

**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 183

Held at :

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

Wednesday, January 16 2008

Tenue à:

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

Mercredi, le 16 janvier 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Maya Hamou	Commission Counsel
Mr. Peter Manderville	Cornwall Police Service Board
Ms. Suzanne Costom	Ontario Provincial Police
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 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. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	

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

2 L'audience débute à 9h34

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Good morning all. Good
8 morning, Mr. Kloeze.

9 **MR. KLOEZE:** Good morning, Mr. Commissioner.
10 Good morning, Mr. Guzzo.

11 **GARRY GUZZO, Resumed/Sous le même serment:**

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

13 **KLOEZE (Cont'd/Suite):**

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

15 **MR. KLOEZE:** Mr. Guzzo, when we left off
16 yesterday afternoon, I was asking you about your
17 conversation with Mr. Segal of the Ministry of the Attorney
18 General in March 1999, and I was exploring with you what
19 Mr. Segal was telling you about the Dunlop documents and
20 Chief Fantino of the London Police. Do you recall that?

21 **MR. GUZZO:** Yes.

22 **MR. KLOEZE:** Now, you are aware, and I think
23 you mentioned it yesterday, that Mr. Fantino testified here
24 at this Inquiry?

25 **MR. GUZZO:** I am.

1 **MR. KLOEZE:** And you are aware that Mr.
2 Fantino testified that he did receive a brief of documents
3 from Dunlop's lawyer in December of 1996. Do you recall
4 that?

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

6 **MR. KLOEZE:** And you were also told that by
7 the Dunlops themselves when they met with you in July of
8 1998?

9 **MR. GUZZO:** I think I was, yes.

10 **MR. KLOEZE:** Now, Mr. Fantino testified that
11 he sent that Dunlop brief to the Ontario Provincial Police
12 in February of 1997. Do you recall that?

13 **MR. GUZZO:** I read that, yes.

14 **MR. KLOEZE:** Okay. Now, his testimony was
15 that, that was the last time he had anything to do with the
16 Dunlop documents. He did not mention, in his evidence
17 here, receiving another set of Dunlop documents from the
18 Ministry. Are you aware of that?

19 **MR. GUZZO:** I think I read all of Chief
20 Fantino's testimony and I -- but I'm not sure, but I did
21 not see anything to that effect.

22 **MR. KLOEZE:** Okay.

23 So I am going to suggest to you again that
24 that's basically what Mr. Segal was telling you in his
25 conversation with you in March of 1999. He was telling you

1 that it was Dunlop, through his lawyer, that sent a brief
2 of documents to Chief Fantino, and he wasn't telling you or
3 suggesting in any way that the Ministry then sent another
4 set of Dunlop documents to Fantino a few months later.
5 Will you accept that?

6 **MR. GUZZO:** Well, sir, that is not my
7 recollection. I don't think that's what my notes say, and
8 certainly when I wrote the letter of April 3rd, it was fresh
9 in my mind for a number of reasons. He -- first of all,
10 when he contacted me, he did not seem to know what I was
11 talking about. Then he said -- he told me that they had
12 been forwarded to -- he knew then what he -- he focused on
13 what documentation I was talking about. He said, "I think
14 they were forwarded" or "I know they were forwarded onto
15 the Ontario Provincial Police." And then after a short
16 period of time of reviewing what he had in front of him he
17 said, "No, I'm wrong. They were forwarded to Chief
18 Fantino."

19 Now, I interpreted that, and I was very
20 clear in my mind that he had -- that your ministry had sent
21 them on to Chief Fantino. I think that's what he told me.

22 I know Chief Fantino had the documents. I
23 also know that Chief Fantino said he sent them to Wayne
24 Frechette. Three days before my conversation with the
25 Assistant Deputy Minister of your department, Mr. Segal, I

1 have a conversation on the phone with Mr. Frechette of
2 which I had notes and I documented in my letter to the
3 Chief of Staff of the Premier, and he told me he didn't
4 know what I was talking about. He too invited me to bring
5 my file to Toronto; he wanted to see it. And he too
6 notified my Ottawa office before I got back saying, "Don't
7 come. I don't have to see it. We now have located the
8 documents and don't bother me anymore."

9 **MR. KLOEZE:** Okay. You've given that
10 evidence In-Chief.

11 **MR. GUZZO:** Right.

12 **MR. KLOEZE:** And I understand that evidence,
13 Mr. Guzzo. I was just wanted to explore with you the
14 conversations with Mr. Segal right now.

15 **MR. GUZZO:** Let me just -- could I just make
16 one other point?

17 **THE COMMISSIONER:** Yes.

18 **MR. GUZZO:** That I discussed that letter of
19 April 3rd and the contents relating to my phone call from
20 Mr. Segal and my phone call from Mr. Frechette with the two
21 cabinet ministers who were responsible for those
22 departments and quite frankly I, on more than one occasions
23 in the next few months, invited them to give me a response
24 and at no time, at no time, did Mr. Flaherty or Mr.
25 Runciman tell me that I was in error.

1 **MR. KLOEZE:** Now, the telephone call from
2 Mr. Segal, I understand, was a Monday evening in Florida at
3 your home there?

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

5 **MR. KLOEZE:** And you were entertaining
6 guests.

7 **MR. GUZZO:** I don't -- I think our guests
8 were staying with us.

9 **MR. KLOEZE:** Okay. And he phoned, I think
10 you said, at the -- in your notes, you have it at 6:30
11 p.m., so he phoned at the dinner hour?

12 **MR. GUZZO:** He did, I think. It was at the
13 dinner hour, yes.

14 **MR. KLOEZE:** And you were not expecting the
15 call that you had from him?

16 **MR. GUZZO:** Well, I think, I think I was
17 expecting a call from him because I'm sure that he got the
18 number from my constituency office, and they would not have
19 given it to him if I had not okayed it.

20 **MR. KLOEZE:** Now, is it possible, Mr. Guzzo,
21 that there was some confusion in the telephone call as to
22 what Mr. Segal was actually talking about, whether he was
23 talking about the MAG documents sent to Fantino or the
24 Dunlop documents sent to Fantino by his lawyer, by his own
25 lawyer. Is it possible at all that, because the

1 conversation was at the dinner hour, and you were
2 entertaining guests, that there might have been some
3 confusion on your part ---

4 **MR. GUZZO:** I don't think ---

5 **MR. KLOEZE:** --- as to what it was he was
6 saying?

7 **MR. GUZZO:** He may have misinterpreted. I
8 don't think I was confused. I knew what I was looking for
9 and why I was looking for it when -- especially after Mr.
10 Frechette's call, when Mr. Frechette had said, "I am the
11 senior person responsible for criminal prosecutions with
12 the OPP and I don't know what you are talking about. I
13 don't know what documents you are referring to and I don't
14 know what you are talking about."

15 **THE COMMISSIONER:** We've covered that.
16 Let's move on.

17 **MR. KLOEZE:** That's fine.

18 Now, the only other point I wanted to raise
19 with respect to your conversation with Mr. Segal --and
20 you've made this comment about other people who suggested
21 this to you. You've suggested that when Mr. Segal and
22 other individuals such as Mr. McLaughlin, in his
23 correspondence, suggest that you should -- if you have any
24 evidence, you should go to the OPP, to the police yourself,
25 you suggested that that was inappropriate.

1 And you say, as I understand your evidence,
2 you say that's inappropriate because rule number one for
3 politicians is that you should not interfere with ongoing
4 police investigations. Is that correct?

5 **MR. GUZZO:** Well, I distinguish between if I
6 have evidence, if I have evidence, sending it to the police
7 and whether I send it directly or through the appropriate
8 minister, you know, is maybe not that relevant, if you're
9 sending evidence. But as far as phoning police officers,
10 whether they're on patrol, whether they're in the cruiser,
11 whether they're in the police station, whether they're
12 senior administrative officers, I do not think that a
13 politician should be calling them, and I have never done
14 it.

15 **MR. KLOEZE:** Now, you make a distinction
16 there. If you have -- what you're saying is that if a
17 politician has evidence, or any person has evidence that is
18 relevant to an investigation, it would be appropriate to
19 forward that evidence to the police.

20 **MR. GUZZO:** To send the material?

21 **MR. KLOEZE:** Yes.

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

23 **MR. KLOEZE:** Okay. Now, if you recall when
24 I started my cross-examination yesterday, I went through
25 some points in your correspondence, the letters that you

1 had written to the Premier in 1998 and '99, and one of the
2 items in that correspondence is you suggested that there is
3 an abundance of information that's available; that was in
4 your correspondence.

5 MR. GUZZO: I believe that was quoted, yes.

6 MR. KLOEZE: You suggested that you,
7 yourself, saw some of this evidence, some of this -- some
8 documents and other evidence.

9 MR. GUZZO: Correct.

10 MR. KLOEZE: You talked about the motel
11 receipts and registration slips and things of that nature.

12 MR. GUZZO: Right.

13 MR. KLOEZE: Now, would you agree with me
14 that it's possible that some people reading that
15 correspondence, whether or not you actually had these
16 documents, might have been led to believe that you actually
17 did have evidence in your possession?

18 MR. GUZZO: It's possible. It's possible,
19 but I can assure you that I was asked that by the two
20 ministers of the Crown who were responsible, well,
21 initially Mr. Harnick and Mr. Runciman and subsequently Mr.
22 Flaherty, Mr. Young and I don't think when Mr. Turnbull or
23 Mr. Tsubouchi -- I ever -- but they asked me those
24 questions and I made it clear that I was accepting no
25 evidence other than what I -- copies of which I had from

1 the Dunlops and had been told and verified through OCOPS.

2 I did get cooperation at OCOPS, I want to
3 make that clear. They said, "Yeah, we got those documents
4 and we sent them within three or four days, we sent them to
5 the OPP".

6 **MR. KLOEZE:** Okay. And just to close off
7 that point I just -- if anybody thought that you actually
8 had or could come into possession of relevant evidence,
9 it's not inappropriate for those people to refer you to the
10 police ---

11 **MR. GUZZO:** No.

12 **MR. KLOEZE:** --- and suggest that you
13 forward that evidence on to the police. Is that correct?

14 **MR. GUZZO:** That's correct but -- and I
15 covered that extensively in my letter to -- of April 3rd to
16 Mr. McLaughlin.

17 **MR. KLOEZE:** Okay. I want to move on to one
18 more point and for that I just want to refer you to your
19 notes, Exhibit 848C, and these are the notes that you
20 produced where you also wrote, in pencil, names beside the
21 redactions that you had made.

22 **MR. GUZZO:** Yes.

23 **MR. KLOEZE:** I want to ask you some
24 questions about one particular name.

25 **MR. GUZZO:** What page, please?

1 **MR. KLOEZE:** It's the page that has the
2 number 5 on the top of it; it's about 4 from the end of the
3 document.

4 **MR. GUZZO:** Is this the Roman numeral five?

5 **MR. KLOEZE:** No. The ---

6 **MR. GUZZO:** The number 5.

7 **MR. KLOEZE:** The number 5.

8 **MR. GUZZO:** Yes.

9 **MR. KLOEZE:** Halfway down the page where it
10 says, "November of 2000"?

11 **MR. GUZZO:** Yes.

12 **MR. KLOEZE:** Now this person has been given
13 a moniker, C41 ---

14 **MR. GUZZO:** All right.

15 **MR. KLOEZE:** And as I've understood your
16 evidence, the name that you pencilled in here is the
17 correct name of the person that you're referring to in this
18 ---

19 **MR. GUZZO:** It is.

20 **MR. KLOEZE:** --- in this bullet, whether or
21 not that's actually the name that's written under the
22 redaction?

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

24 **MR. KLOEZE:** Okay. Now, I wanted to ask you
25 if you could assist us with the first name. It's just an

1 initial.

2 MR. GUZZO: I think -- I think it was either
3 Kevin -- I believe it was Kevin but it -- I didn't put it
4 in because I wasn't certain, but I had it narrowed down to
5 two names and Kevin or something else. I can't remember
6 what the other one was at the time.

7 MR. KLOEZE: Okay. You're positive that
8 that's the correct surname of this person?

9 MR. GUZZO: Well ---

10 THE COMMISSIONER: Which moniker are we
11 looking at?

12 MR. KLOEZE: C41.

13 THE COMMISSIONER: Okay.

14 MR. KLOEZE: Is it possible, Mr. Guzzo, that
15 he was known by another name and the reason I'm asking is
16 that we've made inquiries of the public service and also
17 the minister's office and we can't find a person who fits
18 the employment description of what you've described this
19 person as having done.

20 So I was wondering if it's at all possible
21 if he's known by another name or if you're definite that --
22 -

23 MR. GUZZO: I have to -- I see this person
24 twice and the second time when he approaches me and tells
25 me, you know, after the drive -- I mean, he dropped me off

1 first before the other -- I mean he dropped Mr. Harnick
2 first and then he dropped me and the other fellows.

3 Then he -- when he approached me and I
4 didn't know his name and I said to my staffer in Toronto I
5 think, "Phone over to the department where he's working now
6 and find out who that is. Who's driving Minister Wilson
7 today?" I think it was Minister Wilson. Who's driving him
8 right now and get the name of the person and that's how I
9 got the name, quite frankly. I could describe him though.
10 I could describe the fellow; I can see the person in my
11 mind but -- and, you know, my first reaction was, well, he
12 should have been in that pool, the Public Works pool.

13 At the time, I guess, we had a Public Works
14 pool providing drivers and because now he's driving for a
15 different minister in a different department, but he said
16 to me, you know, "I was there". Now, he could have been --
17 he could have been there too because he's assigned to that
18 minister. You know how that was working at the time?
19 They'd be assigned to a minister for a week or a month.

20 **THE COMMISSIONER:** It's okay. You don't
21 remember his name.

22 **MR. GUZZO:** I remembered his ---

23 **THE COMMISSIONER:** You can picture him but
24 you can't remember his name?

25 **MR. GUZZO:** Yes. I think it was Kevin

1 though.

2 **MR. KLOEZE:** Okay and your staffer actually
3 got the name from the Public Works pool.

4 **MR. GUZZO:** No, I think they got it from Mr.
5 Wilson's -- Minister Wilson's staff.

6 **MR. KLOEZE:** Okay.

7 **MR. GUZZO:** I think; that's who I told them
8 to call anyway.

9 **MR. KLOEZE:** Okay. And can you give me a
10 description of this gentleman?

11 **MR. GUZZO:** Tall, lean chap with abundance
12 of hair, you know, an athletic kind of guy but kind of a,
13 you know, six-three or something and then maybe only 180
14 pounds and ambles kind of, you know.

15 **MR. KLOEZE:** And about how old?

16 **MR. GUZZO:** Under 30.

17 **MR. KLOEZE:** Under 30?

18 **MR. GUZZO:** Under 25 maybe, yeah.

19 **MR. KLOEZE:** Okay. Thank you.

20 Now, yesterday when Mr. Sherriff-Scott was
21 asking you questions, you referred to a document from the
22 prosecution of Mr. Leduc and you referred -- this was a
23 document that was subject to a sealing order. Do you
24 remember that discussion with Mr. Sherriff-Scott?

25 **MR. GUZZO:** Yes. I'm not sure it was -- I

1 didn't know that. I didn't know that it was subject to a
2 sealing order, I don't think. But ---

3 **MR. KLOEZE:** Sorry, you didn't know that
4 when you got the document that it was subject to a sealing
5 order?

6 **MR. GUZZO:** I don't think so.

7 **MR. KLOEZE:** Okay, but you subsequently
8 found out that it was subject to a sealing order? I think
9 your evidence ---

10 **MR. GUZZO:** I think I found out I shouldn't
11 have it.

12 **MR. KLOEZE:** Okay. How did you obtain this
13 document?

14 **MR. GUZZO:** It was slid under the door of
15 the office at Queen's Park.

16 **MR. KLOEZE:** At Queen's Park?

17 **MR. GUZZO:** At Queen's Park.

18 **MR. KLOEZE:** Okay. And was it in any sort
19 of envelope?

20 **MR. GUZZO:** No, just a plain -- the usual.
21 The usual at Queen's Park, sir, brown, unidentified ---

22 **MR. KLOEZE:** Interoffice type of mail
23 envelope or actually a ---

24 **MR. GUZZO:** I think it was an interoffice
25 mail type of envelope.

1 **MR. KLOEZE:** And do you remember when you
2 received it?

3 **MR. GUZZO:** No, no, I don't recall ---

4 **MR. KLOEZE:** Do you remember how you ---

5 **MR. GUZZO:** --- and it could have been, you
6 know, like I leave on Thursday and I might not be back till
7 Tuesday, you know, it could have been there for three days,
8 you know, on my desk. Somebody would have picked it up but
9 it would have been on my desk, I wouldn't have seen it.

10 **MR. KLOEZE:** And do you remember how you
11 found out that you shouldn't have this document, in your
12 words?

13 **MR. GUZZO:** Well, it was stamped
14 "confidential" or something and it referred to a litigation
15 matter.

16 **MR. KLOEZE:** And that was the only
17 indication, in your mind, that you shouldn't have the
18 document?

19 **MR. GUZZO:** Well, I started to read it and I
20 realized that, you know, it wasn't something that was
21 intended for my eyes.

22 **MR. KLOEZE:** Okay. And what did you do with
23 the document?

24 **MR. GUZZO:** I put it in an envelope and
25 marked it "confidential" and I sent it over to the Attorney

1 General.

2 MR. KLOEZE: Where did you -- to whom in the
3 Attorney General did you send it?

4 MR. GUZZO: I would have sent it directly to
5 the minister, I think.

6 MR. KLOEZE: Directly to the minister?
7 And how long did you have the document in
8 your possession?

9 MR. GUZZO: Well, after I opened it, less
10 than two hours.

11 MR. KLOEZE: Those are my questions. Thank
12 you very much, Mr. Guzzo.

13 MR. GUZZO: Thank you.

14 THE COMMISSIONER: So who's next?
15 Mr. Neville?

16 (SHORT PAUSE/COURTE PAUSE)

17 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.
18 NEVILLE:

19 THE COMMISSIONER: Good morning, sir.

20 MR. NEVILLE: Thank you, sir.

21 Good morning, Mr. Guzzo.

22 MR. GUZZO: Good morning, sir.

23 MR. NEVILLE: We know each other by name. I
24 can advise you if you're not aware that I represent Father
25 Charles MacDonald and the Estate of Kenneth Seguin and his

1 brother, Douglas Sequin.

2 In your examination in-chief with Mr.
3 Engelmann last fall, you gave us a resumé of your legal
4 career. Can I ask you this, sir, during your legal career;
5 did you practise any criminal law?

6 **MR. GUZZO:** In my early days, I did. I
7 articled at Binks and Chilcott and was immersed with it
8 then and the first few years, I did.

9 **MR. NEVILLE:** Right. So you are familiar
10 with the criminal courts and, to a considerable extent I
11 would think, how police generally operate?

12 **MR. GUZZO:** I was.

13 **MR. NEVILLE:** All right. And you eventually
14 ran for public office, that is to say the legislature of
15 Ontario in 1995?

16 **MR. GUZZO:** Correct.

17 **MR. NEVILLE:** And, at that point, you would
18 have been in your mid-50s, had a career on the Bench and
19 were back in legal practise.

20 When you became a candidate for the
21 Progressive Conservative Party, were you given any kind of
22 assurances or expectations of a cabinet position?

23 **MR. GUZZO:** No, quite the contrary.

24 **MR. NEVILLE:** Did you eventually receive an
25 appointment as a parliamentary secretary?

1 MR. GUZZO: I did, yes.

2 MR. NEVILLE: And some other appointments as
3 well?

4 MR. GUZZO: Yes, I did. I served a period
5 of time as the Chair of the Agency Reform Commission.

6 MR. NEVILLE: All right. And to whom were
7 you a parliamentary secretary?

8 MR. GUZZO: The Minister of Energy.

9 MR. NEVILLE: And for how long?

10 MR. GUZZO: A year-and-a-quarter or so.

11 MR. NEVILLE: And that ceased?

12 MR. GUZZO: That ceased, yes, that ceased in
13 '96 sometime.

14 MR. NEVILLE: And do you know why that
15 ceased?

16 MR. GUZZO: Well, there was a shuffle, a
17 number of us were moved around and, quite frankly, the
18 Agency Reform Commission job was a better job in terms of,
19 you know, I got a chance to finish -- do a chair
20 commission, do a report that quite frankly I got a -- one
21 of the major successes I had at Queens Park was a SOAR
22 medal, a Society of Administrators and Adjudicators of
23 Ontario, the only non-member of that group, only member of
24 the House to ever receive something like that from them on
25 the basis of that report, which was adopted, and has been

1 adopted in seven other provinces across this country and
2 six states in the United States. So it was a better -- I
3 considered it a promotion even though it didn't pay,
4 whereas the parliamentary assistant's job did pay.

