                  problem.' A number of months later,  
18                                  Peter began getting complaints,  
19                                  concerns regarding the employment of  
20                                  Barque. Followed Nelson to the  
21                                  Cornwall Square and location was known  
22                                  as common meeting place for  
23                                  homosexuals. Confronted Nelson and  
24                                  Nelson voluntarily resigned on August  
25                                  18, 1986."

1                   **Me RUEL:** Est-ce que ces mentions-là dans  
2                   les notes de Monsieur Downing rafraîchissent votre mémoire  
3                   au sujet d'une discussion que vous auriez pu avoir à son --  
4                   avec lui?

5                   **M. LANDRY:** Je me souviens pas du tout et ce  
6                   que j'ai de la misère, c'est qu'on réfère à Peter. C'est  
7                   Peter qui? C'est-tu moi, Peter?

8                   **LE COMMISSAIRE:** Non, je crois qu'il y a un  
9                   mélange là-dedans dans le sens que sur la page 18, c'est  
10                  quand il a dit:

11                                    "A number of years later, Peter began  
12                                    to get complaints."

13                   Je crois que ça, ça devrait être Pierre qui  
14                   est vous, n'est-ce pas?

15                   Tandis qu'auparavant, au début de la note  
16                   quand il parle de Peter Sirrs, bien c'est Peter Sirrs.

17                   **M. LANDRY:** Non, je me souviens pas.

18                   **Me RUEL:** Hier, juste pour finir, je vous ai  
19                   demandé si, lorsque vous aviez parlé à Monsieur Sirrs, si  
20                   vous lui avez expliqué que l'agence psycho-sociale était  
21                   une agence qui travaillait avec des enfants.

22                   **M. LANDRY:** Oui.

23                   **Me RUEL:** Et je voulais aussi demander si  
24                   vous aviez mentionné à Peter Sirrs que Monsieur Barque  
25                   serait appelé à travailler avec des enfants. Et vous avez,

1 d'après ce que j'ai compris, mentionné que vous ne vous  
2 souveniez pas avoir indiqué ça à Monsieur Sirrs.

3 Par contre, dans les notes de Monsieur  
4 Downing, vous semblez, d'après ce que je peux voir, avoir  
5 été assez clair à ce sujet-là.

6 Encore une fois, est-ce que c'est possible  
7 que vous ayez mentionné ça à Monsieur Sirrs en regardant  
8 ces notes-là, les notes de Monsieur Downing?

9 **M. LANDRY:** Bien, écoutez, je me souviens  
10 pas spécifiquement. Chose certaine, c'est que c'était sur  
11 le letterhead du papier de l'équipe enfants et adolescents.  
12 Une position de travailleur social c'est pas un commis dans  
13 un bureau, ça là. J'ai l'impression qu'ils auraient dû --  
14 que les gens auraient dû savoir que quand tu appliques pour  
15 un travailleur social, c'est pour travailler avec des  
16 individus. Moi, je pense ça.

17 Et aussi sur l'entête du papier, c'est  
18 marqué "Équipe psycho-sociale, enfants et adolescents."  
19 Bon alors, je pense, moi -- en tous les cas, je suis damné,  
20 je ne me souviens pas d'avoir mentionné ça mais -- et puis  
21 je me souviens pas non plus d'avoir été spécifique au point  
22 où vous me demandez, mais je ne sais pas.

23 **Me RUEL:** Est-ce que c'est possible que  
24 votre - ça fait quand même sept ans cette conversation-là;  
25 est-ce que c'est possible que votre mémoire des événements

1 de 2000 était plus fraîche qu'elle l'est maintenant?

2 **M. LANDRY:** Je n'me souviens pas.

3 **Me RUEL:** En terminant, est-ce que vous avez  
4 des recommandations à faire pour le Commissaire pour les  
5 sujets dont il a à s'enquérir dans le cadre de son mandat?

6 **M. LANDRY:** Des recommandations dans le sens  
7 qu'il y a une chose qu'il faut dire c'est que les choses  
8 ont bien évolué depuis 1980 à aller à aujourd'hui. Je  
9 pense que les gens sont plus au courant. Les systèmes sont  
10 plus -- mieux informés. Il y a eu une gamme de services  
11 qui ont été développés comme, entre autre, je pense  
12 vérification des dossiers de police; aussi une meilleure  
13 publicité de ces gestes qui peuvent être posés au niveau de  
14 la communauté.

15 Aussi, je pense que les services sont  
16 devenus un peu plus spécialisés et un peu plus à l'écoute  
17 des choses qui peuvent arriver et, moi, je pense qu'il y a  
18 eu une grosse amélioration. Il y a encore de  
19 l'amélioration, oui. Laquelle exactement, je n'sais pas,  
20 mais je sais qu'il y a eu une grande amélioration depuis  
21 les années '80 à aller à aujourd'hui et à tous les  
22 domaines.

23 **Me RUEL:** Pour le bien?

24 **M. LANDRY:** Pour le mieux. Pour le mieux.

25 **Me RUEL:** Merci, monsieur le Commissaire.

1 Ce sont mes questions.

2 **LE COMMISSAIRE:** D'accord. Bon, Madame  
3 Daley.

4 Donc, on va vous poser des questions. Les  
5 gens vont venir. Ils vont se présenter, vous indiquer  
6 quels gens ils représentent. Ensuite, ils vont vous poser  
7 des questions en anglais, puis vous pouvez leur répondre en  
8 français. Ils ont les écouteurs. Parfait, merci.

9 **M. LANDRY:** O.k.

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

11 **DALEY:**

12 **MS. DALEY:** Good morning, Mr. Landry.

13 **MR. LANDRY:** Good morning.

14 **MS. DALEY:** My name is Helen Daley, and I'm  
15 a lawyer for a party here called the Citizens for Community  
16 Renewal. That's a group that has standing and its  
17 objective is the improvement of institutions to better  
18 protect children.

19 I do have some questions for you. Would you  
20 like to speak with me in English or French?

21 **MR. LANDRY:** Well, I prefer in French.

22 **MS. DALEY:** Okay. So that just means I'll  
23 need to use the headphones to understand your responses.

24 **MR. LANDRY:** Okay.

25 **MS. DALEY:** Sir, before you testified

1       yesterday, we heard from Mr. Sirrs himself, and I think  
2       it's fair to say that based on what we heard from him, the  
3       Ministry had ample reason to have fired Mr. Barque in 1982,  
4       but they took a different course and, in the result, Mr.  
5       Barque resigned.

6                   The question I have for you is this.  
7       Putting yourself back in the frame of mind that you had in  
8       the early 1980s, if Mr. Barque had been fired as a  
9       probation officer, would you have considered his  
10      application further for the job that you had on offer at  
11      your agency?

12                   **M. LANDRY:** Well, I think -- ça fait une  
13      différence extraordinaire quelqu'un qui est renvoyé puis  
14      quelqu'un qui démissionne. Probablement les questions  
15      auraient été différemment, oui.

16                   **MS. DALEY:** In that event, you might not  
17      even have interviewed him for the position?

18                   **M. LANDRY:** Exactement.

19                   **MS. DALEY:** I was a little bit unclear about  
20      the nature of the conflict that he told you about when you  
21      interviewed him. It wasn't clear to me whether he gave you  
22      the impression that it was a personality conflict or that  
23      he was in some sort of conflict with new rules. Can you  
24      clarify that for me at all?

25                   **M. LANDRY:** J'veais essayer là de me

1        rafraîchir la mémoire; les conflits c'était en partie, une  
2        grande partie sur les nouvelles politiques que le ministère  
3        avait établies et aussi c'est que je pense qu'y avait pas  
4        de leadership en terme d'une personne, régulier, au bureau  
5        de probation et qu'au moment où Monsieur Sirrs est arrivé  
6        de façon, je pense, permanente là, je pense, à ce moment-  
7        là, ça a peut-être causé un peu de friction.

8                    C'est l'impression que j'ai eue.

9                    **MS. DALEY:** All right. So I take it that  
10        the impression you took from that was that the conflict  
11        that Mr. Barque referred to was not of a serious or a  
12        concerning nature?

13                   **M. LANDRY:** C'est ça, oui.

14                   **MS. DALEY:** And I understand that you had  
15        intended to find out more about that situation but, given  
16        the way things unfolded, you didn't learn more about that  
17        in the end before hiring him.

18                   **M. LANDRY:** Non.

19                   **MS. DALEY:** And would I be right to think  
20        that you were loath into a bit of a sense of security by  
21        the positive recommendation that you did obtain from Father  
22        Dubé?

23                   **MR. LANDRY:** Sorry, I didn't get the  
24        beginning of the ---

25                   **MS. DALEY:** All right. Did you have a sense



1 of confidence in hiring Mr. Barque, principally because you  
2 received a positive recommendation from another individual,  
3 and that was Father Dubé?

4 **M. LANDRY:** Définitivement que ça a joué, ça  
5 joué, oui, fort dans la décision étant donné que les  
6 références du Père Dubé ont été très positives. Oui,  
7 définitivement que ça joué.

8 **MS. DALEY:** Did you wonder why Mr. Barque  
9 had named Father Dubé as his reference in the first place?  
10 What I meant by that was on his written application, on his  
11 C.V.

12 **M. LANDRY:** J'vous suis pas là. I don't  
13 follow you.

14 **MS. DALEY:** If I understood correctly, Mr.  
15 Barque's documentation, his C.V. named Mr. Sirrs as his  
16 reference, but when he spoke to you, he gave you a  
17 different name, and that was Father Dubé; correct?

18 **M. LANDRY:** Je lui ai demandé s'il avait  
19 d'autres références et puis il m'avait nommé le Père Dubé à  
20 ce moment-là.

21 **MS. DALEY:** Is there a reason why you asked  
22 whether he had other references apart from Mr. Sirrs?

23 **M. LANDRY:** Ben, d'ordinaire, disons, j'aime  
24 à avoir deux ou trois références, et je n'avais rien qu'une  
25 référence. C'est pour ça que j'avais demandé s'il avait

1           une autre référence à me donner. Et d'ordinaire, c'est  
2           deux ou trois références qu'on essaie à vérifier.

3                   **MS. DALEY:** Fair enough. I take it Mr.  
4           Barque, did he try to deter you from contacting Mr. Sirrs?

5                   **M. LANDRY:** Non, du tout.

6                   **MS. DALEY:** I had a few questions for you  
7           about the precise nature of the work that Mr. Barque was  
8           doing in schools when he was an employee of your agency.  
9           And I take it he was working -- sorry, let me back up.

10                   The schools that he worked at, were they co-  
11           educational schools? In other words, boys and girls in  
12           both schools?

13                   **M. LANDRY:** Oui.

14                   **MS. DALEY:** I thought what you said in your  
15           examination in-chief is that they were at-risk schools?

16                   **M. LANDRY:** C'est pas moi qui déterminais  
17           les écoles à risque.

18                   Je n'ai jamais voulu, en tant que  
19           professionnel, de déterminer quelle école était à risque.  
20           Étant donné que c'était des ententes avec le conseil  
21           scolaire, j'avais demandé à eux autres de déterminer parce  
22           que c'était eux autres qui payent. J'avais demandé de  
23           déterminer à eux autres quelles étaient les écoles qu'ils  
24           considéraient à risque et nous, on était pour s'adapter à  
25           ça. Mais c'est pas moi qui déterminais quelle école était

1           à risque.

2                       **MS. DALEY:** I just want to understand  
3 because I wasn't quite sure what risk you were referring  
4 to. Can you just elaborate on that?

5                       **M. LANDRY:** Ben, disons, l'École Nativité,  
6 pour ceux qui connaissent la communauté, était dans un  
7 milieu assez défavorisé et avec une population plus à  
8 risque. St-François de Salles aussi était plus loin sur la  
9 deuxième ---

10                      **LE COMMISSAIRE:** Je pense qu'est-ce qu'elle  
11 veut savoir c'est quelle sorte de risque; qu'il y aurait  
12 des problèmes psychosociaux, des choses de même?

13                      **M. LANDRY:** Exactement, oui, c'est ça.  
14 C'est ça.

15                      **MS. DALEY:** All right. So would I take it  
16 from that that the children who Mr. Barque worked directly  
17 would have behavioural problems or learning problems of  
18 some sort?

19                      **MR. LANDRY:** Behavioural problems, yeah.

20                      **MS. DALEY:** And were any of these children  
21 what we would now call special needs children in the sense  
22 that they might have a mental handicap or disability?

23                      **M. LANDRY:** Non, j'suis pas prêt à dire ça  
24 parce qu'ils peuvent avoir des troubles de comportement  
25 sans avoir un handicap mental.

1                   **M. LANDRY:** Non, je suis pas prêt à dire ça  
2                   parce qu'ils peuvent avoir des troubles de comportement  
3                   sans avoir un handicap mental. Il y a une grosse  
4                   différence entre un trouble de comportement et un handicap  
5                   mental.

6                   Alors, ces jeunes-là n'étaient pas des  
7                   jeunes avec des handicaps mentaux, non, des troubles de  
8                   comportement, oui.

9                   **MS. DALEY:** I just wanted to get a better  
10                  picture of how Mr. Barque dealt -- sorry, how he functioned  
11                  when he was dealing directly with the students inside the  
12                  school. You said he had an office in the school. Did he  
13                  meet with them privately in an office at the school?

14                  **M. LANDRY:** L'école donnait un endroit pour  
15                  qu'il rencontre les jeunes, et pas simplement les jeunes  
16                  mais les familles aussi.

17                  **MS. DALEY:** Is it your understanding that he  
18                  would meet privately with children at the school?

19                  **M. LANDRY:** Oui, oui, oui.

20                  **MS. DALEY:** And what was he doing with them?  
21                  Was he providing counseling to them of some sort?

22                  **M. LANDRY:** Exactement.

23                  **MS. DALEY:** I wanted to ask you a few  
24                  questions about the anonymous phone calls that you received  
25                  in the summer of 1986. Do you remember -- and no one will

1 criticize you if you don't -- but do you remember if they  
2 were male or female, the people who called you?

3 **MR. LANDRY:** I remember one call was a  
4 female. I said two or three. I think mostly trois -- un  
5 était une femme. Les autres, j'assume que c'était --  
6 j'assume que c'était des hommes, males.

7 **MS. DALEY:** Did you have the impression that  
8 any of these people were parents of children in the school  
9 where Mr. Barque was assigned?

10 **M. LANDRY:** Je -- un des téléphones qui m'a  
11 rendu un peu plus "suspicious", je ne croirais pas. Je  
12 pense que c'était quelqu'un qui était au courant de  
13 certaines choses, qui peuvent avoir été arrivées et c'est  
14 peut-être ce soupçon-là qui m'a réveillé un peu plus. Je  
15 ne pense pas que c'était un parent, non.

16 **MS. DALEY:** So did it appear to you that the  
17 person who gave you that information had some inside  
18 knowledge of what had occurred in the probation office?

19 **M. LANDRY:** Ça se peut.

20 **MS. DALEY:** And as it turns out, I guess,  
21 given the way events unfolded, you came to the view that  
22 what they told you was in fact correct?

23 **M. LANDRY:** Plusieurs années après, oui.

24 **MS. DALEY:** Okay. Can you remember anything  
25 further about the contact that you did have from parents

1           who were expressing concern about Mr. Barque? In other  
2           words, did they seem to know the nature of what had  
3           happened when he was a probation officer?

4                   **M. LANDRY:** Non, je me souviens pas de ça.  
5           Exactement, je me souviens pas.

6                   **MS. DALEY:** All right.

7                   I was a little bit unclear about the  
8           evidence you gave yesterday concerning what you did after  
9           Mr. Barque had resigned. So if I could just ask you a few  
10          questions about that?

11                   I take it that although you did talk to your  
12          staff about his resignation, you did not say that you had  
13          reason to think that he had sexually abused male  
14          probationers in the past?

15                   **M. LANDRY:** Correct. J'avais aucune  
16          évidence de ça. C'est ce qui avait été transmis et je n'ai  
17          -- Monsieur Barque n'avait jamais été chargé. J'avais  
18          aucune évidence pour accuser quelqu'un d'une chose aussi  
19          sérieuse que ça. Je n'avais pas d'évidence pour ça.

20                   **LE COMMISSAIRE:** C'est pas la question, par  
21          exemple. La question est qu'est-ce que vous avez dit à vos  
22          employés après sa démission? Avez-vous dit ---

23                   **MS. DALEY:** Did you explain any reasons for  
24          his resignation to your staff?

25                   **M. LANDRY:** C'est ce que j'essaie de

1           répondre, que j'ai informé le staff qu'il y avait eu --  
2           j'avais eu des appels concernant son comportement avec des  
3           jeunes au moment où il travaillait avec l'officier de  
4           probation et que ces commentaires-là m'amenaient à être  
5           très attentif et très prudent. Et c'est à peu près ce que  
6           j'ai mentionné au personnel. Je n'ai pas rentré dans aucun  
7           autre détail parce que j'en n'avais pas plus que ça, même  
8           moi.

9                           **MS. DALEY:** So if I have you right, you let  
10           your staff know that there was concerns about misconduct by  
11           Mr. Barque, but you didn't specify exactly what it was?

12                           **M. LANDRY:** C'est ça. Exactement. C'est  
13           ça.

14                           **MS. DALEY:** And can you just clarify again -  
15           - it's my fault; I didn't understand your testimony well  
16           enough yesterday -- but could you clarify the steps that  
17           you took with the agencies where Mr. Barque was working;  
18           that is to say the two French schools where he worked. Did  
19           you tell them that you had reason to think he had  
20           misconducted himself in the past with young people?

21                           **M. LANDRY:** Non, je l'ai pas mentionné.  
22           J'ai simplement remplacé le poste, mais ça n'a pas été  
23           mentionné au niveau des écoles, non.

24                           **MS. DALEY:** All right. Okay.  
25                           Just one final area. Did you become aware

1           that after Mr. Barque had gone into the real estate field,  
2           he then went back and he was teaching as a supply teacher  
3           in a local high school? Did you know about that?

4                   **M. LANDRY:** J'étais au courant qu'il avait  
5           fait du remplacement avant. Après, non.

6                   **MS. DALEY:** All right.

7                   Sorry, just to clarify, when was it that --  
8           in the timeframe that you became aware he was a substitute  
9           teacher in a high school, when did that happen, immediately  
10          after he left you or at another time?

11                   **M. LANDRY:** Non ---

12                   **THE COMMISSIONER:** No, no, no, he answered  
13          that he never knew that he was a supply teacher after.

14                   **MR. LANDRY:** Yeah.

15                   **THE COMMISSIONER:** He knew that he had  
16          supply taught before he worked for him.

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

18                   So you -- some information was put to you  
19          just earlier this morning that suggested that he became a  
20          supply teacher after he entered the real estate field, but  
21          you weren't aware of that, sir?

22                   **M. LANDRY:** No, I thought -- je pensais  
23          qu'il était dans le real estate.

24                   **MS. DALEY:** Okay. I take it follows that if  
25          he did teach at a school at a later time, they never



1 contacted you for a reference about him?

2 MR. LANDRY: No, no.

3 MS. DALEY: Thank you, sir.

4 M. LANDRY: Merci, madame.

5 THE COMMISSIONER: Thank you.

6 Mr. Lee.

7 MR. LEE: Good morning, Mr. Commissioner.

8 THE COMMISSIONER: Good morning, sir.

9 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:

10 MR. LEE: Good morning, Mr. Landry. My name  
11 is Dallas Lee. I'm counsel for the Victims Group. I just  
12 have a very few questions for you. If you can just give me  
13 one minute to get organized here?

14 (SHORT PAUSE/COURTE PAUSE)

15 MR. LEE: Sir, as I understood it, the  
16 programs being offered by l'Équipe psycho-sociale were  
17 designed for children and adolescents up to 18 years old.  
18 Is that right?

19 M. LANDRY: C'est ça, oui.

20 MR. LEE: And there was -- as I understand  
21 it, you dealt not only with children who had perhaps -- I  
22 can't remember the wording, to be honest with you -- some  
23 kind of mental handicap, people who had medical issues, you  
24 also dealt with troubled youth; is that right? Am I right  
25 about that?

1 M. LANDRY: Je vous suis pas là.

2 MR. LEE: What kind -- what were the issues  
3 that the children you were dealing with had? What was the  
4 range of issues that you dealt with?

5 M. LANDRY: Comme j'ai expliqué hier,  
6 l'Équipe a différents programmes dont un programme clinique  
7 pour des jeunes mésadaptés sociaux affectifs, mais il y a  
8 un programme aussi -- c'est ça que je me demande si vous  
9 référez à ça -- pour les handicapés du développement  
10 adulte, mais Monsieur Barque n'était pas dans le programme  
11 d'handicapés adultes. Il était dans le programme au niveau  
12 des mésadaptés sociaux affectifs.

13 MR. LEE: So kids with behaviour problems?

14 M. LANDRY: Exactement, oui.

15 MR. LEE: That's what Mr. Barque would have  
16 worked with?

17 M. LANDRY: Exactement.

18 MR. LEE: And would you have -- would your  
19 program have dealt with kids with behaviour problems right  
20 from its inception in 1980?

