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CORNWALL, ONTARIO
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ATTORNEY GENERAL OF ONTARIO
QUEENS PARK
TORONTO, ONTARIO

OCTOBER 24TH, 1995

DEAR SIR:

I WOULD LIKE TO BRING TO YOUR ATTENTION, WHAT SEEMS TO BE WRONGS, IN A JUDICIAL DECISION THAT WAS HANDED DOWN, CONCERNING A CASE IN CORNWALL, ONTARIO.

I WANT TO STICK TO WHAT FACT, I DO KNOW, AND "QUOTES" FROM PEOPLE, SURROUNDING THIS ISSUE.

THIS STORY STARTS, BACK ON DECEMBER 9TH, 1992. A MAN APPROACHED CORNWALL POLICE, WITH A COMPLAINT OF SEXUAL ABUSE, AT THE HANDS OF A LOCAL PARISH PRIEST. THE ABUSE HAD TAKEN PLACE APPROXIMATELY TWENTY YEARS PREVIOUS.

- ON DECEMBER 10TH, 1992 THE ALLEGED VICTIM HAS A MEETING WITH AN ARCHBISHOP IN OTTAWA, WHO FINDS THE MAN CREDIBLE, AND DIRECTS HIM BACK TO THE LOCAL DIOCESE OF ALEXANDRIA / CORNWALL.
- ON JANUARY 13TH, 1993, A POLICE INVESTIGATION BEGINS INTO THE COMPLAINT, WITH THE COMPLAINANTS' CO-OPERATION.
- MANY MEETINGS, PHONE CONVERSATIONS AND WRITTEN STATEMENTS TAKE PLACE IN THE FOLLOWING MONTHS.
- SEPTEMBER 3RD, 1993 THE COMPLAINANT INFORMS POLICE TO STOP THE INVESTIGATION, BECAUSE A CIVIL SETTLEMENT HAS BEEN REACHED.

AS THIS APPEARS, NOTHING SEEMS OUT OF THE ORDINARY, WITH WHAT HAS TRANSPIRED SO FAR. IT WOULD APPEAR THAT THE ALLEGED VICTIM HAS GAINED FINANCIALLY BY BRINGING THIS COMPLAINT FORWARD. EVEN A MINISTRY OF THE ATTORNEY GENERAL REPRESENTATIVE (CROWN ATTORNEY - MURRAY G. MAC DONALD) IN A LETTER DATED SEPTEMBER 14TH 1993, STATES, "THAT THE ALLEGED VICTIM, SEEMS TO HAVE BEEN PURSUING MONETARY GAIN".

THIS IS WHERE THIS STORY STARTS TO TAKE A STRANGE TWIST.

- ON JANUARY 12TH, 1994 A NEWSPAPER ARTICLE REPORTS THAT A CITY LAWYER (MR. MALCOLM MAC DONALD) WHO WAS INVOLVED IN DEALINGS WITH THE FINANCIAL SETTLEMENT STATES, "THE SETTLEMENT WAS SIMPLY TO AVOID EMBARRASSMENT, IT WAS PERFECTLY LEGAL. I AM AGAINST PAYING WHAT CAN AMOUNT TO BRIBERY".
- A SIDE BAR TO THIS NEWSPAPER STORY, HAS ONTARIO'S LIBERAL JUSTICE CRITIC (BOB CHIARELLI) DEMANDING ATTORNEY GENERAL MARION BOYD, APPOINT A SPECIAL CROWN PROSECUTOR TO INVESTIGATE THE MATTER.
- AT A NEWS CONFERENCE ON JANUARY 14TH, 1994 BISHOP KAROCQUE STATES "I COULD SEE BY GIVING MONEY, IT WOULD SHOW THAT IT WOULD PREVENT JUSTICE".
- AT THE SAME NEWS CONFERENCE, A LAWYER FOR THE DIOCESE (MR. JACQUES LEDUC) IS QUOTED AS SAYING "THIS IS A CIVIL SETTLEMENT. YOU HAVE TO UNDERSTAND THAT NOBODY HAS THE RIGHT TO STOP A CRIMINAL INVESTIGATION".

- ALSO AT THIS NEWS CONFERENCE MR. LEDUC STATES THAT THE VICTIM FIRST MADE THE REQUEST FOR MONETARY COMPENSATION IN EXCHANGE FOR AGREEING NOT TO PURSUE ACTION AGAINST THE DIOCESE OR THE PRIEST.
- IN A NEWSPAPER ARTICLE ON JANUARY 16TH, 1994 THE VICTIM STATES "THAT A GAG ORDER IS WRITTEN IN BLACK AND WHITE AS PART OF THE AGREEMENT FOR MONEY".
- MR. LEDUC DENIES THAT THERE IS ANY SUCH CLAUSE IN THE AGREEMENT.
- THE VICTIM STATES THAT HE NEVER DEMANDED MONEY FROM THE CHURCH, THAT THE CHURCH OFFERED IT AFTER HIS FIRST MEETING WITH THEM.
- IN A NEWS ARTICLE ON JANUARY 17TH, 1994 MR. LEDUC ONCE MORE REITERATES HIS CLAIM, THAT THERE HAS BEEN NO CONDITIONS REGARDING THE CRIMINAL CASE, HE STATES, "YOU CAN'T DO THAT. IT WOULDN'T BE LEGAL, IT WOULDN'T STAND UP".
- IN A JANUARY 18TH, 1994 NEWS ARTICLE, IT ONCE AGAIN HAS LIBERAL BOB CHIARELLI CALLING FOR AN INVESTIGATION INTO THE MATTERS, ONE WEEK AFTER HE MADE HIS FIRST ATTEMPT TO MARION BOYD.
- IN A JANUARY 24TH, 1994 NEWS ARTICLE QUOTES BISHOP LAROCQUE AS SAYING "I HAVE SINCE LEARNED THAT THE SIGNED RELEASE, DOES IN FACT RULE OUT BOTH CIVIL AND CRIMINAL ACTION. I AM SORRY FOR UNWITTINGLY