5 **MR. NEVILLE:** Right. And it -- was it a
6 matter of upset to you that you lost the parliamentary
7 assistant's position?

8 **MR. GUZZO:** No.

9 **MR. NEVILLE:** Now, you've told us in-chief,
10 told Mr. Commissioner that -- if I understood your evidence
11 that you first became aware of events in Cornwall, in any
12 fashion, in December of 1995?

13 **MR. GUZZO:** That's what I recollect, yes. I
14 don't recall -- I don't recall anything, I don't think,
15 prior thereto.

16 **MR. NEVILLE:** Are you aware from subsequent
17 reading you've done either for these proceeding or
18 otherwise, sir, that certainly prior to December of '95 in
19 this area, there had been significant publicity about
20 events in Cornwall already? There have been press
21 conferences with the bishop. There have been newspaper
22 stories about Mr. Dunlop, about lawsuits and the like?

23 **MR. GUZZO:** I'm aware of that now.

24 **MR. NEVILLE:** Would -- had you missed all of
25 that?

1 **MR. GUZZO:** Well, it certainly hadn't stayed
2 with me if I had, you know ---

3 **MR. NEVILLE:** Now, I just want to take a
4 couple of minutes here and review with you this business of
5 your notes and, as you know, that was explored with you, to
6 some extent, last fall and we also had the benefit of the
7 evidence of Mr. Lindblom. You received his report and
8 heard his evidence?

9 **MR. GUZZO:** I was here when he testified.

10 **MR. NEVILLE:** Right. And I'll just give the
11 page references to assist Mr. Commissioner.

12 On your first testimony on November 13th at
13 page 21, you were asked about preparing notes and you told
14 Mr. Engelmann:

15 "I have an idea that I have my old
16 daytimers and I'm referring to my
17 daytimers as well as maybe other
18 things, I don't recall."

19 Do you remember telling us that?

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

21 **MR. NEVILLE:** All right. Well, I'm reading
22 it from the transcript.

23 **MR. GUZZO:** M'hm.

24 **MR. NEVILLE:** And then he asks you to
25 distinguish the two sets of notes that had been made

1 exhibits. We have Exhibit 847 which you basically
2 described as a condensed version of the other set and if we
3 look at those, we can see -- and I'm not asking that we do
4 it just to save time -- it's a series of numbers from 1 to
5 40 indicating 40 different events recorded; right?

6 **MR. GUZZO:** I believe so, yes.

7 **MR. NEVILLE:** All right. Now, you were then
8 asked about the other set, the set that's redacted, and
9 what you were asked was -- sorry, let me just tidy up one
10 point about Exhibit 847, that you wrote those either in
11 September or October of 2003 or perhaps in early 2004 when
12 recuperating from hip surgery; right?

13 **MR. GUZZO:** I believe that to be the case,
14 yes.

15 **MR. NEVILLE:** All right. Now, you were also
16 asked in relation to redactions in Exhibit 848, or 848C in
17 particular, sir ---

18 **MR. GUZZO:** M'hm.

19 **MR. NEVILLE:** --- this question at page 27
20 by the Commissioner:

21 "When did you make those redactions,
22 sir?

23 **MR. GUZZO:** I would think it was the
24 summer of '06. I met with counsel in
25 the summer of '06. We discussed

1 whether or not, you know, I would be
2 called as a witness and I think it was
3 around about that time if I were -- I
4 don't likely recall, I am surmising."

5 Do you recall giving that answer?

6 **MR. GUZZO:** I did and I tried to correct
7 myself at the time when ---

8 **MR. NEVILLE:** You did?

9 **MR. GUZZO:** I did, but I was wrong and I
10 think I corrected myself at the time.

11 **MR. NEVILLE:** Well, not quite at the time,
12 but we'll come to the chronology of it.

13 **MR. GUZZO:** No, but, well, all right.

14 **MR. NEVILLE:** So then on the 14th of
15 November, you are -- you were instructed on the 13th to come
16 back -- to locate originals and come back with them; right?

17 **MR. GUZZO:** Right.

18 **MR. NEVILLE:** Thinking they were at your
19 cottage, turned out they weren't, and you came back with
20 them and they were redacted?

21 **MR. GUZZO:** Right.

22 **MR. NEVILLE:** All right. And you were asked
23 about that and about the redactions and you said this at
24 page 2, Mr. Commissioner -- by Mr. Engelmann:

25 "Can you tell me if you are able,

1 either as a result of just looking
2 through the redactions you've made or
3 otherwise, are you able to tell us all
4 of the names you've redacted?"

5 Your answer is:

6 "I have a list. I have a list of the
7 names. I think they're all there. I
8 think that each and everyone is there."

9 And that was the piece of paper with the
10 circle and the names; right?

11 **MR. GUZZO:** I think so, yes.

12 **MR. NEVILLE:** You don't recall?

13 **MR. GUZZO:** I do, yes, I ---

14 **MR. NEVILLE:** And then he asks you, Mr.

15 Engelmann:

16 "Is this the list you just made by
17 looking at this and trying to decipher
18 the names, the redactions, or is this a
19 list you made at another time?"

20 Your answer:

21 "This is a list I made when I made the
22 redactions."

23 Mr. Engelmann:

24 "So at the time you did the redactions
25 you made a separate list."

1 Mr. Guzzo:

2 "Correct."

3 And he confirms you have that list with you
4 and that's the round sheet of paper, right?

5 **MR. GUZZO:** I believe so, yes.

6 **MR. NEVILLE:** All right.

7 Then you're asked again at page 10 about the
8 previous set of notes, 847, Exhibit 847 which might have
9 been described as the shorter or condensed version the
10 previous day and page 10 Mr. Engelmann says to you:

11 "I just want to understand when you
12 think you might have prepared those
13 notes?"

14 And your answer:

15 "I believe in the spring or summer of
16 '06."

17 That's a completely different answer than
18 the day before when they were apparently prepared by
19 January of '04. Why are there two different answers?

20 **MR. GUZZO:** Well, I can't answer that. I'm
21 obviously -- I'm -- I can't even picture the list that
22 you're talking about, one to forty --

23 **MR. NEVILLE:** No, I'm talking at the moment
24 about Exhibit 847, the condensed version which on the 13th
25 you described as made in the fall of '03 or January of '07

1 (sic) and the following day you described as being made in
2 the summer of '06.

3 **MR. GUZZO:** And if you asked me today when I
4 made them, I couldn't give you -- you know -- I don't
5 recall when I made that list to be honest with you. But I
6 think the more likely it was the earlier date than the
7 later date.

8 **MR. NEVILLE:** Now another thing you told Mr.
9 Commissioner on that day, on the same page in fact is that
10 you confirmed that there are in fact two parts to the 848
11 set. The first part is one you said you prepared in
12 contemplation of the first private member's bill. Right?

13 **MR. GUZZO:** That I think is clear, yes.

14 **MR. NEVILLE:** And the second part which I
15 think has a non-Roman numerals was done at some later time
16 -- we'll come to that. Do you recall giving us that
17 evidence?

18 **MR. GUZZO:** I think I do, yes.

19 **MR. NEVILLE:** All right.

20 **MR. GUZZO:** Yes.

21 **MR. NEVILLE:** Now, at page 14 of the
22 transcript you're asked when you may have done the second
23 part of those notes and you say and Mr. Engelmann asks you:

24 "When is your best recollection as to
25 when the second set of notes that are

1 contained in either 848 C or B were
2 prepared."

3 Your answer was:

4 "I remember working on the file, I
5 decided not to shred this file and I
6 remember working on this file
7 definitely in February -- January,
8 February of '04 when I'm rehabbing from
9 a hip operation and I would think
10 that's when I do these notes."

11 Mr. Engelmann then says:

12 "Again, then, your best recollection as
13 to when you would have blacked out some
14 of these names?"

15 Mr. Guzzo:

16 "I would you know, I would -- I can't
17 remember going back to the file, per
18 se. I think maybe the best guess I
19 would make was, I do it at that time
20 when I'm sitting around doing nothing
21 working a bit on files. I'm a year --
22 almost a year out of the Legislature
23 and I'm still cleaning up a few of the
24 files and I would think that's the best
25 time but it may not have happened at

1 that time, I can't be sure".

2 That was your explanation for the timing
3 then; right?

4 **MR. GUZZO:** Right.

5 **MR. NEVILLE:** All right. Then he asked you
6 this. Mr. Engelmann, page 15:

7 "At some point in time on the original
8 notes you added some handwritten
9 names."

10 "I did, yes."

11 "And those handwritten names were not
12 on 848 B, correct?"

13 "They were not."

14 Stopping there, that's the copy you faxed to
15 the Commission; right?

16 **MR. GUZZO:** I believe so, yes.

17 **MR. NEVILLE:** Right.

18 Mr. Engelmann:

19 "How is it possible that we have 848 B
20 without handwritten names and your
21 originals have handwritten names?"

22 Your answer:

23 "Well, I'll tell you where the
24 originals are. I found them yesterday,
25 or in a file, I have started and was

1 doing a book on the Cornwall
2 situation."

3 Have you started a book?

4 **MR. GUZZO:** No, I have not. I haven't ---

5 **MR. NEVILLE:**

6 "I have started and was doing a book on
7 the Cornwall situation."

8 **MR. GUZZO:** And then I started to work on
9 it, yeah.

10 **MR. NEVILLE:**

11 "And I have photocopied these with the
12 blackouts, and as far as maintaining
13 this file I guess as first glance I'm
14 thinking I should still shred it,
15 nothing's going to happen. The
16 original notes are left with the book
17 file, I'm working from photocopies".

18 That was part of your explanation, right?

19 **MR. GUZZO:** Right.

20 **MR. NEVILLE:** Right. Now, we then have an
21 interlude where Mr. Lindblom gets involved, after this
22 particular part of your evidence. There was more that day
23 than that ---

24 **MR. GUZZO:** M'hm.

25 **MR. NEVILLE:** --- but that's dealing with

1 the notes and the blackouts. Mr. Lindblom comes and does
2 his report and testifies all about what you were aware of
3 and then you're back to testify on the 21st of November and
4 you're asked this. It's page 7, Mr. Commissioner.

5 By Mr. Engelmann:

6 "So do you now recall when it is you
7 blacked out those names and on how many
8 occasions you would have done it?"

9 Mr. Guzzo:

10 "Well, when I blacked them out I'm not
11 clear, it was sometime after. It was
12 sometime after. I was using the -- the
13 document when I was talking about the
14 file and about a proposed book on the
15 issue and I was -- if I had to put a
16 time on it, I would have said probably
17 late 2004 or early 2005."

18 Now of course the week before it was the
19 summer of 2006; right?

20 **MR. GUZZO:** Well, I told you I didn't think
21 that was accurate. I ---

22 **MR. NEVILLE:** Well, let ---

23 **MR. GUZZO:** --- but I did say it, yes I did
24 and ---

25 **MR. NEVILLE:** Well, tell me this Mr. Guzzo,

1 when you gave the answer the first time, the summer of
2 2006, you were able at that time to relate it to the fact
3 you'd come for an interview with Commission counsel and
4 went back apparently and did the redactions.

5 **MR. GUZZO:** No, I'm ---

6 **MR. NEVILLE:** Well, that was your answer.

7 **MR. GUZZO:** Well, no. You know I'm
8 recalling it, that's when I -- I pulled the file -- I
9 pulled the file out again at that time when I'm going to go
10 -- sorry, when I'm going to go to the meeting, but, you
11 know, I'm -- I made it clear at that time to Mr. Engelmann
12 that -- you know the notes -- you know, I hadn't prepared
13 these notes and documented them the way that I had done
14 with the -- with the letters and the documentation I was
15 preparing after the 3rd of April '98 when I was doing the
16 letters to the different Ministers, et cetera. I did not
17 consider them important. I mean, take a look at them. I
18 mean, I'm scratching down ---

19 **MR. NEVILLE:** Mr. Guzzo, you wrote the
20 Premier in September of 1998.

21 **MR. GUZZO:** Right.

22 **MR. NEVILLE:** You wrote other letters to his
23 Chief of Staff and other persons in 1999.

24 **MR. GUZZO:** Right.

25 **MR. NEVILLE:** You've told this Court, this

1 Hearing and through Mr. Engelmann, and it's reflected in
2 the transcripts and it's reflected on 848 C that it wasn't
3 even commenced until the fall of 2000; that's the date
4 that's on it, October 2000. What are you talking about?
5 Do you want to look at 848 C?

6 **MR. GUZZO:** No, I'm saying -- like the notes
7 that I'm making, like, I've got something in the daytimer
8 about this or that or wherever I have them and I sit down
9 and I prepare those notes from whatever I have, but I don't
10 have much. You understand, sir? I don't consider it
11 important when people are coming in and giving me this or
12 saying that. That -- once I make up my mind that I'm -- I
13 have an obligation here to do something and I start to
14 focus on it, then I think I keep pretty good records and I
15 keep documentation but, sir, when I sit down, when the Bill
16 is coming up, I'm going to old daytimers, I'm going to
17 scraps of paper, that's -- well, I'm using -- and I don't
18 have much.

19 **MR. NEVILLE:** Let me go on with your answer
20 that day, sir. I stopped reading where you said:

21 "...if I had to put a time on it I
22 would have said probably late 2004 or
23 early 2005."

24 That's the redactions, right?

25 **MR. GUZZO:** Well ---

1 **MR. NEVILLE:** Right? Isn't that what I just
2 read?

3 **MR. GUZZO:** Well, if you are reading from
4 it, I'm not -- so yeah.

5 **MR. NEVILLE:** Yeah, well we can put it up.
6 You go on:

7 "After I decided to black it out --
8 after I decided to black it out because
9 I am using it and am showing it to
10 people and questions are being raised.
11 I continued to use both photocopies and
12 the original on occasion."

13 Mr. Engelmann:

14 "For what purpose?"

15 Mr. Guzzo:

16 "To discuss the chronology and to
17 discuss the documents I'm using with
18 it, the letters that I've prepared, the
19 letters I've sent, the responses I've
20 received in establishing."

21 That's what you said. You were using the
22 notes to show to people along with letters. If you're
23 showing them to people, sir, they must have been already
24 redacted. You're not going to show them to people
25 unredacted, are you?

1 MR. GUZZO: I ---

2 MR. NEVILLE: Are you?

3 MR. GUZZO: I did. I started to, yes.

4 MR. NEVILLE: Unredacted?

5 MR. GUZZO: Yes, I believe so. I believe I
6 did and I believe it was as a result of ---

7 MR. NEVILLE: Well, you go on, sir, at page
8 8. Mr. Engelmann asked you specifically:

9 "Are you using these notes and showing
10 them to colleagues, MPPs and/or cabinet
11 ministers?"

12 MR. GUZZO: The first ones I probably
13 did. The first ones I probably did
14 when I was using them for the Bills
15 that were coming forward in the House."

16 MR. ENGELMANN: The first ones being
17 those notes you created in around the
18 Fall of 2000?"

19 Answer:

20 "Right."

21 So are you telling us then that you would
22 have a meeting with someone -- because I'm going to give
23 you another passage where you even say you left people with
24 copies -- that we'd see names of football players?

25 MR. GUZZO: Yeah, they were -- it was coded.

1 MR. NEVILLE: Pardon?

2 MR. GUZZO: It was coded, yeah.

3 MR. NEVILLE: With football players and
4 friends. That's what you told us?

5 MR. GUZZO: Yeah, I ---

6 MR. NEVILLE: What football players? Whose
7 name did you use?

8 MR. GUZZO: Off the top of my head, I don't
9 know but I would think former Rough Riders.

10 MR. NEVILLE: Now, it goes on -- you were
11 asked by Mr. Engelmann as follows at page 10, and this is
12 one we have the version now with the pencil marks. All
13 right?

14 He says to you:

15 "And those pencil marks were clearly
16 made by you?"

17 "Yes they were."

18 "And I believe you told us that those
19 pencil marks were made

20 contemporaneously with your

21 obliteration of your original notes.

22 Is that correct?

23 MR. GUZZO: I can't be definite but

24 they were made -- I remember the

25 Inquiry is called and I have said to

1 the Attorney General, you know, and to
2 the Premier, Mr. McGuinty, I would not
3 do anything on a book if an Inquiry
4 were called."

5 And it goes on dealing with that topic. At
6 line 16:

7 "I'm putting the file away at some
8 point-in-time. I think it was probably
9 at that time that I pencilled in --
10 pencilled in the names."

11 And then Mr. Engelmann confirms that the
12 announcement of the Inquiry was actually as early, so to
13 speak, as the fall of 2004 and certainly the Order in
14 Council by 2005. You effectively confirm that you did them
15 sometime contemporaneous with the announcing of the
16 Inquiry.

17 That was your explanation at that point. Is
18 that correct, sir?

19 **MR. GUZZO:** I believe it to be true too,
20 sir.

21 **MR. NEVILLE:** And it's at that point that
22 Mr. Engelmann elicits or discovers from you that you used
23 coded names and that's dealt with on pages 11 and 12 of the
24 transcript. You confirm, on page 17, that the names were
25 those of football players and/or friends.

1 Now, it's in -- the Commissioner, at page
2 19, sir, who then says to you:

3 "THE COMMISSIONER: So what you're
4 telling me then is that you used a code
5 name to reflect -- and so let's assume
6 you used the name of a football player.
7 How would it relate to the person that
8 -- how would it click your memory to
9 remind you of who it was?"

10 Your answer was:

11 "I make a list or something. I keep a
12 list of the name, the name I'm using
13 and who the individual is I'm
14 protecting.

15 THE COMMISSIONER: Well, where's the
16 list?

17 MR. GUZZO: I would have thought it was
18 in the file. I may have got rid of it
19 when I put the names down -- pencilled
20 them in on the document. I haven't got
21 it."

22 What happened to it?

23 MR. GUZZO: I have no idea, sir. I have no
24 idea.

25 MR. NEVILLE: Mr. Commissioner then

1 addresses you, Mr. Guzzo, at page 21 as follows:

2 "The fact is ..."

3 -- at line 5, Mr. Commissioner:

4 "The fact is that I would have hoped
5 that but for our expert we would not
6 have understood that fact that you had
7 -- that you claim you had code names
8 underneath and some cynical people
9 might say -- question whether or not
10 you've given us the names that were
11 underneath there and a proper
12 explanation."

13 Do you understand that's how people may be
14 reacting to your evidence?

15 **MR. GUZZO:** And I answered the Commissioner
16 by saying, "Yes, I understand that".

17 **MR. NEVILLE:** Well, that's not quite what
18 you said but ---

19 **MR. GUZZO:** Well ---

20 **MR. NEVILLE:** Now, you also conceded to Mr.
21 Engelmann -- and this is on page 23 -- that given the fact
22 that you obtained names from various people starting as
23 early as December of 1995, that what is ultimately put
24 forward as the names could be mistaken. Is that correct?

25 **MR. GUZZO:** I did admit that, yeah.

1 **MR. NEVILLE:** So do we have any assurance
2 that any of these names are accurate?

3 **MR. GUZZO:** Sir, to the best of my knowledge
4 and belief they are accurate and I made one exception
5 sometime later on indicating that I was concerned that the
6 person -- I had not met that person personally but I did --
7 -

8 **MR. NEVILLE:** Yes, you did that. Well,
9 here's your answer.

10 Mr. Engelmann confirms that there was four
11 or five years or more of pencils -- this is on page 23.
12 You say:

13 "That's correct.

14 **MR. ENGELMANN:** So there's a
15 possibility, would you not agree, you
16 might have made a mistake.

17 **MR. GUZZO:** I guess I could have.

18 **MR. ENGELMANN:** On one or more of those
19 names?

20 **MR. GUZZO:** I could have made a
21 mistake, you're right, but I could have
22 also made a mistake in 2000 when I was,
23 you know, going back to '96 and '97.

24 I'm human. I could have made some
25 mistake."

1 That was your answer. Do you stand by the
2 answer?

3 **MR. GUZZO:** I'm still human and I'm still
4 capable of making mistakes.

5 **MR. NEVILLE:** So we do not have assurances
6 of the accuracy of the names is the answer. Is that not
7 correct?

8 **MR. GUZZO:** To the best of my knowledge and
9 belief, they're accurate.

10 **MR. NEVILLE:** So what did you mean when you
11 say you could have made a mistake ---

12 **MR. GUZZO:** I mean, I ---

13 **MR. NEVILLE:** --- on the names?

14 **MR. GUZZO:** I mean, I'm human and I can make
15 mistakes.

16 **MR. NEVILLE:** So is there any certainty that
17 we can have about the names if they could be mistaken? Yes
18 or no?

