

**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 182

Held at :

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

Tuesday, January 15 2008

Tenue à:

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

Mardi, le 15 janvier 2008

Appearances/Comparutions

| | |
|------------------------------------|---|
| Mr. Peter Engelmann | Lead Commission Counsel |
| Ms. Julie Gauthier | Registrar |
| Ms. Maya Hamou | Commission Counsel |
| Mr. Peter Engelmann | Cornwall Police Service Board |
| Mr. Neil Kozloof | Ontario Provincial Police |
| Ms. Suzanne Costom | |
| M ^e Claude Rouleau | Ontario Ministry of Community and Correctional Services and Adult Community Corrections |
| Mr. Darrell Kloeze | Attorney General for Ontario |
| Mr. Peter Chisholm | The Children's Aid Society of the United Counties |
| Mr. Allan Manson | Citizens for Community Renewal |
| Mr. Dallas Lee | Victims Group |
| Mr. David Bennett | The Men's Project |
| Mr. David Sherriff-Scott | Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque |
| Mr. Michael Neville | The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald |
| M ^e Danielle Robitaille | Mr. Jacques Leduc |
| Mr. Frank T. Horn | Mr. Carson Chisholm |

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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. Guzzo, good morning.

12 **MR. GUZZO:** Good morning.

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

15 Good morning, Mr. Guzzo.

16 **MR. GUZZO:** Good morning, sir.

17 **MR. ENGELMANN:** You have got some water to
18 your right if you need it, sir.

19 **MR. GUZZO:** Thank you.

20 **MR. ENGELMANN:** If you will recall, Mr.
21 Commissioner, with respect to the evidence Mr. Guzzo -- Mr.
22 Lee had finished cross-examination for the Victims Group.

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

24 **MR. ENGELMANN:** He had actually gone first.

25 **THE COMMISSIONER:** Right.

1 **MR. ENGELMANN:** So I believe we are
2 following the regular order and we are going to start with
3 The Citizens for Community Renewal with Mr. Manson.

4 **THE COMMISSIONER:** Thank you.

5 **MR. ENGELMANN:** Thank you.

6 **THE COMMISSIONER:** Mr. Manson.

7 **MR. MANSON:** Can you speak to the motion?

8 **THE COMMISSIONER:** Motion?

9 **MR. ENGELMANN:** It was a housekeeping
10 matter, Mr. Guzzo.

11 Just before we start, there was a motion
12 returnable for this morning, Mr. Commissioner.

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

14 **MR. ENGELMANN:** It was a motion that was
15 brought by the CCR.

16 **THE COMMISSIONER:** Yes.

17 **MR. ENGELMANN:** Dealing with police
18 discipline records.

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

20 **MR. ENGELMANN:** Mr. Manson can speak to
21 that. There were certainly meetings and a discussion about
22 that back in December and the matter was, as I understand
23 it, adjourned to today for either a report or argument.

24 **THE COMMISSIONER:** Right.

25 **MR. ENGELMANN:** So Mr. Manson is here to

1 report.

2 **THE COMMISSIONER:** Thank you.

3 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MANSON:**

4 **MR. MANSON:** Mr. Commissioner, I am sure you
5 have read the material that was filed which was a notice of
6 motion and two affidavits.

7 **THE COMMISSIONER:** Yes.

8 **MR. MANSON:** The affidavits outline only the
9 CCR side of this story. I'm sure other people have done a
10 lot of work and have been involved in this issue for a long
11 time. You don't have any of that material.

12 The notice of motion asked for a lot. Since
13 that time, a number of people in this room have done a lot
14 of work. There have been a lot of meetings and I have a
15 package of letters and emails that satisfies me that the
16 documents that we need will be produced to Commission
17 counsel and then will be distributed.

18 On that basis, we are withdrawing the
19 application at this time, Mr. Commissioner.

20 **THE COMMISSIONER:** All right.

21 And so if no one else has any comments, I
22 will note for the record that the motion is withdrawn.

23 All right.

24 So Mr. Manson, are you prepared to cross-
25 examine this witness?

1 **MR. MANSON:** Yes.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Guzzo, you understand you are still
4 under oath?

5 **MR. GUZZO:** I do.

6 **THE COMMISSIONER:** Thank you.

7 **GARRY GUZZO:** Resumed/Sous le même serment

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
9 **MANSON:**

10 **MR. MANSON:** Mr. Guzzo, my name is Allan
11 Manson. I'm one of the lawyers for The Citizens for
12 Community Renewal, which is a local citizens group
13 concerned with institutional reform and especially the
14 protection of young people and children.

15 I first want to ask how's your health? Are
16 you feeling better today?

17 **MR. GUZZO:** I'm feeling much better, thank
18 you very much.

19 **MR. MANSON:** Good.

20 I'm sure you know that -- you know many of
21 my clients and they appreciate the work you've done in
22 promoting the need for an inquiry and they certainly agree
23 with you that there are a lot of questions that need to be
24 asked and a lot of answers that need to be sought. In a
25 few minutes I want to go to some of your correspondence and

1 public statements, but there is one area that you touched
2 on that we've heard very little evidence about, and that's
3 Laurencrest.

4 If you recall, you told the Commissioner
5 during examination in-chief that you would often go to the
6 annual dinners for Laurencrest which I take it were kind of
7 financial support for Laurencrest. Is that true?

8 MR. GUZZO: Correct.

9 MR. MANSON: And if we could just talk about
10 Laurencrest for a minute. It was a local group home in the
11 Cornwall area?

12 MR. GUZZO: It was, yes.

13 MR. MANSON: Is it still in operation?

14 MR. GUZZO: I haven't heard that it has
15 closed but I think it may have another name now.

16 MR. MANSON: And I take it was run by an
17 executive director probably with a board of directors
18 supervising it?

19 MR. GUZZO: That's my understanding.

20 MR. MANSON: And other than these annual
21 dinners, did you have any business or professional
22 involvement with Laurencrest?

23 MR. GUZZO: Well, when I was on the Bench,
24 up until about a year before I left the Bench, we, the
25 judges, would be asked for recommendations as to where a

1 person should be placed for rehabilitation, help or
2 whatever, and I had referred people to Laurencrest.

3 But after I left the Bench and I did go to
4 the -- I did go to the dinners, I believe, the last few
5 years I was on the Bench when they started -- but after I
6 left the Bench the only relationship I had was I knew some
7 of the board of directors and I would come down and buy a
8 ticket and go to the dinner.

9 MR. MANSON: So you had some continuing
10 involvement after you left the Bench with people that you
11 knew who were involved with the supervision of Laurencrest?

12 MR. GUZZO: Correct.

13 MR. MANSON: And when you were meeting with
14 any of those people did you ever hear any allegations about
15 abuse at Laurencrest?

16 MR. GUZZO: I can't say that I did. No, I
17 did not.

18 MR. MANSON: No one came forward to you with
19 an allegation of abuse at Laurencrest? Like you told us
20 other people came to you but not with respect to
21 Laurencrest?

22 MR. GUZZO: No, I cannot say that that ever
23 happened.

24 MR. MANSON: But you are familiar with the
25 name Brian Dufour; correct?

1 **MR. GUZZO:** I heard that name, yes, and I
2 read it, yes.

3 **MR. MANSON:** And, in fact, if we look at
4 Exhibit 1004 -- could we have Exhibit 1004, please, on page
5 3?

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **MR. MANSON:** About two-thirds of the way
8 down, Mr. Guzzo, you see the sentence:

9 "We know learn of the untimely death of
10 Mr. Dufour."

11 Do you see the reference?

12 **MR. GUZZO:** Yes, I do.

13 **MR. MANSON:** And Mr. Engelmann in-chief
14 asked you about that. Did you know that Mr. Dufour had
15 been involved with Laurencrest?

16 **MR. GUZZO:** No, I did not.

17 **THE COMMISSIONER:** I'm sorry, 1004?

18 **MR. MANSON:** I'm sorry?

19 **THE COMMISSIONER:** I'm must trying to catch
20 up to you now.

21 **MR. MANSON:** It's 1004 on the third page,
22 two-thirds of the way down.

23 **THE COMMISSIONER:** Right.

24 **MR. MANSON:** Mr. Guzzo writes:

25 "We now learn of the untimely death of

1 Mr. Dufour."

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

3 **MR. MANSON:** And my question was, did you
4 know that he had been involved with Laurencrest
5 professionally?

6 **MR. GUZZO:** No, I don't think I did. I
7 certainly didn't recall it if I did.

8 **MR. MANSON:** Did you know that there were
9 formal allegations against Mr. Dufour?

10 **MR. GUZZO:** I must have known that, you
11 know, there were some questions raised with regard to Mr.
12 Dufour because I'm linking him, I guess, here with others
13 who had allegations against them.

14 **MR. MANSON:** Well, if we can look at Volume
15 165 of the transcript; this would be November 22nd, I
16 believe, at page 31.

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

18 **MR. MANSON:** Do you see halfway down Mr.
19 Engelmann -- oh, do we have it up?

20 **THE COMMISSIONER:** No, not yet. Okay.

21 **MR. MANSON:** I will slow down a little bit.
22 Halfway down, Mr. Engelmann says you are --
23 and he's talking about this letter to Tsubouchi, your
24 letter, Exhibit 1004, and Mr. Engelmann says:

25 "You are also referring to an untimely

1 death of a Mr. Dufour or Dufour. Do
2 you know that individual?"

3 Mr. Guzzo:

4 "Only that he was named or charged and
5 died rather quickly thereafter."

6 How did you learn that Mr. Dufour was the
7 subject of allegations? Can you recall?

8 **MR. GUZZO:** I certainly don't recall anybody
9 coming to me and making an allegation against Mr. Dufour.
10 I must have read it in documentation someplace.

11 **MR. MANSON:** Or did someone from Cornwall
12 tell you about it?

13 **MR. GUZZO:** If they did, I don't recall. If
14 they did, I don't recall.

15 **MR. MANSON:** Thank you, Mr. Guzzo. I want
16 to leave Laurencrest for now.

17 I understand that at some point you became
18 so interested in the Cornwall situation that you decided to
19 write a book; correct?

20 **MR. GUZZO:** I had planned to write a book,
21 yes.

22 **MR. MANSON:** Can you tell us when you made
23 that decision; approximately?

24 **MR. GUZZO:** I would think -- I start to muse
25 about it and talk to some people about it in my second --

1 during my second term in the legislature, when I'm quickly
2 coming to the conclusion that no matter how many bills I
3 get through, they're never going to be called for third
4 reading and -- so I'm never going to have a piece of
5 legislation to bring about what we have here today and it's
6 -- some people have mentioned to me that, you know, a book
7 would be a good idea. I start to think about it and I
8 start to put some material together and position it and
9 draft it.

10 MR. MANSON: It is a fascinating story;
11 correct?

12 MR. GUZZO: It is a fascinating story, Mr.
13 Manson.

14 MR. MANSON: And you played a large role in
15 it and so you would have a lot of views about it; correct?

16 MR. GUZZO: Yes, I guess you'd say that.

17 MR. MANSON: So you started a file and you
18 started saving material?

19 MR. GUZZO: I did.

20 MR. MANSON: And I take it you wanted to
21 ensure that you had good source material to rely upon when
22 you actually sat down to start writing the book?

23 MR. GUZZO: Yes, I recognize that what I had
24 was one-sided but, yes, I think I could agree with that
25 statement.

1 **MR. MANSON:** Just to try and place the time
2 again, you said early in your second term. Your second
3 term would have started in 1999?

4 **MR. GUZZO:** Ninety-nine ('99). I don't
5 think I said early in my second term but sometime during my
6 second term.

7 **MR. MANSON:** During your second term.

8 **MR. GUZZO:** The first Bill is in 2000; the
9 second Bill is in '01 and I think when that happens --
10 certainly in '03, certainly in '03 when I have the third
11 Bill coming forward. I also have a motion coming forward
12 and I want the motion to be dealt with instead of the Bill
13 and my own party blindsides me on that without notice and
14 when that happened, I mean, it's clear. It's clear that
15 I'm never going to change anybody's mind.

16 **MR. MANSON:** About the decision to write the
17 book, it may have been 2000, 2001, but certainly by 2003
18 this was an idea that had formed in your head; correct?

19 **MR. GUZZO:** Yes.

20 **MR. MANSON:** And as far as your own
21 involvement, your own records would be very helpful to you;
22 correct?

23 **MR. GUZZO:** Yes.

24 **MR. MANSON:** And you told us in-chief that
25 you're daytimer was your bible; correct?

1 **MR. GUZZO:** Well, I lived by my daytimer
2 both as a practitioner and then, again, as a politician.

3 **MR. MANSON:** But what's puzzling me is that
4 you destroyed your daytimer?

5 **MR. GUZZO:** Well, destroyed them -- when I
6 got back to Ottawa after I cleaned out my office at Queen's
7 Park, I didn't have them.

8 I don't know that I consciously intended to
9 but like a lot of other things, when I got home I had
10 things I didn't want and things that I might have wanted to
11 keep were gone.

12 **MR. MANSON:** So it was thrown out as part of
13 the stuff that you didn't want to keep?

14 **MR. GUZZO:** Well, I'm talking about maybe
15 daytimers for all eight years at Queen's Park.

16 **MR. MANSON:** And during those eight years
17 you were involved with the Cornwall story?

18 **MR. GUZZO:** Yes. Yes, most of them.

19 **MR. MANSON:** And the daytimer might indicate
20 when you met with X, when you met with Y, that sort of
21 thing?

22 **MR. GUZZO:** Right.

23 **MR. MANSON:** So it would be a helpful source
24 when you're writing your book?

25 **MR. GUZZO:** Well, yes.

1 **MR. MANSON:** It's unfortunate that it
2 doesn't exist anymore?

3 **MR. GUZZO:** Yeah, I have to tell you --
4 well, yeah.

5 **MR. MANSON:** That's all -- it's unfortunate
6 that it doesn't exist.

7 **MR. GUZZO:** It is. I'm looking -- when I
8 look at the book I'm looking -- again, I'm looking at the
9 government and the government's involvement and the
10 government's reaction and the positions that I've
11 encountered in a political nature.

12 As I've said before, the -- you know, what
13 the 80 or 90 people who spoke to me about abuse or alleged
14 abuse was not the basis of what I was doing at Queen's Park
15 and it wasn't going to be the basis of my book. My book
16 was going to be on governance or lack thereof.

17 **MR. MANSON:** Well, let's move to that. I
18 want to talk about your role in promoting a public inquiry.
19 You certainly played a leadership role on that issue;
20 correct?

21 **MR. GUZZO:** I think so.

22 **MR. MANSON:** And people in Cornwall
23 appreciated that leadership role and you must appreciate
24 that you have a lot of respect from the people in Cornwall?

25 **MR. GUZZO:** I think I understand that I have

1 some, yes.

2 MR. MANSON: And that that's in great
3 measure because of your background as a judge and a member
4 of the provincial legislature; correct?

5 MR. GUZZO: Right.

6 MR. MANSON: Now, when you started the
7 campaign for a public inquiry you were already an
8 experienced politician. You'd been a municipal politician;
9 you were elected to the provincial legislature; correct?

10 MR. GUZZO: Well, I don't know how
11 experienced I was but I had been involved in politics over
12 the years ---

13 MR. MANSON: You weren't a rookie?

14 MR. GUZZO: --- continually, right.

15 MR. MANSON: You weren't a rookie?

16 MR. GUZZO: Right.

17 MR. MANSON: And so you had experience in
18 dealing with the media; correct?

19 MR. GUZZO: I did.

20 MR. MANSON: And you had experience in
21 making public statements; correct?

22 MR. GUZZO: Correct, correct.

23 MR. MANSON: You had experience in dealing
24 with other politicians?

25 MR. GUZZO: Yes.

1 **MR. MANSON:** You had some sense of how to
2 promote a political issue. That's a fair statement?

3 **MR. GUZZO:** Yes, yes.

4 **MR. MANSON:** And you appreciated that in
5 doing so, language is an important tool; right?

6 **MR. GUZZO:** Yes, it is.

7 **MR. MANSON:** How you praise things; how you
8 make -- pitch your argument. These are important tools
9 that the politician needs to know; correct?

10 **MR. GUZZO:** Yes.

11 **MR. MANSON:** Now, with respect to promoting
12 a public inquiry, I want to just try to synopsize your
13 concerns and say -- please correct me if I get any of this
14 wrong, but is it fair to say that you had three underlying
15 concerns?

16 They would be the abuse of children and
17 young people in Cornwall; a possible cover-up; and your
18 concern about police incompetence?

19 So other than governance issues, those three
20 local issues were the pillars of your campaign for a public
21 inquiry. Is that fair?

22 **MR. GUZZO:** I don't know that I would term
23 the third one "police incompetence", but the behaviour of
24 the police force -- the behaviour of police forces, yes.

25 **MR. MANSON:** Well, we'll come to that in a

1 minute, but on a number of occasions you did, as a possible
2 explanation, raise the question of competence or
3 incompetence; correct?

4 **MR. GUZZO:** Correct.

5 **MR. MANSON:** Now, I want to look at your
6 correspondence and your public statements for a minute, and
7 if we could start with Exhibit 983 which is your letter to
8 Michael Harris, the Premier at the time, September 18th,
9 1998.

10 **THE COMMISSIONER:** I'm sorry, 993?

11 **MR. MANSON:** Nine-eighty-three (983) I
12 believe, Mr. Commissioner.

13 **THE COMMISSIONER:** Okay. Same book, same
14 binder, Mr. Guzzo.

15 **MR. MANSON:** Mr. Commissioner, I should
16 perhaps warn you that I was here for some of Mr. Guzzo's
17 testimony not all of it and I'm -- I hope I'm accurate with
18 the reference numbers to exhibits.

19 **THE COMMISSIONER:** Not a problem.

20 **MR. MANSON:** But if we have to hunt for --
21 so far I'm okay but if we have to hunt for a minute I
22 certainly apologize.

23 **THE COMMISSIONER:** No, no, no problem.

24 **MR. MANSON:** So this is your letter you the
25 Premier, September 18th, 1998. It's fair to say this is

1 early in your campaign to promote a public inquiry;
2 correct?

3 MR. GUZZO: Well, yes. In light of the fact
4 that it carried on for another five years, six years, I
5 guess, yes.

6 MR. MANSON: But just to situate the date,
7 September 18th, 1998, you'd already met the Dunlops at that
8 point; correct?

9 MR. GUZZO: I believe so.

10 MR. MANSON: Yeah, you told us in-chief --

11 MR. GUZZO: Yeah.

12 MR. MANSON: It's at Volume 164, page 101 --

13 -

14 MR. GUZZO: Yeah.

15 MR. MANSON: --- that you met them maybe
16 July, August. Certainly the summer of 1998?

17 MR. GUZZO: Right.

18 MR. MANSON: So that would be prior to this
19 letter; correct?

20 MR. GUZZO: Right.

21 MR. MANSON: And if we look at the first
22 page, the bottom of the first large paragraph. The one
23 that starts "The above caption". You say:

24 "I have been extremely careful not
25 doing anything that in any way will

1 "...a Cornwall Police Officer..."

2 I take it you are referring to Perry Dunlop?

3 **MR. GUZZO:** Correct.

4 **MR. MANSON:** "...who has been very
5 actively involved in this matter and a
6 retired police officer from the Toronto
7 Police, served upon two ministries in
8 our government volumes of documentation
9 with regard to this issue."

10 That's the statement; correct?

11 **MR. GUZZO:** Right.

12 **MR. MANSON:** I want to look at the word
13 "served" for a minute.

14 You've had a long career as a lawyer and a
15 judge and you'd agree with me, to lawyers, "served" means
16 the delivery of a legal process, the delivery of a document
17 within litigation to another party; correct?

18 **MR. GUZZO:** I wouldn't limit it to
19 litigation, but yes, yes, it has ---

20 **MR. MANSON:** It has that formal word
21 meaning; correct?

22 **MR. GUZZO:** Yes, it does.

23 **MR. MANSON:** So it could be an originating
24 document or it could be a document that's already -- that's
25 part of a litigation process, but it refers to legal

1 process in that sense; correct?

2 MR. GUZZO: Yes.

3 MR. MANSON: And, in fact, what Mr. Dunlop
4 had done was deliver material to various ministries in
5 Toronto that apparently he thought would be useful to them;
6 correct?

7 MR. GUZZO: I don't know what he thought. I
8 know what some people in Toronto thought.

9 MR. MANSON: But you do know that he just
10 delivered material; correct?

11 MR. GUZZO: Well, I'm -- you know, I'm not a
12 100 percent certain to be honest with you that he
13 personally delivered the documents. I was told that at
14 OCOPS -- at OCOPS when the Solicitor General's office would
15 not accept service, they were sent downstairs to OCOPS and
16 somebody there told me that they had been served by a
17 former Toronto police officer.

18 MR. MANSON: Well, I want to come back to
19 that because it's really not a question of accepting
20 service, is it? Someone is delivering documents. That
21 would be -- the accurate way to put it would be, he
22 delivered -- he was trying to deliver material -- whether
23 it was him or someone else ---

24 MR. GUZZO: More accurate, yes.

25 MR. MANSON: -- it would be more accurate to

1 say he was delivering them.

2 I want to suggest to you that you are using
3 the word "served" because it has a formal, legal meaning
4 and it makes the sentence sound stronger; correct?

5 **MR. GUZZO:** I don't know that that was my
6 intention but that's certainly a fair interpretation.

7 **MR. MANSON:** All I'm suggesting is that it's
8 -- it's the rhetorical use of the word "serve", not the
9 accurate, literate, legal use of the word "serve"; correct?

10 **MR. GUZZO:** Fair.

11 **MR. MANSON:** Because in politics sometimes
12 you need to be rhetorical; correct?

13 **MR. GUZZO:** Very often.

14 **MR. MANSON:** Sometimes you need to pepper
15 statements with catchy phrases; correct?

16 **MR. GUZZO:** Sometimes, yes.

17 **MR. MANSON:** Sometimes you even need to
18 throw in a little bit of a zinger, particularly if you're
19 dealing with political colleagues; correct?

20 **MR. GUZZO:** I think that's fair.

21 **MR. MANSON:** And in your examination in-
22 chief I found two examples where you used the phrase --
23 talking about political colleagues -- "I was jabbing them
24 in the ribs". Do you recall using that phrase?

25 **MR. GUZZO:** I do.

1 **MR. MANSON:** And what you were talking about
2 was throwing a zinger into a letter, because it would get
3 their attention; correct?

4 **MR. GUZZO:** That's correct.

5 **MR. MANSON:** And, in fact, one of those
6 examples you used the word "ring" and Mr. Engelmann
7 questioned you about that and you said:

8 "Well, it was really an in joke at the
9 time that a dope ring was a group of
10 cabinet members."

11 **MR. GUZZO:** That's right.

12 **MR. MANSON:** So that's an example of using a
13 zinger to get someone's attention; correct?

14 **MR. GUZZO:** Correct.

15 **MR. MANSON:** Well, let's look at some other
16 ways to get people's attention.

17 On many occasions, you used the phrase
18 describing investigations especially by the OPP in
19 Cornwall, "No stone unturned". You recall using that
20 phrase?

21 **MR. GUZZO:** I do.

22 **MR. MANSON:** And I want to tell you, Mr.
23 Guzzo, I'm not here to either defend or attack the OPP,
24 they have their own people they can take care of
25 themselves, I just want to look at some of the language.

1 Is it fair to say that when you use the
2 phrase, "No stone unturned", it was part of an argument
3 where you were trying to say how is it that in 1994 the OPP
4 would not lay charges when in 1998, after Project Truth,
5 there were 115 charges against multiple accused. That was
6 your rhetorical argument, wasn't it?

7 **MR. GUZZO:** Well, it may have been my
8 attempt, but I honestly believe that I took that term from
9 some kind of a press story that quoted a person by the name
10 of Klancy Grasman in 1994. Now, I did at one point take a
11 look back, I haven't done an exhaustive search, but I seem
12 to believe that it was in one of the two Cornwall papers
13 where that -- where I took that from and I believe it -- I
14 attributed it to him -- I don't know whether he is an
15 officer or a lay person, but that's my recollection.

16 **MR. MANSON:** But whatever the source of the
17 phrase is, my point is the argument you were making -- and
18 it's a smart argument -- how is it in 1994 no charges were
19 laid, but four years later there were 115 charges. That
20 was your point, wasn't it?

21 **MR. GUZZO:** Yeah, I made that point a number
22 of times.

23 **MR. MANSON:** A number of times.

24 For example, if we look at Exhibit 1008,
25 which is your letter to various colleagues on October 4th,

1 2000, this is just before Bill 103 is coming forward for
2 first reading -- can we look at 1008, please? If we can
3 turn to page 4 where you outline specific issues?

4 "Issue 1" and I'm -- if you could just read
5 along with me:

6 "On Christmas Eve, 1994, the Ontario
7 Provincial Police investigation was
8 wound up. The OPP reported that there
9 were no charges to be laid and there
10 was no evidence of a pedophile ring
11 operating in Cornwall either at that
12 time or in previous years. The OPP
13 could find no improprieties as a result
14 of the Cornwall Police activity and the
15 Cornwall self-investigation of police
16 procedures.

17 At that press conference, the
18 spokesperson for the Ontario Provincial
19 Police stated that the OPP had left no
20 stone unturned. Please note the
21 similarity to the Ontario Provincial
22 Police announcement when the
23 investigation at Walkerton was
24 announced. At that time, the OPP
25 officer said, 'We shall leave no stone

1 unturned'. The OPP officer speaking at
2 Walkerton was one Klancy Grasman, the
3 same OPP officer who on four different
4 occasions has announced the end of
5 Project Truth only to have additional
6 charges laid immediately after each of
7 his four announcements."

8 And now, you come to your argument.

9 "Project Truth commences without notice
10 and miraculously, 115 charges are then
11 laid during the second investigation.
12 And here are your three questions: Was
13 the first investigation totally botched
14 and very incompetently handled or was
15 there an attempted cover-up which would
16 have succeeded had the Cornwall
17 Citizens Committee not spent \$200,000
18 of their own money to do the work that
19 should have been done by the Ontario
20 Provincial Police, or is there a third
21 possible answer to this situation?"

22 That was the argument you were making to
23 your colleagues; correct?

24 **MR. GUZZO:** Right.

25 **MR. MANSON:** And it's a strong rhetorical

1 argument, isn't it? How come there's nothing there one day
2 and there's 115 charges there another day. It's a good
3 argument; correct?

4 MR. GUZZO: The Bill -- the Bill passed ---

5 MR. MANSON: The bill passed ---

6 MR. GUZZO: --- but the Premier making the
7 cabinet not support it and lobby against it.

8 MR. MANSON: Can we just for a minute go to
9 Exhibit 1000, please?

10 MR. GUZZO: I'm sorry, what number is this?

11 MR. MANSON: It's Exhibit 1000. It's up on
12 the screen. It's ---

13 MR. GUZZO: Yes.

14 MR. MANSON: --- big. This, Mr. Guzzo, is
15 the December 23rd, 1994 OPP press release.

16 MR. GUZZO: Right.

17 MR. MANSON: I'm going to ask you to read
18 it, but I anticipate that we're going to hear evidence that
19 this was the only press release and that there was no press
20 conference. I don't know what the media did after this,
21 but this was the press release. Could you please read the
22 first couple of paragraphs?

23 (SHORT PAUSE/CAUSE PAUSE)

24 MR. GUZZO: Right.

25 MR. MANSON: You'd agree with me that

1 Detective Inspector Smith, who is apparently the author of
2 this, is talking about the investigation of a single priest
3 and the role of the diocese; correct?

4 MR. GUZZO: Yes, it does.

5 MR. MANSON: And he's not talking about
6 anything other than that, is he?

7 MR. GUZZO: It doesn't appear that he is.

8 MR. MANSON: So your rhetorical argument
9 that you're making to colleagues, which was very
10 successful, is not quite accurate, is it?

11 MR. GUZZO: Well, in light of this document
12 which I had not seen the actual press release until I -- I
13 either met with counsel for the Commission or came down
14 here. It's true, but from the newspaper reports of what
15 happened and, indeed, from the comments received from the
16 Ottawa Police force people who had done a previous
17 investigation and issued a report which I have not read but
18 I had it relayed to me by people in that service, they tell
19 me that they, in making their report, suggested that the
20 circumstances cried out for a complete investigation. And
21 I was of the opinion that that's what this force was doing
22 for 9 or 11 months up until Christmas Eve of 2004, but, you
23 know, when I read this, you're correct. You're correct.

24 MR. MANSON: Mr. Guzzo, I've seen the report
25 of the Ottawa Police and it's not in -- I don't believe

1 it's in evidence yet ---

2 **THE COMMISSIONER:** Yes.

3 **MR. MANSON:** --- but it will be and it was
4 talking about the work the Cornwall Police had done. It
5 was very critical of the work that they had done with
6 respect to the investigation of a single priest in the
7 diocese.

8 **MR. GUZZO:** Well, you know, you have an
9 advantage. I have not seen the report.

10 **MR. MANSON:** So looking back now, you agree
11 that as successful as your rhetorical argument was, it's --
12 and it's a great argument, but it's not accurate?

13 **MR. GUZZO:** Based on this document, it is
14 not, but I -- it back to I have the press some place along
15 the line -- the press reports of two papers here in
16 Cornwall and I draw a conclusion that is different.

17 **MR. MANSON:** And can you -- I'm sure I know
18 it's almost silly to ask -- you can't show us the press
19 reports, this is a long time ago, but you've actually read
20 them?

21 **MR. GUZZO:** The press report?

22 **MR. MANSON:** Yes.

23 **MR. GUZZO:** Yes, I -- I've -- I have and
24 some place in that file would be clippings from the -- from
25 the -- from two newspapers, a weekly and a daily, in the

1 Cornwall area.

2 MR. MANSON: And you're saying that they
3 suggested that the investigation was broader than a single
4 priest in the diocese?

5 MR. GUZZO: Well, I took that from it, but I
6 think -- I think what was probably giving me that
7 impression more were the comments of the Ottawa Police
8 department people.

9 MR. MANSON: Well, you met with them quite
10 later, wasn't it? You talked about a dinner where someone
11 said to you, you know, you haven't quite got it right about
12 the Ottawa Police. We didn't do a general investigation,
13 we were just looking at what the Cornwall Police had done
14 with respect to a single incident.

15 MR. GUZZO: Well, some -- some place in --
16 before the second election in '99, I'm getting some
17 feedback from Ottawa area police officers, but as far as
18 talking to Chief Ford, or former Chief Ford, I think that
19 was later, yes.

20 MR. MANSON: And the feedback that you were
21 getting is that you got it wrong about the role of the
22 Ottawa Police; correct?

23 MR. GUZZO: Yeah, I'm assuming up until this
24 bill that they have whitewashed the situation which ---

25 THE COMMISSIONER: If I can intervene, my

1 understanding of the testimony beforehand was that this
2 gentleman was in -- his opinion was that the Ottawa Police
3 had just rolled into town, did a -- a very superficial
4 investigation and left.

5 MR. GUZZO: Yes.

6 THE COMMISSIONER: But at no time was there
7 any discussion that it was just about one priest. It was
8 about the quality of the investigation they had done.

9 MR. MANSON: Well, I -- I'm suggesting to
10 you now that that's what -- it was about a single priest in
11 the incident with the diocese. Did the Ottawa Police
12 confirm that to you?

13 MR. GUZZO: I've never had that confirmed,
14 but you've read it, I haven't.

15 MR. MANSON: Can we move on to another
16 issue?

17 Like in the exhibit I read to you a few
18 minutes ago, you talked a lot about the local citizens
19 committee; correct?

20 MR. GUZZO: Plural.

21 MR. MANSON: Pardon me?

22 MR. GUZZO: Plural, local citizens
23 committees.

24 MR. MANSON: Committees.

25 MR. GUZZO: You know, I've got this idea

1 that there are three or four -- at some point along the
2 line, three or four operations, factions that are -- yes.

3 **MR. MANSON:** But if we talk about the
4 private investigations that you've referred to that -- we
5 would be talking about a single citizens committee in that
6 regard; correct?

