

**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 266**

**Held at :**

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

Thursday, July 31, 2008

**Tenue à:**

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

Jeudi, le 31 juillet 2008

**Appearances/Comparutions**

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Brigitte Beaulne	
Ms. Suzanne Sinnamon	Commission Counsel
Mr. Mark Crane	Cornwall Community Police Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
M <sup>e</sup> Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Charmian Leong	Attorney General for Ontario
Ms. Michele R. J. Allinotte	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Rob Talach	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall
M <sup>e</sup> Gisèle Levesque	and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M <sup>e</sup> Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Kimberly Ishmael	Upper Canada District School Board
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Monseigneur Eugène LaRocque	Monseigneur Eugène LaRocque

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

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 Mr. Engelman, Monseigneur LaRocque,  
12 bonjour.

13 **MSGR. LAROCQUE:** Bonjour.

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

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

17 **MONSEIGNEUR EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

18 --- **EXAMINATION IN-CHIEF BY/CONTRE-INTERROGATOIRE PAR MR.**  
19 **ENGELMANN (cont'd./suite):**

20 **MR. ENGELMANN:** Good morning, Monseigneur  
21 LaRocque.

22 This morning I would like to start with  
23 dealing with some issues with respect to policies and  
24 protocols, if we may.

25 I want to start, sir, with your knowledge of

1 possible policies or protocols dealing with clergy abuse  
2 even before you were appointed Bishop. So this would be  
3 before 1974.

4 Did you have any knowledge, sir, of any  
5 investigations or prosecutions, either by civil authorities  
6 or canonical, of clergy for sexual abuse of youths?

7 **MSGR. LAROCQUE:** In where -- where -- in  
8 which -- here in Alexandria-Cornwall?

9 **MR. ENGELMANN:** Well, no. You weren't here  
10 in Alexandria-Cornwall then, right?

11 **MSGR. LAROCQUE:** No, I was in Windsor.

12 **MR. ENGELMANN:** Yes.

13 **MSGR. LAROCQUE:** I was the Dean of Essex  
14 County.

15 **MR. ENGELMANN:** Right. So did you have any  
16 experience or any exposure to allegations of this nature on  
17 a firsthand basis? Like did you have any knowledge of  
18 investigations either canonical or civil authorities of  
19 some colleagues?

20 **MSGR. LAROCQUE:** Not personally, no.

21 **MR. ENGELMANN:** Okay.

22 Were you aware of matters that were going on  
23 in the London Diocese at that time?

24 **MSGR. LAROCQUE:** No, I was not.

25 **MR. ENGELMANN:** This is involving a priest

1 by the name of Glendinning, I believe?

2 MSGR. LAROCQUE: That's right.

3 MR. ENGELMANN: You had no knowledge of the  
4 investigation?

5 MSGR. LAROCQUE: No, I knew him while he was  
6 teaching at the seminary but I had knowledge of what was  
7 going on.

8 MR. ENGELMANN: All right. So you wouldn't  
9 have had any exposure to a protocol that would have been  
10 used in that particular case?

11 MSGR. LAROCQUE: I don't believe one  
12 existed.

13 MR. ENGELMANN: Fair enough.

14 And, sir, when you became Bishop in 1974,  
15 were you aware of any policies or protocols that were in  
16 place to deal with allegations of clergy abuse here at the  
17 diocesan level?

18 MSGR. LAROCQUE: I don't believe there was  
19 any that existed at that time.

20 MR. ENGELMANN: And, sir, would it be true  
21 that there were unlikely to be any at that time at the  
22 national level, at the Canadian Conference of Catholic  
23 Bishops level?

24 MSGR. LAROCQUE: That is so, yes.

25 MR. ENGELMANN: All right.

1                   What about any special decrees from the  
2                   Vatican with respect to the issue? Would you have had some  
3                   knowledge of some of those, sir?

4                   **MSGR. LAROCQUE:** Well, there are always the  
5                   canons and canon law that deal with the issue.

6                   **MR. ENGELMANN:** Yes.

7                   **MSGR. LAROCQUE:** But besides that, I don't  
8                   know of any other.

9                   **MR. ENGELMANN:** So the rules that you would  
10                  have been familiar with then, sir, would have been rules  
11                  under the Code of Canon Law?

12                  **MSGR. LAROCQUE:** Yes, the old code.

13                  **MR. ENGELMANN:** Right, 1917 code?

14                  **MSGR. LAROCQUE:** That's right.

15                  **MR. ENGELMANN:** We've heard some evidence,  
16                  sir, that that code, the work that was done in 1917, pulled  
17                  together canons from hundreds of years?

18                  **MSGR. LAROCQUE:** The Grecian decretals that  
19                  go back to the early Roman days.

20                  **MR. ENGELMANN:** Fair enough.

21                  **MSGR. LAROCQUE:** Canon law is based on Roman  
22                  law.

23                  **MR. ENGELMANN:** All right.

24                                 So we had well over 1,000 years of canons  
25                                 that were put together in 1917?



1                   **MSGR. LAROCQUE:** That's right.

2                   **MR. ENGELMANN:** And then, sir, we heard that  
3 there was a ---

4                   **MSGR. LAROCQUE:** There was a revision in  
5 1983.

6                   **MR. ENGELMANN:** Eighty-three ('83). So when  
7 you became Bishop in 1974 it would have been the canons  
8 from the 1917 code?

9                   **MSGR. LAROCQUE:** That's correct.

10                  **MR. ENGELMANN:** All right. And were you  
11 familiar with any of the canons dealing with this issue?

12                  **MSGR. LAROCQUE:** I had studied them, I mean,  
13 so that I knew where to go if I needed them.

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

15                                So would you have been familiar, sir, for  
16 example with Canon 2186 which permitted ordinaries to  
17 suspend from office clericals under their authority if they  
18 had concerns about sexual abuse of minors?

19                  **MSGR. LAROCQUE:** I can't recall -- you know,  
20 now that you cite it.

21                  **MR. ENGELMANN:** But you would have known at  
22 least, sir, that there would be canons that you could look  
23 at?

24                  **MSGR. LAROCQUE:** Exactly, and that that  
25 possibility did exist for a bishop to take away, as we say,

1 the faculties of a priest who was a public scandal.

2 MR. ENGELMANN: Sir, I understand ordinaries  
3 would be bishops and/or heads of religious orders?

4 MSGR. LAROCQUE: Yes, that's true.  
5 Ordinaries -- the religious orders are in a different  
6 category, though.

7 MR. ENGELMANN: Fair enough.

8 And sir, were you aware or had some  
9 knowledge of provisions dealing with the sexual abuse of  
10 minors, for example Canon 2357?

11 MSGR. LAROCQUE: Would you read it to me  
12 because I certainly don't ---

13 MR. ENGELMANN: I don't have it handy, sir.

14 MSGR. LAROCQUE: I don't remember.

15 MR. ENGELMANN: All right.

16 MSGR. LAROCQUE: I'm sorry.

17 MR. ENGELMANN: Well, at least in the code  
18 of 1917 it's my understanding that minors were defined as  
19 someone below the age of 16 for some sexual acts and for  
20 others puberty was the cut-off time, which was  
21 approximately 14 and under for boys and 12 and under for  
22 girls?

23 MSGR. LAROCQUE: I really can't remember, to  
24 tell you the truth.

25 MR. ENGELMANN: Fair enough.

1                   Were you aware, sir, that in 1983 under the  
2                   new Code of Canon Law that the definition of "minor" for  
3                   all sexual acts was anyone under 16?

4                   **MSGR. LAROCQUE:** I knew that but I had  
5                   forgotten it, I think. I'm not a canon lawyer, to tell you  
6                   the truth.

7                   **MR. ENGELMANN:** Fair enough, but as a priest  
8                   and, certainly, as one who had an academic background as  
9                   yourself, sir, you would have studied canon law at some  
10                  point?

11                  **MSGR. LAROCQUE:** I had three years of canon  
12                  law at the seminary -- four years. Excuse me, four years.

13                  **MR. ENGELMANN:** And that would serve you  
14                  well as Bishop as well?

15                  **MSGR. LAROCQUE:** That's what I had as  
16                  background for Bishop, yes.

17                  **MR. ENGELMANN:** And, sir, were you aware  
18                  that in 2001 the age definition for minor for the purpose  
19                  of any sexual act was raised to 18?

20                  **MSGR. LAROCQUE:** By the Code?

21                  **MR. ENGELMANN:** Yes.

22                  **MSGR. LAROCQUE:** I can't recall that.

23                  **MR. ENGELMANN:** All right.

24                  Sir, were you aware that there were  
25                  limitation periods with respect to canonical prosecutions

1 of sexual abuse of minors by clergy?

2 Do you know what I mean by "limitation  
3 periods"?

4 **MSGR. LAROCQUE:** Statute of limitation you  
5 mean?

6 **MR. ENGELMANN:** Yes. In other words ---

7 **MSGR. LAROCQUE:** A certain time limit that  
8 you had to report it.

9 **MR. ENGELMANN:** Right. So between 1940 and  
10 1983 we've heard that canonical limitation was between  
11 three and five years depending on the act.

12 **MSGR. LAROCQUE:** Okay. As I say, I'm not a  
13 canon lawyer.

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

15 But in any event, would you have been aware  
16 that for some instances of historical sexual abuse where an  
17 adult would come forward and say they were abused as a  
18 youth, that there may be a canonical limitation period that  
19 would apply so there could not be a canonical prosecution?

20 **MSGR. LAROCQUE:** I would have been aware of  
21 that but I would have been more worried with regard to the  
22 criminal statutes of limitation with the civil law.

23 **MR. ENGELMANN:** Civil law, okay. And, sir,  
24 you would have been aware that with the civil authorities  
25 there would not be a statute of limitations?

1                   **MSGR. LAROCQUE:** That's what I learned, yes.

2                   **MR. ENGELMANN:** All right.

3                   **MSGR. LAROCQUE:** Was there at any time,  
4                   though? I mean I ---

5                   **MR. ENGELMANN:** Not that I know of, sir, not  
6                   that I know of, but certainly the canonical limitation  
7                   periods have increased in time and as at 2001 they became a  
8                   full 10 years; in fact, 10 years from age of majority, so  
9                   up to age 28.

10                  **MSGR. LAROCQUE:** That's right.

11                  **THE COMMISSIONER:** Well, I think we've  
12                  earmarked an issue that I think at some point-in-time in  
13                  the *Criminal Code* for some very limited sexual acts of  
14                  sexual abuse or whatever, there were limitation periods.

15                  **MR. ENGELMANN:** I stand corrected.

16                  **THE COMMISSIONER:** Subject to that.

17                  **MR. ENGELMANN:** And, sir, you say you became  
18                  aware of limitation periods, civil authorities, and how and  
19                  when was that, do you recall?

20                  **MSGR. LAROCQUE:** I think when the cases  
21                  started to come up, the Deslauriers case and then Father  
22                  Charlie's case as well.

23                  **MR. ENGELMANN:** All right.

24                                 And that would have simply been from  
25                                 discussions with lawyers or police officers?

1                   **MSGR. LAROCQUE:** I think it was with the  
2                   Diocesan lawyer if I'm not mistaken, yes.

3                   **MR. ENGELMANN:** All right. Mr. Leduc?

4                   **MSGR. LAROCQUE:** That's right.

5                   **MR. ENGELMANN:** And, sir, aside from the  
6                   Code of Canon Law, were you familiar with instructions  
7                   "Instructio" that were issued to bishops in 1922 and then  
8                   again in 1962 dealing with procedures for "the worst  
9                   crimes", as they were called?

10                  **MSGR. LAROCQUE:** I would not have been aware  
11                  of that but my canon lawyers working in the Diocese would  
12                  have been. That's why I had them there to consult with  
13                  them because, as I say, I'm not a canon lawyer but I made  
14                  sure that someone has there. And a doctor of canon law for  
15                  a small diocese is a great prize.

16                  **MR. ENGELMANN:** Yes.

17                  **MSGR. LAROCQUE:** Monseigneur Guindon was a  
18                  great help to me in that regard.

19                  **MR. ENGELMANN:** All right. So he had a  
20                  doctorate in canon law, sir?

21                  **MSGR. LAROCQUE:** That's right.

22                  **MR. ENGELMANN:** And he was one of your  
23                  priests in the Diocese?

24                  **MSGR. LAROCQUE:** He was the one whom I would  
25                  consult in that matter, yes.

1                   **MR. ENGELMANN:** Was he in the Diocese when  
2 you were appointed as the Bishop in 1974?

3                   **MSGR. LAROCQUE:** He was, yes.

4                   **MR. ENGELMANN:** And did you have any  
5 knowledge, sir, of what these worst crimes were?

6                   **MSGR. LAROCQUE:** Not that I can recall, no.

7                   **MR. ENGELMANN:** Okay, because they list four  
8 worst crimes and they listed them as homosexuality,  
9 bestiality, abuse of minors by clergy and solicitation in  
10 the confessional. Is that ---

11                   **MSGR. LAROCQUE:** That's right. That  
12 solicitation in the confession, of course, is already in  
13 canon law.

14                   **MR. ENGELMANN:** Yes.

15                   Sir, do you know -- and I believe you've  
16 already indicated that you would have had a secret archives  
17 here?

18                   **MSGR. LAROCQUE:** At one time we did, yes, at  
19 the beginning.

20                   **MR. ENGELMANN:** And would you ---

21                   **MSGR. LAROCQUE:** I had inherited it from my  
22 ---

23                   **MR. ENGELMANN:** Yes.

24                   **MSGR. LAROCQUE:** --- from my predecessors.

25                   **MR. ENGELMANN:** We understand that, again,

1 under the Code of Canon Law there are specific documents  
2 that go into what are called secret archives?

3 **MSGR. LAROCQUE:** That's right.

4 **MR. ENGELMANN:** And that limits access to an  
5 ordinary or I believe a delegate of the ordinary.

6 Would that have been the same here when you  
7 took over the Diocese?

8 **MSGR. LAROCQUE:** That's right. It needed  
9 the permission of the bishop or I had delegated the  
10 archivist to give permission as well.

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

12 And were you aware, sir, whether either of  
13 these Instructios were in your secret archives, the one  
14 from 1922 or the one from 1962?

15 **MSGR. LAROCQUE:** I would not know  
16 personally, no.

17 **MR. ENGELMANN:** Sir, to your knowledge,  
18 either before your time as Bishop or during your time as  
19 Bishop, was there ever a canonical prosecution of any sort  
20 dealing with sexual misconduct or clergy abuse?

21 **MSGR. LAROCQUE:** A strictly canonical  
22 prosecution, no, there was not.

23 **MR. ENGELMANN:** All right.

24 **MSGR. LAROCQUE:** It was just the committee  
25 that I set up for Gilles Deslauriers but that was not



1           officially a tribunal.

2                       **MR. ENGELMANN:** And, sir, prior to that  
3           particular committee being set up, did you have any  
4           experience in dealing with one of these cases before that?

5                       **MSGR. LAROCQUE:** No, I did not.

6                       **MR. ENGELMANN:** Now, given the lack of a  
7           protocol or internal procedure, did you feel it important  
8           after the Deslauriers matter to work on some form of  
9           Diocesan protocol?

10                      **MSGR. LAROCQUE:** Yes, and here I'd like to  
11           make reference to the Summary of Anticipated Evidence that  
12           I think you have on page 10 and 11 -- gives you a resumé of  
13           all that we tried to do with regard to policy and protocol.

14                      **MR. ENGELMANN:** Sir, I'm going to ask you  
15           some questions along the lines of that.

16                      **MSGR. LAROCQUE:** Thank you.

17                      **MR. ENGELMANN:** The Anticipated Evidence  
18           Summary that we give out is a guide for counsel so they  
19           have a sense as to what you're likely to say.

20                      **MSGR. LAROCQUE:** M'hm.

21                      **MR. ENGELMANN:** So that's how we use those  
22           documents here.

23                      **MSGR. LAROCQUE:** Okay.

24                      **MR. ENGELMANN:** We don't use them as an  
25           exhibit. All right?

1                   **MSGR. LAROCQUE:** All right.

2                   **MR. ENGELMANN:** But I'm going to try and  
3 take you through that.

4                   **MSGR. LAROCQUE:** But I may be able to  
5 consult it myself?

6                   **MR. ENGELMANN:** Certainly, sir. If you'd  
7 like to consult it ---

8                   **MSGR. LAROCQUE:** I have your permission to  
9 do so?

10                  **MR. ENGELMANN:** --- as we go through that's  
11 fine.

12                  **THE COMMISSIONER:** Sure. Unless there's any  
13 objections or comments from counsel?

14                   No. Okay.

15                  **MSGR. LAROCQUE:** C'est comme un aide mémoire  
16 vraiment.

17                  **THE COMMISSIONER:** Ca va.

18                  **MR. ENGELMANN:** So I just -- sir, there are  
19 some minutes of Council of Priests meetings ---

20                  **MSGR. LAROCQUE:** Right.

21                  **MR. ENGELMANN:** --- that I want to take you  
22 through.

23                   And my understanding, sir, is that sometimes  
24 the word "Senate" is used interchangeably with Council of  
25 Priests.

1                   **MSGR. LAROCQUE:** They're two words that mean  
2                   the same thing, yes.

3                   **MR. ENGELMANN:** Thank you.

4                   So when he testified earlier during the  
5                   corporate presentation evidence the current Bishop, Paul  
6                   André Durocher, described the Senate of Priests as a subset  
7                   of priests, including the Vicar General and the Chancellor,  
8                   priests selected by their peers and priests named by the  
9                   bishop.

10                  Do you agree with that description, sir?

11                  **MSGR. LAROCQUE:** That's exactly what was  
12                  going on, yes, in my time.

13                  **MR. ENGELMANN:** All right. And when you  
14                  were the Bishop you maintained the Senate?

15                  **MSGR. LAROCQUE:** Yes, I maintained the  
16                  Senate when I arrived. A new bishop has the right to  
17                  disband the Senate and have elections within three months I  
18                  think, but I chose to keep the Senate that was there in  
19                  place beforehand.

20                  **MR. ENGELMANN:** All right. And where there  
21                  elections held during your tenure as Bishop?

22                  **MSGR. LAROCQUE:** Yes, the elections were  
23                  every two or three years if I recall.

24                  **MR. ENGELMANN:** And, sir, your role in the  
25                  Senate, was it to chair the Senate meetings?

1                   **MSGR. LAROCQUE:** I was the chair of the  
2                   Senate meetings.

3                   **MR. ENGELMANN:** And would you also set  
4                   agendas with members of the executive of the Senate?

5                   **MSGR. LAROCQUE:** That's exactly true, yes.

6                   **MR. ENGELMANN:** Was there anything else that  
7                   was specific to your role with the Senate or have I  
8                   captured it?

9                   **MSGR. LAROCQUE:** No, that is pretty well the  
10                  ---

11                  **MR. ENGELMANN:** And, sir, is it fair to say  
12                  that the Senate or Council was a consultative body?

13                  **MSGR. LAROCQUE:** Yes.

14                  **MR. ENGELMANN:** In other words, it made  
15                  recommendations to you?

16                  **MSGR. LAROCQUE:** That's right.

17                  **MR. ENGELMANN:** But it was ultimately your  
18                  decision as to whether to implement any of those  
19                  recommendations?

20                  **MSGR. LAROCQUE:** That's true.

21                  **MR. ENGELMANN:** For example, there wasn't a  
22                  vote; it was your decision?

23                  **MSGR. LAROCQUE:** There were votes on certain  
24                  things to show whether they were in accord with it or not.

25                  **MR. ENGELMANN:** Right.

1                   **MSGR. LAROCQUE:** On motions, for example,  
2                   but with regard to any action taken in the Diocese it had  
3                   to have my permission.

4                   **MR. ENGELMANN:** Fair enough. And, sir, were  
5                   there regularly scheduled meetings of the Senate?

6                   **MSGR. LAROCQUE:** There were, yes.

7                   **MR. ENGELMANN:** And it appears that for some  
8                   years there would be two or three meetings. Was there any  
9                   sort of standard length of time between these meetings or  
10                  did it depend sometimes on whether there were pressing  
11                  issues?

12                  **MSGR. LAROCQUE:** Well, it depended on many  
13                  things. The pressing issues -- in a smaller diocese there  
14                  was not as many issues as in a larger diocese. And so, if  
15                  I recall, we had started every month and we realized it was  
16                  too much and so we made -- we would call the meetings of  
17                  the Senate at the will of the Bishop or at the request of  
18                  some of the members of the Senate.

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

20                  **MSGR. LAROCQUE:** But there were always I  
21                  think at least five to six meetings a year.

22                  **MR. ENGELMANN:** All right. And when you say  
23                  a smaller diocese, approximately how many priests would you  
24                  have been responsible for ---

25                  **MSGR. LAROCQUE:** About 45.

1           **MR. ENGELMANN:** --- at any given time.

2           **MSGR. LAROCQUE:** Forty-five (45) in all.

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

4                   So let's just go to a few of those Senate  
5           minute meetings that -- minutes of Senate meetings that  
6           might have dealt with issues of policies and protocols, and  
7           I want to start, sir -- if the witness could have Exhibit  
8           58, which was the corporate policy or corporate  
9           presentation exhibit. I'm going to be referring him to a  
10          number of tabs in that exhibit so if he could be provided  
11          with it.

12                   We're going to start, sir, with Tab 5 of  
13          Exhibit 58, and I'm assuming that's in his first volume.

14                   **(SHORT PAUSE/COURTE PAUSE)**

15           **MR. ENGELMANN:** Sir, do you have the page  
16          that is now on the screen?

17           **MSGR. LAROCQUE:** Yes, I do.

18           **MR. ENGELMANN:** All right. So these are the  
19          minutes from a Senate meeting on September 25<sup>th</sup>, 1986. And  
20          the people listed, are these all priests of the Diocese?

21           **MSGR. LAROCQUE:** They are, yes.

22           **MR. ENGELMANN:** All right. Monsignor  
23          McDougald and Father Vaillancourt are listed as ex-officio?

24           **MSGR. LAROCQUE:** That's right.

25           **MR. ENGELMANN:** So they don't have any

1 voting rights?

2 MSGR. LAROCQUE: They do, yes, but they're  
3 there because of their position in the Diocese as Vicar  
4 General and Chancellor.

5 MR. ENGELMANN: Okay. So they would be what  
6 would be called your executive. Is that fair?

7 MSGR. LAROCQUE: Not necessarily, no.

8 MR. ENGELMANN: Oh, okay. But they have  
9 specific roles, sir?

10 MSGR. LAROCQUE: They have specific roles  
11 within the Diocese.

12 MR. ENGELMANN: And they're appointed to  
13 those roles or positions by yourself as the Bishop?

14 MSGR. LAROCQUE: They are, yes.

15 MR. ENGELMANN: And were they in those roles  
16 prior to your arrival?

17 MSGR. LAROCQUE: No, I don't believe so,  
18 because Denis Vaillancourt was the second person I ordained  
19 when I arrived in '74.

20 MR. ENGELMANN: All right.

21 Sir, you've got some people listed as deans  
22 and some people listed as elected.

23 MSGR. LAROCQUE: That's right.

24 MR. ENGELMANN: What is the difference  
25 between the two categories?

1                   **MSGR. LAROCQUE:** Well, as we said before,  
2                   the deans are for the different deaneries of the counties,  
3                   the two counties, French and English. There's a French  
4                   dean and an English dean in every county and they are  
5                   chosen by their peers in the deanery and then appointed by  
6                   myself.

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

8                   **MSGR. LAROCQUE:** Whereas the others are  
9                   elected by the deaneries and I have no say about it.

10                  **MR. ENGELMANN:** All right.

11                  Can you tell us just a couple of acronyms?  
12                  The "VG" after McDougald, that's Vicar General; correct?

13                  **MSGR. LAROCQUE:** That's correct, yes.

14                  **MR. ENGELMANN:** And the "CSV" after Roch  
15                  Bougie, what does that mean?

16                  **MSGR. LAROCQUE:** The Congregation -- Les  
17                  Clercs de Saint-Viateur. It's a religious community from  
18                  Quebec.

19                  **MR. ENGELMANN:** So he's a priest of the  
20                  Diocese then or is he ---

21                  **MSGR. LAROCQUE:** He's a priest ---

22                  **MR. ENGELMANN:** --- a religious ---

23                  **MSGR. LAROCQUE:** He's a religious working in  
24                  the Diocese.

25                  **MR. ENGELMANN:** All right.



1                   And did these clerics of St. Viateur, did  
2                   they have a position on your Senate?

3                   **MSGR. LAROCQUE:** No. One of the bylaw --  
4                   one of the laws of the Senate was that the religious  
5                   priests working in the Diocese had to have a representative  
6                   on the Senate which was chosen by themselves.

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

8                   **MSGR. LAROCQUE:** So depending on the number  
9                   of religious priests, they chose one to be their  
10                  representative on the Senate.

11                  **MR. ENGELMANN:** So there could be any number  
12                  of religious orders but one of them would get ---

13                  **MSGR. LAROCQUE:** That's right.

14                  **MR. ENGELMANN:** --- a seat on the Senate?

15                  **MSGR. LAROCQUE:** That's right.

16                  **MR. ENGELMANN:** All right. Now, the minutes  
17                  of these meetings, were they distributed within the  
18                  Diocese?

19                  **MSGR. LAROCQUE:** That's right, yes.

20                  **MR. ENGELMANN:** So would all priests get  
21                  copies of these minutes?

22                  **MSGR. LAROCQUE:** I believe so.

23                  **MR. ENGELMANN:** Do you know if any lay  
24                  people would get copies of these minutes?

25                  **MSGR. LAROCQUE:** Not to my knowledge, no.

1                   **MR. ENGELMANN:** Now, sir, I'm assuming,  
2                   unless you tell me otherwise, that you don't have  
3                   independent recollection of these Senate meetings.

4                   **MSGR. LAROCQUE:** No, I don't.

5                   **MR. ENGELMANN:** Right.

6                   **MSGR. LAROCQUE:** I must admit.

7                   **MR. ENGELMANN:** And who prepares the  
8                   minutes?

9                   **MSGR. LAROCQUE:** The Secretary of the  
10                  Senate.

11                  **MR. ENGELMANN:** Do you recall ---

12                  **MSGR. LAROCQUE:** Usually it's signed. It  
13                  would have been Denis Vaillancourt would have been  
14                  Secretary at that time.

15                  **MR. ENGELMANN:** All right. And, sir, would  
16                  you have -- you would have no reason to doubt the accuracy  
17                  of these minutes?

18                  **MSGR. LAROCQUE:** Well, they're submitted at  
19                  -- in the meetings. The minutes are submitted at the next  
20                  meeting to be adopted by those who are present, corrections  
21                  could be made, so I would -- I would surmise that once they  
22                  have been approved as written by the Senate that they are  
23                  correct.

24                  **MR. ENGELMANN:** All right. Now, if we look  
25                  at Bates page 616, which is the last page of these minutes.

1                   **THE COMMISSIONER:** We don't have Bates pages  
2                   in the exhibits.

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

4                   **THE COMMISSIONER:** Page 5.

5                   **MR. ENGELMANN:** The last page, page 5.

6                   **THE COMMISSIONER:** Yes.

7                   **MSGR. LAROCQUE:** Page 5, yes.

8                   **MR. ENGELMANN:** There's a caption,  
9                   "L'Affaire du Pere Deslauriers."

10                  **MSGR. LAROCQUE:** Yes.

11                  **MR. ENGELMANN:** "Qu'est-ce que en aurait tu  
12                  faire?"

13                  **MSGR. LAROCQUE:** Yes, "So what could we have  
14                  done?"

15                  **MR. ENGELMANN:** Right, and it goes on to say  
16                  -- perhaps I'll let -- should we have a committee to decide  
17                  ---

18                  **MSGR. LAROCQUE:** Could we have a committee -  
19                  - "pour nous dire faut faire" -- to tell us what to do,  
20                  give us a line of conduct in similar situations.

21                  **MR. ENGELMANN:** So there seems ---

22                  **MSGR. LAROCQUE:** "According to Canadian  
23                  law we have no privilege."

24                  **MR. ENGELMANN:** All right. So is what's  
25                  being suggested or at least discussed perhaps the formation

1 of a committee so that there can be some explanation about  
2 how to deal with these matters and to set rules and  
3 procedures to follow in similar cases?

4 **MSGR. LAROCQUE:** That's correct. That's  
5 correct, yes.

6 **MR. ENGELMANN:** There's a reference in  
7 English that you read to us as well. I assume the "we" is  
8 the Diocese:

9 "According to the Canadian law we  
10 have no privilege."

11 **MSGR. LAROCQUE:** Yes.

12 **MR. ENGELMANN:** All right. I knew there  
13 were -- I know there was some discussion about this earlier  
14 with the Deslauriers matter. These were issues that may  
15 have come up there because of an internal or ad hoc  
16 committee report?

17 **MSGR. LAROCQUE:** I'm not sure of the real  
18 reason for it but that could be one of the reasons.

19 **MR. ENGELMANN:** All right. But is perhaps  
20 the reason for this reference the fact that you're  
21 recognising that if you investigate internally, those  
22 documents will then be accessible by civil authorities? Is  
23 that the gist of this comment?

24 **MSGR. LAROCQUE:** No, I don't believe so. I  
25 think the gist of the comment is that according to Canadian

1 law we are not privileged like lawyers or counsellors. I  
2 think that's the real gist of this particular comment.

3 MR. ENGELMANN: Okay, but what documents  
4 would it be that civil authorities then may want to access?

5 MSGR. LAROCQUE: There was no question of  
6 documents at -- I don't think at that time. This is just a  
7 statement that was made, along with other -- it's a  
8 reporting of the conversation that went on.

9 MR. ENGELMANN: All right.

10 MSGR. LAROCQUE: I don't think there's a  
11 connection between the two.

12 MR. ENGELMANN: All right. So it may relate  
13 to just comments that one priest would make to another that  
14 then might be ---

15 MSGR. LAROCQUE: That according to law we  
16 are not exempt; in other words, we're not privileged.

17 MR. ENGELMANN: All right.

18 MSGR. LAROCQUE: Not even in confession I  
19 think. God has not -- but any priest would go to jail  
20 rather than reveal what he has heard in confession.

21 MR. ENGELMANN: Right, because of the Oath  
22 of the Confession?

23 MSGR. LAROCQUE: That's right.

24 THE COMMISSIONER: To your knowledge, sir,  
25 can -- if the person who goes to confession, can they waive

1 that privilege and tell the priest, "Yes, you can divulge"?

2 MSGR. LAROCQUE: I don't believe so.

3 THE COMMISSIONER: Okay.

4 MSGR. LAROCQUE: He can tell.

5 THE COMMISSIONER: Yes, yes.

6 MSGR. LAROCQUE: But the priest cannot, I  
7 don't believe so.

8 MR. ENGELMANN: Okay. Sir, on the previous  
9 page, which is page 4 in your document ---

10 MSGR. LAROCQUE: Yes.

11 MR. ENGELMANN: --- there is a discussion  
12 about -- just be a moment.

13 (SHORT PAUSE/COURTE PAUSE)

14 MR. ENGELMANN: Yes, in the middle  
15 paragraph, en français, there's a discussion about  
16 admission criteria.

17 THE COMMISSIONER: Of vocations you mean?

18 MR. ENGELMANN: Yes.

19 THE COMMISSIONER: Okay.

20 MR. ENGELMANN: I apologise, at paragraph 5.

21 MSGR. LAROCQUE: Vocations, okay, right.

22 MR. ENGELMANN: There appears to be a  
23 discussion about admission criteria for accepting or  
24 admitting candidates from other Dioceses.

25 MSGR. LAROCQUE: Yes.

1                   **MR. ENGELMANN:** And apparently the consensus  
2 was that there was not any criteria.

3                   **MSGR. LAROCQUE:** Yes.

4                   **MR. ENGELMANN:** And there is a discussion  
5 about establishing criteria to accept candidates.

6                   **MSGR. LAROCQUE:** That's right.

7                   **MR. ENGELMANN:** And that this will be done  
8 by a committee.

9                   **MSGR. LAROCQUE:** That's right.

10                  **MR. ENGELMANN:** Do you have any recollection  
11 as to whether this discussion arose because of the  
12 Deslauriers problems?

13                  **MSGR. LAROCQUE:** Absolutely, because he was  
14 from outside the Diocese.

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

16                  **MSGR. LAROCQUE:** And other priests who got  
17 into difficulties were also from outside the Diocese.

18                  **THE COMMISSIONER:** It was Stone; Father  
19 Stone?

20                  **MSGR. LAROCQUE:** Father Stone, yes.

21                  **THE COMMISSIONER:** And didn't Father Stone  
22 leave ---

23                  **MSGR. LAROCQUE:** And Father Lussier was from  
24 outside the Diocese as well.

25                  **THE COMMISSIONER:** All right. Didn't Father

1 Stone -- like this meeting occurred on the 25<sup>th</sup> of September  
2 1986, and when did -- he left in summer of '85?

3 **MSGR. LAROCQUE:** Of '85, yes.

4 **THE COMMISSIONER:** Okay.

5 **MR. ENGELMANN:** All right. So this was a  
6 direct response to -- to some of these priests that you  
7 have mentioned; these three priests who had come from  
8 outside the Diocese? You wanted to have some kind of an  
9 admission criteria?

10 **MSGR. LAROCQUE:** It wasn't I, it was the  
11 Senate as a whole.

12 **MR. ENGELMANN:** There was a consensus?

13 **MSGR. LAROCQUE:** As a whole, yes.

14 **MR. ENGELMANN:** Fair enough?

15 **MSGR. LAROCQUE:** Yes.

16 **MR. ENGELMANN:** All right.

17 **THE COMMISSIONER:** Well, just a minute now  
18 please. And I'm ---

19 **MSGR. LAROCQUE:** It's a report. You see,  
20 the report is from Father Dubé and Father Ostler, who were  
21 the vocation directors, and so they would be the ones who  
22 would have proposed this to the Senate that we should get a  
23 criteria for admitting -- for admitting non-native priests  
24 to the Diocese, to work in the Diocese.

25 **THE COMMISSIONER:** And did you support this



1 motion? Were you in agreement with this?

2 MSGR. LAROCQUE: It wasn't a motion, as you  
3 see. It was just a report.

4 THE COMMISSIONER: All right.

5 MSGR. LAROCQUE: It was made at the Senate.  
6 I had nothing to do with what was said. This is a record  
7 of what the report said.

8 THE COMMISSIONER: Right.

9 MR. ENGELMANN: At this point in time, and  
10 we'll track this issue but it's my understanding that a  
11 committee gets set up and in fact there are admission  
12 criterion that are established.

13 MSGR. LAROCQUE: That's true.

14 MR. ENGELMANN: We see that in some of the  
15 minutes that follow.

16 MSGR. LAROCQUE: That's right.

17 MR. ENGELMANN: And I just wanted to confirm  
18 why and you've told us, but at this point in time in the  
19 fall of 1986 would the Diocese be completely reliant upon -  
20 - well, coming to -- with respect to new priests --  
21 seminaries screening candidates?

22 MSGR. LAROCQUE: Yes.

23 MR. ENGELMANN: And ---

24 MSGR. LAROCQUE: The vocation directors and  
25 myself, I would meet the candidates before ---

1                   **MR. ENGELMANN:** Yes.

2                   **MSGR. LAROCQUE:** --- we even presented it to  
3 the seminary to get the background of their family and  
4 their own background, and so there is a certain sifting  
5 that took place at that time but the seminaries themselves  
6 were -- that's one of the their responsibilities over the  
7 seven now eight-year period is to screen the candidates  
8 that come in for the priesthood.

9                   **MR. ENGELMANN:** And they're to give you  
10 reports on issues of concern they may have with these  
11 candidates.

12                   **MSGR. LAROCQUE:** There was a yearly report  
13 on each candidate to the Bishop personally.

14                   **MR. ENGELMANN:** But, as I understand it, the  
15 Diocese would sponsor individuals to go through ---

16                   **MSGR. LAROCQUE:** That's right.

17                   **MR. ENGELMANN:** --- this religious training;  
18 that the Diocese would actually pay for the religious  
19 training, with the expectation that the priest would then -  
20 --

21                   **MSGR. LAROCQUE:** They would pay whatever  
22 they could pay and we'd loan them money for the rest, which  
23 they -- for which they wrote out a promissory note that  
24 they would pay back with no interest ---

25                   **MR. ENGELMANN:** Right.

1                   **MSGR. LAROCQUE:** --- to the Vocation Fund.

2                   **MR. ENGELMANN:** Right. And that was  
3 something that they were to do once they were incardinated  
4 back in the Diocese?

5                   **MSGR. LAROCQUE:** Once they were ordained,  
6 yes.