19 **MR. GUZZO:** Well, I'm certain about some of
20 them, yeah -- about all of them that I have there but, sir,
21 I can be wrong. Yes, I could have made a mistake.

22 I go back to -- I've made, you know -- and I
23 sat down to document and make notes and -- in '95 and to
24 record what I was doing. The documents you're seeing would
25 have been an awful lot different than what you've got.

1 They would have been as complete as the letters and the
2 copies of the letters and who got copies of the letters
3 after April 3rd .

4 **MR. NEVILLE:** Mr. Guzzo, you told the
5 Commission that in December of '95, after a contact from
6 Duncan -- the late Duncan McDonald, two people came to
7 visit you?

8 **MR. GUZZO:** Right.

9 **MR. NEVILLE:** And you met with them and
10 listened to what they had to say?

11 **MR. GUZZO:** I did.

12 **MR. NEVILLE:** Did you ask them what their
13 names were?

14 **MR. GUZZO:** I did.

15 **MR. NEVILLE:** Did they tell you their names?

16 **MR. GUZZO:** They did.

17 **MR. NEVILLE:** Did you put the name down
18 anywhere for either man?

19 **MR. GUZZO:** I don't -- I had them ---

20 **MR. NEVILLE:** The question was, did you put
21 either man's name down somewhere?

22 **MR. GUZZO:** I believe I did.

23 **MR. NEVILLE:** Where?

24 **MR. GUZZO:** Probably in a daytimer.

25 **MR. NEVILLE:** And we have to accept I take

1 it, Mr. Commissioner and the public, that some eight years
2 worth of daytimers have somehow disappeared?

3 **MR. GUZZO:** Well, I don't have daytimers.

4 **MR. NEVILLE:** They were your daytimers. Are
5 we to conclude that they somehow disappeared, you led us to
6 understand, in the emptying of your office?

7 **MR. GUZZO:** They were in -- they were
8 retained in my Toronto office and they were gone when that
9 office was cleared out.

10 **MR. NEVILLE:** So your evidence is that
11 somehow, unbeknownst to you and with no input from you and
12 with no knowledge till after the fact from you, someone
13 disposed of eight years of daytimers. Is that the evidence
14 you would suggest?

15 **MR. GUZZO:** Well, not only ---

16 **MR. NEVILLE:** That's the question.

17 **MR. GUZZO:** There may have been -- I may
18 have had daytimers earlier than that in that office.

19 **MR. NEVILLE:** I'm interested in the ones
20 from 1995 to 2003 or approximately eight years in the
21 legislature that are relevant to these proceedings. Are
22 those eight daytimers all gone as far as we're to
23 understand?

24 **MR. GUZZO:** They are.

25 **MR. NEVILLE:** Now, Mr. McDonald calls you

1 and raises his concerns to you as a catholic and as a
2 lawyer ---

3 MR. GUZZO: I believe that's ---

4 MR. NEVILLE: --- that's how you put it,
5 that he was raising it as a concern about the Catholic
6 Church and he was calling you that you were now elected and
7 were a catholic lawyer. Is that a fair summary?

8 MR. GUZZO: He was calling me because I was
9 a Member and yes.

10 MR. NEVILLE: Yes.

11 MR. GUZZO: Yeah.

12 MR. NEVILLE: And you understood that he
13 arranged with two persons as to come to see you?

14 MR. GUZZO: That's my belief.

15 MR. NEVILLE: All right. And you met with
16 them and you told us that you were singularly unimpressed
17 with both of them; did not consider them credible?

18 MR. GUZZO: That's correct.

19 MR. NEVILLE: Did you call Duncan back and
20 say, "What's going on here?"

21 MR. GUZZO: No, I did not.

22 MR. NEVILLE: Now, I just want to refer you
23 to one of your answers.

24 You were being -- this is about your
25 conversation with Duncan McDonald and -- it's the

1 transcript, Mr. Commissioner, of November 14. And just to
2 put it in context, sir, you told the Commissioner that you
3 knew Mr. MacDonald, that is to say Malcolm MacDonald?

4 **THE COMMISSIONER:** Now ---

5 **MR. NEVILLE:** You knew Malcolm MacDonald
6 personally?

7 **MR. GUZZO:** I had met him, yes.

8 **MR. NEVILLE:** Yes. And you knew of his
9 legal history, that he'd been at one point a Crown attorney
10 and a private practitioner and certainly by 1995, you told
11 us you knew he was an active of the Tory Party; had been a
12 Tory before but was active in '95?

13 **MR. GUZZO:** I knew he had been active at
14 that time, yes.

15 **MR. NEVILLE:** Yes. And let me just read to
16 you -- I'm referring Mr. Commissioner, to page 24, and it's
17 a question by yourself sir, starting at line 2.

18 The Commissioner says to you:

19 "And what did he tell you about the
20 church's involvement?"

21 **MR. GUZZO:** I don't know that he went
22 into any detail or specifically. It's
23 -- I mean I remember getting the call,
24 it's a busy time of year, it's, you
25 know -- but ---

1 THE COMMISSIONER: Okay.

2 MR. ENGELMANN: But he's telling you
3 you should be concerned. He's telling
4 you he is a Catholic too. What is he
5 telling you about the church's
6 involvement, if any, in this
7 settlement?

8 MR. GUZZO: Well, at that point in
9 time, I'm not certain what exactly he
10 relates to me. He's telling me that
11 there was, you know -- that the church
12 made a settlement but there was a lot
13 of confusion over what -- who knew
14 what. Malcolm is in trouble over it
15 you know."

16 "So he mentions Malcolm's name?"

17 "I think so. I think so."

18 And then, further on, on page 25, Mr.
19 Commissioner at line 8 says to you:

20 "What kind of trouble did he say
21 Malcolm was in?"

22 And you say:

23 "He said Malcolm had acted in some way
24 and, you know, he was going to end up
25 taking the hit. There were a lot of

1 lawyers involved in this thing. It
2 doesn't look good and Malcolm's going
3 to be the one that has to pay the price
4 for it."

5 I suggest that he was speaking somewhat
6 sympathetically of the position Malcolm ended up in. Is
7 that a fair statement?

8 **MR. GUZZO:** That's a fair statement.

9 **MR. NEVILLE:** Yeah. Were you aware, sir,
10 that by December of 1995, Malcolm MacDonald had actually
11 already pleaded guilty to attempt to obstruct justice and
12 received an absolute discharge?

13 **MR. GUZZO:** No, I wasn't aware I don't think
14 at the time of that conversation, but I was aware shortly
15 after.

16 **MR. NEVILLE:** Because I expect Mr.
17 Commissioner will receive evidence in some form or other,
18 maybe even this week, that Mr. MacDonald pleaded guilty on
19 September the 12th, 1995 in a public courtroom and it was
20 widely publicized in various media because of who he was
21 and what it was about. And, again, was that a story that
22 you had -- I guess, just went by unnoticed?

23 **MR. GUZZO:** You know, I may even have seen
24 it ---

25 **MR. NEVILLE:** All right.

1 **MR. GUZZO:** --- but I don't recall seeing
2 it, sir.

3 **MR. NEVILLE:** Now, you knew Malcolm
4 MacDonald?

5 **MR. GUZZO:** I had met him, yes.

6 **MR. NEVILLE:** Sure. And you knew he was a
7 fellow Tory?

8 **MR. GUZZO:** Yes.

9 **MR. NEVILLE:** Did you ever think to
10 yourself, "Why don't I talk to Malcolm and get his
11 explanation?"

12 **MR. GUZZO:** No, it never occurred to me. I
13 ---

14 **MR. NEVILLE:** Why not?

15 **MR. GUZZO:** Well, you know, the only time I
16 ever saw this man was at either political functions or
17 legal functions, you know, Law Society or ,you know, Bar
18 Association or something like that. I didn't have a
19 personal relationship with him.

20 **MR. NEVILLE:** Well, Duncan MccDonald is
21 expressing his concerns too. He is telling you that
22 clearly he's sympathetic to the position Malcolm ended up
23 in. You know something of Malcolm's history; he is a
24 fellow Party member.

25 I suggest it's odd that you would not pick

1 up the phone and just call the man and say, "Malcolm, just
2 tell me what happened here?" You wanted to know about the
3 settlement on -- didn't you?

4 **MR. GUZZO:** I don't know that I wanted to
5 know about the settlement at that point-in-time. I didn't
6 ---

7 **MR. NEVILLE:** Well, that's what Duncan was
8 bringing you in for.

9 **MR. GUZZO:** Well ---

10 **MR. NEVILLE:** The church that you were part
11 of, as a fellow catholic lawyer, had done a settlement and
12 he was troubled by it. Here's a person that you know as a
13 lawyer, as a catholic himself, Malcolm, and as a Tory, who
14 would have all kinds of inside knowledge. Why would you
15 not speak to him?

16 **MR. GUZZO:** Well, sir ---

17 **MR. NEVILLE:** To get it right from the
18 horse's mouth so to speak, a real player; why not?

19 **MR. GUZZO:** Well, I don't -- you know, I
20 don't know him on a personal basis. I'm not going to pry.
21 I mean, at that point-in-time -- I'm sorry, the file is
22 certainly not a major file in my office at that time, you
23 know.

24 **MR. NEVILLE:** Well, in the light of what
25 happened with the first two visitors who were rambling,

1 incoherent and not credible, I would think it was a totally
2 inactive file, wasn't it?

3 **MR. GUZZO:** Well, on the basis of those two
4 people, yes.

5 **MR. NEVILLE:** Right. And yet, having gone
6 to the length of the discussion with Duncan and getting
7 such a strange pair of visitors, you make no further
8 inquiries, not even of Duncan?

9 **MR. GUZZO:** Well, you know, I may have
10 raised it with him the next time I saw him or commented to
11 him about ---

12 **MR. NEVILLE:** Well, the next visit you told
13 us about with him was at the Laurencrest dinner. Were
14 there others?

15 **MR. GUZZO:** I don't recall others, sir, it's
16 a long time ago. It might have been but I don't think so.

17 **MR. NEVILLE:** Now, if we could just look for
18 a moment at this exhibit, Mr. Commissioner, 848-C, which is
19 the handwritten notes. Do you have your set there, sir?

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

21 **MR. NEVILLE:** On the screen at the moment is
22 the list that we talked about in some of your earlier
23 testimony that -- I think it was a round, circular piece of
24 paper; right?

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

1 **MR. NEVILLE:** All right. If we could have
2 the next page then, it would be page I of the Roman numeral
3 pages? If we look down near the bottom -- sorry, about
4 mid-page, pardon me, Madam Registrar -- we have the
5 December -- just at the top now on the screen and you have
6 your hard copy -- we have the December '95 attendance,
7 right, in the middle of the page?

8 **MR. GUZZO:** Yes.

9 **MR. NEVILLE:** And you've got the words,
10 "Poor image, cannot understand" and you've explained about
11 the lack of credibility of these two and we have
12 redactions, of course. And then over on the side, under
13 the right-hand redaction, in quotation marks you have the
14 word "Father Charlie"?

15 **MR. GUZZO:** Right.

16 **MR. NEVILLE:** And what you told us was that
17 you had no recollection of any specific allegations from
18 these two?

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

20 **MR. NEVILLE:** So why is his name there?

21 **MR. GUZZO:** Well, it must have been -- it
22 must have been whatever note I had, whether it was a
23 daytimer or a note, it must have been on that and I copied
24 it in.

25 **MR. NEVILLE:** Well, we can see the names

1 that have been pencilled in; right?

2 **MR. GUZZO:** Right.

3 **MR. NEVILLE:** And those have monikers?

4 **MR. GUZZO:** Yes.

5 **MR. NEVILLE:** The top one is C24 and the
6 bottom one is C25?

7 **MR. GUZZO:** Right.

8 **MR. NEVILLE:** Would you look now -- could we
9 go back to page I of the document?

10 **MR. GUZZO:** Yes.

11 **MR. NEVILLE:** And this is the circular
12 sheet; right?

13 **MR. GUZZO:** Right.

14 **MR. NEVILLE:** Do you see C-25's name?

15 **MR. GUZZO:** Not unless it's his first name.

16 **MR. NEVILLE:** Well, we see on the screen the
17 first two. You've broken them down almost as they appear
18 on the pages.

19 **MR. GUZZO:** All right.

20 **MR. NEVILLE:** And we see No. 2 -- above it
21 is the person assigned C-24 and it's your handwriting.
22 What is -- you agree with me that, beside the number two
23 we do not see anything that resembles the surname of C-25.

24 **MR. GUZZO:** Right.

25 **MR. NEVILLE:** So what is that?

1 **MR. GUZZO:** I think it's his first name.

2 **MR. NEVILLE:** So where did you get the
3 surname to put on the exhibit 848 C?

4 **MR. GUZZO:** Well, I ---

5 **MR. NEVILLE:** Where?

6 **MR. GUZZO:** I mean, I have it. I may have
7 remembered it, I may have -- I don't think I remembered it
8 from having met the person, but I'm -- I have it in my mind
9 that that's the person's name.

10 I must -- I may have it on a document or on
11 a sheet of paper, I don't know. But I find ---

12 **MR. NEVILLE:** I went over your evidence from
13 earlier as to when these pencillings were done.

14 **MR. GUZZO:** Right.

15 **MR. NEVILLE:** Your evidence was, they were
16 done contemporaneous with the announcing of this
17 Commission, either in the fall of '04 or by the spring of
18 '05 when the Order in Council came out.

19 You said you had a list, that the --
20 explaining who matched the codenames.

21 That's only a couple of years ago. How are
22 you able to put a surname on when it doesn't appear on the
23 sheet that supposedly was a list you made?

24 Where do you get the surname?

25 **MR. GUZZO:** Well, I appreciate the question,

1 but I think that's the first name of the individual and I
2 think that's the proper surname, and where I got it, I
3 can't tell you that I had it on something because I don't
4 recall.

5 **MR. NEVILLE:** Mr. Guzzo, you told Mr.
6 Commissioner when you came here with your originals that
7 you had a list and the list was the round piece of paper.
8 And the list that's the round piece of paper is currently
9 on the screen. And the surname of C-25 is not there.

10 **MR. GUZZO:** The surname is not there;
11 correct.

12 **MR. NEVILLE:** But it does appear pencilled.

13 **MR. GUZZO:** Right.

14 **MR. NEVILLE:** Pencilling you had to have
15 done according to you, either in the fall of '04 or by the
16 spring of '05.

17 So how are you able to do it, and show up
18 with this list?

19 **MR. GUZZO:** Well, sir, I -- you know, I may
20 have used the first -- it looks to me like I have his first
21 name there and not his last name, and I've pencilled in the
22 surname here.

23 I may have had it on another -- you know, I
24 don't think I could have recalled it, to tell you the
25 truth, from memory, so I must have had it on something

1 else; I think that that's the situation.

2 **MR. NEVILLE:** Mr. Guzzo, you told the
3 Commissioner that by the fall of 1996 you had conversations
4 with Mr. Harnick and Mr. Runciman, who say to you, "There
5 is not problem; there is nothing there. It's over."

6 Do you recall telling us that?

7 **MR. GUZZO:** Yeah, I do.

8 **MR. NEVILLE:** That they had no open files in
9 their office ---

10 **MR. GUZZO:** Right.

11 **MR. NEVILLE:** --- about Cornwall; right?

12 **MR. GUZZO:** Right.

13 **MR. NEVILLE:** Can you -- and you're quite
14 certain about that answer, are you? That that's what they
15 said to you?

16 **MR. GUZZO:** Not the wording, but that's the
17 message they're giving me.

18 **MR. NEVILLE:** Mr. Guzzo, my client, Father
19 MacDonald, being prosecuted by Mr. Harnick's Ministry, was
20 before the courts in this city in March of 1996 with
21 charges from three complainants. And you're saying the
22 Minister whose department was prosecuting my client tells
23 you he doesn't have a file in his office?

24 **MR. GUZZO:** Well, I certainly was aware of
25 the prosecution at that time and so was he.

1 **MR. NEVILLE:** And you stand by the answer
2 that Harnick says to you, "There's nothing there, there's
3 nothing going on, I have no file."

4 **MR. GUZZO:** We're talking about an
5 investigation with regard to additional police work.

6 **MR. NEVILLE:** No; you said you went to these
7 Ministers to find out if they knew of anything untoward
8 going on in Cornwall and were told by both of them,
9 including the Attorney General, that there is, "No problem,
10 nothing there, it's over."

11 And this is six months plus after my client,
12 Father Charles MacDonald, is before the courts being
13 prosecuted by Mr. Harnick's Ministry.

14 I suggest to you that answer makes no sense.

15 **MR. GUZZO:** Well, it makes sense to me ---

16 **MR. NEVILLE:** All right.

17 **MR. GUZZO:** --- I'm sorry, but I'm aware
18 that your client is being prosecuted at that time and so is
19 Mr. Harnick.

20 **MR. NEVILLE:** It had been in the newspaper.

21 **MR. GUZZO:** Yes, it had.

22 **MR. NEVILLE:** The prosecution of my client
23 was a sequel to all the events of '92, '93, Mr. Dunlop, the
24 *Police Services Act*; there was publicity coming from all
25 directions, culminating at least, at that point

1 culminating, with the prosecution of Father MacDonald.

2 And you're suggesting to us that the
3 Minister in charge said there was nothing going on?

4 **MR. GUZZO:** I'm ---

5 **MR. NEVILLE:** Is that your evidence, that he
6 said there's nothing going on? Simple question.

7 **MR. GUZZO:** That was the message I got.

8 **MR. NEVILLE:** Fine.

9 **MR. GUZZO:** Whether he used exactly those
10 words, I can't say that but that's -- you know. But I'm
11 aware and so is he of the prosecution.

12 **MR. NEVILLE:** Of course he's aware and
13 you're aware. Did you not say to him, "Well, Mr. Harnick,
14 there's a case going on with Father MacDonald"?

15 **MR. GUZZO:** We had ---

16 **MR. NEVILLE:** Did you say that to him?

17 **MR. GUZZO:** We had discussed that case.

18 **MR. NEVILLE:** Did you say that to him?

19 **MR. GUZZO:** No, I didn't say that to him
20 because that's not the context in which I'm addressing
21 this.

22 **MR. NEVILLE:** Well, what is the context?

23 **MR. GUZZO:** I ---

24 **MR. NEVILLE:** That the police aren't doing
25 anything; that they've either been incompetent or corrupt

1 and they've got a three-count indictment going in court?

2 What are they supposed to do? What is he
3 supposed to do? Wasn't that good enough?

4 **MR. GUZZO:** No, it wasn't.

5 **MR. NEVILLE:** No.

6 **MR. GUZZO:** There were other matters that I
7 think should have been addressed, that's all.

8 **MR. NEVILLE:** All right.

9 Can we look at again at the next page of the
10 exhibit that's on the screen -- 848 C?

11 We have an entry; it's almost mid-screen at
12 the moment Mr. Guzzo, for June of 1996.

13 This is a visit you had somewhere, I take
14 it, I think at your constituency office with three persons.

15 **MR. GUZZO:** Yes, that's correct.

16 **MR. NEVILLE:** And beside the blackened-out
17 portion we see Father Charles MacDonald's name and two
18 question marks.

19 **MR. GUZZO:** Right.

20 **MR. NEVILLE:** Why are there question marks?

21 **MR. GUZZO:** I don't know whether they're
22 question marks or exclamation marks.

23 **MR. NEVILLE:** Well, what are they?

24 **MR. GUZZO:** I can't tell you, to be honest.

25 **MR. NEVILLE:** Now, can we look -- I'm just

1 checking the time at the moment. It's coming up -- I'm
2 prepared to keep going, I just don't know whether you wish
3 to keep ---

4 **THE COMMISSIONER:** No, we'll go until 11:00.

5 **MR. NEVILLE:** Until 11:00. Thank you.

6 Mr. Guzzo, I just want to refer you briefly
7 now to a few of the other exhibits and, if we could first
8 look at -- it will be exhibit 983, Mr. Commissioner. It's
9 Mr. Guzzo's first letter to the Premier of September 18th,
10 1998.

11 You have that one there, sir?

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

13 **MR. NEVILLE:** No, if we look at the bottom
14 portion of the letter ---

15 **THE COMMISSIONER:** What page?

16 **MR. NEVILLE:** I'm sorry, first page, Mr.
17 Commissioner, of the letter, as on the screen. When we
18 look at the last full paragraph, and other counsel touched
19 on some of this, it starts with the first allegation of
20 police wrongdoing; right?

21 **MR. GUZZO:** Yes.

22 **MR. NEVILLE:** And you go through -- you talk
23 about police wrongdoing by the Cornwall service in '92, you
24 imply in the fourth and fifth lines that perhaps something
25 untoward happened with the Ottawa Police Force because you

1 underline the word "apparently," right?