7 **MR. GUZZO:** I think so.

8 **MR. MANSON:** And the members of that
9 committee would include the Dunlops, Carson Chisholm and
10 Ron Leroux; correct?

11 **MR. GUZZO:** I -- I -- yes, I think so -- I
12 think -- I had never heard Leroux's name mentioned other
13 than I read his affidavit. I think his affidavit was with
14 the material that Dunlop left with me and I think I said it
15 was left with me in July, but I really didn't -- I didn't
16 really read that material until I got back to Toronto when
17 the House opened in October, yeah.

18 **MR. MANSON:** Can you think of anyone else
19 who was involved -- talking about this particular group
20 that was doing a private investigation. Can you think of
21 any other names of people who were involved with them?

22 **MR. GUZZO:** Well, I had this woman who later
23 was sending me material and I think I had the name Eleanor
24 attached and I thought she was doing a pretty good job of
25 providing me with documentation, and I associated her with

1 that group. And I think at that time I had started to hear
2 from Alain Seguin and I had associated Alain with that
3 group.

4 **MR. MANSON:** Other than that, there is no
5 other names that occurred to you?

6 **MR. GUZZO:** They don't spring to my mind,
7 no.

8 **MR. MANSON:** Now, a minute ago when I was
9 reading to you from Exhibit 1008, your letter to colleagues
10 dated October 4, 2000, it made mention to the Citizens
11 Committee having spent \$200,000. This was a fact that you
12 mention a number of times, correct?

13 **MR. GUZZO:** Right.

14 **MR. MANSON:** Can you tell us where you got
15 that information?

16 **MR. GUZZO:** I remember the first time I
17 heard it was from Alain Seguin and I -- I asked a couple of
18 people about it. Nobody seemed to know too much about what
19 was being spent. There was talk that there were excessive
20 legal fees for a lawyer up around Toronto someplace who was
21 supposed to be conducting some stuff for the Dunlops but I
22 remember the first time I questioned Mr. Seguin about that,
23 about the amount, you know, where did the money come from.
24 He didn't have any idea but he assured me that they were
25 spending a lot of money.

1 **MR. MANSON:** Did -- this \$200,000 figure,
2 was it ever mentioned to you by the Dunlops?

3 **MR. GUZZO:** Well, I don't know that in '98
4 when I met with them, and to my recollection that's the
5 only time I talked to them other than I think they were
6 present at the meeting at the -- I have an idea that they
7 were present at the meeting at City Hall when we -- Mr.
8 Cleary and I attended at City Hall to get a resolution by
9 City Council to support one of the bills.

10 **MR. MANSON:** Did you ever have phone
11 conversations with Carson Chisholm?

12 **MR. GUZZO:** Carson Chisholm called me -- I
13 got correspondence from him from time to time. And I don't
14 -- I don't recall specific conversations with him but, yes,
15 I think I remember at least two telephone conversations
16 with him. I don't know what we were talking about, what
17 the issue was that came up.

18 **MR. MANSON:** Did you ever talk to him about
19 his trip to Florida?

20 **MR. GUZZO:** No, I had assumed that the
21 Dunlops had gone to Florida, quite frankly, when I heard of
22 it. I didn't know that -- until very recently, that that
23 was done by -- I think I read Chisholm and this fellow
24 Leroux.

25 **MR. MANSON:** Leroux, yes.

1 MR. GUZZO: Yes.

2 MR. MANSON: We have heard evidence about
3 that.

4 MR. GUZZO: Yes.

5 MR. MANSON: But you didn't talk to Chisholm
6 directly about his trip to Florida?

7 MR. GUZZO: I did not.

8 MR. MANSON: Can we look at a new document?
9 I don't believe it's an exhibit. This is one of the early
10 versions of what would be your Bill 103. It's 714696.

11 **(SHORT PAUSE/COURTE PAUSE)**

12 MR. MANSON: It looks like this document is
13 a fax copy of a draft of your bill. And the date on the
14 fax that I have got is July -- right at the top it says
15 "Date: Thursday, July 6, 2000."

16 Before I -- can you recall when you spoke
17 with Alain Seguin?

18 MR. GUZZO: I spoke with Alain Seguin a
19 number of times. I didn't encourage him to call me but I
20 always took his calls. I always took his calls. He was --
21 Alain was hurting and he was struggling and, yeah, you
22 know, I always took his calls.

23 MR. MANSON: Can we just look at the first
24 page of this document?

25 We had better mark it as an exhibit, Mr.

1 Commissioner.

2 **THE COMMISSIONER:** All right.

3 So 1137 is a draft of an Act called the Act
4 -- is the "Inquiry into Police Investigations and Sexual
5 Abuse Against Minors in the Cornwall Area, 2000."

6 --- **EXHIBIT NO./PIÈCE NO. P-1137:**

7 Draft Private Member's Bill 103

8 **MR. MANSON:** I just want to point out
9 paragraphs four and five and six to you, Mr. Guzzo. Number
10 four:

11 "...the circumstances that led private
12 individuals to commence private
13 investigations in relation to the
14 complaints of sexual abuse."

15 I take it you are referring to the Dunlops
16 and Carson Chisholm and anyone else involved with their
17 citizens committee, correct?

18 **MR. GUZZO:** Correct.

19 **MR. MANSON:** And number five:

20 "...whether private investigations
21 contributed to the laying of charges
22 arising from the complaints of sexual
23 abuse."

24 And six:

25 "The expenses incurred by any person

1 who financed the private
2 investigation..."

3 If you turn the page:

4 "...and the amount, if any, of
5 reimbursement that should be provided
6 by the Government of Ontario to such
7 persons."

8 I take it, it was your view that this very
9 large amount of money, \$200,000, there should be an inquiry
10 into whether that was the correct amount and whether people
11 should be reimbursed for it?

12 **MR. GUZZO:** Well, that's what the bill says,
13 yes.

14 **MR. MANSON:** And that's one of your
15 concerns, should people be reimbursed. Correct?

16 **MR. GUZZO:** Yes, that was -- well, yes,
17 that's what the bill says.

18 **MR. MANSON:** But the only information you
19 had about this \$200,000 was from Alain Seguin, correct?

20 **MR. GUZZO:** Well, I don't know whether I
21 spoke to anybody else about it or tried to get a handle on
22 the amount but I can tell you this, that -- first of all
23 you have to understand how the bill is drafted. As a
24 Member I don't sit down and draft a bill.

25 **MR. MANSON:** M'hm.

1 **MR. GUZZO:** There are legislative council
2 filling rooms up there. So two of them come down to see
3 me, what do you want to do; how do we do it? I give them
4 the information and they prepare the documentation; this is
5 what has to be in it; this is how -- you know, this is how
6 we will do it.

7 Let me tell you about -- in reply to a
8 question that you asked me earlier about a call from Carson
9 Chisholm. When this bill came out about the reimbursement
10 I did have a call from Carson Chisholm at that time saying
11 that, you know, I don't know who you are going to give the
12 money to. I spent my money and he was concerned about
13 whether he was going to be paid for it, you know. I
14 remember that rather -- quite frankly, you know, when I saw
15 the bill it was too late to make any modifications to it.
16 This draft, I think, is what went forward and it went
17 forward without any changes because I think we were up
18 against a time delay.

19 **MR. MANSON:** My only point, Mr. Guzzo, is
20 this question about reimbursement came from you?

21 **MR. GUZZO:** It did.

22 **MR. MANSON:** You raised that?

23 **MR. GUZZO:** Yes.

24 **MR. MANSON:** And it's fair to say that this
25 \$200,000 figure was swirling around the community in

1 Cornwall?

2 MR. GUZZO: Swirling around?

3 MR. MANSON: The community in Cornwall.

4 MR. GUZZO: Yes, I think, you know.

5 MR. MANSON: That was the talk?

6 MR. GUZZO: Yes, that was the talk, yes.

7 MR. MANSON: Now, I want to talk about
8 Florida for a minute. Your evidence in-chief was that
9 through a contact that you made, a retired police officer,
10 you eventually were taken to meet an employee or maybe
11 former employee at the Solitaire Motel and you were shown
12 some copies of registration documents that had four names
13 on them. Correct?

14 MR. GUZZO: Correct.

15 MR. MANSON: And you had the sense that
16 three of those names came from Cornwall. Correct?

17 MR. GUZZO: Correct.

18 MR. MANSON: Other -- that was the extent of
19 the material that you brought back from Florida. Correct?
20 That knowledge.

21 MR. GUZZO: That knowledge, not the
22 documents.

23 MR. MANSON: No, no, just the knowledge.

24 MR. GUZZO: Yes.

25 MR. MANSON: We know that Carson Chisholm

1 and Ron Leroux went to Florida and we've heard evidence
2 from them about their efforts to investigate. Did you get
3 any idea from them about what they found out in Florida?

4 **MR. GUZZO:** No, as I say, I wasn't aware
5 that they were the people who went to Florida. For some
6 reason, I thought it must have been Mr. or Mrs. Dunlop.

7 **MR. MANSON:** What I want to ask you about is
8 a statement you made apparently in May 17th, 2001, it
9 appeared in two of the Sun papers; both the Toronto Sun and
10 the Ottawa Sun and if we could look at Exhibit 978 please.
11 I believe this is the Toronto Sun version.

12 **THE COMMISSIONER:** We'll need a new book
13 then.

14 **THE REGISTRAR:** 978 (Nine seventy-eight)

15 **THE COMMISSIONER:** 978 (Nine seventy-eight).

16 Oh yes, you're right. Sorry.

17 **MR. MANSON:** Mr. Commissioner, I haven't
18 seen you glancing at the clock but I should tell you that
19 I'm probably 10 or 15 minutes from being finished so it's
20 up to you if ---

21 **THE COMMISSIONER:** No, try and finish then
22 we'll take a break.

23 **MR. MANSON:** Okay.

24 If we can just scroll down -- oh, you've got
25 to scroll up, sorry. There. The paragraph that starts

1 "Guzzo said he has seen registration" -- can you find the
2 paragraph, Mr. Guzzo?

3 **MR. GUZZO:** Yes.

4 **MR. MANSON:** Completely accurate statement:

5 "Guzzo said he had seen the
6 registration records of a sleazy Fort
7 Lauderdale hotel strip where victims
8 claim they were taken by their
9 assaulters and passed around to other
10 paedophiles. 'They were traded like
11 baseball cards,' he said."

12 Where did that idea come from?

13 **MR. GUZZO:** The question of "traded like
14 baseball cards" came from the individual who tried to sell
15 me registration slips.

16 **MR. MANSON:** I don't believe you told us
17 that in your Examination-in-Chief, that the -- you broke
18 off that contact because you were concerned about -- this
19 was a money deal and your friend the police officer seemed
20 to want a commission and you smelled a rat and you left.
21 Correct?

22 **MR. GUZZO:** Well, you know whether he wanted
23 a commission or was going to get a commission, I didn't
24 think the, you know, the issue of purchasing that material
25 was a proper thing and I wanted out of there, yeah.

1 **MR. MANSON:** But you didn't tell us that
2 this former employee said that "young people were passed
3 around like baseball cards."

4 **MR. GUZZO:** You're probably correct. I
5 wasn't asked and I didn't get into that; yeah.

6 **MR. MANSON:** But, again -- or is this
7 another example of rhetoric? Because it's a good, catchy
8 phrase "they were traded like baseball cards."

9 **MR. GUZZO:** There were better examples of
10 comments made at different places that I could have used
11 that wouldn't be fit for a family newspaper too, you know.

12 **MR. MANSON:** Comments that you gained while
13 you were in Florida?

14 **MR. GUZZO:** Um, yeah, comments I heard;
15 yeah.

16 **THE COMMISSIONER:** Can we -- so are you
17 saying that the expression "they were traded like baseball
18 cards" is something that you learned from the former
19 bookkeeper? He said that?

20 **MR. GUZZO:** He used the term "baseball
21 cards," yeah.

22 **THE COMMISSIONER:** "They were traded like
23 baseball cards."

24 **MR. MANSON:** I just focused on it because I
25 know you're a sports fan -- we've had a number of -- you

1 had that great line about the football statue.

2 MR. GUZZO: Yes.

3 MR. MANSON: Taking the -- I'm missing the
4 name ---

5 MR. GUZZO: Heisman trophy.

6 MR. MANSON: Heisman -- the Heisman pose so
7 -- but this wasn't your phrase. This came from the guy who
8 worked at the Saltaire.

9 MR. GUZZO: That's the way I recall it.

10 MR. MANSON: Can we talk for a minute about
11 the videotapes that were seized from Ron Leroux's house?
12 Do you recall what I'm talking about?

13 MR. GUZZO: Yes.

14 MR. MANSON: These were the ones that were
15 subsequently destroyed by the OPP.

16 MR. GUZZO: Right.

17 MR. MANSON: Now, we've heard evidence from
18 two witnesses, Ron Leroux and C8 -- the person has a
19 moniker ---

20 MR. GUZZO: Yeah.

21 MR. MANSON: Ron Leroux went to the OPP
22 detachment and said "they're not mine." C8 was in the
23 house when the search warrant was executed, but neither of
24 those witnesses said that they viewed the tapes.

25 That's been the evidence, Mr. Guzzo.

1 **MR. GUZZO:** Repeat that for me? Neither
2 said they ---

3 **MR. MANSON:** Viewed what was on the tapes.

4 **MR. GUZZO:** I see. I wasn't aware of that.

5 **MR. MANSON:** It looks like what was seized -
6 - I'm sure we'll hear more evidence about this but it looks
7 like what was seized was a brown case with maybe 20
8 videotapes in it and, perhaps, two other videotapes but
9 neither Ron Leroux or C8, according to their testimony,
10 ever viewed what was on those tapes. That's been the
11 evidence.

12 Have you seen those tapes or copies of them?

13 **MR. GUZZO:** I saw what was purported to be a
14 copy of a tape but I haven't got a list of the monikers ---

15 **MR. MANSON:** We're not talking about the
16 eight millimetre film, are we?

17 **MR. GUZZO:** Yes, that's what I've seen.

18 **MR. MANSON:** You've seen -- at some point in
19 May 1999 you had a visit and someone came and showed you
20 part of an eight millimetre film. Correct?

21 **MR. GUZZO:** Right.

22 **MR. MANSON:** And they suggested to you that
23 the people on the film, the two males, were one of your
24 visitors and the other was Ken Seguin. Correct?

25 **MR. GUZZO:** Right.

1 **MR. MANSON:** But you couldn't identify those
2 faces.

3 **MR. GUZZO:** No, I couldn't.

4 **MR. MANSON:** All you could say was "here's
5 an eight millimetre film that looks like two males having
6 sex;" correct?

7 **MR. GUZZO:** Right.

8 **MR. MANSON:** Is that correct?

9 **MR. GUZZO:** That's right.

10 **MR. MANSON:** They didn't say to you that
11 this is part of a videotape collection; did they?

12 **MR. GUZZO:** No.

13 **MR. MANSON:** So, other than that you've
14 never seen any of these videotapes that were subsequently
15 destroyed. Correct?

16 **MR. GUZZO:** That's correct.

17 **MR. MANSON:** Have you ever spoken to anyone
18 who claims that they've seen them?

19 **MR. GUZZO:** No; other than the individual
20 who brought that, C whatever the number is, I think was of
21 the opinion that this was part of a collection which he
22 attributed to be the ownership of Ken Seguin and -- rightly
23 or wrongly.

24 **MR. MANSON:** But he didn't say anything to
25 you linking that old eight millimetre film with a

1 collection of videotapes that had been seized by the OPP in
2 February, I believe, 1993.

3 **MR. GUZZO:** Well, no -- this is '99 and he
4 doesn't, you know, that's correct.

5 **MR. MANSON:** Is that -- we have your
6 testimony In-Chief when Mr. Engelmann asked you about this
7 and you were very frank that a guy shows up and he wants to
8 show you an eight millimetre film and he tells you what's
9 on it and you went through the story in detail. Correct?

10 **MR. GUZZO:** Right.

11 **MR. MANSON:** So this person isn't linking
12 this to these destroyed tapes in any way. He's saying
13 "Look what I've got. I'm on it and Ken Seguin." Correct?

14 **MR. GUZZO:** Right.

15 **MR. MANSON:** Now, I want to look at Document
16 701019 please? I don't believe this was made an exhibit.
17 It's a letter from Pat Hall, an OPP officer, dated July
18 18th, '01.

19 **THE REGISTRAR:** It's 1013, yes.

20 **THE COMMISSIONER:** It's 1013?

21 **MR. MANSON:** It was made an exhibit, oh,
22 okay.

23 **THE COMMISSIONER:** So Exhibit 1013, sir.

24 **MR. GUZZO:** It's 1013? Thank you.

25 **MR. MANSON:** He is writing you and he's

1 basically saying, if you know anything about videotapes and
2 their existence, please help us out and give us some
3 information; correct?

4 MR. GUZZO: Right.

5 MR. MANSON: In a nutshell that's what he is
6 saying. And then in Exhibit 1012, you respond. Have you
7 got that up? Can you see it, Mr. Guzzo?

8 MR. GUZZO: I have it here, yes.

9 MR. MANSON: "Dear Inspector Hall, this
10 will refer to yours of July 18th and our
11 subsequent telephone conversation of
12 July 24th. I advise that I do not have
13 copies of these films nor any films,
14 nor have I seen same, but they have
15 been described to me as commercially
16 purchased copies of films which were in
17 the possession of the individual from
18 whom some materials were taken some
19 time ago."

20 You don't mention the eight millimetre film
21 to him in this letter, do you?

22 MR. GUZZO: No, I don't.

23 MR. MANSON: Is there any reason why that
24 skipped your mind at the time?

25 MR. GUZZO: Well, I had a discussion with

1 Detective Inspector Hall in November of '00, 2000 I think
2 or November '01. After the first bill is passed he and a
3 Mr. Lewis, Constable Lewis, Detective Inspector Lewis, come
4 to visit me at Queen's Park and we have a discussion. And
5 I bring up the issue of the films or the tapes and my
6 recollection and what I put in writing and someplace along
7 the line thereafter described our position.

8 I asked him about the tapes and why they
9 were destroyed and he said to me, well, you know, we talked
10 about homemade movies and films and he said they were
11 commercial tapes. And I said -- well -- I remember saying
12 to him, well, you know Bernardo and Homolka had commercial
13 tapes but they would take the homemade films and use them,
14 sell them to be incorporated into the commercial. That was
15 the game.

16 And I'm questioning whether this was
17 happening here and maybe -- you know, I don't know why --
18 otherwise why the films would be made. But anyway -- and
19 you know, when I say that, I mean I get a -- he says to me
20 -- but he says to me, you know, he said, "Well" -- "Why
21 would you do that?" and he says, "Well, they are no more
22 good. They are no more good." He says, "You can't
23 prosecute a dead man". Seguin was dead.

24 **MR. MANSON:** Can I just stop you for a
25 second? During that conversation, did you tell him that

1 you've seen eight millimetre films apparently of Seguin and
2 a young man, or young boy? Did you tell them during that
3 meeting?

4 **MR. GUZZO:** I told them that I knew that
5 they existed, yes. I don't know whether I got into the
6 detail as to when I saw them and what I saw and who showed
7 it to me.

8 **MR. MANSON:** But you told -- during that
9 meeting you think you told them that you had seen these
10 films?

11 **MR. GUZZO:** Yes, because I remember the
12 discussion of saying, well, you know, there are these
13 homemade movies but they can take those and put them into -
14 - you know, and sell them.

15 **MR. MANSON:** Yes.

16 **MR. GUZZO:** And we're talking about Homolka
17 and we're talking about Bernardo and we are talking about a
18 number of things.

19 **MR. MANSON:** Well, can we just go back to
20 Queen's Park for a second? Can we look at Exhibit 1011,
21 please?

22 This is a Hansard excerpt which I believe is
23 from June 27th, 2001. So we're now -- we're now at the time
24 when you talked -- you are working on your second bill now.
25 We are in 2001; correct?

1 **MR. GUZZO:** Right.

2 **MR. MANSON:** And you can see the subheading
3 "Investigation into Child Abuse" and you're talking about
4 videotapes. Let me just read at the top, first paragraph,
5 part-way through:

6 "...but without a warrant for the next
7 door neighbour's home, they entered the
8 home of the neighbour of the probation
9 officer's and again found no trace of
10 arms or narcotics in that home. They
11 did however seize a suitcase containing
12 24 or more pornographic films. Some of
13 these were commercially edited and sold
14 and some were homemade, some from the
15 camera mounted at the foot of the
16 probation officer's bed."

17 Can you recall who told you that?

18 **MR. GUZZO:** See, I haven't got a list of the

19 ---

20 **MR. MANSON:** This is the same person who
21 showed you the eight millimetre videotape?

22 **MR. GUZZO:** That's right.

23 **MR. MANSON:** If we go on:

24 "This evidence, these films have been
25 in the hands of the OPP for over six

1 years. The evidence has never been
2 tendered in court."

3 You're still talking about the stuff that
4 was seized from Ron Leroux's house; correct?

5 **MR. GUZZO:** Correct.

6 **MR. MANSON:** Yes, you've made a mistake when
7 you said it was Ken Seguin's house. It was -- we know it
8 was Ron Leroux's house.

9 **MR. GUZZO:** Yes.

10 **MR. MANSON:** Correct?

11 **MR. GUZZO:** Yes.

12 **MR. MANSON:** And we do know that there was a
13 search warrant; correct?

14 **MR. GUZZO:** But I was led to believe that
15 the search warrant was for Seguin's house not for Leroux's
16 house.

17 **MR. MANSON:** When you said "led to believe"
18 who told you that, do you think?

19 **MR. GUZZO:** I don't know where I got that
20 information.

21 **MR. MANSON:** Was that because that was the
22 talk in Cornwall?

23 **MR. GUZZO:** There were a lot of people
24 talking to me and, you know, but I would -- I don't know
25 where I got that idea.

1 **MR. MANSON:** Now, later down that page you
2 are talking about the November meeting with Pat Hall. If I
3 can just read:

4 "I want to tell you this. On November
5 22nd of last year when I was debriefed
6 by the OPP, visited by Detective
7 Inspector Hall, the lead investigator
8 for Project Truth and one of his
9 superiors from Orillia, I put that same
10 question to Inspector Hall. He said,
11 'Mr. Guzzo, we don't have those tapes.
12 We don't have those films anymore. We
13 destroyed them.'"

14 This is the meeting that you were just
15 telling us about?

16 **MR. GUZZO:** Yes.

17 **MR. MANSON:** And in that meeting you believe
18 that you told them about the films that you saw in May,
19 1999; correct?

20 **MR. GUZZO:** Yes.

21 **MR. MANSON:** So, again, when you write to
22 him on July 25th and don't mention those films that's very
23 curious, isn't it? You've already told them that you have
24 seen films and now in your May 25th letter, which is Exhibit
25 1012 I believe, you are saying you have never seen any

1 films.

2 I just want to ask you again, how is it that
3 you could have forgotten about the eight millimetre film?

4 **MR. GUZZO:** Well, I don't think I'm talking
5 -- you know, I think I am restricting myself here to the
6 video that he is talking about. He doesn't accept when I
7 tell him in 2000 in our meeting that I think there are, you
8 know, films, the eight millimetre films that may be being
9 sold or whatever. He says, "No, no, all we have are the
10 commercially edited films", and I don't accept that because
11 when he says to me -- when he says to me, "They were no
12 more good, we can't charge a dead man" I said to him, "What
13 were you going to charge him with? If they are
14 commercially edited you can rent them at any corner store.
15 You can get them at the public library."

16 **MR. MANSON:** So now I understand your
17 position.

18 In your letter Exhibit 1012 what you are
19 telling us now is that Pat Hall was concerned about the
20 videotapes seized from Ron Leroux, that's the purpose of
21 his letter to you so when you write back that's all your
22 talking about. Correct?

23 **MR. GUZZO:** That's -- the way I interpret --

24 -

25 **MR. MANSON:** --- you're focusing on the

1 videotapes. Correct?

2 MR. GUZZO: Yeah. That's what I'm ---

3 MR. MANSON: --- and so, yeah ---

4 MR. GUZZO: --- interpreting.

5 MR. MANSON: --- okay, so let's go back to
6 those videotapes and let's go back to Hansard Exhibit 1011.
7 If we go right to the bottom of the page, this is your
8 comment after your meeting with Pat Hall, you say:

9 "No, no you can't destroy evidence in
10 the process. That's against the law.
11 And he said..."

12 And this is just what you told us a minute
13 ago:

14 "...the man was dead, he wasn't going
15 to be charged. I said, 'What about the
16 other people in the movies? What about
17 the kingpins of this organization who
18 were also seen in these movies?'"

19 That's what you said at Queen's Park.

20 Correct?

21 MR. GUZZO: Right.

22 MR. MANSON: But you've never seen the
23 videotapes, have you?

24 MR. GUZZO: No, I haven't.

25 MR. MANSON: And you've never spoken to

1 anyone that's seen them, have you?

2 MR. GUZZO: No, I have not.

3 MR. MANSON: So the use of this idea that
4 the videotapes would show the kingpins, this is more
5 rhetoric on your part?

6 MR. GUZZO: Well, I don't know that it's
7 rhetoric, but if I'm right about the Homolka-Bernardo
8 situation being re-enacted here, then the eight millimeter
9 films that would be incorporated into these ---

10 MR. MANSON: No, we're talking about the
11 videotapes now.

12 MR. GUZZO: I know - but I'm -- and I'm --

13 MR. MANSON: Just the videotapes.

14 MR. GUZZO: --- and I'm suggesting to you,
15 my opinion is that the purpose for the films, the eight
16 millimeter, is to sell them to commercially -- commercial
17 makers of these pornographic and incorporate these into the
18 movies -- into the videotapes that are being sold
19 commercially and that's why I'm assuming that or suggesting
20 that if they were, that that's what we would see in the
21 ones that were burned.

22 MR. MANSON: But you had no idea who might
23 be on these videotapes. Did you?

24 MR. GUZZO: No. I mean, as far as specific
25 names of -- I had heard, you know, suggestions but no, I

1 hadn't ---

2 **MR. MANSON:** But you told us you had never
3 spoken to anyone who had seen the videotapes. Correct?

4 **MR. GUZZO:** Correct.

5 **MR. MANSON:** So you have no idea whether
6 they are professional actors or the Ottawa Rough Riders.
7 Do you?

8 **MR. GUZZO:** Other than I had at least one
9 other person, someplace along the line, tell me that they
10 had been photographed.

11 **MR. MANSON:** They had been photographed.

12 **MR. GUZZO:** They had been photographed.

13 **MR. MANSON:** But, I mean, this is a very
14 powerful argument, Mr. Guzzo, that the OPP had destroyed
15 evidence by destroying videotapes that showed the kingpins
16 of the organization, meaning people perpetrating crimes on
17 young people. Correct?

18 **MR. GUZZO:** That's what I believe, yes.

19 **MR. MANSON:** That is what you believe. But
20 you had no reason to believe that, did you?

21 **MR. GUZZO:** Well, I don't know whether I
22 agree with that or not. I don't know whether I agree with
23 that or not because when I put the question to Detective
24 Inspector Hall and I said, "Well, what were you going to
25 use them for?" If they are just commercial films and the

1 guy in the corner store has them. I put the same question
2 to Detective Inspector Miller on television and he
3 confirmed it in a Canadian press story of August 20th -- that
4 was on August 24th, '01 and he confirmed it.

5 **MR. MANSON:** He confirmed it that they had
6 been destroyed.

7 **MR. GUZZO:** No, he also confirmed that they
8 had no more need for them. They had no more need for them.

9 **MR. MANSON:** Yes.

10 **MR. GUZZO:** He didn't say because 'X' was
11 dead. He said, "We had no more need for them," therefore
12 that means they had a need at some point in time. What was
13 the need to prosecute somebody if you can rent them at the
14 corner store?

15 **MR. MANSON:** I'm losing you Mr. Guzzo. I
16 thought your argument was, this stuff would have been
17 evidence. They are the kingpins of the organization on
18 these videotapes. Aren't you suggesting that this is part
19 of a cover-up?

20 **MR. GUZZO:** I'm suggesting that this
21 material should not have been destroyed. It should have
22 been returned, at the very least, as evidence. It should
23 have been returned to the lawful owner.

24 **MR. MANSON:** Well, Mr. Leroux signed a Quit
25 Claim saying it's not his, he didn't want it and they

1 destroyed it. That's my understanding.

2 MR. GUZZO: Well, that may be true of
3 Mr. Leroux but he didn't own them. He said they were Ken
4 Seguin's.

5 MR. MANSON: But your concern here isn't
6 returning property, your concern is that evidence of the
7 kingpins was destroyed. That's your argument. Correct?

8 MR. GUZZO: I'm concerned that the
9 documentation, whatever it was, these videotapes or films
10 or whatever, I'm concerned that they were destroyed because
11 they shouldn't have been destroyed. They should have been
12 returned to the estate of Ken Seguin.

13 MR. MANSON: Okay.

14 MR. GUZZO: And they might be here today and
15 we might be able to tell who was on it.

16 MR. MANSON: But you do agree with me,
17 you've never seen them and you've never spoken to anyone
18 who's seen them. Correct?

19 MR. GUZZO: That's correct.

20 MR. MANSON: That's correct.

21 MR. GUZZO: That's correct.

22 MR. MANSON: Let's -- I just want to finish
23 up for a sec. I want to go back to your role in promoting
24 this Inquiry, which was a very important role. You were
25 probably the leader of the cause in promoting the Public

1 Inquiry. As a result of that a lot of local people came to
2 support you. Correct?

3 MR. GUZZO: Correct.

4 MR. MANSON: We've heard about petitions
5 with 12, 13,000 names on them. Correct?

6 MR. GUZZO: Well, yeah but, let me give
7 credit where credit is due. I mean, that was the local
8 Member John Cleary, who was very strong on this and he
9 deserved the credit for the petition, and Mr. Cleary of
10 course, was a former police officer with the Cornwall
11 police force for a couple of years, and I think he was
12 elected at some place, Warden, Mayor for maybe 30. 32 years
13 straight around here.

14 MR. MANSON: All I'm suggesting, Mr. Guzzo,
15 is you had a lot of support from local people in promoting
16 a public inquiry; correct?

17 MR. GUZZO: Correct.

18 MR. MANSON: And you became one of the
19 public voices concerned about the situation in Cornwall;
20 correct? That's a fair statement.

21 MR. GUZZO: Well, that's correct but let me
22 just make it clear that the story, the issue is bigger than
23 Cornwall.

24 MR. MANSON: Oh absolutely but we're just --
25 this Commission is just concerned about Cornwall. So ---

1 **MR. GUZZO:** Well, I know but as a Member of
2 the Legislature I was concerned about all of Ontario.

3 **MR. MANSON:** Yes, of course.

4 **MR. GUZZO:** And remembering that physically
5 -- physically three-quarters of the Province is governed or
6 policed by the Ontario Provincial Police and I'm having
7 questions about what -- you know, so yeah, but it's bigger
8 than, it's bigger than Cornwall for me.

9 **MR. MANSON:** Okay. But I want to suggest
10 two things to you: You had a lot of support from local
11 people, and secondly, as you've told us a number of people
12 came to you with allegations of abuse. Correct?

13 **MR. GUZZO:** Correct.

14 **MR. MANSON:** You did achieve some public
15 stature in Cornwall because of your concern about Cornwall
16 and your promotion of the public inquiry. Correct?

17 **MR. GUZZO:** I believe so, if you -- yes, I
18 think so.

19 **MR. MANSON:** And people came to you because
20 they trusted you. We can assume that. Correct?

21 **MR. GUZZO:** Well, I hope so.

22 **MR. MANSON:** And is it fair to say that a
23 number of people had lost their trust in some public
24 institutions?

25 **MR. GUZZO:** Yes, I think very definitely.

1 **MR. MANSON:** And I want to say that in
2 promoting the Public Inquiry you used some very forceful
3 arguments, occasionally you used rhetorical arguments.
4 Correct?

5 **MR. GUZZO:** I think that's accurate.

