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April 2, 1997.

MEMORANDUM TO: Mr. Peter Griffiths

FROM: Robert Pelletier

SUBJECT: Regina v. Charles MacDonald
- Recent Developments

As requested, the following is a summary and chronology of events relating to the above-captioned matter, including some developments in the last six weeks involving additional complaints.

In order to fully appreciate the recent developments in this matter, it is necessary to consider this investigation from the outset.

Late in 1992, the original complainant David Silmsler made a complaint to Cornwall City Police that he had been sexually abused by Father Charles MacDonald. Silmsler provided a written statement to the Cornwall Police. Some time after his initial complaint, Silmsler negotiated a \$32,000 settlement from the accused and the Church in exchange for which he would forego civil proceedings and abandon any criminal proceedings. The money was paid out and the settlement was signed.

Some time after the settlement referred to above, the complainant Silmsler chose to again pursue the matter through the courts and his complaint together with the original investigation conducted by Cornwall City Police was investigated by representatives of the Ottawa Police Service. As the result of that investigation, it was determined that there were no reasonable prospects of conviction, particularly as Silmsler had expressly stated earlier that he did not want to pursue the matter. The fact that Silmsler's complaint stood alone was also a consideration.

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Following that, the lawyer representing the diocese, Malcolm MacDonald, was investigated for obstructing justice. It was considered that in preparing a document which exonerated the suspect as well as the Church both civilly and criminally, Mr. MacDonald had acted in a manner which violated S.139 of the Criminal Code. Malcolm MacDonald was charged, prosecuted, and received an absolute discharge upon his guilty plea to obstructing justice.

The matter did not end there. Silmsler was now intent on proceeding criminally against Father MacDonald in relation to his earlier complaints of sexual abuse. The matter was further investigated by O.P.P. Criminal Investigations Branch, by Detective Inspector Tim Smith of Kingston C.I.B. All prior investigations were considered and the complainant Silmsler was interviewed again with a view to determining whether there presently existed reasonable prospects of conviction. Silmsler's credibility was questioned bearing in mind the suspicious nature of certain of the allegations, the lack of corroboration, and Silmsler's criminal record including dozens of convictions involving dishonesty. It was decided at that time, that charges would not be recommended. In fact, no charges were laid.

By the Fall of 1995, two new complainants came forward. Wayne Reilly and John MacDonald provided statements to the police which in some ways corroborated the evidence given by Silmsler if by no other means than by similar fact. In the meantime, Silmsler's statement taken by the Cornwall City Police was disclosed to the Children's Aid Society and apparently to the media as well by a Constable with the Cornwall City Police Service, one Perry Dunlop. The result of that disclosure was that this matter was revived and the Cornwall City Police Service suffered some criticism for not having pursued the matter any further. As a result of that disclosure to the Children's Aid Society and others, Perry Dunlop was charged under the Police Services Act with various counts involving unprofessional conduct and insubordination. Perry Dunlop was eventually exonerated of all Police Act charges however has not abandoned his interest in this case as will be mentioned later.

As a result of the statements taken from Wayne Reilly and John MacDonald, the matter was reinvestigated and reassigned to myself in order to make recommendations with regards to possible charges. John MacDonald complained of three specific incidents. Charges were laid in respect of each of those incidents. Wayne Reilly

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complained of two specific acts of conduct including sexual relations with the accused at a time when Reilly was fully of a consensual age involving by all appearances full consent. As a result, charges were only laid in respect of the first of the two allegations made by Reilly. Finally, Silmsler complained of a total of four specific incidents, the last allegation being of an attempted buggery. Inconsistencies, internal conflicts, and outright absurdities involving that allegation resulted in charges being recommended only in respect of the first three allegations. Accordingly, Father MacDonald was charged with a total of seven counts of indecent assault on a male person in respect of his activities with all three complainants from late 1960 to early 1970. The decision to recommend charges was made on the slimmest possible reasonable prospect of conviction test being met. Clearly, the fact that there now existed three complainants alleging of a similar type of conduct by the priest at a specific location at a particular point in time was the major consideration in recommending charges. It was decided that at very least, the complainants would be given an opportunity to testify at the preliminary inquiry and the reasonable prospects of conviction could be assessed thereafter.