7                   **MR. ENGELMANN:** Yes, okay. But the  
8 expectation was that if you sponsored a seminarian, that  
9 that seminarian would then come back to your Diocese to  
10 work at the Diocese?

11                   **MSGR. LAROCQUE:** That's true, yes.

12                   **MR. ENGELMANN:** All right. So at the time,  
13 in the fall of '86, with the exception of screening by the  
14 seminary, there would be your meeting with the candidate  
15 and there would also -- as the Bishop, and you would also  
16 meet with the Vocational Director of the seminary?

17                   **MSGR. LAROCQUE:** Not the Vocation Director;  
18 the Vocation Director of the Diocese.

19                   **MR. ENGELMANN:** Oh, I'm sorry.

20                   **MSGR. LAROCQUE:** Not the seminary.

21                   **MR. ENGELMANN:** All right, fair enough.

22                   **MSGR. LAROCQUE:** There's no Vocation  
23 Director in the seminary.

24                   **MR. ENGELMANN:** All right.

25                   **MSGR. LAROCQUE:** There are Spiritual

1 Directors in the seminary.

2 MR. ENGELMANN: Fair enough. And would you  
3 and the Vocational Director actually meet with candidates  
4 for seminary before you would then sponsor them or propose  
5 them for seminary training?

6 MSGR. LAROCQUE: Yes, we would.

7 MR. ENGELMANN: Right. Now, with respect to  
8 priests coming from other Dioceses, like the three you've  
9 just mentioned -- Stone, Lussier and Deslauriers -- what,  
10 if any, screening did you have at this time, 1986?

11 MSGR. LAROCQUE: I didn't admit them. They  
12 were all admitted by my -- by Bishop Brodeur, my  
13 predecessor.

14 MR. ENGELMANN: Okay, fair enough, but what,  
15 if any, screening criterion did you have when you started  
16 in '74 with respect to priests coming from another ---

17 MSGR. LAROCQUE: There was no screening  
18 process except the Bishop contacting the superior or the  
19 Bishop from where they were coming from.

20 MR. ENGELMANN: All right.

21 So you're reliant upon a report from ---

22 MSGR. LAROCQUE: From those who knew the  
23 situation.

24 MR. ENGELMANN: Fair enough.

25 And we've seen some of those reports

1 earlier, for example, from the Diocese of Ogdensburg and  
2 the Montfort Fathers with respect to Father Stone?

3 **MSGR. LAROCQUE:** That's right, yes.

4 **MR. ENGELMANN:** Okay. So it was at least  
5 the consensus of this group, and we'll see it develop in  
6 the '80s -- the mid to late '80s -- that you needed some  
7 kind of criterion for priests coming from elsewhere?

8 **MSGR. LAROCQUE:** That was one document, yes,  
9 and then to deal with complaints of sexual abuse was  
10 another.

11 **MR. ENGELMANN:** Right.

12 So I'm going to try and track those two  
13 issues, if I may, sir.

14 **MSGR. LAROCQUE:** I know.

15 **MR. ENGELMANN:** So if we could look then at  
16 Tab 6 of that same exhibit? If counsel don't have it, it's  
17 600238. And I wanted you to look at this in conjunction  
18 with Tab 7, which is Document Number 600239, and these are  
19 minutes of the Council of Priests dated March 17<sup>th</sup>, 1987.

20 And, sir, the reason I wanted you to just  
21 have your finger on both of these documents is when we look  
22 at the minutes, and it's page 2 of those minutes at Bates  
23 page 621, Number 6, "Diocesan Procedures in the Case of  
24 Indictable Offences".

25 **MSGR. LAROCQUE:** Yes.

1                   **MR. ENGELMANN:** Sir, I believe the document  
2                   that's being referred to is in fact what we see at Tab 6,  
3                   "Principles and Procedures for Clergy in Difficulty".

4                   **MSGR. LAROCQUE:** I would suppose so, yes.

5                   **MR. ENGELMANN:** All right. And I just -- I  
6                   note, sir, it does talk under "Principles", paragraph 2 --  
7                   this is Bates page 617:

8                                   "Clergy and personnel are to be  
9                                   educated on the legal and moral aspect  
10                                  of indictable offences."

11                   **MSGR. LAROCQUE:** That's right.

12                   **MR. ENGELMANN:** So it would be likely, sir,  
13                   that this particular document, "Principles and Procedures  
14                   for Clergy in Difficulty", would have been drafted sometime  
15                   before the March 17<sup>th</sup> meeting?

16                   **MSGR. LAROCQUE:** I think it was, as is  
17                   indicated here in the minutes, it was a feed-in to a  
18                   committee for the CSAO, which is the Ontario Conference of  
19                   Catholic Bishops.

20                   **MR. ENGELMANN:** Right. And did you give  
21                   some kind of presentation on this, sir? Because it says:

22                                   "Monseigneur LaRocque fait une lecture  
23                                  des notes..."

24                   **MSGR. LAROCQUE:** I read the notes that I had  
25                   prepared.

1                   **MR. ENGELMANN:** Right. So you would have  
2 given them at least a summary of what you had prepared for  
3 the Ontario Conference of Catholic Bishops on the issue?

4                   **MSGR. LAROCQUE:** That's right.

5                   **MR. ENGELMANN:** And, sir, do you know who  
6 would have prepared Tab 6, the "Principles and Procedures  
7 for Clergy in Difficulty"?

8                   **MSGR. LAROCQUE:** I really can't remember.

9                   **MR. ENGELMANN:** Do you recall, sir, if you  
10 had some assistance at that time from Father Francis  
11 Morrisey?

12                   **MSGR. LAROCQUE:** I don't believe that I ever  
13 had assistance from Father Frank. I may be mistaken, but I  
14 can't remember that.

15                   **MR. ENGELMANN:** All right. Well, would he,  
16 from time-to-time, give you assistance on issues as an  
17 expert in canon law?

18                   **MSGR. LAROCQUE:** I don't believe so, no,  
19 because I had my own expert right at my hand.

20                   **MR. ENGELMANN:** Father Guindon?

21                   **MSGR. LAROCQUE:** Yes.

22                   **MR. ENGELMANN:** Okay.

23                   And, sir, again, just looking at the minutes  
24 of March 17<sup>th</sup> on the second page again, paragraph 5, there  
25 seems to be a discussion about the criteria for accepting

1 candidates and priests to the Diocese. And Father Kevin --  
2 and I believe that's Kevin Maloney ---

3 **MSGR. LAROCQUE:** It would be, yes.

4 **MR. ENGELMANN:** --- presented some criteria  
5 at that meeting?

6 **MSGR. LAROCQUE:** Yes.

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

8 **MSGR. LAROCQUE:** That's in response to the  
9 minutes of the other ---

10 **MR. ENGELMANN:** Yes.

11 **MSGR. LAROCQUE:** That something was to be  
12 done in this respect.

13 **MR. ENGELMANN:** It appears some work is  
14 being done on that issue.

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** Now, sir, with respect to  
17 the document at Tab 6, the Principles and Procedures for  
18 Clergy in Difficulty, you're not sure who wrote it.  
19 Presumably you would have asked someone to write it for  
20 you, as the Bishop?

21 **MSGR. LAROCQUE:** I can't remember really how  
22 much I wrote of it myself. I suspect that one -- the  
23 citations must have come from church documents.

24 **MR. ENGELMANN:** All right.

25 **MSGR. LAROCQUE:** But the rest must have been



1 drawn up with the help -- I would say at least Father  
2 Vaillancourt, I think by the -- maybe not by that time, but  
3 Father Vaillancourt used to have an office as assistant to  
4 the Marriage Tribunal.

5 MR. ENGELMANN: Okay.

6 MSGR. LAROCQUE: And I don't know at what  
7 time that began, but ---

8 MR. ENGELMANN: Well, sir, we're going to  
9 come to another protocol that he developed ---

10 MSGR. LAROCQUE: Right.

11 MR. ENGELMANN: --- and I believe that would  
12 have occurred in or around 1992.

13 MSGR. LAROCQUE: Okay.

14 MR. ENGELMANN: This is now ---

15 MSGR. LAROCQUE: This may be -- yes. This  
16 would be ---

17 MR. ENGELMANN: Early '87.

18 MSGR. LAROCQUE: Yeah. My only recollection  
19 is that this was a feed-in to the Ontario bishops to try to  
20 develop.

21 Everyone at that time, both on the Ontario  
22 level and on the Canadian level, were trying to develop  
23 procedures because of the Mount Cashel and I think the  
24 Indian situation was starting to -- the Indian residence  
25 schools, and so north of Toronto ---

1                   **MR. ENGELMANN:** All right.

2                   **MSGR. LAROCQUE:** The Christian Brothers  
3 north of Toronto ---

4                   **MR. ENGELMANN:** There were also some high-  
5 profile cases in the United States?

6                   **MSGR. LAROCQUE:** Yes. And so all that was  
7 brewing at the same time and we were all trying to develop  
8 some kind of criteria in order to be able to respond to  
9 this -- a critical need at that time.

10                  **MR. ENGELMANN:** All right. So whether this  
11 was developed in part by assistance from colleagues at the  
12 Ontario Conference or internally at the Diocese of  
13 Alexandria-Cornwall, sir ---

14                  **MSGR. LAROCQUE:** I think that this was  
15 developed internally because it's a feed-in to the Ontario  
16 bishops.

17                  **MR. ENGELMANN:** All right.

18                  **MSGR. LAROCQUE:** So if it's a feed-in, it  
19 means that I'm not getting anything from them at that time  
20 anyway.

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

22                               Well, no matter who wrote it or how much of  
23 it you would have written ---

24                  **MSGR. LAROCQUE:** But it's signed by myself,  
25 so I've taken the responsibility for it.

1                   **MR. ENGELMANN:** Right.

2                   And so therefore, sir, if it's signed by  
3                   you, you would have approved it for use at least within  
4                   this Diocese?

5                   **MSGR. LAROCQUE:** That's right, as a draft at  
6                   least.

7                   **MR. ENGELMANN:** Fair enough.

8                   **MSGR. LAROCQUE:** Yes.

9                   **MR. ENGELMANN:** All right. And would that  
10                  have been in or around the spring of 1987 probably, given  
11                  the reference in these minutes?

12                  **MSGR. LAROCQUE:** I would suppose so, yes.

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

14                  **MSGR. LAROCQUE:** The document itself is not  
15                  dated.

16                  **MR. ENGELMANN:** No. And that's why I was  
17                  trying to tie in the date with those minutes.

18                  **MSGR. LAROCQUE:** Yeah. Okay.

19                  **MR. ENGELMANN:** And, sir, just on the  
20                  document itself, under the "Principles" you're saying:

21                                "The Diocese goes on record to take  
22                                matters of clergy misdemeanours  
23                                seriously out of concern for the  
24                                members of the clergy as well as those  
25                                affected. Before these are legal

1                   problems, they are pastoral problems."

2                   Do you know what is meant by that, "Before  
3                   they are legal problems, they are pastoral problems"?

4                   **MSGR. LAROCQUE:** For us a Diocese, our main  
5                   responsibility is the pastoral effects of these evil acts  
6                   that are perpetrated on members of the church or members  
7                   outside the church.

8                   And so pastoral means that the spiritual  
9                   concern for what's going on or for the perpetrator who is  
10                  acting contrary to all the very purposes of his ordination,  
11                  as well as the victims who have a right to be protected,  
12                  really, from this kind of action because it's so contrary  
13                  to what the church is all about.

14                  **MR. ENGELMANN:** All right. So when you say  
15                  ---

16                  **MSGR. LAROCQUE:** Pastoral refers to ---

17                  **MR. ENGELMANN:** Providing pastoral  
18                  assistance to both a victim or perpetrator?

19                  **MSGR. LAROCQUE:** Well, it's a pastoral  
20                  concern for us as a local -- as a Diocese.

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

22                  **MSGR. LAROCQUE:** That's what it means, I  
23                  believe.

24                  **MR. ENGELMANN:** All right.

25                  **MSGR. LAROCQUE:** It doesn't mean that the

1 legal problem is not important, but for us as a Diocese,  
2 the legal problem is not the first concern. The first  
3 concern is the pastoral concern. That's, I think, what  
4 that sentence means.

5 **MR. ENGELMANN:** All right. Fair enough.

6 **THE COMMISSIONER:** But do you not agree that  
7 sometimes the legal concern and the pastoral concern may  
8 conflict in the sense that it may be to your -- to the  
9 Diocese's advantage to avoid scandal as opposed to, by  
10 putting into the criminal hands, it will become public and  
11 then cause some pastoral concerns?

12 **MSGR. LAROCQUE:** That was the thinking at a  
13 certain time in the church.

14 I think that thinking has now been put  
15 aside.

16 **THE COMMISSIONER:** Okay.

17 So back in -- when you drafted or had  
18 someone draft these principles ---

19 **MSGR. LAROCQUE:** We would still probably  
20 have been in that context to a certain extent, yes. You're  
21 quite right.

22 **THE COMMISSIONER:** Thank you.

23 **MR. ENGELMANN:** Sir, it talks about in the  
24 second paragraph under "Principles" that:

25 "Clergy and personnel are to be

1                           educated on the legal and moral aspects  
2                           of indictable offences."

3                           Would it be fair to say then, sir, that it  
4 would be important to have this document distributed to all  
5 your clergy and personnel of the Diocese?

6                           **MSGR. LAROCQUE:** Yes, I would suppose yes.

7                           **MR. ENGELMANN:** And do you know, sir, other  
8 than distributing it, would it also -- presumably, it would  
9 have been important to educate or train people on some of  
10 these issues?

11                           **MSGR. LAROCQUE:** That's correct. We did  
12 have training sessions for the priests and deacons. I can  
13 remember ---

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

15                           **MSGR. LAROCQUE:** --- at least a priest from  
16 St. Paul, Jeannine Guindon from the Institute for  
17 Rehabilitation Information in Montreal, and a deacon from -  
18 - was a psychologist or psychiatrist from Pembroke. Those  
19 three I remember ---

20                           **MR. ENGELMANN:** All right.

21                           **MSGR. LAROCQUE:** --- addressing.

22                           **MR. ENGELMANN:** I know that in or around  
23 '92, and we'll come to it, you had a fellow from Southdown  
24 here, Father J. Loftus?

25                           **MSGR. LAROCQUE:** Yeah, he was the Director

1 of Southdown, yes.

2 MR. ENGELMANN: So that would be an example  
3 of education ---

4 MSGR. LAROCQUE: I'm not -- that would be  
5 another example, yes.

6 MR. ENGELMANN: All right.

7 You would agree, sir, that this document  
8 deals with more than sexual abuse, correct? It deals with  
9 other forms of illegal and/or immoral behaviour?

10 MSGR. LAROCQUE: That's right, yes.

11 MR. ENGELMANN: Because I just note, you  
12 seem to have a list of indictable offences but it appears  
13 not to be a full list. It says ---

14 MSGR. LAROCQUE: No, it doesn't.

15 MR. ENGELMANN: "Drunk driving,  
16 embezzlement of funds; child abuse;  
17 teenage or retarded adult sexual  
18 assault."

19 MSGR. LAROCQUE: Right.

20 MR. ENGELMANN: Okay.

21 MSGR. LAROCQUE: And there were three dots -  
22 --

23 MR. ENGELMANN: Yes.

24 MSGR. LAROCQUE: --- to show that ---

25 MR. ENGELMANN: This was not a complete

1 list.

2 MSGR. LAROCQUE: That's right.

3 MR. ENGELMANN: Those were but some  
4 examples?

5 MSGR. LAROCQUE: Exactly.

6 MR. ENGELMANN: And I -- would it be fair to  
7 say that when you use the term "child abuse" that could  
8 either be physical or sexual abuse of a child?

9 MSGR. LAROCQUE: I would have -- I believe  
10 so, but I think it would be mostly sexual abuse.

11 MR. ENGELMANN: That was the ---

12 MSGR. LAROCQUE: In the context in which it  
13 was being ---

14 MR. ENGELMANN: Fair enough. Fair enough.  
15 And when you refer to the others, the  
16 concern there is teenage or sort of a dependent adult,  
17 someone who's vulnerable?

18 MSGR. LAROCQUE: That's right, yes.

19 MR. ENGELMANN: And so it's not just young  
20 children, it's also teenagers and those who may be  
21 dependent adults ---

22 MSGR. LAROCQUE: Yes. Right.

23 MR. ENGELMANN: --- that you're concerned  
24 about in this protocol?

25 MSGR. LAROCQUE: That's right.



1                   **MR. ENGELMANN:** And sir, again, when we're  
2 talking about education, it wouldn't just be of the legal  
3 and moral aspects of the indictable offences, it would also  
4 be about the care, the support and the aftercare?

5                   **MSGR. LAROCQUE:** That's stated in three and  
6 four I think.

7                   **MR. ENGELMANN:** Now, the document says under  
8 "Procedures" that:

9                                   "The Bishop will refer the  
10                                   complainant to a third party."

11                   Do you see that? It's near the bottom of  
12 the page.

13                   **MSGR. LAROCQUE:** Yes, yes.

14                   **MR. ENGELMANN:** And it also says that:

15                                   "The reception of the complainant  
16                                   without confrontation does not imply  
17                                   that the accused is guilty and every  
18                                   effort must be made to obtain the  
19                                   facts."

20                   **MSGR. LAROCQUE:** That's correct.

21                   **MR. ENGELMANN:** All right. So I take it  
22 from that, that the idea was that when taking the story  
23 from the complainant, you are to avoid being  
24 confrontational in any way?

25                   **MSGR. LAROCQUE:** Not I but the person

1 responsible.

2 MR. ENGELMANN: The person you designate?

3 MSGR. LAROCQUE: That's right.

4 MR. ENGELMANN: All right.

5 MSGR. LAROCQUE: They're trying to get the  
6 facts ---

7 MR. ENGELMANN: Yes.

8 MSGR. LAROCQUE: --- as much as possible.

9 MR. ENGELMANN: And then on the next page  
10 you're saying that:

11 "Upon verification of the facts, help  
12 must be provided to both the victim and  
13 the clergy member; support provided to  
14 both."

15 MSGR. LAROCQUE: That's right.

16 MR. ENGELMANN: Now, sir, a little further  
17 down the page under "Aftercare" ---

18 MSGR. LAROCQUE: Yes.

19 MR. ENGELMANN: --- it says:

20 "It is recommended that the following  
21 canonical and legal procedures also  
22 attend the more serious cases."

23 And you see there, "Immediate suspension" is  
24 the first one?

25 MSGR. LAROCQUE: That's right.

1                   **MR. ENGELMANN:** The second one is:  
2                                "Immediate treatment and support of the  
3                                member of the clergy and victims."  
4                   **MSGR. LAROCQUE:** Right.  
5                   **MR. ENGELMANN:** And three is "Plea  
6                   bargaining".  
7                   **MSGR. LAROCQUE:** Right.  
8                   **MR. ENGELMANN:** Right?  
9                                So let me just ask, did you have some sense,  
10                   sir, as to what the more serious cases would be?  
11                   **MSGR. LAROCQUE:** I don't understand.  
12                   **MR. ENGELMANN:** Perhaps I can make a  
13                   suggestion.  
14                                This policy or protocol deals with a number  
15                   of indictable offences; correct?  
16                   **MSGR. LAROCQUE:** That's right.  
17                   **MR. ENGELMANN:** One of them that's listed is  
18                   drunk driving?  
19                   **MSGR. LAROCQUE:** Right.  
20                   **MR. ENGELMANN:** Okay. Would you -- not to  
21                   make too much of a hierarchy here, but would you agree with  
22                   me here that the sexual abuse of a child or a youth would  
23                   be a more serious case?  
24                   **MSGR. LAROCQUE:** Certainly, yes.  
25                   **MR. ENGELMANN:** All right. So what's being

1 suggested here then in the more serious cases, would be an  
2 immediate suspension of the priest?

3 **MSGR. LAROCQUE:** That's right, but if he has  
4 embezzled a great deal of many that belongs to the parish,  
5 that also could be a serious offence.

6 **MR. ENGELMANN:** That's a breach of trust.  
7 Is that fair, sir?

8 **MSGR. LAROCQUE:** Well, so is the other.

9 **MR. ENGELMANN:** Exactly. So you would agree  
10 that in cases where a priest ---

11 **MSGR. LAROCQUE:** A serious breach of trust.

12 **MR. ENGELMANN:** Yes. So a serious breach of  
13 trust could be the embezzlement of Diocesan funds, for  
14 example ---

15 **MSGR. LAROCQUE:** Or other funds.

16 **MR. ENGELMANN:** Yes. And it certainly could  
17 be the misuse of a position of trust that a priest would  
18 have with a parishioner?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. ENGELMANN:** And some kind of sexual  
21 assault or sexual abuse?

22 **MSGR. LAROCQUE:** Exactly, yes.

23 **MR. ENGELMANN:** Now, sir, I'm curious about  
24 the third point. It says, "Plea bargaining" and then it  
25 says, "If necessary to avoid litigation or incarceration".

1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** Do you have some sense as to  
3 what is meant by that?

4                   **MSGR. LAROCQUE:** I think that I got from a  
5 lawyer because -- I mean, I don't know much about law. So  
6 I would imagine that might come from our Diocesan lawyer.

7                   **MR. ENGELMANN:** Okay.

8                   **MSGR. LAROCQUE:** And ---

9                   **MR. ENGELMANN:** Are we getting back to the  
10 discussion you had with the Commissioner a few minutes ago,  
11 that that might be, perhaps, a reason for this not to  
12 become a scandal?

13                   **MSGR. LAROCQUE:** That's right. I think  
14 probably that would have been one of the reasons at least  
15 for this.

16                   **MR. ENGELMANN:** All right.

17                   **MSGR. LAROCQUE:** If it's possible to avoid a  
18 public scandal.

19                   **MR. ENGELMANN:** Now, there's also a comment  
20 under -- and it's underlined. It says,  
21 "Confidentiality..."

22                   **MSGR. LAROCQUE:** Yes.

23                   **MR. ENGELMANN:** It says:

24                               "...is not safeguarded in the courts.  
25                               Legal..."

1 And I think that should say:

2 "...advice and assistance..."

3 **MSGR. LAROCQUE:** Yes, "advice", yes.

4 **MR. ENGELMANN:** "...is available to all  
5 members of the clergy involved in  
6 criminal investigations."

7 **MSGR. LAROCQUE:** Yes.

8 **MR. ENGELMANN:** Now again, sir, what seems  
9 to be the concern there, "Confidentiality is not  
10 safeguarded in the courts"?

11 **MSGR. LAROCQUE:** It's pretty well the same  
12 thing as we've already discussed, I think.

13 **MR. ENGELMANN:** This is something that ---

14 **MSGR. LAROCQUE:** That we have no legal  
15 privilege.

16 **MR. ENGELMANN:** So this could be out there,  
17 so to speak, in the public domain?

18 **MSGR. LAROCQUE:** That's right.

19 **MR. ENGELMANN:** And that was a concern, at  
20 least in 1986 or '87, when this was drafted?

21 **MSGR. LAROCQUE:** Exactly.

22 **MR. ENGELMANN:** Now, the reference to:  
23 "Legal advice and assistance is  
24 available to all members of the clergy  
25 involved in criminal investigations."

1                   Sir, is it fair to assume then that the  
2                   policy or protocol here is suggesting that legal fees will  
3                   be paid for clergy who are involved in criminal  
4                   investigations? That was the intent?

5                   **MSGR. LAROCQUE:** That was the intent. Under  
6                   normal circumstances, yes.

7                   **MR. ENGELMANN:** Okay. Well, there would  
8                   have to be something unusual or exceptional to take them  
9                   out of these circumstance?

10                  **MSGR. LAROCQUE:** As in the case of Father  
11                  Deslauriers.

12                  **MR. ENGELMANN:** All right.

13                  **MSGR. LAROCQUE:** Where he had a substantial  
14                  amount of money ---

15                  **MR. ENGELMANN:** Right. So if the priest was  
16                  ---

17                  **MSGR. LAROCQUE:** --- we did not pay the  
18                  legal fees for Father Deslauriers.

19                  **MR. ENGELMANN:** Right. So if a priest was,  
20                  for some reason, well-heeled ---

21                  **MSGR. LAROCQUE:** Depends on how well -- how  
22                  he got his well-heeledness.

23                  **MR. ENGELMANN:** Fair enough. Fair enough.

24                  Now, there's no mention at all in this  
25                  document about any duty to report to the Children's Aid

1 Society.

2 **MSGR. LAROCQUE:** No. And I mean, if I can  
3 speak to that, even the police, in the case of Father  
4 Charles at least, had not reported it either. So it was  
5 not clear I think at that time, at least to me and I think  
6 to them that a historical sexual assault should be reported  
7 to the CAS.

8 **MR. ENGELMANN:** All right.  
9 Well, you are jumping ahead now till 1993.

10 **MSGR. LAROCQUE:** I know but ---

11 **MR. ENGELMANN:** And you're dealing with the  
12 issue of historical sexual assaults.

13 **MSGR. LAROCQUE:** That's right.

14 **MR. ENGELMANN:** So at the time of the Father  
15 Charlie matter, which we'll get to, you're saying there was  
16 some confusion.

17 **MSGR. LAROCQUE:** There was.

18 **MR. ENGELMANN:** About whether or not you had  
19 a legal duty to report.

20 **MSGR. LAROCQUE:** That's right.

21 **MR. ENGELMANN:** What about a moral duty,  
22 sir? The Children's Aid Society is there. It's there to  
23 protect children of all sorts.

24 **MSGR. LAROCQUE:** Well, that's the very  
25 point. The very point is that if he has abused a child and



1           it's only the one case 20 years ago it doesn't mean that he  
2           has always -- he's been abusing ever since.

3                       **MR. ENGELMANN:** No, but if a person is in a  
4           position of trust and in a position where they have access  
5           to children and youth ---

6                       **MSGR. LAROCQUE:** Yes.

7                       **MR. ENGELMANN:** --- that may be of concern,  
8           correct?

9                       **MSGR. LAROCQUE:** It's a concern but it  
10          depends. There are different degrees of concern.

11                      **MR. ENGELMANN:** But ---

12                      **MSGR. LAROCQUE:** It's also a concern of, you  
13          know, are you going to remove a priest for the mere  
14          allegation of something that happened 30 years ago when his  
15          parishioners need his help and there's nobody else to put  
16          in his place? That's what I mean by the varieties of  
17          concern or various degrees of concern for myself as a  
18          Bishop.

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

20                      This policy in any event appears to address  
21          that issue though, sir, in the sense that it says immediate  
22          suspension for a serious charge.

23                      **MSGR. LAROCQUE:** Exactly, that's right.

24                      **MR. ENGELMANN:** But with respect to the duty  
25          to report issue there's no reference here, sir, whether

1           it's historical or current of any duty to report to the  
2           Children's Aid Society.

3                   **MSGR. LAROCQUE:** Because it didn't enter  
4           into our minds, I think, at that time.

5                   **MR. ENGELMANN:** All right.

6                   So you would agree, sir, that that's lacking  
7           from this policy or protocol?

8                   **MSGR. LAROCQUE:** Absolutely, yes.

9                   **MR. ENGELMANN:** All right.

10                   **MSGR. LAROCQUE:** But we had to put it within  
11           the historical context, you know. It's 20/20 vision when  
12           you're dealing from this angle.

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

14                   **MSGR. LAROCQUE:** But when you're back in the  
15           situation itself I think it's -- we have to try to see  
16           things as they were 20 years ago.

17                   **MR. ENGELMANN:** All right.

18                   Well, this policy, sir, as I understand it  
19           continued in existence until approximately May of 1992 when  
20           we get a policy or a protocol that's drafted by Father  
21           Vaillancourt.

22                   **MSGR. LAROCQUE:** It would have been there as  
23           a draft policy as I referred ---

24                   **MR. ENGELMANN:** Right.

25                   **MSGR. LAROCQUE:** --- to Mr. Hunter from

1 Newfoundland when I wrote to him. He had asked for  
2 whatever policies we might have.

3 MR. ENGELMANN: Yeah. Well, this particular  
4 policy ---

5 MSGR. LAROCQUE: It indicates, in other  
6 words it's a draft because it's an ongoing thing.

7 MR. ENGELMANN: Yes.

8 MSGR. LAROCQUE: It's not the final word, in  
9 other words.

10 MR. ENGELMANN: All right.

11 But the one we're looking at now ---

12 MSGR. LAROCQUE: Yes.

13 MR. ENGELMANN: --- "Principles and  
14 Procedures for Clergy in Difficulty" that remained your  
15 policy and your protocol for dealing with these issues  
16 until it was replaced by the Vaillancourt document in or  
17 around 1992?

18 MSGR. LAROCQUE: That would probably be so,  
19 yes.

20 MR. ENGELMANN: Right.

21 And this particular document has no mention  
22 of reporting either current or historical abuse to the CAS?

23 MSGR. LAROCQUE: You've said that before,  
24 yes.

25 MR. ENGELMANN: Right?

1                   **MSGR. LAROCQUE:** I don't think it has to be  
2                   repeated really, you know. I'm sorry but ---

3                   **MR. ENGELMANN:** Well, sir, there was some  
4                   confusion about historical/current. I just want to talk  
5                   about the document.

6                   **MSGR. LAROCQUE:** Okay.

7                   **MR. ENGELMANN:** Nor does it have any  
8                   requirement to report to the civil authorities generally,  
9                   in other words, the police. Correct?

10                  **MSGR. LAROCQUE:** That's true.

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

12                  **MSGR. LAROCQUE:** It's not mentioned in here  
13                  so I have to admit that's true.

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

15                  And the reason I said I think this had been  
16                  in place for some time, and I just wanted to refer you to  
17                  this very briefly, is you had some correspondence and you  
18                  just mentioned it, sir, with a Mr. Gordon Winter.

19                  And if you could turn to Tab 12 of the book  
20                  you have, Exhibit 58?

21                  **MSGR. LAROCQUE:** M'hm.

22                  **MR. ENGELMANN:** Counsel, it's 600244.

23                  As I understand it, sir, just by way of  
24                  background, Gordon Winter is heading up the Winter  
25                  Commission in St. John's, Newfoundland and this is in 1989.

1 Do you recall that, sir?

2 **MSGR. LAROCQUE:** That's what the letter  
3 says.

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

5 You are writing to him and he's written to  
6 you, has he not?

7 **MSGR. LAROCQUE:** He has made the request,  
8 yes.

9 **MR. ENGELMANN:** Yeah, and he's -- he's made  
10 a request to all dioceses and archdioceses for any types of  
11 policies they might have, policies and/or protocols dealing  
12 with this issue of clergy abuse?

13 **MSGR. LAROCQUE:** I really wouldn't know. I  
14 mean I received it but I don't know how many others  
15 received it. That's not within my knowledge.

16 **MR. ENGELMANN:** All right. Fair enough.

17 And you knew that he had been tasked by the  
18 Archdiocese of St. John's to look into clergy abuse in that  
19 particular archdiocese?

20 **MSGR. LAROCQUE:** Yes, I was aware of that.

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

22 And you indicate in the letter that this  
23 policy is currently under revision and you attach a copy of  
24 the document we have just been looking at, "Principles and  
25 Procedures for Clergy in Difficulty"?

1                   **MSGR. LAROCQUE:** That's right.

2                   **MR. ENGELMANN:** All right.

3                   **MSGR. LAROCQUE:** I refer to it as a draft  
4 copy.

5                   **MR. ENGELMANN:** Right. But it was the  
6 guideline that you had in place that you were working on  
7 revising?

8                   **MSGR. LAROCQUE:** That's right.

9                   **MR. ENGELMANN:** And sir, if we could just  
10 look at some of the work then? If you could turn to --  
11 actually, I don't think is an Exhibit 58. It's Document  
12 Number 129778.

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

14                   **THE COMMISSIONER:** Exhibit 2084 is minutes  
15 from a meeting of the Council of Priests on May 16<sup>th</sup>, 1989.

16                   **--- EXHIBIT NO./PIÈCE NO. P-2084:**

17                                   (129778) Minutes of the Council of Priests  
18 meeting - 16 May 89

19                   **MR. ENGELMANN:** So I'm not sure if you've  
20 had a chance to look at this recently. The reference I'm  
21 going to want to take you to is on the second page under  
22 "Miscellaneous." It's the second caption. It says  
23 "Committee for the Study of Cases of Sexual Aggression."

24                                   That was really the only section, sir, that  
25 I was going to take you to. So if you want to have a quick

1 look at that before I ask the question?

2 (SHORT PAUSE/COURTE PAUSE)

3 MSGR. LAROCQUE: Yes.

4 MR. ENGELMANN: So this is May of 1989 and  
5 this is about five or six months before you write to Mr.  
6 Winter. It appears at one of the Council of Priests  
7 meetings that there is a discussion about requirements  
8 either from your insurer or insurance companies generally.  
9 Is that fair, sir?

10 MSGR. LAROCQUE: I suspect that this comes  
11 from the Ontario Bishops -- Conference of Bishops and that  
12 this was -- this knowledge was made -- revealed to us there  
13 and that I'm communicating to them what the insurance  
14 companies, the brokers really for all the dioceses of  
15 Ontario, had told us.

16 MR. ENGELMANN: So if there were issues that  
17 come up at the Ontario Conference you would regularly  
18 report these back to your Council of Priests?

19 MSGR. LAROCQUE: If it dealt with matters  
20 that were necessarily for them to know, yes.

21 MR. ENGELMANN: All right.

22 So it would appear that there was no  
23 committee for the study of cases of sexual aggression in  
24 place yet. And when I say yet I mean May of 1989.

25 MSGR. LAROCQUE: I can't answer that. I'm

1 not sure.

2 **MR. ENGELMANN:** Okay. Well, it's saying  
3 here:

4 "The insurance companies require that  
5 such a committee be in place so as to  
6 protect the Diocese and the insurance  
7 companies themselves."

8 And it also says:

9 "Any incident of sexual aggression  
10 must..."

11 And that's being highlighted:

12 "...be reported within the 24 hours  
13 following the incident."

14 **MSGR. LAROCQUE:** M'hm.

15 **MR. ENGELMANN:** And sir, I don't know if you  
16 can recall this but presumably that would mean within 24  
17 hours of the Diocese receiving a complaint?

18 **MSGR. LAROCQUE:** That's right.

19 **MR. ENGELMANN:** And did you set up  
20 something, sir, to ensure that these incidents would be  
21 reported to your insurance company within 24 hours of a  
22 report to the Diocese?

23 **MSGR. LAROCQUE:** Well, I so advised the  
24 financial -- I think the financial man is the one who would  
25 have been dealing with the insurance companies.



1                   **MR. ENGELMANN:** Would that be Mr. Bryan?

2                   **MSGR. LAROCQUE:** Mr. Bryan or I guess  
3                   Monsignor Leduc before 1984.

4                   **MR. ENGELMANN:** I just don't want to get  
5                   confused here. This is not Jacques Leduc? This is a ---

6                   **MSGR. LAROCQUE:** Oh, no.

7                   **MR. ENGELMANN:** --- a priest by the name ---

8                   **MSGR. LAROCQUE:** This is a priest by the  
9                   name of Leduc who is deceased.

10                  **MR. ENGELMANN:** All right.

11                  **MSGR. LAROCQUE:** No, it would probably have  
12                  been Gordon Bryan as I recall because ---

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

14                  But you would have requested that someone in  
15                  your ---

16                  **MSGR. LAROCQUE:** I would have advised him of  
17                  this necessity because he was the one who dealt with the  
18                  insurance.

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

20                  So this would have been an impetus as well,  
21                  sir, for revising your internal policy.

22                  **MSGR. LAROCQUE:** That's what I mean when we  
23                  say that there's always something coming in.

24                  **MR. ENGELMANN:** Yes, all right.

25                  **MSGR. LAROCQUE:** It was an evolutionary

1 process, really.

2 MR. ENGELMANN: Sir, then if we could also  
3 take a look at -- it's Exhibit 1858. The Document Number  
4 is 129779 as identified in the cross documents. This is  
5 minutes of the Senate of Priests meeting of September 13<sup>th</sup>,  
6 1989.

7 And, sir, the particular reference in  
8 question is the bottom of the first page. It's paragraph  
9 six, if you could have a look at that?

10 MSGR. LAROCQUE: Yes.

11 (SHORT PAUSE/COURTE PAUSE)

12 MR. ENGELMANN: Sir, this would just be  
13 apparently confirming what you just told us, that this was  
14 coming to you from the Ontario Conference of Catholic  
15 Bishops?