6 **MR. MANSON:** And the rhetorical arguments
7 were helpful in promoting your bills, calling for a public
8 inquiry. Correct?

9 **MR. GUZZO:** I think so.

10 **MR. MANSON:** Like the, "no stone unturned"
11 that is a very compelling argument. Correct?

12 **MR. GUZZO:** Correct.

13 **MR. MANSON:** Occasionally, like in your
14 letters, you provided some extra spice to your political
15 arguments to get people's attention. Correct?

16 **MR. GUZZO:** Definitely. It's not like
17 practicing law, sir.

18 **MR. MANSON:** Absolutely.

19 **MR. GUZZO:** It's a different game ---

20 **MR. MANSON:** It's a political game and you
21 added some extra spice. From the examples I've given, is
22 it fair to say that some of your rhetoric was at least an
23 exaggeration?

24 **MR. GUZZO:** I don't like the word,
25 "exaggeration," but ---

1 **MR. MANSON:** There were some inaccuracies
2 that you later learned about?

3 **MR. GUZZO:** Yeah, they were not deliberate,
4 but yes ---

5 **MR. MANSON:** Oh, I'm not suggesting that ---

6 **MR. GUZZO:** No, no -- from time to time and
7 I did from time to time try and correct them, yes.

8 **MR. MANSON:** And some of your rhetoric
9 related to local public institutions? Correct?

10 **MR. GUZZO:** Yes.

11 **MR. MANSON:** And it may well be that that
12 was part of the loss of trust in local institutions; the
13 fact that you were being critical in raising questions
14 about competence. Correct?

15 **MR. GUZZO:** Well, not on the part of the
16 people who came to me. They were talking about what
17 happened five and ten years before, you know.

18 **MR. MANSON:** But this was part of the
19 milieu, part of the discourse in Cornwall; your comments,
20 your position, your statements. It was all part of the
21 Cornwall culture; correct?

22 **MR. GUZZO:** Very definitely and I refer you
23 in that regard to the comments of Sgt. Lortie and Deputy
24 Chief St. Denis in the trial book of the prosecution of
25 Dunlop.

1 **MR. MANSON:** And looking back, isn't it fair
2 to say that we can all -- one lesson we can all learn about
3 Cornwall is it would have been better if everyone just
4 stuck to the truth?

5 **MR. GUZZO:** If everyone just?

6 **MR. MANSON:** Stuck to the truth.

7 **MR. GUZZO:** Well, I -- I think if that were
8 the case, we wouldn't be here.

9 **MR. MANSON:** But in looking back that would
10 be -- that would be a good lesson to take from Cornwall.
11 If everyone stuck to the truth, the situation would be
12 better; correct?

13 **MR. GUZZO:** I go back to the advice I gave
14 Bishop Desrochers, you know.

15 **MR. MANSON:** What was that?

16 **MR. GUZZO:** Well, we were talking about how
17 to solve his problem with the church as opposed to my
18 problem with the government and I -- I said you know, if
19 you gave each of the priests a copy of the Ten Commandments
20 and told them to follow the Ten Commandments the way they
21 tell us to follow the Ten Commandments from the pulpit on
22 Sunday morning, your problems are solved.

23 **MR. MANSON:** Frankness and clarity is always
24 helpful in a community; correct?

25 **MR. GUZZO:** Correct.

1 **MR. MANSON:** Thank you, Mr. Guzzo.

2 **THE COMMISSIONER:** Thank you. We will take
3 the morning break.

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

6 This hearing will resume at 11:15 a.m.

7 --- Upon recessing at 10:55 a.m. /

8 L'audience est suspendue à 10h55

9 --- Upon resuming at 11:26 a.m. /

10 L'audience est reprise à 11h26

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

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

15 **THE COMMISSIONER:** Mr. Horn.

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

17 **HORN:**

18 **MR. HORN:** Yes, Mr. Guzzo, I am representing
19 the Coalition for Action and I know that our members are
20 concerned with your health and that you're in their prayers
21 and I know that you're in my prayers.

22 **MR. GUZZO:** Thank you, sir.

23 **MR. HORN:** Mr. Guzzo, initially when you
24 became involved in these matters, was it because of the --
25 of Duncan McDonald and McDerby coming to you or was it the

1 priests that came and met with you or was it something that
2 you initiated yourself to get involved in this?

3 **MR. GUZZO:** Well, when you say involved, I -
4 - I think I became involved in -- in -- when I wrote the
5 first letter to Premier Harris. Up until that time,
6 involved, I was listening to things. I was concerned about
7 the information I had received from victims or alleged
8 victims and from people -- other people here in Cornwall
9 whose opinions I value but, you know, I hadn't really
10 focused on the problem that I -- as I later saw it for the
11 government, so I think my -- I think about becoming
12 involved was with the first letter to the Premier in
13 October of '98, I think it was. And that -- that -- what
14 triggered that more than anything else was the feeling that
15 people who should have known something about what was
16 happening didn't know and immediately after that letter,
17 their -- you know, their attitude changed and that prompted
18 my involvement.

19 **MR. HORN:** Okay, I know that when you were
20 on the bench -- I've -- I've spoken to a number of the
21 lawyers in Ottawa and they said that you had sort of a
22 reputation of becoming very personally involved in the
23 issues. I think at times you even had court outside of the
24 courthouse at the place where the -- supposedly the matter
25 was being litigated over. Is that true that you became

1 kind of like -- you wanted to go to the scene and see it
2 yourself?

3 MR. GUZZO: Yes, I took a view. I took a
4 view, which was common with juries but wasn't common with
5 judge-alone matters, and I went and took a view of this one
6 situation and it helped immensely.

7 MR. HORN: So you've become -- you've become
8 very -- you want to become closer to the -- to the issues
9 that are there, that are before you; that ---

10 MR. GUZZO: Well, I -- I wanted to assure
11 myself of what the facts were and I thought that by taking
12 a view in this case, it would -- it would be the proper
13 thing to do and that's why I did it.

14 MR. HORN: Okay, so you were -- even though
15 you were a member of the legislature in Ottawa, there's an
16 issue here in Cornwall, there are other members of the
17 legislature here that could have dealt with the issues, but
18 you came here into the -- because you wanted to see for
19 yourself?

20 MR. GUZZO: Well, yes. I didn't really --
21 sir, I didn't really come here and as I tried to explain to
22 Mr. Manson, I -- I envisaged the problem if there was a
23 problem, it had to be bigger than Cornwall because if there
24 was a problem, yes, initially I had the idea that there was
25 some problem with the Cornwall Police and initially I

1 thought that that had been swept under the rug in a report
2 by the Ottawa Police and I was concerned about the
3 situation with the first investigation, the 9 or 11 month
4 investigation that ended on a Christmas Eve or a December
5 23rd press release with the Ontario Provincial Police.

6 And, you know, the Ontario Provincial
7 Police, as I mentioned earlier, is the police force with
8 governance over three-quarters of the area of Ontario; not
9 three-quarters of the population, but three-quarters of the
10 area of Ontario, so I saw it as a bigger problem, if there
11 was a problem. If there was a problem from the point of
12 view of governance, the Government of Ontario, then I saw
13 it as a bigger problem than just Cornwall.

14 **MR. HORN:** Okay, because if you -- if you
15 can recall, it would be around the year 1996 when you were
16 -- you were a member that there was a realignment of a lot
17 of the boundaries of some of -- of the ridings in Ontario
18 for the provincial legislature. Do you recall that
19 happening?

20 **MR. GUZZO:** Yes, I do.

21 **MR. HORN:** And it would have resulted in at
22 times because they -- they -- from what I understand, there
23 were at one time 130 members and it went down to 103?

24 **MR. GUZZO:** Something of that order, yes.

25 **MR. HORN:** So a lot of the different ridings

1 would have been amalgamated. There would have been
2 reorganization and it would -- and in this -- back then Mr.
3 Villeneuve and Mr. Cleary, who were both sitting members,
4 would be facing each other in an election.

5 MR. GUZZO: That's what happened, I
6 understand, yes.

7 MR. HORN: Do you recall that happening?

8 MR. GUZZO: Yes, I do.

9 MR. HORN: And that the -- Mr. Villeneuve
10 was a -- the local PC member and Mr. Cleary would have been
11 a local Liberal member?

12 MR. GUZZO: Correct.

13 MR. HORN: And then they would be facing off
14 in the new riding that had been made or created because of
15 the reorganization. Do you recall that happening?

16 MR. GUZZO: I do.

17 MR. HORN: Did that have anything to do with
18 the -- the difficulty that you were having in -- at Queens
19 Park with regard to your legislation that you were trying
20 to push through? The fact that they didn't want trouble
21 from Mr. Villeneuve in the party?

22 MR. GUZZO: I never appreciated it if that
23 was the situation, sir. It didn't appear to me that -- the
24 decision was made to align the ridings along the same
25 boundaries as the federal ridings and reduce the number of

1 seats in the legislature to the number of seats in the
2 federal house for Ontario and, I mean, we all, you know --
3 my riding disappeared. My riding of Ottawa-Rideau
4 disappeared. It was divided into three different ridings
5 and I had to choose -- well, they chose for me, quite
6 frankly, but I don't think it was a -- I don't think that
7 was a factor. I don't think -- quite frankly, I think I
8 testified about the Premier being and in Eastern Ontario
9 along about the end of March, the 1st of April of '99 and
10 we're gearing up for the election and one of his key
11 staffers was there and I said to her at the time, you know,
12 "Excuse me, we should do something on this Cornwall issue
13 because I think it's going to hurt Noble. I think it's
14 going to maybe cost us a Cabinet Minister's seat," but they
15 weren't concerned.

16 **MR. HORN:** It would be almost like --
17 looking back at that time Mr. Cleary was a very strong
18 advocate for an inquiry and Mr. Noble stepped back and he
19 said "I don't want to be involved" basically.

20 Is that political pressure that came from
21 the top, do you think? From the Premier's office all the
22 way down?

23 **MR. GUZZO:** I don't know that it was. I
24 never felt that. I never felt that way but I have to tell
25 you, from a politician's point of view, it is a strange

1 position.

2 When there are 14,000 names, I think there
3 are somewhere around 40,000 people in Cornwall and 20,000
4 of them we'll have to think would have to be children,
5 20,000 of voting age and 14,000 of them sign a petition and
6 you decide, as a Member that you're not going to be
7 supportive, you know, it raises some questions with me but
8 ---

9 **MR. HORN:** Is it possible that the decisions
10 that were being made were as a result of the strong
11 position that the Conservatives had back then about giving
12 more power to the police and that sort of thing and that
13 the police would be very, very much in favour of Mr.
14 Villeneuve and that they didn't want to undermine that
15 relationship?

16 **MR. GUZZO:** Well, that's one way of looking
17 at it. The other way of looking at it would be that we are
18 positioning ourselves with the 1994 document -- the Common
19 Sense Revolution -- we position ourselves as a law and
20 order government and I would think the other side would be
21 more saleable wanting to get to the bottom of this would
22 show us to be our true colours but, you know, I can't -- I
23 can tell you that notwithstanding the fact that many in my
24 own Caucus -- I mean, the NDP Caucus and the Liberal Caucus
25 supported everything, every bill, every time I raised it

1 and my own Caucus did not although the majority did but the
2 Cabinet was always -- at least until Mr. Eaves became
3 Premier the Cabinet was prohibited from voting for it.
4 Nobody in Cabinet voted for it, either of the two bills,
5 when Mr. Harris was Premier.

6 I can't really -- you know, I can't really
7 see that but ---

8 **MR. HORN:** Why I'm asking that is if the
9 local police department was being criticized for allowing
10 this situation to occur and not acting properly, they might
11 have gotten some idea that the government would back them
12 up -- the Ontario government would back them up, the PC
13 government because they were law and order and they were
14 for the police.

15 **MR. GUZZO:** Well, that's possible. That's
16 not the position that I would have thought of but -- you
17 know, the government adopting but anything is possible.

18 **MR. HORN:** M'hm, because I know that you had
19 a very difficult time when you were having meetings with
20 Mr. Runciman and other of the top members of the government
21 regarding trying to do something on this. Did you
22 attribute any of that to this thinking about this riding?

23 **MR. GUZZO:** No, no I did not. I did not. I
24 was looking at it globally across the province and I
25 certainly thought that the position I was advocating was

1 not only proper legally and proper morally but that it was
2 probably good politically too but the Premier and the
3 people around the Premier, not necessarily the Cabinet --
4 the people around the Premier did not agree.

5 MR. HORN: Now I understand in your -- just
6 previous cross-examination you were discussing some
7 videotapes. Were you aware of the videotapes that John
8 Cleary had and that he had given to the CCR?

9 MR. GUZZO: No, I was not.

10 MR. HORN: You didn't know about those ---

11 MR. GUZZO: No.

12 MR. HORN: --- particular tapes that been --
13 that were given to the citizen's group?

14 MR. GUZZO: No, I ---

15 MR. MANSON: Objection. Mr. Horn just made
16 reference my clients and I have no idea what you're talking
17 about.

18 MR. ENGELMANN: These aren't facts before
19 the Inquiry.

20 THE COMMISSIONER: Okay.

21 MR. HORN: I'm just asking if he knows about
22 them because I've been advised by my clients that there
23 were tapes.

24 THE COMMISSIONER: Well ---

25 MR. HORN: I just wanted to know if he knew

1 anything about that.

2 **THE COMMISSIONER:** Well, I know but it
3 raises the spectrum that all the parties are supposed to
4 disclose things to the Inquiry which would mean that if the
5 CCR has any films, they -- so, do you have knowledge?

6 **MR. HORN:** I was told by my clients
7 regarding these ---

8 **THE COMMISSIONER:** And what did ---

9 **MR. HORN:** --- that Mr. Cleary indicated
10 that to Mr. Chisholm that there were tapes that were given
11 to members of the CCR.

12 **THE COMMISSIONER:** Well ---

13 **MR. HORN:** I was advised ---

14 **THE COMMISSIONER:** Okay, hold on now -- just
15 a second.

16 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DAVID SHERRIFF-
17 SCOTT:

18 **MR. SHERRIFF-SCOTT:** Pardon me.

19 I'd suggest, sir, the mischief of this line
20 of inquiry is that Mr. Carson Chisholm has come and gone.

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

22 **MR. SHERRIFF-SCOTT:** And none of this
23 evidence was elicited from him through your counsel, or
24 otherwise offered by him in any way, and the videotape
25 discussion was clearly a matter in which he testified.

1 So, this is a brand new thing after the
2 witness has come and gone, which is most unfair to everyone
3 here.

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

5 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. PETER ENGELMANN

6 **MR. ENGELMANN:** Sir, I wasn't present for
7 Mr. Chisholm but I believe it went even further than that.
8 I believe he said he had no knowledge of videotapes. I
9 think it went that far. In any event, this is not fact in
10 issue.

11 **THE COMMISSIONER:** Well, just a second now.
12 Wait a minute now. Whether it's a fact in issue there, if
13 there's someone out there who has films I think it's
14 important for us to know.

15 **MR. ENGELMANN:** Absolutely.

16 **THE COMMISSIONER:** So, what you're saying --
17 -

18 **MR. ENGELMANN:** I think he could ask Mr.
19 Guzzo if he's aware if anyone told him that Mr. Cleary had
20 films but he shouldn't insert it as a fact.

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

22 **MR. ENGELMANN:** That's my concern.

23 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. FRANK
24 HORN:

25 **MR. HORN:** Well, that'll be the way I will

1 question it. Are you aware of Mr. Cleary having any of
2 these tapes?

3 MR. GUZZO: No, I'm not sir.

4 MR. HORN: That was never part of any
5 discussions you had with Mr. Cleary?

6 MR. GUZZO: No, it was not.

7 MR. HORN: The difficulties that Mr. Dunlop
8 and yourself -- he as a police officer and you as a member
9 of a legislative body -- had to try to get something like
10 this off the ground, kind of like you're tagged as a
11 whistleblower or you're trying to get something done. Is
12 there any recommendation that you could have to this
13 Inquiry about how backbenchers, like yourself, could be
14 given more leeway or more ability to be able to implement
15 something like this without having the kind of political
16 difficulties that you faced?

17 MR. GUZZO: Look, we -- I mean, I could go
18 on for a day on governance and the political involvement
19 and, you know, I've been a student of politics from long
20 before I started to study law.

21 I was fascinated with it as a teenager, and
22 so all I can say is this that everywhere I look, in this
23 country and in other democratic countries, more and more
24 there is a concentration of power in the top job and that's
25 not good for democracy and that's not the way democracy was

1 meant to operate. And there has to be a breakdown in that
2 -- and a devolution of power. Certainly if you look at the
3 situation in the United States it is not as concentrated as
4 it is here in Canada and in some provinces it's even more
5 concentrated than at the federal level.

6 **MR. HORN:** So that the efforts by citizens
7 groups like the Coalition for Action then is very necessary
8 as things evolve in the direction that you see?

9 **MR. GUZZO:** I see that, and I see some
10 excellent groups, some excellent groups doing excellent
11 work on a national scale and on a provincial scale here in
12 Ontario and I'm familiar with one in Nova Scotia. But it
13 is a very, very tough -- tough row to hoe and it's tough to
14 be successful.

15 **MR. HORN:** Thank you.

16 **THE COMMISSIONER:** Thank you.

17 Mr. Neville.

18 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, there
19 is a change in the order I wanted to address you about. I
20 think we have agreed that Mr. Bennett will go and then I
21 will go and then the others will follow. We have tried to
22 divide the thing from the point-of-view of economy so that
23 there is no overlap.

24 **THE COMMISSIONER:** Sure.

25 **MR. SHERIFF-SCOTT:** So that's consistent ---

1 **THE COMMISSIONER:** Not a problem.

2 **MR. SHERRIFF-SCOTT:** --- just to explain,
3 thank you.

4 **THE COMMISSIONER:** So Mr. Bennett?

5 **MR. BENNETT:** Good morning, Mr.
6 Commissioner.

7 **THE COMMISSIONER:** Good morning.

8 **MR. BENNETT:** With your permission, I just
9 have a few questions with respect to some of the evidence
10 he gave about The Men's Project.

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

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
13 **BENNETT:**

14 **MR. BENNETT:** Good morning, Mr. Guzzo.

15 **MR. GUZZO:** Good morning, sir.

16 **MR. BENNETT:** We've met before. I'm David
17 Bennett, counsel for The Men's Project.

18 First of all, I would like on behalf of The
19 Men's Project just to thank you for the support you've
20 given to male survivors in this province during your time
21 as a politician and afterwards.

22 **MR. GUZZO:** Thank you.

23 **MR. BENNETT:** I wanted to touch on a few
24 issues you talked about with respect to obtaining funding
25 and some things with respect to The Men's Project and

1 that's what I wanted to ask you about.

2 You talked about a Cabinet meeting where you
3 were going forward for funding for -- asking for funding
4 for The Men's Project and you described -- the question
5 they always ask is, "Well, do we have it in Toronto and do
6 we have it in North Bay?"

7 Do you recall giving evidence about that,
8 sir?

9 **MR. GUZZO:** Yes, that was a caucus, a caucus
10 meeting. Yes, I recall, yes.

11 **MR. BENNETT:** And at that time were you
12 aware that The Men's Project was basically an organization
13 on a shoestring budget?

14 **MR. GUZZO:** Oh, very much so; very much so.
15 When the first call came from -- not the first lady from
16 the "Y" who asked me if I would take the call, but from the
17 lady whose name I can't recollect with the Irish last name,
18 Georgina something or other -- it was very, very clear to
19 me that it was on a shoestring and that the "Y" was going
20 to try and help but they didn't know how long they could be
21 of assistance.

22 **MR. BENNETT:** And at the time that a lot of
23 the work was being done by volunteers like Mr. Goodwin, a
24 volunteer therapist.

25 And you described this caucus meeting and

1 were you aware when you were doing this that this was the
2 first time that the Ontario government was looking at
3 funding for male victims of sexual abuse?

4 **MR. GUZZO:** Yes, I was.

5 **MR. BENNETT:** And you talked about you were
6 doing something at the political level and that there was
7 someone in the department who was taking it up. Would that
8 have been Denis Lessard in the Solicitor General's?

9 **MR. GUZZO:** He was one of the people, but at
10 that point-in-time I don't know whether he was the
11 individual -- I think he was a civil servant if I'm not --
12 or is a civil servant, I think, who took it up, but the
13 person I was referring to was on Mr. Runciman's staff.

14 What Mr. Runciman said to me was, "Look,
15 bring it to caucus. Get it on the table and get some
16 support for it and then, you know, I'll see what I can do",
17 you know? I mean some budgets -- some budgets are easier -
18 - I would like to choose the right word here -- massaged
19 than others, you know. I mean, an attorney general he's
20 got all the judges salaries. What's he going to do?

21 But a solicitor general has a number of
22 projects. If one of them cancels or one of them comes in
23 under budget he's got some extra funds, he can -- he can do
24 things.

25 **MR. BENNETT:** And is it possible that when

1 you were first getting the initial round of funding for The
2 Men's Project that they may not have been aware that you
3 were doing this?

4 **THE COMMISSIONER:** Who is "they"?

5 **MR. BENNETT:** The Men's Project was not
6 aware of this.

7 And I'll tell you why I ask you this
8 question because I'm looking at Exhibit P-1001. This is
9 the letter of November 9th to you, Mr. Guzzo, from Rick
10 Goodwin.

11 **MR. GUZZO:** Yes.

12 **MR. BENNETT:** And the first line is:

13 "I would like to bring to your
14 attention our services for male
15 survivors."

16 And the implication is that this is actually
17 the first time they are making contact directly from The
18 Men's Project, that the work that happened before then they
19 may not have been actually aware of.

20 **MR. GUZZO:** Well, I don't think that's the
21 situation but I think -- I think this is year two, as I
22 recollect, and I think -- I've asked Mr. Goodwin for this
23 letter. I think shortly after this lady called me and I
24 said, yes, I'd help, I think I had a phone call from Mr.
25 Goodwin. And I told them you know, "I'll do what I can.

1 I'll bring it" -- "I think it's time in light of the
2 situation that" -- and I wasn't just thinking of Cornwall
3 or anything like that. I was thinking of the situation
4 with the ladies -- with The Women's Project.

5 But I think, as I recollect, I asked him for
6 this letter that I could, you know, use with the department
7 and I think I sent it on to Mr. Beaubien who was I think
8 Bob -- Mr. Runciman's PA at the time.

9 **MR. BENNETT:** And in this letter some
10 question was raised about there is a paragraph where Mr.
11 Goodwin referred to up to 1,000 alleged victims. There was
12 some discussion the last time you were here.

13 **MR. GUZZO:** Right.

14 **MR. BENNETT:** I'd like to refer you to
15 Exhibit 992.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. GUZZO:** Yes.

18 **MR. BENNETT:** And there is an article by an
19 Ottawa Sun reporter, Jacki Leroux.

20 **MR. GUZZO:** Yes.

21 **MR. BENNETT:** And I'm looking on the far
22 right side of the article. It's divided into three columns
23 on the far right side where there's a comment on that --
24 the first full paragraph:

25 "Officers soon compiled the (sic)

1 list."

2 Do you see that?

3 **MR. GUZZO:** Yes, I do.

4 **MR. BENNETT:** "Officers soon compiled a
5 list of nearly 20 suspects and nearly
6 1,000 alleged victims and witnesses
7 have been interviewed."

8 So this number 1,000 was something that was
9 being used in discussion. This isn't something that The
10 Men's Project would have invented?

11 **MR. GUZZO:** Well, right, I think it came
12 from -- well, I --

13 **MR. BENNETT:** It appears it came from the
14 OPP.

15 **MR. GUZZO:** Yes, it seems it came from
16 Project Truth, OPP, but if you read that -- but I don't
17 know. You know, I think the OPP later downsized to an
18 official number of 765 or 680 or something like that.

19 **MR. BENNETT:** And one of your comments that
20 struck me at one point, you said it's important when you
21 speak with the press that you -- let me just get the exact
22 terms you used -- that you're very accurate, that you have
23 to speak to the public and that they do so accurately. You
24 were asked a question by Mr. Engelmann.

25 **MR. GUZZO:** Yes.

1 **MR. BENNETT:** "It's important with people
2 with your type of background when they
3 speak to the public or to the press
4 that they do accurately?"

5 And you agreed with that.

6 **MR. GUZZO:** I do.

7 **MR. BENNETT:** I'd like to ask if you recall
8 that in -- you had an interview with Charlie Greenwell in
9 March of 2005 and it was with respect to the creation of
10 the Ontario Association of Male Survivor Services. And
11 during this interview Mr. Greenwell referred to your naming
12 names in the legislature and one of the reasons he said
13 that you had not is that there may be:

14 "The first victim would be the funding
15 for male programs if I proceeded."

16 Do you recall saying that, sir?

17 **MR. GUZZO:** I do.

18 **MR. BENNETT:** And I'm wondering, at the time
19 The Men's Project was very established. Is that correct?

20 **MR. GUZZO:** It was.

21 **MR. BENNETT:** And I understand there'd been
22 an independent review that had found that they were
23 providing very positive services. So when this threat was
24 made to -- "threat" for a lack of a better word -- about
25 affecting funding, it wouldn't have been because of the

1 quality of their service?

2 MR. GUZZO: No. It would not have been --
3 definitely not have been and I think I, well -- I mean,
4 there was a threat. I mean -- there were -- I mean, it was
5 a volatile time.

6 I've admitted that it was not maybe the
7 smartest thing that I had done and maybe I carried it too
8 far after I started to get some results, but there was a
9 threat and when I heard it -- when I heard it, I called Mr.
10 Runciman right away and who knew at that point in time,
11 very early, that I wasn't going to name names I think. I
12 had told him, you know, I said I couldn't you know --
13 anyway, but I called him and he said, "Well, you know, I'm
14 not concerned about it but maybe we should be, you know,
15 like this is getting out of control and anything can
16 happen. Anything can happen."

17 So, you know, I said okay I'll take it under
18 advisement but there was a threat. It came from the
19 Premier's office, a staffer at the Premier's office to my
20 staff member, yeah.

21 MR. BENNETT: And do you recall who was that
22 staffer, who would have made that?

23 MR. GUZZO: I know who took it in my office,
24 it was Bill Grant, but I don't know ---

25 MR. BENNETT: Did Mr. Grant tell you who had

1 made that?

2 **MR. GUZZO:** He may have but it doesn't
3 really matter who relayed it. That decision to make that
4 would have come from the Chief of Staff and no one else in
5 the Premier's office, you know. He would have, you know --
6 and it may have been an off-the-cuff remark and the staffer
7 picked it up and phoned Bill, I -- you know -- but it was
8 of enough concern for me to call Mr. Runciman.

9 **MR. BENNETT:** Thank you. Those are my
10 questions, sir.

11 **THE COMMISSIONER:** Thank you.

12 Whose next then? Is it Mr. Chisholm or --
13 okay, fine.

14 **MR. SHERRIFF-SCOTT:** Commissioner, I'll be a
15 fair amount of time, but I'm hoping that I could complete
16 my first point before the luncheon break, but if I stray
17 beyond twelve-thirty, with your indulgence I'd like to
18 complete it before we rise for lunch. It shouldn't be too
19 much longer than that.

20 **THE COMMISSIONER:** Okay.

21 **MR. SHERRIFF-SCOTT:** Thank you. Good
22 morning, Mr. Guzzo.

23 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

24 **SHERRIFF-SCOTT:**

25 **MR. SHERRIFF-SCOTT:** Good morning, Mr.

1 Guzzo.

2 MR. GUZZO: Good morning, sir.

3 MR. SHERRIFF-SCOTT: My name is David
4 Sherriff-Scott and I act for the Diocese of Alexandria-
5 Cornwall.

6 I want to start our discussion this morning
7 with some basic and general propositions about life as an
8 MPP, nothing controversial, pretty straight forward stuff.
9 All right?

10 MR. GUZZO: By all means.

11 MR. SHERRIFF-SCOTT: I'd suggest that you
12 acknowledged that when you were an MPP or when one is an
13 MPP, public statements and utterances are basically given
14 special attention or special access to the media and
15 through the media to the public?

16 MR. GUZZO: A lot of the time that's true,
17 yes.

18 MR. SHERRIFF-SCOTT: Okay. And as an MPP,
19 public statements frequently are designed to persuade or
20 move public opinion in certain directions?

21 MR. GUZZO: That is correct.

22 MR. SHERRIFF-SCOTT: Some direction is
23 consistent with whatever your political agenda may be or
24 that of your party?

25 MR. GUZZO: Yes.

1 **MR. SHERRIFF-SCOTT:** And you would
2 acknowledge the influence that a politician can have
3 through his public statements on the understanding or
4 perceptions of the public at large?

5 **MR. GUZZO:** A certain portion of the public
6 that pays attention, yes.

7 **MR. SHERRIFF-SCOTT:** You're a trusted
8 representative who has been given responsibility by the
9 will of the people and people, typically, by-and-large at
10 least will give credibility to what you say and you have
11 the sort of unique ability to influence public opinion from
12 time-to-time?

13 **MR. GUZZO:** From time-to-time, yes.

14 **MR. SHERRIFF-SCOTT:** Certainly, perhaps more
15 so than others who are not in your position?

16 **MR. GUZZO:** Oh yes, definitely.

17 **MR. SHERRIFF-SCOTT:** And that ability or
18 privilege, if you will, that comes with elected office and
19 the access that it carries to the media, I'd suggest that
20 you would agree with me has reciprocal responsibilities and
21 duties?

22 **MR. GUZZO:** It does.

23 **MR. SHERRIFF-SCOTT:** And I would see if we
24 can enumerate some we might agree on together. All right?

25 First, there would be the duty -- and I'm

1 talking now about making public pronouncements and
2 statements -- the duty to be as accurate as possible?

3 MR. GUZZO: Yes.

4 MR. SHERRIFF-SCOTT: To be fair?

5 MR. GUZZO: Right.

6 MR. SHERRIFF-SCOTT: Sometimes to be
7 cautious where the circumstances warrant?

8 MR. GUZZO: By all means.

9 MR. SHERRIFF-SCOTT: And to be mindful of
10 potential damage your statements may cause to others, given
11 your special access to the media?

12 MR. GUZZO: Right.

13 MR. SHERRIFF-SCOTT: To try and be as
14 complete and properly informed as opposed to, say, shooting
15 from the hip on weighty matters?

16 MR. GUZZO: By all means.

17 MR. SHERRIFF-SCOTT: Making corrections when
18 you say something wrong and that's perhaps as important as
19 saying things correctly in the first instance?

20 MR. GUZZO: I agree.

21 MR. SHERRIFF-SCOTT: Right. And as a
22 politician, certainly you in the past have conceded here,
23 helped from my point-of-view, that you may have made some
24 mistakes in the past?

25 MR. GUZZO: Well, I've made mistakes, sir,

1 yes.

2 **MR. SHERRIFF-SCOTT:** And in this issue in
3 particular. That is to say, on matters touching on the
4 jurisdiction of the inquiry of which you were involved?

5 **MR. GUZZO:** On matters touching on the
6 jurisdiction ---

7 **MR. SHERRIFF-SCOTT:** Your involvement in
8 matters that gave rise to issues of your testimony. For
9 example, I don't -- we don't need to be exhaustive.

10 First of all, you're not above making
11 mistakes, as you've conceded, and you may have made some
12 mistakes on matters relating to public pronouncements and
13 other issues that affect the matters being investigated by
14 this Inquiry?

15 **MR. GUZZO:** I think -- I have to admit that
16 by all means.

17 **MR. SHERRIFF-SCOTT:** Okay. And making
18 mistakes is understandable as a politician. It's not that
19 hard to do, is it?

20 **MR. GUZZO:** I made them as a judge and I
21 made them as a lawyer as well, sir.

22 **MR. SHERRIFF-SCOTT:** But as a politician you
23 get a lot of information thrown at you, sometimes very
24 fast. You get different perspectives and you see a lot of
25 people, so it's not beyond the pale to expect that people

1 will make mistakes?

2 MR. GUZZO: That's very true, but it also
3 should be mentioned that there are times, especially in
4 politics, that you don't find in other walks of life when
5 information is kept from you that people assume you have.
6 But, yes, I agree with your comment.