MISREPRESENTING THIS FACT. THIS IS MORALLY UNJUST AND DOES NOT REFLECT THE BASIS IN WHICH THE DIOCESE CO-OPERATED WITH THIS ACTION".

- ON JANUARY 25TH, 1994 JACQUES LEDUC IS QUOTED AS SAYING "WE ALL MAKE MISTAKES. IT WAS LACK OF JUDGEMENT ON MY PART. I KNOW YOU MAY FIND THIS DIFFICULT TO BELIEVE. SOME WOULD SAY THAT WERE LYING, BUT WERE^{NOT}. I CAN'T EXPLAIN TO YOU HOW THE CLAUSE IS IN THE DOCUMENT. I MADE A MISTAKE BY NOT READING THE RELEASE, MAYBE BECAUSE, I WAS TOO TRUSTING".

THIS IS THE LAST WORDS ON THIS MATTER UNTIL FEBRUARY 7TH, 1995. A NEWSPAPER ARTICLE REPORTS THAT AFTER A YEAR LONG INVESTIGATION, THAT O.P.P. HAVE CHARGED CORNWALL LAWYER MALCOLM MAC DONALD WITH ATTEMPTING TO OBSTRUCT JUSTICE, FOR HIS PART IN NEGOTIATING A DEAL WITH THE VICTIM.

THE ARTICLE STATES THAT IF MR. MAC DONALD IS CONVICTED, THE LAW SOCIETY OF UPPER CANADA COULD LAUNCH AN INVESTIGATION INTO "CONDUCT UNBECOMING", THAT COULD YIELD ANYTHING FROM A PUBLIC REPRIMAND TO DISBARMENT.

THE NEXT WORD THAT IS RECEIVED ON THIS MATTER IS AN OCTOBER 12TH 1995 NEWSPAPER ARTICLE THAT STATES, MR. MALCOLM MAC DONALD HAS PLEADED GUILTY TO A CHARGE UNDER SECTION 139(2) OF THE CRIMINAL CODE OF CANADA. "DID UNLAWFULLY ATTEMPT TO OBSTRUCT OR DEFEAT THE COURSE OF JUSTICE, BY ARRANGING FOR THE PAYMENT OF A SUM OF MONEY TO (VICTIM'S NAME), A WITNESS IN A CRIMINAL INVESTIGATION, TO DISSUADE

THE SAID (VICTIMS NAME) FROM PARTICIPATING IN THE CRIMINAL INVESTIGATION OR ANY PROPOSED JUDICIAL PROCEEDING". THIS CHARGE WAS FILED BY MICHAEL D. FAGEN (ONTARIO PROVINCIAL POLICE OFFICER). HEARD IN PROVINCIAL COURT, BY JUDGE B.W. LENNOX IN OTTAWA, ON SEPTEMBER 12TH, 1995, WITH CROWN ATTORNEY MR. KURT FLANNIGAN REPRESENTING THE PEOPLE.

WITH THIS PLEA OF GUILTY TO THE CHARGE, MR. MAC DONALD RECEIVED AN ABSOLUTE DISCHARGE. WITH THIS ABSOLUTE DISCHARGE MR. MAC DONALD ALSO RECEIVES NO CRIMINAL RECORD. THE REASONS THAT MR. FLANNIGAN GIVES FOR RECOMMENDING THESE OPTIONS ARE:

- 1 - THE EXEMPLARY BACKGROUND OF THE ACCUSED
- 2 - THE ACCUSED'S AGE (65)
- 3 - THE GUILTY PLEA - WHICH SAVED THE EXPENSE OF A TRIAL
- 4 - THE FACT THAT, IRRESPECTIVE OF THE OBSTRUCTION OF JUSTICE CHARGE, NO SEXUAL ASSAULT CHARGES WERE LAID BY POLICE AGAINST THE PRIEST
- 5 - THE POTENTIAL INVOLVEMENT OF THE LAW SOCIETY OF UPPER CANADA AFTER MR. MAC DONALD WAS CONVICTED.

THE ABOVE POINTS ARE QUOTES FROM MR. FLANNIGAN, HE GOES ON TO SAY "THAT AT BEST THE CHARGE WAS A TECHNICAL OFFENCE".