16 MSGR. LAROCQUE: And I was passing it onto  
17 the Senate.

18 MR. ENGELMANN: Yes, and you were providing  
19 an update to the council?

20 MSGR. LAROCQUE: Right.

21 MR. ENGELMANN: And it says:

22 "To many it appears important to  
23 establish a definite policy or  
24 guidelines at the provincial and  
25 national levels concerning all cases of

1 sexual abuse or aggression."

2 MSGR. LAROCQUE: That's right.

3 MR. ENGELMANN: And, sir, it references a  
4 draft that was presented to the diocese by the insurance  
5 companies. Presumably, these are the insurance companies  
6 for the Ontario Conference of Catholic Bishops?

7 MSGR. LAROCQUE: For all the dioceses.

8 MR. ENGELMANN: All the dioceses in Ontario?

9 MSGR. LAROCQUE: Yeah.

10 MR. ENGELMANN: And is that what we see at -  
11 - it's Bates page 035 and it also says "Annex B"?

12 MSGR. LAROCQUE: I'm sorry?

13 MR. ENGELMANN: It's around three or four  
14 pages in.

15 THE COMMISSIONER: Second-to-last page it  
16 was, yeah.

17 MSGR. LAROCQUE: Annex B, yes, okay.

18 MR. ENGELMANN: And, sir, I'm wondering if  
19 this is the generic draft that would have been presented at  
20 the OCCB? The reason for some confusion on my part is it  
21 says, "Diocese of Alexandria-Cornwall" at the top.

22 MSGR. LAROCQUE: Right.

23 MR. ENGELMANN: "Procedures Regarding  
24 Allegations of Sexual Impropriety" but it appears, at least  
25 at looking at it, that this is some kind of a generic

1 document. I'm wondering if this is a document that you  
2 would have gotten from your attendance at one of these  
3 conferences.

4 **MSGR. LAROCQUE:** I have no recollection, to  
5 tell you the truth. It could very well be.

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

7 This was never adopted as a local protocol,  
8 though, was it, sir? I mean if it was, your signature  
9 would be on it?

10 **MSGR. LAROCQUE:** I think this is a feed-in  
11 to what we were doing.

12 **MR. ENGELMANN:** Fair enough. There are  
13 certainly parts of this, sir, that appear to find their way  
14 into a later protocol. So that would be consistent with  
15 your comment about ---

16 **MSGR. LAROCQUE:** Well, this seems to be part  
17 of the criteria for accepting ordained priests to the  
18 diocese. That is -- was this found at the same ---

19 **MR. ENGELMANN:** Yes, I'll come to that, sir,  
20 yeah.

21 **MSGR. LAROCQUE:** Okay. I'm a little  
22 confused but it's ---

23 **MR. ENGELMANN:** No, you're not confused at  
24 all. There are two different matters.

25 **THE COMMISSIONER:** There's two different

1 matters that occurred at that meeting. There's one dealing  
2 with the insurers and the other one dealing with exactly  
3 what you were talking about before, about some kind of ---

4 **MSGR. LAROCQUE:** Criteria?

5 **MR. ENGELMANN:** --- criteria when you get  
6 priests coming from outside the diocese.

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:** Just before I go to that  
9 document though, sir, if we could stay with the more  
10 generic document if I can?

11 **MSGR. LAROCQUE:** All right.

12 **MR. ENGELMANN:** And I will just be a moment.

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

14 **MR. ENGELMANN:** Sir, it's suggesting, at  
15 least in the first paragraph -- and I'm just under the  
16 Annex B.

17 **MSGR. LAROCQUE:** Yes.

18 **MR. ENGELMANN:** It says about the third  
19 line down:

20 "The Bishop will establish a standing  
21 committee..."

22 **MSGR. LAROCQUE:** Yes.

23 **MR. ENGELMANN:** "...to investigate alleged  
24 cases in the diocese involving priests  
25 and/or other persons considered under

1 his control."

2 MSGR. LAROCQUE: Right.

3 MR. ENGELMANN: And it then goes on, and I'm  
4 believing this would be a suggested or generic protocol:

5 "In the event that provincial or  
6 federal laws have been transgressed,  
7 the pertinent authorities will be  
8 informed by the Chairman and the  
9 Bishop."

10 MSGR. LAROCQUE: Right.

11 MR. ENGELMANN: And it also says:

12 "We as a diocese are required by the  
13 terms of our insurance policy coverage  
14 to advise our insurers of any possible  
15 claim. We are also required to not  
16 admit liability."

17 MSGR. LAROCQUE: Right.

18 MR. ENGELMANN: And, sir, I'm just wondering  
19 again, this appears as I say to have been a document  
20 presented by insurance companies to the Ontario Conference  
21 for the various dioceses to consider?

22 MSGR. LAROCQUE: I believe so, yes.

23 MR. ENGELMANN: All right.

24 I'll just be a second.

25 (SHORT PAUSE/COURTE PAUSE)

1                   **MR. ENGELMANN:** And they're talking about  
2                   the need to report at the top of the next page, sir, the  
3                   first full paragraph:

4                                 "The priesthood shall be instructed and  
5                                 reminded annually in writing that they  
6                                 must report all incidences of sexual  
7                                 impropriety to the Committee Chairman  
8                                 and civil authority, whether it  
9                                 involves themselves or another priest  
10                                or person who could be considered to be  
11                                under the direction or control of the  
12                                Roman Catholic Church."

13                                Again, as I see this document, it's  
14                   suggestions for protocols?

15                                **MSGR. LAROCQUE:** M'hm.

16                                **MR. ENGELMANN:** So this would have been a  
17                   document that presumably would have been discussed at this  
18                   Council of Priests meeting, sir?

19                                **MSGR. LAROCQUE:** I'm quite sure it was, yes.

20                                **MR. ENGELMANN:** Okay. All right.

21                                Sir, as well, and you noted this in  
22                   reviewing the documents, there's a reference in the minutes  
23                   and it's the second page in. It's Bates page 031,  
24                   paragraph seven, document on the -- it says "Exception" --  
25                   accepting I think is what it should say:

1                                    "...of candidates and priests to the  
2                                    diocese."

3                    **MSGR. LAROCQUE:** Right. Well, there's a  
4 French version and an English version.

5                    **MR. ENGELMANN:** Okay. And it says:

6                                    "This document does not apply to  
7                                    seminarians."

8                    And I believe this is what we talked about  
9 earlier about priests transferring from other dioceses.  
10 And is that what we see then at Bates page 033 where it  
11 says, "Criteria for Accepting Ordained Priests to the  
12 Diocese"?

13                    **MSGR. LAROCQUE:** Wait a minute now. Can we  
14 go back to what you just had on the -- that number seven  
15 that was on it?

16                    Where is that? Okay, yes. Okay, I see now.

17                    **MR. ENGELMANN:** It appears that the meeting  
18 was moved and seconded, that:

19                                    "The criteria for accepting ordained  
20                                    priests to the diocese be accepted."

21                                    (As read)

22                    **MSGR. LAROCQUE:** That's right.

23                    **MR. ENGELMANN:** As long as the words  
24 "candidates and" be omitted?

25                    **MSGR. LAROCQUE:** Right.



1                   **MR. ENGELMANN:** And then the document that's  
2 attached that says for candidates -- or:

3                               "Criteria for accepting ordained  
4                               priests to the diocese."

5                   **MSGR. LAROCQUE:** Right.

6                   **MR. ENGELMANN:** That would have been  
7 adopted?

8                   **MSGR. LAROCQUE:** I would imagine, yes.

9                   **MR. ENGELMANN:** And would that have been  
10 something then that you would have approved and  
11 implemented, sir, as the Bishop?

12                   **MSGR. LAROCQUE:** Yes, I would imagine so.

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

14                   And the document itself requires that:

15                               "An applicant be interviewed by a panel  
16                               of priests chosen by the Bishop and  
17                               then that panel makes a recommendation  
18                               to the Bishop."

19                   And it also provides in the last point that:

20                               "If an applicant is accepted and  
21                               assigned to a parish, there will also  
22                               be a trial period of three months."

23                   **MSGR. LAROCQUE:** That's right.

24                   **MR. ENGELMANN:** Sir, if we could go back to  
25 Exhibit 58, which is the cerlox book that you were looking

1 at earlier, and I'd like to look at Tab 10, if you might.

2 Counsel, it's Document 600242. We have a  
3 couple of letters from Thérèse Daigneault. She was your  
4 secretary, sir, at the Diocese?

5 MSGR. LAROCQUE: At that time, yes.

6 MR. ENGELMANN: And did you instruct her to  
7 write to the Archbishop of Toronto and also to the Bishop  
8 of London?

9 MSGR. LAROCQUE: That's right.

10 MR. ENGELMANN: And you were seeking copies  
11 of texts for their policies?

12 MSGR. LAROCQUE: If they had any, yes.

13 MR. ENGELMANN: Yeah. And again, this was  
14 part of this ongoing effort to revise ---

15 MSGR. LAROCQUE: Exactly.

16 MR. ENGELMANN: --- a protocol?

17 MSGR. LAROCQUE: To get feed-in for our own  
18 policies.

19 MR. ENGELMANN: Sir, we don't have it, but  
20 do you have any recollection of receiving a response?

21 MSGR. LAROCQUE: I can't remember, really,  
22 but I would suppose that they would have answered one way  
23 or another, but I can't remember.

24 MR. ENGELMANN: That's fine.

25 Sir, if you could then look at Tab 14 of

1 Exhibit 58? And again, these are minutes of a Senate of  
2 Priests meetings, Document Number 600246. And it's a  
3 meeting of November 14<sup>th</sup>, 1989. And at paragraph 7, which  
4 is on the second page, sir, Bates page 649, this is again a  
5 reference to the March 1987 document?

6 **MSGR. LAROCQUE:** Right.

7 **MR. ENGELMANN:** And that's the document  
8 we've looked at earlier, "Principles and Procedures for  
9 Clergy in Difficulty"?

10 **MSGR. LAROCQUE:** Right.

11 **MR. ENGELMANN:** Now, it says -- and I'd  
12 asked you this earlier about the need to distribute that  
13 document. It says:

14 "The document should..."

15 Presumably the word "be" is missed there.

16 **MSGR. LAROCQUE:** Right.

17 **MR. ENGELMANN:** "...should [be] used as a  
18 starting point and distributed to the  
19 members of the Council of Priests."

20 **MSGR. LAROCQUE:** Right.

21 **MR. ENGELMANN:** Do you have any idea about  
22 why there's a reference ---

23 **MSGR. LAROCQUE:** Because the membership  
24 keeps changing on the Council of Priests, and so there  
25 would have been new members there.

1                   **MR. ENGELMANN:** All right.

2                   So you want to make sure that the new  
3 members get a copy as well as those that might have  
4 received it back in '87?

5                   **MSGR. LAROCQUE:** Exactly, yes.

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

7                   And, sir, Council of Priests members, you  
8 would agree, sir, if you were educating -- if you want to  
9 educate priests and personnel generally, it would be  
10 important to distribute this beyond the Council to all of  
11 your 45 priests in the Diocese?

12                   **MSGR. LAROCQUE:** Well, I took it for granted  
13 that the deans who had monthly meetings with their priests  
14 in their deaneries would put this on the agenda and would  
15 be discussing it with their priests. I'm quite sure that's  
16 what happened.

17                   Besides the Senate meeting for the whole  
18 Diocese, the Council of Priests, there were also individual  
19 -- each dean in his deanery had a monthly meeting with his  
20 -- which was partly spiritual, praying together, and partly  
21 a business meeting.

22                   **MR. ENGELMANN:** But you would agree with me,  
23 sir, would you not, that as the leader of the Diocese, if  
24 you want to make sure that things are done, it's important  
25 for you sometimes to be explicit about that, some things of

1 importance to you?

2 MSGR. LAROCQUE: I may have been explicit.

3 I'm not sure.

4 MR. ENGELMANN: All right.

5 MSGR. LAROCQUE: But I also put confidence  
6 in priests that they will do what they're supposed to be  
7 doing as deans.

8 MR. ENGELMANN: Sir, if you could then look  
9 at Tab 15? These are the minutes of the Senate from May  
10 29<sup>th</sup>, 1990.

11 Counsel, it's Document 600247.

12 And, sir, I'd ask you to look at -- it's the  
13 fourth page in. It's paragraph 15. It's Bates page 654  
14 under the caption "Diocesan Committee on Sexual Abuse":

15 "Should we organize something at the  
16 Diocesan level or should we wait for  
17 the Bishop's report? It was decided to  
18 wait."

19 MSGR. LAROCQUE: Yes.

20 MR. ENGELMANN: Now, this -- sorry, the date  
21 here, sir, is May 29<sup>th</sup>, 1990.

22 MSGR. LAROCQUE: Right.

23 MR. ENGELMANN: Is the report that's being  
24 referred to, is this the work that's being done by a  
25 taskforce of the Canadian Conference of Catholic Bishops?

1                   **MSGR. LAROCQUE:** It could very well be, yes.

2                   **MR. ENGELMANN:** Okay. We know that a  
3 taskforce was set up in or around 1989.

4                   **MSGR. LAROCQUE:** Right.

5                   **MR. ENGELMANN:** And they worked on a  
6 document that became known as "From Pain to Hope."

7                   **MSGR. LAROCQUE:** Right.

8                   **MR. ENGELMANN:** But that document, although  
9 there were some recommendations that came out in the fall  
10 of '91, a draft, the document itself wasn't promulgated  
11 until approximately June of '92?

12                   **MSGR. LAROCQUE:** Yes.

13                   **MR. ENGELMANN:** Is that likely what we're  
14 being -- what's being talked about here?

15                   **MSGR. LAROCQUE:** I think so, yes.

16                   **MR. ENGELMANN:** All right.

17                   **MSGR. LAROCQUE:** That document has also been  
18 recently revised. So it just shows that the whole thing is  
19 still at an evolutionary process.

20                   **MR. ENGELMANN:** You were aware then, sir --  
21 and I believe you were still Bishop at the time -- that on  
22 its 10<sup>th</sup>-year anniversary there was another subcommittee  
23 struck?

24                   **MSGR. LAROCQUE:** The beginning of a  
25 revision, yes.

1                   **MR. ENGELMANN:** Right. All right.

2                   And would it be fair to say when a decision  
3 is being made to decide to wait, that you perhaps  
4 anticipated that the report would come out before June of  
5 '92?

6                   **MSGR. LAROCQUE:** I didn't.

7                   **MR. ENGELMANN:** You didn't know when it --  
8 -

9                   **MSGR. LAROCQUE:** I don't know.

10                  **MR. ENGELMANN:** All right. Fair enough.

11                  Sir, if we could then look at Tab 16 of  
12 Exhibit 58? It's Document Number 600248. These are the  
13 minutes of the Senate meeting of September 18<sup>th</sup>, 1990. And  
14 I'd like you to look at Bates -- sorry, it's page 3 of your  
15 document, sir, and there's two paragraphs I'd like you to  
16 look at. It's paragraph 9 and paragraph 11. And let's  
17 look at 11 first, if we can. There's a reference to the  
18 Canadian Conference of Catholic Bishops; correct?

19                  **MSGR. LAROCQUE:** Right.

20                  **MR. ENGELMANN:** And they're talking about --  
21 -

22                  **MSGR. LAROCQUE:** No, wait a minute. Number  
23 9 you're at now?

24                  **MR. ENGELMANN:** I wanted to start at Number  
25 11, if we could?

1                   **MSGR. LAROCQUE:** Excuse me. Yes.

2                   **MR. ENGELMANN:** It would appear clear from  
3 the reference there, it says:

4                                 "There's a progress report in the cases  
5 of sexual abuses. The Winter  
6 Commissioner made recommendations to  
7 the Bishops of Canada. There is a  
8 study to deal with the theology of  
9 sexuality. We are studying the  
10 'problematics' between celibacy and  
11 priestly ministry."

12                   **MSGR. LAROCQUE:** Right.

13                   **MR. ENGELMANN:** Sir, it would appear,  
14 therefore, that the CCCB had not yet concluded its work.  
15 That was still in progress?

16                   **MSGR. LAROCQUE:** That would seem to be so,  
17 yes.

18                   **MR. ENGELMANN:** And, sir, if we look under  
19 paragraph 9 where it says "Diocesan Committee on Sexual  
20 Abuse" it says:

21                                 "The time has come that the Diocese has  
22 to set up a committee."

23                                 And then there's some reference to what's  
24 happening in Toronto.

25                   **MSGR. LAROCQUE:** Right.



1                   **MR. ENGELMANN:** All right.

2                   So would it be fair to say, sir, at this  
3 point in time we're just over four years since the  
4 Deslauriers issue has surfaced and certainly there have  
5 been discussions at meetings. There's a statement of  
6 principles and a basic protocol, this "Clergy in  
7 Difficulty" document, but you're still in need of some form  
8 of committee and formal process. Is that fair?

9                   **MSGR. LAROCQUE:** I think I had also  
10 appointed my two priests to be responsible by that time.  
11 I'm not sure, but -- Monsignor McDougald and Father  
12 Poirier.

13                   **MR. ENGELMANN:** Okay. I think that may come  
14 later, but we'll check. That -- I believe that's in ---

15                   **MSGR. LAROCQUE:** I don't know exactly at  
16 what time they started their ---

17                   **MR. ENGELMANN:** All right.

18                   But the consensus of this meeting is that  
19 you shouldn't be waiting for the CCCB; you should be  
20 setting up your committee?

21                   **MSGR. LAROCQUE:** That's right.

22                   **MR. ENGELMANN:** And presumably the report  
23 about the CCCB and the Winter Commission, those would have  
24 been things you brought back to your priests? You would  
25 have given them that update?

1                   **MSGR. LAROCQUE:** I would imagine so, but I  
2                   can't recall.

3                   **MR. ENGELMANN:** And the issue of celibacy  
4                   that's referenced at paragraph 11 ---

5                   **MSGR. LAROCQUE:** That's a theological study  
6                   that they were going ---

7                   **MR. ENGELMANN:** And that's not at a diocesan  
8                   level, sir; that's only at ---

9                   **MSGR. LAROCQUE:** No, that's at the ---

10                  **MR. ENGELMANN:** --- the Conference level?

11                  **MSGR. LAROCQUE:** That's at the Conference  
12                  level.

13                  **MR. ENGELMANN:** And, sir, whether or not --  
14                  sorry, despite the fact you've not set up a committee or  
15                  had perhaps a more formal protocol in place, there's some  
16                  indication that in the fall of 1990, some of your priests  
17                  are speaking out about the problem of child abuse in  
18                  society, and I say that because I understand that the  
19                  Executive Director of the local Children's Aid Society  
20                  wrote to you expressing some appreciation for the message  
21                  that some of your priests were delivering in homilies in  
22                  the fall of that year.

23                  **MSGR. LAROCQUE:** They were instructed to do  
24                  so in their homilies.

25                  **MR. ENGELMANN:** All right.

1 And that instruction would have come from  
2 you, sir?

3 **MSGR. LAROCQUE:** That's right.

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

5 The reason I'm asking is if you want to look  
6 at Tab 17 of Exhibit 58 -- counsel, it's Document Number  
7 600 -- I'm sorry, 600249. There's a letter from Mr. Abell?

8 **MSGR. LAROCQUE:** Yes.

9 **MR. ENGELMANN:** Incidentally, sir, did you  
10 have some relationship with Mr. Abell of any sort?

11 **MSGR. LAROCQUE:** I believe I had met him  
12 once or twice ---

13 **MR. ENGELMANN:** Okay.

14 **MSGR. LAROCQUE:** --- but nothing on an  
15 ongoing basis.

16 **MR. ENGELMANN:** All right.

17 But you knew that he'd recently been  
18 appointed, sir, as the Executive Director of the Children's  
19 Aid Society?

20 **MSGR. LAROCQUE:** Yes.

21 **MR. ENGELMANN:** And he's writing to you;  
22 he's indicating that he's heard a -- he says:

23 "I was personally fortunate enough to  
24 hear Father Doug at St. Columban's give  
25 a very powerful homily on this issue

1 last Sunday."

2 And I think he thanked him for that  
3 personally?

4 **MSGR. LAROCQUE:** That's right.

5 **MR. ENGELMANN:** He says:

6 "I was also sent the text of a powerful  
7 homily delivered by Father Kelvin  
8 Maloney at Blessed Sacrament regarding  
9 child abuse."

10 And again it goes on:

11 "It's clear that your clergy are able  
12 to be strong messengers regarding the  
13 need to put child abuse into the moral  
14 and spiritual context."

15 Sir, do you have some recollection of the  
16 instruction you would have given at that time ---

17 **MSGR. LAROCQUE:** No, I don't.

18 **MR. ENGELMANN:** --- to your priests?

19 **MSGR. LAROCQUE:** No, I don't really.

20 **MR. ENGELMANN:** All right.

21 Do you know whether -- when they say "child  
22 abuse" whether that would have been both physical and  
23 sexual abuse of children?

24 **MSGR. LAROCQUE:** I think at the time the  
25 primary preoccupation was sexual abuse.

1                   **MR. ENGELMANN:** Fair enough.

2                   Sir, then if you could turn to Tab 18 of  
3 Exhibit 58. Counsel, 600520. These are minutes of the  
4 Council of Priests meeting of January 22<sup>nd</sup>, 1991. And, sir,  
5 the reference is on the third page, Bates page 664,  
6 paragraph 7, Committee on Sexual Abuse.

7                   **MSGR. LAROCQUE:** M'hm.

8                   **MR. ENGELMANN:** Now again, sir, there's this  
9 reference we saw at the previous fall:

10                                "It is time to set up a committee."

11                   **MSGR. LAROCQUE:** Right.

12                   **MR. ENGELMANN:** This is now January of 1991.  
13 I don't believe you've appointed people yet because there's  
14 some reference here to doing that.

15                   **MSGR. LAROCQUE:** That's right.

16                   **MR. ENGELMANN:** Is that fair?

17                   **MSGR. LAROCQUE:** That's fair, yes.

18                   **MR. ENGELMANN:** And it says:

19                                "The Executive of the Senate was  
20                                discussing an ombudsman who would  
21                                contact the person accused within 24  
22                                hours to verify the accusation. The  
23                                names of Gerald Poirier and D.B.  
24                                McDougald were suggested."

25                   All right?

1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** And I think we see that term  
3 later, but we've heard the role "Bishop's Delegate" coming  
4 up later. Would that be the same as the ombudsman ---

5                   **MSGR. LAROCQUE:** Yes.

6                   **MR. ENGELMANN:** --- that's envisioned here?

7                   **MSGR. LAROCQUE:** Well, that's -- the reason  
8 for the two is Donald Bernard was for the English side of  
9 the Diocese. Gerald Poirier would have investigated the  
10 French side.

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

12                   **MSGR. LAROCQUE:** If it was a French victim  
13 or a French priest, then he would be responsible.

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

15                   But the term "ombudsman" that's being -- and  
16 this is a suggestion at this time -- does that later become  
17 what we hear as Bishop's Delegate?

18                   **MSGR. LAROCQUE:** Bishop's Delegate.

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

20                   **MSGR. LAROCQUE:** Yes.

21                   **MR. ENGELMANN:** And it's talking about  
22 someone to lead the investigation.

23                   **MSGR. LAROCQUE:** "If".

24                   **MR. ENGELMANN:** Yeah, if it proves  
25 necessary.

1                   **MSGR. LAROCQUE:** Yeah.

2                   **MR. ENGELMANN:** And it's also talking about  
3 the ombudsman doing the initial investigation when an  
4 accusation is being made.

5                   **MSGR. LAROCQUE:** That's right.

6                   **MR. ENGELMANN:** It says that Father  
7 Vaillancourt will be providing some guidelines for the  
8 committee.

9                   **MSGR. LAROCQUE:** Right.

10                  **MR. ENGELMANN:** And we know that, as I said,  
11 a couple years later -- well, actually no, not a couple of  
12 years later; this is January of '91. We know that in the  
13 spring of '92 he presents a document.

14                  **MSGR. LAROCQUE:** Right.

15                  **MR. ENGELMANN:** Now, sir, presumably these  
16 individual ombudsmen or later Bishop's delegates, you'd  
17 agree that it would be useful for them to have some  
18 training in investigating allegations of this nature?

19                  **MSGR. LAROCQUE:** I suppose it would be  
20 beneficial, yes.

21                  **MR. ENGELMANN:** Do you know if either of  
22 these individuals had that kind of background and, if not,  
23 whether some training was provided to them?

24                  **MSGR. LAROCQUE:** They had a great deal of  
25 training as pastors of parishes to handle many diverse

1 situations, and so -- and they didn't express the need for  
2 special training and I don't believe they received any, no.

3 **MR. ENGELMANN:** Did you think at that time  
4 of suggesting they get some training, either from child  
5 welfare officials or police officials or others?

6 **MSGR. LAROCQUE:** No, I did not.

7 **MR. ENGELMANN:** Sir, I'd like to refer the  
8 witness to Document Number 101466. This is a letter from  
9 Gilles Metivier to Bishop Larocque, November 7<sup>th</sup> 1991. This  
10 was in the cross documents.

11 **THE COMMISSIONER:** Exhibit 2085 is a memo  
12 from the Board of Directors of the Sexual Abuse Treatment  
13 Centre, dated November 7<sup>th</sup>, 1991.

14 --- **EXHIBIT NO./PIÈCE NO. P-2085:**

15 (101466) Memo from Board of Directors of  
16 Sexual Abuse Treatment Centre - 7 Nov 91

17 **MR. ENGELMANN:** Sir, do you have a copy of  
18 it?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. ENGELMANN:** If you look on the second --  
21 you have a choice; you can read it in English or French.

22 **MSGR. LAROCQUE:** Well, we're talking  
23 English.

24 **MR. ENGELMANN:** All right.

25 That's the second page in, 967.



1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** It appears that Gilles  
3                   Metivier is writing to you as the Chairman of the Board of  
4                   Directors?

5                   **MSGR. LAROCQUE:** Yes.

6                   **MR. ENGELMANN:** And this is of the Sexual  
7                   Abuse Treatment Centre.

8                   **MSGR. LAROCQUE:** Right.

9                   **MR. ENGELMANN:** Do you recall, sir,  
10                  receiving this letter from Mr. Metivier regarding the  
11                  formation of a board of directors to develop a proposal for  
12                  a child sexual abuse therapy centre here in the City of  
13                  Cornwall?

14                  **MSGR. LAROCQUE:** In general I remember  
15                  because I'm -- I know we gave a great sum of money to get  
16                  it started.

17                  **MR. ENGELMANN:** Right.

18                  In this letter he's asking if you would  
19                  support the initiative to provide the -- and to provide the  
20                  Board with a letter of support?

21                  **MSGR. LAROCQUE:** Yes.

22                  **MR. ENGELMANN:** Do you recall if you did  
23                  that, sir?

24                  **MSGR. LAROCQUE:** I must have because I know  
25                  we provided the funds as well, so ---

1                   **MR. ENGELMANN:** All right.

2                   If you could look at Tab 21 of Exhibit 58?

3                   **MSGR. LAROCQUE:** If I might state, too,  
4 publicly that I have been told, and we received a plaque to  
5 this effect, that if it had not been for the financial  
6 support of the Diocese, this treatment centre would not  
7 have been established at that time.

8                   **MR. ENGELMANN:** If you'll look at Tab 21,  
9 sir, of Exhibit 58, it's Document Number 600253. It's a  
10 letter dated November 14<sup>th</sup>. Is this the letter that you  
11 wrote back, sir, in response to Mr. Metivier's request?

12                   **MSGR. LAROCQUE:** I would suppose that it is,  
13 yes.

14                   **MR. ENGELMANN:** And, sir, are you aware --  
15 you are aware that this initiative came to fruition?

16                   **MSGR. LAROCQUE:** Yes.

17                   **MR. ENGELMANN:** And in your role as Bishop  
18 did you continue to lend support to its creation?

19                   **MSGR. LAROCQUE:** Yes, both financial and  
20 moral.

21                   **MR. ENGELMANN:** And to your knowledge, did  
22 this centre provide support and treatment to victims of  
23 child sexual abuse during your tenure as Bishop?

24                   **MSGR. LAROCQUE:** They did. I was invited to  
25 the yearly meeting where they made their report. As you

1 know, they extended the treatment to Cornwall Island so  
2 that the Akwesasne children would also be covered.

3 **MR. ENGELMANN:** Sir, did this centre become  
4 known as the Children's Treatment Centre?

5 **MSGR. LAROCQUE:** It did and was located  
6 across the street from our diocesan offices.

7 **MR. ENGELMANN:** And it continues to function  
8 even today, sir, as the Children's Treatment Centre. Is  
9 that correct?

10 **MSGR. LAROCQUE:** Correct. In a new  
11 location, I was told.

12 **MR. ENGELMANN:** Is this an appropriate time,  
13 sir?

14 **THE COMMISSIONER:** We'll take the morning  
15 break. Thank you.

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

18 This hearing will resume at 11:20 a.m.

19 --- Upon recessing at 11:03 a.m./

20 L'audience est suspendue à 11h03

21 --- Upon resuming at 11:22 a.m./

22 L'audience est reprise à 11h22

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

25 The hearing is now resumed. Please be

1 seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Vous pouvez vous asseoir,  
3 Monseigneur.

4 Well, Ms. Sinnamon, I guess you're going to  
5 have to take the podium and ---

6 **MONS. LAROCQUE:** Ils ont commencé leurs  
7 vacances de bonne heure.

8 **LE COMMISSAIRE:** Oui, c'est ça. C'est ça.  
9 Malgré, pour les gens de l'enquête ---

10 **MR. ENGELMANN:** J'étais dehors pour chercher  
11 les autres.

12 **LE COMMISSAIRE:** --- les trois semaines  
13 seront pas pour des vacances.

14 **MR. ENGELMANN:** Je voulais dire que j'étais  
15 dehors pour chercher les autres, mais c'est pas vrai.

16 **LE COMMISSAIRE:** Oui, c'est certain.

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

18 **THE COMMISSIONER:** Should we wait?

19 **MR. ENGELMANN:** I believe Mr. Sherriff-  
20 Scott's on his way.

21 **THE COMMISSIONER:** All right.

22 **MR. ENGELMANN:** I apologize, sir, for my  
23 tardiness.

24 **THE COMMISSIONER:** No, no. No problem.

25 **MR. ENGELMANN:** I just -- without actually

1 starting a question, sir, if you have Exhibit 58 still, Tab  
2 19, that's where we're going next.

3 **MSGR. LAROCQUE:** Tab 19?

4 **MR. ENGELMANN:** Yes.

5 **THE COMMISSIONER:** All right.

6 Proceed, Mr. Engelmann.

7 **EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

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

9 **ENGELMANN:**

10 **MR. ENGELMANN:** Thank you.

11 Sir, this is a correspondence from the  
12 Canadian Conference of Catholic Bishops; correct?

13 **MSGR. LAROCQUE:** Correct, yes.

14 **MR. ENGELMANN:** And it's my understanding --  
15 and it's dated November 22<sup>nd</sup>, 1991. It's my understanding  
16 this is a draft copy of recommendations that was sent from  
17 the taskforce looking into this issue to all bishops across  
18 the country?

19 **MSGR. LAROCQUE:** That's right.

20 **MR. ENGELMANN:** And these draft  
21 recommendations -- and this would have been sent presumably  
22 in both English and French?

23 **MSGR. LAROCQUE:** Yes, that's right.

24 **MR. ENGELMANN:** And the copy we have here is  
25 en français.

1                   **MSGR. LAROCQUE:** Because I belonged to the  
2 French sector at that time.

3                   **MR. ENGELMANN:** Yes.

4                   **MSGR. LAROCQUE:** The Diocese belongs to the  
5 French sector.

6                   **MR. ENGELMANN:** Fair enough.

7                   And the draft recommendations, sir, included  
8 preliminary observations; correct?

9                   **MSGR. LAROCQUE:** Yes, they sent them under  
10 confidentiality but they wanted our input ---

11                   **MR. ENGELMANN:** Yes.

12                   **MSGR. LAROCQUE:** --- before they printed  
13 them.

14                   **MR. ENGELMANN:** So just looking at -- it  
15 says "ébauche deux".

16                   **MSGR. LAROCQUE:** M'hm.

17                   **MR. ENGELMANN:** So this is the second draft  
18 that you're being sent, perhaps the first one you're  
19 actually getting, but it's draft two on that page, which is  
20 Bates page 668.

21                   **MSGR. LAROCQUE:** Right.

22                   **MR. ENGELMANN:** It says "Preliminary  
23 Observations".

24                   **MSGR. LAROCQUE:** Right.

25                   **MR. ENGELMANN:** And it lists four of them.

1                   **MSGR. LAROCQUE:** M'hm.

2                   **MR. ENGELMANN:** And it says, among other  
3 things, in the preliminary observations, that the draft  
4 recommendations include some preliminary observations,  
5 including the fact that most of the recommendations in the  
6 report concern the sexual abuse of children by priests.

7                   **MSGR. LAROCQUE:** That's right.

8                   **MR. ENGELMANN:** And some of these  
9 recommendations, sir, as I understand it, are addressed to  
10 all Catholics in Canada, and we see that on the second page  
11 of the document, "Recommandations aux catholiques du  
12 Canada".

13                   **MSGR. LAROCQUE:** Yes.

14                   **MR. ENGELMANN:** And there's a number of  
15 recommendations. And then on the following page we have  
16 recommendations for all the bishops of Canada.

17                   **MSGR. LAROCQUE:** Right.

18                   **MR. ENGELMANN:** And, sir, it's followed, as  
19 I understand it, by some recommendations -- well, there are  
20 going to be recommendations, if you look at page 8, for  
21 those responsible ---

22                   **MSGR. LAROCQUE:** For the education of  
23 priests, yeah.

24                   **MR. ENGELMANN:** --- for the education of  
25 priests in dioceses, and as well ---

1                   **MSGR. LAROCQUE:** That would be ---

2                   **MR. ENGELMANN:** Sorry?

3                   **MSGR. LAROCQUE:** That would be those in  
4                   seminaries.

5                   **MR. ENGELMANN:** Seminaries. I apologize.  
6                   And then there's also recommendations to the Canadian  
7                   Conference of Catholic Bishops; correct, "Recommandations  
8                   au CECC"?

9                   **MSGR. LAROCQUE:** Right.

10                  **MR. ENGELMANN:** Okay. Now, sir, as a Bishop  
11                  and a member of the Canadian Conference of Catholic Bishops  
12                  you were asked to provide comments on any or all of these  
13                  draft recommendations?

14                  **MSGR. LAROCQUE:** I was, yes.

15                  **MR. ENGELMANN:** And, sir, it's my  
16                  understanding that after reviewing this particular document  
17                  you did, in fact, write a letter in response?

18                  **MSGR. LAROCQUE:** I can't remember, but I  
19                  would imagine I did.

20                  **MR. ENGELMANN:** All right.

21                  Well, just to refresh your memory, sir, if  
22                  the witness could be shown Document 101469. This is a  
23                  letter from Eugène LaRocque to Roger Ebacher.

24                  **MSGR. LAROCQUE:** Ebacher.

25                  **MR. ENGELMANN:** Ebacher, pardon.



1                   **MSGR. LAROCQUE:** Strange pronunciations of  
2                   the French.

3                   **MR. ENGELMANN:** Yeah, yeah. I usually --  
4                   yeah.

5                   **THE COMMISSIONER:** Thank you.  
6                   I'm sorry; Madam Clerk, is that an eight or  
7                   a six or what number is that, 2086.

8                   **MR. ENGELMANN:** I'm sorry, sir, I missed  
9                   that.

10                  **THE COMMISSIONER:** Exhibit 2086 is a letter  
11                  dated December 11<sup>th</sup>, 1991 to Son excellence Monsieur Roger  
12                  Ebacher from Monseigneur LaRocque.

13                  --- **EXHIBIT NO./PIÈCE NO. P-2086:**

14                               (101469) Lettre d'Eugene LaRocque à Roger  
15                               Ebacher - 11 Dec 91

16                  **MR. ENGELMANN:** If I understood your letter  
17                  correctly, you were supportive of all of the preliminary  
18                  recommendations with just one exception?

19                  **MSGR. LAROCQUE:** That's what the letter  
20                  says, yes.

21                  **MR. ENGELMANN:** And that exception was  
22                  recommendation number 53 ---

23                  **MSGR. LAROCQUE:** Right.

24                  **MR. ENGELMANN:** --- from the document we  
25                  previously looked at.

1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** Correct?

3                   **MSGR. LAROCQUE:** That's right.

4                   **MR. ENGELMANN:** And that recommendation,  
5                   that particular recommendation did not -- does not directly  
6                   address the issue of clergy abuse on children?

7                   **MSGR. LAROCQUE:** No, that's right.

8                   **MR. ENGELMANN:** All right.