The complicating factor in this particular prosecution is the involvement of Perry Dunlop. Mr. Dunlop was exonerated by the Police Service Act Court and has since began a crusade aimed at exposing what he perceived to be a conspiracy in Cornwall by a certain number of named conspirators to obstruct justice, suppress evidence, and generally undermine the credibility of those such as Dunlop who have attempted to expose this conspiracy. Dunlop has instituted civil proceedings claiming several millions of dollars against a number of named defendants both individuals and bodies corporate. The defendants to Dunlop's action include:

1. Claude Shaver, formerly the Chief of Police of the Cornwall Police Service.
2. Carl Johnston, subsequent Chief of Police of the Cornwall Police Service.
3. Joseph St. Denis, Deputy Chief of Police of the Cornwall Police Service.
4. Lucien Brunet, Staff Sergeant with the Cornwall Police Service in charge of the criminal investigation's bureau.
5. Brendon Wells, Staff Sergeant with Cornwall Police Service in charge of Professional Standards Branch.

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6. The Cornwall Police Services Board, a Municipal Police Services Board created under Part III of the Police Service's Act.
7. Cornwall Police Service, a Municipal Police Force created pursuant to Part I of the Police Service's Act.
8. Douglas Séguin, an individual residing in the City of Cornwall and the brother of deceased Probation Officer Ken Séguin.
9. The Roman Catholic Episcopal Corporation for the Diocese of Alexandria - Cornwall.
10. Malcolm MacDonald, lawyer for Father Charles MacDonald and resident of the City of Cornwall.

The foregoing defendants are named in the 1996 civil action bearing Court File No. 40752-96.

The statement of claim as amended involves 64 pages including 138 paragraphs setting out with considerable detail a conspiracy alleged by Perry Dunlop as against the defendants named. Though not specifically named as a defendant, the Crown Attorney for the United Counties of Glengarry, Stormont and Dundas, including the City of Cornwall, Murray MacDonald is named in various paragraphs in the context of various clandestine meetings and arrangements involving certain named defendants and others. More particularly, at page 43, paragraph 81, the plaintiff Dunlop states as follows:

"Dunlop pleads that there was and/or is a group of people, from the Cornwall and surrounding area, that are directly and/or indirectly members of a "clan" of pedophiles and/or sexual perpetrators. Dunlop pleads that there was, at the very least, sexual improprieties, fondling, molesting, oral sex, intercourse (anal) and other sexual activities performed by the clan members with minors from on or about 1957 to on or about 1994. Dunlop further pleads these illegal and improper sexual activities may well be still ongoing. The sexual improprieties with minors occurred at many locations.

Paragraph 82. Dunlop further pleads that there are several clan members that are involved directly and/or indirectly in sexual impropriety with minors.

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Paragraph 83. Dunlop states that allegations made by the victim against Father Charles MacDonald and Ken Séguin were held in abeyance and left dormant purposely by Senior Management of the Cornwall Police, specifically Shaver, St. Denis, Stewart MacDonald and Brunet, as well as the investigating officer Cst. Heidi Sebalj. Dunlop pleads that a thorough and complete investigation would have uncovered illegal, immoral and indecent acts of not only Father Charles MacDonald and Ken Séguin but also other members of the "clan" has since been discovered by Dunlop.

Paragraph 84. Dunlop states that on or about late August 1993 - early September 1993 at which time the allegations made by the victim was stifled yet unresolved, a meeting was convened in a devious fashion to discuss and arrange an illegal, obstructive, oppressive and immoral coverup of the allegations made by the victims against Father Charles MacDonald and Ken Séguin. Dunlop pleads that the convening of this meeting stands alone as a conspiracy. Dunlop further pleads that the convening of this meeting constituted obstruct justice, breach of trust, abuse of power and abuse of process. Dunlop states that this meeting was held on a weekend day at the defendant MacDonald's summer residence on Stanley Island, Ontario. Dunlop also pleads that in attendance at the above-noted meeting were amongst others the following people:

1. Bishop Eugene P. Larocque
2. Father Charles MacDonald
3. Malcolm MacDonald
4. Late Ken Séguin
5. Claude Chaber
6. Murray MacDonald

Paragraph 85. Dunlop further pleads that certain other individuals were in attendance at this meeting on Stanley Island, Ontario.