7 MR. SHERRIFF-SCOTT: And that may -- your
8 last comment may lead to mistakes as well?

9 MR. GUZZO: Yes, it may.

10 MR. MANSON: All right. Because you make
11 certain assumptions which in the end don't bear fruit?

12 MR. GUZZO: Right.

13 MR. SHERRIFF-SCOTT: And you go out on a
14 limb, to extend the metaphor, and it doesn't turn out to be
15 accurate?

16 MR. GUZZO: That's one of the problems of
17 the business.

18 MR. SHERRIFF-SCOTT: Okay. Now these
19 reciprocal responsibilities that you and I might have
20 agreed on here as we started, you'd agree with me that they
21 continue to bind you, for example, in giving your evidence
22 here at this Inquiry?

23 MR. GUZZO: They do.

24 MR. SHERRIFF-SCOTT: And looking back well
25 nigh ten plus years when you were involved in the issues

1 that we're discussing here today, we don't have the benefit
2 of any contemporaneous notes you may have made recording
3 information you received?

4 MR. GUZZO: Correct.

5 MR. SHERRIFF-SCOTT: That's not a criticism.

6 MR. GUZZO: No ---

7 MR. SHERRIFF-SCOTT: --- it's just a fact.

8 MR. GUZZO: --- you have everything I have.

9 THE COMMISSIONER: Excuse me?

10 MR. ENGELMANN: I believe we have some ---

11 THE COMMISSIONER: I'm sorry?

12 MR. ENGELMANN: There are some

13 contemporaneous notes.

14 THE COMMISSIONER: Okay.

15 MR. ENGELMANN: I just -- we're going to
16 make sure we get the record straight. He explained it
17 (inaudible).

18 MR. SHERRIFF-SCOTT: We don't have, for
19 example, a detailed or contemporaneous record of what all
20 of these people you met with may have told you from time-
21 to-time?

22 MR. GUZZO: No, sir, you do not.

23 MR. SHERRIFF-SCOTT: Okay. And I'm not
24 trying to criticize you for that. Whatever the reason is
25 that's the fact; fair?

1 **MR. GUZZO:** That's a fact.

2 **MR. SHERRIFF-SCOTT:** Okay. In the absence
3 of that kind of record, obviously if you had it, it would
4 be a lot more easy, or easier, to be completely accurate
5 about what you were told at the time; fair?

6 **MR. GUZZO:** Yeah, by all means.

7 **MR. SHERRIFF-SCOTT:** And the absence of it
8 sort of raises the spectre of a greater risk that you may
9 be wrong from time-to-time on these issues considering ---

10 **MR. GUZZO:** Very definitely.

11 **MR. SHERRIFF-SCOTT:** All right. And the
12 absence of that record, for example, as well as the context
13 here in which we find ourselves in this Inquiry given what
14 it's looking at and the potential implications for others,
15 I suggest to the reasonable mind would indicate caution
16 when giving evidence on these issues, particularly given
17 the absence of what we've talked about?

18 **MR. GUZZO:** Particularly in the absence of?

19 **MR. SHERRIFF-SCOTT:** A contemporaneous
20 record.

21 **MR. GUZZO:** Yes, I accept that.

22 **MR. SHERRIFF-SCOTT:** Okay, now, sir, in a
23 bit of an unusual style I want to transmit to you where I
24 am going on a particular point because I think given the
25 passage of time and perhaps the absence of a paper trail

1 you may have incorrectly identified, may have, C-43 as
2 being an alleged perpetrator of the child of C-42. And
3 what I want to do -- I acknowledge that you expressed some
4 uncertainty about that identification when you gave your
5 evidence in camera. What I want to do is see if we can
6 identify some facts perhaps on what we mutually agree which
7 might indicate the record could be corrected in fairness.
8 Are you with me?

9 **MR. GUZZO:** Yeah, I'm with you.

10 **MR. SHERRIFF-SCOTT:** All right. So first
11 we'll recall that you gave evidence about the issue of the
12 discussions of C-42 and naming of C-43 in relation to the
13 letter of Mr. McLaughlin dated April 3rd, Exhibit 985.
14 Perhaps we could turn that up?

15 **THE REGISTRAR:** Which one?

16 **MR. SHERRIFF-SCOTT:** Nine-eight-five (985).
17 Just let me know when you have that, sir.

18 **MR. GUZZO:** I have it now, yes.

19 **MR. SHERRIFF-SCOTT:** And some general
20 propositions which are fairly straightforward. There are
21 no names mentioned in that letter on this issue. When I
22 say "this issue" I mean the issue of C-42, C-43; correct?

23 **MR. GUZZO:** Well, I have to read it
24 carefully but I think, I think that's correct.

25 **MR. SHERRIFF-SCOTT:** Okay. You want to take

1 the time to look at it? I've satisfied myself but if you
2 need to do that you go right ahead, sir.

3 MR. GUZZO: Thank you.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. GUZZO: I think that's accurate.

6 MR. SHERRIFF-SCOTT: Thank you, sir.

7 So there are no names mentioned in the
8 letter with respect to that issue, by which I mean C-42, C-
9 43; correct?

10 MR. GUZZO: Yeah, correct.

11 MR. SHERRIFF-SCOTT: The name of the victim
12 is not identified in that letter; correct?

13 MR. GUZZO: Correct.

14 MR. SHERRIFF-SCOTT: The name of his family,
15 that is to say the victim's family, is not identified in
16 that letter; correct?

17 MR. GUZZO: Correct.

18 MR. SHERRIFF-SCOTT: The name of the alleged
19 perpetrator is not mentioned in that letter, sir?

20 MR. GUZZO: It is not.

21 MR. SHERRIFF-SCOTT: And the subject or
22 details of the allegations beyond the general are not
23 developed in the letter?

24 MR. GUZZO: Correct.

25 MR. SHERRIFF-SCOTT: And there's no

1 identification of clergy being involved in the letter on
2 that subject?

3 MR. GUZZO: M'hm, I believe that's correct.

4 MR. SHERRIFF-SCOTT: And you have no notes,
5 apart from Exhibit 985, indicating what was said to you by
6 this family; correct?

7 MR. GUZZO: I do not, no.

8 MR. SHERRIFF-SCOTT: And yet already at this
9 time you knew who C-43 was; correct?

10 Do you have the moniker list, Mr. Guzzo?

11 MR. GUZZO: I do.

12 MR. SHERRIFF-SCOTT: Okay.

13 MR. GUZZO: Yes.

14 MR. SHERRIFF-SCOTT: Mr. Dunlop would have
15 given you information pertaining to him; correct?

16 MR. GUZZO: The documentation I received
17 from Mr. Dunlop ---

18 MR. SHERRIFF-SCOTT: Would have contained
19 information?

20 MR. GUZZO: --- would have contained
21 information about -- yes.

22 MR. SHERRIFF-SCOTT: All right, sir.

23 And you eventually wrote a letter about C-43
24 on another subject in which you were not restrained in
25 using his actual identity; correct?

1 **MR. GUZZO:** M'hm, is that the letter to
2 Minister Bassett?

3 **MR. SHERRIFF-SCOTT:** Yes.

4 **MR. GUZZO:** Restrained? M'hm ---

5 **MR. SHERRIFF-SCOTT:** What I mean is you
6 explicitly identified him by name?

7 **MR. GUZZO:** I sent the documentation ---

8 **MR. SHERRIFF-SCOTT:** Which had his name in
9 it?

10 **MR. GUZZO:** --- which had his name in it.

11 **MR. SHERRIFF-SCOTT:** That's all I'm trying
12 to establish.

13 **MR. GUZZO:** Yeah, that's true.

14 **MR. SHERRIFF-SCOTT:** Thank you. Now, you
15 testified last time, on November 21st when you were here,
16 that during this interview you had with this family they
17 had told you they had already reported the allegations to
18 the police, but you weren't sure what police force and you
19 believed only, without certainty, that it was the Cornwall
20 Police Service that I'll refer to as the CPS; correct?

21 **MR. GUZZO:** That was my understanding.

22 **MR. SHERRIFF-SCOTT:** All right. And,
23 indeed, you said then sometime later your office got a call
24 from a ministry in which it was indicated or you were
25 advised ultimately that the matter was being referred to

1 the appropriate authorities for handling?

2 MR. GUZZO: I was told by a staffer that we
3 had a call and they would attend to it.

4 MR. SHERRIFF-SCOTT: I think the words you
5 used "a referral had been made"?

6 I can take you to your transcript. Do you
7 accept that?

8 MR. GUZZO: Yeah, I accept that, yeah.

9 MR. SHERRIFF-SCOTT: All right. Thank you.
10 And I would suggest to you that information,
11 that is to say, one, the fact that the family had
12 identified for you that the police were already aware of
13 the allegations or had had them reported to them, whatever
14 police force that was; and, second, this issue of
15 ministerial environment -- involvement, either did one of
16 two things.

17 First, it would have assuaged your concerns
18 about the need for you to report or having heard from these
19 people that they'd already reported it, the idea of
20 reporting it probably wouldn't have turned up on your radar
21 screen. Isn't that the most probably explanation?

22 MR. GUZZO: Yeah, I think what I didn't
23 trigger to was that what they were saying to me had
24 happened was much more -- what they were telling me was
25 much more current than most of the people that I had talked

1 to.

2 **MR. SHERRIFF-SCOTT:** It was -- according to
3 your letter, it was 1998, at some point during that year --
4 -

5 **MR. GUZZO:** Right.

6 **MR. SHERRIFF-SCOTT:** --- some three or four
7 months before you wrote this letter to Mr. McLaughlin;
8 correct?

9 **MR. GUZZO:** I -- yeah, I have a recollection
10 that it was over the Christmas holidays for some reason.

11 **MR. SHERRIFF-SCOTT:** Well, there's two
12 things referred to in your letter that Mr. Engelmann
13 brought you to.

14 On the first page, you refer to the fact
15 that the abuse may have been continuing up until December
16 of 1998 and later, on the fifth page, you refer to the fact
17 of it having continued after July, 1998.

18 So, leaving apart whether you're absolutely
19 certain about precisely when it was happening in 1998, and
20 I assume you're not absolutely certain; correct?

21 **MR. GUZZO:** Well, no, but when I answered
22 your last question I was trying to pinpoint when they came
23 to me.

24 **MR. SHERRIFF-SCOTT:** Well, that's fine.

25 **MR. GUZZO:** Yeah, but right, you're right.

1 **MR. SHERRIFF-SCOTT:** Okay, so you're not
2 absolutely certain of when they told the abuse was
3 happening but you are certain, from what we see, that it
4 was sometime in 1998 in which these abuse activities would
5 have been ongoing?

6 **MR. GUZZO:** I think the date of "up to or
7 after July 31st" is probably precise. Not the December 31st
8 because I think they come to see me before December 31st
9 between Christmas and New Year's, if I'm not mistaken.

10 **MR. SHERRIFF-SCOTT:** Okay, so in the first
11 half of the 1998 year, roughly speaking?

12 **MR. GUZZO:** Yeah, yeah.

13 **MR. SHERRIFF-SCOTT:** Okay. As opposed to be
14 less likely being towards the end of the year; correct?

15 **MR. GUZZO:** Right.

16 **MR. SHERRIFF-SCOTT:** Is that right, sir?

17 **MR. GUZZO:** I think that's correct.

18 **MR. SHERRIFF-SCOTT:** Okay. But coming back
19 to my question, just to make sure that we understand each
20 other, I'd suggest that the most probable explanation for
21 you not thinking or even registering the need in your own
22 mind to report, would have been the fact that these people
23 told you it was in the hands of the police or they'd
24 reported it and then later you got a call from some
25 ministry?

1 **MR. GUZZO:** I think that's probably correct.

2 **MR. SHERRIFF-SCOTT:** Isn't that sort of the
3 most probable reconstruction?

4 **MR. GUZZO:** Yes, it is.

5 **MR. SHERRIFF-SCOTT:** And, reasonably so, if
6 someone is already dealing with it why would you be
7 concerned about it, so we can accept that as your most
8 probable reconstruction of why you may not have reported
9 it; correct?

10 **MR. GUZZO:** I -- but I did -- yes, that's
11 right, but I did admit that it didn't even occur to me ---

12 **MR. SHERRIFF-SCOTT:** Right.

13 **MR. GUZZO:** --- and I was embarrassed by
14 that, you know, that ---

15 **MR. SHERRIFF-SCOTT:** And I'm suggesting the
16 most probable explanation for it not having occurred to you
17 -- that is to say the need to report -- was that you were
18 already in possession of information that it had already
19 been reported?

20 **MR. GUZZO:** Possibly, yes.

21 **MR. SHERRIFF-SCOTT:** Okay. And, certainly,
22 you were well conversant with your duty to report working
23 in this area as you had in the past?

24 **MR. GUZZO:** Yes, I was.

25 **MR. SHERRIFF-SCOTT:** Okay. Now, I'm not

1 criticizing you for not reporting, I'm just trying to get
2 at the nub of why it didn't happen.

3 Now, coming back to my theme about the idea
4 that there may be some less than certain identification of
5 C-43 in this little matrix we've developed, having regard
6 to what we've just discussed, I want to tell you that the
7 evidence here will be, first -- and I've confirmed this, it
8 will be the evidence here -- that the CAS in this
9 jurisdiction has never received a report from C-42
10 identifying C-43 in this matter and has no record of it.

11 The same applies to the Cornwall Police
12 Service and the same applies to the OPP. I'm suggesting to
13 you, in fairness, that that may be one possible explanation
14 as to why you may be mistaken about C-43 in this
15 environment, particularly given the fact that you expressed
16 concern about being 100 percent correct or not being able
17 to be 100 percent correct in that identification?

18 **MR. GUZZO:** Well, there's no -- I -- the
19 only thing that surprises me there is that the ministry
20 that had contacted us did not make that referral.

21 **MR. SHERRIFF-SCOTT:** Well, we don't know
22 that, do we?

23 **MR. GUZZO:** Well, you're telling me that
24 there's no record of it?

25 **MR. SHERRIFF-SCOTT:** There's no record of it

1 and of the evidence, as I'm advised from the CAS, the CPS
2 and the OPP, is that it was never referred to them.

3 MR. GUZZO: Well ---

4 MR. SHERRIFF-SCOTT: What I'm suggesting to
5 you, whether we're surprised about what the ministry may or
6 may not have done, is that may be one explanation or point
7 which we could say contributes to the idea that you may
8 have been mistaken about C-43 in the circumstances. Is
9 that fair?

10 MR. GUZZO: Well, I remember the interview
11 well and I remember the name they gave me.

12 MR. SHERRIFF-SCOTT: Well, you said you
13 weren't 100 percent certain, sir. So what I'm struggling
14 to understand ---

15 MR. GUZZO: Well, I know ---

16 MR. SHERRIFF-SCOTT: --- is your lack of
17 certainty.

18 MR. GUZZO: I think -- I think what I said -
19 - I think what I said was the pronunciation of the name was
20 not the way I -- it was presented here. But let me ---

21 MR. SHERRIFF-SCOTT: Let me stop you there,
22 sir.

23 MR. GUZZO: All right. Let me just say that
24 to you that it's, you know, I'm not trying to fence with
25 you. I could be wrong. I'd like to put something in

1 context though.

2 This is between Christmas and New Year's as
3 I recollect. I get a call from, somehow, at the office
4 just before Christmas. They want -- this person wants me
5 to see these people. I think it's the brother of the
6 mother. They come into the office. It's -- I see them
7 after evening hours to accommodate them and the meeting is
8 scheduled for half-an-hour, I guess. It lasts 10 or 12, 15
9 minutes and, I mean, it doesn't end on a positive note.

10 **MR. SHERRIFF-SCOTT:** All right.

11 **MR. GUZZO:** And ---

12 **MR. SHERRIFF-SCOTT:** First of all, in your
13 letter, you refer to the meeting having taken place within
14 one week prior to April 3rd of 199 ---

15 **MR. GUZZO:** I know, but ---

16 **MR. SHERRIFF-SCOTT:** Okay, but you made --
17 you may be mistaken about the timing of the meeting as
18 well?

19 **MR. GUZZO:** I -- I seem to think it was over
20 a holiday. I know I'm in there. I'm in there -- not in
21 hours. It's later at night but it could have -- it could
22 have been over the school break. You're right, it could
23 have been over the March break or something but the -- I'm
24 thinking of holidays. I'm going in there to accommodate
25 them and when I'm asked, well, what are you going to do

1 about this, and I said, look I'm bringing forward
2 legislation to try and, you know, get a Commission of
3 Inquiry forward that you would be able to testify -- the
4 mother gets very upset with me. She's an Italian lady
5 actually and she swears at me in Italian and she says,
6 "You're like all the other politicians. You don't want to
7 do anything" and she gets up and storms out. And I finish
8 the last two or three minutes with the father and that's
9 how it ends.

10 So I'm not going back on what I said in
11 examination in-chief, you know, I think that's the name I
12 was given, but you're right I could be wrong.

13 **MR. SHERRIFF-SCOTT:** All right. I'll accept
14 that. All right and ---

15 **MR. GUZZO:** I would ---

16 **MR. SHERRIFF-SCOTT:** --- and beyond that you
17 can't be any more certain to this day?

18 **MR. GUZZO:** I'm less certain today than I
19 was in November or when I testified.

20 **MR. SHERRIFF-SCOTT:** There are -- there are
21 sort of other facts and issues that we can discuss.

22 Really, all I want you to concede for me if
23 -- and I can take it through many things to suggest to you
24 that there may be reasons that you could have been
25 mistaken. And that's not a criticism, it's a long time

1 ago, I understand, and I just wanted to bring you to that
2 point to acknowledge that, number one, you're less than
3 certain about it and, number two, you could be mistaken.
4 Is that fair?

5 **MR. GUZZO:** That's -- that's fair and, you
6 know, I -- let me make it clear, I think I made it clear
7 when I started. I didn't keep complete notes. I didn't --
8 many of the people I didn't make any note and I didn't do
9 anything or carry out anything of a positive nature in this
10 file based on really what I'm hearing, you know.

11 It was on the reaction I got at Queen's Park
12 but, you know, when it comes to the documentation that I
13 put forward with the letters to the ministers et cetera, in
14 terms of the action -- the procedures that were taken at
15 Queen's Park, I was much more thorough in maintaining my --
16 -

17 **MR. SHERRIFF-SCOTT:** Fair enough. And, you
18 see, I think you know my perspective. I'm here and if
19 you're less than certain and you concede that you may be
20 wrong, it's important from my perspective, you know,
21 considering the issues and the rights and interests that
22 are at stake in this Inquiry and obviously the interests of
23 an individual who could be mis-identified perhaps.

24 And what I just -- I'm happy that you've
25 conceded to me that you may have been mistaken and I'd

1 suggest that you can't be anymore certain than what you've
2 just said on this issue or more helpful to the Inquiry at
3 this juncture on this matter?

4 **MR. GUZZO:** That's fair.

5 **MR. SHERRIFF-SCOTT:** Okay. And -- we'll
6 leave it at that, okay? I'm finished the first point,
7 Commissioner.

8 **THE COMMISSIONER:** Let's take lunch. Come
9 back at 2:00 o'clock.

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

12 The hearing will resume at 2:00 p.m.

13 --- Upon recessing at 12:20 p.m. /

14 L'audience est suspendue à 12h20

15 --- Upon resuming at 2:02 p.m. /

16 L'audience est reprise à 14h02

17 **THE REGISTRAR:** This hearing is now resumed.
18 Please be seated. Veuillez vous asseoir.

19 **MR. ENGELMANN:** Good afternoon, Mr.
20 Commissioner.

21 I'm informed by Mr. Manson that he wanted to
22 say a couple of words just before Mr. Sherriff-Scott
23 continues his cross-examination.

24 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ALLAN MANSON

25 **MR. MANSON:** Mr. Commissioner, I've just

1 come from a meeting with my clients and because of the
2 issue of rumour and innuendo in the community and the
3 presence of the media and the webcast, I'm obliged to make
4 three very brief points about the incident that arose
5 during Mr. Horn's cross-examination of Mr. Guzzo.

6 **THE COMMISSIONER:** M'hm ---

7 **MR. MANSON:** With your permission.

8 **THE COMMISSIONER:** The incident that
9 occurred.

10 **MR. MANSON:** The question that was put to
11 Mr. Guzzo.

12 **THE COMMISSIONER:** Which was?

13 **MR. MANSON:** About Mr. Cleary, video tapes
14 and the CCR.

15 **THE COMMISSIONER:** Oh, okay. Okay.

16 **MR. MANSON:** I first want to say, Mr. Cleary
17 is not one of my clients.

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

19 **MR. MANSON:** Number two, as you pointed out
20 when you mentioned disclosure, I stand behind the
21 disclosure that we've made and nobody from the CCR that
22 I've ever spoken to or has ever come to a meeting and heard
23 me speak has had any involvement with the video tapes that
24 we were discussing or any alleged copies of them.

25 The other point is more general,

1 Mr. Commissioner. While this may be a public inquiry and
2 the rules of evidence may be relaxed and the scope of
3 cross-examination is very broad and you've permitted broad
4 scope ---

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

6 **MR. MANSON:** --- all counsel are obliged,
7 number one, to put evidence accurately and fairly to
8 witnesses in cross-examination and, number two, according
9 to dictum from the Supreme Court of Canada, if counsel is
10 going to put something to a witness that is not in
11 evidence, and they don't anticipate will be in evidence,
12 they have to have had a reasonable belief in it's truth.

13 **THE COMMISSIONER:** Right.

14 **MR. MANSON:** And my submission,
15 Mr. Commissioner, is the suggestion that was made to
16 Mr. Guzzo about the CCR and the video tapes was specious
17 and singularly inappropriate as cross-examination.

18 Those are my comments, Mr. Commissioner.

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

20 Mr. Horn, did you wish to make any comment
21 or ---

22 **MR. HORN:** No.

23 **THE COMMISSIONER:** Thank you.

24 All right. So Mr. Sherriff-Scott.

25 **MR. SHERRIFF-SCOTT:** Thank you, sir.

1 GARRY GUZZO: Resumed/Sous le même serment

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 SHERRIFF-SCOTT (Continued/Suite):

4 MR. SHERRIFF-SCOTT: Good afternoon, Mr.
5 Guzzo.

6 MR. GUZZO: Good afternoon, sir.

7 MR. SHERRIFF-SCOTT: So if we can just
8 switch topics now from the one we left before the lunch
9 hour, I want to move to 1998 and as you described at your
10 first involvement in this matter with the letter-writing,
11 commencing with your letter of September, 1998 to the
12 Premier of the province.

13 So, if we can first start with some general
14 propositions. Just let me know when you're ready, sir.

15 MR. GUZZO: I'm ready.

16 MR. SHERRIFF-SCOTT: Okay. In September of
17 1998, would it be fair to say you commenced what I could
18 describe as a campaign of writing letters to the Premier
19 and the government on this issue?

20 MR. GUZZO: I think so, yes.

21 MR. SHERRIFF-SCOTT: Okay. And that
22 campaign had as its thesis at least in part that police
23 investigations had possibly been flawed or incompetently
24 handled or lacked completeness, in particular?

25 MR. GUZZO: In part.

1 **MR. SHERRIFF-SCOTT:** Okay. You contended as
2 time passed that these problems were as a result of
3 potential incompetence or worse; the expression you used
4 was "cover-up"?

5 **MR. GUZZO:** I did.

6 **MR. SHERRIFF-SCOTT:** And by the latter
7 phrase, I take it you meant your listeners are readers to
8 infer some sort of conspiracy possibly to thwart the
9 administration of justice. Is that correct?

10 **MR. GUZZO:** That was in my mind, yes.

11 **MR. SHERRIFF-SCOTT:** Okay. And as we
12 agreed, you started that letter-writing campaign with
13 Exhibit 983 which is the letter of September 18, 1998, if
14 you can turn to that exhibit, please?

15 **THE COMMISSIONER:** It's 983, yes.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **MR. SHERRIFF-SCOTT:** Now, what I want to do
18 with this is examine some of the key messages and
19 assumptions that you made in the letter and then we'll
20 track some of those forward into time as it passed in other
21 correspondence that you wrote.

22 Starting with the first large paragraph on
23 the first page you refer to this matter:

24 "...being the subject of an ongoing..."

25 And then say:

1 "...actually second investigation by
2 the Ontario Provincial Police in the
3 City of Cornwall."

4 And then go back, and then go on to say:
5 "It involves an allegation of a
6 pedophile group sexually abusing a
7 number of young persons in the Cornwall
8 area dating back 35-plus or minus."

9 And I take it there, sir, what you are
10 attempting to convey to the reader is that there is an
11 ongoing investigation into this issue, and that is broad-
12 based pedophile activity in Cornwall, number one; correct?

13 **MR. GUZZO:** Yes.

14 **MR. SHERRIFF-SCOTT:** And number two, that it
15 was actually the second time that question had been
16 examined by the OPP; correct?

17 **MR. GUZZO:** Correct.

18 **MR. SHERRIFF-SCOTT:** Okay. And in the
19 paragraph one, as you scroll down, one of the things you
20 say is you refer to your own diligence and say that you:

21 "...have been most careful and diligent
22 in the manner in which ... [you] have
23 satisfied [yourself or] myself of the
24 information I am about to relay."

25 Do you see that?

1 **MR. GUZZO:** Yes.

2 **MR. SHERRIFF-SCOTT:** And may I suggest to
3 you what you intended to convey to your reader was that you
4 were not making ideal statements but had diligently taken
5 steps to verify the information that followed; correct?

6 **MR. GUZZO:** Correct.

7 **MR. SHERRIFF-SCOTT:** Okay. In other words,
8 this is not mere idle talk?

9 **MR. GUZZO:** That's correct.

10 **MR. SHERRIFF-SCOTT:** Okay. In the second
11 paragraph at page 1, you start a chronology of information,
12 I suggest, intended to convey that there were problems with
13 the police investigations that had taken place in Cornwall?

14 **MR. GUZZO:** Correct.

15 **MR. SHERRIFF-SCOTT:** And in this regard you
16 first allege that:

17 "The CPS..."

18 --that is the Cornwall Police Service. I'll refer to them
19 as CPS for Cornwall Police; OPS and OPP. Okay, sir?

20 **MR. GUZZO:** Correct.

21 **MR. SHERRIFF-SCOTT:** All right.

22 "...had done an internal investigation
23 to satisfy itself that there was no
24 wrongdoing and no cover-up with regards
25 to the allegations vis-à-vis a

1 pedophile group operating in the
2 Cornwall area."

3 So the information the reader is to take
4 from this is that the first investigation examined the
5 question of the existence of a pedophile group operating in
6 this community; correct?

7 **MR. GUZZO:** That's what it says.

8 **MR. SHERRIFF-SCOTT:** Yes. Whether it's
9 right or wrong at the time, that's what you intended the
10 reader to infer or understand, correct?

11 **MR. GUZZO:** Yes.

12 **MR. SHERRIFF-SCOTT:** Okay. And then at
13 paragraph two -- excuse me, as we go down you refer to the
14 fact that in January of 1994 the Ottawa Police force, or
15 OPS, did an internal investigation and came to the same
16 conclusion. And if I look at that and I read your letter
17 together the same conclusion would mean to me, and I
18 suggest you intended your reader to conclude, came to the
19 same conclusion on the issue of the existence of a
20 pedophile group operating in Cornwall; correct?

21 **MR. GUZZO:** Yes, that there was no
22 wrongdoing and no cover-up with regard to the allegations.

23 **MR. SHERRIFF-SCOTT:** And the allegations
24 were, as you cast them:

25 "...the existence of a pedophile group

1 operating in this community."

2 Correct?

3 **MR. GUZZO:** Yes.

4 **MR. SHERRIFF-SCOTT:** Okay. So then if we go
5 down further, you refer to the fact in 1994 the OPP did its
6 first investigation -- this is following the OPS -- and
7 this is where you start referring to the press release and
8 you'll see the December 24th date. There was:

9 "...no evidence of any wrongdoing on
10 the part of the police and no evidence
11 that further charges were necessary
12 with regard to the allegations."

13 Do you see that?

14 **MR. GUZZO:** Yes.

15 **MR. SHERRIFF-SCOTT:** And "the" allegations
16 that you had cast them as a sort of preamble were the
17 existence of a pedophile group operating in this community;
18 correct?

19 **MR. GUZZO:** Right.

20 **MR. SHERRIFF-SCOTT:** Right. And what you
21 meant to imply or infer was that in each of these
22 investigations, the police forces had conducted an
23 investigation into that question. The question as you cast
24 it:

25 "...whether a pedophile group was

1 operating in Cornwall."

2 Right?

3 **MR. GUZZO:** Right.

4 **MR. SHERRIFF-SCOTT:** Right. Okay.

5 Now, at page 2 of this letter, you'll see
6 the first -- the third paragraph starting with "On or about
7 the month of April". Do you have that?

8 **MR. GUZZO:** I do.

9 **MR. SHERRIFF-SCOTT:** You refer to a Cornwall
10 police officer, which is what Mr. Manson took you to and
11 you identified as Mr. Dunlop in fact; right?

12 **MR. GUZZO:** Right.

13 **MR. SHERRIFF-SCOTT:** And:

14 "...he served upon two ministries,
15 volumes of documentation with regard to
16 this issue."

17 Do you see that?

18 **MR. GUZZO:** Yes.

19 **MR. SHERRIFF-SCOTT:** And this issue, again,
20 is the question of a pedophile ring operating in Cornwall,
21 isn't it?

22 **MR. GUZZO:** Yes.

23 **MR. SHERRIFF-SCOTT:** And by that you meant
24 to link your first descriptions of police investigations
25 with this issue?

1 **MR. GUZZO:** Right.

2 **MR. SHERRIFF-SCOTT:** Correct? Because from
3 your point of view they overlap?

4 **MR. GUZZO:** The police investigations
5 overlap?

6 **MR. SHERRIFF-SCOTT:** No, this issue. Mr.
7 Dunlop's material related to the existence of a pedophile
8 group; correct?

9 **MR. GUZZO:** Yes, right.

10 **MR. SHERRIFF-SCOTT:** And that's what his
11 materials were about?

12 **MR. GUZZO:** Yes.

13 **MR. SHERRIFF-SCOTT:** And you meant to link
14 that. In other words, the materials would have related to
15 the first investigations or would have been germane to it;
16 correct?

17 **MR. GUZZO:** Yes.

18 **MR. SHERRIFF-SCOTT:** All right. And at the
19 bottom of page 2 you allege that:

20 "People who signed affidavits..."
21 You see that, the second sentence?

22 **MR. GUZZO:** Yes.

23 **MR. SHERRIFF-SCOTT:** "...or made
24 depositions, being the same people
25 whose evidence was brought to the

1 attention of the government by Mr.
2 Dunlop."

3 So those people that you refer to here, the
4 ones who signed affidavits and depositions under oath, et
5 cetera, those were the package of materials and statements,
6 some sworn, some not, which Mr. Dunlop had obtained?

7 **MR. GUZZO:** Yes, that's correct.

8 **MR. SHERRIFF-SCOTT:** Okay, you weren't aware
9 of any others at the time? Those were the materials to
10 which you were alluding; correct?

11 **MR. GUZZO:** Well, you -- just let me read it
12 again, please.

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

14 **MR. GUZZO:** Yes, that's correct. As far at
15 the depositions and affidavits are concerned, yes.

16 **MR. SHERRIFF-SCOTT:** Right, and then you
17 allege that those people had not been interrogated; that is
18 to say, the list of people Mr. Dunlop had collected after
19 one-and-a-half years:

20 "The police have not interrogated these
21 people."

22 **MR. GUZZO:** That's correct.

23 **MR. SHERRIFF-SCOTT:** All right. And at the
24 top of the third page, you are on a slightly different but
25 similar theme. You are referring to Fort Lauderdale, and

1 at the bottom of the first large textual paragraph you say,
2 starting with the words:

3 "I'm 100 percent certain."

4 Do you see that?

5 **MR. GUZZO:** No, let me catch that. Yes.