9                   So with respect to the recommendations  
10                  dealing with clergy abuse of children and youth, you were  
11                  supportive of the recommendations from the taskforce?

12                  **MSGR. LAROCQUE:** Yes, I was supportive of  
13                  the draft that they had sent to me, yes.

14                  **MR. ENGELMANN:** I mean, if you'd had any  
15                  concerns, sir, you would have listed them, as you did with  
16                  this particular one?

17                  **MSGR. LAROCQUE:** That's right.

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

19                  Sir, then if you could turn to -- it's  
20                  Exhibit 58 again, Tab 24.

21                  Counsel, it's Document 600256.

22                  This is minutes of the Council of Priests  
23                  meeting May 19<sup>th</sup>, 1992.

24                  And, sir, I'd like you to particularly look  
25                  at -- it's paragraph 8, Bates page 693. It's page 3 of

1 your documents, sir.

2 **MSGR. LAROCQUE:** I have it, yes.

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

4 And it says:

5 "Sharing on protocol regarding  
6 situations of sexual abuse CCB kit,  
7 document included."

8 And it says:

9 "Father Gérald Poirier and Monsignor  
10 McDougald are responsible for this  
11 committee."

12 There is also the document prepared by Denis  
13 Vaillancourt.

14 So this is the first time there's a  
15 reference, sir, to a document prepared by Denis  
16 Vaillancourt.

17 And, sir, I believe this -- and we'll come  
18 to this document -- is something known as the Diocesan  
19 Guidelines on Sexual Abuse by Priests, Deacons, Seminarians  
20 and Pastoral Assistants?

21 **MSGR. LAROCQUE:** I think so, yes.

22 **MR. ENGELMANN:** All right.

23 And there's a reference to a recommendation  
24 to have a diocesan protocol from the CCCB.

25 So, sir, there's one other reference there

1 and I just wanted to ask you about it. It's paragraph 9.

2 MSGR. LAROCQUE: Yes.

3 MR. ENGELMANN: It says "The Rehabilitation  
4 of Priests".

5 MSGR. LAROCQUE: Yes.

6 MR. ENGELMANN: And it's a program from New  
7 Mexico.

8 MSGR. LAROCQUE: The Jemez Program.

9 MR. ENGELMANN: Jemez?

10 MSGR. LAROCQUE: Yeah, the Spanish  
11 pronunciation.

12 MR. ENGELMANN: All right.

13 And it says it's a program that deals with  
14 the rehabilitation of priests who are considered  
15 pedophiles?

16 MSGR. LAROCQUE: That's right.

17 MR. ENGELMANN: And it defines them as  
18 priests who have sexually abused minors on more than two  
19 occasions.

20 MSGR. LAROCQUE: That's right.

21 MR. ENGELMANN: All right.

22 MSGR. LAROCQUE: The literature that we had  
23 received was there was a possibility of rehabilitation for  
24 a priest if it was one single incident or at the most two,  
25 but if it was more than that, then they should be taken out

1 of circulation, and they offered them a place to stay there  
2 as a kind of support ---

3 MR. ENGELMANN: All right.

4 MSGR. LAROCQUE: --- because you couldn't  
5 put them back in parishes.

6 MR. ENGELMANN: Right.

7 Now, it appears what they're saying is --  
8 and I don't know whether it's only in the Jemez Program --  
9 they have a home where they can live -- where they live,  
10 pray, celebrate mass and work together, but they never go  
11 back to their old parishes?

12 MSGR. LAROCQUE: That's right. No, it was  
13 right there in New Mexico.

14 MR. ENGELMANN: All right.

15 MSGR. LAROCQUE: The place is closed, to my  
16 knowledge. It no longer exists.

17 MR. ENGELMANN: Can you recall what, if any,  
18 discussion you might have had on this issue?

19 MSGR. LAROCQUE: I think this is just for  
20 information to the priests.

21 MR. ENGELMANN: You never asked any of your  
22 priests to consider going to this program, sir?

23 MSGR. LAROCQUE: No.

24 MR. ENGELMANN: All right.

25 But if we looked at the criteria, perhaps

1 Father Deslauriers would have been eligible, sir?

2 **MSGR. LAROCQUE:** It depends what you mean by  
3 pedophilia. Father Deslauriers never abused young  
4 children. It was always -- it's ephebophilia. I make the  
5 distinction.

6 **MR. ENGELMANN:** Oh, I see. So -- and what  
7 is your distinction between the two, just so we're clear?

8 **MSGR. LAROCQUE:** My definition of pedophilia  
9 is children who are under the age of maturity.

10 **MR. ENGELMANN:** Under the age of puberty?

11 **MSGR. LAROCQUE:** Of puberty.

12 **MR. ENGELMANN:** All right.

13 **MSGR. LAROCQUE:** And ephebophilia would be  
14 those who are pubesce but not yet adults.

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

16 So we looked at that earlier and I had said,  
17 at least back in the 1917 Code, some of the sexual acts  
18 were based on puberty; in other words, 12 and under for  
19 girls; 14 and under for boys?

20 **MSGR. LAROCQUE:** That's right.

21 **MR. ENGELMANN:** And some were just under 16?

22 **MSGR. LAROCQUE:** That's right.

23 **MR. ENGELMANN:** So that would be sort of the  
24 cut-off for you between pedophilia and ephebophilia, if I  
25 can use the term?

1                   **MSGR. LAROCQUE:** Well, 12-14 would -- under  
2                   that would be -- it would be pedophilia, in my  
3                   understanding. Above 14 and before the age of adulthood,  
4                   which depends -- it goes -- it was 16, I guess, for a  
5                   while. They've just raised it to 18 in Canada.

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

7                   **MSGR. LAROCQUE:** It's 21 in other places.  
8                   So whatever age a person is considered an adult, that's the  
9                   age span I would say ephebophilia.

10                  **MR. ENGELMANN:** So those would be people  
11                  typically in their teens, from 13 to 18?

12                  **MSGR. LAROCQUE:** Exactly, to 18 or 19.

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

14                  **MSGR. LAROCQUE:** And to my knowledge, I  
15                  think this rehabilitation centres at Jemez was just for  
16                  those who had abused children. I may be wrong, but that's  
17                  my recollection.

18                  **MR. ENGELMANN:** I think their definition  
19                  might have been a bit broader than yours. They do talk  
20                  about some 15-year olds as well.

21                  **MSGR. LAROCQUE:** Pardon?

22                  **MR. ENGELMANN:** But in any event, I don't  
23                  think there's a point to going to the document.

24                  Whether a priest is abusing, sir, a person  
25                  under 12 or 14, depending on male or female ---

1                   **MSGR. LAROCQUE:** It's still a breach of  
2 trust. Even as a homosexual it's a breach of trust.

3                   **MR. ENGELMANN:** Well, it's a breach of trust  
4 because the position of a priest is a position of trust; is  
5 it not, sir?

6                   **MSGR. LAROCQUE:** Exactly.

7                   **MR. ENGELMANN:** Just as if the person was a  
8 teacher ---

9                   **MSGR. LAROCQUE:** Or a doctor or a parent  
10 even.

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

12                   **THE COMMISSIONER:** But do you agree, sir,  
13 that if we were to take out the word "pedophilia" and put  
14 in the adolescence, that the rule would still apply that if  
15 it's one or two incidents -- well, that's what they say --  
16 it can be helped and cured and if it's more than that ---

17                   **MSGR. LAROCQUE:** I would suspect the same  
18 principle might apply.

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

20                   **MSGR. LAROCQUE:** A psychologist, I guess,  
21 would have to tell us.

22                   **THE COMMISSIONER:** But I'm talking about  
23 what your view was at that time or what it is now.

24                   **MSGR. LAROCQUE:** Well, this is not my view.  
25 This is what I remember reading ---



1 THE COMMISSIONER: Right.

2 MSGR. LAROCQUE: --- in their pamphlet.

3 THE COMMISSIONER: M'hm.

4 MSGR. LAROCQUE: So it educated me to a  
5 certain extent because, I mean, I have no way of telling --  
6 this is their experience, apparently.

7 MR. ENGELMANN: All right.

8 THE COMMISSIONER: No, but what I'm getting  
9 at is you read this in 1992?

10 MSGR. LAROCQUE: I guess so, yes.

11 THE COMMISSIONER: All right.

12 So then you would have learned, and it's  
13 their opinion and you may not agree, but there's somebody  
14 here telling you that if there's one or two incidents ---

15 MSGR. LAROCQUE: Then they can do something.

16 THE COMMISSIONER: Well, yeah, and if it's  
17 more than two incidents ---

18 MSGR. LAROCQUE: That's more serious.

19 THE COMMISSIONER: It's serious. So you're  
20 aware of that back in 1992?

21 MSGR. LAROCQUE: That's right.

22 THE COMMISSIONER: All right.

23 MR. ENGELMANN: And, sir, if there's abuse  
24 of altar server, whether they're 11 or 14 or 15 ---

25 MSGR. LAROCQUE: Oh no, that's still ---

1                   **MR. ENGELMANN:** You don't want them in your  
2                   parish?

3                   **MSGR. LAROCQUE:** --- a terrible breach of  
4                   trust.

5                   **MR. ENGELMANN:** Sir, the document that I  
6                   wanted to reference earlier, it's Exhibit 58, Tab 25, and I  
7                   believe this is a document prepared by Father Vaillancourt?

8                   **MSGR. LAROCQUE:** Yes.

9                   **MR. ENGELMANN:** Diocese of Alexandria-  
10                  Cornwall Diocesan Guidelines on Sexual Abuse by Priests,  
11                  Deacons, Seminararians and Pastoral Assistants.

12                  **MSGR. LAROCQUE:** Right.

13                  **MR. ENGELMANN:** Sir, this is the document  
14                  that he prepared; correct?

15                  **MSGR. LAROCQUE:** I believe so, yes.

16                  **MR. ENGELMANN:** And it's our understanding  
17                  that it was prepared sometime in 1992 and would have been  
18                  discussed at that Council of Priests meeting that we talked  
19                  about in May of 1992?

20                  **MSGR. LAROCQUE:** That's correct.

21                  **MR. ENGELMANN:** Sir, this one is not signed  
22                  off and there seems to be some confusion about when the  
23                  document was officially adopted. Certainly at the time of  
24                  a press release that was issued by the Diocese in January  
25                  of 1994, this was the document that at least you referred

1 to as your protocol?

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** Do you have any  
4 recollection, sir, as to when between '92 and January of  
5 '94 it actually became official?

6 **MSGR. LAROCQUE:** Since we had been preparing  
7 it for so long and this was kind of the -- l'aboutissement  
8 -- the end of a long process, I would suspect that we all  
9 regarded this as the procedure for the Diocese.

10 Now, unfortunately it was not signed, and  
11 that's my fault.

12 **MR. ENGELMANN:** All right.

13 But whether it was officially signed or not  
14 then, sir, what you're saying to us is that as early as the  
15 summer of '92, it would have been the protocol you would  
16 have followed?

17 **MSGR. LAROCQUE:** Yes.

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

19 So in any event, by the time we get to the  
20 Silmsner matter, which starts in December of '92, it would  
21 be this protocol you would be under?

22 **MSGR. LAROCQUE:** That's right.

23 **MR. ENGELMANN:** Now, sir, I understand, and  
24 we talked about it very briefly earlier, that in June of  
25 1992, the Canadian Conference of Catholic Bishops issued a

1 document or released a document that is known as "From Pain  
2 to Hope;" correct?

3 **MSGR. LAROCQUE:** I would suppose -- I don't  
4 have recollection of the date itself, but ---

5 **MR. ENGELMANN:** All right.

6 **MSGR. LAROCQUE:** --- that's fine. Sure.  
7 Because we had been consulted beforehand.

8 **MR. ENGELMANN:** It is Exhibit 632, Tab 13.  
9 The Document Number, for counsel, 601061.

10 When it was promulgated, you would have  
11 received a copy. Is that fair?

12 **MSGR. LAROCQUE:** Yes.

13 **MR. ENGELMANN:** As a member of the  
14 Conference?

15 **MSGR. LAROCQUE:** Yes.

16 **MR. ENGELMANN:** You'll note, sir, on the  
17 second page, the date June '92 appears?

18 **MSGR. LAROCQUE:** Yes.

19 **MR. ENGELMANN:** We looked at the  
20 recommendations that you commented on in November of '91.

21 **MSGR. LAROCQUE:** Yes.

22 **MR. ENGELMANN:** And this is now the document  
23 itself coming from the Conference?

24 **MSGR. LAROCQUE:** That's right.

25 **MR. ENGELMANN:** I just want to take you to a

1 couple of areas of the report, if I may.

2 If we could look at Bates page 136? For  
3 your reference, sir, it's page 40, and those pages are at  
4 the bottom left. This is under the caption "Summary: Where  
5 does the Church stand?"

6 **MSGR. LAROCQUE:** Right.

7 **MR. ENGELMANN:** And this is in the summer of  
8 1992.

9 **MSGR. LAROCQUE:** Right.

10 **MR. ENGELMANN:** And they say just in that  
11 first paragraph:

12 "To conclude this section..."  
13 Presumably it's this section of the report.  
14 "...let us state where the Catholic  
15 Church should stand in the context of  
16 this plan for action."

17 And the first bullet, the very first one  
18 that they emphasize is on the side of openness and truth.

19 And, sir, I'd just like you to read that for  
20 a moment.

21 **MSGR. LAROCQUE:** Yes.

22 **MR. ENGELMANN:** So in emphasizing openness  
23 and truth, they talk about cooperating ---

24 **MSGR. LAROCQUE:** Child protection.

25 **MR. ENGELMANN:** --- fully ---

1                   MSGR. LAROCQUE: Right.

2                   MR. ENGELMANN: --- with the civil  
3 authorities?

4                   MSGR. LAROCQUE: Right.

5                   MR. ENGELMANN: And not claiming  
6 preferential treatment. And they talk about the spirit of  
7 openness and truth.

8                   MSGR. LAROCQUE: Right.

9                   MR. ENGELMANN: And did you agree, sir, with  
10 this stand of the Canadian Conference of Catholic Bishops?

11                   MSGR. LAROCQUE: Yes, this is part of my  
12 education.

13                   MR. ENGELMANN: All right.

14                   MSGR. LAROCQUE: And the education of every  
15 bishop, I would expect, in Canada.

16                   MR. ENGELMANN: But they're saying -- just  
17 at the top of that they say:

18                                 "Let us state where the Catholic Church  
19 should stand..."

20                   MSGR. LAROCQUE: Right.

21                   MR. ENGELMANN: Did you agree with that?

22                   MSGR. LAROCQUE: Exactly.

23                   MR. ENGELMANN: All right.

24                                 And presumably you would agree with that  
25 still today?

1                   **MSGR. LAROCQUE:** I certainly do, but it is  
2 part of my education, remember, because I had refused to  
3 cooperate with the police to a certain extent in the  
4 Deslauriers affair.

5                   **MR. ENGELMANN:** Right.

6                   **MSGR. LAROCQUE:** That's what I'm thinking  
7 about when I say ---

8                   **MR. ENGELMANN:** Fair enough.

9                   **MSGR. LAROCQUE:** --- the evolution.

10                  **MR. ENGELMANN:** Fair enough. And so this  
11 was an important milestone for you and just a further  
12 recognition about ---

13                  **MSGR. LAROCQUE:** It was part of the  
14 education that I think that we all underwent.

15                  **MR. ENGELMANN:** All right. And certainly,  
16 for you it would give you some indication about how you  
17 should deal with civil authorities from that point forward.

18                  **MSGR. LAROCQUE:** Exactly.

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

20                                And sir, it talks about -- the next caption  
21 on the side of "Extensive Cooperation by Catholics" and it  
22 talks about the fact that the Church would be socially  
23 irresponsible if it participated in the fight against child  
24 sexual abuse only when one of its ministers is implicated.  
25 It says:

1 "We know that such cases represent only  
2 a small proportion of the total number  
3 of cases in our country."

4 And it talks about essentially:

5 "...the Church should encourage all  
6 Catholics to address this issue of  
7 child sexual abuse."

8 **MSGR. LAROCQUE:** That was the purpose of the  
9 priests being told to mention it in their homilies.

10 **MR. ENGELMANN:** Okay. And it also talks  
11 about -- and you believe that the Church should stand that  
12 way at that time and presumably still today?

13 **MSGR. LAROCQUE:** Certainly; absolutely.

14 **MR. ENGELMANN:** And sir, on the side of  
15 "Transforming Persons and Institutions" it says  
16 essentially:

17 "I would like to see our Church face  
18 with clarity and courage the decisions  
19 that must be taken in light of the  
20 failure that child abuse represents for  
21 society and the Church itself."

22 And:

23 "It's simply intolerable that a society  
24 should degenerate to the extent of  
25 closing its eyes to the injustices



1                               which are destroying the foundations on  
2                               which children build their identity."

3                               Et cetera.

4                               So they are calling for change in  
5                               institutions themselves, both in civil society and within  
6                               the Church.

7                               **MSGR. LAROCQUE:** They do, yes.

8                               **MR. ENGELMANN:** And again, sir, you would  
9                               agree with those statements?

10                              **MSGR. LAROCQUE:** I'm entirely in agreement  
11                              with those statements.

12                              **MR. ENGELMANN:** Then and today?

13                              **MSGR. LAROCQUE:** Absolutely.

14                              **MR. ENGELMANN:** Now, sir, on the following  
15                              page, in the second paragraph, the authors state:

16                                        "Another contributing factor to child  
17                                        sexual abuse is a Church that too  
18                                        readily shelters its ministers from  
19                                        having to account for their conduct,  
20                                        that is often tempted to settle moral  
21                                        problems behind a veil of secrecy which  
22                                        only encourages their growth, that has  
23                                        not yet fully developed a process of  
24                                        internal reform in which the values of  
25                                        familial communion would predominate.

1 Challenges for personal conversion and  
2 institutional change are far from  
3 lacking. We would like to see our  
4 Church take firm steps which would  
5 leave no doubt as to its genuine desire  
6 to eradicate the phenomenon of child  
7 sexual abuse."

8 Okay, pretty strong words.

9 **MSGR. LAROCQUE:** Absolutely.

10 **MR. ENGELMANN:** Pretty strong words about  
11 what has happened perhaps in the past.

12 **MSGR. LAROCQUE:** Yes.

13 **MR. ENGELMANN:** And sir, they talk about  
14 challenges for personal conversion.

15 **MSGR. LAROCQUE:** Right. It's significant  
16 that you didn't read the paragraph up above, though, which  
17 has to do with society as a whole.

18 **MR. ENGELMANN:** Sir, this report has over  
19 100 pages and I'm sure there are many ---

20 **MSGR. LAROCQUE:** No, but I'm just saying ---

21 **MR. ENGELMANN:** Is there something you would  
22 like to emphasize from that, please feel free.

23 **MSGR. LAROCQUE:** Yes. Well:

24 "The context of general society is also  
25 to be taken into consideration. Child

1 abuse, sexual abuse flourishes in a  
2 society that is based on competition  
3 and power and which is undermined by  
4 sexual exploitation and violence  
5 against women."

6 **MR. ENGELMANN:** So that explains the ---

7 **MSGR. LAROCQUE:** It's ---

8 **MR. ENGELMANN:** --- societal context.

9 **MSGR. LAROCQUE:** "Contemporary society has  
10 shown itself quick to reject  
11 traditional values especially the  
12 family values and be unable to offer  
13 new ones and to be unfair to women and  
14 children. The challenge to transform  
15 society becomes enormous when we begin  
16 to realize the terrible social cost  
17 when child abuse is tolerated."

18 I think that's a very important paragraph as  
19 well.

20 **MR. ENGELMANN:** Absolutely.

21 **MSGR. LAROCQUE:** Thank you for letting me  
22 read it.

23 **MR. ENGELMANN:** Yeah. Sir, we've had  
24 experts here comment on this report and the importance of  
25 this report.

1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** And I'm sure there are many,  
3 many portions of this report that are valuable. What I'm  
4 trying to do, sir, is just pick out a few that deal with  
5 the institutional response of the Church.

6                   **MSGR. LAROCQUE:** Right.

7                   **MR. ENGELMANN:** And how that might have  
8 affected you personally and also your Diocese.

9                   **MSGR. LAROCQUE:** Right.

10                  **MR. ENGELMANN:** And what I'm suggesting in  
11 the paragraph that I read is it does talk, and you've  
12 talked to us a little bit about this yourself, about your  
13 conversion between the time of the Deslauriers matter and  
14 later, because what ---

15                  **MSGR. LAROCQUE:** My education rather than  
16 conversion.

17                  **MR. ENGELMANN:** Fair enough.

18                                   **(LAUGHTER/RIRES)**

19                  **MSGR. LAROCQUE:** Thank you.

20                  **MR. ENGELMANN:** Fair enough. The word  
21 that's being used in this paragraph, though, it says:

22                                   "Challenges for personal conversion and  
23                                   institutional change are far from  
24                                   lacking."

25                  **MSGR. LAROCQUE:** Right.

1                   **MR. ENGELMANN:** Presumably, you'd agree with  
2                   that statement, sir?

3                   **MSGR. LAROCQUE:** Absolutely, yes.

4                   **MR. ENGELMANN:** Within the Church hierarchy  
5                   itself.

6                   **MSGR. LAROCQUE:** Yes, and within the priests  
7                   and within the people too, at every level really.

8                   **MR. ENGELMANN:** Yeah. And sir, I'm not  
9                   saying that this document couldn't be applied to perhaps  
10                  some other institutions, but this is a document that ---

11                  **MSGR. LAROCQUE:** Comes out of the Church.

12                  **MR. ENGELMANN:** --- a taskforce of the  
13                  Church is saying here is what we needs to do.

14                  **MSGR. LAROCQUE:** But it situates the Church  
15                  in the society in which we live.

16                  **MR. ENGELMANN:** Fair enough.

17                  **MSGR. LAROCQUE:** I mean we're not -- you  
18                  know, we're not angels or not extraterrestrial. We are  
19                  here on earth and living out of the Church has to be within  
20                  that context of societal change that has been going on so  
21                  rapidly in our times.

22                  **MR. ENGELMANN:** Yes. But clearly the  
23                  paragraph that we just looked at, the second paragraph, it  
24                  sort of links back to some of those captions from the  
25                  previous page about openness and truth, for example.

1                   **MSGR. LAROCQUE:** That's right, yes.

2                   **MR. ENGELMANN:** All right.

3                   Now, sir, there are a number of  
4                   recommendations that are made. They start on Bates page  
5                   139 which is page 43 of your document. But I just ask you  
6                   to look at the guiding principles for those 50-odd  
7                   recommendations and you'll find them on page 44 of the  
8                   report.

9                   **MSGR. LAROCQUE:** Yes.

10                  **MR. ENGELMANN:** Which is Bates page 140. It  
11                  says:

12                                "A certain number of guiding principles  
13                                underlie the recommendations we are  
14                                making and indicate the spirit in which  
15                                we have laboured. These guiding  
16                                principles include:"

17                  First point:

18                                "Giving priority to the protection of  
19                                children and vulnerable adults."

20                  And sir, that goes back to an earlier policy  
21                  you had where there was a concern about child abuse?

22                  **MSGR. LAROCQUE:** And vulnerable adults.

23                  **MR. ENGELMANN:** Abuse of teenagers and also  
24                  abuse of dependent adults.

25                  **MSGR. LAROCQUE:** That's right.

1                   **MR. ENGELMANN:** Is that fair?

2                   **MSGR. LAROCQUE:** Yes, yes.

3                   **MR. ENGELMANN:** "Taking allegations of  
4                                   sexual misconduct seriously,  
5                                   independently of the esteem for and the  
6                                   reputation of the accused."

7                   **MSGR. LAROCQUE:** Yes.

8                   **MR. ENGELMANN:** Okay? Again, sir, if  
9                   there's anything you disagree with here please let me know  
10                   but these are sort of guiding principles that they're  
11                   telling us about these recommendations.

12                   **MSGR. LAROCQUE:** Yes.

13                   **MR. ENGELMANN:** "Presuming an accused  
14                                   person's innocence until proven  
15                                   otherwise."

16                   And you'll note there is something under  
17                   that. It says:

18                                   "This presumption of innocence should  
19                                   not, however, disregard a healthy need  
20                                   for prudence. Necessary measures must  
21                                   be taken in order to avoid all risks of  
22                                   future abuse."

23                   **MSGR. LAROCQUE:** Right.

24                   **MR. ENGELMANN:** And you would agree with  
25                   that, sir?

1                   **MSGR. LAROCQUE:** Yes.

2                   **MR. ENGELMANN:** "Respecting both the civil  
3                                   and canonical legislation which is  
4                                   applicable in these cases while  
5                                   avoiding any undue interference."

6                   **MSGR. LAROCQUE:** Right.

7                   **MR. ENGELMANN:** And there can be conflicts  
8                   from time to time, sir, between canon and civil law?

9                   **MSGR. LAROCQUE:** Yes.

10                  **MR. ENGELMANN:** Is that fair?

11                                   "Respecting the rights of all persons  
12                                   implicated in allegations of sexual  
13                                   misconduct in the proceedings following  
14                                   an allegation."

15                  **MSGR. LAROCQUE:** Right.

16                  **MR. ENGELMANN:** And:

17                                   "Carefully avoiding any word or gesture  
18                                   that risks dissuading someone from  
19                                   carrying out his or he duty of  
20                                   reporting a case of child sexual  
21                                   abuse."

22                  **MSGR. LAROCQUE:** Right.

23                  **MR. ENGELMANN:** Do you agree with those  
24                  guiding principles, sir?

25                  **MSGR. LAROCQUE:** Absolutely, yes.



1                   **MR. ENGELMANN:** All right.

2                   Sir, one of the recommendations -- and I  
3 just want to touch upon a couple if I may -- it's page 46  
4 of your report. It's Bates page 142, para 6:

5                   "Appoint in the respective dioceses a  
6 priest hereinafter called the Bishop's  
7 delegate."

8                   **MSGR. LAROCQUE:** Right.

9                   **MR. ENGELMANN:** And you in fact did that,  
10 sir.

11                   **MSGR. LAROCQUE:** I think it had already been  
12 done by the time we got this report.

13                   **MR. ENGELMANN:** Yes. We're not sure of the  
14 date but probably in 1991 you had two Bishop's delegates  
15 set up.

16                   **MSGR. LAROCQUE:** They were in place  
17 certainly by the allegation made by Mr. Silmsier.

18                   **MR. ENGELMANN:** Yes, yes. In fact, they  
19 were probably in place before this report in June of '92.

20                   **MSGR. LAROCQUE:** I think so, yes.

21                   **MR. ENGELMANN:** And it does say here though,  
22 sir, and I'm just looking at the page. It says:

23                   "The Bishop's delegate and the deputy  
24 delegate should participate in a  
25 special training session before taking

1 on the delicate responsibilities  
2 entrusted to them."  
3 And I think you told us that that didn't  
4 happen.

5 **MSGR. LAROCQUE:** No, this did not.

6 **MR. ENGELMANN:** And it says that:

7 "The delegate should be empowered and  
8 directed by the Bishop to act  
9 immediately."

10 Did you give that delegation, sir?

11 **MSGR. LAROCQUE:** Absolutely.

12 **MR. ENGELMANN:** All right.

13 It calls at (7) for the:

14 "Establishment of an advisory committee  
15 of at least five persons." ...

16 I'm not sure if your protocol had five but  
17 it certainly called for the establishment of an advisory  
18 committee. Fair enough?

19 **MSGR. LAROCQUE:** I believe so, yes.

20 **MR. ENGELMANN:** And at the next page,  
21 paragraph 8 mandated the advisory committee to prepare and  
22 maintain a current basic protocol regarding situations of  
23 sexual abuse?

24 **MSGR. LAROCQUE:** Right.

25 **MR. ENGELMANN:** And you had done that at

1 least unofficially at some point in '92 with Mr. ---

2 MSGR. LAROCQUE: That's right.

3 MR. ENGELMANN: --- Father Vaillancourt's  
4 document?

5 MSGR. LAROCQUE: That's right.

6 MR. ENGELMANN: And there's a requirement at  
7 nine, a recommendation to communicate to priests and  
8 religious personnel concerning the duly approved text of  
9 the Diocesan protocol?

10 MSGR. LAROCQUE: Right.

11 MR. ENGELMANN: Now, my understanding, sir,  
12 is with very few exceptions these recommendations are  
13 identical to the recommendations that were sent to you in  
14 draft form in the fall of 1991?

15 MSGR. LAROCQUE: I didn't make the  
16 comparison but I would imagine that they are, yes.

17 MR. ENGELMANN: Right. And at that time, as  
18 you said, there was only a concern about one. So if these  
19 are in essence the same as those, I take it you'd be in  
20 agreement with all of them?

21 MSGR. LAROCQUE: Yes. I remember --  
22 remember that the CCCB is not an overall power over the  
23 dioceses.

24 MR. ENGELMANN: Yes.

25 MSGR. LAROCQUE: I think you know that

1 already.

2 MR. ENGELMANN: Yes, we've heard that from  
3 experts that this is a guide.

4 MSGR. LAROCQUE: That's right, and there's -  
5 - given as a help to the dioceses but it's left up to the  
6 Bishop of his diocese to use it in whatever way he sees  
7 fit.

8 MR. ENGELMANN: We heard that there's a  
9 distinction between what's called the Dallas Charter in the  
10 United States and From Pain to Hope in Canada, in the sense  
11 that the Dallas Charter is binding on diocesan bishops.

12 MSGR. LAROCQUE: Because all the bishops  
13 accepted that it would be binding.

14 MR. ENGELMANN: Right, but in Canada this is  
15 not a requirement but a recommendation.

16 MSGR. LAROCQUE: That's right, and I think  
17 that it has been adopted by most dioceses.

18 THE COMMISSIONER: But it is still short of  
19 binding?

20 MSGR. LAROCQUE: The CCCB cannot bind the --  
21 -

22 THE COMMISSIONER: M'hm.

23 MR. ENGELMANN: There would have to be some  
24 kind of a unanimous effort and perhaps a ---

25 MSGR. LAROCQUE: An agreement.

1                   **MR. ENGELMANN:** --- delegation to Rome to  
2                   get something like the Dallas Charter?

3                   **MSGR. LAROCQUE:** Rome can make it binding  
4                   but the CCCB does not have that power.

5                   **MR. ENGELMANN:** So then just to conclude on  
6                   the documents, sir, the conclusion you'll find at page 63 -  
7                   - it's Bates page 159.

8                   Again, sir, they say -- they say some things  
9                   that are perhaps readily apparent but, for example, in the  
10                  second paragraph on page 63:

11                                 "The devastation touches the whole  
12                                 community to one degree or another."

13                  And this is the problem of clergy abuse of youth. I know  
14                  that we're talking ---

15                  **MSGR. LAROCQUE:** Yes, Cornwall could well be  
16                  an example of such a community.

17                  **MR. ENGELMANN:** All right. And they talk  
18                  about the fact that abuse can cause profound damage. You  
19                  certainly don't disagree with that, sir?

20                  **MSGR. LAROCQUE:** No.

21                  **MR. ENGELMANN:** And quite aside from that,  
22                  they talk about issues of truth, humility, conversion and  
23                  forgiveness as all being important principles to guide the  
24                  Canadian Conference of Catholic Bishops?

25                  **MSGR. LAROCQUE:** Right.

1                   **MR. ENGELMANN:** And you'll see that set out  
2                   at page 64.

3                   And that then led them to this caption or  
4                   title, "From Pain to Hope".

5                   Sir, I understand that in January of '94 you  
6                   would have issued a media release in respect of the  
7                   Diocesan guidelines. Now, this was in response, I think,  
8                   to some media exposure of the Silmsler settlement and that  
9                   affair, but it's our understanding at least this is sort of  
10                  the first public airing of a diocesan protocol, a  
11                  guideline.

12                  **MSGR. LAROCQUE:** I think we had a press  
13                  conference at the Diocesan Centre, if I'm ---

14                  **MR. ENGELMANN:** Okay. I'm just, for now,  
15                  referring to a media release ---

16                  **MSGR. LAROCQUE:** Yes.

17                  **MR. ENGELMANN:** --- that was dated  
18                  January 7. You'll find it in Exhibit 58, tab 28.

19                  **MSGR. LAROCQUE:** Twenty-eight (28)?

20                  **THE COMMISSIONER:** It's in the -- it's in  
21                  the ---

22                  **MSGR. LAROCQUE:** The second volume, yes.

23                  **MR. ENGELMANN:** So in the first paragraph of  
24                  that media release, and that's January 7<sup>th</sup> '94, it says:

25                                 "In view of recent media allegations of

1 sexual aggression on the part of a  
2 member of the clergy at the Diocese of  
3 Alexandria-Cornwall, let it be known  
4 that the Diocese has acted in  
5 accordance with the guidelines accepted  
6 and promulgated for the immediate and  
7 serious attention demanded by such a  
8 complaint."

9 And then it says "copy enclosed".

10 **MSGR. LAROCQUE:** M'hm.

11 **MR. ENGELMANN:** And if we look at the  
12 document attached, sir, this is what I have called  
13 previously the Vaillancourt document?

14 **MSGR. LAROCQUE:** That's right.

15 **MR. ENGELMANN:** That -- and, sir, if it  
16 hadn't been officially promulgated or adopted, certainly by  
17 your making this public you're saying it is official?

18 **MSGR. LAROCQUE:** That's right.

19 **MR. ENGELMANN:** And I believe, in fact, sir,  
20 you're saying -- yeah, you've said "accepted and  
21 promulgated" so there's no doubt that this is official at  
22 this point-in-time?

23 **MSGR. LAROCQUE:** Right.

24 **MR. ENGELMANN:** We're going to come back to  
25 this media release for other issues dealing with Father

1 MacDonald.

2 **MSGR. LAROCQUE:** Right.

3 **MR. ENGELMANN:** I want to talk to you now,  
4 just briefly, about involvement with the Children's Aid  
5 Society in developing a joint protocol.

6 **MSGR. LAROCQUE:** Right.

7 **MR. ENGELMANN:** And I understand that in  
8 addition to working on a Diocesan protocol going from the  
9 "Clergy in Difficulty" document, which we saw from '87 to  
10 '92, and then the Vaillancourt document from '92 on, that  
11 there was some work done on establishing a multi-agency  
12 protocol, in particular with the Children's Aid Society?

13 **MSGR. LAROCQUE:** The Children's Aid Society,  
14 the OPP, the local police, a Baptist minister and I think  
15 an Anglican, so that it became a sort of ecumenical church  
16 as well as agencies. I think they would have been the  
17 first in Canada to do that.

18 **MR. ENGELMANN:** I'm sorry?

19 **MSGR. LAROCQUE:** I think this would be the  
20 first diocese in Canada to have inaugurated such a protocol  
21 of involving all these people on an ecumenical basis as  
22 well as institutional basis with the police and the CAS.

23 **MR. ENGELMANN:** All right. What I'd like to  
24 do is try and take this from its roots to where it ends up.

25 **MSGR. LAROCQUE:** Okay.



1                   **MR. ENGELMANN:** And it's my understanding  
2                   that this might start actually with discussions or meetings  
3                   between yourselves -- between yourself and the Children's  
4                   Aid Society officials?

5                   **MSGR. LAROCQUE:** It could very well have  
6                   been, yes.

7                   **MR. ENGELMANN:** And I'm going to suggest to  
8                   you that as early as October of '93 the Children's Aid  
9                   Society had raised the idea with you of a joint protocol in  
10                  a meeting that Mr. Abell would have had with you on that  
11                  day. I just want to show you a document.

12                  **MSGR. LAROCQUE:** Okay.

13                  **MR. ENGELMANN:** It's Exhibit 1299 and,  
14                  again, I think it comes up in relation to the Silmser  
15                  matter but all I'm interested for now is the discussion on  
16                  the protocol.

17                  **MSGR. LAROCQUE:** Okay.

18                  **MR. ENGELMANN:** Counsel, it's document  
19                  711991.

20                  **THE COMMISSIONER:** Sorry, exhibit number  
21                  again, Mr. Engelmann?

22                  **MR. ENGELMANN:** Twelve-ninety-nine (1299).

23                  **THE COMMISSIONER:** And what are we looking  
24                  at? Okay.

25                  **MR. ENGELMANN:** Monsignor, the page in

1 question is the second-last page in the exhibit. It has at  
2 the top left the last three numbers, 922. And although the  
3 date doesn't appear on this, I know from an identical copy  
4 of this, which is another document number, that it's dated  
5 October 12<sup>th</sup>.

6 This is a meeting you were having with  
7 Richard Abell and two colleagues of his, a fellow by the  
8 name of Bill Carriere and another fellow by the name of  
9 Angelo Townsdale.