2 MR. GUZZO: Right.

3 MR. NEVILLE: You then talk about the OPP
4 1994 investigation culminating with the December press
5 release; right?

6 MR. GUZZO: Right.

7 MR. NEVILLE: And then you say about the --
8 just below the middle of the paragraph, you say this:

9 "After civil suits commenced, the
10 Ontario Provincial Police re-entered
11 the fray and laid a couple of charges
12 against a cleric and a senior
13 citizen..."

14 The senior citizen would be Malcolm
15 MacDonald? Or do you recall?

16 MR. GUZZO: I don't think I was thinking of
17 Malcolm MacDonald at that time, no.

18 MR. NEVILLE: Is the cleric Father Charles?

19 MR. GUZZO: I believe it would have been.

20 MR. NEVILLE: All right, let's go on:

21 "...and obviously continued to follow
22 the matter without really announcing
23 that they had re-entered the situation.
24 This probably took place towards the
25 end of 1995 or early 1996. As

1 information came forward from the civil
2 suits, which had been commenced, there
3 was obvious police involvement
4 investigating certain aspects of the
5 complaints which had filtered through
6 the system, but no additional charges
7 were immediately laid.

8 Shortly thereafter an incident occurred
9 when a complainant who was suing the
10 Roman Catholic Archdiocese of
11 Alexandria entered into a settlement
12 with the Archdiocese, but a condition
13 was imposed by the Archdiocese that no
14 criminal charge could be pursued. This
15 is clearly a violation of the *Criminal*
16 *Code of Canada* and totally improper."

17 Et cetera, et cetera. Where does that come
18 from, Mr. Guzzo?

19 **MR. GUZZO:** I would relate that to a
20 discussion I had with Mr. Harnick.

21 **MR. NEVILLE:** Mr. Guzzo, that passage I just
22 read is the David Silmsler settlement.

23 **MR. GUZZO:** I beg your pardon?

24 **MR. NEVILLE:** That passage I just read is
25 the David Silmsler settlement which was struck in September

1 1993. It was almost the first major event. You've put it
2 as part of a culmination of a series of events; three
3 incompetent or corrupt police investigations and then this
4 comes forward, which is all backwards. How did you get it
5 backwards? Tell me.

6 **MR. GUZZO:** Well, I -- you know, I'll read
7 it again, if you don't mind.

8 **MR. NEVILLE:** Please -- please do.

9 **MR. GUZZO:** Well, there's no doubt the
10 timing -- I have the timing wrong. There's no question.

11 **MR. NEVILLE:** Mr. Guzzo, the work done by
12 the Ottawa Police and the work done by the Ontario
13 Provincial Police for almost the entire year of 1994 was
14 because of the settlement. How could you not have known
15 that when you're writing the Premier trying to get a public
16 inquiry; how could you not have known that?

17 **MR. GUZZO:** Well, I -- I tell you this, that
18 my information was that the Ottawa Police investigation
19 went beyond the scope of what it -- of what it actually had
20 ---

21 **MR. NEVILLE:** Mr. Guzzo, that's not my
22 question.

23 **THE COMMISSIONER:** Just ---

24 **MR. NEVILLE:** I apologize.

25 **MR. GUZZO:** Yes.

1 **MR. NEVILLE:** I apologize, sir.

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

3 **MR. GUZZO:** Yes. And I'm sorry, Mr.

4 Neville, but -- and my error was shared by Mr. Harnick.

5 **MR. NEVILLE:** Oh please, Mr. Guzzo.

6 **MR. GUZZO:** Well ---

7 **MR. NEVILLE:** You're telling me Mr. Harnick
8 thought that the significant event that happened in the
9 chronology you laid out was the Silmsler settlement; that's
10 what he also thought? Are you telling us that?

11 **MR. GUZZO:** I'm not saying he was mistaken
12 with the -- with the timing. I may have made the -- the
13 mistake on my own, but my discussions with Mr. Harnick, at
14 that time, he was of the opinion that the Ottawa Police
15 report was -- and investigation went beyond the one
16 incident that was centered -- the only thing that the
17 Cornwall Police had been looking at.

18 **MR. NEVILLE:** Mr. Guzzo, we can read this
19 letter that was sent to the Premier of this province with
20 copies to the Attorney General and the Solicitor General,
21 and you set out a narrative as an argument to make a point
22 to accomplish something; something reviewed with you, in
23 particular, by Mr. Manson as to what you were up to and you
24 got it backwards, completely.

25 **MR. GUZZO:** Well, I'm mistaken in the time,

1 but let me see -- show me Mr. Harnick's reply to me where
2 he points that out.

3 **MR. NEVILLE:** You show ---

4 **MR. GUZZO:** Show me the Premier's reply to
5 me where he points that out. I mean, you're right, but
6 this is the -- this is the vacuum in which I'm working and
7 trying to get answers.

8 **MR. NEVILLE:** Mr. Guzzo ---

9 **MR. GUZZO:** No one ---

10 **MR. NEVILLE:** Mr. Guzzo ---

11 **MR. GUZZO:** No, no, just a minute. Please
12 let me finish, Mr. Neville. Please let me finish. I mean
13 -- and I admit it that I have made mistakes, but at no time
14 -- at no time over a period of almost six years while in
15 the House do I -- am I ever confronted by any of Ministers
16 or any of the people and say no, you've got this wrong or
17 you've got this backwards or that's not the case.

18 **MR. NEVILLE:** Mr. Guzzo, if anybody,
19 including Mr. Harris, Mr. Harnick or Mr. -- whoever it was
20 at the time, Mr. Runciman, read that narrative and knew
21 anything about the factual history here, they'd look at
22 that paragraph and say to themselves, "Garry Guzzo has no
23 idea what he's talking about and I'll put this letter in
24 the G file." You know what the G file is; right?

25 **MR. GUZZO:** No, tell me.

1 **MR. NEVILLE:** It's garbage.

2 **MR. GUZZO:** Oh, I see.

3 **MR. NEVILLE:** He's putting in a narrative
4 for us to make a public inquiry in the middle of a police
5 investigation and he's got his facts backwards. I suggest
6 to you some people might say, this isn't worth listening
7 to.

8 **MR. GUZZO:** Well, they might say that.

9 **MR. NEVILLE:** They might.

10 **MR. GUZZO:** But we're here ---

11 **MR. NEVILLE:** That's what they did.

12 **MR. GUZZO:** We're here, sir.

13 **MR. NEVILLE:** We're here, sir. We are.

14 **MR. GUZZO:** Yes, that's unfortunate; isn't
15 it?

16 **THE COMMISSIONER:** All right. All right.
17 All right; enough. Do you have much longer, Mr. Neville?

18 **MR. NEVILLE:** About 15, 20 minutes, sir.

19 **THE COMMISSIONER:** We'll take a break now.
20 Thank you.

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

23 This hearing will resume at 11:10 a.m.

24 --- Upon recessing at 10:52/

25 L'audience est suspendue à 10h52

1 --- Upon resuming at 11:13/
2 L'audience est reprise à 11h13

3 **THE REGISTRAR:** This hearing is now resumed.
4 Please be seated. Veuillez vous asseoir.

5 **THE COMMISSIONER:** Okay. Go ahead Mr.
6 Neville.

7 ---**CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
8 **NEVILLE (cont'd/suite)**

9 **MR. NEVILLE:** Thank you, Mr. Commissioner.
10 Mr. Guzzo, you are aware, as we can see from
11 some of your correspondence, that by September of '98 when
12 you're writing the Premier for the first time that not only
13 is Father MacDonald before the courts in relation to the
14 1996 indictment, you are aware that a number of
15 individuals, including Father MacDonald, have had further
16 charges brought against them under Project Truth?

17 **MR. GUZZO:** I believe I was, yes.

18 **MR. NEVILLE:** Right. Now, I just want to
19 ask about a few persons.

20 And those that have monikers, I will use the
21 monikers, Mr. Commissioner.

22 **THE COMMISSIONER:** Thank you.

23 **MR. NEVILLE:** During your efforts that
24 you've talked about here over a few days, did you ever
25 directly, personally interview the person known as David

1 Silmser?

2 MR. GUZZO: No, I did not. I met him at a
3 function -- I think I met him at a function at City Hall.

4 MR. NEVILLE: All right. You didn't
5 interview him about his allegations or story?

6 MR. GUZZO: No, I did not.

7 MR. NEVILLE: All right. And you've told
8 Mr. Commissioner that you have never met or interviewed Ron
9 Leroux?

10 MR. GUZZO: That's correct.

11 MR. NEVILLE: And did you ever interview C8?

12 MR. GUZZO: No, I did not.

13 MR. NEVILLE: Did you ever interview Gerry
14 Renshaw?

15 MR. GUZZO: Interview, no, but the same
16 qualification, some of the Renshaw -- some Renshaw's were
17 at the -- some of the functions, but I didn't talk to them
18 specifically about -- interview them, no.

19 MR. NEVILLE: So you didn't obtain from them
20 stories or allegations?

21 MR. GUZZO: No, no, nothing like that.

22 MR. NEVILLE: Fine. You did not interview
23 another Renshaw family person known under the moniker C15?

24 MR. GUZZO: No.

25 MR. NEVILLE: You did not interview someone

1 by the name of Carole Deschamps?

2 MR. GUZZO: No, I did not.

3 MR. NEVILLE: You did not interview someone
4 named Cara Lee Barrie?

5 MR. GUZZO: No, I've never heard of the
6 name.

7 MR. NEVILLE: You did not interview C18?

8 MR. GUZZO: No, I did not.

9 MR. NEVILLE: And you did not interview
10 C19?

11 MR. GUZZO: No, I did not.

12 MR. NEVILLE: Do you know where I was
13 reading that list of names from?

14 MR. GUZZO: No, I do not.

15 MR. NEVILLE: I was reading it from the
16 Table of Contents of the Dunlop brief that was delivered to
17 Chief Fantino. Did you know that?

18 MR. GUZZO: No, I did not.

19 MR. NEVILLE: May I refer, Mr. Commissioner
20 to -- and I can give the exhibit number, sir, just for the
21 record. It was put in through
22 Mr. Bourgeois's evidence as Exhibit 729.

23 THE COMMISSIONER: Okay, there was some
24 issue about that, but -- 729?

25 MR. NEVILLE: Yes, sir. I can give the

1 document number as well if you wished up on the screen.

2 **THE COMMISSIONER:** Yeah, let's just put it
3 up on the screen, please.

4 **MR. NEVILLE:** There are names visible, so --

5 **THE COMMISSIONER:** No, okay, okay, okay,
6 right, let's not put it on the public screens. My only
7 point is that Fantino didn't remember what he had received.
8 What you're saying is that this is what Bourgeois says he
9 sent to Fantino?

10 **MR. NEVILLE:** Yes, sir. It came in through
11 his testimony with that ---

12 **THE COMMISSIONER:** Fair enough. Fair
13 enough.

14 **MR. NEVILLE:** Now, could I refer the
15 witness, Mr. Commissioner, next then if I could to Exhibit
16 983?

17 **THE COMMISSIONER:** Yes.

18 **MR. NEVILLE:** Which is the Harris letter to
19 the Premier, same one we looked at a few minutes ago, Mr.
20 Guzzo, if you have it handy there?

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

22 **MR. NEVILLE:** Could we look at the last
23 page? At the top of the page it says as follows:

24 "In my time on the Bench, I was forced
25 on a daily basis to decide who was

1 lying and who was telling the truth and
2 I have listened intently to some of the
3 people who made those affidavits and
4 signed those depositions and I can tell
5 you directly that they are all not
6 lying".

7 Now, the list of names I just went through,
8 Mr. Guzzo, are the people who did the affidavits and/or
9 depositions, and you interviewed none of them. So would
10 you mind telling us how you could say, "I have listened
11 intently to some of the people who made those affidavits."?

12 **MR. GUZZO:** Well, I'm not limiting myself to
13 the documentation that I had received from the Dunlop's.

14 **MR. NEVILLE:** It says:

15 "I have listened intently to some of
16 the people who made those affidavits
17 and signed those depositions ..."

18 and if you want I can go back through the Harris letter and
19 what you talk about, as Mr. Sherriff-Scott confirmed, is
20 the Dunlop materials?

21 **MR. GUZZO:** And I indicated that I had
22 spoken with other people prior ---

23 **MR. NEVILLE:** That did affidavits and
24 depositions?

25 **MR. GUZZO:** Well, I don't know that

1 affidavits, but I had some materials in writing presented
2 to me that I had read.

3 **MR. NEVILLE:** Can we agree, sir, that when
4 you said that, it could not have related to the list of
5 names I just read out?

6 **MR. GUZZO:** Well, I just told you that I had
7 not ---

8 **MR. NEVILLE:** The answer is it could not?

9 **MR. GUZZO:** But ---

10 **MR. NEVILLE:** The answer is it could not
11 relate to those names?

12 **MR. GUZZO:** Let me answer the question my
13 way. I had not interviewed those people. I had not
14 interviewed those people. I may have read the
15 documentation. I may have read the documentation that had
16 been given to me but ---

17 **MR. NEVILLE:** Mr. Guzzo, in this sentence to
18 the Premier of Ontario, you cite your experience on the
19 Bench in being able to assess credibility, in being able to
20 assess truth, fullness from lying, which normally you do by
21 listening and watching the witness or as you put it, "I
22 have listened intently".

23 Do you agree with me that you did not listen
24 intently to any of the names I read out of that index?

25 **MR. GUZZO:** Yes, I said that.

1 **MR. NEVILLE:** Thank you.

2 Can we look at Exhibit 1008? This is a
3 letter -- do you have it there, Mr. Guzzo?

4 **MR. GUZZO:** I do.

5 **MR. NEVILLE:** This is a letter you sent at
6 large, so to speak, to various of the members of the
7 legislature in support of one of your Bills?

8 **MR. GUZZO:** I believe it is.

9 **MR. NEVILLE:** All right. And just to put
10 what I'm going to refer you to in context, could you,
11 before I refer it to part of the letter, go back to our
12 Exhibit 848C which is your handwritten notes?

13 **MR. GUZZO:** Yes.

14 **MR. NEVILLE:** It would be page 3 actually,
15 counting the circular page, Mr. Commissioner, so it would
16 be page II in Roman numerals.

17 **MR. GUZZO:** Right.

18 **MR. NEVILLE:** Madam Registrar, it would be
19 the third page in the sequence.

20 Do you have it there, sir?

21 **MR. GUZZO:** Yes.

22 **MR. NEVILLE:** All right. And it refers --
23 and again perhaps but just before Madame Clerk you do it,
24 we shouldn't -- I'm concerned about the public screen, sir,
25 that there's a name there that has C8 as a moniker, so

1 maybe we should -- pardon me? Oh okay. I'm told -- they
2 are not on, sir.

3 We have an entry in your notes for March of
4 '97 and that's where you look at registration slips; right?

5 **MR. GUZZO:** I believe it is, yes.

6 **MR. NEVILLE:** Yes. And we have names that
7 you took down as ones you saw on the registration slips;
8 correct?

9 **MR. GUZZO:** Yes.

10 **MR. NEVILLE:** And one is Malcolm MacDonald,
11 the late Malcolm MacDonald?

12 **MR. GUZZO:** Right.

13 **MR. NEVILLE:** One is C8?

14 **MR. GUZZO:** Right.

15 **MR. NEVILLE:** One is Mr. Leroux?

16 **MR. GUZZO:** Right.

17 **MR. NEVILLE:** And one is a name -- the
18 spelling's a bit murky for us, but we've designated that
19 person as C46?

20 **MR. GUZZO:** Yes, that's correct.

21 **MR. NEVILLE:** All right. And those are the
22 ones you saw and recorded names for as you told
23 Mr. Sherriff-Scott?

24 **MR. GUZZO:** Yes.

25 **MR. NEVILLE:** So can we now look at Exhibit

1 1008, your letter to the members for support to your Bill?

2 **MR. GUZZO:** Yes.

3 **MR. NEVILLE:** First full paragraph, starting
4 with the words, "I was first drawn into this situation",
5 and if you'd go down just past the middle, it says:

6 "Those registration slips at the motel
7 on Birch Avenue, some of them 25 to 30
8 years of age, were in the names of some
9 of the 7 individuals with whom I spoke
10 to confirm their presence on that strip
11 with the individuals named in their
12 statements."

13 Now, the names you saw and recorded are the
14 ones we just confirmed in your notes. You've also told me
15 a few minutes ago that you never spoke to C8 or Leroux?

16 **MR. GUZZO:** Right.

17 **MR. NEVILLE:** So how could you write here to
18 the members in seeking support for your Bill, that you
19 spoke with some of the seven individuals, when you never
20 did?

21 **MR. GUZZO:** Well, I didn't intend to limit
22 myself to the seven individuals, but I did, and I think I
23 was in error in doing that.

24 **MR. NEVILLE:** I see. Now, can I just refer
25 you briefly to our Exhibit 996, which is Document 124703.

1 It's a letter to yourself by Detective Inspector Hall.

2 **MR. GUZZO:** I'm sorry ---

3 **THE COMMISSIONER:** Nine-nine-six (996).

4 **MR. NEVILLE:** Nine-nine-six (996) is the
5 exhibit number, Mr. Guzzo, but I'm not sure for your binder
6 whether ---

7 **THE COMMISSIONER:** It would be in that
8 binder I believe Madam Clerk?

9 **MR. NEVILLE:** Does it match?

10 **THE COMMISSIONER:** Nine-nine six (996)?

11 **MR. GUZZO:** I have a letter ---

12 **MR. NEVILLE:** It's dated June 24th, '99.

13 **MR. GUZZO:** No, 996 in this binder is a
14 letter through Wayne Frechette dated March 31st.

15 **MR. NEVILLE:** Well, maybe -- the error could
16 be mine, I'm not sure.

17 **THE COMMISSIONER:** No, no. No, I've got it
18 here.

19 Nine-nine six (996) is the letter to Mr.
20 Guzzo from the Ontario Provincial Police, Mr. Pat Hall.

21 **MR. NEVILLE:** It's also -- I don't know
22 whether it helps the witness -- he's got it?

23 **THE COMMISSIONER:** We have it.

24 **MR. GUZZO:** Yeah, I have it. Thank you.

25 **MR. NEVILLE:** Is it safe to assume that you

1 likely or your office likely received this letter?

2 **MR. GUZZO:** The office definitely did. I --
3 yes. It was around about the time of my operation, yeah.

4 **MR. NEVILLE:** And is it likely that at some
5 point, then or thereafter, you would have seen and read it?

6 **MR. GUZZO:** I should have.

7 **MR. NEVILLE:** Yes. And let's look briefly
8 if we could at the first paragraph.

9 Officer Hall says to you:

10 "In July of 1997, Project Truth
11 officially commenced an investigation
12 into allegations of historical sexual
13 abuse in the Cornwall area. This
14 investigation was requested by the East
15 Region Director of Crown Attorneys,
16 Peter Griffiths. After reviewing
17 material provided to the Ontario
18 Provincial Police by Chief Julian
19 Fantino of the London Police Service,
20 the material was provided to Chief
21 Fantino in December of 1996 by Mr.
22 Charles Bourgeois. A lawyer
23 representing Mr. Perry Dunlop."

24 Were you aware of all those facts, Mr.

25 Guzzo?

1 **MR. GUZZO:** No, I was not.

2 **MR. NEVILLE:** Isn't your meeting with Mr.
3 Hall after this letter?

4 **MR. GUZZO:** It is.

5 **MR. NEVILLE:** This letter is telling you
6 that the creation of Project Truth in the summer of '97
7 followed, among other things, a meeting convened by Peter
8 Griffiths, now Mr. Justice Griffiths of the Ontario Court
9 of Justice, then the Regional Director of Crown Attorneys
10 and was based on the Bourgeois-Fantino brief. You didn't
11 know that?

12 **MR. GUZZO:** I was not aware that -- of that
13 involvement, no.

14 **THE COMMISSIONER:** What -- we're assuming
15 for a moment that the contents of this letter ---

16 **MR. NEVILLE:** Assuming that they are
17 correct, yes, sir, yes.

18 Now, you were referred during your testimony
19 in-chief and briefly in some of your cross-examination, Mr.
20 Guzzo, to statements you made in the House in Queens Park
21 in the spring of 2001 about the tapes. The videos and the
22 movies; right?

23 **MR. GUZZO:** Right.

24 **MR. NEVILLE:** And, in particular, one of
25 your quotations in exchange with Mr. Turnbull, then the

1 Solicitor General, about the good news that some have been
2 found and what should be done with them and the like;
3 right?

4 MR. GUZZO: Right.

5 MR. NEVILLE: Now, this is in -- looks like
6 -- my date is 27th of June, 2001.

7 According to your evidence, in the spring of
8 '99 a person came unannounced to your office and showed you
9 a portion of a movie, a homemade movie?