21 M. LANDRY: Yeah. Oui.

22 MR. LEE: Do you know whether Probation and  
23 Parole or the Ministry of Corrections at any point in the  
24 early 1980s contacted L'Équipe psycho-sociale for  
25 information? Do you have any record of that at all?

1 M. LANDRY: Non.

2 MR. LEE: Had they done that, you obviously  
3 would have told them about your services?

4 M. LANDRY: Oui, bien oui.

5 MR. LEE: Any agency that inquired, you  
6 would have been happy to provide them with a brochure or  
7 description of services?

8 M. LANDRY: Définitivement, oui. C'est un  
9 service hautement communautaire.

10 MR. LEE: And am I right to suggest that  
11 some of the programs you were offering might have been of  
12 interest to young people on probation?

13 M. LANDRY: Ça aurait pu, oui.

14 MR. LEE: At the very least, you would have  
15 expected Probation and Parole employees to know about your  
16 program -- your programs? You told us yesterday, I think,  
17 that you were well-known in the community?

18 M. LANDRY: M'hm.

19 LE COMMISSAIRE: Il faut vocaliser la  
20 réponse.

21 M. LANDRY: Ah excusez. Oui.

22 MR. LEE: Can you turn up Mr. Barque's  
23 curriculum vitae, please. It's Exhibit 910.

24 Do you have that, sir?

25 M. LANDRY: Je l'ai ici, oui.

1                   **MR. LEE:** If we can go to the second page at  
2                   the bottom, that's where the reason for leaving is listed.  
3                   Do you see that at the very bottom?

4                   **M. LANDRY:** Oui. Oui.

5                   **MR. LEE:** You told us that when you met with  
6                   Mr. Barque, you asked him -- you didn't just rely on the  
7                   CV. You asked him about the reason for leaving; is that  
8                   right?

9                   **M. LANDRY:** Oui.

10                  **MR. LEE:** And you went just a moment ago  
11                  with Ms. Daley into some of the areas that -- what that  
12                  meant to you.

13                  Do you remember asking Mr. Sirrs when you  
14                  spoke with him about the reason for leaving?

15                  **M. LANDRY:** Non, spécifiquement non. La  
16                  conversation a été peut-être deux, trois, quatre minutes  
17                  sur le téléphone et on m'avait demandé d'envoyer ça par  
18                  écrit et c'est ce que j'ai fait.

19                  La conversation sur le téléphone, je  
20                  pourrais pas vous dire spécifiquement -- je sais que la  
21                  conversation a été assez courte.

22                  **MR. LEE:** You have no specific recollection  
23                  of discussing with Mr. Sirrs what a conflict with the  
24                  regulations meant?

25                  **M. LANDRY:** Non.

1                   **MR. LEE:** Sir, those are my questions.

2                   Thank you.

3                   **M. LANDRY:** Merci.

4                   **THE COMMISSIONER:** Thank you.

5                   All right. So, Mr. Chisholm?

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

7                   **CHISHOLM:**

8                   **MR. CHISHOLM:** Good morning, sir. Mr.  
9                   Landry, good morning. My name is Peter Chisholm. I am  
10                  counsel for the local Children's Aid Society. I just have  
11                  one question for you, if I can.

12                  Is it possible that in 1985 and 1986, Mr.  
13                  Barque may have been supervised by someone other than  
14                  yourself at your agency?

15                  **M. LANDRY:** En '85-'86, oui, probablement.  
16                  Peut-être Monsieur Barque ---

17                  **MR. CHISHOLM:** Sarda?

18                  **M. LANDRY:** Sarda, c'est ça.

19                  **MR. CHISHOLM:** Mario Sarda?

20                  **M. LANDRY:** Mario Sarda, psychologue, oui.

21                  **MR. CHISHOLM:** Merci. That's my only  
22                  question. Thank you.

23                  **M. LANDRY:** Merci.

24                  **THE COMMISSIONER:** Mr. Thompson?

25                  **MR. THOMPSON:** No questions, Mr.

1 Commissioner.

2 **THE COMMISSIONER:** Thank you.

3 Madame Robitaille?

4 **Me ROBITAILLE:** Aucune question.

5 **LE COMMISSAIRE:** Monsieur Sherriff-Scott?

6 He's gone. He was here today. Okay.

7 Mr. Crane?

8 **MR. CRANE:** No questions, thank you.

9 **THE COMMISSIONER:** Thank you.

10 Mr. Kozloff?

11 **MR. KOZLOFF:** Pas de questions.

12 **LE COMMISSAIRE:** Oh, bravo. Merci.

13 Monsieur Carroll?

14 **MR. CARROLL:** None, thank you.

15 **THE COMMISSIONER:** All right.

16 Il n'y a personne pour le ministère, donc

17 Mr. Rosen, are you on for the Ministry this morning?

18 **MR. ROSEN:** I am. With your permission, I  
19 understand that Commission counsel has no objection if I --  
20 I won't be very long.

21 I know I am not supposed to speak until I'm  
22 in front of the microphone.

23 **THE COMMISSIONER:** That's why I didn't hear  
24 you. I don't know what you said.

25 **MR. ROSEN:** I thought maybe it was the wrong

1 coloured pants.

2 THE COMMISSIONER: I look at ties, Mr.  
3 Rosen.

4 MR. ROSEN: Oh, sorry.

5 THE COMMISSIONER: No, you're good; you're  
6 good.

7 MR. ROSEN: With your permission, if I may -  
8 --

9 THE COMMISSIONER: Sure.

10 MR. ROSEN: --- Mr. Landry, you ---

11 THE COMMISSIONER: You should introduce  
12 yourself and tell him which ministry you ---

13 MR. ROSEN: Oh yes, I am.

14 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.  
15 ROSEN:

16 MR. ROSEN: Mr. Landry, my name is John  
17 Rosen and I am here today for the Ministry of Correctional  
18 Services and I am going to ask you some questions. Is that  
19 all right?

20 M. LANDRY: Oui.

21 MR. ROSEN: Okay. And, Mr. Landry, it's  
22 obvious from your comportment today that you speak both  
23 English and French; is that right?

24 M. LANDRY: Oui, mais je suis plus familier  
25 en français qu'en anglais.

1                   **MR. ROSEN:** Yes, you're more familiar in  
2 French, but you don't have the headsets on, so you  
3 understand what I'm saying in English. Is that right?

4                   **M. LANDRY:** Oui, oui.

5                   **MR. ROSEN:** Okay. And then you can answer  
6 in both at your choice, as the Commissioner has indicated.

7                   I, on the other hand, have to use this  
8 because my French is not as good as your English.

9                   Now, Mr. Landry, if I understand this agency  
10 that you had, it was set up in 1980, as you said?

11                   **M. LANDRY:** Oui.

12                   **MR. ROSEN:** And it was an offshoot of the  
13 hospital?

14                   **M. LANDRY:** Oui, c'était un programme --  
15 c'était une partie du programme qu'on se voyait  
16 communautaire et non un programme hospitalier. L'hôpital  
17 avait un programme hospitalier et ici c'est un programme  
18 communautaire. Oui.

19                   **MR. ROSEN:** And the funding came from a  
20 variety of sources, didn't it?

21                   **M. LANDRY:** Oui. Oui.

22                   **MR. ROSEN:** Okay. And the funding that you  
23 had was not to hire permanent staff other than the  
24 administration like yourself; isn't that right?

25                   **M. LANDRY:** Je ne comprends pas.



1                   **MR. ROSEN:** Well, the psychiatrist didn't  
2                   work for you?

3                   **MR. LANDRY:** He was a consultant, yes.

4                   **MR. ROSEN:** He was a consultant on contract?

5                   **MR. LANDRY:** That's right.

6                   **MR. ROSEN:** The psychologists did not work  
7                   for you; they were on contract, yes?

8                   **MR. LANDRY:** We have one on contract and we  
9                   have one who was working for us.

10                  **MR. ROSEN:** One working for you, okay. Some  
11                  of the social workers were on contract?

12                  **MR. LANDRY:** Some was on contract, yes.

13                  **MR. ROSEN:** And some worked for you?

14                  **MR. LANDRY:** Yeah.

15                  **MR. ROSEN:** Okay. Mr. Barque's position was  
16                  a new position, was it?

17                  **MR. LANDRY:** The position was existing since  
18                  1980, but it was a new expansion of the position, yes.

19                  **MR. ROSEN:** Well, I understand that, but he  
20                  only worked in two schools. Isn't that right?

21                  **MR. LANDRY:** M'hm.

22                  **MR. ROSEN:** And those schools, did they have  
23                  social workers before?

24                  **MR. LANDRY:** No.

25                  **MR. ROSEN:** No. So his position was new to

1 those two schools, wasn't it?

2 M. LANDRY: Oui.

3 MR. ROSEN: Yes. And it was on contract  
4 with him, wasn't it?

5 M. LANDRY: La position était sur contrat  
6 with the school board, yes.

7 MR. ROSEN: Yes, exactly.

8 And you had to fill that position by the  
9 beginning of September of 1982; isn't that right?

10 M. LANDRY: Bien, ça aurait pu être le début  
11 de septembre comme ça aurait pu être le début d'octobre,  
12 aussi. Il n'y avait pas ---

13 MR. ROSEN: Yes, I understand, but it had to  
14 be for the school year. No sense filling it in July or  
15 August?

16 M. LANDRY: C'était des positions qui  
17 étaient -- those positions was contract for 12 months and  
18 not for 10 months.

19 MR. ROSEN: I understand they were for 12  
20 months in terms of the pay, but they really dealt with the  
21 children for the school year, didn't they?

22 MR. LANDRY: That's one perception you have  
23 because in the summer, most of the time, they are preparing  
24 for the school year.

25 MR. ROSEN: Yes, exactly.

1                   So you advertised in the newspaper and you  
2                   received Mr. Barque's application with others. Isn't that  
3                   right?

4                   **M. LANDRY:**    Oui.

5                   **MR. ROSEN:**    Okay. And somebody else  
6                   screened most of the applications and then brought the  
7                   qualified ones to you, correct?

8                   **M. LANDRY:**    M'hm.

9                   **MR. ROSEN:**    They brought -- they had 10 or  
10                  12 applications. They brought two or three to you to look  
11                  at?

12                  **MR. LANDRY:**    That's right.

13                  **MR. ROSEN:**    And then you looked at the two  
14                  or three and you suddenly saw a francophone with a social  
15                  working background and experience, a perfect candidate for  
16                  the job. Isn't that right?

17                  **M. LANDRY:**    Oui.

18                  **MR. ROSEN:**    Okay. So you had him in to see  
19                  you sometime. Did you bring your file?

20                  **MR. LANDRY:**    If I have the file with me, no.

21                  **MR. ROSEN:**    Yes?

22                  **MR. LANDRY:**    I don't it.

23                  **MR. ROSEN:**    I was told that you brought your  
24                  file. You brought your Nelson Barque file today, yes?

25                  **MR. LANDRY:**    Have you got the file?

1                   **THE COMMISSIONER:** Mr. Rosen, you move over,  
2                   he gets ---

3                   **MR. RUEL:** Yes, I have Mr. Landry's file  
4                   here, the original.

5                   **(SHORT PAUSE/COURTE PAUSE)**

6                   **LE COMMISSAIRE:** Avant de continuer,  
7                   j'aimerais juste pour pas qu'on perde des choses dans la  
8                   traduction-là, puis c'est pas vraiment un point; c'est  
9                   juste pour préciser.

10                   Est-ce que c'est vrai que des 10 ou 15  
11                   applications que vous auriez reçues que c'est quelqu'un  
12                   d'autre qui aurait fait le triage pour vous en présenter  
13                   trois ou bien est-ce que c'est vous qui avez tout fait ça?

14                   **M. LANDRY:** C'est moi qui ai fait le triage.

15                   **LE COMMISSAIRE:** Bon.

16                   **M. LANDRY:** C'est ça que je comprenais pas  
17                   non plus.

18                   **LE COMMISSAIRE:** Non, non, je sais. Ça fait  
19                   qu'il faut faire attention là comment on pose les questions  
20                   et comment on les répond.

21                   **MR. ROSEN:** All right. Sorry.

22                   **THE COMMISSIONER:** No, it's just an  
23                   indication that we have to be careful about where we go and  
24                   so on.

25                   **MR. ROSEN:** In translations, I understand.

1                   **THE COMMISSIONER:** Yeah.

2                   **MR. ROSEN:** So you looked at all the  
3 applications; is that right?

4                   **M. LANDRY:** Oui.

5                   **MR. ROSEN:** You sorted out which ones you  
6 wanted to interview; is that right?

7                   **M. LANDRY:** Oui.

8                   **MR. ROSEN:** All right. And then you decided  
9 that Mr. Barque was the francophone with the credentials,  
10 the experience, the perfect position; is that right?

11                   **M. LANDRY:** Oui.

12                   **MR. ROSEN:** Okay. And you've got this in on  
13 July the 12<sup>th</sup>, didn't you?

14                   **M. LANDRY:** M'hm.

15                   **MR. ROSEN:** This letter, Exhibit 12401830 --  
16 -

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

18                   **MR. ROSEN:** I don't know.

19                   **THE COMMISSIONER:** What's the exhibit  
20 number?

21                   **MR. ROSEN:** July the 12<sup>th</sup>, 1982.

22                   **THE COMMISSIONER:** Maître Ruel?

23                   **MR. RUEL:** That's the -- Mr. Rosen is  
24 referring to the letter that was sent to ---

25                   **THE COMMISSIONER:** What exhibit number so we

1 can show it to him?

2 MR. RUEL: Yes.

3 THE COMMISSIONER: I'm sorry?

4 THE REGISTRAR: Nine-O-nine (909).

5 MR. RUEL: Nine-O-nine (909).

6 THE COMMISSIONER: Nine-O-nine (909), all  
7 right. Bon.

8 La question, Monsieur Landry, c'est la  
9 lettre que vous avez reçue c'est bel et bien le 12 janvier  
10 ---

11 M. LANDRY: Le 12 juillet.

12 LE COMMISSAIRE: Le 12 juillet 1982, puis  
13 vous l'auriez reçue il semblerait le 16 juillet, si je vois  
14 l'étampe sur -- ah, celle-là a pas l'étampe -- baissez-le,  
15 madame la greffière.

16 M. LANDRY: Oui, ça se peut.

17 LE COMMISSAIRE: Non, regarde ---

18 MR. ROSEN: No, it's at the top.

19 LE COMMISSAIRE: Voyez-vous, le 16 ou le 18.  
20 O.k.

21 MR. ROSEN: All right. And so you would  
22 have spoken to Mr. Barque a few days after you got the  
23 letter; isn't that right?

24 M. LANDRY: Exactement.

25 MR. ROSEN: Okay. And when you -- before

1           you spoke to him, you would have read the letter and the  
2           Curriculum Vitae; isn't that right?

3                   **M. LANDRY:**   Oui.

4                   **MR. ROSEN:**   And the Curriculum Vitae is a  
5           document prepared by him, isn't it?

6                   **M. LANDRY:**   Oui.

7                   **MR. ROSEN:**   Okay.   And the Curriculum Vitae  
8           is Exhibit ---

9                   **THE COMMISSIONER:**   Nine-ten (910).

10                   **MR. ROSEN:**   Nine-ten (910).   Thank you.   If  
11           you can get that up?

12                   **THE COMMISSIONER:**   It's up.

13                   **MR. ROSEN:**   Now, the -- I'd like to take you  
14           through the Curriculum Vitae as to how it's set up.   On the  
15           first page, you have his personal information with his  
16           name, telephone, age, et cetera.   You see at the top?

17                   **M. LANDRY:**   Oui.

18                   **MR. ROSEN:**   Yes.   All right.   Then you have  
19           his education that I see.   Then you have his interests and  
20           hobbies; is that right?

21                   **M. LANDRY:**   Oui.

22                   **MR. ROSEN:**   And then you have his references  
23           at the bottom and what is "Voir autres feuilles"?   What  
24           does that mean?

25                   **MR. LANDRY:**   I beg your pardon?

1                   **MR. ROSEN:** What does it say for references?

2           It says ---

3                   **M. LANDRY:** J'l'ai pas ici.

4                   **MR. ROSEN:** --- "On request", doesn't it?

5                   **LE COMMISSAIRE:** Ça dit "Voir autres  
6           feuilles". Voyez-vous les références?

7                   **M. LANDRY:** Oui, "Voir autres feuilles",  
8           oui.

9                   **LE COMMISSAIRE:** C'est ça qu'est-ce qu'il  
10           veut savoir; qu'est-ce que ça veut dire ça "Voir autres  
11           feuilles"?

12                   **MR. ROSEN:** Yes. Okay. It says "See other  
13           pages". Now, sir, the document that we have puts on the  
14           second page the document that says August of '74 to May of  
15           '82, but that wasn't the next document, was it?

16                   **M. LANDRY:** En ce qui me concerne, ça  
17           faisait tous partie du Curriculum Vitae. Y'a pas de  
18           première page, deuxième page ---

19                   **MR. ROSEN:** I understand. That's right.  
20           They're not numbered, and it wasn't part -- I'm sorry, it  
21           was part of the Curriculum Vitae, but it wasn't the next  
22           page in order because this document has been unstapled and  
23           stapled several times. Isn't that right?

24                   **M. LANDRY:** Je sais pas. J'ai aucune idée.  
25           Je le sais pas.



1                   **MR. ROSEN:** Yes. Okay. Well, let's skip  
2 that page and let's see what we have on the other pages.  
3 The next page at the top it says, "Experience of Work".  
4 Isn't that correct, "Expérience de travail"?

5                   **M. LANDRY:** Oui.

6                   **MR. ROSEN:** Yes?

7                   **M. LANDRY:** Oui.

8                   **MR. ROSEN:** And then it has in reverse  
9 chronology from November '71 to August '74; correct?

10                  **M. LANDRY:** Oui.

11                  **MR. ROSEN:** And then at the middle of the  
12 page, September '71, and then on the previous page, 1964 to  
13 '71.

14                  **M. LANDRY:** Oui.

15                  **MR. ROSEN:** And then below that, '57 to '64;  
16 yes?

17                  **M. LANDRY:** Oui.

18                  **MR. ROSEN:** Okay. And then there's another  
19 heading called "Activités..." -- what's that?

20                  **LE COMMISSAIRE:** Parascolaires. Il veut  
21 savoir qu'est-ce que c'est du parascolaire.

22                  **MR. ROSEN:** Right, okay. Now, let's --  
23 okay. Now, let's go back. Now, let's go back. All right.  
24 Now, let's go back to November '71 to '74, it says he  
25 worked for the City of Cornwall, Department of Social

1 Services; right? Yes, sir?

2 LE COMMISSAIRE: Il faut que vous vocalisiez

3 ---

4 M. LANDRY: Oui, excusez. Oui.

5 MR. ROSEN: He explains his position.

6 M. LANDRY: Oui.

7 MR. ROSEN: Then he gives recommendations,  
8 doesn't he?

9 M. LANDRY: Oui.

10 MR. ROSEN: Okay. And then he says, "Reason  
11 for departure", doesn't he?

12 M. LANDRY: Oui.

13 MR. ROSEN: Okay. Then the next one,  
14 September '71, he gives the position again, doesn't he?

15 M. LANDRY: Oui.

16 MR. ROSEN: Then he says, "Recommendations",  
17 doesn't he?

18 M. LANDRY: Oui.

19 MR. ROSEN: And then he says, "Reason for  
20 departure", doesn't he?

21 M. LANDRY: Oui.

22 MR. ROSEN: And then on the next page, he  
23 gives the position again; isn't that right?

24 M. LANDRY: Oui.

25 MR. ROSEN: Okay. This time, there's no

1 recommendations, but there's a reason for departure, isn't  
2 there?

3 M. LANDRY: Oui.

4 MR. ROSEN: And then on the next one, his  
5 position and then the reason for departure; isn't that  
6 right?

7 M. LANDRY: Oui.

8 MR. ROSEN: Okay. Now, let's go to August  
9 of '74, which is the second page of the C.V. At the top,  
10 it shows August '74 to 4<sup>th</sup> of May '82, and it gives the  
11 employer's name, doesn't it?

12 M. LANDRY: Oui.

13 MR. ROSEN: Then it gives the position,  
14 doesn't it?

15 M. LANDRY: M'hm.

16 MR. ROSEN: Then it gives his functions;  
17 isn't that right?

18 M. LANDRY: Oui.

19 MR. ROSEN: And then it gives, as it does on  
20 all the other employers, a recommendation, Mr. Sirrs' name,  
21 doesn't it?

22 M. LANDRY: Oui.

23 MR. ROSEN: So this is really not a  
24 recommendation as a person. This is a prior employer;  
25 isn't that right?

1                   **M. LANDRY:** Ben ça peut être vu de deux  
2                   façons. Oui, vous avez raison. Ça peut être vu de deux  
3                   façons, recommandations ou "prior employer", oui.

4                   **MR. ROSEN:** Yes. Yes, it's previous  
5                   employer and the person to contact is Mr. Peter Sirrs;  
6                   isn't that right?

7                   **M. LANDRY:** M'hm.

8                   **MR. ROSEN:** Yes?

9                   **M. LANDRY:** Oui, oui.