10 MSGR. LAROCQUE: Yes, I know ---

11 MR. ENGELMANN: I don't ---

12 MSGR. LAROCQUE: I know Angelo very well.

13 MR. ENGELMANN: All right. I don't -- do  
14 you have any independent recollection of that meeting? It  
15 was primarily to deal with issues involving Father  
16 MacDonald.

17 MSGR. LAROCQUE: Every day is too far back.  
18 I can't remember the details.

19 MR. ENGELMANN: All right, okay.

20 Well, Mr. Abell has notes and I'm looking at  
21 Bates page 922, second paragraph, and he says, "I say" --  
22 being Abell --

23 "I say we need a protocol, he..."  
24 and that's attributed to you --

25 MSGR. LAROCQUE: Yes.

1                   **MR. ENGELMANN:** "...agrees we need to get  
2   to work with the police."

3                   **MSGR. LAROCQUE:** Right.

4                   **MR. ENGELMANN:** All right? And this seems  
5                   to be, sir, at least from my review of the notes, first  
6                   indication that there is some discussion between Children's  
7                   Aid Society and your Diocese about having some kind of a  
8                   multi-agency protocol.

9                   **MSGR. LAROCQUE:** Okay.

10                  **MR. ENGELMANN:** All right?

11                                       And would you agree with me that the impetus  
12                   for these discussions about a joint protocol may have been  
13                   the situation that arose with the allegations against  
14                   Father MacDonald?

15                  **MSGR. LAROCQUE:** Yes, probably, yes.

16                  **MR. ENGELMANN:** All right.

17                                       Sir, if I could take you to another document  
18                   then, it is Document Number 711975.

19                  **MSGR. LAROCQUE:** Tab?

20                  **THE COMMISSIONER:** No -- not -- no.

21                  **MR. ENGELMANN:** You'll get it in just a  
22                   moment.

23                  **MSGR. LAROCQUE:** Excuse me.

24                  **THE COMMISSIONER:** No.

25                  **MR. ENGELMANN:** It's not yet an exhibit.

1                   **THE COMMISSIONER:** By the time you get used  
2 to it, it will be time for you to go.

3                   **(SHORT PAUSE/COURTE PAUSE)**

4                   **THE COMMISSIONER:** Exhibit Number 2087 is --  
5 these are notes from Mr. Abell?

6                   **MR. ENGELMANN:** Richard Abell.

7                   **THE COMMISSIONER:** Yeah. And the first date  
8 on it is the 3<sup>rd</sup> of December -- is that '95, Mr. Englemann?

9                   **MR. ENGELMANN:** I believe it's '93, sir.

10                  **THE COMMISSIONER:** Okay.

11                  **--- EXHIBIT NO./PIÈCE NO. P-2087:**

12                                 (711975) Notes of Richard Abell - December  
13                                 3, 1993

14                  **MR. ENGELMANN:** Again, sir, the first page  
15 deals primarily with ongoing issues with Father MacDonald.

16                  **MSGR. LAROCQUE:** Right.

17                  **MR. ENGELMANN:** I really want to take you to  
18 the second page, if I may.

19                                 This is a -- these are his notes of a phone  
20 call with you on December 3<sup>rd</sup> 1993. He's saying:

21   "I reminded him of the need to get on  
22 to protocol work."

23                  **MSGR. LAROCQUE:** M'hm.

24                  **MR. ENGELMANN:** "We both acknowledged the  
25 great number of rumours in the

1 community."

2 And this is just before the press release  
3 and things are very public in January. And he said again:  
4 "He wants to cooperate with us 'to get  
5 at the truth'. Parted on a positive  
6 note."

7 **MSGR. LAROCQUE:** Right.

8 **MR. ENGELMANN:** So, again, there's a  
9 reference to Mr. Abell reminding you of the need to do some  
10 work on a protocol. Is that fair?

11 I don't -- do you have any recollection of  
12 this, sir?

13 **MSGR. LAROCQUE:** No, I'm interested in the  
14 fact that at the very beginning he says:

15 "I just came back from Rome and I had a  
16 head cold."

17 You see, m'hm?

18 So that would have been the -- he had --  
19 visit when I was the one president of the Ontario Bishops,  
20 and I was the one to present the Ontario Bishops to the  
21 Pope.

22 **MR. ENGELMANN:** So that's situating yourself  
23 in time?

24 **MSGR. LAROCQUE:** It situates me quite well,  
25 thank you, yes.

1                   **MR. ENGELMANN:** Okay.

2                   So you had a few either in-person meetings  
3                   or telephone conversations with Mr. Abell during the period  
4                   the fall of '93 through 1994?

5                   **MSGR. LAROCQUE:** That's right.

6                   **MR. ENGELMANN:** You were aware that they  
7                   were investigating the Father MacDonald matter?

8                   **MSGR. LAROCQUE:** Very much so, yes.

9                   **MR. ENGELMANN:** Yeah, all right. So,  
10                  therefore, you had had contacts with them, and during some  
11                  of these contacts there would have been discussions about  
12                  protocol or the need for a protocol?

13                  **MSGR. LAROCQUE:** Exactly, yes.

14                  **MR. ENGELMANN:** Sir, again, Document Number  
15                  711943.

16                  **THE COMMISSIONER:** Merci.

17                  Exhibit 2088 is a note from Mr. Abell again.

18                  **MR. ENGELMANN:** Yes.

19                  **THE COMMISSIONER:** And ---

20                  **MR. ENGELMANN:** Sir, the date is difficult,  
21                  but we believe it to be March 1<sup>st</sup>, 1994.

22                  **THE COMMISSIONER:** March 1<sup>st</sup>, 1994.

23                  --- **EXHIBIT NO./PIÈCE NO. P-2088:**

24                  (711943) Notes of Richard Abell - March 1,  
25                  1994

1                   **MR. ENGELMANN:** And, sir, again, this is  
2                   predominantly about the Father MacDonald issue, but you'll  
3                   note the reference:

4                                   "Bishop ready to meet re: protocol  
5                                   issues."

6                   **MSGR. LAROCQUE:** Right.

7                   **MR. ENGELMANN:** And it appears you're still  
8                   interested in working on some kind of a protocol with the  
9                   CAS as at March of '94?

10                  **MSGR. LAROCQUE:** Exactly.

11                  **MR. ENGELMANN:** But it also appears, sir,  
12                  that there hadn't been meetings or committees set up to  
13                  begin the work on this yet?

14                  **MSGR. LAROCQUE:** Apparently not, no.

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

16                                Sir, if you'd look at -- and you should  
17                                still have this in front of you. It's the cerlox book,  
18                                Exhibit 58. We've been looking at a number of tabs.

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

20                  **MR. ENGELMANN:** And I'm guessing it's in the  
21                  second volume. It's Tab 29, Mr. Commissioner.

22                  **THE COMMISSIONER:** Yes, it is.

23                  **MSGR. LAROCQUE:** Twenty-nine (29)?

24                  **MR. ENGELMANN:** Twenty-nine (29).

25                  **THE COMMISSIONER:** Volume Two.

1                   **MR. ENGELMANN:** Counsel, it's Document  
2                   600621.

3                   This is a letter from Mr. Abell to yourself  
4                   and he's referencing a call on March 8<sup>th</sup>, apparently your  
5                   call to him?

6                   **MSGR. LAROCQUE:** Right.

7                   **MR. ENGELMANN:** And he's saying:

8                   "Like to confirm that I remain  
9                   committed to discussions with the  
10                  Diocese and relevant police services  
11                  regarding future handling of abuse  
12                  allegations against the clergy. As  
13                  we've discussed when we first met  
14                  regarding the most recent allegation,  
15                  it is our joint interest to ensure that  
16                  these matters are dealt with in a  
17                  timely and efficient manner."

18                  So again he's confirming, once again, the  
19                  commitment of his agency to work on this protocol ---

20                  **MSGR. LAROCQUE:** Right.

21                  **MR. ENGELMANN:** --- for allegations of  
22                  clergy abuse?

23                  **MSGR. LAROCQUE:** Right.

24                  **MR. ENGELMANN:** Sir, if we could look at  
25                  Document Number 104368? This is a letter from Richard



1 Abell to Eugene Larocque dated September 28<sup>th</sup>, 1994.

2 THE COMMISSIONER: Exhibit 2089.

3 --- EXHIBIT NO./PIÈCE NO. P-2089:

4 (104368) Letter from Richard Abell to Eugene  
5 LaRocque - September 28, 1994

6 MR. ENGELMANN: I'm sorry? Two-zero-eight -

7 --

8 THE COMMISSIONER: Two-zero-eight-nine  
9 (2089).

10 MR. ENGELMANN: Again, sir, this deals with  
11 some issues involving their investigation into the Father  
12 MacDonald matter, but if you'll note in the third  
13 paragraph, Mr. Abell once again is welcoming the  
14 opportunity to develop a protocol with your assistance ---

15 MSGR. LAROCQUE: Right.

16 MR. ENGELMANN: --- to address the handling  
17 of allegations against Roman Catholic clergy. Do you see  
18 that?

19 MSGR. LAROCQUE: Yes.

20 MR. ENGELMANN: So he seems to be quite  
21 persistent in calling or writing ---

22 MSGR. LAROCQUE: Right.

23 MR. ENGELMANN: --- to remind you about  
24 their desire to get a protocol with you?

25 MSGR. LAROCQUE: Right.

1 MR. ENGELMANN: Is that fair?

2 MSGR. LAROCQUE: Right.

3 MR. ENGELMANN: And it appears you've got a  
4 handwritten note ---

5 MSGR. LAROCQUE: Yes, dated January 4<sup>th</sup>.

6 MR. ENGELMANN: Right. And I believe the  
7 first note just refers to their investigation but the  
8 second note refers to the protocol issue.

9 MSGR. LAROCQUE: That's right.

10 MR. ENGELMANN: If I was able to decipher  
11 them.

12 So what I'm interested in is the second  
13 note.

14 MSGR. LAROCQUE: Yes.

15 MR. ENGELMANN: Can you tell us what it  
16 says? And if you want, we can try and blow it up a bit on  
17 the screen.

18 MSGR. LAROCQUE: "Meeting for protocol  
19 agreement between Richard Abell, Bill  
20 Carriere, myself, Father..."

21 MR. ENGELMANN: Is it "Williamson"?

22 MSGR. LAROCQUE: Well, there's no --  
23 "Vaillancourt..."

24 MR. ENGELMANN: Sorry.

25 MSGR. LAROCQUE: "...Monsignor Donald

1 Bernard McDougald, Father Poirier..."

2 Gerald Poirier:

3 "the Counsel of Christian..."

4 No:

5 "the Cornwall Christian Counsel, the  
6 OPP, the Cornwall Police, and the Crown  
7 Attorney for January 25 or 26."

8 **MR. ENGELMANN:** All right.

9 So it appears that there's something -- and  
10 I don't know if this was a note of a phone call with Mr.  
11 Abell, but it appears at least that a meeting has been set  
12 up to deal with the protocol issue?

13 **MSGR. LAROCQUE:** Apparently, yes.

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

15 Now, if we could look at -- it's Document  
16 Number 119888. It's a letter from Richard Abell to Bishop  
17 LaRocque, dated January 6<sup>th</sup>, 1995.

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **THE COMMISSIONER:** Exhibit 2090 again is a  
20 letter dated January 6, 1995 from Mr. Abell to Bishop  
21 LaRocque.

22 **--- EXHIBIT NO./PIÈCE NO. P-2090:**

23 (119888) Letter from Eugene LaRocque to  
24 Richard Abell - 06 Jan 95

25 **MR. ENGELMANN:** Now, again, the caption is

1 about the abuse allegation against Father MacDonald but I  
2 wanted to look at the fourth paragraph if we can.

3 **MSGR. LAROCQUE:** M'hm.

4 **MR. ENGELMANN:** And with respect to the  
5 protocol issue, he's saying:

6 "I'm extremely pleased that we can now  
7 move ahead to establish collaborative  
8 protocol for dealing with abuse  
9 allegations against members of the  
10 clergy."

11 **MSGR. LAROCQUE:** Right.

12 **MR. ENGELMANN:** All right.

13 So it appears -- and this is about the time  
14 of your note as well in January?

15 **MSGR. LAROCQUE:** That's right.

16 **MR. ENGELMANN:** So again this is another  
17 expression of interest, at least by Mr. Abell on joint work  
18 on a protocol?

19 **MSGR. LAROCQUE:** Yes.

20 **MR. ENGELMANN:** It appears that it hasn't  
21 started yet but that it's about to start. Is that fair?

22 **MSGR. LAROCQUE:** That's fair, yes.

23 **MR. ENGELMANN:** All right.

24 **MSGR. LAROCQUE:** From the note.

25 **MR. ENGELMANN:** All right.

1                   And sir, if you look at -- again, it's that  
2                   Cerlox book that you have.

3                   **MSGR. LAROCQUE:** Yes.

4                   **MR. ENGELMANN:** I think it's the second  
5                   volume, Exhibit 58, Tab 30.

6                   **MSGR. LAROCQUE:** Yes.

7                   **MR. ENGELMANN:** There's a letter.

8                   **MSGR. LAROCQUE:** Tab 29 is a letter too.

9                   **MR. ENGELMANN:** Okay. I think it's Tab 30  
10                  the one I'm looking for.

11                  **MSGR. LAROCQUE:** Tab 30, yes.

12                  **MR. ENGELMANN:** This is a letter to the OPP?

13                  **MSGR. LAROCQUE:** The OPP and the Cornwall  
14                  Police and various clergy, kind of a ---

15                  **MR. ENGELMANN:** Right.

16                  **MSGR. LAROCQUE:** --- letter to all of them.

17                  **MR. ENGELMANN:** And the letter is dated  
18                  March 3<sup>rd</sup> ---

19                  **MSGR. LAROCQUE:** March 3<sup>rd</sup>.

20                  **MR. ENGELMANN:** --- of '95.

21                  **MSGR. LAROCQUE:** Right.

22                  **MR. ENGELMANN:** And there had been a note  
23                  that there might be a meeting in January earlier but it  
24                  appears that you're now setting up the meeting for some  
25                  time in March; is that fair?

1                   **MSGR. LAROCQUE:** That's right.

2                   **MR. ENGELMANN:** All right.

3                   And:

4                                "This letter confirms arrangements for  
5                                a meeting of police, CAS and churches  
6                                with respect to investigative protocols  
7                                of abuse allegations against the  
8                                clergy."

9                   Is that fair?

10                  **MSGR. LAROCQUE:** Yes, that's right.

11                  **MR. ENGELMANN:** Now, do you recall, sir, if  
12                  that meeting actually took place? Do you have any  
13                  recollection of that?

14                  **MSGR. LAROCQUE:** I don't think I was present  
15                  so I can't tell.

16                  **MR. ENGELMANN:** All right.

17                                Would you have sent one of your Bishop's  
18                                delegates or both of them to a meeting of that nature?

19                  **MSGR. LAROCQUE:** Father Vaillancourt would  
20                  have been there, I'm quite sure.

21                  **MR. ENGELMANN:** Yes. Well, he did testify  
22                  that he attended a meeting.

23                  **MSGR. LAROCQUE:** It was held at his place.

24                  **MR. ENGELMANN:** Okay.

25                  **MSGR. LAROCQUE:** It was done at the Precious

1 Blood Church itself.

2 MR. ENGELMANN: All right.

3 Now, do you recall, sir, if a protocol came  
4 out of that meeting or something was developed? Something  
5 was developed ---

6 MSGR. LAROCQUE: I don't know whether it  
7 came out of that meeting or whether it -- but I know that  
8 eventually a protocol came for it.

9 MR. ENGELMANN: All right.

10 Well, sir, if you turn a couple of tabs  
11 further in the exhibit you're in, Exhibit 58, Tab 32?

12 Counsel, it's Document Number 600263.

13 Sir, to your knowledge is this the protocol  
14 that would have come out of those meetings?

15 MSGR. LAROCQUE: I believe so, yes.

16 MR. ENGELMANN: And you would have signed it  
17 off and approved it on June 21<sup>st</sup>, 1995?

18 MSGR. LAROCQUE: June 17<sup>th</sup>, I think it says  
19 on my copy here.

20 MR. ENGELMANN: This particular protocol has  
21 two dates. There is one that's signed off on June 21<sup>st</sup>,  
22 1995. Then there is an identical one that's signed on  
23 June 17<sup>th</sup>, 1996.

24 Do you have the one that's June 17<sup>th</sup>, 1996?

25 MSGR. LAROCQUE: I do, yes.

1 MR. ENGELMANN: All right.

2 MSGR. LAROCQUE: But see this ---

3 MR. ENGELMANN: Is what you're looking at,  
4 sir, part of the Diocesan policies for 1996?

5 MSGR. LAROCQUE: I think so, yes.

6 MR. ENGELMANN: All right.

7 I'm looking at another document.

8 MSGR. LAROCQUE: And that's at 32?

9 MR. ENGELMANN: No.

10 MSGR. LAROCQUE: Okay, I've got it now.

11 MR. ENGELMANN: Thirty-one (31).

12 MSGR. LAROCQUE: Thirty-one (31), yes.

13 MR. ENGELMANN: I don't have the (off mic).

14 MSGR. LAROCQUE: Yes, I have it.

15 MR. ENGELMANN: Now, if you look at Tab 31  
16 of Exhibit 58 which I believe is Document Number 738076  
17 that's the same as what you then see at Tab 32, sir, just  
18 signed off approximately a year earlier. Is that correct?

19 MSGR. LAROCQUE: Is it the same or not? I'd  
20 have to read it to see.

21 MR. ENGELMANN: I believe that part is  
22 identical and then there's an additional part that is added  
23 in '96 dealing with priests.

24 MSGR. LAROCQUE: Yes.

25 MR. ENGELMANN: So just on this document,



1 sir, at Tab 31 if we can, it does say that these guidelines  
2 -- right at the bottom:

3 "...have been drawn up in consultation  
4 with the CAS of Cornwall and both the  
5 OPP and Cornwall Police."

6 **MSGR. LAROCQUE:** Yes.

7 **MR. ENGELMANN:** And it sets out various  
8 phases. Phase 1 deals with receiving a complaint and that  
9 it's to be reported immediately to the CAS or the police if  
10 the victim is under the age of 16 at the time of the  
11 offence.

12 **MSGR. LAROCQUE:** Right.

13 **MR. ENGELMANN:** And would you agree with me,  
14 sir, that this protocol then would require historical  
15 sexual abuse as well if the person was under 16 at the  
16 time?

17 **MSGR. LAROCQUE:** That was the agreement that  
18 we reached with the CAS at this time, yes.

19 **MR. ENGELMANN:** And part four, sir, dealt  
20 with the decision of the Bishop. Can you just explain that  
21 to us briefly, sir?

22 **MSGR. LAROCQUE:** Let me read it first.

23 **MR. ENGELMANN:** Yeah.

24 (SHORT PAUSE/COURTE PAUSE)

25 **MSGR. LAROCQUE:** Well, as I understand it,

1 the Committee does -- the person who is investigating makes  
2 his report and if the report warrants it then I immediately  
3 remove the person from pastoral work.

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

5 So let me just try and understand. The  
6 investigation that's being referred to, that's an  
7 investigation by a civil authority or is that an internal  
8 investigation? The way I read this is ---

9 **MSGR. LAROCQUE:** It would be both, I would  
10 imagine because if you reported it -- the first is you have  
11 to report it right away but the Bishop's delegate still  
12 continues his work and reports back to me.

13 **MR. ENGELMANN:** Okay, because I was looking  
14 at phase three and it says "Investigation by the Proper  
15 Authority."

16 **MSGR. LAROCQUE:** Right.

17 **MR. ENGELMANN:** And then under phase four  
18 "Decision of the Bishop":

19 "The Bishop waits for the investigation  
20 to take place."

21 I assume that the investigation referred to  
22 was ---

23 **MSGR. LAROCQUE:** Was the CAS?

24 **MR. ENGELMANN:** Well, something either by  
25 the CAS or the police.

1                   **MSGR. LAROCQUE:** Right.

2                   **MR. ENGELMANN:** I'm not suggesting it  
3 precludes any type of Diocesan investigation.

4                   **MSGR. LAROCQUE:** Right, yeah.

5                   **MR. ENGELMANN:** But the way this is worded  
6 it appears that you're to wait for their investigation to  
7 take place and then -- and then it says:

8                                 "If the situation warrants it..."  
9                   And they set out some examples.

10                   **MSGR. LAROCQUE:** Right.

11                   **MR. ENGELMANN:** If one of those takes place  
12 then you are to:

13                                 "...remove the suspected aggressor from  
14 Church duties."

15                   **MSGR. LAROCQUE:** Right.

16                   **MR. ENGELMANN:** Am I reading that correctly?

17                   **MSGR. LAROCQUE:** That's what it says, yes.

18                   **MR. ENGELMANN:** So what if any discretion  
19 does that leave you once it's been established that there  
20 is a risk, for example, to the alleged aggressor or there  
21 is the possibility of a risk to other members of the  
22 community? If that is determined through some form of  
23 investigation by the police or by the CAS then according to  
24 this protocol you must remove that priest from Church  
25 duties.

1 Am I reading it correctly?

2 (SHORT PAUSE/COURTE PAUSE)

3 MSGR. LAROCQUE: It doesn't say "must." It  
4 says he will do it, but doesn't say must.

5 MR. ENGELMANN: Well, it says:

6 "If the situation warrants it..."

7 And then it gives some examples ---

8 MSGR. LAROCQUE: Right.

9 MR. ENGELMANN: --- as I understand it of  
10 what would warrant it.

11 MSGR. LAROCQUE: Right.

12 MR. ENGELMANN: "The Bishop removes"?

13 MSGR. LAROCQUE: Yes.

14 MR. ENGELMANN: So according to this  
15 protocol, if one of those situations arises you've agreed  
16 to remove the suspected aggressor from Church duties.

17 MSGR. LAROCQUE: That's correct. That's  
18 what I did with Father Charlie.

19 MR. ENGELMANN: And sir, that -- this  
20 document, and it's a short document, but just looking at  
21 it, it appears to be very focused on the accused or the  
22 alleged offender.

23 In any event we'll carry on. The document  
24 speaks for itself.

25 Did this particular document, did it replace

1 the earlier Diocesan guidelines or were they to exist  
2 together?

3 **MSGR. LAROCQUE:** I think that's what I was  
4 referring to in Tab 32; the two of them are put together.

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

6 **MR. ENGELMANN:** So Tab 32, these are the  
7 Diocesan policies from 1996?

8 **MSGR. LAROCQUE:** That's correct.

9 **MR. ENGELMANN:** It's on the cover.

10 **MSGR. LAROCQUE:** Yes.

11 **MR. ENGELMANN:** Is that correct?

12 **MSGR. LAROCQUE:** Yes, that's right.

13 **MR. ENGELMANN:** And at page 37, Bates page  
14 816, we have the document we've just been looking at ---

15 **MSGR. LAROCQUE:** Exactly, yes.

16 **MR. ENGELMANN:** --- which now has a new date  
17 of June 17<sup>th</sup>, 1996; correct?

18 **MSGR. LAROCQUE:** Right.

19 **MR. ENGELMANN:** And this is the document  
20 that I said was identical to the June 21<sup>st</sup>, '95 document?

21 **MSGR. LAROCQUE:** That's right.

22 **MR. ENGELMANN:** And then attached to it you  
23 have a protocol for priests who are the subject matter of  
24 criminal proceedings or civil litigation?

25 **MSGR. LAROCQUE:** Right.

1                   **MR. ENGELMANN:** And that's a two-page  
2                   document?

3                   **MSGR. LAROCQUE:** Right.

4                   **MR. ENGELMANN:** And it's dated June 17<sup>th</sup>,  
5                   1996?

6                   **MSGR. LAROCQUE:** It is, yes.

7                   **MR. ENGELMANN:** Now, sir, what about the  
8                   Vaillancourt document, does it still exist or has it now  
9                   been superseded by these two protocols?

10                  **MSGR. LAROCQUE:** I would suspect that these  
11                  protocols are part of the evolution of the Vaillancourt  
12                  document.

13                  **MR. ENGELMANN:** Because the Vaillancourt  
14                  document -- let me just see if I can get it handy for a  
15                  second.

16                                   **(SHORT PAUSE/COURTE PAUSE)**

17                  **MR. ENGELMANN:** The Vaillancourt document  
18                  really talks about an internal investigation in the main,  
19                  and it's at Tab 25 of that same book you're looking at.

20                  **THE COMMISSIONER:** Actually, it's in the  
21                  first volume, last tab. Let me help you. Volume 1 ---

22                  **MSGR. LAROCQUE:** Oh, here it is.

23                  **THE COMMISSIONER:** --- and the very last  
24                  tab.

25                  **MSGR. LAROCQUE:** Yes, I have it. Thank you.

1                   **THE COMMISSIONER:** Thank you.

2                   **MR. ENGELMANN:** Now, the phases seem to be -  
3                   - the captions at least are very close. It says:

4                               "Receiving a complaint, phase one;  
5                               phase two, informing the Bishop of the  
6                               Diocese."

7                   Here's where it starts to get different:

8                               "Phase three, meeting with a suspected  
9                               aggressor; phase four, meeting of the  
10                              Advisory Committee; phase five,  
11                              notification; phase six, inquiry and  
12                              decision by the CAS; phase seven,  
13                              offering to help."

14                   And what I just was trying to understand,  
15                   Monsignor, was whether this document at Tab 25 of Exhibit  
16                   58 was to continue to co-exist or whether it had been  
17                   superseded by the two documents we now see in the 1996  
18                   diocesan protocols. We no longer see this particular  
19                   document, the Vaillancourt document as I've called it, in  
20                   those 1996 protocols.

21                   **MSGR. LAROCQUE:** No, I think it was part of  
22                   the evolutionary process.

23                   **MR. ENGELMANN:** All right. So it's  
24                   essentially gone now and we have the 1996 documents?

25                   **MSGR. LAROCQUE:** I would suppose so, yes.

1                   **MR. ENGELMANN:** All right.

2                   I'll just be a moment.

3                   **THE COMMISSIONER:** All right.

4                   Then we can wind down for lunch, Mr.

5                   Engelmann.

6                                   **(SHORT PAUSE/COURTE PAUSE)**

7                   **MR. ENGELMANN:** Just a couple of questions  
8                   before we do, sir, if I may.

9                                   In Tab 32, sir, the document we're looking  
10                   at, we have the document that's been re-signed June 17<sup>th</sup>,  
11                   '96. Do you know of any reason why you would have approved  
12                   this same document again a year later, or was it just so  
13                   that you had the two together at the same time?

14                   **MSGR. LAROCQUE:** I think that that would be  
15                   the reason, yes.

16                   **MR. ENGELMANN:** All right.

17                                   And if we look at the second part of the  
18                   document, "Protocol for priests who are the subject matter  
19                   of criminal proceedings or civil litigation".

20                   **MSGR. LAROCQUE:** Yes.

21                   **MR. ENGELMANN:** It seems to be, just by  
22                   looking at it, very much a protection for priests document,  
23                   in the sense that it sets out all of the various  
24                   protections and/or provisions you're going to be putting in  
25                   place if a priest is the subject matter of either an



1 allegation -- of an allegation that leads to either a  
2 criminal proceeding or a civil litigation?

3 **MSGR. LAROCQUE:** Right.

4 **MR. ENGELMANN:** And I just want to give you  
5 a couple of examples.

6 It appears at paragraph 2 that the priest is  
7 entitled to legal counsel of choice within reason. Do you  
8 see that?

9 **MSGR. LAROCQUE:** Right.

10 **MR. ENGELMANN:** And those costs are going to  
11 be borne by the Diocese.

12 **MSGR. LAROCQUE:** Right.

13 **MR. ENGELMANN:** And that's whether it's a  
14 criminal allegation or a civil lawsuit. Is that correct?

15 **MSGR. LAROCQUE:** With the understanding that  
16 if he's found criminally responsible -- if I remember  
17 correctly the context -- that he would have to reimburse  
18 the Diocese.

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

20 Paragraph 4 talks about the accused priest  
21 is to be ensured reasonable lodging and necessary funds to  
22 provide for lodging and food?

23 **MSGR. LAROCQUE:** Right.

24 **MR. ENGELMANN:** Paragraph 5 talks about a  
25 priest receiving full salary, car allowance, benefits, et

1           cetera, until the completion of all legal processes,  
2           including appeals?

3                   **MSGR. LAROCQUE:** Right.

4                   **MR. ENGELMANN:** Paragraph 6 talks about the  
5           provision of therapy, the priest's preference of therapy?

6                   **MSGR. LAROCQUE:** Right.

7                   **MR. ENGELMANN:** These are all expenses that  
8           the Diocese will bear; correct?

9                   **MSGR. LAROCQUE:** The subject of the protocol  
10          is protocol for priests.

11                   **MR. ENGELMANN:** Yes.

12                   **MSGR. LAROCQUE:** That's why it seems to me  
13          the victims and how we handle the complaints is part of the  
14          protocol that we have -- the new protocol that we have with  
15          the police and the CAS.

16                   **MR. ENGELMANN:** All right.

17                   So ---

18                   **MSGR. LAROCQUE:** There's a different  
19          purpose. One is for one reason, the other one's for the  
20          other, and then non-mention of victims in that is because  
21          we're talking about how to handle the priest situation.

22                   **MR. ENGELMANN:** Right. So the first page,  
23          which is page 37, of the Diocesan protocols, or 816 ---

24                   **MSGR. LAROCQUE:** Right.

25                   **MR. ENGELMANN:** --- that would be the page

1 that would set out sort of victims or alleged victims  
2 rights?

3 **MSGR. LAROCQUE:** That's right.

4 **MR. ENGELMANN:** Whereas the other two pages  
5 would set out the priest's rights?

6 **MSGR. LAROCQUE:** The priest's.

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

8 And if I'm reading correctly, at "B" on page  
9 39, this also sets out rights for priests who are  
10 indirectly involved because it says:

11 "Legal assistance should be provided to  
12 other priests who are interviewed by  
13 legitimate investigating authorities,  
14 both civil and religious,..."

15 Again, the costs will be paid by the  
16 Diocese.

17 And there's some other rights that priests  
18 indirectly involved will have. Is that correct?

19 **MSGR. LAROCQUE:** Yeah. Could you help me  
20 with, "In compliance with the *Constitution Act* of 1982"?  
21 Do you know what that means?

22 **MR. ENGELMANN:** Sir, I have no idea. I know  
23 what it ---

24 **MSGR. LAROCQUE:** That has to be a legal  
25 document I would imagine, because ---

1                   **MR. ENGELMANN:** I know what it is but I  
2                   don't see -- I don't know why it would apply to the  
3                   paragraph before. I don't know what that has to do with  
4                   the Diocese paying costs for priests who are indirectly  
5                   involved in either civil and/or religious matters or  
6                   investigations.

7                   **MSGR. LAROCQUE:** Yeah.

8                   **MR. ENGELMANN:** Do you know who would have  
9                   drafted this, sir?

10                  **MSGR. LAROCQUE:** I would imagine that Father  
11                  Vaillancourt who was working in this would be the one who  
12                  would be working on both aspects of this document. I was  
13                  not personally involved. That's all I can say.

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

15                  But you approved it?

16                  **MSGR. LAROCQUE:** I did, yes.

17                  **MR. ENGELMANN:** And I'm just wondering about  
18                  the rationale for paying the priest's legal fees. You can  
19                  see that on the previous page.

20                  **MSGR. LAROCQUE:** Yes.

21                  **MR. ENGELMANN:** It's Bates page 817.

22                  It says, "A) presumption of innocence". So  
23                  presumably that applies if it's a criminal matter. But  
24                  this is to provide costs for both criminal and civil  
25                  proceedings?

1                   **MSGR. LAROCQUE:** But as I said, if the  
2 priest is found guilty in a criminal action then the  
3 understanding was, and still is I think, that he would  
4 reimburse the Diocese?

5                   **MR. ENGELMANN:** What if there's no criminal  
6 action and it's just a civil proceeding?

7                   **MSGR. LAROCQUE:** I don't remember that that  
8 possibility was discussed.

9                   **MR. ENGELMANN:** And, sir, your comment that,  
10 "If they're found guilty, I'll have to repay," that's not  
11 in this document?

12                   **MSGR. LAROCQUE:** That was an understanding,  
13 I think, that is in the back of my mind at least. I know  
14 it's not in the documents.

15                   **MR. ENGELMANN:** If you're going to try and  
16 enforce such an understanding, surely, sir, you'd have to  
17 have it in the document that talks about rights for  
18 priests?

19                   **MSGR. LAROCQUE:** Probably.

20                   **MR. ENGELMANN:** And the rationale ---

21                   **MSGR. LAROCQUE:** That's a recollection only  
22 that I have.

23                   **MR. ENGELMANN:** All right.

24                   The rationale that's listed there is a  
25 presumption of innocence and then it says:

1 "b) Church is not taking sides."

2 MSGR. LAROCQUE: Right.

3 MR. ENGELMANN: "The victim has the full  
4 power of the Crown at his or her  
5 disposal."

6 MSGR. LAROCQUE: Right.

7 MR. ENGELMANN: I'm just wondering; I'm not  
8 familiar with other employers who would fund legal fees for  
9 their employees if they're charged with criminal offences.  
10 I'm just wondering where that rationale comes from.

11 MSGR. LAROCQUE: I suppose it's from the  
12 fact that priests do not receive a salary comparable to  
13 other people. They don't have the funds usually to be able  
14 to engage legal help.

15 MR. ENGELMANN: But there are lawyers  
16 available through other means for individuals who don't  
17 have funds; are there not, sir?

18 MSGR. LAROCQUE: I would suppose so, yes.

19 As you know, I did not draw up the document  
20 myself. I mean, I'm reading it as you are. I don't know -  
21 - I was not privy to the discussions that took place in  
22 order to put this down on paper.

23 MR. ENGELMANN: But it seems that as long as  
24 a priest maintains his innocence, there are many rights  
25 that he's afforded under this protocol in 1996.

1                   **MSGR. LAROCQUE:** Well, isn't that true even  
2                   in law, that you're innocent until you're proven guilty?

3                   **MR. ENGELMANN:** Sir, that's -- I think  
4                   you're misunderstanding my question. I'm talking ---

5                   **MSGR. LAROCQUE:** What is the question then?

6                   **MR. ENGELMANN:** The question is that as long  
7                   as a priest maintains his innocence, denies responsibility,  
8                   he's entitled to many benefits under this protocol? He's  
9                   entitled to full legal fees ---

10                  **MSGR. LAROCQUE:** Right.

11                  **MR. ENGELMANN:** --- throughout either a  
12                  civil or criminal process. He's entitled to reasonable  
13                  lodging and necessary expenses. He's entitled to receive  
14                  full salary, car allowance and benefits until the  
15                  completion of all legal processes, including ---

16                  **MSGR. LAROCQUE:** You have to know the  
17                  context, sir. The context is that many of my priests, as  
18                  well as myself, were accused.

19                  **MR. ENGELMANN:** In 1996, sir?

20                  **MSGR. LAROCQUE:** In 1996.

21                  **MR. ENGELMANN:** I thought that that was --

22                  -

23                  **MSGR. LAROCQUE:** Beforehand.

24                  **MR. ENGELMANN:** It was before this, before  
25                  June ---

1                   **MSGR. LAROCQUE:** The Leroux accusations.

2                   **MR. ENGELMANN:** Sir, those accusations only  
3 became public quite a bit later, did they not?

4                   **MSGR. LAROCQUE:** I don't believe so.

5                   **MR. ENGELMANN:** You believe they were public  
6 in June -- on June 17<sup>th</sup>, 1996?

7                   **MSGR. LAROCQUE:** I believe so.

8                   **MR. ENGELMANN:** All right.

9                   So you believe that all of these rights that  
10 were set out for you and other priests in the Diocese might  
11 have been influenced by the Leroux affidavit?

12                   **MSGR. LAROCQUE:** Absolutely, because we knew  
13 that we were innocent.

14                   **MR. ENGELMANN:** I'm sorry?

15                   **MSGR. LAROCQUE:** I said we knew that we were  
16 innocent.

17                   **MR. ENGELMANN:** Okay.

18                   **MSGR. LAROCQUE:** And the law was not  
19 protecting us, so we had to have some way of being able to  
20 protect ourselves.

21                   **MR. ENGELMANN:** Okay. Well, were any of you  
22 charged, sir?

23                   **MSGR. LAROCQUE:** No. We were investigated,  
24 but we were not charged because there were no grounds for  
25 the accusations.



1                   **MR. ENGELMANN:** Well, I'm certainly going to  
2                   come to that, but this talks about priests going through  
3                   criminal proceedings and/or civil litigation.