10 MR. GUZZO: That's correct.

11 MR. NEVILLE: And you identified that person
12 for the Commissioner as our C39?

13 MR. GUZZO: Correct, I think. Just a
14 minute, please. Yes, that's correct.

15 MR. NEVILLE: And he -- although what you
16 say you saw in the movie, you could not identify faces, you
17 saw two male persons involved in a sex act but could not
18 identify who they were and were told who they were
19 purported to be by C39?

20 MR. GUZZO: That's correct.

21 MR. NEVILLE: And this you dated as being
22 roughly May or spring -- I believe May of 1999, before --
23 just before the election?

24 MR. GUZZO: That's to the best of my
25 knowledge, yeah.

1 **MR. NEVILLE:** Now, when we look at your
2 notes, 848C, page V in the Roman numerals ---

3 **MR. GUZZO:** Yes. I ---

4 **MR. NEVILLE:** --- we have an entry at the
5 top of the page where we see, in your pencilling, a name
6 now designated as -- no, that's the wrong page. That's
7 page 4.

8 **THE COMMISSIONER:** Next page, Madam Clerk.

9 **MR. NEVILLE:** Next page, Madam Clerk.

10 You have to go -- this is where that extra
11 page appears. One more. There we are.

12 We see the entry at the top of Roman numeral
13 V, the attendance in March of 1998, a little over a year
14 earlier ---

15 **MR. GUZZO:** Right.

16 **MR. NEVILLE:** --- by C39; right?

17 **MR. GUZZO:** Right.

18 **MR. NEVILLE:** Now, this is the person who
19 you tell us showed up about a year or a year-and-a-bit
20 later with a movie that purports to contain himself and the
21 late Mr. Seguin in sexual activity; right?

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

23 **MR. NEVILLE:** You agree with me that in your
24 notes there is no reference of any kind to that event in
25 May of 1999?

1 **MR. GUZZO:** That's definitely true.

2 **MR. NEVILLE:** And this is a big deal, isn't
3 it? The missing movies?

4 You've gone on at great length about the
5 destruction of evidence, illegal seizing of evidence.
6 There's much evidence that you've given and much concern
7 you've raised about that topic?

8 **MR. GUZZO:** It is a -- I think it is a major
9 concern, yeah.

10 **MR. NEVILLE:** Sure. And yet when you make
11 notes, here you are shown one of the famous -- apparently
12 one of the famous movies, and you don't make any note. Why
13 is that?

14 **MR. GUZZO:** Well, I would think that the
15 timing of it, May of '99, we're coming up to the election
16 and you know, I mean, I kind of -- you know, I'm -- the
17 election is over the -- three weeks before the election, I
18 have the angioplasty and then I go back out campaigning and
19 three weeks after the election, I get back from holidays
20 and I have to have the operation and I'm out of commission.

21 **MR. NEVILLE:** Well ---

22 **MR. GUZZO:** So if you're asking me, you know
23 ---

24 **MR. NEVILLE:** Well, let's look at two ---

25 **MR. GUZZO:** --- why I wouldn't, you know,

1 make a note of it at -- you know, it's certainly in my
2 mind. But the timing of it, I had to -- when I thought
3 about the situation, I had to think long and hard to put a
4 date on it and to ---

5 **MR. NEVILLE:** Well, a couple of points if I
6 could.

7 You're telling the Commissioner that it's
8 the same person, C39. If we look in March of 1998 at its
9 entry, it's the same person and the complaint he's making
10 is about Mr. Barque?

11 **MR. GUZZO:** Well, there are two people that
12 come then and I don't have any reference to anybody other
13 than Mr. Barque.

14 **MR. NEVILLE:** Right. So you have no note
15 that either of them said anything negative, any allegation
16 involving the late Ken Seguin?

17 **MR. GUZZO:** Very true.

18 **MR. NEVILLE:** All right. So let's look at
19 the second half of your notes, the same set; all right?

20 **MR. GUZZO:** Yeah.

21 **MR. NEVILLE:** Let's look at using the
22 numbering at the top, the regular numbering. We look at
23 page 2. We have an entry at the bottom for February of
24 '99; right?

25 **MR. GUZZO:** Yes.

1 MR. NEVILLE: March of 1999; right?

2 MR. GUZZO: Yeah.

3 MR. NEVILLE: Next page?

4 MR. GUZZO: Yes.

5 MR. NEVILLE: A whole page dealing with
6 events in April of 1999?

7 MR. GUZZO: Correct.

8 MR. NEVILLE: Right? Then we go to page 4
9 and I think it's -- you've told us that is May 31st, '99?

10 MR. GUZZO: I can't be certain.

11 MR. NEVILLE: I can't tell either whether
12 it's March or May. It looks like M-A-Y but written over
13 it, M-A-R-C-H, but I ---

14 MR. GUZZO: I think it's definitely May. I
15 think it's definitely May.

16 MR. NEVILLE: All right. So now we're into
17 May, which is when this event supposedly happened.

18 Then we have August. That's '99; right?

19 MR. GUZZO: Yeah.

20 MR. NEVILLE: And we have October '99;
21 right?

22 MR. GUZZO: Right.

23 MR. NEVILLE: And we have November '99.

24 MR. GUZZO: Right.

25 MR. NEVILLE: And then on page 5, we have

1 another November '99, the Thanksgiving Dinner with the two
2 priests.

3 MR. GUZZO: Right.

4 MR. NEVILLE: So we've got notes for almost
5 all of '99, save for June and July, for the summer months
6 and they made it the election period, but no reference to
7 anything to do with a movie.

8 MR. GUZZO: That's correct.

9 MR. NEVILLE: You then say what you said in
10 the House and perhaps not surprisingly, you would agree,
11 you hear from the police about well, where are the movies.
12 Right? And that's our Exhibit 1013, which is a letter to
13 you from Inspector Hall quoting you about the good news,
14 there are movies; right?

15 MR. GUZZO: Right.

16 MR. NEVILLE: And you write him back; it's
17 in our Exhibit 1012. Right?

18 MR. GUZZO: Just a minute, please.

19 MR. NEVILLE: Yes, 1012, is the exhibit
20 number and the document number is 701008.

21 MR. GUZZO: Right.

22 MR. NEVILLE: That's your letter to Mr. Hall
23 in reply to his letter as well; right?

24 MR. GUZZO: Right.

25 MR. NEVILLE: And you say to him:

1 "I do not have copies of these films
2 nor any films, nor have I seen same."

3 **MR. GUZZO:** Right.

4 **MR. NEVILLE:** And you described in your
5 evidence In-Chief that that was a mistake.

6 **MR. GUZZO:** A mistake on ---

7 **MR. NEVILLE:** That you said to him that you
8 had not seen same.

9 **MR. GUZZO:** Right. I -- you'll notice it's
10 the letter signed for me, but I take responsibility for it,
11 but it is in error.

12 **MR. NEVILLE:** It's an error. How could you
13 make a mistake like that having seen it?

14 **MR. GUZZO:** I don't think, I don't I -- you
15 know, I may have dictated it and had the -- it was signed
16 for me, but I don't think I said that. But it showed up
17 and if I put it on tape, it would have been done
18 specifically as I dictated it, but I'm getting set, I
19 think, at this particular point in time to go in and have
20 the operation. I'm not in -- I'm in town, but I'm not in
21 the office, and I tell him, "Mr. Grant, send it," but I
22 don't think I dictated it per se. Just write to him and
23 tell him; answer the letter. But I have -- if I had
24 dictated it, I would not have put that in, but it's in
25 there and I have to take responsibility for it.

1 **MR. NEVILLE:** Mr. Guzzo, when you had this
2 session with C-39, and he showed you a portion of the
3 movie, was anybody else there besides you and him?

4 **MR. GUZZO:** No, he -- and he actually wanted
5 the door locked.

6 **MR. NEVILLE:** Right.

7 And so nobody would know that this event
8 happened, except you and C-39; right?

9 **MR. GUZZO:** Correct.

10 **MR. NEVILLE:** So you then say in the letter:

11 "They have been described to me as
12 commercially purchased copies of
13 films."

14 You then say:

15 "Immediately upon being advised that
16 there may be copies of same, I
17 suggested that whoever might have
18 possession of these should make copies
19 and be willing to provide copies to the
20 OPP. I will again attempt to make
21 contact with someone in the Cornwall
22 area who might be in a position to
23 provide copies of these films."

24 You'll notice it says, "copies of these
25 films."

1 MR. GUZZO: Right.

2 MR. NEVILLE: You saw one?

3 MR. GUZZO: I saw one.

4 MR. NEVILLE: Did you contact C-39?

5 MR. GUZZO: When?

6 MR. NEVILLE: As a result of this letter?

7 MR. GUZZO: No, I did not. I tried to ---

8 MR. NEVILLE: How were the police going to
9 get them if you didn't?

10 MR. GUZZO: I had suggested to him that he
11 should make a copy of what he had and take it to the
12 police.

13 MR. NEVILLE: No, what you told the police
14 was:

15 "I will again attempt to make
16 contact with someone..."

17 That would be C-39, it would have to be;
18 wouldn't it?

19 MR. GUZZO: Well, if it's -- we're talking -
20 - I'm talking and I think I'm talking exclusively about the
21 films. Now, he's there saying that they're videotapes, et
22 cetera. I don't know whether -- but I'm not referring to
23 those. I'm talking about eight millimetre films and ---

24 MR. NEVILLE: Mr. Guzzo ---

25 MR. GUZZO: --- I haven't -- I did not

1 contact ---

2 MR. NEVILLE: My question was ---

3 MR. GUZZO: Yeah, and I'm going to answer
4 it. I did not contact C-39. I had no way of contacting C-
5 39 other than letting it be known to other people who were
6 contacting me and who had contacted me that I want to see
7 this person again or I'd like to talk to that person again.

8 MR. NEVILLE: Did you attempt -- in fact,
9 did you contact someone in the Cornwall area about this
10 topic?

11 MR. GUZZO: Not at that time.

12 MR. NEVILLE: Now, could I have the witness
13 now look -- and I'm almost done sir -- at Exhibit 1004? It
14 is document 124675.

15 THE COMMISSIONER: Sir, that's the letter to
16 Mr. Tsubouchi?

17 MR. NEVILLE: It is, sir.

18 THE COMMISSIONER: So 1004 is in your
19 binder.

20 MR. NEVILLE: You have it there, Mr. Guzzo?

21 MR. GUZZO: I do.

22 MR. NEVILLE: All right. It's a letter
23 written by you to the, at that point, Solicitor General,
24 Mr. Tsubouchi.

25 MR. GUZZO: Right.

1 **MR. NEVILLE:** And you told us a little bit
2 about him, that it sounds like you had some kind of a
3 rapport with him.

4 **MR. GUZZO:** A lot of respect for him.

5 **MR. NEVILLE:** And kind of suggest that you
6 and he got along a bit?

7 **MR. GUZZO:** Yeah, I got along.

8 **MR. NEVILLE:** Okay. And you were attempting
9 to enlist his support; right?

10 **MR. GUZZO:** Yes.

11 **MR. NEVILLE:** Now, he would be -- in the
12 context of what you were putting forward, your thesis, as
13 other counsel have called it, about police activity, the
14 either incompetent or corrupt, et cetera, all of that and
15 the need for an inquiry; right?

16 **MR. GUZZO:** Right.

17 **MR. NEVILLE:** He would be, in the policing
18 context, a highly significant Minister. His Ministry was
19 responsible for policing at that time?

20 **MR. GUZZO:** He was, yes.

21 **MR. NEVILLE:** So he's an important person
22 to, as you've told other counsel, be complete and accurate
23 with; right?

24 **MR. GUZZO:** Oh, yes.

25 **MR. NEVILLE:** Can we look at the last page

1 of the letter? Now, when you wrote this letter or before
2 you wrote it, did you do research to back up some of what
3 you were going to tell him?

4 **MR. GUZZO:** I can't recall that I did.

5 **MR. NEVILLE:** All right. Well, let's look
6 at the first main paragraph starting with the words, "When
7 inquiring..."

8 Do you have it?

9 **MR. GUZZO:** Right.

10 **MR. NEVILLE:** Would you read out for me the
11 first eight lines.

12 **MR. GUZZO:** "When inquiring, you might wish
13 to call to the attention of Detective
14 Grasman, the acceptance in the first
15 preliminary hearing in January 1999 of
16 Father Charles MacDonald of similar
17 fact evidence. At that preliminary
18 hearing, the judge accepted evidence
19 from other preliminary hearings and
20 trials acknowledging that children were
21 groomed and passed from one of this
22 group to another. The judge at that
23 preliminary hearing seemed to have no
24 difficulty in accepting that a
25 paedophile clan was operating and had

1 been operating in Cornwall for a
2 lengthy period of time."

3 **MR. NEVILLE:** Read on.

4 **MR. GUZZO:** "The ruling by the Judge was not
5 appealed by our Crown Attorney, nor has
6 it been appealed or disputed by any of
7 the experienced defense counsel."

8 **MR. NEVILLE:** All right, let's stop there.

9 **MR. GUZZO:** Okay.

10 **MR. NEVILLE:** Finish if you want.

11 **MR. GUZZO:** No, go ahead.

12 "Only Detective Grasman, in dealing
13 with the press, continues to make the
14 statement that I referred to in the
15 Globe and Mail article of April 11th,
16 2000, and indeed in each and every
17 press release when Detective Grasman
18 predicts an end to this sad situation."

19 **MR. NEVILLE:** Now, what was the basis of
20 your saying to this Minister in charge of policing that he
21 should bring to the attention of Detective Grasman the
22 acceptance in the first preliminary hearing of similar fact
23 evidence, evidence from other preliminary hearings and
24 trials acknowledging the grooming and passing around of
25 children and the accepting by a judge that there was a

1 paedophile clan in Cornwall for a lengthy period of time.
2 What was your basis for saying that to ---

3 **MR. GUZZO:** I remember picking it out of a
4 newspaper article and reviewing the continuous reports of
5 the trial, of the preliminary hearing, and sitting down
6 with Jim Flaherty and discussing the situation with him at
7 some length, and I was of the opinion that Mr. Flaherty
8 shared my opinion and that it was accurate.

9 **MR. NEVILLE:** My question was, what was the
10 basis of the statements of what happened at the hearing?
11 You say you learned some of this from newspaper stories?

12 **MR. GUZZO:** I picked it up -- my first
13 information from it.

14 **MR. NEVILLE:** Newspaper stories were
15 covering the evidence at a preliminary inquiry in which
16 there was a publication ban?

17 **MR. GUZZO:** I'm not aware that there was a
18 publication ban. I have ---

19 **MR. NEVILLE:** Mr. Guzzo, do you know who the
20 defence counsel was at that preliminary hearing?

21 **MR. GUZZO:** No, I don't.

22 **MR. NEVILLE:** It was me.

23 **MR. GUZZO:** Right.

24 **THE COMMISSIONER:** Careful now, unless you
25 want to start giving evidence.

1 **MR. NEVILLE:** Oh, it's already in evidence.
2 The transcripts are all filed, sir, as exhibits and I'll
3 give you the numbers.

4 **THE COMMISSIONER:** I don't need them.

5 **MR. NEVILLE:** Mr. Guzzo, there was no
6 preliminary inquiry for Father MacDonald in January of
7 1999.

8 **MR. GUZZO:** When was -- well ---

9 **MR. NEVILLE:** The first preliminary inquiry
10 of Father MacDonald took place on the following dates:
11 February 24th, 1997; February 26th, 1997; September the 8th,
12 1997; September the 9th, 1997; September the 10th, 1997; and
13 September the 11th, 1997.

14 I was counsel. Those transcripts are part
15 of the record of this Commission. They are Exhibits 224,
16 225, 290, 291, 292 and 414. I was counsel. I heard the
17 evidence. Three witnesses testified, Mr. Guzzo, three
18 complainants; no one else. There was no evidence of a
19 pedophile clan in Cornwall at any time.

20 **MR. GUZZO:** Well, I ---

21 **MR. NEVILLE:** None of this happened, Mr.
22 Guzzo, none of it. So where did you get it?

23 **MR. GUZZO:** I took this from a newspaper
24 article. I sat down with the Attorney General of this
25 province and went over the article with him and I have the

1 -- I still have them here someplace, they're on file. They
2 were scanned. We went through the material.

3 I am of the opinion that it was a
4 preliminary hearing of Father MacDonald.

5 **MR. NEVILLE:** Mr. Guzzo, you were a judge at
6 the same court for a period of time were you not? And you
7 practised defence law for a period of time?

8 **MR. GUZZO:** I did.

9 **MR. NEVILLE:** You know what a preliminary
10 inquiry is?

11 **MR. GUZZO:** Yes.

12 **MR. NEVILLE:** Is it different than a trial?

13 **MR. GUZZO:** It is.

14 **MR. NEVILLE:** Is there not usually a
15 publication ban?

16 **MR. GUZZO:** Sometimes.

17 **MR. NEVILLE:** There was one here, I can
18 assure you. That's why many of these people have monikers.

19 **MR. GUZZO:** Correct.

20 **MR. NEVILLE:** Have you ever heard of a
21 preliminary inquiry being appealed by a Crown?

22 **MR. GUZZO:** No, but I'm talking -- the use
23 of, you know, ---

24 **MR. NEVILLE:** Mr. Guzzo, you wrote this
25 ruling by the judge about a pedophile clan for some time

1 was not appealed by our Crown nor has it been appealed or
2 disputed by any of the experienced defence counsel. That's
3 me.

4 Now, you tell me the last time you heard of
5 a Crown appealing the result of a preliminary inquiry?

6 **THE COMMISSIONER:** It matters not.

7 **MR. NEVILLE:** Thank you.

8 Now, one final question.

9 You mounted and waged for a long time a
10 campaign for a public inquiry. You wanted it to look into
11 the propriety of police behaviour; right?

12 **MR. GUZZO:** That was my major concern.

13 **MR. NEVILLE:** Right. Now, let's assume,
14 hypothetically, that early on in your campaign -- let's say
15 by the spring of '99 you were successful and a public
16 inquiry was called right here in Cornwall just like this
17 one.

18 Do you understand, Mr. Guzzo, that
19 throughout '99, 2000, 2001, there were proceedings going on
20 here, either preliminaries or trials? You knew that?

21 **MR. GUZZO:** I was aware of that, yes.

22 **MR. NEVILLE:** And some of the same police
23 officers were witnesses at those proceedings?

24 **MR. GUZZO:** Right.

25 **MR. NEVILLE:** Are you suggesting, sir, as an

1 experienced politician, lawyer and former judge, that
2 having a public inquiry going on simultaneously with a
3 trial, of an inquiry for example in this room with trials
4 up at Pitt Street at the courthouse with the same officers
5 going back and forth testifying, are you suggesting to us
6 and to the public that that wouldn't be a problem?

7 **MR. GUZZO:** I may have -- it might be a
8 problem but let give you ---

9 **MR. NEVILLE:** Might be?

10 **MR. GUZZO:** Might be. Let me give you an
11 example of where it took place and that Westray mine
12 disaster situation, they went on simultaneously.

13 Let me give you an example in Ontario with
14 the government of Mike Harris where the inquiry went on
15 ahead of any charges being laid.

16 **MR. NEVILLE:** Is ---

17 **MR. GUZZO:** First and foremost, the -- you
18 have the testimony at the first debate of the first Bill
19 when I allowed Mr. Flaherty, the Attorney General, to speak
20 to the Bill. You have his position with regard to that and
21 then the action taken with regard to Walkerton.

22 I suggest to you that it could also have
23 been a situation where you call the inquiry and don't start
24 it until the trials are over but make a commitment to it,
25 which was discussed with Mr. Young and Mr. Runciman at one

1 point-in-time and I thought agreed to, but was turned down
2 at the top by the Premier.

3 **MR. NEVILLE:** Mr. Guzzo, the Ipperwash
4 Inquiry into the shooting of Dudley George was after the
5 completion of the trial of the OPP officer, was it not?

6 **MR. GUZZO:** It was.

7 **MR. NEVILLE:** The Walkerton Inquiry was
8 conducted before anybody was facing criminal charges?

9 **MR. GUZZO:** Correct.

10 **MR. NEVILLE:** There were not parallel
11 proceedings in either situation; correct?

12 **MR. GUZZO:** That's what I said.

13 **MR. NEVILLE:** So you concede to me already
14 that it might be a problem?

15 **MR. GUZZO:** Westray Mines disaster in Nova
16 Scotia ---

17 **MR. NEVILLE:** I'm talking Ontario.

18 **MR. GUZZO:** Well, I'm talking ---

19 **MR. NEVILLE:** Well, I'm talking this
20 province, okay?