Paragraph 86. Dunlop pleads that at this meeting, representatives of the Diocese of Alexandria, the Cornwall Police, the Police Board, Father Charles MacDonald, Ken Séguin and the Crown Attorney's office met, planned and conspired to complete a cover-up and to not lay charges against Father MacDonald and Ken Séguin.

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The parties agreed to terminate the criminal investigation of Father Charles MacDonald and Ken Séguin, to close and hide the criminal file, to make an out of court monetary settlement for the civil implications and to prevent, block, obstruct and impede any type of further investigation or action regarding alleged sexual improprieties by Father Charles MacDonald, Ken Séguin and several others. Further, Dunlop pleads that most if not all of the individuals present had a vested interest in seeing that this matter be closed and not proceed to a criminal and/or civil arena. Accordingly, Dunlop pleads that most if not all of those present did conspire to terminate the investigation and hence committed obstruct justice as well as perverted the natural course of justice, both criminal and civil. Dunlop pleads that the conspirators knew or should have known that their conduct would cause injury to Dunlop."

The paragraphs in the pleadings which follow the foregoing paragraphs set out how Dunlop has suffered both professionally and personally at the hands of the various defendants and the community at large as a result of the alleged conspiracy to cover up the sexual abuse and thereby undermine Dunlop's credibility both within the force and within the community.

The individual by the name of Ken Séguin referred to at various times was a Probation Officer from the 70s to the 90s. At one point David Silmsler alleged that he had been sexually abused by Ken Séguin as well. A separate yet parallel claim against Séguin was initiated by Silmsler which called for periodic payments of certain sums failing which Silmsler would go public with his allegations. Ken Séguin eventually committed suicide. Silmsler was investigated in relation to possible extortion charges however no charges were ever laid.

What is worthy of note at this point is that Perry Dunlop is represented by a lawyer from Newmarket by the name of Charles Bourgeois, with the firm of Hunter, Corbett, Loselle and Bourgeois. The pleadings referred to above were prepared by Charles Bourgeois.

This takes us to the most recent allegations against Father Charles MacDonald specifically. In December 1996, the lawyer Charles Bourgeois submitted an exhaustive brief tabling the civil action brought by Dunlop against the various persons named above, and including statements from new complainants both with regards to sexual abuse by Father Charles MacDonald and a perceived conspiracy

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conducted by the alleged "clan" to cover up these allegations. The brief was prepared and submitted to Chief of Police Fantino with the London Police Service on December 18th, 1996. In a covering letter, Mr. Bourgeois states "we are aware of your tremendous work and dedication in the founding of project Guardian. My clients feel that you are their last hope at getting an investigation headed in the right direction. After so many failed attempts, they feel that you are the man for the job." This statement is unusual given that up until December 1996, the only three victims known to exist were Silmsler, Reilly and MacDonald, and in respect of each complainant charges had been laid and a preliminary inquiry had been scheduled for the week of February 24, 1997. Be that as it may, Mr. Bourgeois submits his covering letter together with the brief involving a total of seventy four enclosures to Chief Fantino for his consideration. The brief eventually makes its way into the hands of Tim Smith, the lead investigator in the present charge and is subsequently brought to our attention the third week of March 1997. Certain contents of the brief are immediately disclosed to the defence in the context of the present proceedings, and a decision is made at that time to adjourn the preliminary inquiry to May 9, 1997 to be spoken to pending further decisions in relation to the most recent allegations.

The brief prepared by Bourgeois on behalf of his client Dunlop, in contemplation of the civil action against the various defendants and in conjunction with a number of alleged victims contains the civil pleadings referred to previously, statements from various individuals, and a number of photographs of the purported clan members. Included in the photographs and referred to as a clan member are the following individuals:

1. Milton MacDonald, Murray MacDonald's father, referred to as a convicted pedophile.
2. Claude Shaver, Cornwall City Police Chief.
3. Bishop Eugene Larocque, the Bishop of the diocese of Cornwall - Alexandria.
4. Murray MacDonald.
5. Malcolm MacDonald, the lawyer referred to previously.
6. Father Charles MacDonald.
7. Ken Séguin.