4                   **MSGR. LAROCQUE:** Right.

5                   **MR. ENGELMANN:** So presumably it goes far  
6                   beyond statements and an allegation -- statements on a  
7                   website. It goes through -- it is there for priests who  
8                   are charged?

9                   **MSGR. LAROCQUE:** These were not just  
10                  statements on a website. I'm sorry; these were not  
11                  statements on a website. These were accusations that were  
12                  investigated by the police and where the priests and myself  
13                  had to have legal counsel.

14                  **MR. ENGELMANN:** Okay. But, sir, this  
15                  protects priests through an entire criminal law process,  
16                  including all appeals, and any civil litigation that might  
17                  arise?

18                  **MSGR. LAROCQUE:** That's what it says, and as  
19                  I say, I didn't draw up the document.

20                  **MR. ENGELMANN:** All right.

21                  **MSGR. LAROCQUE:** I signed it, but I did not  
22                  draw it up.

23                  **MR. ENGELMANN:** All right.

24                  So just to end then, sir, whether you drew  
25                  it up or not, you were the Bishop and you approved this

1 protocol?

2 **MSGR. LAROCQUE:** I did.

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

4 Maybe we could take the lunch break?

5 **THE COMMISSIONER:** Take the lunch break.

6 Thank you.

7 Come back at 2:00 -- 2:10.

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

10 The hearing will resume at 2:10.

11 --- Upon recessing at 12:38 p.m./

12 L'audience est suspendue à 12h38

13 --- Upon resuming at 2:13 p.m./

14 L'audience est reprise à 14h13

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

17 This hearing is now resumed. Please be  
18 seated. Veuillez vous asseoir.

19 **THE COMMISSIONER:** Mr. Englemann.

20 **MR. ENGELMANN:** Good afternoon, Mr.

21 Commissioner.

22 **THE COMMISSIONER:** Good afternoon, sir.

23 **MONSIGNOR EUGÈNE LAROCQUE, Resumed/Sous le même serment:**

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

25 **ENGELMANN (cont'd/suite):**

1                   **MR. ENGELMANN:** Good afternoon, Monsignor.

2                   Sir, when we left off, I had finished the  
3 review of the protocols, and what I'd like to do now is ask  
4 you questions about Father Charles MacDonald.

5                   **MSGR. LAROCQUE:** Father?

6                   **MR. ENGELMANN:** Charles MacDonald.

7                   **MSGR. LAROCQUE:** Right.

8                   **MR. ENGELMANN:** And, sir, just by way of a  
9 roadmap, I'm going to ask you a few questions about your  
10 knowledge of his background from the seminary, et cetera,  
11 his role in the Diocese just before you arrive and then his  
12 role during your tenure as Bishop, and then we'll go to the  
13 Silmsler complaint and how you became aware of it, and your  
14 knowledge of the response to the complaint, up to and  
15 including the settlement discussion, et cetera.

16                   So we'll start, sir, if we can, just with  
17 some knowledge. Father MacDonald was a priest in the  
18 Diocese of Alexandria when you arrived and you were  
19 appointed as Bishop?

20                   **MSGR. LAROCQUE:** That's quite true, yes.

21                   **MR. ENGELMANN:** And he had been ordained by  
22 your predecessor, Bishop Proulx?

23                   **MSGR. LAROCQUE:** I believe so, yes.

24                   **MR. ENGELMANN:** All right.

25                   My understanding is he was ordained in or

1 around 1969. So that would have been Bishop Proulx at that  
2 time?

3 **MSGR. LAROCQUE:** Exactly, yes.

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

5 And that was after Bishop Brodeur?

6 **MSGR. LAROCQUE:** Yes.

7 **MR. ENGELMANN:** Sir, you told us that you  
8 didn't have many discussions with Bishop Proulx about staff  
9 when you took over?

10 **MSGR. LAROCQUE:** None whatsoever, yeah.

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

12 So I guess that answers my question. I was  
13 going to ask if you'd had any discussions with him about  
14 Father MacDonald specifically?

15 **MSGR. LAROCQUE:** No.

16 **MR. ENGELMANN:** What about with either  
17 Bishop Brodeur or other senior priests or diocesan staff?

18 **MSGR. LAROCQUE:** Not that I can remember,  
19 no.

20 **MR. ENGELMANN:** All right.

21 And would you have occasion to review his  
22 file after you had gotten to know him a bit?

23 **MSGR. LAROCQUE:** Yes, I would have, yes.

24 **MR. ENGELMANN:** All right.

25 And he would have had an active file because

1 he was one of the ---

2 MSGR. LAROCQUE: Exactly.

3 MR. ENGELMANN: --- 40-odd priests?

4 MSGR. LAROCQUE: That's right, yes.

5 MR. ENGELMANN: All right.

6 MSGR. LAROCQUE: He was an assistant at St.  
7 Columban's when I arrived.

8 MR. ENGELMANN: That's right.

9 So just before we get into what he was doing  
10 at St. Columban's I'd just like to ask you a couple of  
11 questions from his file.

12 Document Number 120057, it's entitled, in  
13 French, "Rapport Semestriel sur la Conduite et les Qualités  
14 des séminaristes", and the date is ---

15 MSGR. LAROCQUE: That would be the annual  
16 report on Father Charles from the seminary.

17 MR. ENGELMANN: Yes. The date is February  
18 28<sup>th</sup>, 1967.

19 Now, sir, in 1967 -- this is again in the  
20 document -- this was before your time as Bishop?

21 MSGR. LAROCQUE: Seven years before I came,  
22 yes.

23 MR. ENGELMANN: Can you give us a sense as  
24 to what you would have been doing then?

25 MSGR. LAROCQUE: In 1967, I was principal of

1 King's College at the University of Western Ontario.

2 MR. ENGELMANN: All right.

3 Would you have then some relationship with  
4 the rector at St. Paul's University?

5 MSGR. LAROCQUE: None whatsoever.

6 MR. ENGELMANN: Did you come to know him?  
7 This is Reverend Bellemare.

8 MSGR. LAROCQUE: I may have met him but  
9 certainly not on a personal basis.

10 MR. ENGELMANN: All right. Fair enough.

11 THE COMMISSIONER: So Exhibit 2091 is  
12 exactly un "Rapport semestriel sur la conduite et les  
13 qualités des séminaristes" and it's dated the 23<sup>rd</sup> of -- no,  
14 February of 1967.

15 MR. ENGELMANN: I believe it's the 28<sup>th</sup> of  
16 February, sir, '67.

17 THE COMMISSIONER: Yes, it is. Thank you.

18 --- EXHIBIT NO./PIÈCE NO. P-2091:

19 (120057) Rapport Semestriel sur la conduite  
20 et les qualités des séminaristes - 28 fév 67

21 MR. ENGELMANN: I apologize. Did you say  
22 2900 or 2901?

23 THE COMMISSIONER: I said 2091.

24 MR. ENGELMANN: Two zero nine one (2091).  
25 Sir, I don't know if you've seen this

1 document any time in the recent past, it may have been some  
2 time ago.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ENGELMANN: Sir, I just have a few  
5 questions. First of all, I don't know if you knew this,  
6 but Father MacDonald would have gone to seminary as a  
7 mature student?

8 MSGR. LAROCQUE: Yes, he had been teaching  
9 beforehand.

10 MR. ENGELMANN: Right. So at this time he's  
11 34 years of age?

12 MSGR. LAROCQUE: That's right.

13 MR. ENGELMANN: I'm assuming that there  
14 would be people much younger in the seminary, possibly  
15 people older?

16 MSGR. LAROCQUE: Most of them would have  
17 been younger than himself.

18 MR. ENGELMANN: Yes. And ---

19 MSGR. LAROCQUE: At that time anyway.

20 MR. ENGELMANN: How young could people be  
21 going to seminary at that time?

22 MSGR. LAROCQUE: Well, in the seminary of  
23 theology they would have Grade 13, three years of  
24 university. So they would be 21 probably or 22.

25 MR. ENGELMANN: All right.

1                   **MSGR. LAROCQUE:** Yes.

2                   **MR. ENGELMANN:** And I speak some French, as  
3 you know, but it's not perfect. "Tenue extérieure", what  
4 does that mean, sir?

5                   **MSGR. LAROCQUE:** Is outside -- outward  
6 bearing.

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

8                   And the comment there:

9                                 "Conduite moins satisfaisante" ---

10                   **MSGR. LAROCQUE:** Satisfaisante, yes.

11                   **MR. ENGELMANN:** Pardon.

12

13                   **MSGR. LAROCQUE:** "...que les années passées en  
14 ce qui a trait aux visites aux chambres entre  
15 séminaristes."

16                   **MSGR. LAROCQUE:** "...entre séminaristes."

17                   Most seminaries at that time forbade the  
18 visiting in between the rooms of the seminarians. They  
19 were not to be in each others rooms.

20                   **MR. ENGELMANN:** So what it appears they're  
21 saying is that his conduct was less satisfactory than the  
22 year before?

23                   **MSGR. LAROCQUE:** He wasn't observing the  
24 rules.

25                   **MR. ENGELMANN:** Right. And he has many



1 visits to his room by other seminarians?

2 MSGR. LAROCQUE: No, he's visiting other  
3 seminarians.

4 MR. ENGELMANN: Oh, I'm sorry.

5 MSGR. LAROCQUE: Well, probably both ways.

6 MR. ENGELMANN: All right.

7 And, sir, under "Character" there's several  
8 other comments that ---

9 MSGR. LAROCQUE: Yeah.

10 MR. ENGELMANN: --- I would ---

11 MSGR. LAROCQUE: He doesn't ---

12 MR. ENGELMANN: --- suggest are ---

13 MSGR. LAROCQUE: He doesn't accept the  
14 correction.

15 MR. ENGELMANN: --- are less than positive.

16 MSGR. LAROCQUE: Yeah.

17 MR. ENGELMANN: One of them is that he never  
18 accepts fault.

19 "Il ne semble pas accepter d'être pris  
20 en défaut."

21 Do I have that right?

22 MSGR. LAROCQUE: Yes. Well, it doesn't say  
23 "never". It just says he doesn't like to be taken at  
24 fault.

25 MR. ENGELMANN: Okay. And after that he

1 defends by attacking. Is that how ---

2 MSGR. LAROCQUE: Yes, he lets his Scotch out  
3 -- Scot character out.

4 MR. ENGELMANN: And it says this is with  
5 respect to ---

6 MSGR. LAROCQUE: He's aggressive.

7 MR. ENGELMANN: Yes, with people on staff,  
8 with his colleagues and with the rector?

9 MSGR. LAROCQUE: Right.

10 THE COMMISSIONER: Je suis intéressé,  
11 Monseigneur, dans la ---

12 MSGR. LAROCQUE: Oui.

13 THE COMMISSIONER: In the next comment:

14 "À la même occasions, il a fait preuve  
15 aussi de jalousie, je dirais, presque féminine."

16 MSGR. LAROCQUE: Oui. C'est une remarque  
17 assez inusitée surtout pour un rapport de séminariste.

18 THE COMMISSIONER: M'hm.

19 MR. ENGELMANN: Okay. And, sir, ---

20 MSGR. LAROCQUE: "Rancunier" means he keeps  
21 a spirit of revenge.

22 MR. ENGELMANN: I'm sorry?

23 MSGR. LAROCQUE: "Rancunier" means he keeps  
24 a spirit of revenge. He doesn't forgive very easily.

25 MR. ENGELMANN: Fair enough.

1                   And, sir, on the following page under -- is  
2                   that "Moral qualities and virtues"?

3                   **MSGR. LAROCQUE:** Yes.

4                   **MR. ENGELMANN:** Vertu?

5                   **MSGR. LAROCQUE:** That's right, yes.

6                   **MR. ENGELMANN:** I'm just not -- it says at  
7                   the end "very critical" ---

8                   **MSGR. LAROCQUE:** Yeah, very -- he finds  
9                   fault with many things.

10                  **MR. ENGELMANN:** Right.

11                  **MSGR. LAROCQUE:** Critiqueur.

12                  **MR. ENGELMANN:** But doesn't easily follow  
13                  directives?

14                  And, sir, "Vue d'ensemble", is that sort of  
15                  a combined view of people there or do you know what that  
16                  means?

17                  **MSGR. LAROCQUE:** Yes, because the whole  
18                  faculty is discussing him.

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

20                  So it says unfavourable?

21                  **MSGR. LAROCQUE:** That's right.

22                  **MR. ENGELMANN:** And ---

23                  **MSGR. LAROCQUE:** I would be astonished if he  
24                  were to persevere.

25                  **MR. ENGELMANN:** And they're suggesting, are

1           they not, that there's some question as to whether or not  
2           he'll be accepted for another year?

3                       **MSGR. LAROCQUE:** That's right.

4                       **MR. ENGELMANN:** You'd agree with me that  
5           this report at least is quite negative?

6                       **MSGR. LAROCQUE:** Yes.

7                       **MR. ENGELMANN:** Sir, and at that time, as I  
8           think you indicated earlier, screening would be done -  
9           screening through the seminary, not on a transfer from  
10          another diocese, would be by the school itself?

11                      **MSGR. LAROCQUE:** Yes, at that time I don't  
12          believe they had psychologists who came in to screen. They  
13          do at the present time, but that's ---

14                      **MR. ENGELMANN:** Yes.

15                      **MSGR. LAROCQUE:** --- only in the later  
16          years.

17                      **MR. ENGELMANN:** But that already took place  
18          when you were still Bishop; correct?

19                      **MSGR. LAROCQUE:** Yes, it was.

20                      **MR. ENGELMANN:** Late '90s?

21                      **MSGR. LAROCQUE:** Yes, I think they had -- I  
22          know at St. Peter's Seminary, where I taught, did have a  
23          man early on, even before other seminaries did.

24                      **MR. ENGELMANN:** All right.

25                      **MSGR. LAROCQUE:** It was a man from Montreal.

1                   **MR. ENGELMANN:** Sir, there's a follow-up  
2                   report from the rector in June. I don't want to spend much  
3                   time on it, but it's Document Number 120061.

4                   **(SHORT PAUSE/COURTE PAUSE)**

5                   **MR. ENGELMANN:** If that could be the next  
6                   exhibit, sir? It's another "rapport" from the University  
7                   of St. Paul. It's dated June 25<sup>th</sup>, 1967.

8                   **THE COMMISSIONER:** Exhibit 2092.

9                   **--- EXHIBIT NO./PIÈCE NO. P-2092:**

10                                   (120061) Rapport semestriel - 25 juin, 67

11                   **MSGR. LAROCQUE:** That's the one we have just  
12                   read. It would probably be the first semester report and  
13                   this would be the final of the year report, the end of the  
14                   year report.

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

16                                   And they would take a summer recess like  
17                   most universities, sir?

18                   **MSGR. LAROCQUE:** They did, yes.

19                   **MR. ENGELMANN:** And I'm just looking at the  
20                   second sentence:

21                                   "J'avais crû devoir prendre Charles  
22                                   pour des visites nombreuses et  
23                                   prolongées du séminariste à sa  
24                                   chambre."

25                   **MSGR. LAROCQUE:** "...à sa chambre." Okay. So

1       you're correct then that they are going to his room rather  
2       than he going to their room.

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

4                   So this is still continuing, these visits by  
5       seminarians to his room?

6                   **MSGR. LAROCQUE:** Apparently.

7                   **MR. ENGELMANN:** And it says again that he  
8       reacts in an aggressive fashion?

9                   **MSGR. LAROCQUE:** Yes.

10                  **MR. ENGELMANN:** But what does this say? He  
11       is jealous and ---

12                  **MSGR. LAROCQUE:** He showed -- il a laissé  
13       voir -- he showed jealousy and that he kept some ---

14                  **THE COMMISSIONER:** Grudge.

15                  **MSGR. LAROCQUE:** Grudge, yes, would be  
16       better, yes.

17                  **MR. ENGELMANN:** And he's commenting that  
18       he's a man of 34 years.

19                  **MSGR. LAROCQUE:** That's right. You wouldn't  
20       expect that.

21                  **MR. ENGELMANN:** So there is some concern  
22       about his behaviour again, his immaturity and his breach of  
23       rules?

24                  **MSGR. LAROCQUE:** Yes.

25                  **MR. ENGELMANN:** And again, sir, it suggests

1 possibly that they should ask the Bishop whether or not he  
2 should perhaps refer him to another seminary?

3 MSGR. LAROCQUE: That's right.

4 MR. ENGELMANN: For the fall term?

5 MSGR. LAROCQUE: Right.

6 MR. ENGELMANN: So again, sir, this is  
7 somewhat negative?

8 MSGR. LAROCQUE: It doesn't please him at  
9 all.

10 MR. ENGELMANN: Sorry?

11 MSGR. LAROCQUE: "Il ne sourit pas..."

12 MR. ENGELMANN: That does not please ---

13 MSGR. LAROCQUE: Father Charles at all, yes.

14 MR. ENGELMANN: That's the:

15 "Cette perspective ne lui sourit pas du  
16 tout."

17 Is that ---

18 MSGR. LAROCQUE: That's right.

19 MR. ENGELMANN: And he is making it very  
20 clear further down on the page that he has made it clear to  
21 Charles MacDonald he will not tolerate any more visits to  
22 his room?

23 MSGR. LAROCQUE: That's right.

24 MR. ENGELMANN: What's he saying at the  
25 bottom about psychological?

1                   **MSGR. LAROCQUE:** You mean before that?

2                   **MR. ENGELMANN:** Just at the bottom of the  
3 page.

4                   **MSGR. LAROCQUE:** Oh, excuse me.

5                   "But I maintain what I said in the February  
6 report with regard to the problem of -- the psychological  
7 problem that I reported at that time."

8                   **MR. ENGELMANN:** Now, you would not have read  
9 these initially when you became Bishop, but you would have  
10 become aware of these reports at some point?

11                   **MSGR. LAROCQUE:** At some point I would, yes.

12                   **MR. ENGELMANN:** And would this have ever  
13 been something you would have discussed with Father  
14 MacDonald?

15                   **MSGR. LAROCQUE:** No, I don't believe I did,  
16 no.

17                   **MR. ENGELMANN:** Okay.

18                   **MSGR. LAROCQUE:** He was already ordained and  
19 in action.

20                   **MR. ENGELMANN:** Fair enough.

21                   There's ---

22                   **MSGR. LAROCQUE:** Apparently he was  
23 undergoing counselling, though.

24                   **MR. ENGELMANN:** Back then?

25                   **THE COMMISSIONER:** Back then, yeah.



1                   **MSGR. LAROCQUE:** At that time, if you do not  
2 arrive at getting rid of this psychological problem through  
3 counselling that you are now undertaking, it -- "il serait  
4 aventureux" -- it would be dangerous for us to keep him  
5 here.

6                   **MR. ENGELMANN:** Sir, I just want to refer  
7 you to one other letter, if I may. And this is a letter  
8 from, again, the rector, Reverend Bellemare to Monsignor  
9 Proulx. It is Document Number 119306 and it's dated  
10 November 29<sup>th</sup>, '67.

11                   **THE COMMISSIONER:** Exhibit 2093, letter  
12 dated November 29, '67 to Monseigneur Adolphe Proulx from  
13 Rosaire Bellemare.

14                   **--- EXHIBIT NO./PIÈCE NO. P-2093:**

15                                   (119306) Lettre de Rosaire Bellemare à  
16 Adolphe Proulx - 29 Nov, '67

17                   **MR. ENGELMANN:** Now, he certainly appears to  
18 be noticing some positive change in this letter, sir. I'm  
19 reading:

20                                   "Il est certain que ses attitudes ont  
21 beaucoup changé depuis le printemps  
22 dernier."

23                   **MSGR. LAROCQUE:** The middle of the  
24 paragraph, yes.

25                   **MR. ENGELMANN:** Yes. And then it says:

1 "Il semble que les explications que  
2 j'ai eues avec lui avant les vacances  
3 d'été et très sûrement autres  
4 interventions personnelles au cours de  
5 ses vacances ont été fructueuses."

6 **MSGR. LAROCQUE:** That's right, have borne  
7 fruit, yes.

8 **MR. ENGELMANN:** So do I take it from that  
9 that he is saying that ---

10 **MSGR. LAROCQUE:** There has been a change.

11 **MR. ENGELMANN:** The explanation for the  
12 change had something to do with a personal intervention on  
13 the part of ---

14 **MSGR. LAROCQUE:** Bishop Proulx.

15 **MR. ENGELMANN:** --- Bishop Proulx?

16 **MSGR. LAROCQUE:** As well as his own  
17 intervention before he left.

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

19 And, sir, do you have any idea what that  
20 intervention was?

21 **MSGR. LAROCQUE:** Absolutely not.

22 **MR. ENGELMANN:** All right.

23 And you never spoke to Bishop Proulx about  
24 that?

25 **MSGR. LAROCQUE:** I've already answered that

1 question.

2 **MR. ENGELMANN:** Now, do you know at that  
3 time whether Father -- well, he was then Charles MacDonald  
4 -- he would have been sponsored presumably by this Diocese  
5 to go to St. Paul's?

6 **MSGR. LAROCQUE:** Yes.

7 **MR. ENGELMANN:** That was the process?

8 **MSGR. LAROCQUE:** The Diocese makes the  
9 request.

10 **MR. ENGELMANN:** All right.

11 And that would typically be from the bishop  
12 of the day?

13 **MSGR. LAROCQUE:** That's right.

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

15 Sir, I now want to show you a document, and  
16 I thought we had this as an exhibit, so I apologize. I'm  
17 going to give you the document number, sir. It states on  
18 it that it's a CV for Charles MacDonald.

19 **THE COMMISSIONER:** Yes, we have it.

20 **MR. ENGELMANN:** I'm sorry?

21 **THE COMMISSIONER:** I'm saying we have seen  
22 it as an exhibit, I believe.

23 **MR. ENGELMANN:** Yes, I'm almost positive we  
24 have. One-one-nine-eight-eight-seven (119887) is the  
25 version I have, but there may be another doc number for it.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Yes, it's Exhibit 2014 --  
3 oh, no, I'm sorry. I'm sorry, that's not a CV. That's the  
4 card thing that we had.

5 MR. ENGELMANN: That may be ---

6 THE COMMISSIONER: Oh, that is his CV?

7 MR. ENGELMANN: That may be what this is.

8 THE COMMISSIONER: Yes, it is.

9 MSGR. LAROCQUE: Because they were on cards.

10 THE COMMISSIONER: Two-zero-one-four (2014).

11 MR. ENGELMANN: I believe it may have been  
12 entered much earlier. I seem to recall Mr. Neville putting  
13 this in during his cross-examination. It doesn't matter if  
14 we have it in now.

15 THE COMMISSIONER: Is this it? It's 2014?

16 (SHORT PAUSE/COURTE PAUSE)

17 MR. ENGELMANN: Are you able to tell us,  
18 sir, by looking at this document whether it would have been  
19 something from diocesan files?

20 MSGR. LAROCQUE: Yes, that was on file in my  
21 office at my secretary's.

22 MR. ENGELMANN: All right.

23 MSGR. LAROCQUE: There was a file for each  
24 priest -- active priest.

25 MR. ENGELMANN: Okay. And is this -- are

1           these -- you described for us yesterday some kind of a card  
2           index?

3                       **MSGR. LAROCQUE:** This is what it was, the  
4           front and the back of that card.

5                       **MR. ENGELMANN:** Fair enough.

6                       And on the back of the card there's some  
7           handwriting. Sir, is that your handwriting?

8                       **MSGR. LAROCQUE:** That is my handwriting,  
9           yes.

10                      **MR. ENGELMANN:** So can you just explain for  
11           us what that says? This is something that Father MacDonald  
12           did after his treatment at Southdown?

13                      **MSGR. LAROCQUE:** That's right. I sent him  
14           away in September of 1994 for a one-year course at Regis  
15           College at the University of Toronto.

16                      **MR. ENGELMANN:** Okay. So that was as a  
17           student, not as a teacher?

18                      **MSGR. LAROCQUE:** No, no, as a student.

19                      **MR. ENGELMANN:** Right.

20                      And there's nothing after that. Is that  
21           because that's when you ---

22                      **MSGR. LAROCQUE:** That's when -- well, he was  
23           retired. He never went back to a parish after he left  
24           Southdown.

25                      **MR. ENGELMANN:** All right.

1                   **MSGR. LAROCQUE:** Regis College is the Jesuit  
2 college. On this Feast of St. Ignatius of Loyola, I had to  
3 say that.

4                   **THE COMMISSIONER:** I'm sorry?

5                   **MSGR. LAROCQUE:** On this Feast of St.  
6 Ignatius of Loyola, I had to say that it was a Jesuit  
7 college.

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

9                   **MSGR. LAROCQUE:** That's the founder of the  
10 Jesuits.

11                   **THE COMMISSIONER:** M'hm. And is Father  
12 MacDonald still on -- being paid from your parish?

13                   **MSGR. LAROCQUE:** From the Diocese?

14                   **THE COMMISSIONER:** Yes.

15                   **MSGR. LAROCQUE:** That, I'm not sure.

16                   **THE COMMISSIONER:** Oh, I'm sorry; you're the  
17 wrong person to ask. I'm sorry. Okay.

18                   **MR. ENGELMANN:** Do you know if he was during  
19 your tenure as Bishop, sir?

20                   **MSGR. LAROCQUE:** Yes, he was receiving a  
21 salary.

22                   **MR. ENGELMANN:** Because you would have  
23 retired as Bishop in 2002?

24                   **MSGR. LAROCQUE:** April of 2002.

25                   **MR. ENGELMANN:** So until that time, it's

1 your understanding Father MacDonald ---

2 **MSGR. LAROCQUE:** My understanding was that  
3 we were contributing, yes. I don't know what the salary  
4 might have been, whether it was the regular or whether it  
5 was less than regular. I don't know.

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

7 Now, you indicated to us that when you  
8 started as the Bishop, Father MacDonald was an assistant  
9 priest at St. Columban's Parish here in Cornwall?

10 **MSGR. LAROCQUE:** That's right. That's  
11 right.

12 **MR. ENGELMANN:** And, sir, the card index on  
13 2014 indicates that he was appointed there in 1969?

14 **MSGR. LAROCQUE:** Probably after his  
15 ordination, I would imagine.

16 **MR. ENGELMANN:** And was that a large parish,  
17 sir?

18 **MSGR. LAROCQUE:** Yes, there were usually  
19 three priests assigned to that parish.

20 **MR. ENGELMANN:** All right.

21 So he would have been one of two assistants?

22 **MSGR. LAROCQUE:** That's right.

23 **MR. ENGELMANN:** And there would have been a  
24 head priest?

25 **MSGR. LAROCQUE:** Yes, the pastor would have

1       been.

2                   **MR. ENGELMANN:** And excuse my ignorance,  
3       sir, but would they reside in a manse or a ---

4                   **MSGR. LAROCQUE:** That's right. They all  
5       resided together and the rectory is just across the street  
6       from the church.

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

8                   And do you know who those priests were at  
9       that time or who they were when you started in '74 at St.  
10      Columban's?

11                  **MSGR. LAROCQUE:** It seems to me that  
12      Monsignor Donald Bernard McDougald was the pastor and the  
13      previous pastor, Monsignor -- I have a memory lapse -- was  
14      there in residence. And I forget who the third priest was,  
15      but I think the third priest was a younger priest who had  
16      been ordained by Bishop Proulx.

17                  **MR. ENGELMANN:** So there would have been  
18      four priests in residence there?

19                  **MSGR. LAROCQUE:** Three active and one  
20      retired.

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

22                  And at that particular time -- and again,  
23      this is -- there was -- the procedure or process in place  
24      for the screening of new priests was simply as you  
25      described? That would be the seminary and then some



1 discussion or perhaps interview with you and the Vocational  
2 Director coming in?

3 **MSGR. LAROCQUE:** Well, usually it was the  
4 Vocational Director who would refer him to me, and then I,  
5 if I was satisfied, would recommend that he go to -- with  
6 his -- because there were different seminaries to which we  
7 could send them, depending whether they were French-  
8 speaking, which would be the Grand Seminary of Montreal ---

9 **MR. ENGELMANN:** Yes.

10 **MSGR. LAROCQUE:** --- or Saint Paul's.

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

12 **MSGR. LAROCQUE:** And English-speaking could  
13 go to Toronto or St. Peter's or Saint Paul's.

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

15 And when they came back to the Diocese after  
16 their successful completion of seminary studies ---

17 **MSGR. LAROCQUE:** Right.

18 **MR. ENGELMANN:** --- and they were ordained,  
19 was there any form of trial period, sir?

20 **MSGR. LAROCQUE:** No, that was ---

21 **MR. ENGELMANN:** A probationary period, or is  
22 that what the seminary is for?

23 **MSGR. LAROCQUE:** No. The reason they were  
24 put in a parish with other priests was to get that trial  
25 period.

1                   **MR. ENGELMANN:** All right.

2                   **MSGR. LAROCQUE:** In other words, they were  
3 not put in a parish all by themselves at the very  
4 beginning.

5                   **MR. ENGELMANN:** Okay. So in essence, when  
6 they join a larger parish as an assistant, there's  
7 supervision from the head priest of that church?

8                   **MSGR. LAROCQUE:** That's right.

9                   **MR. ENGELMANN:** All right.

10                   And ---

11                   **MSGR. LAROCQUE:** No, that's no longer the  
12 case, of course. They now have -- before ordination they  
13 spend at least a year in a parish under the supervision of  
14 the priest, without being ordained, so that he can render  
15 his judgment as to whether they would be fit. Because  
16 academically they could be very intelligent, but if they  
17 can't relate with people, then it's another -- it's a very  
18 difficult situation.

19                   And so the present situation is that they  
20 spend a year as what they call "stage pastoral", a pastoral  
21 period of time in the parish, and they're supervised at  
22 that particular time by the seminary as well as by the  
23 parish priest.

24                   **MR. ENGELMANN:** Would this have happened  
25 after you left here as Bishop, sir?

1                   **MSGR. LAROCQUE:** Yes, that's -- yes.

2                   **MR. ENGELMANN:** Sir, did you know that  
3                   Father MacDonald came to be responsible for the altar  
4                   server programme at St. Columban's Church?

5                   **MSGR. LAROCQUE:** No, that would have  
6                   happened before my coming.

7                   **MR. ENGELMANN:** But when you would have  
8                   joined then, sir, as Bishop, he would have had that  
9                   responsibility?

10                  **MSGR. LAROCQUE:** He may have had, but I  
11                  would not have known. That's an internal matter between  
12                  the pastor and himself.

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

14                  So for him to have that charge, that would  
15                  have been a decision of the pastor of the day?

16                  **MSGR. LAROCQUE:** That's right. And it was  
17                  usually given to one of the assistants.

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

19                  And, sir, at that point in time, would the  
20                  program have only been male? It would have only been altar  
21                  boys?

22                  **MSGR. LAROCQUE:** That's right.

23                  **MR. ENGELMANN:** Do you know when that  
24                  changed, sir?

25                  **MSGR. LAROCQUE:** Yes, it was in the -- I

1 would say the beginning of the 1980s in some parishes, mid-  
2 1980s perhaps.

3 **MR. ENGELMANN:** And the functions as the  
4 person in charge of the altar server programme, would those  
5 be functions simply at the church or would there be  
6 functions away from the church as well?

7 **MSGR. LAROCQUE:** Usually it would be, you  
8 know, to show them how to serve and to make the  
9 appointments as to what masses they were to attend.

10 The custom, I believe, in most parishes was  
11 to reward them in some way at Christmas and during the  
12 holidays with some kind of a picnic, and usually on those  
13 picnics the priests were all there as well as some  
14 laypeople.

15 **MR. ENGELMANN:** Were there any other  
16 activities or rewards? For example, were there retreats  
17 that they would be taken on from time to time?

18 **MSGR. LAROCQUE:** Not to my knowledge, no.

19 **MR. ENGELMANN:** So the person who would have  
20 been responsible for supervising someone like Father  
21 MacDonald in the role as the head of an altar server  
22 programme would have been the pastor of that particular  
23 church?

24 **MSGR. LAROCQUE:** That's right.

25 **MR. ENGELMANN:** And to your knowledge, sir,

1 at that time, was there any enhanced supervision given with  
2 respect to this position because of the close working  
3 relationship with children?

4 MSGR. LAROCQUE: I don't understand your  
5 question.

6 MR. ENGELMANN: Well, were there any  
7 enhanced screening or interviews or extra supervision  
8 because people in that role would be working regularly with  
9 children?

10 MSGR. LAROCQUE: No, it was taken for  
11 granted that if you had made it through the seminary, it  
12 was a normal human being with a sense of responsibility.

13 MR. ENGELMANN: All right.

14 Sir, in or around 1975, Father MacDonald was  
15 appointed the pastor of St. Anthony's Parish of Apple Hill  
16 in Monkland?

17 MSGR. LAROCQUE: Yes, I appointed him there.

18 MR. ENGELMANN: Right. And that would have  
19 been a smaller parish, sir, as far as population-wise?

20 MSGR. LAROCQUE: Yes.

21 MR. ENGELMANN: And would he have been the  
22 sole priest there?

23 MSGR. LAROCQUE: He would have been, yes.

24 MR. ENGELMANN: All right.

25 And so as the only priest, presumably he

1 would have automatically been responsible for the altar  
2 servers' programme there?

3 **MSGR. LAROCQUE:** He would have been  
4 responsible for everything in the parish.

5 **MR. ENGELMANN:** Yes. And again, at that  
6 time, that would have still been altar boys?

7 **MSGR. LAROCQUE:** Yes.

8 **MR. ENGELMANN:** And, sir, I understand that  
9 he became to have a role in the Diocese with respect to  
10 youth programmes in the Diocese itself?

11 **MSGR. LAROCQUE:** Yes, he became responsible,  
12 along with the Deacon, Ernest Bellefeuille and his wife  
13 Shannon, for what was called the COR Movement, C-O-R, which  
14 is ---

15 **MR. ENGELMANN:** Sir -- sorry.

16 **MSGR. LAROCQUE:** Which is the equivalent in  
17 English to the R<sup>3</sup> in French. R<sup>3</sup> is the "Rencontre avec soi,  
18 avec Dieu et avec le prochain", so the triple meeting with  
19 God with your inner self and with others.

20 **MR. ENGELMANN:** And when would youth enter a  
21 program of that nature, at what age?

22 **MSGR. LAROCQUE:** High school age, probably,  
23 late high school age, most of them.

24 **MR. ENGELMANN:** So that wouldn't start as  
25 early as Grade 9, sir?

1                   **MSGR. LAROCQUE:** It could. I think it was  
2 more on a volunteer basis, those who wanted to go.  
3 Basically, it was a weekend, Friday, Saturday and Sunday  
4 afternoon.

5                   **MR. ENGELMANN:** All right.

6                   So he was responsible for that role amongst  
7 the Anglophone youth?

8                   **MSGR. LAROCQUE:** He was -- Father Kevin was  
9 and he was as well, and then gradually he took over the  
10 full responsibility.

11                  **MR. ENGELMANN:** Because on the card, if I  
12 look back at 2014, it says "Co-responsible for youth among  
13 the Anglophones".

14                  **MSGR. LAROCQUE:** Yeah, co-responsible with  
15 Father Kevin.

16                  **MR. ENGELMANN:** All right.

17                  And do you know who had that responsibility  
18 for francophones?

19                  **MSGR. LAROCQUE:** Yes, it was Father Gilles  
20 Deslauriers and Father Vaillancourt helped him at times. I  
21 believe Father Luc Bouchard also helped at times.

22                  **MR. ENGELMANN:** And at that particular time,  
23 in '78, how were people assigned to a position of that  
24 nature? Is that something that the individual priest would  
25 express an interest in having?

1                   **MSGR. LAROCQUE:** Yes, but you have to have  
2                   the approval of the Bishop.

3                   **MR. ENGELMANN:** Right.

4                   **MSGR. LAROCQUE:** Because it's a diocesan  
5                   function.

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

7                   But presumably Father MacDonald would have  
8                   put his name in for it and you would have approved it?

9                   **MSGR. LAROCQUE:** That's right, yes.

10                  **MR. ENGELMANN:** And again, at that time,  
11                  this was before there would be any form of further  
12                  screening or anything of that nature?

13                  **MSGR. LAROCQUE:** Exactly, yes.

14                  **MR. ENGELMANN:** Now, as I understand it, in  
15                  June of 1983, he was named the Chaplain of Bishop Macdonell  
16                  Secondary School?

17                  **MSGR. LAROCQUE:** Right.

18                  **MR. ENGELMANN:** And that was a school that  
19                  was just to be opened?

20                  **MSGR. LAROCQUE:** That's right.