21 **MR. GUZZO:** I'm talking about Canada; okay?

22 **MR. NEVILLE:** I'm talking about Ontario.
23 You lobbied; you have criticized here and elsewhere many
24 people including senior politicians, premiers, and
25 attorney's general, and I suggest to you that not having a

1 public inquiry simultaneously with trials was standard
2 because it could create a problem?

3 MR. GUZZO: It could create a problem and --
4 -

5 MR. NEVILLE: Fine, and that's what they
6 did; right? Right?

7 MR. GUZZO: No, that's not correct, sir ---

8 MR. NEVILLE: They held ---

9 MR. GUZZO: Don't try putting that in
10 evidence. Let me assure you that if our government had
11 been returned, you would not be here today.

12 MR. NEVILLE: Well, Mr. Guzzo, we can all
13 speculate on what might or might not have happened. A
14 public inquiry was promised and there is one.

15 What you're complaining about was your
16 problems with your fellow politicians throughout your
17 career in the legislature and I'm suggesting to you the
18 decisions they made were appropriate decisions that anybody
19 in their position would have made consistent with practice
20 in this province for decades. Isn't that right?

21 MR. GUZZO: No, it's not, sir. I'm sorry.

22 MR. NEVILLE: I have no further questions;
23 no further questions.

24 THE COMMISSIONER: Thank you.

25 Ms. Robitaille?

1 **MS. ROBITAILLE:** Good morning, Mr.
2 Commissioner. Good morning, Mr. Guzzo.

3 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**
4 **ROBITAILLE:**

5 **MS. ROBITAILLE:** My name is Danielle
6 Robitaille and I am counsel for Jacques Leduc here at the
7 Inquiry.

8 I have three very discrete areas of
9 examination and it shouldn't take long.

10 I'd like to turn firstly to Exhibit 983
11 which is the first letter to Premier Harris. It's the
12 letter that we've been examining at length yesterday and
13 today, and if we go down to the bottom of the first page.

14 Now, Mr. Guzzo, you've already conceded to
15 Mr. Neville today that you got the timing wrong in regards
16 to the Silmsers deal. Isn't that right?

17 **MR. GUZZO:** Let me read this again, if you
18 wouldn't mind.

19 **MS. ROBITAILLE:** Sure.

20 **MR. GUZZO:** Thank you.

21 **THE COMMISSIONER:** So we're talking about
22 the last paragraph in the flip -- in the top of the second
23 page.

24 **MR. GUZZO:** Right.

25 Yes, that's correct.

1 **MS. ROBITAILLE:** And if we go to the top of
2 the second page, the last three lines of that first
3 paragraph, you write:

4 "The lawyer representing the Roman
5 Catholic Archdiocese of Alexandria was
6 charged with and pleaded guilty to a
7 charge of obstruct justice with regard
8 to this arrangement."

9 And I take it that you know you're wrong in
10 that passage?

11 **MR. GUZZO:** Yes, I know that Malcolm had
12 acted at times for the -- I'm talking about Malcolm there -
13 - and I know at that time that Malcolm had acted for the
14 diocese but it was not acting in that capacity at that
15 time.

16 **MS. ROBITAILLE:** Right. He was the lawyer
17 for Father Charles MacDonald at the time; right?

18 **MR. GUZZO:** Correct.

19 **MS. ROBITAILLE:** And after a full police
20 investigation, it was Malcolm MacDonald the lawyer for the
21 priest, not the lawyer for the diocese who was charged and
22 plead guilty to obstruct justice; right?

23 **MR. GUZZO:** Right.

24 **MS. ROBITAILLE:** Now, if we turn to the
25 April 3rd, '99 letter which is Exhibit 985.

1 **MR. GUZZO:** Yes.

2 **MS. ROBITAILLE:** This is the letter to Ron
3 McLaughlin and you've cc'd Harnick and Runciman on this
4 letter?

5 **MR. GUZZO:** Right.

6 **MS. ROBITAILLE:** If we turn to page 6, at
7 the bottom of the page there near the end of the last
8 paragraph you write:

9 "One must wonder why the lawyer for the
10 Archdiocese and not the Archdiocese and
11 not the high ranking police officers
12 and maybe even the Crown attorney were
13 not charged with..."

14 And you turn the page:

15 "...obstruct justice in the matter as
16 well."

17 And again, you're wrong there also?

18 **MR. GUZZO:** Well, I'm wrong about, yes, the
19 lawyer for the Archdiocese but I don't know that I am wrong
20 when I'm wondering why ---

21 **MS. ROBITAILLE:** Why -- that's not the
22 concern here.

23 **MR. GUZZO:** Okay. No. As far as that I am,
24 it's the same mistake.

25 **MS. ROBITAILLE:** And we know that eventually

1 that April '99 letter gets forwarded to other people
2 throughout your correspondence; isn't that right?

3 **MR. GUZZO:** It does.

4 **MS. ROBITAILLE:** You attach it to a letter
5 to Murray Segal on November 1st, 2001 and you send that
6 whole package to the PC Caucus on that day. That's Exhibit
7 1023.

8 **MR. GUZZO:** Which is a letter to Mr. Segal,
9 yeah.

10 **MS. ROBITAILLE:** Yes; and if you see there
11 at the top, first paragraph:

12 "For easy reference, I enclose herewith
13 a copy of the eight-page letter dated
14 April 3rd, '99."

15 And if you go to the second page, you'll see
16 that you've cc'd all members of PC Caucus. And it looks
17 like two lawyers also.

18 **MR. GUZZO:** Correct.

19 **MS. ROBITAILLE:** And at no time you make any
20 attempt to correct your errors in these pieces of
21 correspondence that you've sent to the Premier, the
22 Attorney General, members of the Provincial Legislature?

23 **MR. GUZZO:** I was still not aware that I was
24 in error. I had -- you mean ---

25 **MS. ROBITAILLE:** In 2001?

1 **MR. GUZZO:** In 2001, I don't know that I had
2 realized I had made a mistake and I am not certain that --
3 in my own mind, I had corrected it, that Malcolm was acting
4 for one of the -- for Father MacDonald and that your client
5 was acting for the Diocese.

6 **MS. ROBITAILLE:** When did you become aware
7 of your mistake?

8 **MR. GUZZO:** I'm not sure, I can't recall.

9 **MS. ROBITAILLE:** You're aware, I take it,
10 that these letters are still available on the worldwide
11 web, totally accessible to any member of the public wishing
12 to view them?

13 **MR. GUZZO:** I wasn't aware that a -- that
14 this -- that letter was but I guess I'm not surprised to
15 learn it.

16 **MS. ROBITAILLE:** Thank you.

17 I want to examine with you a little bit some
18 of the evidence you gave In-Chief about an incident in
19 April 2001. You claim, Mr. Guzzo, that while in a queue at
20 a bank on Bay Street in Toronto, an unidentified person
21 approaches you from the Attorney General's office. You've
22 said that he or she, I believe it was a he ---

23 **MR. GUZZO:** I believe it ---

24 **MS. ROBITAILLE:** --- did not give a name and
25 you never tried to locate this person; is that right?

1 **MR. GUZZO:** I did not. I just -- yes, no, I
2 did not.

3 **MS. ROBITAILLE:** And you never mentioned
4 this person in any of your correspondence with the Attorney
5 General; is that right?

6 **MR. GUZZO:** I don't think so.

7 **MS. ROBITAILLE:** No. And you claim that
8 they say to you in this conversation that the Attorney
9 General is dragging its feet in the Leduc prosecution. Do
10 you remember giving that evidence?

11 **MR. GUZZO:** I do.

12 **MS. ROBITAILLE:** And you said that this
13 meeting occurred in April 2001; is that right?

14 **MR. GUZZO:** That's the best of my
15 recollection.

16 **MS. ROBITAILLE:** And as a result of this
17 meeting in the bank, you return to Caucus and you turn the
18 heat on the AG, I think, was the expression you used.

19 **MR. GUZZO:** I started asking questions about
20 the -- about two prosecutions.

21 **MS. ROBITAILLE:** You attempt to politically
22 interfere with matters that you know, as a former judge,
23 are before the courts.

24 **MR. GUZZO:** Politically interfere, I don't
25 agree with that term. I'm asking appropriate questions of

1 the appropriate people and I'm entitled to a reasonable
2 answer.

3 **MS. ROBITAILLE:** I'm going to suggest to you
4 Mr. Guzzo that that conversation at the bank never
5 happened; did it?

6 **MR. GUZZO:** Well, I very definitely recall
7 it; very definitely recall it and I very definitely recall
8 going in to Caucus and raising the issues.

9 **MS. ROBITAILLE:** You know that in March 1st,
10 2001, a Stay was ordered as a result of non-disclosure in
11 the Leduc trial?

12 **MR. GUZZO:** No, I'm not aware of that.

13 **MS. ROBITAILLE:** Are you aware that within
14 three short weeks of that Staying order a Notice of Appeal
15 was filed by the Ministry of the Attorney General?

16 **MR. GUZZO:** I think I was aware of that at
17 some time.

18 **MS. ROBITAILLE:** So there was no dragging of
19 any feet, was there, Mr. Guzzo?

20 **MR. GUZZO:** Well, I thought there was. I
21 think the judge who Stayed it thought there was too.
22 That's why they were Stayed; was it not 74 months between
23 charge and Stay?

24 **MS. ROBITAILLE:** Mr. Guzzo, the Stay was
25 ordered for wilful non-disclosure. But in April 2001, a

1 Stay had been ordered. How could an AG staffer would come
2 to you and suggest that the prosecution was dragging its
3 feet when the prosecution had been Stayed?

4 **MR. GUZZO:** Well, I'm talking about both the
5 Leduc matter and the MacDonald matter at that time and I go
6 in to Caucus and I raise them. And I'm sorry, but I think
7 I'm pretty clear on that date. I'm pretty clear on that
8 date and I don't recall being told that I was wrong; that
9 the matter was still not -- had been resolved.

10 **MS. ROBITAILLE:** You were unaware of the
11 Stay?

12 **MR. GUZZO:** I was unaware of the Stay. And
13 I wasn't told when I raised it in Caucus. Now, I suppose
14 it's possible that I have the date wrong but I don't know
15 that I ---

16 **MS. ROBITAILLE:** Mr. Guzzo, you'll admit
17 that you've kept an extensive media file on the Leduc
18 trial?

19 **MR. GUZZO:** I don't have any personal
20 knowledge of the Leduc trial and the MacDonald trial, other
21 than the facts of the situation that the matters were
22 Stayed after 72 and 74 or 72 and 76 months. And I have a
23 clear recollection -- I have clear recollection of raising
24 them in Caucus and indeed, the unusual situation, the very
25 unusual situation of the Deputy Minister coming to Caucus

1 when Mr. Young was the Attorney General -- the Deputy
2 Minister, Mr. Friedman, who was a Bay Street lawyer who had
3 come in for a six-month or a 12-month secondment, as the
4 Deputy Minister, coming in to the Caucus and spending an
5 hour explaining the situation, explaining that we were not
6 in any way, shape or form, in any fear of a Askov decision
7 on either of these files and ---

8 **MS. ROBITAILLE:** And your evidence is, Mr.
9 Guzzo that that conversation occurred in the spring of 2001
10 after a Stay had been ordered in the Leduc prosecution.

11 **MR. GUZZO:** I -- that's what my note, my
12 notes says. But let me tell you this, that in that
13 discussion -- in that discussion, in Caucus, I had raised
14 it a couple of times and when Mr. Friedman came in and took
15 over the meeting, I was not the one who raised the
16 questions with him. The two people who raised the question
17 with him were Bob Wood from London south, the member from
18 London south, and a lawyer by the name of Tascona from
19 Barrie.

20 **MS. ROBITAILLE:** Okay. Let's move on.
21 Can we go to Document 125335? It's not an
22 exhibit yet and I've given notice.

23 **THE COMMISSIONER:** What document is it?

24 **MS. ROBITAILLE:** It's a letter from Sylvia
25 MacEachern to the Judicial Conduct Committee of the

1 Canadian Judicial Council. It's number 125335.

2 **MR. ENGELMANN:** I realize Mr. Guzzo's
3 evidence has carried on for some time but as in keeping
4 with past practice, this was late. The original notice
5 that counsel required print copies, Ms. McArthur at the
6 shop did not copy matters that were ---

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

8 **MS. ROBITAILLE:** My recollection, Mr.
9 Commissioner, is it wasn't late but it has been some time.
10 In any event ---

11 **THE COMMISSIONER:** Do you have the letter?

12 **MS. ROBITAILLE:** I have one copy.

13 **THE COMMISSIONER:** Can you get -- pardon me?
14 Can you get a copy or do you have it on the screen, Madam
15 Clerk? Maybe give it to the witness and I can look at it
16 on the screen as well. Okay, so this document which would
17 be marked as an Exhibit 1141 will be a letter -- and once
18 we put it on the screen, I'll be able to see what it is.

19 --- **EXHIBIT NO./PIÈCE NO. P-1141:**

20 (125335) Letter from Sylvia MacEachern
21 to the Judicial Conduct Committee,
22 April 9, 2001

23 **THE COMMISSIONER:** Any issues
24 of confidentiality in this letter?

25 **MS. ROBITAILLE:** Not that I'm aware of.

1 **THE COMMISSIONER:** Okay, so a letter dated
2 April 9, 2001 to the Judicial Conduct Committee -- the
3 Canadian Judicial Council, I guess, from Sylvia MacEachern.

4 **MS. ROBITAILLE:** Mr. Guzzo, this document
5 was in your file that you disclosed to the Inquiry and if
6 we scroll down to the bottom, to the fax line, it looks
7 like it was a document that was sent to you by Carson
8 Chisholm; it looks like in 2001.

9 **MR. GUZZO:** Right.

10 **MS. ROBITAILLE:** Do you recall reviewing
11 this document, Mr. Guzzo?

12 **MR. GUZZO:** I do not. I do not recall
13 reviewing it. I was aware of the -- I was aware of the
14 matter, but I ---

15 **MS. ROBITAILLE:** Well, maybe this will help.

16 **MR. GUZZO:** --- I don't think I ever sat
17 down and read it.

18 **MS. ROBITAILLE:** If we ---

19 **MR. GUZZO:** I don't know.

20 **MS. ROBITAILLE:** --- can turn to page 819 --
21 it's kind of a strange document, there's the -- the first
22 three pages are numbered and then there are appendices, so
23 it's a -- that's right. If we scroll down there -- Mr.
24 Guzzo is that your handwriting?

25 **MR. GUZZO:** I don't think so. I -- it could

1 be. It could be, but I don't think it is.

2 **MS. ROBITAILLE:** Okay. If we can just turn
3 back to page 23, that's -- that's -- yes, paragraph 6
4 there, in that -- in that paragraph there's a sentence that
5 reads Justice Colin McKinnon:

6 "Justice Colin McKinnon failed to
7 recuse himself despite grave conflict
8 of interest."

9 And in this letter, Ms. MacEachern details her complaint
10 which includes the timing of Mr. Justice McKinnon's recusal
11 in the *Leduc* trial. Did you provide feedback and comments
12 to Ms. MacEachern on her letter to the Judicial Council,
13 Mr. Guzzo?

14 **MR. GUZZO:** I -- I don't think I ever
15 discussed this with -- with her and ---

16 **MS. ROBITAILLE:** Because it would have been
17 totally inappropriate; isn't that right?

18 **THE COMMISSIONER:** Wait a minute. What
19 would have been totally inappropriate?

20 **MS. ROBITAILLE:** A sitting Member of the
21 legislature contributing to a letter regarding the conduct
22 of two sitting judges.

23 **MR. GUZZO:** Well, let me -- let me make one
24 thing ---

25 **THE COMMISSIONER:** I -- where do you -- on

1 what -- what's the basis of saying that? That a Member of
2 the legislature -- are you saying that a Member of the
3 legislature cannot, for example, complain to the Judicial
4 Council?

5 **MS. ROBITAILLE:** I think having regard to
6 the separation of the legislative and judicial branches, I
7 think it would be inappropriate.

8 **THE COMMISSIONER:** Well, I mean the Attorney
9 General can bring a complaint against a judge; can he not?
10 Can he or she not?

11 **MS. ROBITAILLE:** I mean, we -- we could
12 argue about whether it's appropriate or not and if ---

13 **THE COMMISSIONER:** Well, then what I'm
14 saying, you can't put it to him if you're not -- if it's --
15 -

16 **MS. ROBITAILLE:** Well, it was a question, I
17 asked because it would be totally inappropriate, question
18 mark, so I'm open to having his views on the matter.

19 **THE COMMISSIONER:** Okay. So wait a minute
20 now. Have you had any -- your basis was, have you had any
21 discussions with Ms. MacEachern ---

22 **MS. ROBITAILLE:** Yes.

23 **THE COMMISSIONER:** And the answer is, I
24 don't know and it's -- yeah, because it would be
25 inappropriate for you to do so.

1 **MS. ROBITAILLE:** Yes.

2 **THE COMMISSIONER:** Okay, would it be
3 inappropriate for you to speak to Mrs. MacEachern?

4 **MR. GUZZO:** I don't think it would be, at
5 least I wouldn't have felt it would be, but I'll tell you
6 where it would be inappropriate for me. First of all,
7 Justice McKinnon is a federally-appointed judge, not a
8 provincially-appointed judge and maybe with a -- you know,
9 you make a good, an interesting point with a provincially-
10 appointed -- but I don't think it makes any difference.
11 Secondly -- and I want to make it clear that Mr. Justice
12 McKinnon is a personal friend. He is a -- we went to the
13 same high school; we went to the same college; we went to
14 the same law school and he followed me into an articling
15 job at Binks and Chilcott and I helped acquaint him with
16 the job when -- when I was leaving and he was coming in,
17 and for that reason -- for that reason, I would -- I would
18 not have gotten involved in anything dealing with the
19 matter; whether it was appropriate or inappropriate, I
20 would have felt -- I would have felt it inadvisable for me
21 to do it.

22 **MS. ROBITAILLE:** Conflicted out, in essence.

23 **MR. GUZZO:** I would have been conflicted,
24 yes.

25 **MS. ROBITAILLE:** Thank you, Mr. Guzzo.

1 Then let's look at Exhibit 1017. This is a
2 letter from you, Mr. Guzzo, to Shelley Hallett dated October 17,
3 2001.

4 **THE COMMISSIONER:** One zero one seven
5 (1017)? **MS. ROBITAILLE:** Yes.

6 **THE COMMISSIONER:** No, I've got it ---

7 **MS. ROBITAILLE:** Oh.

8 **THE COMMISSIONER:** --- as a Bowden's Media
9 Monitoring, Jeff Hutcheson, from Canada AM.

10 **MS. ROBITAILLE:** One zero one eight (1018).

11 **THE COMMISSIONER:** Ah. Let's try that.
12 Yes, a letter from Mr. Guzzo to Shelley Hallett, yes.

13 **MS. ROBITAILLE:** Thank you. I apologize.
14 Mr. Guzzo, do you recall

15 Mr. Engelmann examining this letter with you In-Chief?

16 **MR. GUZZO:** I think I do.

17 **MS. ROBITAILLE:** Do you recall Mr. Engelmann
18 questioning you on the propriety of you contacting the
19 prosecutor of the *Leduc* case while it was still before the
20 Court?

21 **MR. GUZZO:** I think I do, yes.

22 **MS. ROBITAILLE:** Do you recall answering the
23 question by saying that you were not really writing to Ms.
24 Hallett and that if you truly wanted an answer to your
25 question, you would have picked up the phone and called her

1 and to see what she'd tell you; do you recall that?

2 MR. GUZZO: Yes.

3 MS. ROBITAILLE: Because phoning her would
4 be an attempt to interfere and that would be inappropriate.

5 MR. GUZZO: Correct.

6 MS. ROBITAILLE: Now, I'm going to suggest
7 to you, Mr. Guzzo, that that's precisely what you intended
8 to do. If we look at Document No. 112772, the document
9 that was identified by Commission counsel ---

10 THE COMMISSIONER: And what is it?

11 MS. ROBITAILLE: It is a memorandum from
12 Shelley Hallett to Murray Segal dated October 18, 2001.

13 THE COMMISSIONER: Thank you. So Exhibit
14 1142 is a memorandum to Murray Segal dated October 18,
15 2001.

16 --- EXHIBIT NO./PIÈCE NO. P-1142:

17 (112772) Memorandum from Shelley
18 Hallett to Murray Segal, October
19 18, 2001

20 MS. ROBITAILLE: If we look at the first
21 paragraph in Ms. Hallett's memo, she writes:

22 "Please find attached, the letter
23 received by me from Garry Guzzo..."

24 Which is the letter we've just examined:

25 "...this date after he telephoned me to

1 request that I answer a question he had
2 for me."