10                  **MR. ROSEN:** And then he gives his reasons  
11                  for departure; isn't that right?

12                  **M. LANDRY:** Oui.

13                  **MR. ROSEN:** So let me ask you this, sir.  
14                  Did you contact the City of Cornwall and speak to  
15                  Mademoiselle Frances Flanigan and ask her for a letter?

16                  **M. LANDRY:** No.

17                  **MR. ROSEN:** No. Did you contact the École  
18                  Secondaire La Citadelle and speak to Mademoiselle Jeannine  
19                  Séguin?

20                  **M. LANDRY:** No.

21                  **MR. ROSEN:** No. What you did was you picked  
22                  up the phone after you spoke to Mr. Barque, and you called  
23                  Mr. Sirrs because he was the most recent employer; isn't  
24                  that right?

25                  **M. LANDRY:** Oui.

1                   **MR. ROSEN:** Okay. Not because he was making  
2 a personal recommendation but only because he was the  
3 employer. Isn't that correct, sir?

4                   **M. LANDRY:** Oui.

5                   **MR. ROSEN:** Yes. Thank you.

6                   And then when you spoke to Mr. Sirrs on the  
7 telephone, he wouldn't speak to you about the job, would  
8 he?

9                   **M. LANDRY:** Il m'a demandé d'envoyer ça par  
10 écrit. He asked me to send ---

11                   **MR. ROSEN:** Right. He asked you to make  
12 your inquiry in writing, didn't he?

13                   **M. LANDRY:** C'est ça.

14                   **MR. ROSEN:** Okay. And he asked you that if  
15 you wanted to know personal information, to get a release  
16 from Nelson Barque to allow the Ministry to release  
17 personal information. Isn't that right?

18                   **M. LANDRY:** Non, non, non, monsieur.

19                   **MR. ROSEN:** Okay. Yes. And the reason he  
20 did is because you were looking for any -- any --  
21 recommendation, weren't you?

22                   **M. LANDRY:** Pas "any", pour recommandations.

23                   **MR. ROSEN:** But, sir, you were looking for  
24 any recommendation because Mr. Sirrs wouldn't give you any  
25 recommendation; isn't that right?

1                   **M. LANDRY:** Sur le téléphone, il m'a donné  
2                   aucune ---

3                   **MR. ROSEN:** Exactly.

4                   **M. LANDRY:** Il m'a demandé d'envoyer ça par  
5                   écrit.

6                   **MR. ROSEN:** No, no, he asked -- you asked  
7                   him for a recommendation on the telephone, and he said he  
8                   wouldn't give it to you on the telephone; isn't that right?

9                   **M. LANDRY:** Oui.

10                  **MR. ROSEN:** He told you to put your request  
11                  in writing; isn't that correct?

12                  **M. LANDRY:** C'est ça.

13                  **MR. ROSEN:** Okay. So then when you put your  
14                  request in writing -- and it's Exhibit 9 ---

15                  **THE COMMISSIONER:** Nine-twelve (912).

16                  **MR. ROSEN:** --- 911. Thank you. If we  
17                  could get that up?

18                  You prepared this letter in English, didn't  
19                  you?

20                  **M. LANDRY:** Oui.

21                  **MR. ROSEN:** Okay. And the letter is  
22                  addressed to Mr. Sirrs from the Ministry of Correctional  
23                  Services, correct?

24                  **M. LANDRY:** Oui.

25                  **MR. ROSEN:** The previous employer; isn't

1           that right?

2                   **M. LANDRY:**   Oui.

3                   **MR. ROSEN:**   Okay.  And let's look at what  
4           you're talking about.  You say:

5                               "Following our telephone conversation  
6                               of this date..."

7           So let's stop.  You saw -- you got Mr. Barque's CV around  
8           the 16<sup>th</sup> or 18<sup>th</sup> of July; isn't that right?

9                   **M. LANDRY:**   Fort probablement, oui.

10                  **MR. ROSEN:**   This is a month later?

11                  **M. LANDRY:**   M'hm.

12                  **MR. ROSEN:**   This is a month later.  Mr.  
13           Barque was unemployed, wasn't he?

14                  **M. LANDRY:**   Je présume, oui.

15                  **MR. ROSEN:**   Well, he had last worked the 4<sup>th</sup>  
16           of May 1982; isn't that right?

17                  **M. LANDRY:**   Oui.

18                  **MR. ROSEN:**   So he had left a position with  
19           the Ministry where he had a guaranteed salary; correct?

20                  **M. LANDRY:**   Je présume, oui.

21                  **MR. ROSEN:**   He had a pension fund?

22                  **M. LANDRY:**   Oui.

23                  **MR. ROSEN:**   He had tenure, right?  And he  
24           was unemployed for about three or four months; isn't that  
25           right?

1 M. LANDRY: Correct.

2 MR. ROSEN: Okay. And yet it took you a  
3 month to get around to writing this letter, didn't it?

4 M. LANDRY: Ça se peut, oui.

5 MR. ROSEN: Yes. And so what you did was  
6 rather than write the letter, you started off with a phone  
7 call, right?

8 M. LANDRY: Je demande ---

9 MR. ROSEN: Okay. And then ---

10 THE COMMISSIONER: No, sorry, just a minute.  
11 You're cutting him off.

12 MR. ROSEN: Oh, I didn't think I was. I  
13 thought I got an answer.

14 THE COMMISSIONER: Well, maybe I'm wrong.  
15 Avez-vous fini?

16 M. LANDRY: Oui.

17 LE COMMISSAIRE: C'est quoi la réponse?

18 M. LANDRY: J'avais toujours ---

19 MR. ROSEN: I'll start again, sir.

20 You began by making your telephone call on  
21 the 12<sup>th</sup> of August, you say; is that right?

22 M. LANDRY: M'hm.

23 MR. ROSEN: Okay. Now, the Ministry doesn't  
24 have your letter stamped with the date that it came in,  
25 acknowledging receipt.



1 M. LANDRY: Je comprends pas là. Je ne sais  
2 pas.

3 MR. RUEL: I understand that ---

4 THE COMMISSIONER: Whoa.

5 MR. RUEL: I'm just making an objection, but  
6 the witness can't speak for the Ministry.

7 MR. ROSEN: Fair enough. All right.

8 THE COMMISSIONER: There you go.

9 MR. ROSEN: The letter that you have in your  
10 file is signed, isn't it?

11 M. LANDRY: Oui.

12 MR. ROSEN: It's a signed original?

13 M. LANDRY: Oui.

14 MR. ROSEN: If it's a signed original, it  
15 means it was never sent.

16 M. LANDRY: Je m'excuse, mais la lettre a  
17 été envoyée.

18 THE COMMISSIONER: Can we go back to what a  
19 signed original means?

20 MR. ROSEN: Sure.

21 THE COMMISSIONER: I don't want to get lost  
22 in translation.

23 MR. ROSEN: Fair enough.

24 THE COMMISSIONER: Where is the original?

25 MR. ROSEN: The document you produced that's

1 up here on the screen is signed; is that right?

2 M. LANDRY: Oui.

3 MR. ROSEN: Okay. The document in your file  
4 -- then I stand corrected. The document in your file is  
5 what, a photocopy? Is that a photocopy?

6 M. LANDRY: That's an original.

7 MR. ROSEN: That's an original?

8 M. LANDRY: I think.

9 MR. ROSEN: May I show it to him?

10 THE COMMISSIONER: Yes.

11 MR. ROSEN: Thank you.

12 LE COMMISSAIRE: Qu'est-ce que vous voulez  
13 dire par original?

14 M. LANDRY: C'est pas une photocopie, que  
15 c'est pas une photocopie de la lettre.

16 LE COMMISSAIRE: Donc, c'était quoi votre  
17 procédure? Comment est-ce que vous expliquez que vous  
18 aviez une originale dans votre filière?

19 MR. ROSEN: Do you understand?

20 M. LANDRY: Je comprends très bien, mais ça  
21 ici c'est une photocopie, monsieur.

22 MR. ROSEN: It's a photocopy?

23 M. LANDRY: Oui, parce que l'originale est  
24 verte et puis elle est partie.

25 THE COMMISSIONER: Okay.

1                   **MR. ROSEN:** Thank you.

2                   Now, do you keep photocopies on your file or  
3 do you keep -- do you keep photocopies on your file or do  
4 you keep office copies; do you know?

5                   **LE COMMISSAIRE:** Comprenez-vous la question?

6                   **M. LANDRY:** Oui, je comprends la question,  
7 mais je ne comprends pas le message.

8                   **LE COMMISSAIRE:** Il ne faut pas comprendre  
9 le message. Il faut tout simplement comprendre la question  
10 et la répondre.

11                   Donc, c'était quoi votre procédure dans  
12 votre bureau à cette époque pour garder une -- garder -- je  
13 vais utiliser le mot copie ---

14                   **M. LANDRY:** M'hm.

15                   **LE COMMISSAIRE:** --- de ce que vous envoyez?  
16 C'était quoi votre procédure?

17                   **M. LANDRY:** On gardait des copies.

18                   **LE COMMISSAIRE:** Et c'était quoi, des  
19 photocopies ou est-ce que c'était -- je sais pas, avec un -  
20 - dans le vieux temps on mettait un ---

21                   **M. LANDRY:** Un carbone.

22                   **LE COMMISSAIRE:** --- carbone.

23                   **M. LANDRY:** Non, on avait un -- je pense  
24 qu'on avait une photocopie et puis on gardait une  
25 photocopie.

1                   **MR. ROSEN:** All right.

2                   **LE COMMISSAIRE:** O.k.

3                   **M. LANDRY:** Je pense.

4                   **MR. ROSEN:** You think. All right. I'll  
5 give you the benefit of the doubt.

6                   So let's go to your letter. The letter  
7 says:

8                                 "Following our telephone conversation  
9                                 of this date, I would appreciate  
10                                receiving any recommendation..."

11                   Doesn't it say that?

12                   **M. LANDRY:** Any recommendation, yeah.

13                   **MR. ROSEN:** Any recommendation, not a  
14 recommendation as a former employer, not a personal  
15 recommendation, not a recommendation in terms of  
16 reputation. You wanted any recommendation. Isn't that  
17 right, sir?

18                   **M. LANDRY:** Oui.

19                   **MR. ROSEN:** Okay. And the reason you wanted  
20 any recommendation is because Mr. Sirrs wouldn't give you  
21 any recommendation; isn't that right?

22                   **M. LANDRY:** Je le sais pas -- je sais pas  
23 pourquoi il donnerait pas de recommandation ou "any  
24 recommendation". I don't know why.

25                   **MR. ROSEN:** I didn't ask you why he didn't.

1 M. LANDRY: Okay.

2 MR. ROSEN: I'm asking why you worded the  
3 letter the way you did. You were looking for any  
4 recommendation; isn't that right?

5 M. LANDRY: M'hm.

6 MR. ROSEN: Okay. And you did not ask him  
7 to explain the reasons why Mr. Barque left his employment,  
8 did you?

9 M. LANDRY: Non.

10 MR. ROSEN: You didn't ask him to explain  
11 what the conflict was, did you?

12 M. LANDRY: Non.

13 MR. ROSEN: Now, Mr. Sirrs didn't respond  
14 directly to the letter immediately, did he?

15 M. LANDRY: Je -- a couple of weeks after, I  
16 think, if I remember properly.

17 MR. ROSEN: That's right, a couple of weeks.  
18 I mean, you're only a few blocks away from Pitt Street,  
19 aren't you?

20 M. LANDRY: M'hm.

21 MR. ROSEN: Okay. You could have walked the  
22 letter over, couldn't you?

23 M. LANDRY: J'aurais pu, oui.

24 MR. ROSEN: Yeah? Or you could have gone  
25 over to visit him directly, couldn't you?

1 M. LANDRY: Ah, oui.

2 MR. ROSEN: Yeah. All right.

3 So what happened was there was the delay in  
4 the delivery of the response, wasn't there?

5 M. LANDRY: Je vois pas ça comme un délai,  
6 moi, non, du tout.

7 MR. ROSEN: Two weeks?

8 M. LANDRY: Non.

9 MR. ROSEN: Well, you were getting towards  
10 the end of August when you had to have the position filled;  
11 isn't that right?

12 M. LANDRY: Oui, mais deux semaines, j'ai  
13 pas vu ça comme un délai. Peut-être qu'il était en  
14 vacances. Peut-être -- je sais pas, mais c'était  
15 raisonnable.

16 MR. ROSEN: Well, what you did was you  
17 phoned up; didn't you? You called him. You called him up  
18 and you said, am I going to get a response to my letter;  
19 isn't that right?

20 MR. LANDRY: No.

21 MR. ROSEN: That's what you told Mr. Downing  
22 in 2000, that you followed it up with a telephone call;  
23 didn't you?

24 MR. LANDRY: I don't remember that.

25 MR. ROSEN: You don't remember that. You

1 told Mr. Downing that you -- well, first of all, you said  
2 you received a positive reference from Mr. Sirrs. Didn't  
3 you?

4 M. LANDRY: Non, j'ai pas mentionné ça.

5 MR. ROSEN: Well, let's look at, let's look  
6 at Exhibit 1064. Mr. Downing called you.

7 THE COMMISSIONER: Hold it, hold it.

8 MR. ROSEN: Yes, sir.

9 THE COMMISSIONER: Ten sixty-four (1064);  
10 madame la Greffière, si vous pouvez.

11 MR. ROSEN: Yes, page 17.

12 THE COMMISSIONER: Just a second, just a  
13 second. It takes a little time here. Page 17?

14 MR. LANDRY: Page 17.

15 LE COMMISSAIRE: O.k. L'avez-vous,  
16 Monsieur?

17 M. LANDRY: Oui. Oui, merci.

18 LE COMMISSAIRE: O.k.

19 MR. ROSEN: At page 17 at the bottom.

20 THE COMMISSIONER: Where is that? The last  
21 inscription?

22 MR. ROSEN: Yes, October 2, 2000, at 1400  
23 hours; two o'clock in the afternoon, Mr. Downing telephoned  
24 you. Didn't he?

25 M. LANDRY: J'ai mentionné que je n'me

1           souviens pas du tout d'aucune conversation avec Monsieur  
2           Downing. C'est pas la première fois que je le mentionne et  
3           je n'me souviens pas de ça non plus.

4                   **MR. ROSEN:** Well -- Mr. Landry, you never  
5           met with Mr. Downing in your office, did you?

6                   **M. LANDRY:** Non.

7                   **MR. ROSEN:** Okay. How did Mr. Downing get a  
8           copy of Mr. Sirrs' letter to you?

9                   **M. LANDRY:** Aucune idée.

10                   **MR. ROSEN:** Document number 100572. Can we  
11           just have that document up please?

12                   Apparently, Exhibit 869.

13                   **LE COMMISSAIRE:** Et vous aurez à le lire. À  
14           l'autre volume, oui, c'est ça. C'est là la lettre que  
15           Monsieur Sirrs vous aurait écrite.

16                   **MR. ROSEN:** A copy of the letter.

17                           **(SHORT PAUSE/COURTE PAUSE)**

18                   **MR. ROSEN:** Did you find it?

19                   **M. LANDRY:** Oui.

20                   **MR. ROSEN:** Okay. This is a copy of the  
21           letter that Mr. Sirrs apparently wrote you, and it has Mr.  
22           Downing's writing on it, including a reference to a  
23           telephone call October 2, 2000.

24                           Did you give Mr. Downing a copy of your  
25           letter? Did you mail it to him?



1                   **M. LANDRY:** Pas que j'me souviens, non.

2                   Not that I remember.

3                   **MR. ROSEN:** Okay. Do you remember being  
4 asked by him to send a letter?

5                   **M. LANDRY:** J'me souviens pas de  
6 conversation avec Monsieur Downing.

7                   **MR. ROSEN:** M'hm. All right. Well,  
8 according to Mr. Downing's notes, if we could go back to  
9 Exhibit 1064, the notes. According to Mr. Downing, when he  
10 spoke to you, you said you got a letter and you made a  
11 telephone call to contact Mr. Sirrs. You put the letter  
12 first and the telephone call second. And I suggest to you  
13 that what happened was when you wrote your letter and  
14 didn't get an immediate reply, you called Mr. Sirrs to find  
15 out whether he was sending a reply. Isn't that right?

16                   **M. LANDRY:** Non, j'me souviens pas de ça du  
17 tout.

18                   **MR. ROSEN:** Okay. And Mr. Sirrs told you at  
19 that time that he would not give you any personal  
20 information about Mr. Barque unless you had a written  
21 release from Mr. Barque; isn't that right?

22                   **M. LANDRY:** J'me souviens de ça non plus  
23 parce que ça existait pas dans le temps.

24                   **MR. ROSEN:** Okay.

25                   **MR. LANDRY:** This was not ---

1                   **MR. ROSEN:** Okay, and, well, I understand  
2                   the passage of time; so he might have said that to you;  
3                   isn't that right?

4                   **THE COMMISSIONER:** No, no. That's not what  
5                   he said.

6                   **MR. ROSEN:** Okay, I'm sorry, then.

7                   **THE COMMISSIONER:** No, no, no, no, no. He  
8                   didn't say the passage of time.

9                   **MR. ROSEN:** Okay.

10                  **LE COMMISSAIRE:** Qu'est-ce que vous avez  
11                  dit, répétez ce que vous avez dit, ça se faisait pas à  
12                  l'époque?

13                  **M. LANDRY:** Ça se faisait pas à l'époque.  
14                  On ne demandait pas ça à l'époque.

15                  We were not ---

16                  **MR. ROSEN:** It wasn't done at the time.

17                  **M. LANDRY:** M'hm.

18                  **MR. ROSEN:** Well, all right, thank you.  
19                  Then I apologize. But I suggest to you it was, sir, and  
20                  that Mr. Sirrs specifically told you he would not give any  
21                  recommendation again. Isn't that right?

22                  **M. LANDRY:** Non, j'me souviens pas de ça non  
23                  plus.

24                  **MR. ROSEN:** Well, you told Mr. Downing that  
25                  you received a positive reference from Peter Sirrs dated

1 August 23, 1982. Didn't you? That's what you told Mr.  
2 Downing?

3 MR. LANDRY: No.

4 MR. ROSEN: No? You deny telling him that?

5 M. LANDRY: Je, Je -- I don't deny it. I  
6 don't remember speaking with Mr. Downing. That's what I  
7 said.

8 MR. ROSEN: Okay. But it certainly wasn't a  
9 positive reference; was it?

10 MR. LANDRY: Which reference?

11 MR. ROSEN: The letter from Mr. Sirrs was  
12 not a positive reference; was it?

13 MR. LANDRY: I agree. That was just the  
14 time that he was working there.

15 MR. ROSEN: It was no reference. Wasn't  
16 it?

17 MR. LANDRY: Well, you cannot say -- well,  
18 yeah, okay. Yeah.

19 MR. ROSEN: It doesn't say anything except  
20 the tombstone information about when he started and when he  
21 finished; isn't that right?

22 M. LANDRY: M'hm.

23 MR. ROSEN: Now, sir, in your file, where  
24 are your notes of the interview with Mr. Barque?

25 M. LANDRY: J'n'ai pas.

1                   **MR. ROSEN:** Okay. Where are your notes with  
2 your conversations with Mr. Sirrs?

3                   **M. LANDRY:** J'en n'ai pas.

4                   **MR. ROSEN:** Where are your notes with your  
5 conversations with Father Dubé?

6                   **M. LANDRY:** J'en n'ai pas.

7                   **MR. ROSEN:** Where -- is there anything in  
8 your file to reference Father Dubé?

9                   **M. LANDRY:** J'en n'ai pas.

10                  **MR. ROSEN:** No. So what happened was, when  
11 you got Mr. Sirrs' letter of August 23, 1982, that's when  
12 you went back to Mr. Barque and said, "I need a reference."  
13 And he gave you Father Dubé; isn't that right?

14                  **MR. LANDRY:** No.

15                  **MR. ROSEN:** Because you were running out of  
16 time; isn't that right, sir?

17                  **MR. LANDRY:** No, I was not running out of  
18 time, sir.

19                  **MR. ROSEN:** No.

20                  **MR. LANDRY:** And I asked to the interview  
21 another reference, not -- I didn't run to Mr. Barque for  
22 another reference.

23                  **MR. ROSEN:** Well, sir, you didn't go to any  
24 of the references that were listed, except Mr. Sirrs; did  
25 you?

1                   **MR. LANDRY:** The last employer, yes.

2                   **MR. ROSEN:** Yeah, okay. And you didn't make  
3 any note of Father Dubé in the file; did you?

4                   **MR. LANDRY:** No.

5                   **MR. ROSEN:** No. And yet, do you know what  
6 the day was that Mr. Barque started his employment with  
7 you?

8                   **MR. LANDRY:** If I remember, he started at  
9 the beginning of September.

10                   **MR. ROSEN:** The 30<sup>th</sup> of August 1982.

11                   **MR. LANDRY:** The 30<sup>th</sup> of August. Yeah.

12                   **MR. ROSEN:** A week after Mr. Sirrs' letter  
13 arrived.

14                   **M. LANDRY:** M'hm.