6 **MR. SHERRIFF-SCOTT:** It's about a half-an-
7 inch from the bottom of that paragraph.

8 **MR. GUZZO:** Yes, yes.

9 **MR. SHERRIFF-SCOTT:** "I'm 100 percent
10 certain in my own mind that the former
11 owners and operators of the motel on
12 the pedophile strip in Fort Lauderdale
13 where the complainants..."

14 And I suggest to you what you meant by "the
15 complainants" were the complainants identified by Mr.
16 Dunlop?

17 **MR. GUZZO:** Yes.

18 **MR. SHERRIFF-SCOTT:** Right?

19 **MR. GUZZO:** M'hm.

20 **MR. SHERRIFF-SCOTT:** "...stated they were
21 taken on occasion by some of these
22 perpetrators..."

23 And I suggest that means "these
24 perpetrators" as identified by Mr. Dunlop in his various
25 collection of materials?

1 MR. GUZZO: Right.

2 MR. SHERRIFF-SCOTT: Right?

3 "...in the 1970s, have not been
4 interrogated nor have the motel records
5 been requested..."

6 Et cetera, okay?

7 MR. GUZZO: Right.

8 MR. SHERRIFF-SCOTT: So we've got here the
9 concern by you that the police have done these
10 investigations and uncovered nothing in the first three
11 instances, and then we have the fact as you cast it:

12 "Mr. Dunlop collected materials which
13 we don't know or don't know for certain
14 who has but the police don't appear to
15 have acted on them."

16 Right?

17 MR. GUZZO: Right.

18 MR. SHERRIFF-SCOTT: Okay. And if I can
19 drop down, you then say in the second paragraph in the
20 middle of that paragraph, you spin the issue or cast the
21 issue:

22 "The issue is whether or not a full
23 investigation has taken place on the
24 strength of this sworn evidence."

25 In other words, given what we know has

1 developed and the fact that these people haven't even been
2 talked to, we don't even know whether the first, the
3 current investigation, which is what you are now referring
4 to as Project Truth, has even done its job; right?

5 **MR. GUZZO:** Right.

6 **MR. SHERRIFF-SCOTT:** Okay. And you close
7 your letter saying at the bottom of page 3 that you had
8 travelled to the United States and you refer to your own
9 experience as a judge and a lawyer and, based on that, you
10 suggest to the reader that you're reasonably satisfied
11 about the truthfulness of some of these allegations.
12 Correct?

13 **MR. GUZZO:** Where are you reading from?

14 **MR. SHERRIFF-SCOTT:** The last paragraph
15 towards the bottom of page 3 starting with "In these
16 matters I am always prepared to be proven wrong" and then
17 "However".

18 **MR. GUZZO:** The last paragraph on page 3 --
19 just one moment.

20 **MR. SHERRIFF-SCOTT:** Start with the second
21 last line; "However, let me make it abundantly clear".

22 Do you see where that is?

23 Second last line on the page.

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

25 **MR. SHERRIFF-SCOTT:** "I have done some

1 homework on this issue. I have spent
2 my own money in travelling to places as
3 far away as the United States to speak
4 with people." --

5 et cetera.

6 Then you refer to your experience as a
7 judge, et cetera, by which you indicate that you've
8 assessed the credibility of some of these people and you
9 opine, at least, that they are believable in part.

10 **MR. GUZZO:** Right.

11 **MR. SHERRIFF-SCOTT:** And you meant the
12 reader to conclude that your professional expertise in
13 assessing credibility was to be considered here in your
14 weighing of these materials. Right sir?

15 **MR. GUZZO:** Right; I think that's fair.

16 **MR. SHERRIFF-SCOTT:** Okay. So what I want
17 to do now is summarize the, sort of, main points and they
18 were as follows as they go forward and then I want to track
19 them in your letters. Okay?

20 **MR. GUZZO:** M'hm.

21 **MR. SHERRIFF-SCOTT:** So we'll start with a
22 summary.

23 First, three investigations had taken place;
24 one by the CPS, one by the OPS and one by the OPP which had
25 looked at the question of pedophile ring operating in

1 Cornwall and had found nothing.

2 MR. GUZZO: Right.

3 MR. SHERRIFF-SCOTT: Right? This was to be
4 contrasted with the fact that when the OPP launched Project
5 Truth, it started charging people and that was a concern in
6 your mind because, in your view, they should have found
7 something in the first three investigations.

8 MR. GUZZO: Correct.

9 MR. SHERRIFF-SCOTT: Correct?

10 Second, Mr. Dunlop provided a package of
11 materials, et cetera, and the OPP either didn't get them in
12 a timely way or hadn't acted on them because many or most
13 of these people who were affiants or deponents hadn't been
14 interviewed by the OPP as of the date of your letter
15 September 18th including people in Fort Lauderdale.

16 MR. GUZZO: Right.

17 MR. SHERRIFF-SCOTT: Right?

18 And, third, given that these people hadn't
19 been interviewed, this raised a concern that the OPP either
20 hadn't received the documents or hadn't done a complete
21 investigation. Correct?

22 MR. GUZZO: Right. Correct.

23 MR. SHERRIFF-SCOTT: Thank you.

24 And finally you had interviewed some people
25 and you had, with diligence, satisfied yourself of these

1 points.

2 MR. GUZZO: Some, yes.

3 MR. SHERRIFF-SCOTT: Okay.

4 So what I want to do now is examine these
5 points that we just summarized as we go forward through the
6 correspondence. Okay?

7 MR. GUZZO: Yes.

8 MR. SHERRIFF-SCOTT: The first one I want to
9 talk about is Fort Lauderdale. And staying with the same
10 letter we'll track it forward. I referred you to the top
11 of page 3 which says you're 100 percent certain that owners
12 and operators of the motel in Fort Lauderdale "where
13 complainants say they were taken on occasion by
14 perpetrators have not been interviewed nor records
15 requested."

16 Now, you've agreed with me that complainants
17 to which you were referring were those identified by Mr.
18 Dunlop. Correct?

19 MR. GUZZO: Right.

20 MR. SHERRIFF-SCOTT: And the perpetrators
21 who presumably took these people from Cornwall to Florida
22 were those identified by Mr. Dunlop. Since the
23 complainants were identified by Mr. Dunlop, the
24 complainants identified by Mr. Dunlop also identified the
25 perpetrators.

1 **MR. GUZZO:** Among others, I think.

2 **MR. SHERRIFF-SCOTT:** Well, you didn't know
3 of any others, did you? Mr. Dunlop's materials were the
4 materials in which you contended complainants who had
5 written down statements and sworn affidavits, complained
6 that they had been taken to Florida by perpetrators.

7 As of the date of your letter, you didn't
8 know any other complainants.

9 **MR. GUZZO:** Well, I'm not certain that
10 that's accurate.

11 **MR. SHERRIFF-SCOTT:** Well, I think you
12 should be.

13 **MR. GUZZO:** Well ---

14 **MR. SHERRIFF-SCOTT:** Let's examine your lack
15 of certainty.

16 What other source of information, sir, would
17 you have had that complainants, who could be identified and
18 hadn't been interviewed were taken to Fort Lauderdale and
19 abused by perpetrators?

20 You hadn't met with your friend the police
21 officer by this point in time which you refer to several
22 months later. I suggest to you the only source of your
23 information at this juncture was Mr. Dunlop.

24 **MR. GUZZO:** No, I don't think that's -- you
25 know, I don't think that's correct.

1 Let me have a look here.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **MR. GUZZO:** My recollection is that when I
4 wrote the first letter to the Premier, I had been advised
5 by at least one and possibly two people that they had been
6 taken or that they had been in Florida at that motel.

7 **MR. SHERRIFF-SCOTT:** The complainants stated
8 they were taken on occasion by some of these perpetrators
9 in the 1970s. So during your direct examination you didn't
10 indicate that you had been advised by anybody, other than
11 through the materials of Mr. Dunlop, perhaps, about being
12 taken to Florida and you have no note of that; do you?

13 **MR. GUZZO:** I have no note of that but my
14 recollection is that ---

15 **MR. SHERRIFF-SCOTT:** Did you -- sorry, I
16 appreciate what your recollection is as you indicated but
17 did you ever report that to anybody?

18 **MR. GUZZO:** I don't believe -- I can't point
19 to where I put it in a letter or advised anybody but ---

20 **MR. SHERRIFF-SCOTT:** And even assuming you
21 had met the officer in Fort Lauderdale by this point, and
22 talked to him, that wouldn't be a basis to say that
23 complainants were saying they had been taken there.

24 **MR. GUZZO:** That's correct.

25 **MR. SHERRIFF-SCOTT:** That's correct.

1 I suggest to you that the main basis for
2 this assertion is the Dunlop material. Is it not?

3 **MR. GUZZO:** The Dunlop material is
4 significant. When I get it back to Toronto in '98 and I
5 read it -- in October of '98 and I read it, yes, it is
6 significant but I also think I have been told by one or two
7 others that they had been taken down there or they had been
8 down there. I'm -- but I ---

9 **THE COMMISSIONER:** Do we know who these
10 people are?

11 **MR. SHERRIFF-SCOTT:** I'll get to that.

12 **MR. GUZZO:** --- you know, I -- I'm sorry. I
13 can't ---

14 **MR. SHERRIFF-SCOTT:** You can't be certain?

15 **MR. GUZZO:** I cannot be certain; I cannot be
16 certain. You might ---

17 **MR. SHERRIFF-SCOTT:** Well, let me come at it
18 this way, sir. First, there is no statement taken by Mr.
19 Dunlop in which people say they were taken to Florida and
20 sexually abused by perpetrators from Cornwall. Do you know
21 that?

22 **MR. GUZZO:** I don't know of any where he
23 says that or anything like that.

24 **MR. SHERRIFF-SCOTT:** Second, the OPP didn't
25 take a statement, and it will be their evidence I'm advised

1 and I have reviewed their statements, from people who say
2 they were taken to Florida and abused by perpetrators from
3 Cornwall. Do you know that?

4 **MR. GUZZO:** No, I did not know that.

5 **MR. SHERRIFF-SCOTT:** So did you know Mr.
6 Leroux said, "Here, no one from Cornwall was seen with any
7 complainant except himself"?

8 **MR. GUZZO:** No, I didn't know that.

9 **MR. SHERRIFF-SCOTT:** No, and that Mr.
10 Renshaw for example, Gerald Renshaw, said he never went to
11 Florida. Know that?

12 **MR. GUZZO:** No, I did not know that.

13 **MR. SHERRIFF-SCOTT:** Sir, I've struggled to
14 find in the record of hundreds of statements and reviewed
15 all of Mr. Dunlop's material, and there isn't a single
16 allegation that complainants say they were taken to Florida
17 and abused by people from Cornwall?

18 **MR. GUZZO:** I'll accept that, but I am of
19 the opinion that when I made that statement -- I'm thinking
20 and I think today that I was of the opinion at the time,
21 and I still am today, that I must have had contact with
22 some complainants who told me that they had been taken.

23 **MR. SHERRIFF-SCOTT:** And yet you have
24 absolutely no record of that even in your most recent
25 materials that you produced to us; right?

1 **MR. GUZZO:** Well, that's right. I have not
2 published -- I have not put it in any document.

3 **MR. SHERRIFF-SCOTT:** And you never told
4 anybody, to your recollection, about that issue?

5 **MR. GUZZO:** Well, I never -- I wouldn't say
6 I never told anybody but I never put it in writing in the
7 documentation that I was preparing.

8 **MR. SHERRIFF-SCOTT:** All right, sir.

9 Did you know there was one person who went
10 to Florida who was a victim and that was Mr. C-8? Do you
11 have your moniker list there -- and, of course, Mr. Leroux.

12 **THE COMMISSIONER:** So two alleged victims.

13 **MR. GUZZO:** When I saw C-8's name on the
14 registration slip, I did not know he was a victim.

15 **MR. SHERRIFF-SCOTT:** An alleged victim of
16 Mr. Leroux?

17 **MR. GUZZO:** I did not know that, no.

18 **MR. SHERRIFF-SCOTT:** And did you know that
19 he was also someone who had been convicted of abusing his
20 own juvenile niece?

21 **THE COMMISSIONER:** Not in 1998.

22 **MR. SHERRIFF-SCOTT:** Yes, yes.

23 **THE COMMISSIONER:** Okay, thank you.

24 **MR. SHERRIFF-SCOTT:** '97, right?

25 **MR. GUZZO:** No, I did not know that.

1 **MR. SHERRIFF-SCOTT:** All right. Okay.
2 So the basis for this is an uncertain
3 recollection that someone told you this for which you have
4 no record of any kind today; correct?

5 **MR. GUZZO:** That's correct.

6 **MR. SHERRIFF-SCOTT:** But you intended also
7 to include people like C-8 and Mr. Leroux in your
8 description of complainants, didn't you?

9 **MR. GUZZO:** Well, when I see -- when I see
10 the names of C-8 and Mr. Leroux, I mean, I don't think it
11 registers with me that they are victims or alleged victims.

12 **MR. SHERRIFF-SCOTT:** At this time when you
13 wrote this letter, I suggest to you the word "complainants"
14 as used by you -- and when we started out in this you
15 suggested that would be inclusive of the people Mr. Dunlop
16 referred to and now we are onto other people -- but the
17 word "complainants" would have included Mr. C-8 and Mr.
18 Leroux?

19 **MR. GUZZO:** Well, I know that now or I've
20 read that now but I'm talking about at the time I'm writing
21 this letter, I don't know that I would think of -- I can't
22 say that I think of either one of those two people as
23 victims, alleged victims, but at some point later I think
24 I'm made aware of that.

25 **MR. SHERRIFF-SCOTT:** You can't identify

1 anybody who says they were taken to Florida, can you?

2 MR. GUZZO: I haven't got a name. I'll be
3 honest. I don't even have a picture, but when I put myself
4 in mind of writing that first letter and the discussions I
5 have with my staff in preparing it, I'm thinking that I
6 believe I was -- had been told or it had been said to me
7 that, you know, somebody had complained to me that they had
8 been taken down there and abused. But I ---

9 MR. SHERRIFF-SCOTT: You're not certain?

10 MR. GUZZO: I'm not certain.

11 MR. SHERRIFF-SCOTT: You have no record;
12 correct?

13 MR. GUZZO: No, I have no record.

14 MR. SHERRIFF-SCOTT: All right. And you
15 can't identify any such person today?

16 MR. GUZZO: I cannot.

17 MR. SHERRIFF-SCOTT: And never did at an
18 earlier time to anybody in a position of authority by way
19 of correspondence, for example?

20 MR. GUZZO: No, not by way of
21 correspondence.

22 MR. SHERRIFF-SCOTT: All right. Let's move
23 on to Exhibit 984.

24 This is a letter of the 23rd of February,
25 1999. Do you have that?

1 **MR. GUZZO:** I do.

2 **MR. SHERRIFF-SCOTT:** And on page 1, towards
3 the bottom of the page, you refer to this issue of Fort
4 Lauderdale again:

5 "The allegations centre around
6 activities in the late '60s to late
7 '70s and the motel records seem to
8 confirm the attendance at a motel on
9 the pedophile strip in Fort Lauderdale
10 of certain of the victims and in the
11 company of certain of the people named
12 in the complaints by these victims."

13 I suggest to you what you were trying to
14 convey to the reader is that there were written complaints
15 in which the perpetrators were named by the complainants
16 and that they alleged they had been taken to Florida and
17 abused there. Isn't that so?

18 **MR. GUZZO:** I don't think written complaints
19 is fair but, yes, again, I'm thinking I had -- I had a
20 complaint of at least one and possibly two individuals who
21 had told me that they had been taken there.

22 **MR. SHERRIFF-SCOTT:** Okay. And you say:
23 "...motel records seem to confirm the
24 attendance at a motel on the pedophile
25 strip."

1 So now are you saying that there were motel
2 records that confirm the attendance of these people who you
3 met with?

4 **MR. GUZZO:** No ---

5 **MR. SHERRIFF-SCOTT:** Considering ---

6 **MR. GUZZO:** No, no, I ---

7 **MR. SHERRIFF-SCOTT:** That wouldn't be
8 accurate, would it?

9 **MR. GUZZO:** No, I've only seen -- I've seen
10 four names.

11 **MR. SHERRIFF-SCOTT:** Yes.

12 **MR. GUZZO:** Yes.

13 **MR. SHERRIFF-SCOTT:** And then you say at the
14 bottom of the page:

15 "These people include complainants as
16 well as witnesses and, at least in one
17 case, a perpetrator who signed an
18 affidavit, which affidavit was filed
19 with the Attorney General of this
20 province and a Solicitor General of
21 this province, April. 1997. The person
22 making that affidavit continues to say
23 he has not been interrogated by the OPP
24 with regard to this issue."

25 So now you are contending, as I earlier put

1 it to you, that in a written document someone was
2 contending they had been down there and abused. The source
3 of your information was Dunlop material, wasn't it?

4 **MR. GUZZO:** Well, I think I'm referring to
5 the Leroux affidavit there.

6 **MR. SHERRIFF-SCOTT:** Which you got from Mr.
7 Dunlop?

8 **MR. GUZZO:** Right.

9 **MR. SHERRIFF-SCOTT:** Right. The source of
10 your information was Mr. Dunlop, sir, wasn't it on this
11 issue?

12 **MR. GUZZO:** Beg your pardon?

13 **MR. SHERRIFF-SCOTT:** The source of your
14 information to make this allegation was Mr. Dunlop, wasn't
15 it?

16 **MR. GUZZO:** Well, as I say, I think there
17 was at least one and possibly two other people who had
18 spoken to me.

19 **MR. SHERRIFF-SCOTT:** I suggest you never had
20 such a meeting, sir.

21 **MR. GUZZO:** Well, I'm sorry. I think I did
22 but ---

23 **MR. SHERRIFF-SCOTT:** But you can't be
24 certain, can you?

25 **MR. GUZZO:** No, I can't. I can't put a name

1 or even a picture in my mind of the face.

2 MR. SHERRIFF-SCOTT: Or even a time?

3 MR. GUZZO: Well ---

4 MR. SHERRIFF-SCOTT: Notwithstanding the
5 fact that ---

6 MR. GUZZO: No, no.

7 MR. SHERRIFF-SCOTT: --- you are clearly
8 linking the written material of Mr. Dunlop to this issue in
9 this letter?

10 MR. GUZZO: I beg your pardon?

11 MR. SHERRIFF-SCOTT: Notwithstanding the
12 fact that in the paragraph we just read together, you are
13 linking this issue to the written material as supplied by
14 Mr. Dunlop.

15 MR. GUZZO: Well, there's no doubt that the
16 written material supported a number of positions that I was
17 taking.

18 MR. SHERRIFF-SCOTT: Okay; if we can move
19 forward, sir.

20 Now, in some of your later letters -- if we
21 could refer to Exhibit 1004, which is a May 26th document,
22 of 2000.

23 Do you have that?

24 MR. GUZZO: I do.

25 MR. SHERRIFF-SCOTT: Towards the bottom of

1 the page:

2 "In Florida, these good citizens
3 spending their own money..."

4 Do you have -- can you see that?

5 **MR. GUZZO:** Yes.

6 **MR. SHERRIFF-SCOTT:** "...uncovered evidence
7 of attendance at a number of Florida
8 motels, on what was known as the
9 'pedophile strip.'"

10 So stopping there. "These good citizens"
11 were who?

12 **MR. GUZZO:** Well, the individuals associated
13 with -- and I think, at this time, I -- most of my
14 information may be coming from Alain Seguin, this woman
15 Eleanor, the Dunlops and the people around them.

16 **MR. SHERRIFF-SCOTT:** These two citizens,
17 these good citizens who travelled to Florida, sir, you know
18 were Carson Chisholm and Ron Leroux.

19 **MR. GUZZO:** Well, I know that now but I
20 didn't know it then.

21 **MR. SHERRIFF-SCOTT:** That's right; you
22 didn't know it then ---

23 **MR. GUZZO:** No.

24 **MR. SHERRIFF-SCOTT:** --- did you?

25 **MR. GUZZO:** No, I did not. I thought it was

1 the Dunlops.

2 **MR. SHERRIFF-SCOTT:** Okay; you thought it
3 was the Dunlops. And you said that what they did is they
4 uncovered evidence of attendance -- "they" meaning the
5 Dunlops, evidence of attendance at a number of hotels or
6 motels on the pedophile strip.

7 First of all, you now know that Mr. Chisholm
8 and Mr. Leroux got one name, Malcolm MacDonald from the
9 Saltaire Motel -- not "motels" plural, right?

10 **MR. GUZZO:** I ---

11 **MR. SHERRIFF-SCOTT:** That was the evidence
12 of Mr. Leroux and Mr. Chisholm.

13 **MR. GUZZO:** Well, I'll accept that.

14 I don't -- I wasn't here and I didn't -- I
15 don't recall, but I'll accept that.

16 **MR. SHERRIFF-SCOTT:** All right.

17 And did you read that evidence before you
18 wrote this letter?

19 **MR. GUZZO:** The evidence of?

20 **MR. SHERRIFF-SCOTT:** Mr. Chisholm. It's in
21 the document that he got signed by the owner of the hotel.
22 Did you ask him to see it?

23 **MR. GUZZO:** I never met with Mr. Chisholm.
24 No, I did not ask him to see it. I didn't ask anybody for
25 anything, other -- and I -- other than the material that

1 was left with the Attorney General and the Solicitor
2 General by Mr. Dunlop and the Toronto police officer.

3 **MR. SHERRIFF-SCOTT:** Exactly my point.

4 **MR. GUZZO:** Yes.

5 **MR. SHERRIFF-SCOTT:** You didn't ask Mr.
6 Chisholm; you didn't meet with Mr. Chisholm; you didn't ask
7 the Dunlops about this and you didn't meet with them about
8 this. You didn't know what the details were or even who
9 went and yet you were making this allegation, right?

10 **MR. GUZZO:** Well, yes, that's correct. But
11 I ---

12 **MR. SHERRIFF-SCOTT:** That's correct. Does
13 that comport with your duty of completeness and fairness
14 and gathering as much information as possible, that we
15 alluded to at the beginning of this examination, sir?

16 **MR. GUZZO:** Well I -- yes, it does, because
17 I've been there already myself and I've seen certain
18 documents ---

19 **MR. SHERRIFF-SCOTT:** You saw four names,
20 right?

21 **MR. GUZZO:** I've seen the documentation,
22 those four names, yes.

23 **MR. SHERRIFF-SCOTT:** Those four names.

24 **MR. GUZZO:** And I've talked to other people
25 that in between the time I went to Wilton Manors and the

1 time I'm writing this letter to Mr. Tsubouchi.

2 MR. SHERRIFF-SCOTT: That's quite beside
3 this point.

4 You're saying these people uncovered
5 evidence and these people, according to your testimony now,
6 you thought were the Dunlops. Right?

7 MR. GUZZO: Right.

8 MR. SHERRIFF-SCOTT: And you didn't talk to
9 them about this issue to get to the detail or the bottom of
10 what they had said they'd uncovered, did you?

11 MR. GUZZO: No, I didn't. I ---

12 MR. SHERRIFF-SCOTT: Nor did you speak to
13 Mr. Chisholm about this?

14 MR. GUZZO: You're right. I said -- but I
15 am fortified by the fact that what I have done myself and
16 what I have seen, myself, right.

17 MR. SHERRIFF-SCOTT: I see. So when you say
18 "these people" you didn't know and you made the statement
19 anyway?

20 MR. GUZZO: Well, if I included myself in it
21 I suppose I would have been 100 percent accurate, but
22 you're right.

23 MR. SHERRIFF-SCOTT: And you're not aware of
24 any other person, other than Mr. Chisholm and Mr. Leroux,
25 who went to Florida to investigate this issue?

1 **MR. GUZZO:** I'm not, no.

2 **MR. SHERRIFF-SCOTT:** Now, if we can move
3 forward to Exhibit 985. And at the second page of that
4 letter, I want to refer you to the second last paragraph,
5 and I'd like you to read, starting with the word on the
6 fourth line, "However", to the bottom of the page, please.

7 **(SHORT PAUSE/COURTE PAUSE)**

8 **MR. GUZZO:** Right.

9 **MR. SHERRIFF-SCOTT:** So your first
10 contention is that private citizens went down there to do
11 police work and that they found proof of alleged victims
12 registered in hotels -- plural -- in Fort Lauderdale on a
13 pedophile strip, and then you go on:

14 "...and not until civil suits were
15 commenced against some of the named
16 perpetrators who were registered with
17 these youngsters..."

18 Now, you did not get that information from
19 citizens in this community, to wit Mr. Dunlop and his
20 group, who were the citizens that you just conceded to me
21 were the only people Mr. Chisholm and Leroux who went down
22 there to investigate this issue.

23 You didn't get that information from them;
24 did you?

25 **MR. GUZZO:** From those two people; the two

1 citizens here who went down there? No, I did not.

2 MR. SHERRIFF-SCOTT: And those are who
3 you're referring to.

4 "Private citizens did police work and
5 travelled to Florida to find the
6 proof."

7 Right?

8 MR. GUZZO: They're the two people that I'm
9 referring to there, yes.

10 MR. SHERRIFF-SCOTT: That's right. And that
11 is not an accurate statement, is it sir?

12 MR. GUZZO: It is not an accurate statement.

13 MR. SHERRIFF-SCOTT: No. And there has
14 never been any documentation you've ever seen that refers
15 to hotels, plural, including registration slips from
16 multiple hotels?

17 MR. GUZZO: Well, I have to tell you that --
18 registration slips, no. I've had the ---

19 MR. SHERRIFF-SCOTT: Have you seen
20 registration slips for more than one hotel, Mr. Guzzo?

21 MR. GUZZO: No, I have not.

22 MR. SHERRIFF-SCOTT: No, you have not.

23 MR. GUZZO: But I -- I have not, no.

24 MR. SHERRIFF-SCOTT: No. So I suggest you
25 were adding some embellishment here, Mr. Guzzo, and you

1 made a false or inaccurate statement to the government.

2 Correct?

3 **MR. GUZZO:** Well, you know, I have to tell
4 you that I agree with your statement but I had discussions
5 with -- the second motel was the Marlin Beach Hotel, and I
6 had discussions with one person from here who alleged he
7 was taken there but that may have been weighing on my mind
8 at the time I made this comment but I think that I
9 subsequently dismissed the person as ---

10 **MR. SHERRIFF-SCOTT:** As being lacking in
11 credibility, in your mind?

12 **MR. GUZZO:** Yes, yes.

13 **MR. SHERRIFF-SCOTT:** All right.

14 In any event, what you were specifically
15 averting to in this letter is hard proof in the form of
16 documentation. Right?

17 **MR. GUZZO:** Right.

18 **MR. SHERRIFF-SCOTT:** Which, from the point
19 of view of documentation, linked people from his community,
20 who were perpetrators with alleged victims and purported to
21 show them in the same rooms together?

22 **MR. GUZZO:** Well ---

23 **MR. SHERRIFF-SCOTT:** And that's not
24 accurate, is it?

25 **MR. GUZZO:** I don't think that that's a fair

1 conclusion to draw from what I am saying, but you know, I
2 am ---

3 **MR. SHERRIFF-SCOTT:** You say it right here:
4 "...who were registered with these then
5 youngsters."

6 "Registered."

7 **MR. GUZZO:** Well, if you're ---

8 **MR. SHERRIFF-SCOTT:** Those are your words,
9 sir.

10 **MR. GUZZO:** Yeah, I know. But if you're
11 telling me and -- at the time ---

12 **MR. SHERRIFF-SCOTT:** Mr. Guzzo, in the
13 context of you identifying people from this community
14 travelling to Florida ---

15 **MR. GUZZO:** I'm sorry?

16 In the context of this paragraph, you tell
17 the reader that you are aware that people from this
18 community travelled to Florida and that they found proof
19 by, which I take it you mean something hard, cold, like
20 documents; that there were perpetrators down there and
21 victims down there and you finished this paragraph saying:

22 "They were registered with these then
23 youngsters."

24 I suggest to you, sir, the meaning of your
25 paragraph is perfectly clear; you're saying that you were

1 aware there were documents that linked these things
2 together and that they had been found by citizens in this
3 community, and that is simply not true.

4 **MR. GUZZO:** In terms of documents, you're
5 correct.

6 **MR. SHERRIFF-SCOTT:** Did you, sir, at any
7 time become concerned about perhaps Mr. Dunlop's
8 objectivity given that he was suing the Cornwall Police for
9 \$80 million, as well as my client and others?

10 **MR. GUZZO:** From day one.

11 **MR. SHERRIFF-SCOTT:** From day one. And were
12 you concerned at all that one of the people that went down
13 there to Florida, the good citizens to which you refer, was
14 Mr. Leroux, who Mr. Dunlop believed was what he called "The
15 chief pedophile or operator of the pedophile world"?

16 **MR. GUZZO:** First of all, I didn't know that
17 he had so described him and, secondly, I didn't know that -
18 - that Mr. Leroux and Mr. Chisholm are the people who went
19 down there.

20 **MR. SHERRIFF-SCOTT:** Okay.

21 **MR. GUZZO:** I was of the opinion, as I told
22 you ---

23 **MR. SHERRIFF-SCOTT:** If we can -- if we can
24 flip forward to page 4 of the same letter, sir, last
25 paragraph.

1 In the last paragraph, you raise this issue
2 again and you're very clear about what you're saying is
3 down there or exists and you say that:

4 "I asked Mr. Segal..."

5 -- towards the middle of the page:

6 "... why in his opinion as the chief
7 prosecutor ..."

8 **THE COMMISSIONER:** Wait a minute ---

9 **MR. SHERRIFF-SCOTT:** "...registration
10 slips..."

11 **THE COMMISSIONER:** I'm not there.

12 **MR. SHERRIFF-SCOTT:** Are you with me?

13 **THE COMMISSIONER:** No.

14 **MR. SHERRIFF-SCOTT:** Page -- the fourth page
15 ---

16 **MR. GUZZO:** Yes, yes.

17 **THE COMMISSIONER:** Last paragraph?

18 **MR. SHERRIFF-SCOTT:** It's the last paragraph
19 towards the bottom of the page and it's about 15 lines:

20 "I asked Mr. Segal why in his opinion
21 ..."

22 **THE COMMISSIONER:** Yes.

23 **MR. SHERRIFF-SCOTT:** Do you have that, sir,
24 Mr. Guzzo?

25 **MR. GUZZO:** I do.

1 **MR. SHERRIFF-SCOTT:** About an inch in from -
2 - half-an-inch from the margin?

3 **MR. GUZZO:** M'hm.

4 **MR. SHERRIFF-SCOTT:** "... why, in his
5 opinion as the chief prosecutor,
6 registration slips bearing the names of
7 the alleged victims and the alleged
8 perpetrators registered in the same
9 rooms in this motel on the pedophile
10 strip were not seized?"

11 Now, first of all, you never saw such
12 registration slips, did you?

13 **MR. GUZZO:** No, I did not.

14 **MR. SHERRIFF-SCOTT:** And Mr. Dunlop and his
15 crowd did not give you copies or information in that
16 regard?

17 **MR. GUZZO:** They did not.

18 **MR. SHERRIFF-SCOTT:** All right. And your
19 friend, the good officer in Florida, told you, as you said,
20 that he and his force had been restrained from going in and
21 raiding these motels. Isn't that what you told us?

22 **MR. GUZZO:** That was his -- that was his
23 story and that was his concern about the situation.

24 **MR. SHERRIFF-SCOTT:** All right. I suggest,
25 sir, this is another inaccurate statement. There were no

1 such documents; you've never seen such documents; and you
2 mis-described this incident.

3 MR. GUZZO: As far as documentation is
4 concerned, I have not seen it, you're right.

5 MR. SHERRIFF-SCOTT: And you agree with me,
6 you're referring in box-car letters to documentation,
7 registration slips; right?

8 MR. GUZZO: I am.

9 MR. SHERRIFF-SCOTT: Okay. Now if we can --
10 Commissioner, just let me know when you wish to have a
11 break. It's pushing three o'clock.