3 Does that refresh your memory as to your
4 telephone conversation with Ms. Hallett on October 17,
5 2001?

6 **MR. GUZZO:** No, it does not. It does not.
7 I did talk to the lady on at least two occasions, but I
8 don't recall asking or talking to her about this issue.

9 **MS. ROBITAILLE:** You -- you -- sorry, when
10 did you speak to Ms. Hallett.

11 **MR. GUZZO:** I'm not -- I'm not sure, but
12 I've spoken to her on a couple of -- on a couple of
13 occasions. I spoke to her at the time. She was
14 recommending an Appeal from a decision here and I spoke to
15 the Attorney General; David Young was the Attorney General
16 at the time. I'm not sure what the case was.

17 **MS. ROBITAILLE:** So when Ms. Hallett writes:
18 "After he telephoned me to request that
19 I answer a question he had for me ..."
20 -- she's lying to Murray Segal?

21 **MR. GUZZO:** No, I -- listen. I don't recall
22 it -- this. You know, if she says it that isn't, you know,
23 I don't recall. I don't think -- it's not something that I
24 would have done. I did put it in writing to her. Maybe
25 she asked me to, but I have reason for writing to her and

1 putting it in writing because I want the Attorney General
2 of the day to know that I'm asking the question.

3 **MS. ROBITAILLE:** So, Mr. Guzzo, is your
4 evidence that you don't recall or that the telephone
5 conversation didn't happen?

6 **MR. GUZZO:** Well, look it. This is a very
7 honorable lady and if she says I called her and asked that
8 question ---

9 **MS. ROBITAILLE:** It's likely that you did?

10 **MR. GUZZO:** It's likely that I did, but I
11 mean I -- anyway -- I -- you know -- I put -- I remember
12 putting the the question in writing because I was -- it --
13 I remember the time quite well.

14 I'm -- I'm very concerned about some
15 information I'm receiving which is not accurate, which is -
16 - I'm being stonewalled on some information and I think I
17 should be treated a little differently and I want the AG to
18 know that I know the answer to the questions. I know the
19 answer to the question when I write the letter, I know it's
20 question five. I know Perry Dunlop's name is in question
21 number five.

22 Where I was told that or who told me that,
23 I'm not a 100 percent certain, but that's what I want the
24 Attorney General to know.

25 **MS. ROBITAILLE:** But principally the

1 question is about the conduct of Mr. Justice MacKinnon,
2 isn't it?

3 **MR. GUZZO:** No, that's not what I'm --
4 that's not where I'm coming from. I mean, I -- I'm --
5 trying to ---

6 **MS. ROBITAILLE:** Isn't the question when he
7 ought to have known that Perry Dunlop was involved? Isn't
8 that the question?

9 **MR. GUZZO:** Well, I know that -- I know the
10 answer to the question.

11 **MS. ROBITAILLE:** Mr. Guzzo, you've just told
12 us that you never have insinuated yourself into a situation
13 where you were discussing the conduct of your good friend,
14 Mr. Justice MacKinnon?

15 **MR. GUZZO:** And that's not why I'm writing
16 this -- that's not why I'm writing this letter. That's not
17 the purpose of the letter. The letter is to let Mr. Young
18 know I'm -- I know he's lying to me.

19 **MS. ROBITAILLE:** In any event, Mr. Guzzo,
20 you don't receive a response from Ms. Hallett to your
21 letter and so you write another letter on November 6th, 2001
22 reiterating your request for information, and that's
23 Document Number 125537, also not an exhibit yet.

24 **THE COMMISSIONER:** Thank you.

25 Exhibit Number 1143 is a letter dated

1 November 6th, 2001 addressed to the Honourable David Young
2 and from Garry Guzzo.

3 ---EXHIBIT NO./PIECE NO. P-1143

4 (125537) Letter From Garry Guzzo to The
5 Honourable David Young - November 6,
6 2001

7 **MS. ROBITAILLE:** And you see -- you repeat
8 your request. You enclose your original letter to
9 Ms. Hallett and you write a further letter on that date to
10 the entire PC Caucus. We don't need to turn it up, it's
11 essentially the same letter, where you include your more
12 recent letter to David Young and your letter to Ms. Hallett
13 to, I suspect, let the Caucus know that you are not
14 receiving a response to your question?

15 **MR. GUZZO:** No, my purpose in doing that is
16 to let the Caucus know that when I suggested to Mr. Young
17 in the Caucus meeting that he was not telling me the truth,
18 that I knew he wasn't telling me the truth, and it was a
19 fact that I was trying to establish that.

20 **MS. ROBITAILLE:** So just to reiterate,
21 Mr. Guzzo, you are a member of provincial -- the provincial
22 legislature at this time. You're a former judge. You're
23 calling the prosecutor of a case that you know is before
24 the courts and you're writing no less than three letters
25 inquiring into the conduct of a sitting judge.

1 Wouldn't you agree that that's
2 inappropriate?

3 **MR. GUZZO:** No, I -- I made it clear that
4 I'm not involving myself in any way in the conduct of a
5 judge. I am involving myself in the way of the conduct of
6 an Attorney General of the province, a fellow lawyer, and I
7 don't think I deserved to be treated that way, and I wanted
8 to establish to the entire Caucus exactly what I said was a
9 100 percent the truth, and I did.

10 **MR. GUZZO:** Mr. Guzzo, the question is about
11 Mr. MacKinnon.

12 **MR. GUZZO:** Well, to your eyes it is and I
13 appreciate that.

14 **MS. ROBITAILLE:** Thank you, Mr. Guzzo.
15 Thank you, Mr. Commissioner.

16 **THE COMMISSIONER:** Thank you. Let's take
17 lunch break and come back at 2:00 p.m.

18 **THE REGISTRAR:** Order; all rise. A l'ordre;
19 veuillez vous lever.

20 The hearing will resume at 2:00 p.m.

21 --- Upon recessing at 12:21 p.m. /

22 L'audience est suspendue à 12h21

23 --- Upon resuming at 2:03 p.m. /

24 L'audience est reprise à 14h03

25 **THE REGISTRAR:** This hearing is now

1 resumed. Please be seated. Veuillez vous asseoir.

2 **THE COMMISSIONER:** Thank you.

3 Mr. Engelmann.

4 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. ENGELMANN:**

5 **MR. ENGELMANN:** Good afternoon, Mr.

6 Commissioner. I'm not taking a turn in the roll call. I'm
7 dealing simply with a couple of housekeeping matters, if I
8 may?

9 **THE COMMISSIONER:** Sure.

10 **MR. ENGELMANN:** I just advised counsel that
11 the schedule as you know for this week is -- we finish Mr.
12 Guzzo's evidence today.

13 **THE COMMISSIONER:** Yes.

14 **MR. ENGELMANN:** We have an ODE, Overview of
15 Documentary Evidence, for Mr. Malcolm MacDonald.

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

17 **MR. ENGELMANN:** Who has been deceased for a
18 number of years, so we're going to put some information in
19 through an ODE tomorrow morning.

20 **THE COMMISSIONER:** So -- tomorrow morning.

21 Okay.

22 **MR. ENGELMANN:** That will be followed by the
23 evidence of Jos van Diepen who was a long standing
24 probation officer here in Cornwall.

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

1 **MR. ENGELMANN:** I don't believe, sir, given
2 what I know of that evidence that it would be possible to
3 start Mr. Hawkins on Friday. So we'll -- he will go to
4 next week.

5 We will start with Sue Larivière, also a
6 probation officer here in Cornwall, on Monday.

7 Mr. Hawkins will testify on Tuesday.

8 Mr. Zbar, former Deputy Minister, will
9 testify on Wednesday.

10 Mr. Robert, Emile Robert, former Regional
11 Manager in Cornwall for Corrections, will testify either
12 Wednesday afternoon or Thursday, depending on when we get
13 to him.

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

15 **MR. ENGELMANN:** And if we have time we will
16 also do Claude Legault, who's the current Director of the
17 Cornwall office and then that takes us through next week.

18 And then on the 4th and 5th of February, we
19 hope to finalize the Corrections evidence and that will be
20 Deborah Newman, who is the current Deputy Minister.

21 If we haven't gotten to Mr. Legault, he
22 would then go on the 6th.

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

24 **MR. ENGELMANN:** So that's the plan of
25 action. Just wanted to fill you in. I've simply just told

1 my colleagues minutes ago that that's what we're hoping to
2 do.

3 **THE COMMISSIONER:** So today's Wednesday.

4 **MR. ENGELMANN:** Today's Wednesday.

5 **THE COMMISSIONER:** Good.

6 **MR. ENGELMANN:** Yes.

7 **THE COMMISSIONER:** All right. So we're
8 going to finish Mr. Guzzo today?

9 **MR. ENGELMANN:** Yes.

10 **THE COMMISSIONER:** And we'll deal with
11 Mr. MacDonald, the ODE and Mr. van Diepen Thursday and
12 Friday.

13 **MR. ENGELMANN:** That's correct.

14 **THE COMMISSIONER:** Knowing that we start
15 Friday at nine o'clock in the morning and we'll finish at
16 one-thirty on Friday afternoon?

17 **MR. ENGELMANN:** Yes.

18 **THE COMMISSIONER:** Okay.

19 **MR. ENGELMANN:** Thank you, sir.

20 **THE COMMISSIONER:** Thank you.

21 All right. So now, we were at Mr.
22 Manderville.

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

24 **MANDERVILLE:**

25 **MR. MANDERVILLE:** Good afternoon,

1 Mr. Commissioner.

2 THE COMMISSIONER: Good afternoon, sir.

3 MR. MANDERVILLE: Good afternoon, Mr. Guzzo.

4 My name is Peter Manderville. I'm counsel for the Cornwall
5 Police.

6 MR. GUZZO: Good afternoon, sir.

7 MR. MANDERVILLE: I have a few areas I want
8 to discuss with you starting with a chat about the Ottawa
9 Police report of 1994 four, and that report concerned that
10 police services review of the Cornwall Police investigation
11 of the Silmsler complaint in 1993.

12 You've never seen that report, have you sir?

13 MR. GUZZO: No, I have not.

14 MR. MANDERVILLE: To this day?

15 MR. GUZZO: To this day.

16 MR. MANDERVILLE: So you don't know what its
17 conclusions are, do you?

18 MR. GUZZO: No, I do not.

19 MR. MANDERVILLE: You don't know who was
20 interviewed?

21 MR. GUZZO: No, I don't. I don't think I
22 was ever told, no.

23 MR. MANDERVILLE: You don't know what
24 documents were reviewed by the Ottawa Police?

25 MR. GUZZO: No, I do not.

1 **MR. MANDERVILLE:** And you don't know what
2 analysis was done by them?

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

4 **MR. MANDERVILLE:** Is it fair for me to
5 suggest, sir, that you're really in no position to offer an
6 opinion as to the conclusions of a report that you've never
7 seen or read.

8 **MR. GUZZO:** I think that's fair. I think
9 that's fair and I don't think I have.

10 **MR. MANDERVILLE:** You've suggested in the
11 past, sir, that the Ottawa Police report was a "whitewash"
12 or a "rubber stamp." Do you recall making that suggestion?

13 **MR. GUZZO:** I was of that opinion for a
14 number of months, maybe a year or longer; yes.

15 **MR. MANDERVILLE:** And more recently you've
16 suggested that the report was "scathing."

17 **MR. GUZZO:** I have had that word used to me
18 as well as others. In fairness, I have also had some
19 positive comments from people in the Ottawa force about
20 some of the work done.

21 **MR. MANDERVILLE:** Is it fair to say, Mr.
22 Guzzo can't be both a whitewash and scathing?

23 **MR. GUZZO:** It's fair to say that I am
24 satisfied that it was not a whitewash but I was of that
25 opinion. I was led to believe, when I raised the matters

1 first, that, "Look, there've been three police
2 investigations here, you know, there's nothing there." It
3 must have been condoning the situation as found by the
4 Cornwall Police but I was -- sometime later I was told that
5 that was not the case, that it was an honest effort to
6 analyze the situation. But it was only a considerable time
7 later that it was made clear to me, notwithstanding some
8 questions I asked at Queen's Park, that it did not deal
9 with more than one issue.

10 **MR. MANDERVILLE:** So that's an understanding
11 you acquired relatively recently?

12 **MR. GUZZO:** No, I wouldn't say relatively
13 recently but well into the -- well into the debate at
14 Queen's Park.

15 **MR. MANDERVILLE:** Then I suggest to you, Mr.
16 Guzzo, that notwithstanding the fact that you have never
17 seen this report, you did not feel particularly constrained
18 in offering opinions as to its conclusions. Is that fair?

19 **MR. GUZZO:** Well, I don't know that I was
20 offering opinions. I was asking questions and when I -- I
21 drew conclusions from the lack of information I was given
22 to the questions I suppose; yes.

23 **MR. MANDERVILLE:** When you were a judge. I
24 take it you were not in the habit of rendering judicial
25 opinions without reading the evidence?

1 **MR. GUZZO:** That's true.

2 **MR. MANDERVILLE:** It's what you were doing
3 here though wasn't it, sir?

4 **MR. GUZZO:** Well, you know, I quite concur
5 that I don't think I was drawing legal opinions but I was
6 taking the behaviour and the answers I was given or the
7 refusal to answer certain questions and drawing
8 conclusions; yes.

9 **MR. MANDERVILLE:** You told us yesterday when
10 you were examined by Mr. Sherriff-Scott that you, as a
11 member of provincial parliament, whose that public
12 statements and opinions can carry some weight in the
13 community; that you felt you had an obligation to verify
14 the accuracy of any of the statements you make in your
15 letters and your press releases or media interviews. Fair?

16 **MR. GUZZO:** As best I could; yes.

17 **MR. MANDERVILLE:** You also felt you had an
18 obligation to correct any misstatements or inaccuracies in
19 your public utterances upon becoming aware of them.

20 **MR. GUZZO:** Yes.

21 **MR. MANDERVILLE:** Now the Ottawa Police
22 report, which you've never seen, was a review of the
23 Cornwall Police investigation of the complaints of a single
24 complainant. There were no allegations of a clan or ring
25 of paedophiles working in concert.

1 I take it you did not trouble yourself to
2 determine the nature of the Cornwall Police investigation
3 in 1993?

4 MR. GUZZO: I certainly asked questions at
5 Queen's Park with regard to the issue, yes, and the report.

6 MR. MANDERVILLE: I'd like you to turn to
7 Exhibit 1008, please, sir. That's Document 124962.

8 MR. GUZZO: I'm sorry. The number sir?

9 THE COMMISSIONER: One zero zero eight
10 (1008).

11 MR. GUZZO: Thank you.

12 MR. MANDERVILLE: This is your letter to all
13 of the other MPPs, isn't it?

14 MR. GUZZO: I believe it is, yes.

15 MR. MANDERVILLE: Dated October 4, 2000.

16 MR. GUZZO: Yes.

17 MR. MANDERVILLE: If you turn to page 2 of
18 that letter, sir, under your heading "The Facts."

19 MR. GUZZO: Yes.

20 MR. MANDERVILLE: First paragraph:

21 "In 1992 or '93 after a series of
22 incidents, Cornwall Police Department
23 purported to review the handling of a
24 number of complaints involving a
25 paedophile group over a lengthy period

1 of time. The results of that
2 investigation by the Cornwall Police
3 Services Board indicated that there was
4 no evidence of any impropriety and the
5 matter was concluded."

6 Is that what you understood had happened?

7 **MR. GUZZO:** That's what I understood had
8 happened and answers I received, or the lack of answers I
9 received to the questions that I had been putting for a
10 couple of years, led me to believe that it was accurate.

11 **MR. MANDERVILLE:** And you told us yesterday
12 you were not aware that the Cornwall Police had issued
13 three press releases in January 1994 concerning the
14 investigation and what had transpired during it.

15 **MR. GUZZO:** I don't believe I saw the press
16 releases.

17 **MR. MANDERVILLE:** You never reviewed those?

18 **MR. GUZZO:** I -- no, not the press releases.

19 **MR. MANDERVILLE:** They were sent to CJOH TV
20 and CBC Radio in Ottawa among other locations. Not aware
21 of that?

22 **MR. GUZZO:** In what years?

23 **MR. MANDERVILLE:** January 1994, sir.

24 **MR. GUZZO:** I wasn't aware of that. I
25 certainly if I heard it or -- it hadn't remained with me.

1 **MR. MANDERVILLE:** And you were not aware
2 that that particular investigation, which we have come to
3 know as the Silmsler investigation here, had nothing to do
4 with a clan of paedophiles at all. You weren't aware of
5 that, I take it.

6 **MR. GUZZO:** No, I was not. I was going into
7 the first Bill and definitely I was of the opinion that
8 both the Cornwall and the Ottawa report were much broader.

9 **MR. MANDERVILLE:** So would it be fair to
10 say, Mr. Guzzo, that by not learning about the nature of
11 these investigations, those were stones you left unturned,
12 sir.

13 **MR. GUZZO:** Well, you might put it that way
14 and, then again you might say there were stones I couldn't
15 unturn because I was being stonewalled when I asked the
16 questions at Queen's Park.

17 **MR. MANDERVILLE:** Nothing prevented you from
18 reading a press release did it, sir?

19 **MR. GUZZO:** No, if I had it I certainly
20 would have read it. They were in '94 and I don't think I
21 was overly knowledgeable of events in Cornwall.

22 **MR. MANDERVILLE:** And, I believe, you told
23 Mr. Sherriff-Scott yesterday there are researchers in the
24 legislature who could look things up for you if you
25 requested them to do so.

1 **MR. GUZZO:** Well, you have to hire them.
2 You have to have them on your own staff. I mean, there's
3 no research facility, per se. There's a library but I
4 wouldn't call it a research service.

5 **MR. MANDERVILLE:** And you didn't feel any
6 sense of obligation to run some of these issues to ground
7 before you made public pronouncements on them?

8 **MR. GUZZO:** I asked the questions and I got
9 the answers I got. I relied heavily on the comments of
10 Sergeant Lortie and Deputy Chief St-Denis.

11 **MR. MANDERVILLE:** Well, let's talk about
12 that.

13 **MR. GUZZO:** Okay.

14 **MR. MANDERVILLE:** You told us yesterday you
15 thought Sergeant Lortie was Chief of Detectives. I just
16 wanted to correct that misapprehension. He never was. He
17 was a sergeant.

18 **MR. GUZZO:** Right.

19 **MR. MANDERVILLE:** Mr. St-Denis' statement
20 formed part of Exhibit 643 entered here. I can tell you
21 that statement indicates, among other things, that Chief
22 Shaver was dealing with Staff Sergeant Luc Brunet directly
23 in the aftermath of the church settlement with Mr. Silmser.

24 Mr. Brunet was the head of CIB ---

25 **THE COMMISSIONER:** Criminal?

1 **MR. MANDERVILLE:** Criminal Investigations
2 Branch, and was not going through Deputy Chief St-Denis.
3 In that sense, he was bypassing the chain of command.
4 Nowhere does Mr. St-Denis, in his statement, make any
5 suggestion that the Chief kept the file under lock and key
6 in his office. Nowhere, sir. Where did you get that idea?

7 **MR. GUZZO:** Well, I don't have the document
8 in front of me but I'll stand by what is said in the notes;
9 in the writings of both men.

10 **MR. MANDERVILLE:** Madam Clerk, I can hand
11 out the relevant portions of Exhibit 643.

12 It's a very brief document, Mr. Guzzo. It's
13 a page-and-a-half.

14 **THE COMMISSIONER:** So this is going to be an
15 exhibit?

16 **MR. MANDERVILLE:** It is an exhibit already,
17 Mr. Commissioner.

18 **THE COMMISSIONER:** Well, why don't we refer
19 to it?

20 **MR. MANDERVILLE:** But we can refer to it
21 directly, if you wish to.

22 **THE COMMISSIONER:** Yes, I think that's the
23 best way of doing it. It's 643 you say?

24 **MR. MANDERVILLE:** And it's Bates page
25 1092721.

1 **THE COMMISSIONER:** Two-seven-two-one. Yes,
2 okay.

3 **MR. MANDERVILLE:** The Doc Number on the top
4 right, Mr. Commissioner.

5 **THE COMMISSIONER:** I'm there.

6 **MR. MANDERVILLE:** Okay.

7 **THE COMMISSIONER:** Statement of Deputy Chief
8 St-Denis?

9 **MR. MANDERVILLE:** Correct, sir.

10 **THE COMMISSIONER:** It's okay, he can refer
11 to the two pages. I prefer to look at these because I put
12 notes on them for when I review the material.

13 All right, so we're all there. Your
14 question, Mr. Manderville?

15 **MR. MANDERVILLE:** Where in this statement,
16 Mr. Guzzo, does Deputy Chief St-Denis suggest that this
17 Silmser investigation file was kept under lock and key by
18 the Chief in his office?