MR. MAC DONALD'S LAWYER, BOB WAKEFIELD STATES THAT "IF THIS HAD GONE TO COURT, MY CLIENT WOULD NOT HAVE BEEN CONVICTED".

MR. FLANNIGAN COUNTERS THAT "HE WOULDN'T LET A PERSON PLEAD GUILTY TO A CRIME THAT HE DIDN'T COMMIT. MR. MAC DONALD PLEADED GUILTY... PER THE COURT FOUND HIM GUILTY."

MR. MAC DONALD HAS STATED THAT HE WASN'T EVEN PRESENT WHEN THE DOCUMENT WAS SIGNED, AND THAT HIS SIGNATURE APPEARS NOWHERE ON THE DOCUMENT.

SIR, NEAR THE BEGINNING OF OCTOBER, AN INDIVIDUAL I KNOW, WENT TO THE COURTHOUSE IN OTTAWA. SHE WAS ASKING FOR A TRANSCRIPT FROM THIS HEARING. SHE WAS TOLD BY THREE PERSONS, THAT THE FILE WAS SEALED. SHE FOUND THIS TO BE A VERY DISTURBING ANSWER, BECAUSE THIS IS SUPPOSED TO BE A PUBLIC COURT OF LAW.

SIR, I FEEL COMPELLED TO EXPLAIN TO YOU, WHY I AM SO DISTURBED WITH THIS MATTER. FIRST AND FOREMOST IS, THAT, JUSTICE SEEMS TO HAVE BEEN DENIED IN THIS CASE. SOMETHING ABOUT THE WHOLE TRIAL IS WRONG.

SECOND IS THE TIMING OF THE MATTER BEING BROUGHT TO COURT. ON MONDAY AUGUST 21ST, 1995, CORNWALL POLICE BECAME AWARE THAT A SECOND VICTIM, WAS TEETERING ON THE EDGE OF COMING FORWARD WITH COMPLAINT OF SEXUAL ABUSE, AT THE HANDS OF THE SAME PRIEST. ON SEPTEMBER 12TH, 1995 THE SECOND VICTIM APPROACHED CORNWALL POLICE WITH A WRITTEN STATEMENT. NONE OF THE POLICE OFFICERS PRESENT AT STATION, WOULD AGREE TO ACCEPT THE STATEMENT. THEIR ANSWER FOR NOT ACCEPTING THE STATEMENT WAS "THAT A POLICE INVESTIGATION IS ALREADY UNDERWAY". HE WAS TOLD, THAT KINGSTON O.P.P. WOULD BE IN TOUCH WITH HIM.

ON SEPTEMBER 28TH, 1995, THE SECOND VICTIM WAS INTERVIEWED BY KING
O.P.P., HE HAD HIS STATEMENT VIDEO RECORDED.

SIR, I AM THAT SECOND VICTIM, AND POLICE SAY THAT THEY WILL
INVESTIGATE WHAT HAPPENED WITH ME. WHY THIS CASE AFFECTS ME, IS
IF THIS WHOLE THING WOULD HAVE BEEN STOPPED, BACK ON SEPTEMBER 3RD
1993, WHEN A CRIME OF OBSTRUCTING JUSTICE TOOK PLACE, BY PAYING THE
FIRST VICTIM, TO STOP ANY JUDICIAL PROCEEDINGS, I WOULD NOT BE SITTING
WHERE I AM TODAY. READY TO MOVE AHEAD WITH MY LIFE, BY DEALING
WITH THE WAY THE PAST HAS AFFECTED ME.

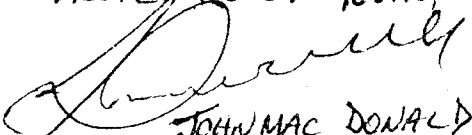
SIR, ONCE AGAIN, MY STORY IS MINE, WHAT HAPPENED TO ME
TWENTY THREE YEARS AGO, AND WHAT HAPPENED TO THE FIRST VICTIM, TO
COME FORWARD, TWENTY THREE YEARS AGO HAS NOTHING TO DO WITH THIS
CASE. IN TIME, THESE ISSUES WILL REACH A CONCLUSION FOR US.

THIS LETTER TO YOU, HAS TO DO WITH A CASE OF OBSTRUCTING
JUSTICE, AND THE DECISION HANDED DOWN TO A GUILTY PLEA. I AM
TRULY HOPING THAT YOU CAN GIVE ME SOME ANSWERS, TO MY DISTURBING
QUESTIONS ON THIS DECISION. JUSTICE SEEMS TO HAVE BEEN DENIED, AND
WHEN JUSTICE IS DENIED, EVERYONE SUFFERS.

SIR, I HAVE ALL THESE FACTS, LETTERS, AND NOTES INCLUDING THE
DOCUMENT INVOLVED IN THE CENTER OF ALL OF THIS IN MY POSSESSION.
ANY QUERRIES YOU MAY HAVE, I WOULD BE PLEASED TO ANSWER, THE
BEST THAT I CAN. THANK YOU FOR YOUR TIME AND EFFORT.

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RESPECTFULLY YOURS,

JOHN MAC DONALD