15                   **MR. ROSEN:** Or at least, is dated. So you  
16 got Mr. Sirrs' letter. You check with Mr. Barque. You  
17 called Father Dubé, got the positive reference, and hired  
18 him because you were running out of time. Isn't that  
19 right?

20                   **MR. LANDRY:** No, sir.

21                   **MR. ROSEN:** Now, sir, Ms. Daley put to you  
22 that Mr. Sirrs or the ministry had ample opportunity to  
23 fire Mr. Barque. Do you remember if she asked that  
24 question or put that to you? Do you remember that sir?

25                   **M. LANDRY:** Oui.

1                   **MR. ROSEN:** Okay. Well, actually what  
2 happened was Mr. Sirrs -- did you know Mr. Sirrs did a  
3 preliminary investigation?

4                   **MR. LANDRY:** No.

5                   **MR. ROSEN:** Did you know that the ministry  
6 was doing a more thorough investigation when Mr. Barque  
7 resigned?

8                   **MR. LANDRY:** No.

9                   **MR. ROSEN:** No. And that when they met with  
10 Mr. Barque and confronted him with the evidence, he  
11 resigned that day. Did you know that?

12                   **MR. LANDRY:** No.

13                   **MR. ROSEN:** Okay. When you found out about  
14 Mr. Barque's background, you met with him; didn't you?

15                   **M. LANDRY:** Oui.

16                   **MR. ROSEN:** And as you told the police  
17 officer in 1995, you said to him, "Either you resign or  
18 I'll fire you." Isn't that right?

19                   **M. LANDRY:** C'est ça.

20                   **MR. ROSEN:** So you gave him the opportunity  
21 to resign; isn't that right?

22                   **M. LANDRY:** Oui.

23                   **MR. ROSEN:** Okay. Notwithstanding the  
24 information that you had about him; isn't that correct?

25                   **M. LANDRY:** C'est ça.

1                   **MR. ROSEN:** And then having collected that  
2 information, given that it was 1982, you didn't tell your  
3 staff about what you knew about Mr. Barque; isn't that  
4 right?

5                   **M. LANDRY:** C'est ça.

6                   **MR. ROSEN:** And when future employers called  
7 you for a reference, you didn't tell them the details that  
8 you had discovered; isn't that correct?

9                   **M. LANDRY:** Les détails -- yes, that's  
10 correct, yeah.

11                   **MR. ROSEN:** That's right. You didn't give  
12 them the details?

13                   **M. LANDRY:** Non.

14                   **MR. ROSEN:** All right, sir. Thank you.  
15 Those are my questions.

16                   **M. LANDRY:** Thank you.

17                   **THE COMMISSIONER:** Thank you.

18                   Maître Ruel.

19                   **Me RUEL:** Je n'ai pas de questions  
20 additionnelles pour le témoin.

21                   **LE COMMISSAIRE:** Parfait.

22                   Monsieur Landry, je vous remercie beaucoup  
23 de votre collaboration, votre témoignage.

24                   **M. LANDRY:** Merci beaucoup.

25                   **LE COMMISSAIRE:** Je vous souhaite un bon

1 voyage et puis toutes les bonnes choses.

2 Merci. Nous allons prendre la pause.

3 **M. LANDRY:** Merci.

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

6 This hearing will resume at 11:20.

7 --- Upon recessing at 11:02 a.m. /

8 L'audience est suspendue à 11h02

9 --- Upon resuming at 11:39 a.m. /

10 L'audience est reprise à 11h39

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

13 This hearing is now resumed. Please be  
14 seated. Veuillez vous asseoir.

15 **THE COMMISSIONER:** Mr. Engelmann.

16 **GARY GUZZO, Resumed/Sous le même serment:**

17 **THE COMMISSIONER:** Mr. Guzzo.

18 **MR. GUZZO:** Good morning.

19 **THE COMMISSIONER:** How are you today? How  
20 was the trip?

21 **MR. GUZZO:** Very nice, thank you.

22 **THE COMMISSIONER:** So you understand you're  
23 still under oath?

24 **MR. GUZZO:** I do.

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



1 Mr. Engelmann.

2 MR. ENGELMANN: Thank you, sir.

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

4 ENGELMANN: (Continued/Suite)

5 MR. ENGELMANN: Good morning, Mr. Guzzo.

6 MR. GUZZO: Good morning, sir.

7 MR. ENGELMANN: Sir, I'd like to start off  
8 with a document you may not have seen, or certainly not  
9 seen before today, but I want to show it to you to see if  
10 it refreshes your memory at all. It's a document that was  
11 recently put into evidence. It's Exhibit 1047. It's a  
12 letter dated ---

13 MR. GUZZO: Thank you.

14 MR. ENGELMANN: --- September 17<sup>th</sup>, 1999. I  
15 don't think there's -- well, disregard the October 2001  
16 stamp for a minute. This is a letter that was put into  
17 evidence during the testimony of Douglas Seguin. It's not  
18 something we found in your database, sir, or your notes.  
19 I'm just -- if you could have a look at it, sir?

20 (SHORT PAUSE/COURTE PAUSE)

21 MR. GUZZO: I don't recall seeing this  
22 letter. I have no recollection of it.

23 MR. ENGELMANN: All right.

24 I believe -- sorry, I believe in the fall of  
25 '99 you would have been recuperating from your heart

1 operation that you had at the end of July?

2 MR. GUZZO: Yes, that's correct.

3 MR. ENGELMANN: Were you back in either your  
4 constituency office or in the legislature by mid-September,  
5 or do you remember?

6 MR. GUZZO: I don't recall, but I think I  
7 took -- I didn't go to the legislature until November, I  
8 know that, and I don't know whether -- I doubt very much I  
9 had started going back in until sometime in October.

10 THE COMMISSIONER: Sorry, is the address  
11 there -- what is the address that you have?

12 MR. GUZZO: I have an address of 885  
13 Meadowlands Drive.

14 THE COMMISSIONER: Is that your home, your  
15 office, your constituency office?

16 MR. GUZZO: That's the constituency office.

17 THE COMMISSIONER: Thank you.

18 MR. ENGELMANN: So, sir, you don't recall  
19 having seen this letter before?

20 MR. GUZZO: No, I do not.

21 MR. ENGELMANN: All right.

22 Do you recall having any contact either by  
23 letter or phone from a Doug or Douglas Seguin?

24 MR. GUZZO: Yes, I do.

25 MR. ENGELMANN: All right.

1                   What can you tell us about that, sir? What  
2                   do you remember about any contact or correspondence you may  
3                   have had from Doug Seguin?

4                   **MR. GUZZO:** I remember at least one piece of  
5                   correspondence, possibly two, either addressed to me with a  
6                   carbon copy to the Premier or addressed to the Premier with  
7                   a carbon copy to me, and having an interchange with the  
8                   Premier's office as to who should answer the letter and  
9                   being told that they would look after it.

10                   In one case, I don't know whether ---

11                   **MR. ENGELMANN:** So you recall that Mr.  
12                   Seguin had written a letter to the Premier, sir?

13                   **MR. GUZZO:** I do. I recall that distinctly.

14                   **MR. ENGELMANN:** And were you asked by the  
15                   Premier or his office for your input in a response?

16                   **MR. GUZZO:** With regard to one area in  
17                   particular, I made a thorough -- I had accidentally made a  
18                   comment about suicide in the legislature during one of the  
19                   debates.

20                   **MR. ENGELMANN:** About whose suicide?

21                   **MR. GUZZO:** Mr. Seguin's brother.

22                   **MR. ENGELMANN:** Oh, okay.

23                   **MR. GUZZO:** And he took offence to that.  
24                   Mr. Seguin wrote to me and to the Premier, vice versa, and  
25                   it was an accidental slip. I didn't know it was a major

1 issue and I said in the note back -- well, I either asked  
2 the Premier to acknowledge it was an accidental -- and  
3 apologize for it, if he's answering the letter or his staff  
4 are answering the letter, or I did a memo myself, just  
5 explaining that it was nothing -- it wasn't purposeful.

6 **MR. ENGELMANN:** All right.

7 So do you believe that either -- do you  
8 know, sir, if you ever responded to Mr. Seguin -- Doug  
9 Seguin?

10 **MR. GUZZO:** Well, if it's not on the file, I  
11 could only hope that the Premier took it under advisement  
12 and did that when he replied to Mr. Seguin.

13 **MR. ENGELMANN:** I don't think we found any  
14 correspondence between you and Mr. Seguin in the documents  
15 you gave us, sir. So do you recall ever having spoken to  
16 him?

17 **MR. GUZZO:** No, I do not.

18 **MR. ENGELMANN:** All right.

19 **MR. GUZZO:** I do not.

20 **THE COMMISSIONER:** And I think we should add  
21 that Mr. Seguin has indicated under oath that he never had  
22 a return response for this letter.

23 **MR. ENGELMANN:** Yes. Mr. Seguin was just  
24 recently here. He said he wrote to you and I believe he  
25 said he wrote to the Premier and that he didn't get a

1 response to either of those letters.

2 MR. GUZZO: That the Premier did not respond  
3 either?

4 THE COMMISSIONER: Well, that's not quite  
5 correct.

6 MR. ENGELMANN: Oh.

7 THE COMMISSIONER: Mr. Seguin -- to one of  
8 the letters from the Premier, the Premier said that he  
9 acknowledged receipt and that he would have his Solicitor  
10 General, Paul or Dave Turnbull ---

11 MR. ENGELMANN: David Turnbull.

12 THE COMMISSIONER: --- David Turnbull  
13 respond, and I don't think -- and I believe the evidence  
14 from Mr. Seguin was that he never got a response from the  
15 Solicitor General. I think that puts it pretty well on.

16 MR. ENGELMANN: Were you aware -- the letter  
17 suggests that there was a lawsuit underway that Mr. Seguin  
18 was involved in personally -- Doug Seguin. Were you aware  
19 of any lawsuit involving him, sir?

20 MR. GUZZO: No, I was not.

21 MR. ENGELMANN: And it suggests that he  
22 might file some kind of a formal complaint against you, I  
23 think in the last paragraph, if he doesn't get a response.

24 Do you know if any formal complaints were  
25 filed by him against you, that you're aware of?

1                   **MR. GUZZO:** I'm not aware of any.

2                   **MR. ENGELMANN:** Do you recall if you  
3 attempted to obtain a report, a Corrections Report, either  
4 in answer to inquiries from Mr. Seguin and/or inquiries  
5 from someone else, a report by an official at the  
6 Corrections Ministry?

7                   **MR. GUZZO:** I recall asking for a number of  
8 things from Corrections.

9                   **MR. ENGELMANN:** Do you recall asking for a  
10 report originally -- and I think you had the name wrong or  
11 someone had the name wrong. Someone was saying "Store" or  
12 "Stores" instead of Sirrs?

13                   **MR. GUZZO:** Well, I remember asking for the  
14 Sirrs Report, I think, at one point.

15                   **MR. ENGELMANN:** All right.

16                   **MR. GUZZO:** And also for a "Store" or  
17 "Shore" report ---

18                   **MR. ENGELMANN:** All right.

19                   **MR. GUZZO:** --- which I had -- somebody had  
20 mentioned to me existed.

21                   **MR. ENGELMANN:** All right.

22                                   Were either of those reports ever given to  
23 you, sir?

24                   **MR. GUZZO:** No, they were not.

25                   **MR. ENGELMANN:** Do you remember why you were

1 seeking them at that time? My understanding would have  
2 been this would have been in or around the fall of 2001.

3 **MR. GUZZO:** Well, I know that there are  
4 actions being prepared against the government, in  
5 particular, a Mr. Yegendorf has made it known either --  
6 I've learned through the press and I think I talked to him.  
7 And I think at that time I had referred some people with  
8 regard to civil matters to him, telling them that he was in  
9 the process, and I was -- somehow had the opinion that  
10 those reports would be very telling.

11 **MR. ENGELMANN:** All right.

12 And, sir, by the fall of 1999, when this  
13 letter is dated in any event, 1047, by that time, had you -  
14 - had you heard from any alleged victims of Ken Seguin?  
15 This is the fall of '99.

16 **MR. GUZZO:** I believe I had.

17 **MR. ENGELMANN:** Do you recall about how  
18 many?

19 **MR. GUZZO:** I can't put a number on it, I'm  
20 sorry.

21 **MR. ENGELMANN:** All right.

22 In the letter, there's a comment attributed  
23 to you, apparently a comment that you made to a newspaper  
24 reporter that he, Ken Seguin, was one -- I'm just looking  
25 at the middle. It's just next to number one statement,

1 two-thirds of the way down the page. It says:

2 "He (Ken Seguin) was one of the  
3 pedophiles who used these 'bad boys' at  
4 the sex parties".

5 Right?

6 Now, sir, you'd be aware, would you not,  
7 that Mr. Seguin took his life before there were any charges  
8 laid or before there was any finding of guilt or innocence;  
9 correct?

10 **MR. GUZZO:** I am aware of that and I'm also  
11 aware that that does not look like an accurate statement I  
12 would make. I mean, the terminology there, I don't know  
13 that I had -- you know, bad boys and sex parties, I don't  
14 know that that's my language, but ---

15 **MR. ENGELMANN:** You'd agree with me, would  
16 you not, that with respect to Mr. Seguin, none of these  
17 allegations were ever confirmed in a criminal court?

18 **MR. GUZZO:** That's correct. I acknowledge  
19 that, yes.

20 **MR. ENGELMANN:** So that by 1999, if there's  
21 a reference to him, it would be as an alleged perpetrator,  
22 not as a perpetrator?

23 **MR. GUZZO:** Very definitely.

24 **MR. ENGELMANN:** Sir, did you -- let's switch  
25 topics for a minute.



1 Do you recall meeting the new bishop here in  
2 Cornwall, Paul André Durocher?

3 **MR. GUZZO:** Yes, very clearly.

4 **MR. ENGELMANN:** All right.

5 And do you recall approximately when you  
6 would have met him?

7 **MR. GUZZO:** I don't know when he was  
8 installed, but I would say it was in -- within four to six  
9 weeks of his installation.

10 **MR. ENGELMANN:** There's another word for  
11 that I know ---

12 **MR. GUZZO:** Yeah, I know, but I can't think  
13 of it either. I don't think it's the proper term and I  
14 apologize.

15 **MR. ENGELMANN:** He was appointed the bishop  
16 here approximately six years ago. I may have my dates  
17 wrong, but late 2001 perhaps?

18 **MR. GUZZO:** Possibly. Possibly, yeah.

19 **MR. ENGELMANN:** All right. Perhaps early  
20 2002.

21 Sir, if the witness could be shown Document  
22 Number 126171?

23 **THE COMMISSIONER:** Thank you. Exhibit  
24 Number 1069 is a letter dated July 3<sup>rd</sup>, 2000 to His Eminence  
25 Bishop Paul André Durocher from Mr. Garry Guzzo.

1           **--- EXHIBIT NO./PIÈCE No. P-1069:**

2   (126171) Letter dated July 3<sup>rd</sup>, 2000 to  
3   His Eminence Bishop Paul André Durocher  
4   from Mr. Garry Guzzo

5                           **MR. ENGELMANN:** Mr. Guzzo, do you have a  
6                           copy of the letter?

7                           **MR. GUZZO:** I do. Thank you.

8                           **MR. ENGELMANN:** Sir, it's dated July 3<sup>rd</sup>,  
9                           2002. Is this a letter you would have written to Bishop  
10                           Durocher?

11                           **MR. GUZZO:** I believe I did, yes.

12                           **MR. ENGELMANN:** Right. On the last page of  
13                           the letter, the middle paragraph, it says:

14   "Although we met briefly on one  
15   occasion..."

16                           Do you see that?

17                           **MR. GUZZO:** No, I do not.

18                           **MR. ENGELMANN:** It's halfway through that  
19                           second paragraph.

20                           **MR. GUZZO:** All right. Just a sec. Yes,  
21                           "Although we met"; yes.

22                           **MR. ENGELMANN:** "I'm aware of your work and  
23                           of your talents..." et cetera.

24                           **MR. GUZZO:** Right.

25                           **MR. ENGELMANN:** Okay. So you would have met

1 him before July 3<sup>rd</sup> of 2002?

2 MR. GUZZO: Yes, that's correct.

3 MR. ENGELMANN: All right.

4 And do you recall how you met him and any  
5 circumstances surrounding that first meeting?

6 MR. GUZZO: I remember it vividly.

7 MR. ENGELMANN: All right.

8 Can you tell us about it?

9 MR. GUZZO: I came in one day to the  
10 constituency office and I had -- somebody at the desk or  
11 one of the -- my assistant says, "The new bishop in  
12 Cornwall has called. He'd like to talk to you." I  
13 returned the call immediately and he said, "You and I  
14 should get together and have a chat." I said, "I'll be  
15 very happy to."

16 The House was sitting, which meant I'm in  
17 Toronto four days, but I said, "I can be there Monday and I  
18 will come down." He said, "No, Monday I come to Ottawa.  
19 I'll come to you."

20 And the following Monday, I stayed on and  
21 met with him at my office.

22 MR. ENGELMANN: Okay. Your constituency  
23 office?

24 MR. GUZZO: At my constituency office, yes.

25 MR. ENGELMANN: All right.

1                   And can you just give us a sense as to what  
2                   was discussed and how long you met with him?

3                   **MR. GUZZO:** I would say it was in excess of  
4                   one hour.

5                   **MR. ENGELMANN:** Okay.

6                   **MR. GUZZO:** We discussed a number of things.  
7                   We discussed the problems of the Church in Canada, the  
8                   problems of the Church in North America, across the world,  
9                   problems that I had no knowledge of and things that he  
10                  brought to the table.

11                  He was very, very straightforward. He's a  
12                  very blunt man, very interesting background. I was  
13                  surprised and learned that I knew his father. His father  
14                  had been the police chief in Hawkesbury when I started to  
15                  practise law and I had a very good feeling about him. He  
16                  told me about his brother being an OPP officer, et cetera.

17                  And the thing I remember most clearly is he  
18                  had a fresh approach. He said, "I don't know maybe  
19                  everything I should know about whatever has happened here  
20                  or hasn't happened here, but here's what you have to know.  
21                  There's a new sheriff in town and whatever, you know,  
22                  concerns you have, they don't relate from hereon in. I  
23                  will have a new format and a new plan and this will change  
24                  if there's anything wrong. I'm not going to go back in  
25                  history and I'm not going to deal with it. That's not my

1 mandate, but from hereon in, things are going to change."

2 And I found him -- I found him very  
3 positive, quite refreshing. I -- we talked about some  
4 things about the Cornwall situation and the Cornwall file.  
5 I gave him some documentation. I turned over to him some  
6 documentation and I told him ---

7 **MR. ENGELMANN:** Do you remember what kind of  
8 documentation you would have turned over?

9 **MR. GUZZO:** I remember giving him a  
10 satisfaction piece on a lawsuit that had been settled, a  
11 lawsuit which the Diocese or the bishop -- former bishop  
12 and some priests had brought against a man by the name of  
13 Bateman who had worked in this area at one time. There was  
14 a social worker, Nadeau -- Dick Nadeau, and a magazine -- a  
15 newspaper out of the United States, I guess what you would  
16 call a rightwing conservative Catholic newspaper called The  
17 Wanderer.

18 And I had received one of those brown  
19 envelopes under the door, a copy of the satisfaction piece  
20 settling this case, settling this case which showed a  
21 payment in U.S. funds. The amount was blacked out, but a  
22 payment in U.S. funds to The Wanderer magazine or the  
23 insurance company for The Wanderer magazine to allow them  
24 to withdraw the case and settle the case.

25 **MR. ENGELMANN:** Sorry, I'm a bit confused.

1 To allow who to withdraw the case?

2 MR. GUZZO: Either the Diocese or the bishop  
3 and the priests. I can't recall whether it was --the case  
4 was launched in the name of the Diocese and ---

5 MR. ENGELMANN: Okay.

6 MR. GUZZO: --- or whether it was just the  
7 individuals.

8 MR. ENGELMANN: So you gave this  
9 documentation to the bishop at this meeting?

10 MR. GUZZO: Yeah.

11 MR. ENGELMANN: Why did you do that?

12 MR. GUZZO: Well, I asked -- I said, "Look,"  
13 you know, we're talking very, very openly and, you know, I  
14 said, "You know, in all of these situations," and we talked  
15 about Portland and we talked about Portland, Oregon and  
16 Spokane, Washington because they were teetering on  
17 bankruptcy at the time and one of the ---

18 MR. ENGELMANN: You mean the diocese?

19 MR. GUZZO: The diocese declaring bankruptcy  
20 and the problems that L.A. was going to have with the  
21 mammoth claims there and the Boston situation was at the  
22 top, you know. We're talking big money and I said, "Well,  
23 I understand about the insurance situation," but I said,  
24 "This alleges that you're going to pay a sum of money to  
25 this magazine, this newspaper, to allow you to drop the

1 suit. And it says U.S. funds and it indicates maybe for  
2 legal fees, but the lawyers for you and the lawyers for the  
3 magazine, the insurance company for the magazines are both  
4 in downtown Ottawa."

5 You know, I know that when you're defending  
6 an action the insurance company is on the hook, but where  
7 does the money come from? To withdraw a case like this,  
8 there's no insurance for that. So this must be coming off  
9 the collection plate.