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There are in addition some fifteen or so other alleged clan members whose photographs appear in this brief. The brief also includes the statements of four individuals:

1. Don Labelle.
2. Ron Leroux.
3. Gerald Renshaw.
4. Robert Renshaw.

Don Labelle is an individual who presently claims to have been sexually assaulted by Father Charles MacDonald when Labelle was twelve or thirteen years of age. In addition to the statement of Labelle included in the Dunlop brief, Labelle provided a sworn statement both audio and video taped setting out the allegations against Charles MacDonald. In his statement, read conjunctively with the other statements in the brief, Labelle alleges that Murray MacDonald is part of the would-be clan.

Ron Leroux was Ken Séguin's neighbour prior to Séguin committing suicide. Leroux refers to a clan of pedophiles who were at various times involved in "sexual improprieties", molestation, fondling, oral sex, and intercourse (anal). These sexual activities are said to have taken place between 1960 and 1993. These activities are said to involve minors at various locations in the Cornwall area, at a certain resort in Florida, as well as Malcolm MacDonald's summer residence on Stanley Island, Ontario. Named as members of this clan are among others, Father Charles MacDonald, various priests and Church representatives, Milton MacDonald, Murray MacDonald and Malcolm MacDonald. Although Leroux does not specifically claim to be a victim at the hands of Father MacDonald, he alleges that a clan of pedophiles existed which included both the accused in the present prosecution and Murray MacDonald, the Crown Attorney in Cornwall.

Similarly, the individual by the name of Gerald Renshaw claims to have observed activities by the alleged clan including the involvement of Father Charles MacDonald and Murray MacDonald. Finally, in a separate document entitled Affidavit of Robert Renshaw submitted at the same time as the Dunlop brief though not specifically included with those materials, Robert Renshaw deposes to being witness to a certain clan previously referred to. Robert Renshaw also claims to have been a victim of sexual abuse at the hands of both Father Charles MacDonald and the deceased Probation Officer Ken Séguin.

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Read together, the various statements, affidavits, pleadings, and photographs paint a picture of a large and organized group of homosexual pedophiles involved in illegal sexual activities and abuse of power.

Needless to say, I am not convinced that these allegation are well founded. The Dunlop group which involve Perry Dunlop, his spouse, his brother-in-law Carson Chisholm, the various victims referred to previously, and ultimately counsel Charles Bourgeois perceive a conspiracy in the Cornwall area involving illegal sexual activities and cover ups. Given three unfortunate coincidences, firstly the conviction of Murray MacDonald's father, secondly Murray MacDonald's decision initially not to pursue criminal charges in respect of David Silmsler, and thirdly, Malcolm MacDonald's conviction for obstructing justice, the Dunlop group are convinced of the existence of a conspiracy.

Ultimately, a decision will have to be taken whether or not to recommend further charges against Charles MacDonald in relation to the new complainants Robert Renshaw and Don Labelle. A decision to recommend charges would lend credence to these individuals' claims including the conspiracy theory. A decision not to recommend charges would in all likelihood be seen as the latest in the obstructive measures employed by those in authority. It is in this connection that my personal as well as professional affiliations with Murray MacDonald become a complicating factor. Your views in this regard would of course be very much appreciated.

Presently, the preliminary inquiry with regards to the original charges involving Silmsler, MacDonald(John), and Reilly were commenced the week of February 24th, 1997. Some indication of additional statements became known to the defence during the preliminary inquiry which resulted in proceedings being stalled until full disclosure of all complaints could be made. The matter is presently scheduled for May 9th, 1997 to be spoken to in court room no. 9 at 9:30 a.m. It is expected at that time that additional time will be set in order to complete the preliminary inquiry on the charges already laid. Clearly, a decision will have to be taken some time soon as to what course of actions the police should now pursue bearing in mind the new allegations against Father MacDonald.

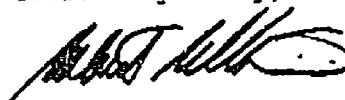
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I wish to confirm finally that a meeting will take place at your office on Thursday, April 24th, 1997 at 10:00 a.m. in order further discuss this matter. Please do not hesitate to contact me if you wish to discuss this file in the meantime. A complete copy of the Dunlop brief will be forwarded to your office by courier later this week.

Yours very truly,



Robert Pelletier,
Crown Attorney for the
United Counties of
Prescott and Russell.