12 THE COMMISSIONER: Another -- another --
13 well, you starting in another area?

14 MR. SHERRIFF-SCOTT: No.

15 THE COMMISSIONER: Keep going.

16 MR. SHERRIFF-SCOTT: Roll on?

17 THE COMMISSIONER: Okay. How long do you
18 think you're going to be?

19 MR. SHERRIFF-SCOTT: I'm not quite sure.

20 THE COMMISSIONER: Okay. Well around three,
21 three-fifteen, whenever there's a good spot.

22 MR. SHERRIFF-SCOTT: Okay, thank you.

23 Now, the next letter, sir, is January 14th,
24 2000, Exhibit 1002, a letter to the Attorney General, Mr.
25 Flaherty, at that time.

1 **THE COMMISSIONER:** Sorry, the exhibit again?

2 **MR. SHERRIFF-SCOTT:** The exhibit was 1002.

3 **THE COMMISSIONER:** Thank you.

4 **MR. SHERRIFF-SCOTT:** And I'd like you, Mr.
5 Guzzo, to refer to the second page in and we've got six
6 indented, numbered paragraphs. See those, toward the top
7 of the page?

8 **MR. GUZZO:** Right.

9 **MR. SHERRIFF-SCOTT:** And you say to the
10 Attorney General -- first of all, you're writing to bring
11 him up speed on your position aren't you? Among other
12 things.

13 **MR. GUZZO:** I'm writing to him out of
14 frustration, yes.

15 **MR. SHERRIFF-SCOTT:** Okay. And at the
16 second page, you write to him and say:

17 "In order that you might review my
18 apprehension here, I am including the
19 following documents."

20 So you want him to read what you've already
21 written to bring him up to speed on what you've done and
22 what you've investigated; right?

23 **MR. GUZZO:** Right.

24 **MR. SHERRIFF-SCOTT:** Okay. And those
25 include the letters we just reviewed; correct?

1 **MR. GUZZO:** And others.

2 **MR. SHERRIFF-SCOTT:** Yes, of course. The
3 first three are the letters we just reviewed ---

4 **MR. GUZZO:** Right.

5 **MR. SHERRIFF-SCOTT:** --- right? Including
6 the inaccuracies we've identified; correct?

7 **MR. GUZZO:** Right.

8 **MR. SHERRIFF-SCOTT:** And you were intending
9 Mr. Flaherty to conclude, were you not, that the assertions
10 and information in the letters you had given to him were
11 true and accurate and ought to be acted on by him. Isn't
12 that so, sir?

13 **MR. GUZZO:** Yes. I thought he had an
14 obligation to investigate and satisfy himself as I had
15 asked the Premier to do in the first letter.

16 **MR. SHERRIFF-SCOTT:** Now, Mr. Guzzo, have
17 you been advised or do you actually know what Project Truth
18 got from Florida?

19 **MR. GUZZO:** No, I have not been advised.

20 **MR. SHERRIFF-SCOTT:** Have you been shown
21 documents by the Commission counsel to that effect?

22 **MR. GUZZO:** I have not.

23 **MR. SHERRIFF-SCOTT:** Do you know, sir, that
24 Officer Hall got registration slips including the names of
25 Malcolm MacDonald, Ron Leroux and a Richard Orlando?

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

2 **MR. SHERRIFF-SCOTT:** But nobody else?

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

4 **MR. SHERRIFF-SCOTT:** No. And do you know,
5 sir -- and I'm going to tell you that it will be the
6 evidence of Inspector Hall that he did not obtain, has not
7 seen, and has never had nor did he tell you he had, a
8 registration slip bearing the name of my client, Mr. Bishop
9 Larocque, Eugene Larocque?

10 **MR. GUZZO:** Well, I told you in examination
11 in-chief and I put it in writing on a number of occasions
12 that when I asked him if he had the documentation, he -- at
13 the end of our meeting, he patted his briefcase and said he
14 did and when we discussed -- I related the conversation
15 that I had with him with regard to Bishop Larocque and ---

16 **MR. SHERRIFF-SCOTT:** I invite you to
17 concede, sir, that you may have been mistaken that he told
18 you that he had a registration slip naming Bishop Larocque,
19 which he did not have and will testify he did not have, nor
20 has ever had, and that you may have been confused about his
21 comments relating perhaps as they did to other people?

22 **MR. GUZZO:** Well, I was -- we were pretty
23 specific when we discussed -- continued the discussion. I
24 asked him if there were going to be charges laid. He said,
25 well, what happened down -- what happened there, happened

1 in -- first of all, he said to me he wasn't a bishop then.

2 **MR. SHERRIFF-SCOTT:** I -- I remember all of
3 that evidence. I'm focussed on one very specific point and
4 I contend you may have been mistaken about it.

5 You were talking -- I suggest to you in
6 general terms about registration slips and charging people
7 and I suggest to you that you were mistaken that he told
8 you he had specifically a registration slip about Bishop
9 Larocque.

10 **MR. GUZZO:** Well, I think you're wrong about
11 that, sir, and I disagree with you, but you're entitled to
12 your opinion. I also direct your attention to the
13 situation where I put it in writing to the Solicitor
14 General and discussed it with Mr. Runciman and it was not
15 denied.

16 **MR. SHERRIFF-SCOTT:** Mr. Guzzo, the OPP's
17 going to come here and they're going to say what I've said
18 they're going to say and I invite you, a last time, to
19 concede that you may have been mistaken on this point?

20 **MR. GUZZO:** I don't think I was mistaken,
21 sir.

22 **MR. SHERRIFF-SCOTT:** Mr. Guzzo, I suggest
23 you're not being truthful in this matter.

24 **MR. ENGELMANN:** I think that's enough.

25 **THE COMMISSIONER:** I don't think you're

1 going to be ---

2 **MR. ENGELMANN:** He's asked him three times.

3 I think that's enough.

4 **THE COMMISSIONER:** Yes.

5 **MR. SHERRIFF-SCOTT:** Okay. Well, I'm moving
6 on to another issue, Commissioner, if you want to break
7 now.

8 **THE COMMISSIONER:** Yes, let's break.

9 **MR. SHERRIFF-SCOTT:** Thank you.

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

12 This hearing will resume at 3:15.

13 ---Upon recessing at 2:56 p.m.

14 L'audience est suspendue à 14h56

15 ---Upon resuming at 3:21 p.m.

16 L'audience est reprise à 15h21

17 **THE REGISTRAR:** Order; all rise. A l'ordre;
18 veuillez vous lever.

19 The hearing is now resumed. Please be
20 seated. Veuillez vous asseoir.

21 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
22 SHERRIFF-SCOTT (C'ont/Suite):

23 **MR. SHERRIFF-SCOTT:** Moving to another
24 subject ---

25 **THE COMMISSIONER:** I'm sorry. Just a

1 minute. Sorry. You're okay? Good. Thank you.

2 **MR. SHERRIFF-SCOTT:** Thank you.

3 Moving to another subject, sir. We see in
4 your various letters as they progress over time the
5 expression of some frustration and disbelief at certain
6 things that happen in terms of police activity and one of
7 the things that you say that bothered you and what you
8 repeat in virtually all your letters, or most of them, and
9 a great many public statements is this issue of the scope
10 of the first three investigations conducted by the CPS, the
11 OPS and the OPP. Correct?

12 **MR. GUZZO:** Correct.

13 **MR. SHERRIFF-SCOTT:** And your thesis, as you
14 advanced it, was that each conducted investigations, as
15 you've conceded already, into the existence of a pedophile
16 group in Cornwall and came up with nothing. Right?

17 **MR. GUZZO:** Right.

18 **MR. SHERRIFF-SCOTT:** And then you contrast
19 that in your correspondence with the fact that Project
20 Truth -- I think the expression was in one letter --
21 "rolled into town and laid a great many charges". And as
22 you said to Mr. Manson, the explanations you provided for
23 the contrasting findings of nothing in the first three and
24 a great many things in the second or the later Project
25 Truth matter, was either one of two things which was police

1 incompetence, or worse, some sort of cover up. Correct?

2 MR. GUZZO: Correct.

3 MR. SHERRIFF-SCOTT: And we reviewed that
4 and you agreed with me that that was the thesis advance in
5 your first letter to the Premier. Right?

6 MR. GUZZO: Right.

7 MR. SHERRIFF-SCOTT: Now, from your point of
8 view, obviously as an MPP and a member of the community,
9 either incompetence or a cover up, either one is serious
10 and either one would justify some scrutiny or action?

11 MR. GUZZO: Correct.

12 MR. SHERRIFF-SCOTT: Correct. And if just
13 returning now to Exhibit 985, which is your letter of April
14 3, '99 following your letter of September, which we've
15 already reviewed, I want to see how you develop this point
16 as we went forward in time.

17 Just tell me when you've got that document.

18 MR. GUZZO: I have.

19 MR. SHERRIFF-SCOTT: Now, in the third full
20 paragraph starting with "I concur", in the second sentence
21 you return to this theme and say:

22 "My letter of September 18th, '98
23 questions whether or not there is
24 really a police investigation."

25 In other words, whether one's really

1 happening sufficiently, I suppose, and that you are
2 referring to as Project Truth. Right?

3 **MR. GUZZO:** Right.

4 **MR. SHERRIFF-SCOTT:** And then you say:

5 "I further question as to whether or
6 not there was a prior investigation
7 which allegedly was wound up by a press
8 release issued on Christmas Eve '94.
9 You are no doubt aware that in the
10 press release the OPP condoned the work
11 of the Cornwall police with regard to
12 this matter."

13 And as we've agreed, this matter meant, the
14 pedophile group operating in Cornwall. Right?

15 **MR. GUZZO:** That's what I believed.

16 **MR. SHERRIFF-SCOTT:** All right.

17 "The OPP said at that time there were
18 no problems with the way the matter had
19 been conducted and there were no
20 grounds for the laying of any charges
21 and that the matter was at an end."

22 And so you conclude there, or you ask the
23 reader to conclude that the OPP looked at this and
24 investigated the question of whether any further charges
25 were warranted and concluded there was nothing to

1 substantiate that. Right?

2 MR. GUZZO: Right.

3 MR. SHERRIFF-SCOTT: And then you contrast
4 that with, you say:

5 "...the laying of any charges." --
6 or "many charges".

7 "We now have 79 charges having been
8 laid against 12 accused and
9 approximately 80 percent of these
10 charges relate to incidences which took
11 place prior to the '93, '94."

12 Does that, in fact, in any way, raise in
13 your mind the question of the competency of the
14 investigation or the accuracy of the information contained
15 in the press release?

16 And I take it, sir, that the reason you are
17 referring to the fact that the factual incidences of
18 complaints occurred before 1993, 1994 is the evidence was
19 in existence when the OPP did its investigation and found
20 nothing?

21 MR. GUZZO: I believe that most of it was,
22 yes.

23 MR. SHERRIFF-SCOTT: And that's why you
24 refer to the fact that it was in existence prior to 1993,
25 1994 when they did their investigation. They ought to have

1 found it, in other words.

2 MR. GUZZO: That's why.

3 MR. SHERRIFF-SCOTT: Right?

4 Now, at the second page, sir, you come back
5 to your theme, the second issue, which is the third full
6 paragraph, the second issue, the quality of the police
7 services rendered to the people in question.

8 MR. GUZZO: Yes.

9 MR. SHERRIFF-SCOTT: Is self-explanatory, in
10 '93, '94, the Cornwall police closed its files and could
11 find no one to charge in this matter, and we have agreed
12 this matter meant the existence of a pedophile group or
13 ring operating in Cornwall. Right?

14 MR. GUZZO: Right.

15 MR. SHERRIFF-SCOTT: In '94 the OPP closed
16 its files on Christmas Eve and could find no one to charge
17 as a result of these allegations.

18 Again, you would agree with me that referred
19 to the existence of a pedophile group. Right?

20 MR. GUZZO: Right.

21 MR. SHERRIFF-SCOTT: Then you contrast that
22 with the fact that private citizens did police work and
23 found evidence which you contend, I suggest your reader to
24 conclude, was in existence before these investigations and
25 that they ought to have found it. Right?

1 **MR. GUZZO:** Right.

2 **MR. SHERRIFF-SCOTT:** Right. And that's
3 again why you refer to the fact that 80 percent of the
4 events took place prior to the OPP winding up its first
5 investigation.

6 The reason you say that is you're trying to
7 point out to the reader that they ought to have known about
8 this material because all these facts took place prior to
9 their investigation and they ought to have uncovered them
10 in their investigation of that issue. Correct?

11 **MR. GUZZO:** Right.

12 **MR. SHERRIFF-SCOTT:** Okay.

13 Now, if we can go to page 7, which is the --
14 looks like page 6 of 8, sorry, and the bracket's at the top
15 of the page.

16 Do you have that page, sir?

17 **MR. GUZZO:** Six of eight, yes.

18 **MR. SHERRIFF-SCOTT:** Yes. And the bottom
19 starts "Therefore, Mr. McLaughlin..."

20 Commissioner, there's small brackets at the
21 top middle of the page 6 of 8.

22 **MR. GUZZO:** That's 7 of 8, I think, is it
23 not?

24 **MR. SHERRIFF-SCOTT:** It's 7 of 8?

25 **THE COMMISSIONER:** I've got them at the

1 bottom; 6 of 8, 7 of 8.

2 MR. SHERRIFF-SCOTT: Okay. It could be my
3 pages are miss-numbered, so ---

4 THE COMMISSIONER: okay.

5 MR. SHERRIFF-SCOTT: "Therefore, Mr.
6 McLaughlin..."

7 THE COMMISSIONER: Okay. That's 7 of 8 on
8 the exhibit that we have.

9 MR. SHERRIFF-SCOTT: Okay. Thank you.

10 THE COMMISSIONER: "Therefore, Mr.
11 McLaughlin..."

12 Do you have that, sir -- yeah he does.

13 MR. SHERRIFF-SCOTT: Just scrolling down
14 that paragraph, sir, you come back to this point again and
15 you say at about three, four lines down:

16 "This is the force under the direction
17 of Detective Hall and Smith, who wound
18 up the first investigation without
19 laying charges on Christmas Eve. Now
20 you Mr. McLaughlin..."

21 Now, Mr. McLaughlin is the Chief of Staff of
22 the Premier. Right?

23 MR. GUZZO: Right.

24 MR. SHERRIFF-SCOTT: And you are attending
25 the Premier to get and hopefully act on this information.

1 Right?

2 MR. GUZZO: Right.

3 MR. SHERRIFF-SCOTT: All right.

4 Mr. McLaughlin you refer to being in
5 communication -- in the communication business. You know
6 why the press releases are issued on Christmas Eve. In
7 other words, it's good news time. Right?

8 MR. GUZZO: No, it's a time when it's going
9 to be overlooked.

10 MR. SHERRIFF-SCOTT: Okay, no activity.

11 MR. GUZZO: No activity.

12 MR. SHERRIFF-SCOTT: All right.

13 Not withstanding the fact that after an
14 exhaustive search culminating with the Christmas Eve press
15 release of 1994 the OPP goes back quietly -- in quietly to
16 commence further investigations and then launches Project
17 Truth and then you refer to the fact again, large number of
18 charges occur significant proportions of which relate to
19 matters that took place prior in time to the first OPP
20 investigation. Right?

21 MR. GUZZO: Right.

22 MR. SHERRIFF-SCOTT: Okay. So they
23 deliberately, you say, or you imply, they issue this press
24 release at a time when no one's going to pay attention to
25 it. Right?

1 MR. GUZZO: Right.

2 MR. SHERRIFF-SCOTT: You say they conducted
3 this broad investigation into the question of a pedophile
4 group operating in Cornwall. Right?

5 MR. GUZZO: Right.

6 MR. SHERRIFF-SCOTT: And they found nothing
7 when they ought to have?

8 MR. GUZZO: Correct.

9 MR. SHERRIFF-SCOTT: Okay.

10 An exhaustive search is what you attribute
11 to them as having said they conducted; right?

12 MR. GUZZO: That's the terminology I used.

13 MR. SHERRIFF-SCOTT: Yes.

14 MR. GUZZO: M'hm.

15 MR. SHERRIFF-SCOTT: Now, Document Number
16 732199, and this is a document for which I gave notice,
17 Commissioner, which is not yet in evidence and it is a
18 transcript of a CJOH TV interview with Mr. Guzzo of 15
19 July, 2000.

20 (SHORT PAUSE/CAUSE PAUSE)

21 THE COMMISSIONER: Exhibit Number 1138 is an
22 audiotape transcript of CJOH TV Focus with Kimothy Walker,
23 the 15th of July 2000.

24 --- EXHIBIT NO./PIÈCE No. P-1138:

25 (732109) Audio take of CJOH TV Focus -

1 right?

2 **MR. GUZZO:** That's what I believe.

3 **MR. SHERRIFF-SCOTT:** All right. And then
4 you say:

5 "Lo and behold, Project Truth is
6 launched and there have been 114
7 charges. One-hundred-and-eight (108)
8 of those took place before Christmas,
9 even long before the Christmas press
10 conference of '94."

11 Again, you're urging the reader or listener
12 to conclude that the evidence was available and the OPP
13 should have got it; right?

14 **MR. GUZZO:** Right.

15 **MR. SHERRIFF-SCOTT:** Okay. And then you go
16 down and your last reference there, you cast the issue
17 again and you say the explanation for this:

18 "It's one or other."

19 -- you say:

20 "There's been a very incompetent
21 investigation here or there has been a
22 cover-up and as a member of the
23 government, I'm concerned. Either one,
24 how many more of these are going on in
25 Ontario right now."

1 So, that's your thesis and you're advancing
2 it quite bluntly here in this interview, aren't you?

3 **MR. GUZZO:** Right.

4 **MR. SHERRIFF-SCOTT:** And you're saying this
5 in aid, I suggest, in terms of publicity of your private
6 member's bill; correct?

7 **MR. GUZZO:** M'hm, there's nobody listening
8 that's going to be affected in terms of voting for the bill
9 but I am trying to raise the issue, yes.

10 **MR. SHERRIFF-SCOTT:** Well, let's put it this
11 way shall we. You're tendering a bill as an MPP and one of
12 the things that will stimulate your colleagues to vote for
13 it is public support?

14 **MR. GUZZO:** Correct.

15 **MR. SHERRIFF-SCOTT:** Right? So persuading
16 the public to this point-of-view was important to you?

17 **MR. GUZZO:** Well, yes it is but, I mean, you
18 have to be specific about your premise. This is an Ottawa
19 station and I know how the Ottawa members are going to
20 vote.

21 **MR. SHERRIFF-SCOTT:** Nevertheless, it's
22 important for you to get your message out in the public ---

23 **MR. GUZZO:** Yes.

24 **MR. SHERRIFF-SCOTT:** --- to persuade the
25 public?

1 **MR. GUZZO:** No question, sir.

2 **MR. SHERRIFF-SCOTT:** And what you're
3 persuading the public in -- to arrive at is a conclusion
4 that the administration of justice in this province in the
5 form of police investigations were either incompetent or
6 worse, tainted by cover-up; right?

7 **MR. GUZZO:** Yes, yes, as suggested by
8 Sergeant Lortie in his notes, right, yes.

9 **MR. SHERRIFF-SCOTT:** That's what you're
10 trying to persuade the public to adopt as its position;
11 correct?

12 **MR. GUZZO:** Right.

13 **MR. SHERRIFF-SCOTT:** That's what you're
14 trying to persuade the Government of Ontario to adopt as a
15 position?

16 **MR. GUZZO:** Correct.

17 **MR. SHERRIFF-SCOTT:** And you have to move
18 the public and your fellow MPPs to the point-of-view where
19 they will question the integrity of the administration of
20 justice in this province; right?

21 **MR. GUZZO:** Well, that's the situation and
22 that's what they bought when they passed those three bills
23 on second reading.

24 **MR. SHERRIFF-SCOTT:** I don't -- I'm not so
25 concerned about what they bought because that's got a

1 fairly negative connotation. The point is, you had to get
2 them there in order to move that bill forward?

3 **MR. GUZZO:** Correct.

4 **MR. SHERRIFF-SCOTT:** All right. And you
5 were doing that, that is persuading the government and the
6 people of Ontario that they ought to be concerned about the
7 administration of justice, at the very same time there was
8 a major police investigation ongoing in this community;
9 Project Truth?

10 **MR. GUZZO:** I believe it was still going on,
11 yes.

12 **MR. SHERRIFF-SCOTT:** Right. You were
13 prepared to take the risk, but your utterances and your
14 bill and your position as you articulated, particularly on
15 this issue of incompetence or cover-up, would affect the
16 public's perception of the legitimacy of that ongoing
17 investigation at that time?

18 **MR. GUZZO:** Well, I don't like your
19 terminology, but let me just say to you that I had numerous
20 discussions on that point with the Solicitor General and
21 the Attorney General and was prepared to compromise in
22 certain ways, and it was their position that they couldn't
23 do anything so I proceeded in that manner, yes.

24 **MR. SHERRIFF-SCOTT:** All right. And you
25 might not like my language but the reality is (a) you knew

1 there was a major police investigation, extant, ongoing at
2 the time; correct?

3 **MR. GUZZO:** Yes.

4 **MR. SHERRIFF-SCOTT:** Two, your thesis was
5 that police were incompetent and/or engaged in some
6 conspiratorial cover up, the very same police force
7 conducting that investigation; right?

8 **MR. GUZZO:** Correct.

9 **MR. SHERRIFF-SCOTT:** And I suggest to you
10 you were taking the risk in your public utterances that you
11 would undermine the public's confidence in Project Truth by
12 advancing your thesis as you did of incompetence or cover-
13 up, based on your description of the scope and extent of
14 the police investigations that had occurred?

15 **MR. GUZZO:** Based on what I had learned from
16 the notes of Sergeant Lortie and Deputy Chief St- Denis of
17 the Cornwall Police, and what I had been told by officers
18 in the Ottawa Police force, and the comparison of the
19 number of charges in Project Truth as opposed to the ones
20 in the first investigation, yes.

21 **MR. SHERRIFF-SCOTT:** That's quite a
22 disclaimer, but I'll take the ---

23 **MR. GUZZO:** Well, you know, I mean ---

24 **MR. SHERRIFF-SCOTT:** --- I'll take the
25 "yes."

1 **MR. GUZZO:** You know, what do you want me to
2 do? You want me to apologize for what I've done? I'm
3 proud of the fact that you're here today cross-examining
4 me.

5 I'm proud of the fact that this is going on.
6 And you know, if -- whatever the decision or the report
7 says, if it lifts a cloud off city, I would think I have
8 had a positive effect, so yeah. But I'm sorry, but that's
9 my answer.

10 **MR. SHERRIFF-SCOTT:** Now you're next -- the
11 next thing I want to draw to your attention, sir, is that
12 all of your letters wound up on Mr. Nadeau's website,
13 didn't they?

14 **MR. GUZZO:** I was not aware of that.

15 **MR. SHERRIFF-SCOTT:** Well, you became aware
16 of it, didn't you, at some juncture.

17 **MR. GUZZO:** I knew that there were -- one or
18 two had. And I had talked to Mr. Nadeau -- I think he was
19 -- I think he was present at the City Hall situation, I had
20 met him a few years earlier but -- I wasn't copying him,
21 but I must admit that if he had phoned the office and the
22 documents were public and I asked for them, he would have
23 received them, yes.

24 **MR. SHERRIFF-SCOTT:** And you knew at some
25 point that at least some of those letters appeared on his

1 website, right?

2 **THE COMMISSIONER:** We're talking letters --
3 copies of letters to the Premier?

4 **MR. SHERRIFF-SCOTT:** Yes; the letters --
5 the types of exhibits that I've just been reviewing with
6 the witness.

7 **MR. GUZZO:** I wasn't aware of the ones that
8 the Premier had, but I was aware that some had, yes.

9 **MR. SHERRIFF-SCOTT:** Okay; some had. And
10 did you tell him to take them off?

11 **MR. GUZZO:** No, I don't think I did.

12 **MR. SHERRIFF-SCOTT:** I suggest to you, you
13 were content to leave them there because you considered
14 that their presence on that website would aid you in your
15 efforts to get your bill passed.

16 **MR. GUZZO:** Well, I never really thought
17 about it. Quite frankly, I had never looked at the website
18 and I wasn't -- I had heard about it, but I wasn't
19 following it and I wasn't on top of it.

20 You know, I have very limited use of the
21 computer, as you see me using the written word here, as
22 opposed to the ---

23 **MR. SHERRIFF-SCOTT:** I'll take your
24 admission, sir, that you were aware that some of them were
25 on the website.

1 **MR. GUZZO:** I was -- people told me some
2 were on.

3 **MR. SHERRIFF-SCOTT:** All right. And you did
4 nothing to stimulate their withdrawal from the website.

5 **MR. GUZZO:** No, I did not.

6 **MR. SHERRIFF-SCOTT:** Okay.

7 Now, I want to refer to one more document on
8 this issue of your utterances regarding the scope of police
9 investigations, and it's Hansard and it is the document
10 which I served in hard copy. You should have it.

11 It's a hard copy document, Commissioner,
12 that I pulled off in November from the Hansard website.
13 And I gave notice of it and passed it around; you should
14 have it. It's dated November -- well, the print date is
15 November 11th 2007.

16 It won't have a document number; it's got an
17 Hansard date of October 12th, 2000.

18 I did. I have another Hansard that I can
19 refer to; it's probably easier.

20 I have another document, sir, that's a
21 similar nature so we can go to that, instead.

22 October 2000. If you don't have that, then
23 if you have Document No. 125445, which is a Commission
24 document and it is a Hansard as well.

25 That's right; thank you. May 29th of '01.

1 First of all, if I can cut to the chase on
2 this -- we can get to the document in due course, but you
3 certainly would have repeated this thesis about the scope
4 and extent of police investigations in the House to your
5 fellow MPPs.

6 **MR. GUZZO:** Certainly; in debates on the
7 bill, I did.

8 **MR. SHERRIFF-SCOTT:** Yes.

9 It's just an illustration of the point.

10 **THE COMMISSIONER:** Thank you; exhibit number
11 1139 is an extract from the Hansard on Tuesday, May 29th,
12 2001.

13 --- **EXHIBIT NO./PIÈCE No. P-1139:**

14 (125445) Extract from the Hansard of May 29,
15 2001

16 **MR. SHERRIFF-SCOTT:** Now, this isn't the
17 complete record, Mr. Guzzo, but I just want to draw your
18 attention to the third paragraph from the top of the page.

19 Do you have that?

20 **MR. GUZZO:** I do.

21 **MR. SHERRIFF-SCOTT:** You refer again -- now,
22 you're posing a rhetorical question to the Minister:

23 "...is with regard to the first OPP
24 investigation. What is your level of
25 confidence with regard to the integrity

1 of that investigation? How do you
2 explain to the people of Ontario how
3 that investigation and the previous two
4 investigations by the CPS missed all
5 115 charges?"

6 So you've returned very dramatically on the
7 floor of the House to your theme; correct?

8 **MR. GUZZO:** That's what I said.

9 **MR. SHERRIFF-SCOTT:** Yeah. Now, let me just
10 ask you a number of questions about the scope of the
11 investigations as they were in fact.

12 First of all, did you, sir, or did any of
13 your staff at any time interview any person at the Cornwall
14 Police Service to determine the extent or scope of its
15 first investigation?

16 **MR. GUZZO:** No I didn't. I don't believe
17 so.

18 **MR. SHERRIFF-SCOTT:** And I take it that you
19 have assistance in your constituency office or a person who
20 helps you at the House?

21 **MR. GUZZO:** Both offices, yes.

22 **MR. SHERRIFF-SCOTT:** Both offices. And one
23 of those persons would have research experience, or would
24 do research for you in the preparation of view for public
25 statements?

1 **MR. GUZZO:** Research was probably contracted
2 out most of the time, but yes.

3 **MR. SHERRIFF-SCOTT:** In any event, it was
4 available to you, wasn't it?

5 **MR. GUZZO:** Yeah.

6 **MR. SHERRIFF-SCOTT:** And the purpose of that
7 research would be to stimulate this person to find
8 information which would support you in the accuracy of your
9 public statements; correct?

10 Among other things.

11 **MR. GUZZO:** Yeah; when I used them, yeah.

12 **MR. SHERRIFF-SCOTT:** All right.

13 So I suggest, basically sir, that
14 notwithstanding the fact that you've cast, innumerable
15 times, the scope of the first investigation as being a
16 broad one into the existence of a paedophile group but you
17 never bothered to ask the CPS about it, when in fact that
18 was simply incorrect.

19 **MR. GUZZO:** I accept that it was incorrect;
20 I certainly was not, as far as the Cornwall -- I relied
21 exclusively on the notes, in the ---

22 **MR. SHERRIFF-SCOTT:** You said newspaper
23 articles.

24 **MR. GUZZO:** No, in the notes of the trial
25 book in the prosecution of Sergeant Lortie and -- when he

1 says, "This is another cover-up by the Catholic Church."
2 When Deputy Chief St. Denis says, "I've never seen this;
3 this file has been locked in the Chief's office and the
4 chain of command has been broken." And as far as the
5 Ottawa force is ---

6 **MR. SHERRIFF-SCOTT:** And stopping you there,
7 so we can talk about the CPS before you move on.

8 **MR. GUZZO:** I'm sorry; go ahead.

9 **MR. SHERRIFF-SCOTT:** Can we do that?

10 **MR. GUZZO:** Yeah.

11 **MR. SHERRIFF-SCOTT:** None of which you just
12 described has anything to do with the extent and scope of
13 the first CPS investigation; what you talk about there is
14 your concerns about improprieties but not the scope of the
15 investigation. Right?

16 **MR. GUZZO:** The scope of the internal
17 investigation by the Cornwall Police Force of its own
18 activity?

19 **MR. SHERRIFF-SCOTT:** Mr. Guzzo.

20 **MR. GUZZO:** Is that what you're talking
21 about?

22 **MR. SHERRIFF-SCOTT:** I don't know how many
23 times you said it to the press, but what you said over and
24 over again was that the first CPS investigation was a
25 broad-based investigation into the existence of a

1 paedophile group, and they found nothing. Then the OPS
2 found nothing; then the OPP found nothing.

3 **MR. GUZZO:** That is what I thought; that is
4 what I believe.

5 **MR. SHERRIFF-SCOTT:** And what I'm suggesting
6 to you is you did nothing to find out the true and accurate
7 extent of that investigation before you advanced that
8 thesis, which was very dangerous and damaging.

9 **MR. GUZZO:** Well, you might call it that. I
10 don't agree that it was dangerous and damaging. I have the
11 documentation on which I'm relying and I'm relying on the
12 word of two senior Cornwall police officers and the -- I'm
13 sorry, but that's the case. But ---

14 **MR. SHERRIFF-SCOTT:** And what you said to me
15 just a moment ago has nothing to do with the scope of the
16 investigations.

17 **MR. GUZZO:** Well, if that's the way you
18 feel, I ---

19 **MR. SHERRIFF-SCOTT:** Sir, did you know there
20 were press releases issued in January of 1994 by the
21 Cornwall Police Service which described in details and were
22 publicly available, the extent and scope of the
23 investigations they conducted?

24 **MR. GUZZO:** No, I did not ---

25 **MR. SHERRIFF-SCOTT:** Did you instruct any of

1 your staff to look for this stuff before you started
2 advancing this thesis that they did this broad
3 investigation and found nothing when that was not right.

4 **MR. GUZZO:** I looked up some records of the
5 Standard Freeholder at the time when certain press
6 conferences were held and I did some myself but, no, I
7 didn't send anybody to look for it, and I didn't send
8 anybody to talk to the -- to any police department.

9 **MR. SHERRIFF-SCOTT:** And I would suggest to
10 you, sir, not having done anything to really find out the
11 extent of the scope of the first CPS investigation, did not
12 comport with your duty as we described it at the beginning
13 of this cross-examination to be fair, to be accurate and to
14 find out as I said as much information as possible before
15 you make public utterances on weighty matters. You simply
16 didn't do that, did you?