21                  **MR. ENGELMANN:** And there's a letter to that  
22                  effect. It's Document 119361.

23                  **MSGR. LAROCQUE:** By that time, he had been  
24                  moved from St. Anthony's to St. Mary's in Williamstown,  
25                  which was a little closer to Cornwall, I think.



1                   **MR. ENGELMANN:** So he had become the pastor  
2                   at St. Mary's Parish?

3                   **MSGR. LAROCQUE:** That's right.

4                   **MR. ENGELMANN:** And again, that would have  
5                   been a church where he would have been the sole priest?

6                   **MSGR. LAROCQUE:** That's right.

7                   **THE COMMISSIONER:** Exhibit Number 2094 is a  
8                   letter dated June 24<sup>th</sup>, 1983 to Charles MacDonald from  
9                   Bishop LaRocque.

10                  **--- EXHIBIT NO./PIÈCE NO. P-2094:**

11                               (119361) Letter to Charles MacDonald from  
12                               Eugène LaRocque dated June 24, 1983

13                   **MR. ENGELMANN:** And, sir, this is simply the  
14                   appointment letter where you're naming him as the first  
15                   chaplain of this new Catholic secondary school?

16                   **MSGR. LAROCQUE:** On a part-time basis.

17                   **MR. ENGELMANN:** Right.

18                               So he still has his role as the pastor?

19                   **MSGR. LAROCQUE:** That's right.

20                   **MR. ENGELMANN:** And he's taking on this  
21                   additional function?

22                   **MSGR. LAROCQUE:** That's right.

23                   **MR. ENGELMANN:** And do you have some sense,  
24                   sir, as to what those duties would entail?

25                   **MSGR. LAROCQUE:** Well, offering the holy

1 sacrifice at the mass, school masses, and I don't think  
2 there would have been much counseling because Sister  
3 Margaret Scanlon was also there and I think she did a lot  
4 of the counseling among the students.

5 **MR. ENGELMANN:** I was going to ask you  
6 whether the position entailed meeting students one on one  
7 for some kind of pastoral counseling or care?

8 **MSGR. LAROCQUE:** It could have on occasion,  
9 but I suspect that he was there only one afternoon a week.

10 **MR. ENGELMANN:** And, sir, do you know who  
11 was responsible for supervising his work at that school?

12 **MSGR. LAROCQUE:** It would be the principal.

13 **MR. ENGELMANN:** Okay. Likewise, he was  
14 appointed as a part-time chaplain at St. Joseph's High  
15 School in 1987. Is that correct, sir? Perhaps it's 1988?  
16 Document Number 119365.

17 **THE COMMISSIONER:** Exhibit Number 2095 is a  
18 letter dated June 3<sup>rd</sup>, 1988 to Reverend Father Charles  
19 MacDonald from Bishop LaRocque.

20 --- **EXHIBIT NO./PIÈCE NO. P-2095:**

21 (119365) Letter to Charles MacDonald from  
22 Eugène LaRocque dated June 3, 1988

23 **MR. ENGELMANN:** Sir, it appears he's taking  
24 on a part-time chaplaincy at the St. Joseph's High School,  
25 and this is at or about the time he's also now moving from

1 St. Mary's Parish to St. Andrew's Parish?

2 MSGR. LAROCQUE: I think there's something  
3 wrong here. In 1983, he was appointed to Bishop Macdonell  
4 School which was a 9 and 10 school. That was before the  
5 extension that was granted in 1984 by William Davis.

6 And so when the school was extended to Grade  
7 11, 12 and 13, it took on the name of St. Joseph's. So  
8 it's actually the same school but two different names.

9 MR. ENGELMANN: All right. Okay.

10 MSGR. LAROCQUE: That's the evolution of the  
11 Catholic school system.

12 MR. ENGELMANN: There was also a Bishop  
13 Macdonell School here in Cornwall; correct?

14 MSGR. LAROCQUE: There still is.

15 MR. ENGELMANN: That's a junior high school?

16 MSGR. LAROCQUE: But it's a grade school.

17 MR. ENGELMANN: Right.

18 MSGR. LAROCQUE: It reverted back to a grade  
19 school in my time, Grade 1 to Grade 8.

20 MR. ENGELMANN: All right.

21 But in any event, this was another part-time  
22 chaplaincy?

23 MSGR. LAROCQUE: Part-time chaplaincy in the  
24 same school.

25 MR. ENGELMANN: Okay. And again, a

1 supervision of him in that role would have been through the  
2 principal or staff at the school?

3 MSGR. LAROCQUE: That's right.

4 MR. ENGELMANN: And do you know -- you made  
5 the decision to appoint Father MacDonald to these positions  
6 in the schools?

7 MSGR. LAROCQUE: In consultation with the  
8 principal of the school.

9 MR. ENGELMANN: And presumably he had  
10 expressed an interest in these positions?

11 MSGR. LAROCQUE: Yes.

12 MR. ENGELMANN: All right.

13 MSGR. LAROCQUE: Well, he's a former  
14 teacher.

15 MR. ENGELMANN: Yes.

16 And did you have any role in the supervision  
17 of priests who were working in schools, or did anyone at  
18 the Diocese?

19 MSGR. LAROCQUE: In which way?

20 MR. ENGELMANN: Well, I'm just wondering if  
21 there was any kind of reporting back to another priest in  
22 the Diocese or whether the reporting relationship was  
23 simply with the principal or someone at the school?

24 MSGR. LAROCQUE: No, it was just with the  
25 principal.

1                   **MR. ENGELMANN:** All right.

2                   And, sir, with respect to the supervision of  
3                   priests who were responsible for youth programs in the  
4                   Diocese, who would he have reported to for those  
5                   activities?

6                   **MSGR. LAROCQUE:** Youth programs on the  
7                   English side?

8                   **MR. ENGELMANN:** Yes.

9                   **MSGR. LAROCQUE:** He would have reported to  
10                  me. That was a diocesan function.

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

12                  Sir, let's talk then about a complaint that  
13                  was made in or around December of 1992 concerning Father  
14                  MacDonald. This was a complaint that was initially made by  
15                  an individual named David Silmser.

16                  And, sir, I'd like to refer you to Exhibit  
17                  311 first, and this is a letter from a Monsignor  
18                  Schonenbach to Monsignor McDougald of your Diocese. It's a  
19                  letter dated December 11<sup>th</sup>, 1992.

20                  **THE COMMISSIONER:** You said Exhibit 302?

21                  **MR. ENGELMANN:** I believe it's Exhibit 311.

22                  **THE COMMISSIONER:** Three eleven (311),  
23                  sorry. Okay. Yes.

24                  **(SHORT PAUSE/COURTE PAUSE)**

25                  **MSGR. LAROCQUE:** Yes.

1                   **MR. ENGELMANN:** All right. So this is a  
2 letter you've seen before?

3                   **MSGR. LAROCQUE:** Yes, it was copied to me.

4                   **MR. ENGELMANN:** You would have seen it at  
5 the time and, no doubt, in preparing for coming here today,  
6 correct?

7                   **MSGR. LAROCQUE:** Yes.

8                   **MR. ENGELMANN:** Was Monsignor Schonenbach  
9 someone who was known to you at that time?

10                  **MSGR. LAROCQUE:** Yes, he had been Secretary  
11 of the Canadian Bishops for some time.

12                  **MR. ENGELMANN:** All right, and ---

13                  **MSGR. LAROCQUE:** Before he went back to work  
14 in his own Archdiocese of Ottawa.

15                  **MR. ENGELMANN:** Right. So you had some  
16 personal knowledge of him?

17                  **MSGR. LAROCQUE:** Yes.

18                  **MR. ENGELMANN:** And he was a member of the  
19 Ottawa Archdiocese at this time?

20                  **MSGR. LAROCQUE:** That's right.

21                  **MR. ENGELMANN:** And ---

22                  **MSGR. LAROCQUE:** Still is.

23                  **MR. ENGELMANN:** Right. And we've heard that  
24 both of these individuals were the Bishop's delegate at the  
25 time in question for their respective dioceses.

1                   **MSGR. LAROCQUE:** That's correct.

2                   **MR. ENGELMANN:** And this letter -- so as  
3 Bishop's delegate they would have responsibility to deal  
4 with complaints of clergy abuse.

5                   **MSGR. LAROCQUE:** That's correct.

6                   **MR. ENGELMANN:** And, sir, the letter  
7 describes a meeting that Monsignor Schonenbach has with Mr.  
8 Silmsen on December 10<sup>th</sup> of 1992, correct?

9                   **MSGR. LAROCQUE:** That's correct.

10                  **MR. ENGELMANN:** I'm wondering, sir, before  
11 receiving this letter, if you might have had some prior  
12 knowledge of this complaint by Mr. Silmsen?

13                  **MSGR. LAROCQUE:** I may have but I can't  
14 remember.

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

16                  **MSGR. LAROCQUE:** Because he says that he had  
17 received a telephone conversation with Monsignor McDougald.  
18 So if Monsignor McDougald was aware of this he would've  
19 made me aware of it at the time.

20                  **MR. ENGELMANN:** Right.

21                               Well, I'm wondering certainly -- and I'm  
22 sure he would have spoken to you either at your request or  
23 at his upon receipt of this letter. Is that fair?

24                  **MSGR. LAROCQUE:** He would have -- who's  
25 "he"?

1                   **MR. ENGELMANN:** Monsignor McDougald.

2                   **MSGR. LAROCQUE:** Well, it was copied to me  
3                   so he knew that I had received the same letter.

4                   **MR. ENGELMANN:** Fair enough, but you would  
5                   have spoken to him shortly after receipt of this letter,  
6                   presumably.

7                   **MSGR. LAROCQUE:** I can't remember but ---

8                   **MR. ENGELMANN:** All right.

9                   And, sir, I'm wondering if you can recall  
10                  being informed either by Monsignor McDougald or by  
11                  Monsignor Guindon, or Father Guindon, of an approach that  
12                  Mr. Silmsler might have made to Father Guindon actually  
13                  before he met with Monsignor Schonenbach in Ottawa?

14                  **MSGR. LAROCQUE:** I can't remember that.

15                  **MR. ENGELMANN:** I may come back to that.

16                  **MSGR. LAROCQUE:** If that happened I'm sure  
17                  that Monsignor Guindon would have referred him to Monsignor  
18                  McDougald because he was my delegate.

19                  **MR. ENGELMANN:** Right. So did you have some  
20                  sense, sir, as to why an allegation of sexual abuse at St.  
21                  Columban's Parish by an ex altar boy dealing with one of  
22                  your priests, why that was being dealt with by Monsignor  
23                  Schonenbach in Ottawa?

24                  **MSGR. LAROCQUE:** Because Mr. Silmsler chose  
25                  to go to him since he was living in the Archdiocese of



1 Ottawa.

2 MR. ENGELMANN: And who would have told you  
3 that, sir?

4 MSGR. LAROCQUE: It's in a letter.

5 MR. ENGELMANN: Okay.

6 MSGR. LAROCQUE: And he lives in Hammond,  
7 Ontario, which is the Archdiocese of Ottawa.

8 MR. ENGELMANN: When Monsignor Schonenbach  
9 testified here he said that Mr. Silmsler told him that he  
10 called the Cornwall Diocese. He spoke to Monsignor Guindon  
11 about his complaint and what Silmsler related to Schonenbach  
12 was Guindon told him, "What do you expect me to do about  
13 it?" or words to that effect.

14 MSGR. LAROCQUE: I don't know. I'm not  
15 privy to that conversation.

16 MR. ENGELMANN: Okay. Well, my question to  
17 you is whether Monsignor Guindon advised you of the  
18 complaint he had received from Mr. Silmsler.

19 MSGR. LAROCQUE: I have no recollection of  
20 that. I'm sorry.

21 THE COMMISSIONER: Do you recall what your  
22 reaction was when you did read this letter back in December  
23 of 1992?

24 MSGR. LAROCQUE: My first reaction was to  
25 think that this is utterly out of character, the Father

1 Charles that I knew.

2 MR. ENGELMANN: Sir, I just want to try and  
3 refresh your memory about whether or not you might have  
4 known about the approach to Father Guindon.

5 And if the witness could be shown -- it's  
6 Exhibit 1889.

7 Monsignor Larocque, this is an examination  
8 for discovery transcript dated December 12<sup>th</sup>, 1995.

9 THE COMMISSIONER: What number again?

10 MR. ENGELMANN: I believe it's 1889.

11 THE COMMISSIONER: Eighty-nine (89), oh,  
12 okay. Yeah, that makes sense.

13 MR. ENGELMANN: I believe the note that my  
14 colleague Maitre Dumais has made here.

15 THE COMMISSIONER: What page?

16 MR. ENGELMANN: The page in question is --  
17 it's page 175 of the transcript. It's Bates page 530.

18 Do you remember, sir, attending at an  
19 examination for discovery and being asked some questions?  
20 This is in December of 1995.

21 MSGR. LAROCQUE: I'd like to have the page,  
22 please. I don't have ---

23 MR. ENGELMANN: I'm sorry?

24 THE COMMISSIONER: It's page -- if you're  
25 looking at the Bates pages or -- if you look at the top

1 left corner. Yeah, it's 530, the last three numbers.

2 MSGR. LAROCQUE: Yes.

3 (SHORT PAUSE/COURTE PAUSE)

4 MR. ENGELMANN: Sir, I'm referring to --  
5 it's right next to number 506.

6 MSGR. LAROCQUE: Yes.

7 MR. ENGELMANN: There's a question and  
8 before we go on to the next statement there are a couple of  
9 things arising out of that:

10 "Bishop, did you receive a report from  
11 Monsignor Guindon about his initial  
12 contact from Mr. Silmsen?"

13 Answer:

14 "No, I didn't receive a report. I just  
15 got -- he told me that he had gotten  
16 the phone call and I told him, if I  
17 recall correctly, that they should put  
18 the protocol into operation."

19 "All right. Any other discussions with  
20 Monsignor Guindon?"

21 "Not that I can recall, no, because  
22 from then on it was Monsignor  
23 McDougald. He was the person  
24 responsible."

25 MSGR. LAROCQUE: Thank you for helping my

1 memory.

2 MR. ENGELMANN: All right.

3 You'd agree, sir, your memory would have  
4 been better about the circumstances back in 1995 than it  
5 would be today in 2008?

6 MSGR. LAROCQUE: I suspect so, yes.

7 MR. ENGELMANN: And do you know, if Mr.  
8 Guindon got the initial call, why the Diocese protocol  
9 wasn't put into effect and Monsignor McDougald didn't deal  
10 with this as opposed to ---

11 MSGR. LAROCQUE: I have no idea.

12 MR. ENGELMANN: All right.

13 So you don't have any recollection about  
14 what -- sorry -- what Father Guindon would have told you  
15 about his contact with Mr. Silmser?

16 MSGR. LAROCQUE: Just that he had received a  
17 telephone call. That's all. But he should have referred  
18 him to Monsignor McDougald.

19 MR. ENGELMANN: Right.

20 THE COMMISSIONER: Well, I think that's --  
21 in the examination for discovery that's what you said.

22 MSGR. LAROCQUE: Yes.

23 MR. ENGELMANN: And he certainly shouldn't  
24 have said what he was alleged to have said, "What do you  
25 expect me to do about it?" or words to that effect. That

1           wouldn't be a proper response.

2                           **MSGR. LAROCQUE:** But that is Mr. Silmser's -

3           --

4                           **MR. ENGELMANN:** Yes.

5                           **MSGR. LAROCQUE:** --- evaluation of the  
6           conversation.

7                           **MR. ENGELMANN:** Yes.

8                           **THE COMMISSIONER:** Assuming for a moment  
9           that it's correct, that that is an accurate rendition of  
10          what he said, that isn't quite what you would have thought  
11          Monsignor Guindon would have said if he was respecting the  
12          policy?

13                           **MSGR. LAROCQUE:** I really don't want to make  
14          a comment on -- I mean, it's almost a comment on a  
15          conversation where I wasn't even present.

16                           **THE COMMISSIONER:** No, no, that's not what -  
17          - no, no, it's a fair question.

18                           Do you want to restate it, Mr. Engelmann?

19                           **MSGR. LAROCQUE:** Well, if it's a fair  
20          question I would say then that he should have answered more  
21          courteously.

22                           **MR. ENGELMANN:** Because an answer like that  
23          isn't going to encourage someone to bring a complaint in  
24          your Diocese.

25                           **MSGR. LAROCQUE:** No, but it could be that

1 Monsignor Guindon was involved with a tribunal case, a  
2 marriage tribunal, when he got the phone call.

3 **THE COMMISSIONER:** There are many  
4 explanations. We're not ---

5 **MSGR. LAROCQUE:** So I don't -- the man is  
6 dead so I don't want to ---

7 **THE COMMISSIONER:** No, no, and we're just  
8 trying to be fair here on the issue of -- as we premised  
9 the question, the question was, "If what Mr. Silmsler says  
10 is accurate ---"

11 **MSGR. LAROCQUE:** Then it's not courteous.

12 **THE COMMISSIONER:** So there you go. It  
13 doesn't mean it's accurate. It just means that assume for  
14 a moment it is. That wasn't the response you expected from  
15 Monseigneur Guindon?

16 **MSGR. LAROCQUE:** No, he should ---

17 **THE COMMISSIONER:** That's all. Okay.

18 But in your examination for discovery you  
19 did say, if I recall correctly, they should put the  
20 protocol into operation?

21 **MSGR. LAROCQUE:** That's right.

22 **THE COMMISSIONER:** And those were the first  
23 words that you said on that.

24 **MSGR. LAROCQUE:** That's right.

25 **THE COMMISSIONER:** Okay.

1                   **MR. ENGELMANN:** Sir, and in the letter we  
2                   just looked at from Monsignor Schonenbach -- and that's  
3                   Exhibit 311 -- in the fourth paragraph he's relating --  
4                   again, this is something that Mr. Silmsen would have told  
5                   to him:

6                                    "He told me he was raising the matter  
7                                   at this time because he wanted to lose  
8                                   the label of being a bad person. He  
9                                   said 'for starters I'd like a letter  
10                                  from Father MacDonald acknowledging  
11                                  what he did so that I could show this  
12                                  to my mother'."

13                   **MSGR. LAROCQUE:** I remember that that was  
14                   one of his requests, that he wanted something for his aged  
15                   mother to be able to change her mind with regard to  
16                   himself.

17                   **MR. ENGELMANN:** All right.

18                                   And were you aware of any other requests at  
19                   that time, sir?

20                   **MSGR. LAROCQUE:** Not that I knew of, no.

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

22                                   Then he goes on and he just simply says at  
23                   the end:

24                                   "My own knowledge of David Silmsen is  
25                                  restricted to this one meeting. He

1                   seems like a credible person. At the  
2                   conclusion of the meeting I indicated  
3                   that you were the person in charge of  
4                   these questions in the Alexandria-  
5                   Cornwall Diocese. I gave him your  
6                   telephone number."

7                   **MSGR. LAROCQUE:** That means Monsignor  
8                   McDougald ---

9                   **MR. ENGELMANN:** Right.

10                  **MSGR. LAROCQUE:** --- to whom the letter's  
11                  addressed.

12                  **MR. ENGELMANN:** Right. So he's clearly  
13                  indicating to Mr. Silmser that he's not the guy to do this.

14                  **MSGR. LAROCQUE:** That's right.

15                  **MR. ENGELMANN:** And presumably that's what  
16                  he's told Mr. Silmser. He's now asking your Diocese to  
17                  deal with it.

18                  **MSGR. LAROCQUE:** That's right.

19                  **MR. ENGELMANN:** Now, Monsignor, did you ever  
20                  speak with Monsignor Schonenbach about his letter or his  
21                  meeting with David Silmser?

22                  **MSGR. LAROCQUE:** I spoke to him recently but  
23                  not at that time.

24                  **THE COMMISSIONER:** Okay. Well, when you  
25                  spoke to him recently, did you talk about this?



1                   **MSGR. LAROCQUE:** Well, I was staying at the  
2                   rectory, but I can't remember that we went into any details  
3                   on this at all.

4                   **MR. ENGELMANN:** Was this at a time when you  
5                   both knew you were going to be witnesses here?

6                   **MSGR. LAROCQUE:** I don't know if he knew,  
7                   but I knew that I was being a witness here.

8                   **MR. ENGELMANN:** Fair enough.

9                   Sir, did you ever speak to Mr. Silmser about  
10                  his concerns or his allegations?

11                  **MSGR. LAROCQUE:** I don't ever remember  
12                  because I was told not to. That's the reason why the  
13                  bishop's delegate is there, so that bishop can remain as  
14                  objective as possible.

15                  **MR. ENGELMANN:** Do you recall who would have  
16                  told you not to or is that just from protocol?

17                  **MSGR. LAROCQUE:** That's the protocol. That  
18                  reason for the bishop's delegate is to free the bishop so  
19                  that he can be more objective in dealing both with the  
20                  priest and with the victim, because in most cases he's  
21                  responsible for both.

22                  **MR. ENGELMANN:** All right.

23                  **MSGR. LAROCQUE:** Is it likely, sir, that you  
24                  would have had a number of discussions with Monsignor  
25                  McDougald about this matter over the course of the next few

1 months, from December of '92 onwards?

2 **MSGR. LAROCQUE:** He would have reported to  
3 me, yes, I would imagine.

4 **MR. ENGELMANN:** On a regular basis if there  
5 was something to report?

6 **MSGR. LAROCQUE:** Well, whenever something  
7 new showed up, yes.

8 **MR. ENGELMANN:** All right.

9 And would it be fair to assume that he would  
10 have spoken to you shortly after this letter was received  
11 by your Diocese?

12 **MSGR. LAROCQUE:** I would suppose so, yes,  
13 although he knew that I had the letter, so ---

14 **MR. ENGELMANN:** Yes. No, fair enough.

15 But would he have told you, sir, whether or  
16 not -- would he have told you that Mr. Silmsler was not just  
17 making allegations against Father MacDonald but also  
18 against another man by the name of Ken Seguin?

19 **MSGR. LAROCQUE:** Not to my knowledge, no.

20 **MR. ENGELMANN:** All right.

21 And did you know Mr. Seguin at that time?

22 **MSGR. LAROCQUE:** No.

23 **MR. ENGELMANN:** So you didn't know he was a  
24 close friend of Father MacDonald's?

25 **MSGR. LAROCQUE:** I found that out later, but

1 I don't know Ken Seguin at all on a personal basis.

2 MR. ENGELMANN: All right.

3 Were you aware that he had at least started  
4 in the seminary with Father MacDonald?

5 MSGR. LAROCQUE: I found out later, yes.

6 MR. ENGELMANN: All right.

7 THE COMMISSIONER: Can you pick a spot for a  
8 break here, Mr. Engelmann?

9 MR. ENGELMANN: In just a moment, if I can,  
10 sir?

11 THE COMMISSIONER: Sure.

12 MR. ENGELMANN: So shortly after this letter  
13 came in, would you have instructed Monsignor McDougald to  
14 do anything in particular with respect to this complaint?

15 MSGR. LAROCQUE: To follow the protocol.

16 MR. ENGELMANN: So you would have -- aside  
17 from telling him to follow the protocol, you would not have  
18 interfered in any way in how he was doing his job?

19 MSGR. LAROCQUE: Exactly.

20 MR. ENGELMANN: And the protocol that he  
21 would have followed, just so we're clear, is the protocol  
22 we looked at this morning that Father Vaillancourt would  
23 have drafted in or around May of '92?

24 MSGR. LAROCQUE: I think so, yes.

25 MR. ENGELMANN: All right.

1                   We're going to go to that just after the  
2                   break then if we can.

3                   **THE COMMISSIONER:** Thank you.

4                   Let's take the afternoon break.

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

7                   The hearing will resume at 3:25 p.m.

8                   --- Upon recessing at 3:09 p.m./

9                   L'audience est suspendue à 15h09

10                  --- Upon resuming at 3:28 p.m./

11                  L'audience est reprise à 15h28

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

14                  The hearing is now resumed. Please be  
15                  seated. Veuillez vous asseoir.

16                  **MONSIGNOR EUGENE LAROCQUE, Resumed/Sous le même serment:**

17                  ---EXAMINATION IN CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.  
18                  **ENGELMANN (cont'd/suite):**

19                  **MR. ENGELMANN:** Just before the break, sir,  
20                  we were -- I wanted you to have something handy now for the  
21                  next few questions, and that is the protocol that would  
22                  have been in place at the time.

23                  **MSGR. LAROCQUE:** Right.

24                  **MR. ENGELMANN:** And, sir, you'll find it  
25                  again -- I think it's at the very end of the first volume

1 of Exhibit 58 -- it's that blue book -- Tab 25.

2 Counsel, it's Document number 600257.

3 We'll just have it on the screen for you as  
4 well, sir. There we go.

5 So we've already confirmed that this is the  
6 protocol. Whether officially promulgated or not, it would  
7 have been followed for the Silmsler complaint.

8 Sir, just looking at it, under the receipt  
9 of the complaint, which is phase one, receiving a complaint  
10 ---

11 **MSGR. LAROCQUE:** Yes.

12 **MR. ENGELMANN:** --- we have the person  
13 designated by the Bishop, and that would be Father or  
14 Monsignor McDougald; correct?

15 **MSGR. LAROCQUE:** Correct.

16 **MR. ENGELMANN:** And although he did not meet  
17 with Mr. Silmsler immediately, we know that Monsignor  
18 Schonenbach did.

19 **MSGR. LAROCQUE:** Another bishop's designate,  
20 yes.

21 **MR. ENGELMANN:** Right. And do you know, did  
22 -- when Monsignor McDougald would have first reported this  
23 to you, would you have had a discussion about whether he,  
24 as the designated person, should also meet with Mr.  
25 Silmsler?

1                   **MSGR. LAROCQUE:** I can't recall.

2                   **MR. ENGELMANN:** All right.

3                   **MSGR. LAROCQUE:** I didn't want to interfere,  
4                   so I ---

5                   **MR. ENGELMANN:** Yes, but I'm perhaps  
6                   assuming, maybe falsely, that because Monsignor Schonenbach  
7                   had met with him perhaps Monsignor McDougald didn't feel it  
8                   was necessary, but we don't seem to have a meeting between  
9                   him and Mr. Silmser, at least not right at the beginning.

10                  **MSGR. LAROCQUE:** I don't know.

11                  **MR. ENGELMANN:** All right. You don't know.

12                  And it does say that the designated person  
13                  is supposed to inform -- I'm looking at 1(c) -- the  
14                  complainant of a number of things: that the suspected  
15                  aggressor will be met; that the advisory committee will  
16                  study the complaint and the obligation to notify the CAS of  
17                  the offence if a minor's involved.

18                  **MSGR. LAROCQUE:** This was not in -- this  
19                  protocol was not in place at that time because we did not  
20                  know that we were supposed to notify the CAS of Father  
21                  Charlie's case. I'm sorry. That was not clear to us. It  
22                  was not clear to the police. So we're using a document, I  
23                  think, that is later. If it says that we refer to the  
24                  Children's Aid, that is not a document that was in force at  
25                  that time.

1                   **MR. ENGELMANN:** Well, it -- okay. Now I'm  
2                   confused.

3                   **MSGR. LAROCQUE:** So am I, because I'm quite  
4                   sure of the fact that -- you know, we were later accused of  
5                   not having referred it to the CAS, so that if this document  
6                   had been in place, we wouldn't have had a leg to stand on.  
7                   And ours say that the police knew it even before we did and  
8                   they did not refer it to the CAS.

9                   This came out, if I'm not -- it seems to me  
10                  this came out somewhere in a discussion with these groups  
11                  when we were drawing up the joint protocol.

12                  But I'm quite sure that this was not in --  
13                  because if it says here that we are supposed to notify the  
14                  Children's Aid, that is not at its proper place. Sorry.

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

16                  But it says -- and, again, I don't want to  
17                  put words in your mouth here, sir, but it says "if a minor  
18                  is involved". Could there have possibly been some  
19                  confusion about that issue?

20                  In other words, could this protocol have  
21                  been followed but there was some confusion as to whether  
22                  there was a minor involved? Because at the time the  
23                  complaint is coming to you Mr. Silmsler is a man, but the  
24                  time he's complaining of he would have been a minor.

25                  **MSGR. LAROCQUE:** That too was an issue that

1 was not clear at the time.

2 MR. ENGELMANN: All right.

3 So I just -- given your evidence earlier and  
4 given the evidence of others, you were ---

5 MSGR. LAROCQUE: Do you think this protocol  
6 was in place at the time?

7 MR. ENGELMANN: Sir, I can't give the  
8 evidence here. That's what you're here for and you've told  
9 us that you were pretty sure. We know at least that in  
10 draft form this protocol was presented to your Council of  
11 Priests in May of '92.

12 THE COMMISSIONER: And you testified this  
13 morning, I believe, or sometime today that while it wasn't  
14 proclaimed or anything like that, for all intents and  
15 purposes that was your guiding document.

16 MSGR. LAROCQUE: And this is December of  
17 '92?

18 THE COMMISSIONER: Yes.

19 MR. ENGELMANN: Yes, when the Silmsen  
20 complaint comes in. Because, sir, if it's not this  
21 protocol, then the previous protocol, if you look in that  
22 same book that you got, Exhibit 58, look at Tab 6. I think  
23 it's the one you're in, sir, the one you should have open  
24 already at Tab 25.

25 THE COMMISSIONER: Le numéro 6.



1                   **MSGR. LAROCQUE:** Le numéro 6?

2                   **THE COMMISSIONER:** Au début du volume,  
3                   Monseigneur, Tab 6.

4                   **MSGR. LAROCQUE:** Oh, excuse me. Yes.

5                   **MR. ENGELMANN:** So this was the one -- and I  
6                   believe we had established that this came into being in or  
7                   around March of '87. It's called Principles and Procedures  
8                   for Clergy in Difficulty, and then it lasts for  
9                   approximately five years and then we see the one we're just  
10                  looking at at Tab 25 of Exhibit 58, which is Diocesan  
11                  Guidelines on Sexual Abuse by Priests, Deacons, Seminarists  
12                  and Pastoral Assistants.

13                  And, you know, we already went through, sir,  
14                  in some detail this morning some of the evolution, some of  
15                  the ideas ---

16                  **MSGR. LAROCQUE:** Yes.

17                  **MR. ENGELMANN:** --- you were getting.

18                  **MSGR. LAROCQUE:** Yes.

19                  **MR. ENGELMANN:** So you seemed fairly  
20                  certain, at least before lunch ---

21                  **MSGR. LAROCQUE:** Okay.

22                  **MR. ENGELMANN:** --- that whether this ---

23                  **MSGR. LAROCQUE:** Well, then the explanation  
24                  that you have offered and that I -- that we were not sure  
25                  whether someone ---

1                   **MR. ENGELMANN:** At the time of the report --  
2                   -

3                   **MSGR. LAROCQUE:** --- an adult was reporting  
4 it, whether they fell under the CAS or not.

5                   **MR. ENGELMANN:** Okay. So there might have  
6 been some confusion as to whether you're a minor at the  
7 time of the report or the time of the offence?

8                   **MSGR. LAROCQUE:** That's right.

9                   **MR. ENGELMANN:** All right.

10                  **MSGR. LAROCQUE:** It was not only with us but  
11 it was with the police as well.

12                  **MR. ENGELMANN:** Fair enough.

13                  And we've -- we've certainly asked some  
14 questions of Cornwall police officers about that issue.

15                  So I want to try and go through the protocol  
16 that you would have had in place at the time of this. So  
17 I'm -- as I said, sir, given your evidence to date and  
18 given what we know from other witnesses, I'm assuming that  
19 it's what we see at Tab 25.

20                  **MSGR. LAROCQUE:** Okay.

21                  **MR. ENGELMANN:** All right? So ---

22                  **MSGR. LAROCQUE:** But really you should be  
23 questioning Monsignor McDougald on this because it's his  
24 responsibility to follow the protocol, not mine.

25                  **MR. ENGELMANN:** And I'm hopeful that we'll

1 be able to do that, sir, but in the event that we might not  
2 be able to, it's quite important that I ask you some  
3 questions about it.

4 **MSGR. LAROCQUE:** I'll answer as best I can,  
5 but I ---

6 **MR. ENGELMANN:** I understand that.

7 **MSGR. LAROCQUE:** I'm not the one  
8 responsible.

9 **MR. ENGELMANN:** I understand that, and if in  
10 -- if you don't remember or if you can't remember Monsignor  
11 McDougald reporting to you, that's fine.

12 Sir, what I wanted to then ask you about was  
13 1(d), and under this protocol which we believed to be in  
14 existence at the time of the Silmsler complaint, it required  
15 the designated person to open a file on each case, take  
16 notes of the events in their chronological order and write  
17 a report of the meeting. All right?

18 And, sir, are you aware if Monsignor  
19 McDougald ever opened a file in that matter?

20 **MSGR. LAROCQUE:** I have no knowledge on that  
21 matter at all.

22 **MR. ENGELMANN:** Because we don't have -- we  
23 don't have a file from the Diocese on this. So I'm  
24 assuming, perhaps wrongly, but I don't know, that there was  
25 not a file opened.

1                   **MSGR. LAROCQUE:** Well, the file would not  
2                   have been at the Diocese. He didn't work at the Diocese.  
3                   The file would be in his possession.

4                   **MR. ENGELMANN:** No, but a -- but a file that  
5                   would be open, presumably -- would the file not be turned  
6                   over to the Diocese for safekeeping? It would be an  
7                   important document, would it not?

8                   **MSGR. LAROCQUE:** I have no knowledge of that  
9                   file, whether he opened one or not.

10                  **MR. ENGELMANN:** Well, we've heard from  
11                  Gordon Bryan that the Diocese did not have a file on this  
12                  matter.

13                  **MSGR. LAROCQUE:** Then he must still have it  
14                  in his possession, if he opened one.

15                  **MR. ENGELMANN:** If he opened one. All  
16                  right. And, sir, you ---

17                  **MSGR. LAROCQUE:** And if he didn't, well then  
18                  he didn't follow the protocol.

19                  **MR. ENGELMANN:** Fair enough.  
20                  And you did not open a file?

21                  **MSGR. LAROCQUE:** No, I was -- that would be  
22                  interfering, and I'm not interfering.

23                  **MR. ENGELMANN:** All right.

24                  But, sir, you would agree with me that you  
25                  could have had a file just to keep some notes, but we don't

1 have any notes from you about the Silmsers investigation?

2 MSGR. LAROCQUE: No, because I didn't make  
3 any.

4 MR. ENGELMANN: All right.

5 So if Mr. -- sorry, Monsignor McDougald  
6 didn't open a file, you didn't open a file, Gordon Bryan  
7 has told us there was no file, do you know whether the  
8 lawyer, Mr. Leduc, would have been instructed to open a  
9 file?

10 MSGR. LAROCQUE: If he were, it was not by  
11 me.

12 MR. ENGELMANN: All right.

13 And who would have instructed him during the  
14 course of his dealings with the Diocese on the Silmsers  
15 case? Who would have been instructing Maître Leduc?

16 MSGR. LAROCQUE: It depends what the matter  
17 would have been, I would imagine.

18 THE COMMISSIONER: On the Silmsers matter.

19 MSGR. LAROCQUE: No, but I mean, like with  
20 regard to the press conferences, I'm the one that invited  
21 him to be present.

22 MR. ENGELMANN: Right.

23 MSGR. LAROCQUE: But, I mean, I didn't  
24 invite him to come and see me about the settlement. That  
25 was something he did on his own.

1                   **MR. ENGELMANN:** All right.

2                   But at the initial stage of this matter,  
3 would Monsignor McDougald have had the right to consult him  
4 as the Diocese lawyer, or was that something that would  
5 have had to come through you?

6                   **MSGR. LAROCQUE:** He would have had a right  
7 to consult him.

8                   **MR. ENGELMANN:** All right.

9                   **MSGR. LAROCQUE:** As the Bursar, he could  
10 have consulted him without consulting me.

11                  **MR. ENGELMANN:** And he had been your lawyer  
12 for some time, sir?

13                  **MSGR. LAROCQUE:** He had been, yes.

14                  **MR. ENGELMANN:** Since about 1976?

15                  **MSGR. LAROCQUE:** I believe so, yes, but I'm  
16 not sure.

17                  **MR. ENGELMANN:** It's what I believe he told  
18 us. So just a couple years after you became Bishop?

19                  **MSGR. LAROCQUE:** I guess so, yes.

20                  **MR. ENGELMANN:** And would he have been  
21 retained and consulted on a regular basis over those years?

22                  **MSGR. LAROCQUE:** Well, he was consulted  
23 mostly with the sale of properties ---

24                  **MR. ENGELMANN:** Yes.