10 And he looked at it; he thought about it for  
11 a minute and he said, "I don't suppose I can get a copy of  
12 this?" I said, "Well, I'll give you a copy."

13 **MR. ENGELMANN:** Did he appear to know  
14 anything about it?

15 **MR. GUZZO:** No, he did not, but he was very  
16 interested. We had a very, very heart-to-heart chat and  
17 I've got to tell you that when he left, I was somewhat  
18 impressed. I also -- I think I told him -- we talked about  
19 my private members' bills and the problems I was having  
20 with the government, my government, and the likelihood that  
21 I would ever get a bill to royal assent. And I did tell  
22 him that there was another one coming forward, I think, and  
23 that I would send him a memo on it. And I think he  
24 probably knew that this was coming, and I also probably  
25 told him that, you know, "I'm not writing to you; I'm

1 writing to lay out the case."

2 **MR. ENGELMANN:** Well, let me ask you; you  
3 say probably told him. You're sure you had this discussion  
4 about this lawsuit?

5 **MR. GUZZO:** Oh yes.

6 **MR. ENGELMANN:** He asked you for a copy of  
7 something and you gave it to him?

8 **MR. GUZZO:** Very definitely. He said, "I'm  
9 going to see my" -- he hadn't heard of it or he didn't know  
10 about it. He said, "I'm going to see my lawyer later this  
11 week and I'd love to have a copy of it." And I made a copy  
12 and gave it to him.

13 **MR. ENGELMANN:** All right.

14 So this was something that would have been  
15 resolved before he became the bishop, presumably?

16 **MR. GUZZO:** It wasn't signed, but it was  
17 prepared by his lawyer and dated, I remember, sometime  
18 before.

19 **MR. ENGELMANN:** All right.

20 And you talked about concerns in Canada.  
21 You talked about concerns in North America. Did you have  
22 some discussion about concerns or some of the allegations  
23 that you'd heard about priests from this diocese?

24 **MR. GUZZO:** We didn't get into anything  
25 much with regard to -- he took the position "What's past is



1 past and it's not on my plate right now. I'm starting  
2 forward. That's what I want to deal with." And I didn't -  
3 - we didn't get into specifics or ---

4 **MR. ENGELMANN:** Okay. So you didn't -- you  
5 told us about, for example, information that had been given  
6 to you by a Father LaPierre, Paul LaPierre. You didn't go  
7 into that kind of detail with Bishop Durocher?

8 **MR. GUZZO:** I did not.

9 **MR. ENGELMANN:** And you didn't talk about  
10 any of the other priests that you might have heard about at  
11 that time?

12 **MR. GUZZO:** I did not. We didn't get into  
13 specifics of anything that had gone before.

14 **MR. ENGELMANN:** All right.

15 Do you recall anything else from that first  
16 meeting?

17 **MR. GUZZO:** Well, yeah, there were a lot of  
18 things that -- his theory, his operation. I mean, I  
19 offered to go down to see him in Alexandria. I'm going --  
20 "No, no," he said, "look, I come to Ottawa once a week and  
21 Monday is a good day for me. I'll be there." He wheels  
22 into -- he walks into the office; he introduces himself to  
23 the lady at the desk and he's very, very personable and --  
24 I mean, this is a salesman for the Catholic Church. And a  
25 good one, I have the impression. When I relate back to his

1 father for whom I had a tremendous amount of respect -- I  
2 think everybody did ---

3 **MR. ENGELMANN:** All right.

4 So you had a favourable impression of the  
5 Bishop?

6 **MR. GUZZO:** Extremely.

7 **MR. ENGELMANN:** All right.

8 And did you -- how did you leave things?  
9 Were you going to get back together again, or ---

10 **MR. GUZZO:** I think I told him that the  
11 legislation was coming forward and I told him, I said,  
12 "Look, contrary to what somebody in the press in Cornwall  
13 seems to think" -- because I think there had been another  
14 article sometime about this was a witch hunt against the  
15 Catholic Church, I said, "My concern and my mandate has  
16 never been to clean any problem up with the Catholic  
17 Church. I have a problem here, I think, with the  
18 government. The government has a problem. I'm not getting  
19 answers and my legislation is directed at the operation of  
20 the government."

21 But I said, "You know, when I do it, I'll  
22 send you a letter because I'd like to have my position on  
23 the record and it gives me a chance to ---"

24 But I don't know that I circulated that  
25 letter. I ---

1                   **MR. ENGELMANN:** So this is the letter then  
2                   that you sent to him later?

3                   **MR. GUZZO:** Yes, I did. I sent it to the  
4                   Catholic Conference of Bishops, to Monsignor Schonenbach,  
5                   but he ---

6                   **MR. ENGELMANN:** Why would you have done  
7                   that, sir? Who is he? Is he someone you knew?

8                   **MR. GUZZO:** Monsignor Schonenbach was the --  
9                   at that time, the Executive Director of the Canadian  
10                  Catholic Conference of Bishops.

11                  **MR. ENGELMANN:** And is he someone you knew  
12                  personally, sir?

13                  **MR. GUZZO:** I first -- yes, I think I said  
14                  the other day I met him when he was a young man, as a civil  
15                  servant. I think he was a late call to the priesthood. I  
16                  mean, I think he was in the civil service for seven, nine  
17                  years and then when into the priesthood and -- I had known  
18                  him as a priest in Ottawa. I'd bump into him from time to  
19                  time and then I had -- after '95, I had dealings with him  
20                  on education matters and other matters in his position as  
21                  Executive Director.

22                  **MR. ENGELMANN:** Okay. So he is somebody who  
23                  was known to you?

24                  **MR. GUZZO:** He was.

25                  **MR. ENGELMANN:** Yeah. But why does he get

1 copied on this particular -- did you remember what your  
2 purpose was, because he's CCed?

3 **MR. GUZZO:** Well, you know, I'm going over  
4 some back situations. I think, as I recollect, I'm doing a  
5 little historical review on the situation in Boston, the  
6 situation with Cardinal Mahoney in Los Angeles, and you  
7 know, I just think it's good that the people in a position  
8 that Monsignor Schonenbach is in are reminded that, "Hey,  
9 we've got a big problem here, whether it's in Ottawa or,  
10 you know, downtown Toronto." It's not really -- you know,  
11 this is a global problem and there are some Catholics who  
12 are concerned about it.

13 **MR. ENGELMANN:** All right.

14 So you're writing to Bishop Durocher. I  
15 just want to ask you a couple of questions about the  
16 letter, if I may.

17 You're referring to Bill 48. It's a bill  
18 that had received second reading, I believe, back in the  
19 fall of 2001?

20 **MR. GUZZO:** Right, right.

21 **MR. ENGELMANN:** You're giving him copies of  
22 correspondence you've sent previously to some of your  
23 political colleagues.

24 **MR. GUZZO:** I think I did, yes.

25 **MR. ENGELMANN:** I'm just looking at

1 paragraphs 1, 2, 3 on the first page.

2 MR. GUZZO: Right.

3 MR. ENGELMANN: Then it appears you also  
4 refer him to a couple of articles from The Freeholder and  
5 The Sun, the bottom of the page. Right?

6 MR. GUZZO: Yes, right.

7 MR. ENGELMANN: And who are you referring to  
8 at the bottom of the page? You say:

9 "...all of which makes his earlier  
10 position laughable with regard to not  
11 knowing and wanting to learn the truth  
12 of the circumstances."

13 MR. GUZZO: Well, I'm referring to the  
14 predecessor, his predecessor. This Ms. Harris is doing, I  
15 think, a series of articles, historical background, and  
16 there seems to be, as I recollect, a position that he  
17 didn't know certain things, now he's taking the position  
18 that he has helped a number of people ---

19 MR. ENGELMANN: All right.

20 MR. GUZZO: It didn't seem consistent.

21 MR. ENGELMANN: All right.

22 So this would be the former Bishop, Bishop  
23 Larocque?

24 MR. GUZZO: Right.

25 MR. ENGELMANN: And your comment being,

1 essentially:

2 "Since he's helped a number of  
3 victims..."

4 Then you have some comments on the following  
5 page.

6 **MR. GUZZO:** Right.

7 **MR. ENGELMANN:** All right.

8 So you're pointing out what you believe is  
9 an inconsistency; is that right?

10 **MR. GUZZO:** Well ---

11 **MR. ENGELMANN:** Have I got that right?

12 **MR. GUZZO:** Right. I'm saying that I think  
13 he's referring to helping victims or victims of sexual  
14 abuse, not victims of automobile accidents.

15 **MR. ENGELMANN:** All right.

16 And what are you saying then in the next  
17 paragraph, the second paragraph on page 2? You say:

18 "When one reviews the admissions that  
19 came in the evidence in the LaPierre  
20 trial and Martin trial, one cannot help  
21 but expect an explanation from the  
22 Church and the Diocese."

23 **MR. GUZZO:** Well, as I recollect the Martin  
24 trial, the issue revolved around the age of the young  
25 person.

1                   **MR. ENGELMANN:** Right.

2                   **MR. GUZZO:** Whether it was a month before  
3 his 14<sup>th</sup> birthday or a month before his 15<sup>th</sup> birthday.

4                   **MR. ENGELMANN:** All right.

5                   **MR. GUZZO:** It seems to me that while the  
6 age of consent is clearly important in a criminal trial,  
7 that from the Church's point of view, it shouldn't really  
8 make a lot of difference whether the altar boy or whether  
9 the individual is 14 or 15.

10                   And when I'm referring to Father LaPierre,  
11 this is, as I recollect, Father Paul LaPierre, who was  
12 acquitted in Cornwall and convicted in Montreal ---

13                   **THE COMMISSIONER:** Yes.

14                   **MR. GUZZO:** --- on a -- the same individual,  
15 the same evidence.

16                   And he had, I believe, on the stand, under  
17 oath, said "I am not guilty. I never did anything like  
18 this, but I knew it was going on." And he named some  
19 priests whom he felt had in fact been guilty. And I  
20 thought ---

21                   **MR. ENGELMANN:** And did he actually -- do  
22 you know if he actually named them by name or did he just  
23 say "several of my colleagues" or do you recall?

24                   **MR. GUZZO:** I -- it seems to me that he  
25 named by name.

1                   **MR. ENGELMANN:** All right.

2                   And you were expecting what from the  
3                   Diocese?

4                   **MR. GUZZO:** Well, I'm saying -- I'm not  
5                   expecting anything right now from this, but I'm saying when  
6                   something like this happens, the Diocese has an obligation  
7                   to make a statement and explain.

8                   **MR. ENGELMANN:** And who is Father Desolet  
9                   that's referenced there?

10                  **MR. GUZZO:** Now, this priest has -- he's  
11                  been charged and he's in the United States, and they're  
12                  trying to bring him back here to face charges, and he's  
13                  fighting extradition. He's not coming back freely, as I  
14                  recollect the situation.

15                  **MR. ENGELMANN:** Sir, do you know if he was a  
16                  priest of this diocese or not?

17                  **MR. GUZZO:** I know that he had served in  
18                  this diocese.

19                  **MR. ENGELMANN:** Okay.

20                  **MR. GUZZO:** I have read that he had served  
21                  in this diocese.

22                  **MR. ENGELMANN:** All right.

23                  **THE COMMISSIONER:** I'm sorry, it sounds like  
24                  it's the other way around, is that he's living in Canada  
25                  and they want to extradite him to the United States to



1 clear his name.

2 **MR. GUZZO:** That he's back here?

3 **MR. ENGELMANN:** That's how I read it too,  
4 sir. It says:

5 "Similarly, one would have expected  
6 Father Desolet to rush back to the  
7 United States to clear his name. The  
8 optics of the Church fighting an  
9 extradition hearing is exceedingly  
10 alarming..."

11 **MR. GUZZO:** That's the way it reads and I  
12 would think that's the way it is. I'm wrong today when I  
13 think about it.

14 **THE COMMISSIONER:** It matters not. I mean,  
15 in the end, what you're saying is that you're of the view  
16 or understanding that the Diocese is contesting the  
17 extradition on behalf of the priest?

18 **MR. GUZZO:** Right.

19 **THE COMMISSIONER:** Is that what you're  
20 saying?

21 **MR. GUZZO:** Right.

22 **MR. ENGELMANN:** All right.

23 Then I want to ask you a couple other  
24 questions. You mention something in the third paragraph  
25 about being served with notice of libel and slander, and I

1 think we looked at that.

2 MR. GUZZO: Yes, and I was ---

3 MR. ENGELMANN: That was at the end of June  
4 of 2001?

5 MR. GUZZO: What I -- yeah. And I clearly -  
6 - I had forgotten that, but I think I was served the second  
7 time in Ottawa, and that's what confused me with the same -  
8 --

9 MR. ENGELMANN: All right.

10 MR. GUZZO: --- with the notice. So that's  
11 what confused me, I guess.

12 MR. ENGELMANN: All right.

13 And this is something that you -- I think  
14 you said you would have spoken to Bishop Durocher about  
15 when you met?

16 MR. GUZZO: I think I did, yes.

17 MR. ENGELMANN: And then in the following  
18 paragraph there's something about ---

19 THE COMMISSIONER: Can you scroll down?

20 MR. ENGELMANN: --- a civil action.

21 THE COMMISSIONER: Can you scroll down,  
22 Madam Clerk?

23 MR. ENGELMANN: A little further.

24 You say:

25 "At or about the same time, others were

1 served with similar notices of libel  
2 and slander and Statements of Claim  
3 were served upon some of these  
4 individuals. These civil actions now  
5 inching forward, I'm advised that the  
6 time for examination for discovery has  
7 been reached. To my amazement, I am  
8 now advised further that the Diocese  
9 does not wish to proceed to discovery  
10 versus these defendants. The Diocese is  
11 now offering to pay large sums of money  
12 to these defendants to allow the  
13 Diocese and your predecessor of happy  
14 memory to discontinue these actions.  
15 Some of these large payments are to be  
16 payable in U.S. dollars, according to  
17 my sources."

18 Now, is that what you just talked to us  
19 about?

20 **MR. GUZZO:** It is. I'm putting it on the  
21 record to have it, but we've already discussed it and he's  
22 already taken the form with him.

23 **MR. ENGELMANN:** So when you're talking about  
24 -- what you're talking about then in your letter is what  
25 you've just told us about a lawsuit involving a bishop and

1 some individual priests and Mr. Nadeau, Mr. Bateman and The  
2 Wanderer?

3 MR. GUZZO: That's correct, yes.

4 MR. ENGELMANN: All right.

5 Well, how do you know, sir, that there are  
6 large sums of money involved? I thought you told us that  
7 the document you gave to Bishop Durocher had been blacked  
8 out?

9 MR. GUZZO: It had been, yes.

10 MR. ENGELMANN: So how would you know if  
11 they were large sums or not if the sum is blacked out?

12 MR. GUZZO: Well, I had heard this -- I had  
13 heard that this had happened, but I had no documentation,  
14 and I made some phone calls. I phoned an insurance  
15 company. I believe it was in St. -- East St. Louis,  
16 Kansas, as opposed to Missouri, and talked to some people  
17 at an insurance company, and they were not very helpful.  
18 They confirmed over the phone that there was -- the thing  
19 had been settled, but I wasn't getting any information.

20 But I think I also talked to the editor of  
21 The Wanderer and he indicated to me that it was a sizeable  
22 amount but it wasn't what it should have been, "We should  
23 have forced the hand and gone to trial, but the insurance  
24 company had control," et cetera, et cetera.

25 MR. ENGELMANN: All right.

1                   So you don't have personal knowledge of the  
2                   amount?

3                   **MR. GUZZO:** Of the amount, but I have ---

4                   **MR. ENGELMANN:** It was the editor that  
5                   suggested to you it was a sizeable sum?

6                   **MR. GUZZO:** Sizeable sum.

7                   **MR. ENGELMANN:** And you're asking for some  
8                   information about that on the following page in the third  
9                   paragraph. Do I have that right?

10                  **MR. GUZZO:** Well, I'm putting -- again, I'm  
11                  putting forward the case, yeah. I'm not expecting that  
12                  he's going to supply me with anything.

13                  **MR. ENGELMANN:** But what you're asking the  
14                  new bishop, you're saying:

15                                "The additional payments to the  
16                                defendants in the libel action for  
17                                legal fees for remaining silent and for  
18                                whatever else these funds are intended  
19                                to secure should also be made public by  
20                                the Diocese, in the opinion of the  
21                                writer."

22                  **MR. GUZZO:** Right.

23                  **MR. ENGELMANN:** All right.

24                                So did you expect a response to this letter,  
25                                sir?

1                   **MR. GUZZO:** No, I don't think I did. I  
2                   think when he was leaving the office, I told him I was in  
3                   the process of preparing documentation to be sent out with  
4                   regard to the next bill and that I would -- I was going to  
5                   outline a position, and I think I probably told him that,  
6                   you know, I was going to do it in any event, whether I had  
7                   met with him or not and would send him the position that I  
8                   think a number of thinking Catholics were starting to  
9                   discuss in light of the Boston, L.A., Portland, Spokane  
10                  scenario.

11                  **MR. ENGELMANN:** Did you get a response from  
12                  him, sir?

13                  **MR. GUZZO:** If I did, it was simply an  
14                  acknowledgement.

15                  **MR. ENGELMANN:** All right.

16                  And did you meet with him after that, to  
17                  your knowledge?

18                  **MR. GUZZO:** Well, he -- we were both here in  
19                  late October of '04. I think it's early -- when Mr.  
20                  Bryant, the Attorney General, held a meeting here in  
21                  Cornwall, I think, we were both here at that time, and I  
22                  think we spoke at that time, but to no great -- to no  
23                  length, and there was one other function, one other -- some  
24                  place I saw him, but we didn't discuss anything, just to  
25                  say hello.

1                   **MR. ENGELMANN:** All right.

2                   So you never had another meeting with him.

3                   **MR. GUZZO:** No, no.

4                   **MR. ENGELMANN:** You would've just been at a  
5 gathering of some sort?

6                   **MR. GUZZO:** Right.

7                   **MR. ENGELMANN:** All right.

8                   Sir, if we could just turn to 848. If you  
9 could look at C-848 or 848B. There's just one page of your  
10 notes that I want to take you to. It's the page we haven't  
11 looked at.

12                                   **(SHORT PAUSE/COURTE PAUSE)**

13                   **MR. ENGELMANN:** Sir, can you just look at  
14 page 8 of the original notes?

15                   **MR. GUZZO:** Yes.

16                   **MR. ENGELMANN:** Just perhaps read it for us,  
17 so we have it accurately.

18                   **MR. GUZZO:** I said:

19                                   "I'm pushing for a third reading.

20                                   There's good support, great support on  
21 all sides except for the Cabinet."

22                   There's a quote:

23                                   "These are supporters for the Minister  
24 of Agriculture."

25                   **MR. ENGELMANN:** Oh, this is -- I think

1           you've told us about this before, that -- what Mr.  
2           Villeneuve had told you?

3                       **MR. GUZZO:** Right.

4                       **MR. ENGELMANN:** And what his staffer had  
5           said to your staffer.

6                       **MR. GUZZO:** Right. I'm ---

7                       **MR. ENGELMANN:** What is under "These are our  
8           supporters"?

9                       **MR. GUZZO:** "Don't bother me."

10                      **MR. ENGELMANN:** All right.

11                      **MR. GUZZO:** I'm talking about the Cabinet  
12           now. They're getting a little, a little testy.

13                      **MR. ENGELMANN:** And what does the quote say?

14                      **MR. GUZZO:** The Attorney General says:

15                                "I don't want a seat beside you in the  
16                                nosebleed section. Don't bother me."

17                      **THE COMMISSIONER:** Which Attorney General  
18           was that, you say?

19                      **MR. GUZZO:** I believe that was Mr. Young.

20                      **MR. ENGELMANN:** It would have been in the  
21           spring of 2002?

22                      **MR. GUZZO:** Right.

23                      **MR. ENGELMANN:** All right.

24                      **MR. GUZZO:** I believe so.

25                      **MR. ENGELMANN:** And what does it say after



1 that?

2 MR. GUZZO: It looks like:

3 "You've ruined your career. Don't try  
4 to drag me down with you."

5 MR. ENGELMANN: Is that also the Attorney  
6 General or is that someone else?

7 MR. GUZZO: No, this is a backbencher who  
8 thinks he's going into Cabinet. He's changed his mind. He  
9 was a big supporter and now it looks like there's a cabinet  
10 shuffle coming and he's ---

11 MR. ENGELMANN: And who was that, sir?

12 MR. GUZZO: His name is DeFaria.

13 MR. ENGELMANN: I'm sorry?

14 MR. GUZZO: DeFaria.

15 MR. ENGELMANN: DeFaria.

16 MR. GUZZO: Carl DeFaria.

17 MR. ENGELMANN: He was an MPP at the time  
18 obviously?

19 MR. GUZZO: I believe it was -- I shouldn't  
20 be so quick to put -- there were a couple of people -- a  
21 couple of people backing away from it now because the  
22 cabinet shuffle was coming and, in other words, I shouldn't  
23 be so quick to put him on there. I had some discussions  
24 with him because he wasn't supportive. He's a lawyer, a  
25 criminal lawyer. It could have been -- it could have been,

1 but I'm not going to ---

2 MR. ENGELMANN: All right.

3 So people ---

4 MR. GUZZO: People are -- people, they're  
5 peeling off a bit.

6 MR. ENGELMANN: All right.

7 MR. GUZZO: Bad timing.

8 MR. ENGELMANN: If they think they might get  
9 a cabinet appointment, they're not interested. Is that  
10 what you're saying essentially?