17 **MR. GUZZO:** Well, I don't agree with your
18 conclusion. I'm sorry. I didn't do what you suggest but,
19 Mr. Sherriff-Scott, let me tell you that before I wrote to
20 the Premier in the first instance I went to the Attorney
21 General, I went to the Solicitor General, I even consulted
22 people who had served in the -- as Attorney General and
23 Solicitor General in the previous government, the Rae
24 government and I was -- in my opinion by 1998 I was being
25 stonewalled and when I wrote the letter to -- on April 3rd

1 of '98 I was being lied to by my own -- by my own people.

2 MR. SHERRIFF-SCOTT: And did you, sir, at
3 any time, instruct your staff to, or did you interview
4 people of the OPS to determine the scope and extent of
5 their investigation?

6 MR. GUZZO: I did that myself. I talked to
7 a number ---

8 MR. SHERRIFF-SCOTT: And they told you you
9 were wrong; that it wasn't a broad-based investigation into
10 a pedophile group?

11 MR. GUZZO: Not only did they not tell me
12 that the Attorney General and the Solicitor General of the
13 government I was serving in did not tell me that.

14 MR. SHERRIFF-SCOTT: Mr. Guzzo, they were
15 publicly available press releases on this matter by the CPS
16 describing what the OPS was seized with doing. Did you
17 bother to ask your research people to go and find that kind
18 of information before you ---

19 MR. GUZZO: No, I did not.

20 MR. SHERRIFF-SCOTT: --- "shot from the hip"
21 if I can use that expression?

22 MR. GUZZO: Well, I don't think I was
23 "shooting from the hip." I think -- I think I had put the
24 question to a number of people and in the operation of a
25 government, if I'm wrong certainly --

1 **MR. SHERRIFF-SCOTT:** You were wrong, weren't
2 you?

3 **MR. GUZZO:** I was -- I was wrong but ---

4 **MR. SHERRIFF-SCOTT:** And what -- just let me
5 -- let's just back up about what you were wrong about ---

6 **MR. GUZZO:** No, let me finish my answer
7 first. The obligation of the deputy -- of the Attorney
8 General and the Solicitor General were to sit down with me
9 and tell me I was wrong and explain to me I was wrong, as
10 any Cabinet Minister would do on any other issue. On any
11 other issue. And when that did not happen -- you know,
12 yes, I was wrong on the scope ---

13 **MR. SHERRIFF-SCOTT:** Yeah, when that didn't
14 happen, you went out and made public statements, you did
15 nothing else to verify. Right?

16 **MR. GUZZO:** That's correct.

17 **MR. SHERRIFF-SCOTT:** Right.

18 **MR. GUZZO:** I certainly did not contact
19 police officers or police chiefs or police forces, and I
20 would not do that. And had I done it I would have been
21 severely criticized for doing it.

22 **MR. SHERRIFF-SCOTT:** Well, that's a
23 debatable point, sir.

24 **MR. GUZZO:** Well, it's debatable ---

25 **MR. SHERRIFF-SCOTT:** Well, what's your --

1 let's just back up about what you were incorrect about.
2 You were incorrect to allege, as we now know, that the
3 scope of these three investigations were broad-based
4 exhaustive searches into the existence of a pedophile
5 group. Right?

6 MR. GUZZO: I was wrong and ---

7 MR. SHERRIFF-SCOTT: You were wrong ---

8 MR. GUZZO: Yeah.

9 MR. SHERRIFF-SCOTT: --- and moreover you
10 were wrong because you urged those foundational points as a
11 basis for your conclusion which you urged on the Premier,
12 you urged on members of the legislative assembly and on
13 people in this community that therefore, those police
14 services were either incompetent, or worse, engaged in
15 conspiracy or cover-up. Isn't that right, sir?

16 MR. GUZZO: That is what I alleged and I
17 alleged it openly and at no time did anybody tell me I was
18 wrong.

19 MR. SHERRIFF-SCOTT: And you alleged it
20 wrongly though, didn't you?

21 MR. GUZZO: Well, the scope of the Cornwall
22 one, yes; the Ottawa Police investigation, ---

23 MR. SHERRIFF-SCOTT: You don't know ---

24 MR. GUZZO: --- I don't know.

25 MR. SHERRIFF-SCOTT: All right. Now the OPP

1 you -- are you suggesting they did a broad-based
2 investigation in 1994.

3 **MR. GUZZO:** It took them nine months or
4 eleven months.

5 **MR. SHERRIFF-SCOTT:** I don't care how long
6 it took them. Did they do a broad-based investigation; are
7 you going to come back to that allegation now?

8 **MR. GUZZO:** Well, I don't know whether it --
9 was or it wasn't; I'll accept what you're telling me. But
10 on the other hand when I'm asking the questions, no body's
11 making that clear to me, no body's telling me that.

12 **MR. SHERRIFF-SCOTT:** True enough maybe, but
13 what you didn't do is go and ask the police force or ask
14 anybody to find press releases that described it that were
15 available, sir.

16 **MR. GUZZO:** Press releases ---

17 **MR. SHERRIFF-SCOTT:** Oh yeah, press
18 releases.

19 **MR. GUZZO:** No, I probably wouldn't have
20 relied on press releases but that's beside the point, but I
21 did not go and ask them. No, I did not.

22 **MR. SHERRIFF-SCOTT:** I suggest to you
23 therefore, you didn't do your homework as you said you did.

24 **MR. GUZZO:** Well, you can suggest that,
25 thank you very much ---

1 **MR. SHERRIFF-SCOTT:** Now I want to come back
2 to the third point which we raised at the beginning of the
3 examination which stems from your September 18th, 1998
4 correspondence. And when we reviewed that letter together,
5 one of your allegations was that Mr. Dunlop had supplied
6 information to various ministries ---

7 **THE COMMISSIONER:** What Exhibit?

8 **MR. SHERRIFF-SCOTT:** That is Exhibit 983,
9 Commissioner.

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

11 **MR. SHERRIFF-SCOTT:** You remember, sir, at
12 the beginning or close to the beginning we reviewed this
13 letter, Mr. Guzzo?

14 **MR. GUZZO:** I do.

15 **MR. SHERRIFF-SCOTT:** And we reviewed some
16 points that emanated from it which were two suggestions
17 that by the date of this letter those people who had sworn
18 statements or had given depositions had not been
19 interrogated or interviewed by the OPP. Correct?

20 **MR. GUZZO:** That's correct.

21 **MR. SHERRIFF-SCOTT:** Okay. And I want you
22 to -- first of all sir, we agreed at the outset that those
23 were the people that Mr. Dunlop had identified. Those are
24 the people who had given statements or sworn statements and
25 depositions to him, and your contention in this letter, and

1 you advanced it in subsequent letters that followed, was
2 that these people had not been interviewed by the OPP and
3 that was another plank in your argument that they were
4 either incompetent or worse. Agreed?

5 **MR. GUZZO:** That which people had not been
6 interviewed by the ---

7 **MR. SHERRIFF-SCOTT:** People who had given
8 Mr. Dunlop depositions and sworn statements. We went
9 through all this at the beginning. I'm just trying to
10 orient you.

11 **MR. GUZZO:** Well, yes and I think I told you
12 that -- yeah, that had provided documentation, correct.

13 **MR. SHERRIFF-SCOTT:** All right.

14 **MR. GUZZO:** I think I told you at the time
15 that I thought that I had spoken with at least one, maybe
16 two other people ---

17 **MR. SHERRIFF-SCOTT:** Oh, no -- we're talking
18 apples and oranges now.

19 **MR. GUZZO:** Okay.

20 **MR. SHERRIFF-SCOTT:** Okay? Let me -- I
21 guess I'll have to come back to this.

22 **THE COMMISSIONER:** One of your complaints
23 was that the people that had given affidavits, such as
24 Leroux, C-8, hadn't been interviewed by the Police and yet
25 they had received the documents months before. Do you

1 remember that?

2 MR. GUZZO: And I was of the opinion that --
3 that C-5 had provided ---

4 MR. SHERRIFF-SCOTT: Just -- just to make
5 sure ---

6 MR. GUZZO: --- documentation, excuse me ---

7 MR. SHERRIFF-SCOTT: Let's just put this --
8 clearly cast it so you know where I'm going and we can
9 follow each other. Let's just go back briefly to Exhibit
10 983; the bottom of the second page.

11 THE COMMISSIONER: M'hm, yes.

12 MR. SHERRIFF-SCOTT: And you say:

13 "The problem is this, Mike..."

14 Who is the Premier that you are referring
15 to:

16 "...the people who signed affidavits
17 who made depositions under oath some of
18 which were exculpatory in nature have
19 not been interrogated after one and a
20 half years. One and a half years after
21 the serving upon our government of the
22 documentation which included, I'm told,
23 lengthy sworn depositions outlining
24 specific abuses in question. These
25 people have not been interrogated by

1 the OPP."

2 Now that's a different subject, sir, than
3 the one you just talked about. What I'm suggesting to you
4 is that you made that allegation, in your September 1998
5 letter as it is clearly stated here. Correct?

6 **MR. GUZZO:** Correct.

7 **MR. SHERRIFF-SCOTT:** And you made it as
8 letters went forward -- and I can bring you to that, or do
9 you recall doing that on a number of occasions?

10 **MR. GUZZO:** Correct.

11 **MR. SHERRIFF-SCOTT:** All right. So what I
12 want you to tell the Commissioner is who? Who wasn't
13 interviewed by the date of your letter, sir?

14 **MR. GUZZO:** Well, I'm talking about Leroux
15 there and I believe I have another statement. I don't know
16 whether it's an affidavit from I believe it's ---

17 **MR. SHERRIFF-SCOTT:** Let's stop -- let's
18 start with Leroux and then we can move on. Is that fair?

19 **MR. GUZZO:** All right.

20 **MR. SHERRIFF-SCOTT:** All right. Mr. Leroux
21 was interviewed February 7th, 1997 and November 25th, 1997.
22 Those documents are in evidence at this Commission. He
23 gave evidence about it and he accepted and he was
24 interviewed on those days, sir. That's a year at least
25 before you wrote your letter saying he hadn't been

1 interviewed?

2 MR. GUZZO: Right.

3 MR. SHERRIFF-SCOTT: So did you talk to Mr.
4 Leroux to ask him if he hadn't been ---

5 MR. GUZZO: I have never talked to Mr.
6 Leroux.

7 MR. SHERRIFF-SCOTT: Who -- well, someone
8 told you that, I guess. Or, where did you get the
9 information? You're making an allegation that was wrong.

10 MR. GUZZO: Well, I'm wrong about Leroux. If
11 that's the evidence, I'm wrong about Leroux.

12 MR. SHERRIFF-SCOTT: So, who else, sir?

13 MR. GUZZO: I believe -- I believe there was
14 another document, another affidavit and a statement. I
15 don't know that it was sworn from a -- that was given to me
16 ---

17 MR. SHERRIFF-SCOTT: Well, just back it up,
18 sir. Wait, wait, wait, wait.

19 MR. GUZZO: Oh, okay.

20 MR. SHERRIFF-SCOTT: You said in your letter
21 that these were the materials provided by Mr. Dunlop and
22 that those people hadn't been interviewed. So I've
23 reviewed them ---

24 MR. GUZZO: Yeah.

25 MR. SHERRIFF-SCOTT: --- and they were all

1 interviewed by September 18th, 1998, sir, when you wrote
2 your letter so I want you to tell me who wasn't?

3 **MR. GUZZO:** Who was?

4 **MR. SHERRIFF-SCOTT:** Who had not been
5 interviewed because the record shows, and will show, and
6 the testimony will be, and has been, that they all were.

7 **MR. GUZZO:** Well, if that's the situation
8 with the people that provided documentation relayed to me
9 by Dunlop, that is the situation. I am ---

10 **MR. SHERRIFF-SCOTT:** Can I ask you what you
11 did to verify the fact that you were making an allegation
12 that the OPP had done nothing to interview these people?

13 **MR. GUZZO:** I was thinking of a document
14 that I had given to me by, I think it's C-5. I have a
15 document that I was shown, but in terms of the terminology
16 in that paragraph, I'm limiting myself to the documentation
17 that has come into my possession through the deposit that
18 was given to me by Dunlop; the material that was, according
19 to him, served on two government departments, and I'm not
20 referring there to material that I have seen with regard to
21 anyone else.

22 **MR. SHERRIFF-SCOTT:** Are you prepared to
23 accept that you were wrong again, Mr. Guzzo, on this point?

24 **MR. GUZZO:** The comments with regard to the
25 individuals referred to by Dunlop, I was wrong.

1 **MR. SHERRIFF-SCOTT:** All right. And I
2 suggest that you didn't talk to Mr. Leroux, for example,
3 who you believed to be the person not interviewed,
4 potentially among others, and I suggest to you that you did
5 nothing else to verify this allegation before you made it
6 to the Premier?

7 **MR. GUZZO:** I think that's a fairly accurate
8 statement. I did nothing else and I didn't make a habit of
9 contacting anybody. I think I made that very clear. When
10 people came to me, I listened to them and I talked to them
11 and I also, well ---

12 **MR. SHERRIFF-SCOTT:** Okay, let's switch to
13 another subject.

14 Now I want to talk about something that you
15 did, sir, that really got the public's attention. You --
16 this is the description of the event you said when you made
17 your mistake and did the thing you said was not the
18 smartest thing you'd ever done; to use your words.

19 Do you know what I'm talking about?

20 **MR. GUZZO:** Yes, I think so.

21 **MR. SHERRIFF-SCOTT:** All right. The naming
22 of names and the threat to do so?

23 **MR. GUZZO:** Right.

24 **MR. SHERRIFF-SCOTT:** Right. Now, when you
25 were examined in-chief by my friend to my left, the upshot

1 I can suggest -- and I can read you your evidence again --
2 but I suggest what you basically said is that this thing
3 came off the top of your head in caucus, to use the exact
4 words. That you immediately told Mr. Runciman you weren't
5 going to act on it?

6 MR. GUZZO: Not immediately but early.

7 MR. SHERRIFF-SCOTT: Well, those are your
8 words, sir. "Immediately" you said.

9 MR. GUZZO: "Immediately" in political terms
10 might have been a ---

11 MR. SHERRIFF-SCOTT: All right. But you
12 never intended to do anything about it in reality. Is that
13 fair?

14 MR. GUZZO: I knew when I left the caucus
15 meeting or shortly thereafter at lunch that day that I
16 wasn't and I couldn't because two of the lawyers in the
17 backbenches who had been supporting me, strongly came and
18 said, "You know, if you ever did that we'd have to
19 seriously ..." and I said, "Yes, I know. I appreciate that."

20 MR. SHERRIFF-SCOTT: And you said at page
21 109 of November 22nd,s transcript here:

22 "And I have a chat with him and I told
23 him almost immediately ..."

24 -- referring to Runciman:

25 "... I wasn't going to do anything. I

1 mean, I don't intend to but the one
2 thing -- the thing comes out of caucus
3 and it's out of control, it's spinning
4 and I don't deny it."

5 And when you say it came out of caucus,
6 you're referring to the leak. Is that right?

7 **MR. GUZZO:** That's -- it came out into the
8 press from someone else, yes.

9 **MR. SHERRIFF-SCOTT:** It didn't -- the
10 genesis of the matter wasn't you?

11 **MR. GUZZO:** I beg your pardon?

12 **MR. SHERRIFF-SCOTT:** The genesis of the
13 matter was not you, sir?

14 **MR. GUZZO:** No, it was not.

15 **MR. SHERRIFF-SCOTT:** Well, Mr. Guzzo, you
16 contacted the media. You told them you were going to do
17 this and I'm going to take you to every single media
18 article, and it's going to show that almost two-and-a-half
19 weeks after you made your contact with the media is when
20 the leak came out. You ran with this story for two weeks,
21 sir?

22 **MR. GUZZO:** Not accurate at all. The matter
23 was -- I was contacted by the media before I got to my
24 apartment that night.

25 **MR. SHERRIFF-SCOTT:** Sir, the leak was not

1 reported on until the end of May of that year. The story
2 broke the 17th of May. Do you want me to take you to the
3 documents?

4 **MR. GUZZO:** When you say "the leak", what do
5 you mean "the leak"?

6 **MR. SHERRIFF-SCOTT:** The report by a media
7 person that a name had been leaked from caucus or from the
8 office of the individuals to whom you submit your
9 questions, of one of the names of my client.

10 **MR. GUZZO:** Well, yeah, but -- yeah, great.
11 I accept that, sir, I accept that, but the fact that I had
12 suggested that I might name names was in the press the next
13 day. Any leak of any names -- suggested names, did take
14 time.

15 **MR. SHERRIFF-SCOTT:** And so from May 17th
16 until the leak of the name came out you gave, I suggest,
17 virtually a myriad of interviews to radio, television and
18 print media, didn't you?

19 **MR. GUZZO:** I may have. I don't recall.

20 **MR. SHERRIFF-SCOTT:** And in those you made a
21 whole host of allegations that you were going to do this
22 and you had to do this; this was the right thing to do?

23 **MR. GUZZO:** I was suggesting that it was an
24 appropriate thing to do and I was ---

25 **MR. SHERRIFF-SCOTT:** And you were going to

1 do it?

2 MR. GUZZO: No, I was never going to do it.
3 I'm sorry, but ---

4 MR. SHERRIFF-SCOTT: Well, that may have
5 been what you intended. You may -- really never intended -
6 --

7 MR. GUZZO: If you know what I intended to
8 do better than I do, then you give the evidence ---

9 MR. SHERRIFF-SCOTT: No sir, I'm saying ---

10 MR. GUZZO: --- but I am telling you I
11 didn't but -- and I had told Bob Wood and Phil Tascona, two
12 lawyers in the caucus when they came to my office or had
13 lunch with me that day, that I would not do it.

14 MR. SHERRIFF-SCOTT: And yet you told the
15 public through countless media interviews you were going to
16 do it?

17 MR. GUZZO: Well, I don't think I ever said
18 I was every really going to do it, but I was musing that I
19 would -- it might be necessary because Mr. Harris was
20 reacting the way he did.

21 MR. SHERRIFF-SCOTT: Could I turn you to
22 Exhibit 1014, please? I know you recognize this document.

23 MR. GUZZO: I do, yes.

24 MR. SHERRIFF-SCOTT: And let's start down
25 with the summary of the media articles in paragraph number

1 one which is the Ottawa Sun.

2 You'll see the words are attributed to you
3 in the quotation:

4 "The former Ottawa judge said he'll
5 identify one or two people who were
6 never brought to justice and are still
7 in a position of influence. I can
8 prove what I'm saying is the truth,
9 Guzzo added. Guzzo said he has seen
10 the registration records of the sleazy
11 Fort Lauderdale hotel strip where
12 victims claim they were taken there by
13 their assaulters and passed around to
14 other pedophiles. They were traded
15 like baseball cards, he said."

16 Two paragraphs down:

17 "I have to be concerned that it's still
18 going on. Now, I can't prove that but
19 that's the logical conclusion. Guzzo
20 said he was a judge ..."

21 -- excuse me:

22 "... said he was told as a judge that
23 nothing short of chemical castration
24 will cure a pedophile."

25 These are the kind of statements you were

1 making to the press about this issue, Mr. Guzzo. You were
2 going to do it. You were going to name one or two people
3 that you wanted to be brought to justice. Isn't that so?

4 **MR. GUZZO:** I had threatened in caucus to do
5 that and I didn't deny it when it was on the street.

6 **MR. SHERRIFF-SCOTT:** All right. Let's go
7 over to the next page which is the next day. The Ottawa
8 Sun again is reporting on you.

9 Paragraph three, not only did you say you
10 were going to identify them but then you were going to go
11 and you say:

12 "I intend to notify them, said Guzzo, a
13 former provincial court judge, who is
14 acquainted with the three or four
15 people he plans to identify but then
16 I'm going to ask the questions and, to
17 do this properly, I have to name
18 names."

19 So, you privately had the intention, you
20 told us, of doing nothing, but you're telling the media
21 exactly the opposite then, aren't you?

22 **MR. GUZZO:** Well, I am. I'm toying with the
23 Premier; we're going to -- and that's what I'm doing.

24 **MR. SHERRIFF-SCOTT:**

25 "So now I'm prepared to take the gloves

1 off and name names."

2 Right? See that?

3 **MR. GUZZO:** No I don't, but ---

4 **MR. SHERRIFF-SCOTT:** Down at the bottom of
5 the quote.

6 **MR. GUZZO:** I don't recall -- I don't recall
7 that. I recall the document but I don't recall the
8 newspaper.

9 **MR. SHERRIFF-SCOTT:** You do have a passion
10 for colourful metaphor though, don't you?

11 **MR. GUZZO:** I've never been told that
12 before, but I'll accept that as a compliment.

13 **MR. SHERRIFF-SCOTT:** Okay.

14 **(LAUGHTER/RIRES)**

15 All right.

16 What I want to refer to specifically, in
17 this little group of things -- because I can go on and on,
18 here. There's no question that you were making these
19 statements; you were making these allegations and you were
20 telling the media you intended to do this and you were
21 going to do it, right?

22 **MR. GUZZO:** I was not going to do it, I
23 assure you. But I was not denying in the media that ---

24 **MR. SHERRIFF-SCOTT:** Well, there is a
25 difference between not denying and positively asserting in

1 the media you're going to do it, which is what you did, in
2 fact. Right?

3 I can take you to every single article, sir.

4 **MR. GUZZO:** Well, if that's what -- you
5 know, I don't recall -- you know, I don't recall it that
6 well, that clearly, and I haven't gone over it in some
7 time, but I -- you know, if that's -- certainly I was --
8 very shortly after I was tired of the -- I was tired of the
9 questions.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 For the fourth paragraph, there is a
12 particular issue that is of concern to me that I want to
13 refer to, that you are quoted as saying. And that is, on
14 May 23rd, 2001 in that document at page 4, paragraph 4, the
15 quotation is -- and this is another quote from the Sun:

16 "I now have the OPP on my side. They
17 are saying these people should be
18 charged,' said the former provincial
19 court judge of police evidence against
20 suspected paedophiles he intends to
21 identify in the legislative assembly
22 next week."

23 Now, on that subject, I want you to be given
24 a copy of document 723711 which is an August 2001 letter
25 from the Crown to Inspector Hall. And I'll summarize it

1 for you now, before you get it, in which the OPP made no
2 recommendations whatsoever about charging any further
3 people employed by my client including, explicitly, Bishop
4 LaRocque.

5 The Crown read those briefs and concurred
6 that assessment and wrote back to the OPP to confirm its
7 decision in that regard, sir.

8 So I suggest to you when you were making
9 utterances in the public on this issue of naming names and
10 you said, you had the OPP on your side, you weren't
11 referring to the OPP being on your side about charging my
12 clients, were you?

13 **MR. GUZZO:** I was -- the one document that
14 was given to me that I think was taken from some
15 documentation in the courtroom on the file, during the
16 trial of -- during the trial of the lawyer for the church,
17 Mr. Leduc, I turned over to the Attorney General
18 immediately and it was not with regard to ---

19 **MR. SHERRIFF-SCOTT:** Bishop LaRocque.

20 **MR. GUZZO:** Bishop LaRocque.

21 **MR. SHERRIFF-SCOTT:** And I suggest to you,
22 when you were making statements in the media that the OPP
23 was on your side and was recommending charges against these
24 people who you intended to name, that did not include any
25 of my clients.

1 Isn't that so?

2 **MR. GUZZO:** I'm not sure who your clients
3 were although I must admit I did have, some time in early
4 may, a call from Mr. Scott of your office.

5 **MR. SHERRIFF-SCOTT:** He was very
6 disconcerted with what you were doing, wasn't he?

7 **MR. GUZZO:** He -- I'm not sure I would use
8 that terminology, but Mr. Scott said, you know, are any --
9 or, asked me if any of my clients are involved and I said,
10 "I don't know. I don't know who your clients are."

11 And he gave me a list of four or five people
12 and I said, "Yeah, two or three might be involved David,"
13 and quite frankly, two of them I had never heard the names.

14 I said, "You should be careful pleading
15 people guilty like this, and calling me up and giving me
16 names like that," but however, I don't know how he was.

17 I don't know how he was but that
18 documentation which I should not have seen -- should not
19 have been given; I immediately turned it over to the
20 Attorney General.

21 **MR. SHERRIFF-SCOTT:** You have no evidence
22 the OPP recommended charges against my clients.

23 **MR. GUZZO:** Who are your clients?

24 **MR. SHERRIFF-SCOTT:** I act for the Diocese,
25 sir. I'm not talking about Charles MacDonald, I'm talking

1 about people who were active in the Diocese at that time.
2 And if you look, for example at the letter that I asked you
3 to read ---

4 **THE COMMISSIONER:** Which is Exhibit 1140, a
5 letter dated August 15th, 2001

6 --- **EXHIBIT NO./PIÈCE No. P-1140:**

7 (732711) Letter from Lorne McConnery to
8 Pat Hall - 15 Aug, 01

9 **MR. SHERRIFF-SCOTT:** --- there are -- a
10 number of these individuals are named on the front page.
11 And all I'm suggesting to you, sir, is that it's clear and
12 will be clear again from the evidence of both the Crown and
13 the OPP that they didn't make any recommendations to charge
14 any further people connected with my client, including the
15 Bishop, who is front and centre on the first list and
16 recommendation for no further charges.

17 And so when you were saying in your public
18 utterances that the OPP was on your side, you were not
19 referring to these people.

20 **MR. GUZZO:** That's correct.

21 **MR. SHERRIFF-SCOTT:** Thank you.

22 That completes my examination sir, thank
23 you.

24 **THE COMMISSIONER:** Thank you.

25 **MR. SHERRIFF-SCOTT:** Sorry -- there's one

1 further -- no, that's it. Thanks.

2 Thank you, sir.

3 **THE COMMISSIONER:** So let's see; where are
4 we now? Mr. Chisholm.

5 Will you have questions?

6 **MR. CHISHOLM:** Just a couple, sir.

7 **THE COMMISSIONER:** Sure; go ahead.

8 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
9 **CHISHOLM:**

10 **MR. CHISHOLM:** Good afternoon, Mr. Guzzo.

11 My name is Peter Chisholm; I'm counsel for the local
12 Children's Aid Society. Just a couple of questions.

13 From 1993 to the present, did you ever have
14 any contact with the Children's Aid Society of the United
15 Counties of Stormont, Dundas, and Glengarry?

16 **MR. GUZZO:** Nineteen ninety three (1993) to
17 the present?

18 **MR. CHISHOLM:** Yes.

19 **MR. GUZZO:** Not with regards to this file,
20 but I gave a lecture one time. But not with regard to
21 anything that had to do with this file.

22 **MR. CHISHOLM:** And the lecture was when and
23 with respect to what topic?

24 **MR. GUZZO:** I don't know; I went into
25 Kingston one day and I think it was Children's Aid

1 Societies of Eastern Ontario and I gave a lecture -- I
2 spoke at a function they were having.

3 MR. CHISHOLM: And the year of that lecture,
4 sir?

5 MR. GUZZO: Very early in my term at Queen's
6 Park. I would think '95, '96.

7 MR. CHISHOLM: And the topic with -- of the
8 lecture would be what?

9 MR. GUZZO: The operation of the family
10 court system and the unification of the family court system
11 and how it was -- how it would be implemented, I think.

12 MR. CHISHOLM: And from 1993 to the present,
13 did you ever report to any Children's Aid Society in
14 Ontario your belief that a child was or may be in need of
15 protection?

16 MR. GUZZO: Which?

17 MR. CHISHOLM: Did you ever report, from
18 1993 to the present, to any Children's Aid Society anywhere
19 in Ontario, your belief that a child was or may be in need
20 of protection.

21 MR. GUZZO: I don't believe so.

22 MR. CHISHOLM: Thank you; those are my
23 questions.

24 THE COMMISSIONER: thank you.

25 Maitre Rouleau?

1 **MR. ROULEAU:** I don't have any questions.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Kloeze, how long do you think you'll be?

4 **MR. KLOEZE:** I could be about half an hour,
5 Mr. Commissioner.

6 **THE COMMISSIONER:** Okay.

7 Then we'll -- what I'd like to do after that
8 is find out how much time we've got left to cover tomorrow.

9 **MR. NEVILLE:** If it will help you, sir, I
10 expect to be, now that Mr. Sherriff-Scott is finished,
11 about half to three-quarters of an hour.

12 **THE COMMISSIONER:** All right; thank you.

13 So -- okay, we might as well do the roll
14 call then with Ms. Robitaille?

15 **MS. ROBITAILLE:** Forty-five (45) minutes.

16 **THE COMMISSIONER:** Forty-five (45) minutes.
17 Mr. Manderville?

18 **MR. MANDERVILLE:** Perhaps as much as an
19 hour, Mr. Commissioner.

20 **THE COMMISSIONER:** So yeah -- okay. Does
21 your -- Ms. Costom?

22 **MS. COSTOM:** About an hour, sir.

23 **THE COMMISSIONER:** A full day tomorrow then,
24 all right.

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

1 KLOEZE:

2 MR. KLOEZE: Thank you, sir.

3 Mr. Guzzo, my name is Darrell Kloeze. I'm
4 counsel for the Ministry of the Attorney General. I have a
5 few questions for you this afternoon. I'm sure I'll finish
6 before five o'clock.

7 Now, when you were giving evidence in
8 November when you were here, you described efforts that you
9 had made with respect to Mr. Harnick, who was the Attorney
10 General at the time, talking efforts in 1997 and 1998, and
11 you were trying to get the attention of Mr. Harnick and
12 also Mr. Runciman, who was the Solicitor General at the
13 time, and I think you -- you testified that as early as May
14 1997, you tried to talk to Mr. Harnick in the House. You
15 had been visited by a number of people by that time,
16 alleged victims, and you were trying to get Mr. Harnick's
17 attention to what was going on in Cornwall. Do you recall
18 that evidence?

19 MR. GUZZO: Yes, I do.

20 MR. KLOEZE: And you agree that that began
21 as early as May, 1997, that you were talking with Mr.
22 Harnick?

23 MR. GUZZO: Even earlier possibly.

24 MR. KLOEZE: Okay. And also in December,
25 1997, I think, you gave some evidence that you were again

1 trying to get Mr. Harnick's attention and drawing his
2 attention to the activities in Cornwall, and I think your -
3 - what you've said about that was that Mr. Harnick didn't
4 know anything that -- didn't know about these incidents in
5 Cornwall; didn't know about the file?

6 **MR. GUZZO:** I think I would say he didn't
7 have an open file on it and wasn't aware of what, if
8 anything, was taking place.

9 **MR. KLOEZE:** Okay. And then the first
10 correspondence that you sent to the Premier -- and we
11 looked at that letter at length today -- was dated
12 September 18th, 1998?

13 **MR. GUZZO:** Right.

14 **MR. KLOEZE:** And that letter was also copied
15 to Mr. Harnick and to Mr. Runciman?

16 **MR. GUZZO:** Correct.

17 **MR. KLOEZE:** And I think you say in that
18 letter that you took some caution in referring this -- this
19 matter to them as well, but you decided that since they
20 were the ministers responsible for the administration of
21 justice and for policing that you included them in copying
22 them with this letter that you sent to the Premier. Is
23 that correct?

24 **MR. GUZZO:** Correct, and it would be -- it
25 would be accurate also to know that I certainly had more

1 contact with Mr. Runciman than I did with Mr. Harnick.

2 MR. KLOEZE: Okay. And you also copied both
3 Mr. Harnick and Mr. Runciman with your letter dated
4 February 23rd, 1999?

5 MR. GUZZO: Yes, I did.

6 MR. KLOEZE: Now, the first letter, the
7 September 18th letter -- this is September 18th, 1998 -- you
8 wrote that letter about two or three months after you were
9 visited by the Dunlops. Is that correct?

10 MR. GUZZO: That's correct.

11 MR. KLOEZE: And you were visited by the
12 Dunlops in July of 1998?

13 MR. GUZZO: I -- yes, that's correct. I
14 believe so.

15 MR. KLOEZE: And do you remember as well
16 that in June and July of 1998, those were the months in
17 which the first set of charges were laid by Project Truth
18 officers with respect to a number of individuals?

19 MR. GUZZO: I know that now. I don't know
20 that I -- I must have -- I must have heard about it. Yes,
21 I must have heard about it, but I can't tell you that I
22 remember.