25                  **MSGR. LAROCQUE:** --- and things of that

1 nature.

2 MR. ENGELMANN: He was consulted, of course,  
3 on the Deslauriers matter?

4 MSGR. LAROCQUE: I -- yes, he was, because  
5 he was present at the trial ---

6 MR. ENGELMANN: Yes.

7 MSGR. LAROCQUE: --- to protect the  
8 interests of the Diocese.

9 MR. ENGELMANN: He was also a member of the  
10 committee. You've talked about that already.

11 MSGR. LAROCQUE: That's right. Yes, he was.

12 MR. ENGELMANN: But in this particular case  
13 involving him in the early part of 1994, you would have not  
14 instructed him; it would have been Monsignor McDougald or  
15 someone else?

16 MSGR. LAROCQUE: If he was instructed, it  
17 would have been Monsignor McDougald probably.

18 THE COMMISSIONER: You said 1994?

19 MR. ENGELMANN: Early -- sorry, 1993. I  
20 apologize. I'm getting my dates confused now. All right.

21 MSGR. LAROCQUE: January of '93, yes.

22 MR. ENGELMANN: Yes. All right.

23 So we've also heard that Mr. Leduc didn't  
24 open a file on this matter. So we have personal designate,  
25 and you've told us why you didn't open a file. We have no

1 diocesan file and the diocesan lawyer doesn't have a file.

2 I'm just wondering, sir, why nobody who  
3 seems to be involved in this matter has opened a file.

4 **MSGR. LAROCQUE:** I have no answer.

5 **MR. ENGELMANN:** Would you agree with me,  
6 sir, that that's certainly not consistent with a principle  
7 of openness as recommended by the Canadian Conference of  
8 Catholic Bishops in June of 1992?

9 **MSGR. LAROCQUE:** If it was deliberate, yes.  
10 If it was not deliberate, then ---

11 **MR. ENGELMANN:** Well, whether there's intent  
12 or not, sir, the effect of not opening a file is making it  
13 very difficult to look at this in any kind of transparent  
14 way. Isn't that fair?

15 **MSGR. LAROCQUE:** Yes, I would agree. Yes.

16 **MR. ENGELMANN:** And, sir, it's clearly  
17 contrary to this protocol not to open a file.

18 **MSGR. LAROCQUE:** Yes, it says so right in  
19 1(a) -- in 1(d), yes.

20 **MR. ENGELMANN:** All right.

21 **MSGR. LAROCQUE:** Have you inquired from  
22 Monsignor McDougald if he has a file?

23 **MR. ENGELMANN:** Sir, I can assure you that  
24 we're trying to do that.

25 **MSGR. LAROCQUE:** As he's the one that should



1 be able to answer that question.

2 MR. ENGELMANN: But again, you would expect,  
3 if he'd had a file, that it would have been turned over to  
4 the Diocese?

5 MSGR. LAROCQUE: Not necessarily.

6 THE COMMISSIONER: Wouldn't it have been  
7 disclosed under the obligation of the Diocese?

8 MR. ENGELMANN: Yes, of course. We have not  
9 received a file.

10 MSGR. LAROCQUE: And I don't know of the  
11 existence of one, so I can't help you on that question.

12 Now, we know, sir, under part three -- or  
13 phase three of the protocol; meeting with the suspected  
14 aggressor, that again, the designated person, Monsignor  
15 McDougald, was to meet with Father MacDonald; correct?

16 MSGR. LAROCQUE: That's right.

17 MR. ENGELMANN: And sir, we know that he met  
18 with him at least twice in December; once shortly after  
19 receiving Monsignor Schonenbach's letter, at which time he  
20 advised him to contact a lawyer of his choice; and then  
21 again on December 17<sup>th</sup> when he met with him and a lawyer by  
22 the name of Malcolm MacDonald. And Malcolm MacDonald had  
23 been retained by Father MacDonald to assist with this  
24 matter.

25 Would you have been informed of that in

1 December of 1992?

2 **MSGR. LAROCQUE:** If not in December  
3 eventually I knew about it, yes.

4 **MR. ENGELMANN:** Okay. So presumably  
5 Monsignor McDougald would have told you that he met with  
6 Father MacDonald and also Father MacDonald and his lawyer?

7 **MSGR. LAROCQUE:** That's right, and he denied  
8 everything.

9 **MR. ENGELMANN:** I'm sorry?

10 **MSGR. LAROCQUE:** And that Father MacDonald  
11 denied all of it.

12 **MR. ENGELMANN:** Yes, he denied the  
13 allegations.

14 Now, sir, whether he met with him within the  
15 48 hours that he was supposed to or not, he was to prepare  
16 some type of report of this meeting, was he not?

17 I'm just looking -- I'm just looking ---

18 **MSGR. LAROCQUE:** The report of that meeting  
19 would be the letter Monsignor Schonenbach.

20 **MR. ENGELMANN:** I'm talking about a meeting  
21 with Father MacDonald.

22 **MSGR. LAROCQUE:** I'm sorry. Okay.

23 **MR. ENGELMANN:** It says ---

24 **MSGR. LAROCQUE:** There's no record of it?

25 **MR. ENGELMANN:** Well, sir, it says at phase

1 three -- if you look at the second page of the protocol ---

2 **MSGR. LAROCQUE:** M'hm.

3 **MR. ENGELMANN:** --- which is 697, this is  
4 phase 3C, the designated person files a report of the  
5 meeting.

6 **MSGR. LAROCQUE:** Right.

7 **MR. ENGELMANN:** Right. So presumably, not  
8 only should a file have been opened but then a report of  
9 Monsignor McDougald's meeting with Father MacDonald and/or  
10 Father MacDonald and Malcolm MacDonald should have been  
11 placed on the file, if we're following the protocol.

12 **MSGR. LAROCQUE:** And I don't know whether  
13 that happened or not so I can't say anything about it.

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

15 And, sir, you certainly -- you didn't  
16 receive a written report from Monsignor McDougald about a  
17 meeting with Father MacDonald?

18 **MSGR. LAROCQUE:** No, and it's not in the  
19 protocol that I should. I'm going to be objective.

20 **MR. ENGELMANN:** Well, presumably at some  
21 point in the protocol process ---

22 **MSGR. LAROCQUE:** He lets me know what's  
23 going on but he does not give me reports.

24 **MR. ENGELMANN:** Okay.

25 **MSGR. LAROCQUE:** Written reports.

1                   **MR. ENGELMANN:** But at some point, even if  
2                   you have to be objective -- and you should be objective,  
3                   you would think you would get a report. Would you not?

4                   **THE COMMISSIONER:** Well, no. If you're --  
5                   "D" says:

6                                   "The information is transmitted to the  
7                                   Bishop of the Diocese."

8                   So how would it be transmitted, orally or  
9                   written?

10                   **MSGR. LAROCQUE:** I can verify getting phone  
11                   calls from Bishop -- from Monsignor McDougald, but I don't  
12                   remember written reports as such.

13                   **MR. ENGELMANN:** All right. All right.  
14                   So in any event, if -- in phase 3D the  
15                   information is transmitted to the Bishop of the Diocese, it  
16                   certainly wasn't transmitted to you in writing.

17                   **MSGR. LAROCQUE:** Not to my knowledge. If it  
18                   had been, you would have it.

19                   **MR. ENGELMANN:** All right.  
20                   And you could assume, because I'm asking for  
21                   it, that we don't. But sir, it would appear that that  
22                   portion of the policy wasn't followed either.

23                   **MSGR. LAROCQUE:** If it wasn't followed  
24                   that's not my responsibility. It's the one -- the  
25                   designate.

1                   **MR. ENGELMANN:** All right.

2                   **THE COMMISSIONER:** Well --

3                   **MSGR. LAROCQUE:** If. I don't know so I  
4                   can't comment one way or the other except that it should  
5                   have been followed.

6                   **MR. ENGELMANN:** Now, sir, another thing that  
7                   is supposed to happen under phase three -- and this is the  
8                   meeting with the suspected aggressor; and I'm looking at  
9                   Bates page 697. It's the second page of the document.

10                  **THE COMMISSIONER:** We don't have Bates pages  
11                  for this.

12                  **MR. ENGELMANN:** Sorry; it's the second page  
13                  of the document, sir. It's the ---

14                  **MSGR. LAROCQUE:** The second full page or the  
15                  back of the page?

16                  **MR. ENGELMANN:** Oh, sorry, it's the back of  
17                  the page. One, two, three, four ---

18                  **MSGR. LAROCQUE:** Reassure him that -- so  
19                  it's where we were before ---

20                  **MR. ENGELMANN:** Yes. Just above "C". There  
21                  are a number of bullets, sir.

22                  **MSGR. LAROCQUE:** Yes.

23                  **MR. ENGELMANN:** And one of them says:

24                                 "Inform him that he is not to have any  
25                                 contact with the complainant, the

1                                   victim, nor the victim's family."

2                                   Do you see that?

3                                   **MSGR. LAROCQUE:** Right. Yes.

4                                   **MR. ENGELMANN:** So according to the protocol  
5 then, Monsignor McDougald was to inform Father MacDonald  
6 that he was not to have any contact with the complainant,  
7 the victim, nor the victim's family; correct?

8                                   **MSGR. LAROCQUE:** That's what it says, yes.

9                                   **MR. ENGELMANN:** All right.

10                                  And sir, would you agree that it's important  
11 to have this requirement or this restriction, that the  
12 accused person should not be contacting the victim or  
13 alleged victim?

14                                  **MSGR. LAROCQUE:** That's why it's in the  
15 procedure.

16                                  **MR. ENGELMANN:** All right.

17                                  And when Monsignor Schonenbach testified  
18 here he said that in January of 1994 Monsignor McDougald  
19 told him that Father MacDonald wanted to meet with David  
20 Silmser and he asked Monsignor Schonenbach to approach  
21 David Silmser to set up that meeting with Father MacDonald.

22                                  **MSGR. LAROCQUE:** I have no knowledge of  
23 that.

24                                  **MR. ENGELMANN:** I was going to just then ask  
25 you whether you were aware of that.

1                   And you would agree, sir, that that would  
2                   not have been appropriate ---

3                   **MSGR. LAROCQUE:** Not according to our ---

4                   **MR. ENGELMANN:** --- for Monsignor McDougald  
5                   to do?

6                   **MSGR. LAROCQUE:** Not according to our  
7                   protocol, no.

8                   **MR. ENGELMANN:** No, in fact, it wouldn't --  
9                   it would be contrary to the protocol and it's just simply  
10                  not appropriate ---

11                  **MSGR. LAROCQUE:** That's right.

12                  **MR. ENGELMANN:** --- for him to do that.

13                  **MSGR. LAROCQUE:** Exactly.

14                  **MR. ENGELMANN:** And, sir, do you think it  
15                  was appropriate for Father MacDonald to suggest that?

16                  **MSGR. LAROCQUE:** You mean ---

17                  **MR. ENGELMANN:** To suggest to meet with the  
18                  victim or alleged victim?

19                  **MSGR. LAROCQUE:** Now you've got me confused.  
20                  Who's making the suggestion, Monsignor McDougald or Father  
21                  MacDonald?

22                  **MR. ENGELMANN:** No, Monsignor McDougald is  
23                  the conduit. Father MacDonald is asking Monsignor  
24                  McDougald ---

25                  **MSGR. LAROCQUE:** I see; okay.

1                   **MR. ENGELMANN:** --- to set up a meeting with  
2                   David Silmser, that he wants to meet with him.

3                   **MSGR. LAROCQUE:** Right.

4                   **MR. ENGELMANN:** And I'm suggesting to you  
5                   that would have been inappropriate for Monsignor McDougald  
6                   to do that ---

7                   **MSGR. LAROCQUE:** Absolutely.

8                   **MR. ENGELMANN:** -- and it was also  
9                   inappropriate for Father MacDonald to suggest it.

10                  **MSGR. LAROCQUE:** Absolutely.

11                  **MR. ENGELMANN:** And certainly if that  
12                  request had been acted upon it would have been in  
13                  contravention of protocol?

14                  **MSGR. LAROCQUE:** Absolutely.

15                  **MR. ENGELMANN:** And, sir, just looking at  
16                  phase five notification for a minute -- and that's at the  
17                  bottom of the page we're looking at -- there is a reference  
18                  to the Children's Aid Society.

19                  **MSGR. LAROCQUE:** Right.

20                  **MR. ENGELMANN:** And it says:

21                                 "If the CAS is not notified of the case  
22                                 the designated person meets with the  
23                                 complainant and gives him the reasons  
24                                 for the decision."

25                                 And in this case we know the CAS was not



1 notified and we know why there was some confusion about  
2 whether it was necessary in a historical case ---

3 **MSGR. LAROCQUE:** Yes.

4 **MR. ENGELMANN:** --- where the person  
5 reporting is then an adult.

6 But presumably Monsignor McDougald should  
7 have met with Mr. Silmsler to give him the reasons for that  
8 decision, if he was following the protocol; correct?

9 **MSGR. LAROCQUE:** Correct.

10 **MR. ENGELMANN:** And so, again, if that  
11 didn't happen, we have no indication that it did, that  
12 again would have been a breach of the protocol; correct?

13 **MSGR. LAROCQUE:** It's quite apparent, yes.

14 **MR. ENGELMANN:** Yes.

15 **MSGR. LAROCQUE:** Now, phase four talks about  
16 a meeting of the Advisory Committee. And, sir, we know  
17 that the Advisory Committee or at least portions of the  
18 Advisory Committee actually met with Mr. Silmsler in  
19 February of 1993, but this talks about minutes of a meeting  
20 of the Advisory Committee, and under C it says:

21 "The minutes of the meeting are  
22 written down."

23 So again, sir, I'm going to ask you, at any  
24 point, did you receive minutes of the meeting of the  
25 Advisory Committee?

1                   **MSGR. LAROCQUE:** I can't remember and if  
2 they had -- I had received them they would have been made  
3 available to you because all my files are made available.

4                   **MR. ENGELMANN:** We don't have any, sir.

5                   **MSGR. LAROCQUE:** Well, I didn't have it  
6 then.

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

8                   And it says:

9                                   "The Bishop of the Diocese is  
10                                   informed of the meeting."

11                   Now, sir, I would suggest to you that the  
12 meeting of the Advisory Committee -- at least, the meeting  
13 with Mr. Silmsler on February 9<sup>th</sup> 1993, you would have  
14 received some form of oral report of that?

15                   **MSGR. LAROCQUE:** I can't remember.

16                   **MR. ENGELMANN:** All right.

17                   Now, when he testified here Jacques Leduc  
18 said that he told you many times to follow the protocol.

19                   Do you recall Mr. Leduc advising you to  
20 follow the protocol?

21                   **MSGR. LAROCQUE:** It was not up to me to  
22 follow the protocol, it was up to the Bishop's designate.

23                   **THE COMMISSIONER:** Well, just a second.  
24 Just -- Monsignor, whose protocol was it? Was it yours or  
25 was it the designates?

1                   **MSGR. LAROCQUE:** It was the Diocese's  
2                   protocol.

3                   **THE COMMISSIONER:** And who is the head of  
4                   the Diocese?

5                   **MSGR. LAROCQUE:** I am.

6                   **THE COMMISSIONER:** Okay. And so ---

7                   **MSGR. LAROCQUE:** Excuse me. I think I just  
8                   pushed off the ---

9                   **THE COMMISSIONER:** No, you're fine. You're  
10                  fine.

11                  And is it not the ultimate responsibility of  
12                  the head of the Diocese to make sure that its protocols are  
13                  followed?

14                  **MSGR. LAROCQUE:** If the protocol is given to  
15                  the designate, it is his responsibility.

16                  **THE COMMISSIONER:** Do you not keep an  
17                  overseeing responsibility to ensure that ---

18                  **MSGR. LAROCQUE:** You can't possibly do that  
19                  with everything that's going on in the Diocese. That's  
20                  absolutely impossible. I'd have to be God to be able to do  
21                  that.

22                  **THE COMMISSIONER:** Okay.

23                  **MR. ENGELMANN:** Sir, do you have some idea  
24                  why this protocol was not followed in so many respects?

25                  **MSGR. LAROCQUE:** I have no idea whatsoever.

1                   **MR. ENGELMANN:** Might it have been because  
2                   it was new and people hadn't been trained on its use?

3                   **MSGR. LAROCQUE:** That could be the reason.  
4                   The other reason was the uncertainty, I think, of the whole  
5                   accusations for quite some time.

6                   **MR. ENGELMANN:** How would that leave the  
7                   protocol not to be followed?

8                   **MSGR. LAROCQUE:** Well, it's not a reason for  
9                   not following it but it's -- the fact that the accusation  
10                  was made and then it was left for so long, both by the  
11                  police and Silmser, led us to -- at least led me to think  
12                  that this was not a serious accusation.

13                  **MR. ENGELMANN:** Well, I'm not going to speak  
14                  for the police for a minute, and we certainly asked them  
15                  some questions about the delays in ---

16                  **MSGR. LAROCQUE:** All I can tell you is ---

17                  **MR. ENGELMANN:** --- that investigation, but  
18                  ---

19                  **MSGR. LAROCQUE:** --- in my own mind what  
20                  happened in my mind.

21                  **MR. ENGELMANN:** --- if Mr. Silmser makes a  
22                  complaint ---

23                  **MSGR. LAROCQUE:** Yes.

24                  **MR. ENGELMANN:** --- to the Diocese and to  
25                  the police and it's a complaint of a serious criminal

1 offence ---

2 **MSGR. LAROCQUE:** To the police.

3 **MR. ENGELMANN:** --- isn't it incumbent upon  
4 you as a Diocese to respond and respond quickly and in  
5 accordance with rules?

6 **MSGR. LAROCQUE:** And we did.

7 **MR. ENGELMANN:** But, sir, we've just gone  
8 through ---

9 **MSGR. LAROCQUE:** We observed some of the  
10 rules and some of the others I don't know whether they were  
11 not observed or not and neither do you because I don't know  
12 whether Monsignor has the files or not.

13 **MR. ENGELMANN:** But even if this policy had  
14 not been officially adopted, it was certainly something  
15 that you ---

16 **MSGR. LAROCQUE:** It was a serious guideline  
17 for the Diocese.

18 **MR. ENGELMANN:** Right. And why would you  
19 have a protocol if so many of the requirements are not  
20 followed? What would the point of it be?

21 **MSGR. LAROCQUE:** Ask Monsignor McDougald.

22 **MR. ENGELMANN:** Well, sir, would you at  
23 least agree with me that after the incident with Father  
24 Deslauriers several years earlier you, as the Bishop, would  
25 want to ensure that this new complaint was handled

1 correctly and in accordance with rules?

2 **MSGR. LAROCQUE:** That would have been my  
3 desire, yes.

4 **MR. ENGELMANN:** And, therefore, as Bishop,  
5 you have some responsibility as the leader of this Diocese  
6 to ensure that happens, do you not, sir?

7 **MSGR. LAROCQUE:** Yes, I do, and I choose  
8 people that are responsible in order to put it into effect.

9 **MR. ENGELMANN:** And would you agree, sir,  
10 that if you stress the importance of following a particular  
11 protocol and show leadership in that sense that it's more  
12 likely that the protocol would be followed?

13 **MSGR. LAROCQUE:** Perhaps.

14 **MR. ENGELMANN:** And do you agree, sir, that  
15 perhaps that wasn't done in this case?

16 **MSGR. LAROCQUE:** If you mean that I was not  
17 on the back of Monsignor McDougald to find out exactly what  
18 he was doing, you're correct.

19 **MR. ENGELMANN:** Now, when Monsignor  
20 McDougald advised you about his meeting or meetings with  
21 Father MacDonald, he told you that Father MacDonald denied  
22 the allegations?

23 **MSGR. LAROCQUE:** That's correct.

24 **MR. ENGELMANN:** And he would have told you  
25 presumably that, at least at one of those meetings, that

1 Father MacDonald had a lawyer and the lawyer's name was  
2 Malcolm MacDonald?

3 **MSGR. LAROCQUE:** That's correct.

4 **MR. ENGELMANN:** And Malcolm MacDonald was  
5 known to you, sir?

6 **MSGR. LAROCQUE:** Not very well, no.

7 **MR. ENGELMANN:** Well, I understand that he  
8 was ---

9 **MSGR. LAROCQUE:** I think I had met him only  
10 once. He was on the Finance Commission of St. Columban's  
11 Parish.

12 **MR. ENGELMANN:** All right. Was he -- aside  
13 from being actively involved in his parish, was he not also  
14 actively involved in the Knights of Columbus here in  
15 Cornwall?

16 **MSGR. LAROCQUE:** He may have been, yes.

17 **MR. ENGELMANN:** In fact, I understand, sir,  
18 he was a past Grand Knight of the Knights of Columbus.

19 **MSGR. LAROCQUE:** Could be.

20 **MR. ENGELMANN:** And, sir, you were actively  
21 involved in the Knights of Columbus, were you not?

22 **MSGR. LAROCQUE:** But not with that council.  
23 I was involved with the Knights on the whole of Ontario and  
24 the whole of Canada, not with one individual council.

25 **MR. ENGELMANN:** So he was at least known to

1           you in December of 1992?

2                       **MSGR. LAROCQUE:** Yes, I had a nodding  
3           acquaintance with him.

4                       **MR. ENGELMANN:** Were you aware that he was a  
5           friend of Father Charles MacDonald?

6                       **MSGR. LAROCQUE:** I became aware of that  
7           later.

8                       **MR. ENGELMANN:** All right.

9                       **MSGR. LAROCQUE:** But it would make sense  
10          because Father Charles had been in his parish and had  
11          worked with him.

12                      **MR. ENGELMANN:** And, sir, given the policy  
13          protocol, were you aware, sir, of the Diocese paying for  
14          Malcolm MacDonald's fees from the beginning in December of  
15          1992?

16                      **MSGR. LAROCQUE:** I was not aware of that at  
17          all.

18                      **MR. ENGELMANN:** That was the expectation  
19          under the priests and difficulty protocol and then under  
20          this protocol ---

21                      **MSGR. LAROCQUE:** That's right.

22                      **MR. ENGELMANN:** --- was it not?

23                      **MSGR. LAROCQUE:** It would be following that.

24                      **MR. ENGELMANN:** As long as there was no  
25          admission of guilt on the part of Father Charles or any



1 finding of guilt by a court ---

2 MSGR. LAROCQUE: That's right.

3 MR. ENGELMANN: --- his legal fees were to  
4 be paid for?

5 MSGR. LAROCQUE: That's right.

6 And were they? You say they were?

7 MR. ENGELMANN: Well, I'm assuming they  
8 were, sir. That's what the policy called for.

9 MSGR. LAROCQUE: Well, I can't say yes or  
10 no.

11 MR. ENGELMANN: Now, did you meet with  
12 Father MacDonald following Monsignor McDougald's meeting  
13 with him?

14 MSGR. LAROCQUE: Not at that time, no, I  
15 don't believe.

16 MR. ENGELMANN: All right. Well, we know  
17 that you met with him on October 7<sup>th</sup>, 1993.

18 MSGR. LAROCQUE: Yes.

19 MR. ENGELMANN: And what I'm wondering about  
20 is whether you would have met with him at some time before  
21 then to discuss these issues?

22 MSGR. LAROCQUE: I can't remember that I  
23 did, no.

24 MR. ENGELMANN: All right. And would that  
25 have been -- and you've made the comment several times that

1           you didn't want to interfere in this ---

2                           **MSGR. LAROCQUE:** That was ---

3                           **MR. ENGELMANN:** --- investigation or  
4           protocol?

5                           **MSGR. LAROCQUE:** That was the main reason.

6                           **MR. ENGELMANN:** All right. And in keeping  
7           with that same logic, it would make sense that you not  
8           speak with his lawyer about these matters either?

9                           **MSGR. LAROCQUE:** That's right.

10                          **MR. ENGELMANN:** Is that fair?

11                          **MSGR. LAROCQUE:** Correct.

12                          **MR. ENGELMANN:** All right. But, sir, I  
13           understand that you would have spoken with Malcolm  
14           MacDonald as early as December of 1992 concerning this  
15           matter?

16                          **MSGR. LAROCQUE:** Not that I can recall.

17                          **MR. ENGELMANN:** Sir, perhaps the witness  
18           could be shown Exhibit 312.

19                          **THE COMMISSIONER:** You would have the book.

20                          **MSGR. LAROCQUE:** Yes, I have it here. Yes.

21                          **MR. ENGELMANN:** Perhaps, sir, if you want to  
22           just take a minute.

23                                    It's a letter from Malcolm MacDonald to  
24           Monsignor McDougald dated December 21<sup>st</sup>, 1992. It is not  
25           copied to you.

1                   **THE COMMISSIONER:** But there is a PS at the  
2 back.

3                   **MR. ENGELMANN:** Yes, certainly. And that's  
4 -- the PS is perhaps the most important part of the letter  
5 for my question.

6                   **MSGR. LAROCQUE:** If he spoke to me it would  
7 have been a telephone call then because he did not come in  
8 to see me personally.

9                   **MR. ENGELMANN:** All right.

10                   Well, what he's saying in the PS to  
11 Monsignor McDougald is:

12                                 "Since dictating this letter, I spoke  
13                                 briefly with Bishop LaRocque and  
14                                 brought him up to date on what we are  
15                                 doing."

16                                 "We" being presumably Malcolm and Charles  
17                   MacDonald.

18                   **MSGR. LAROCQUE:** Yes.

19                   **MR. ENGELMANN:** "He also indicated that I  
20                                 should continue dealing with you until  
21                                 advised otherwise."

22                   **MSGR. LAROCQUE:** "You" being Monsignor  
23                   McDougald.

24                   **MR. ENGELMANN:** Yes.

25                   **MSGR. LAROCQUE:** It's just ---

1                   **MR. ENGELMANN:** So does that refresh your  
2 memory, sir, as to whether or not you might have spoken  
3 with Malcolm MacDonald about this matter in December?

4                   **MSGR. LAROCQUE:** If he says so then it  
5 refreshes my memory, yes.

6                   **MR. ENGELMANN:** And, again, sir, following  
7 your earlier logic, that might not have been a good idea?

8                   **MSGR. LAROCQUE:** If he calls me I have to  
9 answer the phone.

10                   **MR. ENGELMANN:** Well, it appears you did  
11 more than answer the phone, sir. He says:

12                                "I brought him up to date on what we  
13                                are doing."

14                   **MSGR. LAROCQUE:** Well, then he was defending  
15 Father, that's all he was saying. He didn't give me a --  
16 there was no program or anything at that time.

17                   **MR. ENGELMANN:** Well, you weren't speaking  
18 to Mr. Silmsler or a representative of his, were you?

19                   **MSGR. LAROCQUE:** No, I was not.

20                   **MR. ENGELMANN:** Now, sir, there's a fax from  
21 -- there's a letter from Monsignor Schonenbach to Malcolm  
22 MacDonald that I'd like you to look at. It's in that same  
23 book probably. It's Exhibit 313.

24                                And to understand the facts you may also  
25 want to have Exhibit 312 handy.

1                   But essentially what's happening is Malcolm  
2                   MacDonald, the lawyer for Charles MacDonald, in his letter  
3                   to Monsignor McDougald is suggesting how Monsignor  
4                   McDougald should proceed in his dealings with Mr. Silmser.

5                   He's suggesting that -- in the form of a  
6                   statement that Monsignor McDougald should take from Mr.  
7                   Silmser and he is suggesting that they get it done under  
8                   oath and have it sworn by a lawyer or a notary public:

9                                   "...and once we have a full disclosure  
10                                   we will then be in a position to answer  
11                                   any charges and produce our evidence in  
12                                   reply."

13                   And then he suggests a lie detector, et  
14                   cetera.

15                   So he seems to be ---

16                   **MSGR. LAROCQUE:** Where do you get all that?

17                   **MR. ENGELMANN:** I'm sorry. This is in 312,  
18                   the document before. I'm just giving you the context for  
19                   313.

20                   **MSGR. LAROCQUE:** Oh, I'm sorry, okay, right.

21                   **MR. ENGELMANN:** So ---

22                   **THE COMMISSIONER:** Give him a moment.

23                   **MR. ENGELMANN:** I'm sorry, sir. I didn't  
24                   intend to confuse you.

25                   **MSGR. LAROCQUE:** I was in 313.

1 Yes, okay, fine.

2 **MR. ENGELMANN:** All I was trying to do, sir,  
3 was set the context for the fax because what's happening in  
4 Malcolm MacDonald's letter to Monsignor McDougald is he is  
5 essentially telling Monsignor McDougald how he should go  
6 about conducting his inquiries of Mr. Silmser and he's  
7 suggesting some things. He makes that suggestion through  
8 Monsignor Schonenbach. And the idea is then that Monsignor  
9 Schonenbach will speak to Mr. Silmser and see if he will  
10 agree to Malcolm MacDonald's procedure.

11 So this fax comes back from ---

12 **MSGR. LAROCQUE:** How did Monsignor  
13 Schonenbach get a letter that was addressed to Monsignor  
14 McDougald?

15 **MR. ENGELMANN:** It says just at the end of  
16 the letter, sir, at 312, the last full paragraph of the  
17 letter:

18 "I understand that you will be passing  
19 my comments on to Monsignor  
20 Schonenbach. If you wish, you may send  
21 him a copy of my letter."

22 It's my understanding that that's in fact  
23 what happened. Monsignor Schonenbach got a copy of this  
24 letter, he spoke to Mr. Silmser and then he sent this fax  
25 back.

1                   **MSGR. LAROCQUE:** I see, okay. Thank you.

2                   **MR. ENGELMANN:** All right?

3                   **MSGR. LAROCQUE:** Right.

4                   **MR. ENGELMANN:** So I guess my question to  
5 you, sir, is a couple of things.

6                                 Were you aware, sir, of Malcolm MacDonald's  
7 efforts to give instructions to Monsignor McDougald as how  
8 to essentially carry out the protocol?

9                   **MSGR. LAROCQUE:** I don't remember. No, I  
10 don't think so.

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

12                   **MSGR. LAROCQUE:** None of this was copied to  
13 me.

14                   **MR. ENGELMANN:** No, I realize that, sir, but  
15 you have told us that Monsignor McDougald was keeping you  
16 informed from time-to-time. I was just wondering if you  
17 recall him informing you about this?

18                   **MSGR. LAROCQUE:** I can't recall.

19                   **MR. ENGELMANN:** So not only does Mr. Silmser  
20 not want to go through this process, but apparently at this  
21 point he says, essentially, he'd rather go to the police or  
22 words to that effect because what we see from Monsignor  
23 Schonenbach is, "I called complainant" and this is the fax  
24 note that I showed you at 313.

25                   **THE COMMISSIONER:** Three-thirteen (313).

1                   **MR. ENGELMANN:** "Under the circumstances  
2                                   outlined he does not want to cooperate  
3                                   further. He intends taking the matter  
4                                   to the police."

5                   **MSGR. LAROCQUE:** He had already done so.

6                   **MR. ENGELMANN:** All right. Fair enough.  
7                                   And when did you find out? Did you know  
8                   already at that point that he had gone to the police?

9                   **MSGR. LAROCQUE:** No, I know now.

10                  **MR. ENGELMANN:** All right. When did you  
11                  find out that he had gone to the police?

12                  **MSGR. LAROCQUE:** I really don't know, but at  
13                  one point I got the advice that he had started off -- the  
14                  genesis that he had been in jail, told someone, a parole  
15                  officer or something, that he was there because of some  
16                  priest abusing him, that the whole thing started off and  
17                  that he had some police agent before he even came to the  
18                  Diocese. That's what I was told.

19                  **MR. ENGELMANN:** And who told you that, sir?

20                  **MSGR. LAROCQUE:** It was in a written  
21                  document that I've seen sometime or other.

22                  **MR. ENGELMANN:** Okay, and do you remember  
23                  when you would have read that? Would it have been after  
24                  the fact?

25                  **MSGR. LAROCQUE:** Yes.



1                   **MR. ENGELMANN:** All right.

2                   **MSGR. LAROCQUE:** In preparation for this,  
3 actually.

4                   **MR. ENGELMANN:** Oh, all right. Fair enough.  
5 Because we know that he contacted Monsignor  
6 Guindon or Father Guindon -- pardon me -- before going to  
7 see Monsignor Schonenbach.

8                   **MSGR. LAROCQUE:** And after he had gone to  
9 the police.

10                  **MR. ENGELMANN:** We're just not sure about  
11 that, sir. We know that he went to the Cornwall Police  
12 Service on December 9<sup>th</sup>, 1992 and we know that he met with  
13 Monsignor Schonenbach on December 10<sup>th</sup>. We're not sure when  
14 he called Father Guindon, whether that was the 9<sup>th</sup>, the 10<sup>th</sup>  
15 or possibly earlier. It's hard to say.

16                  **MSGR. LAROCQUE:** Right.

17                  **MR. ENGELMANN:** But my question to you is,  
18 would you have been informed at some point in December or  
19 possibly in January that Mr. Silmsler had gone to the  
20 Cornwall Police Service?

21                  **MSGR. LAROCQUE:** I can't remember that.

22                  **MR. ENGELMANN:** At some point, sir, you were  
23 informed of that?

24                  **MSGR. LAROCQUE:** Yes.

25                  **MR. ENGELMANN:** And you would have been

1 informed of that before the fall of 1993, presumably, when  
2 Mr. Shaver -- or Chief Shaver came to see you?

3 **MSGR. LAROCQUE:** Yes.

4 **MR. ENGELMANN:** Now, sir, can you recall if  
5 you had been informed by Monsignor McDougald that he had  
6 arranged for a meeting between himself, Jacques Leduc and  
7 Father Vaillancourt with Mr. Silmsler in February of 1993?

8 **MSGR. LAROCQUE:** I wasn't advised. I don't  
9 remember that.

10 **MR. ENGELMANN:** All right.

11 And if you were not --

12 **MSGR. LAROCQUE:** I probably would not have  
13 been around because I usually take the first two weeks of  
14 February off.

15 **MR. ENGELMANN:** Okay. Would you perhaps  
16 have been informed upon your return from vacation, sir?

17 **MSGR. LAROCQUE:** I have no recollection.

18 **MR. ENGELMANN:** Presumably if they were  
19 following the protocol in that instance, there should have  
20 been some kind of a report back to you about that meeting.

21 **MSGR. LAROCQUE:** That's true.

22 **MR. ENGELMANN:** And do you know, sir, who  
23 decided who was going to be in on that interview?

24 **MSGR. LAROCQUE:** No, I do not.

25 **MR. ENGELMANN:** All right.

1                   So Jacques Leduc's attendance, we know he  
2                   was there, would not have been sought -- approval for that  
3                   would not have been sought through you?

4                   **MSGR. LAROCQUE:** No.

5                   **MR. ENGELMANN:** Do you know, sir -- and I  
6                   don't know if this was ever explained to you -- why in the  
7                   case of Mr. Silmsier three people from the Diocese, or three  
8                   people representing the Diocese, met with him, whereas in  
9                   the case of the alleged offender, Father MacDonald, there  
10                  was only one person who met with him?

11                  **MSGR. LAROCQUE:** I have no idea.

12                  **MR. ENGELMANN:** Did you ever question  
13                  Monsignor McDougald about that?

14                  **MSGR. LAROCQUE:** No.

15                  **MR. ENGELMANN:** Did that concern you at all  
16                  that three people met with the alleged victim as opposed to  
17                  just one as with the alleged offender?

18                  **MSGR. LAROCQUE:** I did not stick my nose  
19                  into his affairs. I told you that once before.

20                  **MR. ENGELMANN:** I'm just wondering, you  
21                  know, after you found out about that whether you had any  
22                  concerns?

23                  **MSGR. LAROCQUE:** I didn't make the -- I  
24                  didn't make the comparison between the two meetings to tell  
25                  you ---

1                   **MR. ENGELMANN:** Okay, fair enough.  
2                   Are you doing okay? Can you go on for ---  
3                   **MSGR. LAROCQUE:** I'm a little shaky. I  
4                   think that I would appreciate a break, yes.  
5                   **THE COMMISSIONER:** Well, I think it will be  
6                   the end of the day.  
7                   And we will continue tomorrow.  
8                   **MSGR. LAROCQUE:** Thank you.  
9                   **THE COMMISSIONER:** Nine-thirty (9:30), thank  
10                  you.  
11                  **THE REGISTRAR:** Order; all rise. À l'ordre;  
12                  veuillez vous lever.  
13                  This hearing is adjourned until tomorrow  
14                  morning at 9:30 a.m.  
15                  --- Upon adjourning at 4:12 p.m./  
16                  L'audience est ajournée à 16h12

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C E R T I F I C A T I O N

I, Marc Demers 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, Marc Demers, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Marc Demers, CM