11 MR. GUZZO: Well, you know, you're not if  
12 you -- you know -- if you're on the wrong side, you're not  
13 going to help yourself.

14 MR. ENGELMANN: All right.

15 So what else are you saying here? You've  
16 got "November '02"; is it "staffer"?

17 MR. GUZZO: I had this staffer from the  
18 Attorney General's office. I have -- I have received some  
19 information, and I've let it be known in Caucus and some  
20 people are very upset that I have this information. It has  
21 to do with positioning with regard to the lawsuit that is  
22 coming forward, I think, against the probation officers.  
23 And it's assumed that somebody has leaked it to me, and I  
24 have -- I have not friends in there, but there are people  
25 around all the time supporting the Minister or from the

1 civil service, and I have become friendly with them. I  
2 might have a coffee with them, and people are now trying to  
3 decide who's feeding me the information.

4 **MR. ENGELMANN:** All right.

5 So let me just -- a couple of questions. Do  
6 you remember the name of the staffer from the Attorney  
7 General's office?

8 **MR. GUZZO:** There were two ladies. I'm  
9 talking to them in Queen's Park over a coffee when they  
10 tell me, and I don't know that I knew their names. But I  
11 knew them well because they're there all the time with the  
12 Minister, you know.

13 **MR. ENGELMANN:** Were they lawyers, sir, or  
14 do you know?

15 **MR. GUZZO:** No, they're support workers for  
16 the Minister, I think.

17 **MR. ENGELMANN:** All right.

18 And what is said in your note, the quote?

19 **MR. GUZZO:** It says:

20 "They're going to whack people who want  
21 to do the right thing, and they do not  
22 know who gave you the information and  
23 they have guessed wrongly. The wrong  
24 people are paying a price."

25 **MR. ENGELMANN:** And what is the information?

1 Can you at least help us with that?

2 MR. GUZZO: Well, I have -- the information  
3 concerns a second report that is available with regard to  
4 when the government knew of allegations against employees.

5 MR. ENGELMANN: Against -- so probation  
6 officers?

7 MR. GUZZO: Correction employees, yeah.

8 MR. ENGELMANN: All right.

9 Do you recall what the information was, in  
10 what form?

11 MR. GUZZO: Well, just that the report  
12 existed. I'm having it confirmed to me that there's a  
13 report that exists that's very damaging and ---

14 MR. ENGELMANN: Okay. This is an internal  
15 report from the Corrections Ministry?

16 MR. GUZZO: I believe it to be a Cabinet  
17 minute.

18 MR. ENGELMANN: I'm sorry?

19 MR. GUZZO: I believe it to be a Cabinet  
20 minute.

21 MR. ENGELMANN: All right.

22 That confirmed the existence of a report?

23 MR. GUZZO: An additional report to the  
24 Sirrs Report as to when and what the Government of Ontario  
25 knew. And this is -- mind you, this is not our government.

1 This is the government at the time the report was made.  
2 Whether it was the immediate government before ours or the  
3 one before that, I don't know. I mean, but ---

4 **MR. ENGELMANN:** Did you ever get a copy of  
5 that report, sir?

6 **MR. GUZZO:** No, I did not.

7 **MR. ENGELMANN:** Did you ever know the name  
8 of that report?

9 **MR. GUZZO:** Well, you know, I over -- quite  
10 frankly, I overheard something. That's how the information  
11 comes to me and I hear the name "Shore" or "Store" and  
12 that's, I think -- I think that's the name of the reporter,  
13 that's how they're identifying it.

14 **MR. ENGELMANN:** All right.  
15 You didn't hear the name Downing?

16 **MR. GUZZO:** No, I don't think so.

17 **MR. ENGELMANN:** All right.

18 So you also have, sir, at the bottom,  
19 "February '03 - telephone conversation..." I'm not sure of  
20 the rest of the line. Can you tell us what that says?

21 **MR. GUZZO:** "With E.E." Ernie Eves.

22 **MR. ENGELMANN:** "Re: coming election..."

23 **MR. GUZZO:** Right.

24 **MR. ENGELMANN:** What does it say? "Commits  
25 to..."

1                   **THE COMMISSIONER:** "Comments" or "Commits"?

2                   **MR. GUZZO:** No. He commits;

3                                 "...commits to call an inquiry after the  
4                                 election. Admits there is a problem."

5                   **MR. ENGELMANN:** All right.

6                                 So do you recall having some discussions  
7                   with Mr. Eves in or around February of 2003?

8                   **MR. GUZZO:** I had -- right after he assumes  
9                   the leadership, becomes Premier -- I have some discussions  
10                   with him on numerous things, and this would have been one  
11                   of them. And then in February '03, we have this lengthy  
12                   telephone discussion.

13                                 I don't know why he calls me at this time.  
14                   The House is not sitting. I'm at home. He gets me at home  
15                   and we start going over numerous issues, numerous problems.  
16                   He wants to know if I'm going to run again. He wants, you  
17                   know --

18                   **MR. ENGELMANN:** What, if any, commitment  
19                   does he give you with respect to the Inquiry, or an  
20                   inquiry?

21                   **MR. GUZZO:** He tells me, you know like, I'm  
22                   an easy guy to deal with because he's already promised the  
23                   Attorney General's job to five people. He's already  
24                   promised -- and I'm not looking for anything. I'm telling  
25                   him, you know, I tell him what I want. I said, "You know,

1       you know I've been working on the thing, I want -- you know  
2       better than most people. You know better than most people  
3       ---

4                   **MR. ENGELMANN:** Yes.

5                   **MR. GUZZO:** --- about this because you've  
6       got sources up where you come from in your riding and other  
7       sources that -- you know what's happened."

8                   And so he commits -- we're talking about a  
9       new congress centre in Ottawa that should have started  
10      three years ago and two years before this and that we  
11      haven't been pushing. We haven't been doing anything  
12      because we've got a running fight with the mayor, who is my  
13      former law partner, who is a former Member for Ottawa West,  
14      Nepean. You know, so ---

15                  **MR. ENGELMANN:** Okay. Let's just stick to  
16      Cornwall issues then.

17                  **MR. GUZZO:** Well, that ---

18                  **MR. ENGELMANN:** So do you get a commitment  
19      or not from him?

20                  **MR. GUZZO:** I feel I have a commitment. He  
21      says, "After the election, we'll do it."

22                  **MR. ENGELMANN:** All right. And in or around  
23      May of that year, this is before the election, I understand  
24      that you -- it was first reading of a further bill, Bill  
25      45?

1                   **MR. GUZZO:** I believe you're correct.

2                   **MR. ENGELMANN:** And that again later in May,  
3 it was carried to second reading and ordered for third  
4 reading?

5                   **MR. GUZZO:** Yes. That's right.

6                   **MR. ENGELMANN:** In fact, the second reading  
7 was about a 57 to zero (0).

8                   **MR. GUZZO:** That's correct. He's not -- as  
9 Premier, he's not whipping anybody from Cabinet to come in  
10 and, you know, you're free to come in. And Cabinet  
11 ministers who refused to vote or couldn't vote for it, but  
12 come in and vote for it.

13                   **MR. ENGELMANN:** All right. And, sir, then  
14 there was an election. There was never, your Bill never  
15 passed.

16                   **MR. GUZZO:** Never called for a third  
17 reading. The elections called and ---

18                   **MR. ENGELMANN:** All right. And you were  
19 aware, sir, and I think you've told us about this, after  
20 you were not re-elected in 2003, you still carried on an  
21 interest in seeing that an inquiry was called.

22                   **MR. GUZZO:** Well, I ---

23                   **MR. ENGELMANN:** Maybe that's too strong a  
24 word. You followed the progress of ---

25                   **MR. GUZZO:** I did, and I had some



1           communications with people. And when I was contacted by  
2           some of the citizens' group in the fall to go down to  
3           Toronto, they were having a bus from Cornwall go down. Mr.  
4           Cleary calls me and he's retired, didn't run, and he's  
5           going to go down and he wants to know if I would go with  
6           him. I arranged some other business there, and I meet them  
7           down there, and I go to the Legislature the day that the  
8           Premier announced that he would do it.

9                       **MR. ENGELMANN:** All right. So, sir, I  
10           believe the -- the Order in Council for this Inquiry was  
11           April 14<sup>th</sup>, 2005?

12                      **MR. GUZZO:** I believe that's correct.

13                      **MR. ENGELMANN:** And you had first been  
14           contacted about matters here in Cornwall in late 1995 by  
15           Mr. Duncan MacDonald?

16                      **MR. GUZZO:** That's my recollection, yes.

17                      **MR. ENGELMANN:** So in those approximately  
18           ten years, can you give us some sense as to the number of  
19           people who would have contacted you, either in person, by  
20           phone or otherwise, concerning issues here in Cornwall?

21                      **MR. GUZZO:** Well, counting everybody who  
22           stopped me in a drugstore or the bank and said, "Look, you  
23           know, I have this recollection of a situation" I have  
24           estimated to be approximately 90 people.

25                      And let me just add to that, that I have no

1 recollection of the number since I have been out of -- but  
2 I did say when we were in camera the other day about an  
3 incident at the Negev dinner October 28<sup>th</sup> in Ottawa, where  
4 one of the waiters came out of line, and I've had a couple  
5 -- you know, since the publicity around this, I've had ---

6 **MR. ENGELMANN:** Sorry, sir, but when you say  
7 90 people then are you talking about 90 people in total or  
8 are you talking about 90 people who alleged to have been  
9 victims?

10 **MR. GUZZO:** I would say 90 -- I'm talking  
11 about people who have made allegations that they have been  
12 victimized in some way.

13 **MR. ENGELMANN:** Sir, I know you've had  
14 trouble remembering some of the names of people that you've  
15 met over time, and I realize that some of these dates are  
16 some time ago, but I've asked you or my office has asked  
17 you if you could think about some of those names you  
18 couldn't come up with in the past. For example, names of  
19 an OPP officer that you referred to, a fellow being of  
20 Italian descent from Ottawa. You also referred to a couple  
21 Members of the Legislature who, one of whom was married to  
22 an OPP officer. You referred to a woman here in Cornwall  
23 who was involved with one of the citizens' groups who gave  
24 you information from time to time.

25 I am wondering, sir, if you've been able to

1 give some thought to some of those names, whether you can  
2 help us out?

3 **MR. GUZZO:** Well, the OPP officer with whom  
4 I had that round of golf that day, I want to say Priestey  
5 or Prisey, or something like that. I have this -- but I  
6 can't recall.

7 The lady who was circulating the information  
8 from the citizens' group, the name Eleanor comes to me. I  
9 don't know that I ---

10 **MR. ENGELMANN:** First name Eleanor?

11 **MR. GUZZO:** Eleanor.

12 **MR. ENGELMANN:** Is that a first name or a  
13 last name?

14 **MR. GUZZO:** Yes, yes.

15 **MR. ENGELMANN:** Do you remember the two  
16 Members of the Legislature, I think they approached you  
17 after you made a comment about the OPP investigation either  
18 being incompetent or being a cover-up?

19 **MR. GUZZO:** Well ---

20 **MR. ENGELMANN:** I think you said they were  
21 pretty firm about saying, "Look, this isn't incompetence."

22 **MR. GUZZO:** The man who sat beside me in the  
23 first term was a lawyer from up around Bracebridge, north  
24 of Barrie, by the name of Grimmitt, G-R-I-M-M-I-T-T. He  
25 carried on a law practice up there and his wife was an OPP

1 officer.

2 MR. ENGELMANN: All right.

3 MR. GUZZO: Bill Grimmitt was his name.

4 MR. ENGELMANN: Okay, he's one of the two  
5 Members of the Legislature who approached you?

6 MR. GUZZO: Yes.

7 MR. ENGELMANN: I know there were other  
8 names that we asked about; thought of any other names that  
9 come to mind?

10 MR. GUZZO: I'm sorry, I'm sorry, it's been  
11 a long road and ---

12 MR. ENGELMANN: That's fine. Mr. Guzzo, I  
13 wanted to ask you what I've asked all witnesses that have  
14 come before, and that is, as a witness at the Cornwall  
15 Public Inquiry, if you have some recommendations or  
16 suggestions for us. You know what we're doing here. We're  
17 looking at institutional response, allegations of  
18 historical abuse against young persons here in the Cornwall  
19 area. The Commissioner will write a report at the end of  
20 this Inquiry that hopefully will be useful not just for  
21 Cornwall but for the province, and I wonder if you have  
22 some recommendations or suggestions for us. If you want to  
23 think about that over lunch, that might be appropriate, but  
24 ---

25 MR. GUZZO: How long do I have to reply?

1 (LAUGHTER/RIRES)

2 MR. GUZZO: That might be helpful if I had -  
3 --

4 MR. ENGELMANN: All right, so why don't we  
5 come back at two o'clock. We're sitting until 3:00 though.  
6 Thank you.

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

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

10 --- Upon recessing at 12:37 p.m./

11 L'audience est suspendue à 12h37

12 --- Upon resuming at 2:03 p.m./

13 L'audience est reprise à 14h03

14 THE REGISTRAR: This hearing is now resumed.  
15 Please be seated. Veuillez vous asseoir.

16 THE COMMISSIONER: Good afternoon, Mr.  
17 Engelmann, Mr. Guzzo.

18 MR. ENGELMANN: Mr. Commissioner, just  
19 before I ask Mr. Guzzo for answers to questions I left with  
20 him just before lunch, I just wanted to say as a result of  
21 Mr. Chisholm's statement that he gave to the Inquiry first  
22 thing this morning ---

23 THE COMMISSIONER: M'hm.

24 MR. ENGELMANN: --- I thought it prudent to  
25 write a letter to his counsel. So I wrote a letter to Mr.

1 Horn and Mr. Paul that went out early, shortly after Mr.  
2 Chisholm spoke with us.

3 It reads as follows:

4 "Further to Mr. Carson Chisholm's  
5 statement before the Commission this  
6 morning, we understand that the  
7 Coalition for Action no longer wishes  
8 to have standing and funding at the  
9 Cornwall Public Inquiry. Although he  
10 stated this publicly, he did so without  
11 counsel and, thus, please confirm same  
12 in writing."

13 I wanted to ensure that in fact his counsel  
14 were aware and that that is in fact the position of the  
15 Coalition.

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

17 **MR. ENGELMANN:** And I said:

18 "If this is the case, please ensure  
19 that all Commission materials provided  
20 to you are returned to the Commission  
21 in full as soon as practicable."

22 Counsel for the Coalition, just like counsel  
23 for any of the parties before this Inquiry, have been given  
24 external hard drives with many, many thousands of  
25 documents, some of which are highly sensitive and

1 confidential, and so we have strict undertakings on counsel  
2 and we've asked that if, in fact, that is the position of  
3 the Coalition, that these materials be returned forthwith.

4 And I understand that one of my colleagues  
5 had a discussion with Mr. Horn and that Mr. Horn and Mr.  
6 Paul are actually meeting with Mr. Chisholm tomorrow and  
7 that I will have a response to this letter on Monday, just  
8 to confirm that this is in fact their position.

9 **THE COMMISSIONER:** All right.

10 **MR. ENGELMANN:** So we'll know on Monday.

11 **THE COMMISSIONER:** Good. Thank you very  
12 much.

13 **GARRY GUZZO, Resumed/Sous le même serment:**

14 --- **EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**  
15 **ENGELMANN (cont'd/suite):**

16 **MR. ENGELMANN:** Mr. Guzzo, just before lunch  
17 we -- I had asked you and left you with the thought of  
18 giving us some recommendations and/or suggestions, and/or  
19 if there are matters that you think are of particular  
20 import for this Inquiry to examine or to answer, we'd like  
21 to hear from you on that, sir.

22 **MR. GUZZO:** Well, thank you very much and  
23 thank you, Mr. Commissioner. I appreciate the opportunity.  
24 I've scribbled down a few notes here over lunch.

25 I started out asking questions. I heard

1 things. I started -- and I think by and large over the  
2 years in government, all I ever did was ask questions, and  
3 I think they were -- the position was outlined in my letter  
4 of May 14<sup>th</sup>, '02 with regard to Bill 48, and in that letter  
5 I asked -- on page 2 and 3, I asked 19 questions and I  
6 attached thereto copies of a letter I had sent out for the  
7 prior bill of October 18<sup>th</sup>, '01, pages 4 and 5, where there  
8 were another 13 questions which overlapped. And those  
9 letters formed the basis of a chart that one of the  
10 citizens' groups put together with a list of 20 questions.

11 I added a 21<sup>st</sup> question to that list after  
12 the inquiry was called, but the case with regard to a  
13 number of class action, I think it was, against the  
14 Government of Ontario vis-à-vis probation officers was  
15 settled with a gag order, each one signing a gag order.  
16 And I asked the 21<sup>st</sup> question as to why the government, the  
17 Premier, the Attorney General, who were so supportive in  
18 opposition of my three bills, very, very supportive, why  
19 they would impose a gag order on these 23 people who are  
20 now settling with the Ontario government when they had  
21 hired you to get to the bottom of the issue.

22 Some of them -- not all, I do not believe --  
23 but some were interpreting that gag order to be a reason  
24 not to come and testify at this Commission.

25 I want to acknowledge -- say that, you know,



1           there has been a tremendous amount of suffering herein. A  
2           number of people have suffered. Victims and alleged  
3           victims have suffered. Some of them have survived and some  
4           have even flourished. Some have not. Not just victims  
5           have suffered, not just victims. There have been others,  
6           I'm sure, that have been unjustly charged and some that  
7           have maybe been justly referred to and have suffered more  
8           than they should.

9                         This city has suffered. There's a cloud  
10           hanging over this city, a city that has so much promise and  
11           so much opportunity, and it failed to appreciate,  
12           particularly during the years of the separatist crisis and  
13           the separatist scare in Quebec, this was a logical  
14           retirement location, beautiful waterfront, bilingual.

15                        Other cities have prospered more while  
16           offering no more or even less than what this city had to  
17           offer.

18                        All I would suggest to you is review the  
19           questions and attempt to answer them, if you can. Let the  
20           victims and the alleged victims know that they have been  
21           heard.

22                        I have asked these questions over and over  
23           again. I have not received answers.

24                        And let me explain too that during that  
25           period of time, I mean, I have other files at Queen's Park.

1 I've got health problems, hospital problems in my riding,  
2 education problems, Board trustees of education,  
3 environmental protection issues. I've got two private  
4 member's bills on amalgamation of municipalities in Ottawa,  
5 reducing nine municipalities to one. Neither bill carries,  
6 but after we're re-elected in '99, the government takes the  
7 position and it's done.

8 Any time I have a problem with education,  
9 the environment, whatever, municipal affairs, my bills not  
10 going anywhere, I get an answer. I'm told to take my time;  
11 we're going to do it this time or this place. "Yes, your  
12 hospital has a grievance. It's not that we're trying to  
13 hurt them. We've tried to help a couple of others in a  
14 crisis situation and we're going to look after it." I  
15 mean, they send a person to you. The Minister comes to you  
16 directly and explains the situation or apologizes for the  
17 situation.

18 This file is different, very, very  
19 different, and this file is important because the  
20 allegations that are being made involve the most vulnerable  
21 people and the most fragile people that you would imagine.

22 I continue to ask the questions when I'm  
23 stonewalled, and I come to the conclusion that everywhere I  
24 look, the chain of command is being evaded or broken.

25 I mention the Cornwall Police and the notes

1 of the Deputy Police Chief, the comments of Sergeant  
2 Lortie, where the Chief says, you know, "I've been ignored.  
3 The criminal investigation, the youth investigation, this  
4 has not come to pass our desks."

5 The Ottawa Police Department report, I went  
6 on for months thinking that it had been a whitewash or what  
7 had gone on until I was corrected by Ottawa Police officers  
8 who said, "Get the report." I've been trying ever since.  
9 I still haven't seen it, but you've got it and you're going  
10 to see it and it's going to be helpful.

11 And then we get the December 24<sup>th</sup> news  
12 release after an 11 or nine-month investigation, and then  
13 onto Project Truth.

14 When I first contact the Attorney General  
15 and the Solicitor General, they have no files. They know  
16 nothing, and I believe them. I have to believe them. After  
17 I write to Premier Harris, the same people, the same  
18 Attorney General, the same Solicitor General put me on ice.  
19 They're stonewalling me. They're not -- they don't want to  
20 talk about it.

21 I get this call from Mr. Frechette, the  
22 senior person in criminal prosecution -- investigation with  
23 the OPP, he says, "I don't know what you're talking about.  
24 Bring your file to Toronto. Meet me in Toronto; I'd like  
25 to talk to you about this. I think you're wrong, Mr.