23 MR. KLOEZE: Okay. I think you even
24 referred to that in your letter of September 18th, 1998 ---

25 MR. GUZZO: I believe I did, yes.

1 **MR. KLOEZE:** --- that there had been charges
2 -- charges had already been laid?

3 **MR. GUZZO:** Already been laid, yes.

4 **MR. KLOEZE:** Because as Mr. Sherriff-Scott
5 went through with you, you were concerned that some people
6 had not been charged who you thought may have -- should
7 have been charged because of information that should have
8 been forwarded to the -- to the OPP by that time and Mr.
9 Sherriff-Scott went through all that with you ---

10 **MR. GUZZO:** Right.

11 **MR. KLOEZE:** --- just now?

12 **MR. GUZZO:** Right.

13 **MR. KLOEZE:** Now, in these two letters,
14 September 18th, 1998 and February 23rd, 1999, the exhibit
15 numbers I'll refer to are 983 and 984, and as I said we've
16 gone through them at length today. I'm not going to ask
17 you to turn them up unless you think it's necessary but I
18 think, generally, we can say that you've indicated or
19 you're indicating to the Premier in these letters that
20 you've been in contact with concerned citizens in Cornwall.
21 Is that correct?

22 **MR. GUZZO:** Yes, I have.

23 **MR. KLOEZE:** That you had contact with a
24 retired police officer in Fort Lauderdale who's giving you
25 information about activities that had gone on there. Is

1 that correct?

2 **MR. GUZZO:** Right.

3 **MR. KLOEZE:** That through these people --
4 I'm talking about the people in Cornwall and also the
5 retired police officer in Fort Lauderdale -- you've had
6 occasion to look at documents and also occasion to look at
7 some of the evidence?

8 **MR. GUZZO:** Yes.

9 **MR. KLOEZE:** That you're aware of a number
10 of volumes of documents that were served on the government,
11 on two ministries, by a Cornwall police officer. Mr.
12 Manson talked to you about the use of the word "serve", but
13 certainly they were delivered on two ministries by a
14 Cornwall police officer. That's correct?

15 **MR. GUZZO:** Right.

16 **MR. KLOEZE:** That you've been made aware,
17 and you have confirmed, that certain key people have not
18 been interviewed by the OPP. Mr. Sherriff-Scott went
19 through that point with you?

20 **MR. GUZZO:** Right.

21 **MR. KLOEZE:** That you are aware there are
22 motel records available from Fort Lauderdale that would
23 confirm attendance at a certain motel of complainants and
24 alleged abusers. Again, we've just been through that
25 evidence. Is that correct?

1 **MR. GUZZO:** Right.

2 **MR. KLOEZE:** You're questioning in those
3 letters whether information that had been delivered -- we
4 talked about earlier -- the information that was delivered
5 to the two ministries was, in fact, handed over to the OPP.
6 You're questioning that in those letters?

7 **MR. GUZZO:** I am.

8 **MR. KLOEZE:** You indicated in the letters
9 that you spent your own money and resources and travelled
10 as far as the United States to speak with some of the
11 people who signed affidavits?

12 **MR. GUZZO:** One person, yes.

13 **MR. KLOEZE:** Okay. And that was in the
14 letters?

15 **MR. GUZZO:** Yes.

16 **MR. KLOEZE:** Yes. And you also say at the
17 end of your September 18th letter that there was an
18 abundance of information available which you choose not to
19 refer to herein because you cannot prove the truth of the
20 same however, you say, you have little doubt that it is
21 accurate?

22 **MR. GUZZO:** Some of it, yes.

23 **MR. KLOEZE:** Okay. So in those two letters
24 you -- you've made all those statements and those letters
25 were sent to the Premier and also to the Attorney General

1 and to the Solicitor General.

2 Now, would you agree with me that the
3 purpose of this correspondence as you said -- you said
4 earlier today -- this is the start of your campaign to get
5 a public inquiry to look into this matter. Is that true?

6 **MR. GUZZO:** I would have thought that the
7 campaign, if you want to use the word campaign, started
8 with the letter of April 3rd '99 to the chief of staff. I'm
9 asking the Premier -- I want to meet with him. I want to
10 be assured that we're not in any difficulty here, that this
11 -- that what I'm hearing and people who are telling me that
12 they went to the police 20 years ago and they didn't think
13 they were well treated and, you know, that -- and for that
14 reason then they don't want to go the police now that the
15 new investigation is on. I want to be -- I want to be
16 certain and I -- I'm troubled by a couple of things with
17 regard to the documentation that was served and ---

18 **MR. KLOEZE:** Sorry, the documentation that
19 was served on the ministries ---

20 **MR. GUZZO:** Yes.

21 **MR. KLOEZE:** Is that what you're talking
22 about?

23 **MR. GUZZO:** Yes.

24 **MR. KLOEZE:** Okay. Certainly your letter of
25 September 18th you ask -- you say to the Premier that you

1 felt the matter cried out for a judicial inquiry. Do you
2 remember saying that?

3 **MR. GUZZO:** I did. I did at that point in
4 time, but -- and I was thinking that that was where we'd
5 have to end up if the situation was as -- as it might have
6 been, but I wasn't -- I don't know that I was committed at
7 that time to a judicial inquiry. I'd had a discussion with
8 the -- my former law partner, the former member for Ottawa-
9 West. He may have still been a member for Ottawa-West who
10 had been the Liberal critic in the former House and he had
11 asked the Attorney General in the Rae government, this is
12 Mr. Chiarelli. He had asked for a special prosecutor to be
13 appointed and I had had a discussion with Chiarelli just
14 before I did that letter and -- you know, asking him what
15 he thought that special prosecutor would do as opposed to a
16 -- so I was still of two minds, but I wanted the issue put
17 before the Premier and I wanted to be assured that there
18 were -- that they could answer some of the questions that -
19 - for -- that I -- were concerning me.

20 **MR. KLOEZE:** So I think you've indicated
21 earlier that one of the purposes -- you wanted a private
22 meeting with the Premier on this issue.

23 **MR. GUZZO:** Well, I thought it -- it would
24 be appropriate in light of the fact of the seriousness of
25 the matter.

1 **MR. KLOEZE:** And you said in your evidence
2 In-Chief you did not get that meeting.

3 **MR. GUZZO:** No, I did not.

4 **MR. KLOEZE:** And also I'm going to suggest
5 to you that one of the -- one of the purposes was to get
6 the attention, not only of the Premier but perhaps the
7 attention of Mr. Runciman and of Mr. Harnick as well since
8 you were copying this correspondence to them.

9 **MR. GUZZO:** Right. Right. Because I hadn't
10 -- I'm asking them about the situation, but I haven't been
11 giving them too much information other than I'm talking to
12 people. People are calling me about the -- listen -- but
13 I'm not giving them a lot -- when I'm talking to them
14 beforehand, I'm not giving them an awful lot of background
15 and an awful lot of information.

16 **MR. KLOEZE:** Now, one of the results of the
17 correspondence, is that you received a couple of telephone
18 calls and you talked about those telephone conversations in
19 your evidence In-Chief.

20 **MR. GUZZO:** I did.

21 **MR. KLOEZE:** One of the telephone
22 conversations was -- with -- was from Murray Segal and
23 that's the one I'd like to explore a bit with you.

24 **MR. GUZZO:** Right.

25 **MR. KLOEZE:** Now, you didn't understand Mr.

1 Segal as being personally involved in the Project Truth
2 investigations, did you?

3 MR. GUZZO: Personally involved in?

4 MR. KLOEZE: In the Project Truth
5 investigations?

6 MR. GUZZO: No, I did not. No, he
7 identified himself as the Assistant Deputy Minister
8 responsible for Criminal Prosecutions.

9 MR. KLOEZE: Okay, and he was actually from
10 the Ministry of the Attorney General; Mr. Segal.

11 MR. GUZZO: Right.

12 MR. KLOEZE: That's correct.

13 MR. GUZZO: Right.

14 MR. KLOEZE: And he's -- he told you as well
15 that he's never seen the materials that you were referring
16 to in your letters to the Premier?

17 MR. GUZZO: I think that's accurate, yes. I
18 don't believe he had seen them.

19 MR. KLOEZE: Now, you suggested -- I believe
20 you were suggesting in your evidence In-Chief that you felt
21 that somehow odd, or surprising that somebody of Mr.
22 Segal's position, a senior bureaucrat in the Ministry of
23 the Attorney General would give you a telephone call.

24 MR. GUZZO: Well, I got to tell you that
25 over eight years in Queen's Park I don't know that I had

1 too many calls from Deputy Ministers or Assistant Deputy
2 Ministers as a lowly back-bencher, you know, in the
3 nosebleed section; unless they were coming to Ottawa and
4 wanted to play golf. Then, the odd time I would get one,
5 but no, I found it -- I found it unusual, yes.

6 **MR. KLOEZE:** Okay, now I'm going to suggest
7 that given the points that I've described before -- the
8 points that we agreed basically made up the content of
9 those two letters that you had a wealth of information
10 about an on-going police investigation -- sorry, an
11 abundance of information, were the words you used about an
12 on-going police investigation; that you were concerned
13 about, I guess the character and the quality of that
14 investigation, you were concerned about charges that arose
15 out of that investigation, I am going to suggest to you
16 that it's not at all unusual that somebody from the
17 Ministry of the Attorney General would give you a call --
18 to talk about those issues with you.

19 **MR. GUZZO:** Right. I'm not surprised
20 somebody called. I'm surprised that it's the Assistant
21 Deputy Minister, I suppose.

22 **MR. KLOEZE:** Now, I want to go through your
23 notes of that call. That was -- those are at Exhibit 987.
24 I'd like you to turn that Exhibit up now.

25 Now, just one thing about the notes.

1 Mr. Sherriff-Scott suggested to you that there were no --
2 that you had produced no contemporaneous notes of any -- of
3 any matter, in -- as evidence in this Inquiry and in fact
4 you testified that this notes are contemporaneous. Is that
5 correct?

6 You made these notes the day after the
7 telephone call.

8 MR. GUZZO: I made them the day after the
9 telephone conversation, yes.

10 MR. KLOEZE: Okay. Can you explain to me
11 why, when we don't have notes of any other conversation or
12 matter that you dealt with, why we have notes -- why you
13 took notes of this conversation and then why you preserved
14 those notes?

15 MR. GUZZO: Well, when I make contact -- or
16 when I take the call from Mr. Segal, I'm in my home in
17 Florida and there is somebody sitting in the room with me
18 when I'm doing it, and that person -- that person is a
19 judge from Ontario, and when I put the phone down and I'm
20 saying that, you know, that file I'm working on, maybe I'm
21 going to get someplace now because that was Murray Segal
22 and he says he doesn't know anything about this. He wants
23 me to bring my file to Toronto. He wants me to come up and
24 sit down with him and go over the material that I have and
25 he hasn't -- he hasn't seen the thing. Furthermore, he

1 said to me, corrected himself when he said, "Well, we got
2 this material -- I guess if we got it I'm looking at the
3 file here and we sent it on to the OPP." And I said,
4 "Well, are you sure?" and then he looks again and he says,
5 "No, no, we sent it to Chief Fantino."

6 **MR. KLOEZE:** Sorry, sir. Mr. Guzzo, I'm
7 going to go -- I'm going to go to the content of the
8 conversation. I'm just asking you now, why it is that you
9 took notes of this conversation?

10 **MR. GUZZO:** Well, because ---

11 **MR. KLOEZE:** And then second why you've
12 preserved them because it doesn't seem that you preserved
13 any other evidence arising from that time.

14 **MR. GUZZO:** Well, I think it was because of
15 the quandary and the unusual aspects of the situation after
16 my conversation with Mr. Segal that I sat down the next day
17 and made some notes and ---

18 **MR. KLOEZE:** Okay. And can you explain how
19 they have been preserved? Were they in a file that was
20 different from your general file on these matters or -- or
21 just explain to me how it is that you still have those
22 notes today, when you don't have, for example, your day
23 timers, which is as you have described at least, were your
24 "Bible".

25 **MR. GUZZO:** Well, the day timers I think

1 went out in Toronto and I mean, one at my office after the
2 election, one at my office was cleaned out in Toronto
3 before I got back there. You know, people were making
4 decisions for me as to what was important and what wasn't
5 and I don't know what happened to the day timers. As to
6 why these are preserved and how they were preserved, I have
7 no explanation at -- why these. But there are other notes
8 that I had and I kept. Not many, I must admit, and I think
9 when people are talking about notes, I think they're
10 talking to me about keeping notes of the people that I'm
11 talking to who are coming and -- alleged victims who are
12 people who are alleging that they know something about what
13 went on and I -- I don't have notes there I'm trying not to
14 be -- because I'm not trying to be an advocate with regards
15 to the individuals who are coming. I'm trying to look at
16 this from the point of view of the government.

17 **MR. KLOEZE:** Okay, let's turn to the notes
18 that you made of this conversation. You indicate in the
19 third line down, "MS purpose to explain situation." So I
20 understand that Mr. Segal told you that he was calling you
21 to explain -- to explain the situation. Can you describe
22 more what it is that -- what the situation was that he
23 wanted to explain to you?

24 **MR. GUZZO:** Well, he wanted to explain the -
25 - the situation that I had raised in the letter. He -- I

1 think -- I don't know whether there's a reference there to
2 -- no, he wanted to talk to me and explain the situation
3 with regard to the investigation that was going on in
4 Cornwall.

5 MR. KLOEZE: Okay. I read most of the notes
6 that you have here as describing what happened to the
7 documents or whether ---

8 MR. GUZZO: That was a major -- that's what
9 took 15 or 20 minutes of the half-hour I spent on the phone
10 with him.

11 MR. KLOEZE: Okay. Before we go there,
12 actually, earlier when you were talking about making the
13 notes, you said in Florida you were in the company of a
14 judge from Ontario. Can you tell us who that judge was?

15 MR. GUZZO: His name is Budgell.

16 MR. KLOEZE: Budgell?

17 MR. GUZZO: B-U-D-G-E-L-L.

18 MR. KLOEZE: And he was a guest of yours in
19 Florida?

20 MR. GUZZO: He was at that time.

21 MR. KLOEZE: A dinner guest when Mr. Segal
22 phoned?

23 MR. GUZZO: I think he was staying with us,
24 as a matter of fact.

25 MR. KLOEZE: So you said that the matter of

1 the documents took up about 15 or 20 minutes of a half-hour
2 call. Can you recall what happened -- what was spoken
3 about in the other 10 minutes?

4 **MR. GUZZO:** We got into the situation as I
5 saw it in Cornwall and the concerns I had with regard to
6 some of the matters that we've discussed here today, the
7 police and ---

8 **MR. KLOEZE:** And at the end of the
9 conversation you said, just now, that you were talking I
10 guess with Justice Budgell and you were -- you said, "Now I
11 can go on with this. Mr. Segal wants to go over the
12 materials I have."

13 **MR. GUZZO:** Yeah.

14 **MR. KLOEZE:** Now, what materials did you
15 have at that time? What were you intending to come back to
16 Toronto and show Mr. Segal? What had you told him you had?

17 **MR. GUZZO:** Well, I had the copies of the
18 documentation which he did not have and which he felt he --
19 the department had sent on to the OPP and which he later
20 said, "No we didn't send them there. We sent them to Chief
21 Fantino."

22 **MR. KLOEZE:** Okay. Can you describe that
23 documentation?

24 **MR. GUZZO:** Well, that was four things that
25 I had received from the Dunlops, the documentation and the

1 books therein and if -- I had a couple of other statements
2 that had been dropped off at my office that I had tucked
3 away, that I was interested in, and ---

4 **MR. KLOEZE:** Okay. Can you tell me who
5 those statements were from?

6 **MR. GUZZO:** One was from an individual by
7 the name of MacDonald and I don't know how it got to my
8 office. And the other one, the name escapes me at the
9 present time, but it interested me.

10 **MR. KLOEZE:** Okay. The MacDonald statement,
11 you say you don't know how that got to your office?

12 **MR. GUZZO:** I don't know, no.

13 **MR. KLOEZE:** What did -- where is that
14 statement now? What has -- what's been done with it?

15 **MR. GUZZO:** I sent it back. I sent it --
16 got an address or something and sent it back. I wasn't
17 going to be collecting documentation and being put forward
18 as -- make it look like I was advocating for any group or
19 any individuals.

20 **MR. KLOEZE:** And the second statement, you
21 don't know who it was from, but can you describe -- or can
22 -- do you remember how you got the second statement?

23 **MR. GUZZO:** I think the individual came in
24 to see me and I didn't have time for the person and I
25 apologized but I had to go and they sat down and wrote out

1 a -- in long-hand some information and I subsequently sent
2 it back to them.

3 **MR. KLOEZE:** Now, can you explain to me why
4 it is that you -- sorry. Let me ask this first.

5 Do you know whether or not the police had
6 copies of either of those statements?

7 **MR. GUZZO:** I couldn't tell you but I could
8 -- only to say that I -- my practice would have been to
9 tell them that I thought they should -- if they hadn't been
10 to the police, to go to the police and consider in some
11 cases, consider seeking the advice of a lawyer with regard
12 to civil matters if it looked like there was a matter to be
13 of concern.

14 **MR. KLOEZE:** Now, the first statement, the
15 MacDonald statement, you say was something that was dropped
16 off at your office, so was obviously a copy of a statement
17 that had been made outside your office. It was a photocopy
18 of a statement?

19 **MR. GUZZO:** Yeah, it was -- I believe it
20 was, yes.

21 **MR. KLOEZE:** The second statement you say
22 was something that was made in your office?

23 **MR. GUZZO:** Yeah, I ---

24 **MR. KLOEZE:** Somebody visited you and you
25 jotted down some notes?

1 **MR. GUZZO:** This person was not from -- was
2 from outside Ottawa and I -- in a small town down near
3 Hawkesbury as a I recollect and I didn't want to -- you
4 know, they had come.

5 They wanted to see me, they wanted to tell
6 me something and I asked -- said, "Fine. Sit down. Write
7 out what you want to tell me and I'll give you a call.
8 Leave me a phone number and an address and I'll give you a
9 call."

10 **MR. KLOEZE:** Okay. Did you take the
11 original of that statement?

12 **MR. GUZZO:** And I sent it back. I read it.
13 I phoned the person and I sent it back to them.

14 **MR. KLOEZE:** And did you advise this person
15 that he should go to the police as well with that
16 statement?

17 **MR. GUZZO:** I don't -- I mean, it was a
18 rambling, incoherent statement. It didn't make a lot of
19 sense. I don't know that I told them that.

20 **MR. KLOEZE:** Now, you said that in addition
21 to the materials that Mr. Dunlop gave you, those two
22 statements were two things that you were intending on
23 coming to Toronto to show Mr. Segal?

24 **MR. GUZZO:** One of them was, one of them
25 was.

1 **MR. KLOEZE:** Sorry, one of them?

2 **MR. GUZZO:** One of them I would want -- I
3 would have brought to Toronto with me.

4 **MR. KLOEZE:** Which one?

5 **MR. GUZZO:** The first one from the lad by
6 the name of MacDonald.

7 **MR. KLOEZE:** Well, why not the second one?

8 **MR. GUZZO:** Because it wasn't that germane.
9 It -- as I say, it wasn't relative to the issues that --
10 you know, it related to some problems that this person had
11 had years ago, not necessarily in the Cornwall area, but in
12 Eastern Ontario.

13 **MR. KLOEZE:** Okay. Did you tell -- or did
14 you -- were you intending on seeking and contacting the
15 maker of the MacDonald statement and asking him whether or
16 not he would consent to you showing it to Mr. Segal?

17 **MR. GUZZO:** Asking him ---

18 **MR. KLOEZE:** Whether he would consent to you
19 showing it to Mr. Segal? Whether he agreed that that was a
20 statement that could be shown to Mr. Segel?

21 **MR. GUZZO:** I don't know that I ever did; I
22 don't know that I ever did, and I don't know that I showed
23 it to anybody else.

24 **MR. KLOEZE:** Okay. And the other question
25 is, why would you have considered showing any of those

1 statements to Mr. Segal and not sending them to the police;
2 not sending the statements themselves to the police? Why
3 would you show them to a bureaucrat and the Attorney
4 General's office?

5 **MR. GUZZO:** I was going to send this one
6 back to the individual. I may not have shown it even, but
7 I would have related -- it was a situation where the person
8 was alleging having been, you know, handed by a probation
9 officer to someone else to someone else, you know, and it
10 was kind of -- it was an interesting situation.

11 But when I sat down after I spoke to Mr.
12 Engelmann in '06, I was surprised that I hadn't made a note
13 of the individual, of the person.

14 **MR. KLOEZE:** Okay. I'm going to leave those
15 two statements aside.

16 Aside -- and aside from those two
17 statements, the only other information that you had that
18 you wanted to show Mr. Segal was the information you
19 received from Mr. Dunlop. Is that correct?

20 **MR. GUZZO:** Well, the documentation there
21 that he had forwarded on, I wanted to sit down with him
22 and, you know, obviously it appeared to me that -- and I
23 don't mean this as a criticism, but nobody in that
24 department had bothered to read this material; either send
25 it on to the police or, in this case, send it on to Chief

1 Fantino.

2 MR. KLOEZE: Okay. But that was -- apart
3 from the two statements we've just discussed, it's just the
4 Dunlop information that you had; that you were going to
5 come to Toronto and show it to Segal?

6 MR. GUZZO: And I had talked to a number of
7 people. I've got in my head the number of people that I've
8 spoken with who have come to see me and relay to me their
9 concerns with regard to the way they were treated in the
10 past and the way things were proceeding at the present.

11 MR. KLOEZE: Okay. That's information that
12 you received from people. As you say, it's in your head.
13 It's not -- you've not written it down in note form?

14 MR. GUZZO: I haven't -- I don't know that I
15 had any notes on -- other than in my daytimer.

16 MR. KLOEZE: Okay, and exactly what is it
17 from Mr. Dunlop that you received? I'm unclear as to that
18 as well. What did you receive from Mr. Dunlop in July?

19 MR. GUZZO: Well, I got four binders of
20 documentation. I think, as I recollect, and I said the
21 other day too that I didn't discover until I got back to
22 Toronto with it that there was a tape in there of a
23 television show and the materials that I have received were
24 all on file here.

25 I turned them over to Mr. Engelmann and they

1 were scanned, I guess, and they're on record here.

2 There were ---

3 **MR. KLOEZE:** So from the time you received
4 that from Mr. Dunlop you never got rid of that material.

5 **MR. GUZZO:** No, I didn't; I didn't. There
6 were affidavits, there were statements, there were police
7 notes with regard to the prosecution of Mr. Dunlop and
8 that's where the statement of Sergeant Lortie and Deputy
9 Chief St. Denis come in where they're being critical of the
10 Chief for not keeping them abreast of the charges. That's
11 where Sergeant Lortie says, "This is another cover up by
12 the Catholic Church." Another -- he doesn't say "cover
13 up," he says, "Another cover up." This is the chief of
14 detectives of the Cornwall Police at that time and then
15 there's the comment by the Deputy Chief that, "We've never
16 seen these files. They've been kept in the Chief's
17 office," and you know ---

18 **MR. KLOEZE:** Okay. I want to come back to
19 what you just said. You said you had four volumes from Mr.
20 Dunlop -- four volumes of materials and that's where I'm
21 confused. When Mr. Engelmann examined you in November, he
22 brought you to, I guess, the Acknowledgement of Receipt of
23 the materials received by Dunlop and that's at Exhibit 980.
24 Can you turn that up, please?

25 And this is an Acknowledgement of Receipt

1 signed by Monica Phillips. I think you've described Monica
2 Phillips as being a young lawyer who was working in your
3 office.

4 **MR. GUZZO:** Yes, that's correct.

5 **MR. KLOEZE:** She was working in your
6 constituency office or your law office?

7 **MR. GUZZO:** No, she's -- my law office.

8 **MR. KLOEZE:** Okay. And I think you described
9 the date in question, July 31st -- you don't remember -- you
10 remember Mr. Dunlop coming and saying hi to you but you
11 actually didn't receive the documents yourself.

12 **MR. GUZZO:** No, they were brought upstairs
13 and it looks like they were brought up by Mrs. -- according
14 to this, they were brought upstairs by Mrs. Dunlop but I
15 seem to recall he was alone. I came out of a meeting to
16 say hello to him but I just spoke to him for a minute.

17 **MR. KLOEZE:** The other ---

18 **MR. GUZZO:** They had been in to see me the
19 week before.

20 **MR. KLOEZE:** Yes, and you described that.

21 The other thing that I found curious in the
22 Acknowledgement of Receipt is:

23 "No. 1: Media coverage, photocopies
24 from 1993 through 1998."

25 And then:

1 "No. 2: Volumes 3 and 4 pertain to
2 evidence given at the Board of Inquiry,
3 Cornwall Police Service, through the
4 Public Complaints Commission."

5 It doesn't talk about four volumes of
6 materials; it talks about two volumes.

7 **MR. GUZZO:** It talks about Volumes 3 and 4.
8 Volumes 1 and 2 were the items referred to in number one --
9 the files referred to in number one.

10 **MR. KLOEZE:** That's media coverage, but that
11 doesn't include statements and ---

12 **MR. GUZZO:** Well, she didn't sit down and
13 examine it. She may have opened the file and seen some
14 media material, newspaper articles on the top but when you
15 went through the material, there were statements and some
16 affidavits.

17 **MR. KLOEZE:** Well, that's why I'm unclear.
18 In most of the other Acknowledgements of Receipt that we
19 see when Mr. Dunlop delivers materials, it's very clear;
20 Volumes 1 and 2 are clearly identifiable as volume numbers.

21 I'm just curious why in this Acknowledgement
22 and Receipt, Monica Phillips would acknowledge that there
23 were Volumes 3 and 4 when she wouldn't acknowledge that she
24 received Volumes 1 and 2.

25 **THE COMMISSIONER:** Well, there's a lot of

1 ways of looking at this in that Volumes 3 and 4 pertaining
2 to evidence given to the -- like who says that Volumes 3
3 and 4 are Volumes 3 and 4 that he received.

4 They could have been Volumes 3 and 4 of the
5 Board of Inquiry stuff which took more -- they were
6 photocopied and put in different binders and binders may
7 not equal volumes.

8 You know, how does he know?

9 **MR. KLOEZE:** Well, I don't know how he knows.
10 I'm just asking him what he received, basically, and why --
11 I guess he didn't sign this Acknowledgement of Receipt so
12 he can't know why Ms. Phillips signed it that way.

13 **THE COMMISSIONER:** Well, it might have been
14 -- first of all, is this -- who typed this up? Was it
15 already pre-typed?

16 **MR. KLOEZE:** It looks to be on Mr. Guzzo's
17 letterhead.

18 **THE COMMISSIONER:** Is that right, sir?

19 **MR. GUZZO:** Yes, it looks to be so Ms.
20 Phillips probably ---

21 **THE COMMISSIONER:** Okay.

22 **MR. GUZZO:** --- typed it up. They may have
23 asked for a receipt. They may have asked for a receipt and
24 she's ---

25 **MR. KLOEZE:** Now, let's go back to the

1 conversation with Mr. Segal and the notes that you made of
2 that conversation and you've described this already -- just
3 a few lines down from the top -- about eight lines down:

4 "MS we turned all materials to OPP.
5 Later clarified sent material to Chief
6 Fantino of London, Ont., because of his
7 experience, concerns for paedophile
8 cases."

9 And then -- do you see those notes, Mr.
10 Guzzo?

11 **MR. GUZZO:** Yes.

12 **MR. KLOEZE:** And then just below that:

13 "He turned it (material) to Ken Smith,
14 Chief Investigator."

15 Now, you've understood this conversation as
16 meaning that Mr. Segal is telling you that after Mr. Dunlop
17 delivered the materials to MAG, the four volumes of
18 materials that Mr. Dunlop delivered to MAG that -- MAG
19 meaning the Ministry of the Attorney General -- and that
20 was in April of 1997, that MAG, in turn, sent the materials
21 to Chief Fantino.

22 That's how you've interpreted that
23 conversation.

24 **MR. GUZZO:** Yes, that's correct.

25 **MR. KLOEZE:** And I'm going to suggest to you

1 that, in fact, what Mr. Segal is telling you is that Mr.
2 Dunlop had already sent the materials that he sent to MAG
3 to Chief Fantino of the London police.

4 **MR. GUZZO:** Well, I don't agree with that
5 because I think when he tells me that and I have -- I tell
6 him that Chief Fantino was served with the documentation
7 before the two government ministries were served; months
8 before.

9 **MR. KLOEZE:** Well, that's later on in the
10 conversation.

11 **MR. GUZZO:** Yes.

12 **MR. KLOEZE:** Just down a couple of lines --
13 about five lines from the bottom:

14 "Suggest that lawyers brief given to
15 Chief Fantino one month prior to April
16 `97."

17 I understood that as Mr. Segal telling you
18 that Chief Fantino had already had all this material before
19 MAG was served.

20 **MR. GUZZO:** Yeah, well I'm not sure we're
21 talking about it when they talk about the lawyer's brief
22 and then these documents.

23 I'm not 100 percent certain that we're
24 talking about the same thing because if you recall, Chief
25 Fantino's testimony here was that he got them over

1 Christmas and he sent them to Mr. Frechette of the Ontario
2 Provincial Police.

3 **MR. KLOEZE:** And I believe he testified he
4 sent them to Mr. Frechette in February of '97.

5 **MR. GUZZO:** Right. And I talked to Mr.
6 Frechette three days before I talked -- I had a call from
7 Mr. Frechette at my home three days before I had the call
8 from Mr. -- from Murray -- from Mr. Segal.

9 Mr. Frechette told me he didn't know
10 anything about it. He said, "I don't know what documents
11 you're talking about." And I think if I remember, having
12 read Chief Fantino's material -- statement here under oath,
13 he said, "Well, not only did I pass them on to Frechette, I
14 was on a committee with Frechette and I was meeting in
15 January, February and we discussed them.

16 Anyway, I had a call three days before this.
17 I had a call from Mr. Frechette and it was equally -- as
18 you see from the documents, I treated them both the same
19 way. I said, "I'll bring the file to Toronto. I want to
20 sit down with you if you want to see this stuff." And both
21 men got back to me and said, "We don't have to see you,
22 don't come and see us and don't call me back".

23 **MR. KLOEZE:** Now, you knew that Mr. Dunlop
24 had sent these materials to Chief Fantino?

25 **MR. GUZZO:** I knew -- I knew it. I don't

1 think I was told that but I had heard it somewhere.

2 MR. KLOEZE: Did you not -- I think you ---

3 MR. GUZZO: Now, let me be -- now let me be
4 clear about one other thing if I could?

5 MR. KLOEZE: Sir ---

6 THE COMMISSIONER: Whoa, whoa, he wants to
7 be clear about something, sir.

8 MR. GUZZO: I don't want to mislead you. I
9 mean, I had been told by OCOPS. When they tried -- they
10 didn't serve the Solicitor General. They refused to accept
11 them. They said, "Take them downstairs, it's looks like --
12 this looks like a complaint against police from a civilian,
13 so take it downstairs to the Ontario Civilian Commission of
14 Police".

15 They took it downstairs there and my
16 information there was that within four days, they sent the
17 documents to the Ontario Provincial Police. So the Ontario
18 Provincial Police should have had the documents in any
19 event, if you follow what I'm saying.

20 THE COMMISSIONER: How much longer, Mr.
21 Kloeze?

22 MR. KLOEZE: Maybe another 10 or 15 minutes.
23 I will try to finish, or would you rather -- I can put it
24 off until tomorrow?

25 THE COMMISSIONER: Let's put it off until

1 tomorrow.

2 **MR. KLOEZE:** Okay.

3 **THE COMMISSIONER:** That's fine.

4 Come back tomorrow. Thank you.

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

7 This hearing is adjourned until 9:30 a.m.

8 tomorrow.

9 --- Upon adjourning at 5:02 p.m. /

10 L'audience est ajournée à 17h02

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C E R T I F I C A T I O N

I, Sean Prouse 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, Sean Prouse, 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.



Sean Prouse, CVR-CM