1 Guzzo. Boom, it's cancelled. It's okay now. We have  
2 everything. Don't bother us."

3 Three days later I have the Assistant Deputy  
4 Minister, now the Deputy Minister of the Attorney General,  
5 he knows nothing. He's zero. He says, "You know more  
6 about this than I do. Come to Toronto with your file.  
7 Come and meet me." When I get there, before I get there,  
8 he's left a message at my constituency office, "Don't call  
9 me," and then "Call the police."

10 How many backbenchers did Mr. Segal call  
11 that week? How many did he call at home? How many cabinet  
12 ministers did he call at home? How about Mr. Frechette;  
13 how many people in the House, members, did he call that  
14 week, that month, that year at home? I don't know. How  
15 many calls have I received from assistant deputy ministers  
16 or deputy ministers or their equivalents over eight years  
17 as a backbench member, zero, other than the ones I  
18 recorded.

19 When it comes to the breakdown of the chain  
20 of command, let me explain something to you. There is a  
21 man sitting in opposition when we formed the government by  
22 the name of Christopherson, David Christopherson. He is  
23 the NDP member for Hamilton-East. He is now a federal  
24 member for Hamilton. He served five years as the Solicitor  
25 General in the Bob Rae government. And before I go too far

1 in advancing the bill, I go and talk to Mr. Christopherson,  
2 and I explain to him that this does not look good in terms  
3 of the Rae Government. It looks like it has been going on.  
4 "You're the Solicitor General during that period of time.  
5 There was a controversy in Cornwall with regard to a payout  
6 and criminal charges being filed against the former Crown  
7 Attorney, and we have the investigation in 1994, when you  
8 people are in power, by the OPP into the Cornwall Police  
9 performance."

10 He gives me a blank stare, and he says, "I  
11 don't know what you are talking about. I have never seen a  
12 file like that."

13 And I said, "You know, how can you be the  
14 Solicitor General and not know about some of these things?"  
15 And he says to me, "I probably have the same problem you're  
16 having. It's being quarterbacked from a higher office."

17 Well, I said, "I might have that problem,  
18 but you couldn't have that, surely, as a Cabinet Minister."

19 And he said, "Oh, yes, and many more."

20 The House Leader of the NDP is a man by the  
21 name of Kormos, a practising lawyer in the Welland area for  
22 many years. He is the former Attorney General in the Rae  
23 government for a number of months, and I speak to him  
24 because I'm looking for support from the NDP Caucus, and I  
25 tell him about my discussion with Mr. Christopherson. He

1 was a Cabinet Minister for a short period of time only. He  
2 explains it as saying, "It happened all the time in our  
3 government. Matters of this nature would be handled from  
4 the top and we wouldn't know."

5 These men have, I suppose, something to  
6 lose, nothing to gain. They strongly support every bill I  
7 put forward in this inquiry, and Mr. Kormos, to his credit,  
8 continued to support the call for an inquiry after the  
9 election of '93.

10 I look at the number of times that I have  
11 circulated my position. Every opportunity I got, I re-  
12 circulated the statements and the positions that I was  
13 taking. I went to the minister responsible in each case,  
14 from time to time, and said, "Look, read this carefully  
15 now. I know it's lengthy and I know you've got a lot to  
16 read, but I'm saying this about this; and this about that  
17 police; and this about this senior bureaucrat. I'd  
18 circulate it to supporters in the Caucus, the entire  
19 Caucus, from time to time, and then when the bills come  
20 forward, I had circulated those positions to the entire  
21 House and, of course, they then become public.

22 No one has ever come to me and denied  
23 anything. No one has ever come to me and said, "You're  
24 wrong" as they did on a health matter maybe with my  
25 hospital, thinking they were being short-changed or the

1 Ottawa School Board, thinking they were not getting a fair  
2 grant.

3 Nobody has ever come forward and I have gone  
4 to the cabinet ministers representing the police. I'm  
5 begging them for a denial. I did get one two and a half  
6 years later from Mr. Segal. He objects indirectly. In  
7 Caucus the Attorney General says, "Well, Mr. Segal doesn't  
8 necessarily agree," two and a half years later. So I write  
9 to him and it was in evidence. "Mr. Segal, tell me where  
10 I'm wrong, and I'll correct it." And his reply is "Oh,  
11 forget it. Forget it."

12 There are a number of issues that I don't  
13 think I want to belabour but, you know, one of the ones  
14 that cries out are the films.

15 On the 24<sup>th</sup> of August, I do a television  
16 program at 7:00 in the morning on Canada A.M. with, I  
17 think, Detective Inspector Jim Miller. Jim Miller is his  
18 name. I don't know what his title is. And in a CP release  
19 about four days later that he must have spoken to the  
20 press, Mr. Miller said, "Well, the tapes were destroyed."  
21 He confirms the tapes were destroyed. He said they were no  
22 longer needed.

23 Detective Inspector Pat Hall said to me when  
24 I met him, he said, "Well, you cannot charge a dead man.  
25 You can't charge a dead man. So they were of no more

1 value."

2 If these are commercial tapes, what value  
3 were they in the first place? You can rent them down at  
4 the corner store. You can go to the public library. We  
5 had a major issue in Ottawa about children sitting next to  
6 people watching these commercial tapes.

7 I have to question, and that's why I  
8 continued to question, the destruction of the material.

9 I don't want to draw any conclusions. I'd  
10 simply tell you that all I ever asked for was this Inquiry.  
11 I am thankful that you are here.

12 **THE COMMISSIONER:** Thank you.

13 **MR. GUZZO:** I have no recommendations. I  
14 think the thoroughness that you have demonstrated will  
15 serve the city well, will serve the alleged victims and the  
16 victims well, and I hope it will be of benefit to each and  
17 every one of them.

18 I feel quite relieved that, as far as I'm  
19 concerned, my job is over and I wish you well.

20 **THE COMMISSIONER:** Thank you very much, sir.

21 **MR. ENGELMANN:** Thank you, Mr. Guzzo. A  
22 number of the questions you've posed we're attempting to  
23 answer and a number of the reports that you've asked for,  
24 like the Sirrs Report, we now have in evidence. The report  
25 by the Ottawa City Police will be in evidence, so a number



1 of those reports will be examined by this Inquiry.

2 I would like you now to answer any questions  
3 my friends may have for you. They will identify themselves  
4 and let you know who they represent as they put their  
5 questions forward.

6 **MR. GUZZO:** Thank you.

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

8 **MS. DALEY:** Mr. Commissioner, with your  
9 permission, given the hour and the fact that I couldn't  
10 complete in any event and cannot be here on Monday, I am  
11 going to allow Mr. Lee to play through, so to speak, and we  
12 will take our position in the queue later on, if that's  
13 acceptable?

14 **THE COMMISSIONER:** As long as it's  
15 acceptable to the parties, that's fine.

16 Mr. Lee?

17 **MR. LEE:** Good afternoon, Mr. Commissioner.

18 **THE COMMISSIONER:** Yes, sir. So you  
19 understand that we have to finish at three o'clock, so if  
20 you are not finished, we will continue on Monday at 1:00.

21 **MR. LEE:** I am going to try very hard to  
22 finish. I was -- wanted to make a comment about what Mr.  
23 Guzzo said a moment ago.

24 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. LEE:**

25 **MR. LEE:** Mr. Guzzo, my name is Dallas Lee.

1 I am counsel for the Victims Group.

2 I most certainly would not have finished, had you not just  
3 given us some of your thoughts in the way that you did. I  
4 think you've addressed many of the questions I had for you,  
5 to be honest with you, and I am going to try to slash and  
6 burn my cross-examination as I go here, with in mind what  
7 your comments were.

8 Sir, this is your fifth day here at the  
9 Inquiry?

10 **MR. GUZZO:** I believe it is, yes.

11 **MR. LEE:** There is a lot of info so far, and  
12 I have several issues that I want to ask you about. I am  
13 going to do my best to give some context for the areas I'm  
14 talking about, but at the same time, I am going to try very  
15 hard not to unnecessarily go over areas you've already  
16 covered. So bear with me a little bit as we go here  
17 please.

18 **MR. GUZZO:** Thank you.

19 **MR. LEE:** I want to start with you at the  
20 beginning of your involvement in Cornwall, and you've told  
21 us that that, to be best of your recollection, begins with  
22 a call you received from Duncan MacDonald in late 1995. Is  
23 that right?

24 **MR. GUZZO:** That's the best of my  
25 recollection.

1                   **MR. LEE:** And your recollection is that you  
2 didn't really know anything about what was going on in  
3 Cornwall with any of these issues before that time?

4                   **MR. GUZZO:** I don't think I had even heard  
5 rumours.

6                   **MR. LEE:** And what you told us during your  
7 examination in-chief is that Duncan MacDonald told you a  
8 little bit about the settlement between David Silmser and  
9 Father MacDonald and the Diocese and, specifically, you've  
10 told us in-chief that Duncan MacDonald told you that that  
11 was really bothering him. Is that right?

12                   **MR. GUZZO:** That's my recollection.

13                   **MR. LEE:** Your evidence in-chief was that he  
14 said it was resonating with him because of things he was  
15 hearing. Do you recall that?

16                   **MR. GUZZO:** Yes.

17                   **MR. LEE:** And he would have described that  
18 settlement at least a little bit to you?

19                   **MR. GUZZO:** He did.

20                   **MR. LEE:** And you told us during your  
21 examination in-chief that his concern seemed to be focused  
22 on the Church's involvement in that settlement. Is that  
23 right?

24                   **MR. GUZZO:** That was the impression I had,  
25 yes.

1                   **MR. LEE:** And you know now that the  
2 settlement with Silmsler was made in September of 1993?

3                   **MR. GUZZO:** I do, yeah.

4                   **MR. LEE:** And it was -- well, no, I don't  
5 think the settlement -- Perry Dunlop got his hands on it in  
6 September of '93.

7                   **MR. GUZZO:** I see, right.

8                   **MR. LEE:** And it was in the media a few  
9 months after that. You understand that now?

10                  **MR. GUZZO:** I do.

11                  **MR. LEE:** So by the time you talked to  
12 Duncan MacDonald in late 1995, it's a good two years since  
13 this story broke; is that right?

14                  **MR. GUZZO:** I gather it is.

15                  **MR. LEE:** Did you ask him at that time why  
16 he was still thinking about a two-year old settlement?

17                  **MR. GUZZO:** I don't believe I did.

18                  **MR. LEE:** Did he tell you that he personally  
19 had information about that settlement?

20                  **MR. GUZZO:** I don't know whether he told me  
21 that or not but it appeared to me that he did have.

22                  **MR. LEE:** He seemed to know about it?

23                  **MR. GUZZO:** I think so, yes.

24                  **MR. LEE:** So you've told us what happens  
25 with Mr. MacDonald when he asked you to meet with a couple

1 of people and you do that. What subsequent contact did you  
2 have with Duncan MacDonald?

3 **MR. GUZZO:** I seem to -- I may have spoken  
4 to him once again on the phone and I think I -- I'm in his  
5 company. I don't say I met with him to discuss anything  
6 but I'm in his company here in Cornwall at a function or  
7 two.

8 **MR. LEE:** You think you may have had a phone  
9 call with him, did you just say?

10 **MR. GUZZO:** I may have had another phone  
11 call with him. I may have called him back.

12 **MR. LEE:** Do you recall any meetings with  
13 him to deal with these issues specifically?

14 **MR. GUZZO:** No, not to deal with these  
15 issues specifically, I don't think.

16 **MR. LEE:** Any correspondence between the two  
17 of you about these issues that you can recall?

18 **MR. GUZZO:** No, no.

19 **MR. LEE:** Did he ever, at any point that you  
20 can recall, come back to you for information for an update  
21 on what was happening? Did he keep himself involved in  
22 this or did he just tell you a story and go on his way?

23 **MR. GUZZO:** I don't recall him calling me  
24 for an update or to know what was going on or what it was -  
25 - what I was doing or anything like that.

1                   **MR. LEE:** And you recall seeing him around  
2                   you think at events in Cornwall, charity events, things  
3                   like that?

4                   **MR. GUZZO:** Yes, legal groupings.

5                   **MR. LEE:** Am I right that at the outset of  
6                   this, your involvement in these matters, you're not fully  
7                   immersed in this thing?

8                   **MR. GUZZO:** No, anything but.

9                   **MR. LEE:** You've told us that after the call  
10                  from Duncan MacDonald, you meet with a few people.

11                  **MR. GUZZO:** Correct.

12                  **MR. LEE:** So time goes by and you meet with  
13                  a few more people?

14                  **MR. GUZZO:** Yes, it's not -- it's certainly  
15                  not on my, you know, agenda.

16                  **MR. LEE:** Then you told us about in November  
17                  of 1996 about the Laurencrest dinner.

18                  **MR. GUZZO:** I believe it was '96, yes.

19                  **MR. LEE:** And you told us about the business  
20                  leaders you had met with and some victims of abuse and  
21                  things of that nature.

22                                By that time, sir, had you started to go  
23                  back and read some of the media reports of what had gone on  
24                  in Cornwall?

25                  **MR. GUZZO:** I don't recall. I don't think I

1 had but I don't really recall.

2 MR. LEE: So you're getting a lot of your  
3 information from these people you're meeting with, people  
4 you're speaking with?

5 MR. GUZZO: Correct.

6 MR. LEE: My impression of your evidence was  
7 that the Laurencrest -- well, the meeting surrounding the  
8 Laurencrest dinner that -- that night of the dinner, the  
9 breakfast the next morning, was a little bit of a turning  
10 point in terms of your interest in these matters. Is that  
11 fair?

12 MR. GUZZO: I think it's probably accurate.

13 MR. LEE: And I think a big part of that, as  
14 I took your evidence, was that these people you had met  
15 with the night of the dinner had impressed you as being  
16 credible people. Is that fair?

17 MR. GUZZO: Yes, I think that's fair.

18 MR. LEE: And as I understand it, they're  
19 telling you about problems at the Ministry of Corrections.

20 MR. GUZZO: That's my recollection.

21 MR. LEE: And the Ministry of Corrections,  
22 of course, is part of the Government of Ontario.

23 MR. GUZZO: Right.

24 MR. LEE: Of which you're a member; so  
25 that's particularly concerning to you, I take it?

1                   **MR. GUZZO:** Well, it's -- the government  
2                   aspect of it interested me, concerned me more than anything  
3                   to do with the Church.

4                   **MR. LEE:** You're part of the government?

5                   **MR. GUZZO:** Right.

6                   **MR. LEE:** And was it your understanding that  
7                   the reason these matters were brought to your attention in  
8                   the first place by Duncan MacDonald was because you were a  
9                   member of the government?

10                  **MR. GUZZO:** Right, newly elected -- newly  
11                  elected government, newly elected member.

12                  **MR. LEE:** I think you told us on that phone  
13                  call part of the discussion was Mr. MacDonald offering his  
14                  congratulations.

15                  **MR. GUZZO:** Right.

16                  **MR. LEE:** And I understand by this point you  
17                  had met with some victims of abuse and am I right to say  
18                  that they had expressed some concern about the police?

19                  **MR. GUZZO:** I think by November of '96, I am  
20                  -- I have some -- some concern about police work, yes.

21                  **MR. LEE:** So by the end of '96, a number of  
22                  things have happened in Cornwall that we're still talking  
23                  about today. We have the original Silmsler complaint in  
24                  December of '92. We have the Silmsler settlement in  
25                  September of '93.



1                   MR. GUZZO: Right.

2                   MR. LEE: And that's the one that contains a  
3 clause that civil and criminal proceedings are going to be  
4 dropped. We have Dunlop's disclosure to the Children's Aid  
5 Society.

6                   MR. GUZZO: Right.

7                   MR. LEE: Ken Seguin has killed himself in  
8 November of '93. We have Constable Dunlop being before a  
9 Board of Inquiry in September of '94; the decision in  
10 January of '95, an appeal, a decision on that. All of that  
11 has happened before December of '95. Is that right, sir?

12                   MR. GUZZO: I think you're right, yes.

13                   MR. LEE: We have the Ottawa Police  
14 investigation that you've talked to us about.

15                   MR. GUZZO: Correct.

16                   MR. LEE: We have the OPP investigation and  
17 the press release that you have concerns about.

18                   MR. GUZZO: Right.

19                   MR. LEE: We have Malcolm MacDonald being  
20 charged with obstruct justice in February of '95.

21                   MR. GUZZO: Right.

22                   MR. LEE: And you were becoming familiar  
23 with these aspects of the story as you went along during  
24 this period; is that fair?

25                   MR. GUZZO: Well, some of it I was but you

1 know, I'm not -- I'm not reading the Standard Freeholder  
2 and the Ottawa press isn't carrying a lot of -- but I do  
3 hear about -- about Malcolm's problem. I mean lawyers in  
4 Ottawa are talking about that and I'm picking up on that,  
5 things like that. But, I mean, as far as a probation  
6 officer dying, Mr. Seguin, I don't know when I learned  
7 that.

8 **MR. LEE:** You can't sit here today and go  
9 through that list I just gave you and tell us when you  
10 heard each of those things.

11 **MR. GUZZO:** I can't, no.

12 **MR. LEE:** But you're talking and you're  
13 dealing with lawyers from Cornwall and victims from  
14 Cornwall and citizens for Cornwall during this period?

15 **MR. GUZZO:** Some, but, you know, not the  
16 flood I saw later, but some, yes.

17 **MR. LEE:** No, certainly these are the early  
18 stages and you're not nearly as immersed in these matters  
19 as you've become; is that fair?

20 **MR. GUZZO:** That's fair.

21 **MR. LEE:** I want to ask about your initial  
22 impressions of what you're hearing about Cornwall. You  
23 start meeting with -- and I don't mean necessarily the  
24 first victim you ever meet with from Cornwall, but  
25 generally as you're getting into this thing in the first

1 couple of years of people coming to you and of you asking a  
2 few questions, was it your impression that there was some  
3 ring of truth to what you were being told by the victims of  
4 abuse or the alleged victims of abuse that are coming to  
5 you?

6 **MR. GUZZO:** Not initially, no. I don't  
7 think that I was -- I was questioning this -- what I  
8 hearing, how it could be accurate.

9 **MR. LEE:** And why was that?

10 **MR. GUZZO:** Well, I sat down here as a  
11 judge. I did a little work as an attorney down here and  
12 I've -- I'm coming down to this Laurencrest dinner every  
13 year, making it a point to come down because the judges in  
14 Ottawa are quite impressed with some of the work we're  
15 seeing down here through this group home. And I'm  
16 questioning -- you know, I'm listening but I'm questioning  
17 in the early stages.

18 **MR. LEE:** Does that eventually change?

19 **MR. GUZZO:** At some point in time it did.

20 **MR. LEE:** Can you turn up Exhibit 983?  
21 That's your -- it should be in a binder there and that's  
22 your first letter to Premier Harris, the September 18, '98  
23 letter.

24 **MR. GUZZO:** Yes.

25 **MR. LEE:** Would you look at the last page,

1 please, sir.

2 Sir, are you on the last page, Mr. Guzzo?

3 **MR. GUZZO:** I am.

4 **MR. LEE:** If you look at the top paragraph  
5 on that page, the first full sentence on the page reads:

6 "In my time on the Bench, I was forced  
7 on a daily basis to decide who was  
8 lying and who was telling the truth.  
9 And I have listened intently to some of  
10 the people who made those affidavits  
11 and signed those depositions and I can  
12 tell you directly that they are all not  
13 lying."

14 Have I read that accurately?

15 **MR. GUZZO:** Yes, you have.

16 **MR. LEE:** The next paragraph begins:

17 "As I look at all the evidence, I am  
18 satisfied that something is dreadfully  
19 out of joint."

20 And then the final sentence of that  
21 paragraph:

22 "However, I must tell you that I am  
23 satisfied that some of these  
24 allegations are truthful and accurate  
25 and that the individuals named herein

1                                   are probably continuing the same type  
2                                   of behaviour in 1998."

3                                   By this time, sir, based on what you're  
4                                   writing, you've clearly met with people that you found to  
5                                   be credible?

6                                   **MR. GUZZO:** By that time, I have, yes.

7                                   **MR. LEE:** You've heard enough that as you  
8                                   put it here, you're satisfied that something is dreadfully  
9                                   out of joint?

10                                  **MR. GUZZO:** Correct.

11                                  **MR. LEE:** You've heard enough that your  
12                                  initial reservations and your initial notions of what could  
13                                  possibly be happening in Cornwall have changed.

14                                  **MR. GUZZO:** What could possibly be  
15                                  happening, yes. I have, you're right.

16                                  **MR. LEE:** Can you help me understand what  
17                                  you were hearing from these people that were contacting  
18                                  you, the people you were meeting with? What were they  
19                                  saying to you about what was going on in Cornwall that they  
20                                  were concerned about?

21                                  **MR. GUZZO:** The ones that I recollect are  
22                                  telling me that there have been allegations of molestation,  
23                                  child sexual abuse, that when you attend -- these people  
24                                  would attend at the police station, they were not -- they  
25                                  were dismissed in a cavalier manner, and there was no

1 satisfaction in the minds of these people that they had  
2 been taken seriously or that an investigation was taking  
3 place.

4 **MR. LEE:** So what you're hearing from these  
5 people, by your paraphrases, is that they have concerns  
6 about their public institutions.

7 **MR. GUZZO:** I think that's fair.

8 **MR. LEE:** And I want to be clear here.  
9 That's the impression you got from people from Cornwall?

10 **MR. GUZZO:** Yes, I think almost, almost --  
11 other than my concerns that when I bring it up with the AG  
12 and the Solicitor General, they seem to know nothing.  
13 There's no active file or anything like that.

14 **MR. LEE:** I understand that, at points,  
15 there are people from other areas that are expressing  
16 concerns about the situation in Cornwall, but initially you  
17 were receiving complaints from people who have complaints  
18 about Cornwall because they live here. They've been  
19 through these situations and it's their own complaints that  
20 they're bringing forward to you?

21 **MR. GUZZO:** That's my recollection.

22 **MR. LEE:** Sir, one of the things that I've  
23 been wondering about and I have talked to my clients a  
24 little bit about it, and one of the questions I have been  
25 asked by a few of my clients to put to you, is why do you

1 get involved in any of this? What was it that you were  
2 hearing or what was it that you saw that made an MPP from  
3 Ottawa get involved in these things?

4 **MR. GUZZO:** Well, I have asked myself a few  
5 times. I've asked myself a few times. I've talked to some  
6 people down here whose opinion I accept and believe. And  
7 it seems to me that I'm knowledgeable about a number of  
8 other things that I've read about in the -- involving the  
9 Catholic Church, and I'm concerned that we have a problem  
10 here in Canada. I have read some things in Canada as well.

11 I take -- I think Duncan's comment to me,  
12 "You know, you're a new government and you should do this."  
13 I don't take it in the first instance, but it's in the back  
14 of my mind as things progress that this is a government  
15 responsibility and should be looked at.

16 **MR. LEE:** Did you ever think to yourself it  
17 was none of your business?

18 **MR. GUZZO:** Yeah, and I was told that by  
19 people, by I think the local member.

20 **MR. LEE:** Mr. Villeneuve, I take it?

21 **MR. GUZZO:** Yes.

22 **MR. LEE:** And yet, you became involved  
23 anyways.

24 **MR. GUZZO:** I did.

25 **MR. LEE:** Was it the severity of the

1           allegations and what you were hearing that got you  
2           involved, sir?

3                   **MR. GUZZO:** Well, it was to some extent, but  
4           a couple -- I think a couple of people had described some  
5           rather brutal situations. There were a number over the  
6           years who alleged advances being made and rejection being  
7           accepted. They -- but there were some brutal descriptions  
8           given to me, yes.

9                   **MR. LEE:** These were serious issues.

10                   **MR. GUZZO:** Very serious.

11                   **MR. LEE:** So if we can fast-forward through  
12           a couple of years when you're dealing with this, back to  
13           the letter to Premier Harris on the screen here, the  
14           September 18, '98 letter.

15                   You told us in-chief you had already made  
16           efforts to get some answers prior to writing this letter.

17                   **MR. GUZZO:** I had raised it with the key  
18           Cabinet ministers, yes.

19                   **MR. LEE:** You had been working behind the  
20           scenes?

21                   **MR. GUZZO:** Quietly.

22                   **MR. LEE:** And that wasn't getting you  
23           anywhere?

24                   **MR. GUZZO:** Well, quite frankly, I believed  
25           both of them, when they looked at me and said, "I don't



1 know what you're talking about. I don't think there's  
2 anything going on. Whatever was going on is over with."  
3 And obviously they said, "What's Noble have to say? He's a  
4 member down there, he's a Cabinet minister." And Noble, as  
5 I recollect, Noble's first reaction to me was this was a  
6 problem, wasn't unique to Cornwall and that some rabble-  
7 rousers were trying to cause problems for the Church and --  
8 -

9 **MR. LEE:** By the time this letter to Premier  
10 Harris, you've clearly come to the conclusion that the AG  
11 and the Solicitor General are wrong, when they say there's  
12 nothing wrong in Cornwall. Is that fair to say?

13 **MR. GUZZO:** I think, yes, I think they're  
14 wrong, and I think they simply do not know. At least, one  
15 of them, Mr. Runciman, has said he's asked some questions  
16 and nothing's amiss.

17 **MR. LEE:** And the letter to Harris doesn't  
18 get you any answers, does it?

19 **MR. GUZZO:** It's ignored.

20 **MR. LEE:** At some point, sir, was the  
21 trouble that you were facing in getting any answers out of  
22 your own government, feeding the idea of a cover-up in your  
23 own mind?

24 **MR. GUZZO:** Not at this point when I sent  
25 that first letter, but I think I said a pivotal time was

1 the letter of April 3<sup>rd</sup>, '99 to the Chief of Staff of ---

2 MR. LEE: Mr. McLaughlin.

3 MR. GUZZO: Mr. McLaughlin. And at that  
4 point in time, I would answer yes to your question.

5 MR. LEE: And the trouble you're having, I  
6 take it, makes everything you've heard up to that point  
7 seem more plausible?

8 MR. GUZZO: More?

9 MR. LEE: Plausible.

10 MR. GUZZO: That's a fair statement.

11 MR. LEE: Let's look at that letter to  
12 McLaughlin of April 3, '99, sir. It's Exhibit 985.

13 Do you have that, sir?

14 MR. GUZZO: I have it.

15 MR. LEE: Can you look at the last page?  
16 And if you look at the third paragraph on the page, it  
17 reads:

18 "I do not need any more calls from  
19 friends in my church, in my profession,  
20 in my party or in my government  
21 explaining how embarrassing this  
22 situation will be. I appreciate just  
23 how difficult and how embarrassing it  
24 might be. I have seen some of the  
25 names referred to in the affidavits, in

1 witness statements, and certainly hope  
2 that they are not guilty. However, I  
3 am not going to make that decision.  
4 You, sir, are not going to make that  
5 decision either. That decision is  
6 going to be made by people in authority  
7 who take a professional and honest view  
8 of the evidence, all of the evidence.  
9 So far, that has not been done."

10 Do you see that, sir?

11 **MR. GUZZO:** I do.

12 **MR. LEE:** And that's what you're asking for  
13 at this point?

14 **MR. GUZZO:** Well, yeah, what I'm asking for  
15 is -- I want to be assured -- I want to be assured that  
16 there's nothing more -- nothing that this government should  
17 be doing and we're doing everything that we should be doing  
18 surrounding these circumstances.

19 **MR. LEE:** And if you can turn back to page  
20 5, sir, the third-last paragraph. And we get some insight  
21 on a question I asked you a moment ago about why you.  
22 You're writing about parents that would come to see you and  
23 you say at the end of the fourth line:

24 "These people have asked me for my help  
25 in light of the fact that I am a

1 democratically elected member of the  
2 Ontario Legislature. They look upon me  
3 as a person who took an oath of office  
4 when I was sworn in to this position.  
5 They look upon me as a lawyer who took  
6 an oath when I was called to the bar of  
7 this province in 1969 and, quite  
8 frankly, sir, they expect me to do  
9 something to protect their child and  
10 other children in Cornwall who are  
11 still being exposed to people that have  
12 access to children on a daily basis and  
13 have been named in the documentation  
14 that was served on our government, two  
15 separate departments, on April 7,  
16 1997."

17 Do you see that, sir?

18 **MR. GUZZO:** I do.

19 **MR. LEE:** And is that an accurate statement  
20 of how these people appeared to view you?

21 **MR. GUZZO:** Well, I think some did. I am  
22 sure others had a different view.

23 **MR. LEE:** But you were -- some of these  
24 people were approaching you because of who you were, a  
25 lawyer, a judge, an MPP; isn't that fair?

1                   **MR. GUZZO:** I wouldn't put them in that  
2 order. I would put MPP first. I thought, anyway.

3                   **MR. LEE:** These people came to you -- well,  
4 tell me, was it your impression these people were coming to  
5 you because they thought you would be somebody who could  
6 get answers?

7                   **MR. GUZZO:** I would think -- starting with  
8 Mr. MacDonald, I think that would be fair. I think  
9 probably others also.

10                  **MR. LEE:** And you told us today in the last  
11 part of your evidence in-chief that you still don't have  
12 answers. Is that right?

13                  **MR. GUZZO:** That's correct.

14                  **MR. LEE:** If I could just have a moment,  
15 sir?

16                  **THE COMMISSIONER:** Certainly.

17                               **(SHORT PAUSE/COURTE PAUSE)**

18                  **MR. LEE:** Mr. Guzzo, you'd agree with me  
19 that your primary concern throughout your involvements  
20 seems to be the adequacy of the police investigations in  
21 Cornwall?

22                  **MR. GUZZO:** Yes, I think that's the major  
23 concern.

24                  **MR. LEE:** You focus on those investigations  
25 over and over in your correspondence and your dealings with

1 the media?

2 MR. GUZZO: Right.

3 MR. LEE: Your private member bills deal  
4 with those; is that right?

5 MR. GUZZO: Right.

6 MR. LEE: And you've told us that people of  
7 Cornwall are telling you that they have concerns about  
8 those institutions as well?

9 MR. GUZZO: That's correct.

10 MR. LEE: And, sir, I submit to you that  
11 whether the institutions are actually corrupt or not, it's  
12 a huge problem for you that you have all these people  
13 coming to you to say that they perceive them to be so.  
14 Would you agree with that?

15 MR. GUZZO: Problem for me? It's causing me  
16 some concern, yes.

17 MR. LEE: I mean, when we're talking about  
18 the police, it's not just about the impropriety itself;  
19 it's about the appearance of impropriety in the eyes of the  
20 people who are supposed to be able to rely on the police.

21 Would you agree with that?

22 MR. GUZZO: I would agree with that.

23 MR. LEE: And you would have understood that  
24 the people of this city needed to have confidence in their  
25 police?

1                   **MR. GUZZO:** I would.

2                   **MR. LEE:** And you would have understood,  
3 from what you were hearing, that that wasn't the case?

4                   **MR. GUZZO:** Certainly in some sections.

5                   **MR. LEE:** And you recall specifically  
6 hearing that from people, don't you, that they didn't trust  
7 the police in Cornwall?

8                   **MR. GUZZO:** There were -- as to the timing,  
9 I don't -- but over the years, yes, when I would say to a  
10 person, "Well, you have to go back and if you haven't gone  
11 to the Cornwall Police, you should go back and make the --  
12 even though it's 15 years, even though it's 22 years, go  
13 back and go on the record." And I heard, you know, "Well,  
14 so and so went there and they weren't well received," or "I  
15 was there 22 years ago and I don't know whether they filled  
16 out a report or not, but I went there and they dismissed  
17 me," or something of that nature.

18                   **MR. LEE:** I think you described that in-  
19 chief as the built-in reaction of these people, as you saw  
20 it?

21                   **MR. GUZZO:** Yes, I think that's a fair and  
22 accurate description.

23                   **MR. LEE:** Sir, I expect that when some of my  
24 friends get up to cross-examine you, you're going to be  
25 asked a lot about some of the ways that you went about

1           trying to get answers and in calling for a public inquiry.

2                            You would agree with me that you, at some  
3 point, broke ranks with your party? You were very publicly  
4 challenging the Premier of the province, who was a member  
5 of your party?

6                           **MR. GUZZO:** Well, let me put it this way. I  
7 defy anybody that -- we ran on a program that we put  
8 forward in '94 called the Common Sense Revolution, and I  
9 would defy anybody, starting with Premier Harris and any  
10 constituent of any of the ridings I served, to show me  
11 where I broke ranks on the Common Sense Revolution.

12                           As a matter of fact, there were times when  
13 Mr. Harris started to get a little jelly-fishy, coming up  
14 to the election of '99 where he was backing away from it  
15 when I was stronger in support of it.

16                           But let me tell you this; you go through  
17 that document and you don't find anything therein about  
18 this type of thing in Cornwall, Ottawa, North Bay, Sudbury,  
19 Windsor, Hamilton, anyplace.

20                           So when I'm taking a different position on  
21 this, I take exception to someone suggesting that I'm  
22 breaking ranks.

23                           However, we did have some altercations.

24                           **MR. LEE:** You had some differences?

25                           **MR. GUZZO:** Oh, yes.



1                   **MR. LEE:** And, sir, as I said, I don't  
2 intend to go through it with you. You went through it in-  
3 chief. You're talking to the media quite a bit. You're  
4 setting out your concerns in the media?

5                   **MR. GUZZO:** I certainly am consulted by the  
6 media, yes, on this issue and on others.

7                   **MR. LEE:** And one of the things that you did  
8 that you talked about in-chief is at one point you  
9 threatened to name names in the legislature?

10                   **MR. GUZZO:** I -- in caucus I suggested I was  
11 going to do that and I didn't do it. When it became a  
12 public issue, I didn't deny it.

13                   **MR. LEE:** You didn't back down and kill the  
14 story; you let it fester a little bit?

15                   **MR. GUZZO:** I was playing a little poker  
16 with the Premier and I kept it on at least the backburner  
17 as long as I could.

18                   **MR. LEE:** Can you help us understand why you  
19 went to such extremes?

20                   **MR. GUZZO:** Well, when you raise something  
21 in caucus, it's supposed to stay in caucus and of a nature  
22 like this and I -- I don't know how it became a public  
23 issue. It did not become a public issue through me and I  
24 did -- I did not intend -- you used the word extremes. It  
25 may be accurate. I hadn't thought of it in those terms but

1 I still don't.

2 I have said it was -- it was a mistake. It  
3 wasn't the smartest thing I did in this file or any other  
4 file, but it happened.

5 **MR. LEE:** You did what you could throughout  
6 this period to try to get answers in the best way that you  
7 saw fit at that time, I take it?

8 **MR. GUZZO:** I did.

9 (SHORT PAUSE/COURTE PAUSE)

10 **MR. LEE:** You told us in-chief about your  
11 law office and your constituency office being broken into  
12 in May of 1999.

13 **MR. GUZZO:** Yes, that's correct.

14 **MR. LEE:** And you told us that you believe  
15 those break-ins must have had something to do with the  
16 Cornwall situation because you had nothing else of any real  
17 value to anybody in those offices?

18 **MR. GUZZO:** Well, you know, the constituency  
19 office it's very difficult to imagine what anybody would  
20 want or what anybody would know. Somebody comes in with a  
21 licensing problem or a senior citizen is going to lose  
22 their driver's licence and wants to be retested or  
23 something like that, I mean they're not major issues to  
24 anybody else.

25 My law practice at the time consisted of

1       some municipal applications for some land developers and a  
2       series of divorces and maybe a few mortgage transactions  
3       and the odd civil plaintiff case. I can't imagine why  
4       anybody would -- would want to, you know -- the only thing  
5       I could think of at the time was -- of any significance was  
6       the Cornwall file.

7                   **MR. LEE:** Did you tell us that you -- in-  
8       chief that you referred or you contacted the police as a  
9       result of those break-ins and you referred to your insurer?

10                   **MR. GUZZO:** I don't think I referred it to  
11       the insurer but I ---

12                   **MR. LEE:** I may have misunderstood. I  
13       thought your evidence was you called the police and they  
14       said, "Talk to your insurance".

15                   **MR. GUZZO:** Talk to your insurance and  
16       whether I called or whether Ms. Phillips called or Mr.  
17       Grant called, I don't recall but I kind of think I called  
18       myself.

19                   **MR. LEE:** And this was a commercial building  
20       that these offices were housed in?

21                   **MR. GUZZO:** Yes, it was.

22                   **MR. LEE:** Did either of your offices or the  
23       building that housed them have security or surveillance  
24       cameras?

25                   **MR. GUZZO:** I think the building had but I

1 don't think it was operative at the time. I think maybe  
2 they were just putting it in.

3 **MR. LEE:** Was that a part of the  
4 investigation that -- did you conduct an investigation?  
5 Did you ask for security tapes? Did you see security tapes  
6 at any point?

7 **MR. GUZZO:** I think I may have asked the  
8 property manager because I had seen them putting them in  
9 but they putting a -- one of the floors was being taken  
10 over by a government department and I think they demanded  
11 them.

12 **MR. LEE:** And they had nothing?

13 **MR. GUZZO:** I don't think they were up and  
14 operating yet. I think they were still doing the reno's to  
15 accommodate the government floor.

16 **MR. LEE:** So the last area I want to ask you  
17 about is a little bit to do with Premier Mike Harris. We  
18 have a couple of letters that you wrote him that we've  
19 looked at. Do you remember that?

20 **MR. GUZZO:** Yes.

21 **MR. LEE:** And you dealt with Mr. Harris'  
22 staff at times, Mr. McLaughlin in particular?

23 **MR. GUZZO:** Right.

24 **MR. LEE:** And you spoke with Mr. Harris  
25 personally a few times, I understand?

1                   **MR. GUZZO:** Later on, yes.

2                   **MR. LEE:** And, sir, it seemed clear to me  
3 from your evidence that you feel that Mr. Harris flatly  
4 refused to act in response to the issues you were raising;  
5 is that fair?

6                   **MR. GUZZO:** Well, I think he definitely  
7 wasn't interested.

8                   **MR. LEE:** You told us in-chief that you  
9 believed that the Premier wanted your private member's bill  
10 to be defeated in the fall of 2000?

11                   **MR. GUZZO:** I think I could say definitely.  
12 I think he wanted me to withdraw it.

13                   **MR. LEE:** And there was an issue with Bill  
14 48 in the spring of 2001 where the Premier -- is the word  
15 prorogued -- prorogued the House?

16                   **MR. GUZZO:** Prorogued the House, yes.

17                   **MR. LEE:** Prorogued the House and that  
18 killed that bill?

19                   **MR. GUZZO:** Well, it killed that bill and a  
20 number of other bills. That's not why he prorogued the  
21 House at that time. He prorogued the House to do a new  
22 Throne Speech to put a new code on the government's  
23 program.

24                   **MR. LEE:** And was the inevitable effect of  
25 that Throne Speech to kill the bill or could Mr. Harris

1 have taken steps to save it?

2 MR. GUZZO: He could have taken steps to  
3 save it.

4 MR. LEE: He did not?

5 MR. GUZZO: No, but I don't think we took  
6 steps to save any bills. I could be wrong about that but I  
7 ---

8 MR. LEE: You told us last day about, when  
9 you were discussing the issue -- I only have a couple of  
10 minutes, Mr. Commissioner, literally a couple of minutes.

11 THE COMMISSIONER: Trust me, you do.

12 (LAUGHTER/RIRES)

13 THE COMMISSIONER: But you can continue on  
14 Monday. Go ahead.

15 MR. LEE: Thank you.

16 When you were discussing in-chief the story  
17 about naming names in legislature and how you mentioned  
18 something in caucus and it came out, you told us that whole  
19 story.

20 One of the things you told us about was some  
21 insight into -- into Mr. Harris and you told us about -- I  
22 believe the words you used were that when you threatened to  
23 name names, the Premier went nuts. That's what you told us  
24 in-chief and that he got very, very, very upset and accused  
25 you of deliberately trying to embarrass people.

1 Do you recall that?

2 MR. GUZZO: I do.

3 MR. LEE: And you point to one name in  
4 particular as the impetus for that. Is that right?

5 MR. GUZZO: I did.

6 MR. LEE: Do you, sitting here today, know  
7 why the Premier got so upset about that name?

8 MR. GUZZO: I do not.

9 MR. LEE: And it was also your evidence in-  
10 chief, as I understood it, that Pat Hall of the OPP  
11 suggested to you that Mr. Harris was controlling the OPP  
12 investigation.

13 That was the impression you got from Mr.  
14 Hall?

15 MR. GUZZO: Well, yes, that was the -- that  
16 was the impression from the comment that he made.

17 MR. LEE: Sir, is it your belief that  
18 Premier Harris played a role in subverting justice here in  
19 Cornwall?

20 MR. GUZZO: You know, I've had a very  
21 academic discussion about this with a number of retired  
22 judges and I -- I'm not prepared to conclude that.

23 MR. LEE: You can't go that far?

24 MR. GUZZO: I think I'd have to know more of  
25 the -- you know, but I would say this to you, that there

1 would be an Attorney General or two who could offer some  
2 advice on that.

3 **MR. LEE:** About Mr. Harris' actions?

4 **MR. GUZZO:** Well, about whoever -- whoever  
5 was making decisions.

6 **MR. LEE:** Sir, do you believe it's important  
7 for this inquiry to hear from Mr. Harris?

8 **MR. GUZZO:** I haven't given it any thought  
9 to tell you the truth. I -- I think it might be important  
10 to hear from some other people higher up in government than  
11 Garry Guzzo in the years 1995 to 2003.

12 **MR. LEE:** So those are all the questions I  
13 have for you. I thank you very much for coming and I would  
14 like to state for the record that it is 3:03 p.m. when I  
15 conclude my cross.

16 **THE COMMISSIONER:** Thank you, sir. We'll  
17 see you Monday at one o'clock.

18 **MR. GUZZO:** Thank you.

19 **THE COMMISSIONER:** Thank you.

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

22 This hearing is adjourned until December 3<sup>rd</sup>  
23 at 1:00 p.m.

24 --- Upon adjourning at 3:03 p.m. /

25 L'audience est ajournée à 15h03

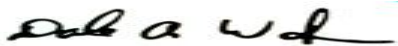


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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Dale Waterman, CVR-CM