19 **MR. GUZZO:** Reading from paragraph 4:

20 "At this point, it was obvious to me
21 that Chief Shaver was bypassing the
22 chain of command, as I had little or no
23 input or was not involved in most
24 discussions between the Chief's office,
25 CIB and the Youth Bureau."

1 That's ---

2 **MR. MANDERVILLE:** That's where you get that
3 idea that the file was under lock and key in the chief's
4 office?

5 **MR. GUZZO:** I don't know what else I read.
6 I'd have to go through the notes pertaining to the matter,
7 but ---

8 **MR. MANDERVILLE:** So yesterday in your
9 examination when you said that, you were in error? When
10 you attributed that statement to Mr. St-Denis?

11 **MR. GUZZO:** Well, that is the statement on
12 which I formed the opinion as to what -- yesterday, about
13 lock and key. You know, I -- if it's held in some place I
14 -- I feel that I read that the file was kept in the chief's
15 office but in -- the major part of the issue is covered
16 with that paragraph as far as I'm concerned.

17 **MR. MANDERVILLE:** So certainly Mr. St-Denis
18 does not make such a suggestion in his statement does he?

19 **MR. GUZZO:** No, he says the bypassing of the
20 chain of command, I guess, is what irritated him.

21 **MR. MANDERVILLE:** Mr. Guzzo, I'd refer you
22 to Document 124819 and I'm sorry, Mr. Commissioner, I don't
23 know if this is an exhibit yet. It's Mr. Guzzo's letter to
24 Mr. Flaherty of January 14th, 2000.

25 **THE REGISTRAR:** Exhibit 1002.

1 **MR. MANDERVILLE:** Thank you. Mr. Guzzo,
2 it's Exhibit 1002.

3 **THE COMMISSIONER:** One-zero-zero-two (1002),
4 okay.

5 **MR. MANDERVILLE:** Do you have that letter in
6 front of you, Mr. Guzzo?

7 **MR. GUZZO:** I have it on the screen. What
8 is the ---

9 **THE COMMISSIONER:** One-zero-zero-two (1002).

10 **MR. MANDERVILLE:** It's your letter of
11 January 14, 2000, to Mr. Flaherty concerning the *Queen v.*
12 *Sharp*, Supreme Court of Canada.

13 **MR. GUZZO:** Oh, yes, yes.

14 **MR. MANDERVILLE:** Could I ask you to turn to
15 page 2 of that letter, sir? And I'd refer you to the
16 second last paragraph. You are once again commenting on
17 investigations.

18 **MR. GUZZO:** Right.

19 **MR. MANDERVILLE:** The second last paragraph
20 of page 2, you state in the second sentence:

21 "The Police Chief in Cornwall between
22 1984 and 1994 continues to remain
23 outside the country and refuses to talk
24 to Project Truth officers."

25 Where did you get that idea, sir?

1 **MR. GUZZO:** I got that from John Cleary, the
2 local member here.

3 **MR. MANDERVILLE:** Well, I'm looking at the
4 transcript of an interview Mr. Shaver gave to the OPP in
5 July, 1999, six months before you make this pronouncement.
6 I take it you weren't aware of that?

7 **MR. GUZZO:** I was not, no.

8 **THE COMMISSIONER:** In fairness, and I don't
9 know if my notes are correct, but that's why I like to
10 refer to the exhibit. I've got a note here that he was
11 told that by the former Solicitor General Runciman.

12 **MR. MANDERVILLE:** So it's not Cleary, it's
13 Runciman?

14 **MR. GUZZO:** Well I confirmed it with -- I
15 confirmed it with Mr. Runciman.

16 **THE COMMISSIONER:** Okay.

17 **MR. MANDERVILLE:** I take it you didn't take
18 any steps to verify the accuracy of your suggestion that
19 Mr. Shaver was refusing to cooperate with the OPP Project
20 Truth investigation?

21 **MR. GUZZO:** Any further steps other than
22 speaking to the Solicitor General of the province? No.

23 **MR. MANDERVILLE:** Do you have any notes of
24 your conversation with Mr. Runciman on this issue?

25 **MR. GUZZO:** I do not, sir, no.

1 **MR. MANDERVILLE:** I'm sure you don't. That
2 was a stone you left unturned wasn't it, Mr. Guzzo?

3 **MR. GUZZO:** I guess so, eh? I guess it was.

4 **MR. MANDERVILLE:** The interview took place
5 in Long Sault. Do you know where Long Sault is?

6 **MR. GUZZO:** Oh, yes.

7 **MR. MANDERVILLE:** It's about 15 minutes from
8 here isn't it?

9 **MR. GUZZO:** Right.

10 **MR. MANDERVILLE:** Not outside the country is
11 it?

12 **MR. GUZZO:** No, it isn't.

13 **MR. MANDERVILLE:** It suggests that maybe Mr.
14 Shaver wasn't refusing to return to Canada doesn't it?

15 **MR. GUZZO:** It does. It very definitely
16 does.

17 **MR. MANDERVILLE:** And in this letter, I am
18 going to suggest to you, you used language to insinuate
19 that the former chief was on the lam from Canada and was
20 refusing to cooperate don't you?

21 **MR. GUZZO:** I'm told that by the local
22 member, and I bring it up with the Solicitor General, and I
23 have that opinion. I have formed that opinion and that's
24 what I impart to the Attorney General.

25 **MR. MANDERVILLE:** A statement like that can

1 be hurtful if it's false isn't it, sir?

2 MR. GUZZO: Yes, it can be. It can be.

3 MR. MANDERVILLE: You copied this letter to
4 the Solicitor General?

5 MR. GUZZO: I did.

6 MR. MANDERVILLE: The minister responsible
7 for all the police in Ontario?

8 MR. GUZZO: I think I did, yes. And I got
9 no reply correcting me. And now we have a new Solicitor
10 General filling in at this time for Mr. Runciman who is on
11 ---

12 MR. MANDERVILLE: So your evidence, sir, is
13 that you did take steps to determine the accuracy of this
14 sort of statement?

15 MR. GUZZO: Well, when I heard it from Mr.
16 Cleary, I checked with -- I talked to Mr. Runciman about
17 it, yes.

18 MR. MANDERVILLE: Also on that same
19 document, Mr. Guzzo, in the paragraph immediately above the
20 one we're looking at and in other documents that have been
21 made exhibits during your testimony, you also comment on
22 the OPP reinvestigation in 1994 of the Cornwall Police
23 Silmsler investigation don't you?

24 MR. GUZZO: I'll have to read it, sir.

25 (SHORT PAUSE/COURTE PAUSE)

1 **MR. MANDERVILLE:** The last two sentences of
2 that paragraph:

3 "Yet, Christmas Eve of 1994, the
4 Ontario Provincial Police held a press
5 conference in Cornwall stating that no
6 evidence existed to lay any charges,
7 let alone find evidence of a pedophile
8 ring. The OPP stated on December 24,
9 1994, that no stone was left unturned."

10 Do you see that, sir?

11 **MR. GUZZO:** I do.

12 **MR. MANDERVILLE:** Is it fair for me to
13 suggest, Mr. Guzzo, that in a number of your letters and
14 public statements, you have been highly critical of this
15 particular OPP investigation?

16 **MR. GUZZO:** Well, I continually raised the
17 question with people who served in that capacity, Mr.
18 Runciman, Mr. Turnbull, Mr. Tsubouchi and then Mr. Runciman
19 again and, you know, it's a simple question.

20 I mean, how is it possible that we have no
21 charges and now we have -- and nobody has got an
22 explanation. Nobody tells me, you know, look, you're
23 making a mistake, you're wrong. They all give you a blank
24 stare, a shrug and yeah.

25 But I think the comments I'm making and the

1 questions are critical, yes.

2 **MR. MANDERVILLE:** I suggest to you, you had
3 no idea what the OPP was asked to investigate in that
4 investigation nor the scope of that investigation do you?

5 **MR. GUZZO:** Initially, no. Initially, I
6 think because I think the Ottawa force has been asked that
7 they do a broader, have a broader scope.

8 I also think that the Ontario Provincial
9 Police first investigation is broader. It's clear from the
10 initial letters I issue copies to the AG and the Sol Gen
11 that I am in error and no one bothers to even reply to my
12 letters and say, "You're in error here".

13 **MR. MANDERVILLE:** The OPP on that occasion
14 was not asked to investigate the existence of a pedophile
15 ring or clan. Do you know that now, sir?

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

17 **MR. MANDERVILLE:** And indeed, allegations
18 that a plan -- a clan of pedophiles was operative in
19 Cornwall were not being advanced back in 1994. Were you
20 aware of that?

21 **MR. GUZZO:** No, I was not. And I don't
22 necessarily accept that, Mr. Manderville, but ---

23 **MR. MANDERVILLE:** My point, sir, is that
24 allegations of those -- of that nature were not being
25 advanced to police services in 1994.

1 **MR. GUZZO:** Well ---

2 **MR. MANDERVILLE:** Do you know otherwise?

3 **MR. GUZZO:** No, I don't know otherwise, but
4 it seems to me that I have been told otherwise, but I can't
5 point to specifics.

6 **MR. MANDERVILLE:** I'm going to suggest to
7 you, Mr. Guzzo, that you didn't trouble yourself to find
8 out about the nature of various investigations before
9 making a host of inaccurate statements about them?

10 **MR. GUZZO:** Well, I don't agree with that
11 exactly, sir. I -- before I put pen to paper to the
12 Premier, I asked a number of appropriate questions of the
13 appropriate people and I was not provided with much in the
14 way of answers.

15 **MR. MANDERVILLE:** You felt you were being
16 stonewalled?

17 **MR. GUZZO:** I did.

18 **MR. MANDERVILLE:** That didn't prevent you
19 from publicly commenting on them did it?

20 **MR. GUZZO:** After I wrote to the Premier
21 twice and didn't get a reply, virtually any kind of a reply
22 and -- yeah, that's correct. I had to proceed in the
23 manner in which I did otherwise you and I would not be here
24 today, Mr. Manderville.

25 **MR. MANDERVILLE:** So when you didn't get the

1 replies from the Premier you wanted, you decided to go
2 public with this?

3 **MR. GUZZO:** Well, it wasn't a question of
4 the replies from the Premier that I wanted.

5 I would have accepted the truth at any time.
6 It wasn't something that I wanted. As a matter of fact, if
7 you want to be accurate about it, I would have very much
8 appreciated being told that we were doing everything that
9 we should be doing and it was proceeding in a professional
10 manner and that we had no reason to worry about exposure of
11 the government with regard to problems.

12 And if I had been told that by Mr. Runciman,
13 by Mr. Harnick or by the Premier at that time, I probably
14 would have dropped the matter.

15 **MR. MANDERVILLE:** I want to talk to you for
16 a few moments about former Chief Shaver, Mr. Guzzo.

17 I think you told us you met him once at a
18 funeral?

19 **MR. GUZZO:** I recall meeting him on one
20 occasion, yes.

21 **MR. MANDERVILLE:** At a funeral?

22 **MR. GUZZO:** I believe it was at a funeral,
23 yes.

24 **MR. MANDERVILLE:** Whose funeral, do you
25 remember?

1 **MR. GUZZO:** I do not -- I do not recall, but
2 I recall -- I recall the -- it was a wake, not a funeral,
3 I'm sorry.

4 I'm at the funeral parlour. I've come down
5 with a -- I think I'm on the Bench at the time. I come
6 down with a friend of mine and a political -- a fellow
7 who's in politics, actually, we drive down together, go to
8 the wake.

9 **MR. MANDERVILLE:** I take it you can't recall
10 when, other than you believe you were on the Bench at the
11 time?

12 **MR. GUZZO:** I'm almost certain I'm on the
13 Bench at the time. The federal member here is there.

14 I remember the night -- put a name on it.
15 It's a member of the -- an activist in the Conservative
16 Party. Claude Bennett is the provincial member. I drive
17 down with Claude, the former mayor -- man who was mayor
18 here when I was on city council is now the federal member.
19 He's at the wake; we have a chat but ---

20 **MR. MANDERVILLE:** Was the event crowded?

21 **MR. GUZZO:** There were a lot of people
22 there.

23 **MR. MANDERVILLE:** Was the chief in uniform?

24 **MR. GUZZO:** I don't believe so, but I can't
25 be sure. I don't know.

1 **MR. MANDERVILLE:** Do you have a conversation
2 with him?

3 **MR. GUZZO:** He -- I -- you know, we're
4 sitting -- we're in a group and we're standing in the
5 group; he comes by. He's -- to chat, he knows the federal
6 member, former mayor, and I'm introduced to him.

7 **MR. MANDERVILLE:** So it's an exchange of
8 introductions?

9 **MR. GUZZO:** That's about it.

10 **MR. MANDERVILLE:** Now, you contend that in
11 Florida, in Fort Lauderdale area, on one occasion at a
12 social function of some kind, you may have seen the former
13 Chief Shaver from across the room?

14 **MR. GUZZO:** I see -- I think I saw him at a
15 golf club. I see him across the room and I nod to him and
16 I wave and he waves back and ---

17 **MR. MANDERVILLE:** Do you recall what year
18 that was, sir?

19 **MR. GUZZO:** I don't. I mean, I would -- if
20 I'm guessing, I'd say between '94 and '99 but I -- you
21 know, I don't know, no. I -- I couldn't put it.

22 **MR. MANDERVILLE:** You recall the location
23 other than it being a golf club?

24 **MR. GUZZO:** I think it's got to be the
25 Plantation Golf and Country Club on Broward Boulevard in

1 Fort Lauderdale.

2 MR. MANDERVILLE: And I believe you told us
3 you think you saw him from across the room and you nodded
4 and he nodded?

5 MR. GUZZO: Right.

6 MR. MANDERVILLE: And there was no
7 conversation?

8 MR. GUZZO: I don't recall talking to him,
9 no.

10 MR. MANDERVILLE: Could it have been someone
11 else, sir?

12 MR. GUZZO: It could be, yes. It could be,
13 but -- yes, it could have been. Of course it could have
14 been.

15 MR. MANDERVILLE: I want to talk to you a
16 little bit about your notes and the redactions that you
17 carried out on them.

18 When you were testifying here on November
19 13th, you told us under oath that you redacted your notes in
20 the summer of 2006. Do you recall that?

21 MR. GUZZO: I recall stating that. I
22 thought I corrected it at the time, but I think it was
23 clear I wasn't -- you know, I think I made it clear too
24 beforehand that I -- you know, I wasn't making these notes
25 looking forward to ---

1 **MR. MANDERVILLE:** What your evidence was,
2 sir, on that point at that time was that the redactions
3 took place in the summer of 2006 after you met with
4 Commission counsel and it was discussed whether you would
5 be called as a witness here.

6 **MR. GUZZO:** That was not accurate and I
7 clarified that at the time with the Commissioner. But as
8 to when I made the notes and when I did the redactions,
9 it's -- I'm guessing, I'm making them I think -- I know
10 when I made the first ones I think in preparation for the
11 first Bill.

12 But the second one, the addition there when
13 I -- I think I know I'm finished in the House. I have --
14 I've got a few files that I haven't shredded. This is one
15 of them. And I do a little work on them and I think the
16 best estimate I can make, Mr. Manderville, is when I'm
17 recovering from my hip replacement.

18 **MR. MANDERVILLE:** Now, I take it when you
19 met with Commission council and it was discussed whether or
20 not you'd be a witness, it was also discussed that you
21 should turn over any relevant documents you have; correct?

22 **MR. GUZZO:** We did discuss that.

23 **MR. MANDERVILLE:** And if -- this is
24 hypothetical Mr. Guzzo -- if you did your redactions or
25 alterations or notes after you were told you'd be a witness

1 and they wanted your documents, some might view that as
2 tampering with evidence wouldn't they?

3 **MR. GUZZO:** Right, and it would be, I think.

4 **MR. MANDERVILLE:** And as a lawyer and former
5 judge, you understood that?

6 **MR. GUZZO:** I understood that and I would
7 not have done that. I -- when I picked the '06, you know,
8 I was -- I hadn't -- you know, I made it clear that I
9 didn't put a lot of faith in -- you know, they weren't
10 important to me.

11 This was not what I was coming to testify
12 and I made that and, you know, it was made clear to me that
13 ---

14 **MR. MANDERVILLE:** Having made the -- given
15 evidence that you did the redactions in the summer of '06
16 and recognizing that that could be viewed as tampering of
17 evidence, it became important to you to change the date of
18 redactions, didn't it.

19 **MR. GUZZO:** No, that's -- you know, I told
20 you I was in error and I said it at the time and that is
21 the fact.

22 **MR. ENGELMANN:** Objection. I went through
23 this twice with Mr. Guzzo. Mr. Neville went through it
24 extensively. There seems to be a suggestion that Mr. Guzzo
25 was advised he was going to be a witness in 2006. He was

1 not. I'll just state that for the record.

2 He may have said that but I went back over
3 it with him later and there was -- we had not formed any
4 decision at that point in time about what I'd been calling
5 community context evidence.

6 I hope we're not going to be too repetitive
7 here. We're already being repetitive.

8 **THE COMMISSIONER:** Mr. Manderville, I don't
9 know how many times I've heard ---

10 **MR. MANDERVILLE:** I was about to move to a
11 different area, Mr. Commissioner.

12 **THE COMMISSIONER:** All right.

13 **MR. MANDERVILLE:** I'd rather hear Mr.
14 Guzzo's evidence than Mr. Engelmann's on this point.

15 **THE COMMISSIONER:** Well, I think if he's
16 just standing and giving -- making sure that no one is
17 misinformed about what's going on, that's fine. All right;
18 next area.

19 **MR. MANDERVILLE:** Mr. Guzzo, during the
20 course of your evidence here, you've talked a little bit
21 about leaks as in media leaks -- not extensively, just a
22 bit.

23 You maintain that some of your letters to
24 the Premier's office were leaked to the media. Correct?

25 **MR. GUZZO:** Well, leaked to the media -- it

1 may have been -- it may have been -- well, either way it's
2 a leak. Yes, that's what happened and I -- yeah, right.

3 **MR. MANDERVILLE:** And in particular, you
4 issued a media release commenting on two letters to the
5 Premier's office being those of September 18, '98 and
6 February 23, '99. Correct?

7 **MR. GUZZO:** Right.

8 **MR. MANDERVILLE:** Mr. Commissioner, for the
9 record those are Exhibits 983 and 984.

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

11 **MR. MANDERVILLE:** Those two letters, Mr.
12 Guzzo, were from you to Mr. Harris and copied to Mr.
13 Harnick, who was the Attorney General at the time, and Mr.
14 Runciman, who was Solicitor General at the time. Correct?

15 **MR. GUZZO:** Yes.

16 **MR. MANDERVILLE:** You told us repeatedly
17 that the Premier's office and the Attorney General and the
18 Solicitor General at that time simply did not want to buy
19 what you were trying to sell, did they?

20 **MR. GUZZO:** The Premier's office definitely
21 did not.

22 **MR. MANDERVILLE:** You were getting the, to
23 use your colourful metaphor, the Heisman move from various
24 people you wanted to interest in a public inquiry, weren't
25 you?

1 **MR. GUZZO:** Prior to sending the letter --
2 prior to sending the letter -- the first letter to the
3 Premier, Mr. Harnick was somewhat sympathetic -- I wouldn't
4 say he was supportive but he was somewhat sympathetic to
5 what I was trying to do.

6 **MR. MANDERVILLE:** So he had knowledge of it?

7 **MR. GUZZO:** I beg your pardon?

8 **MR. MANDERVILLE:** I thought your evidence
9 was that he seemed to have no knowledge of it.

10 **MR. GUZZO:** He didn't have any knowledge of
11 it but he listened to me. He listened to me and he, you
12 know, said "Well, I haven't got anything going. You know,
13 it's true there were prosecutions going on but," he said,
14 "I don't think there's any -- when I first rated it, I
15 don't think there's anything going on with the
16 investigation and maybe there should be -- and maybe there
17 should be." And we discussed the questions that had come
18 from the Member for Ottawa West-Nepean in the former House
19 when he was there with regard to a special prosecutor.

20 We actually discussed how effective that
21 would be. I hadn't really zeroed in on private Member's
22 bills.

23 **MR. MANDERVILLE:** To be accurate though, the
24 Premier's Office and the Attorney General and the Solicitor
25 General really did not want to explore the idea of a public

1 inquiry in this issue, did they?

2 MR. GUZZO: They didn't want to hear
3 anything about it.

4 MR. MANDERVILLE: That's right.

5 MR. GUZZO: So, we've the Premier's Office,
6 yourself, the Attorney General, and the Solicitor General.
7 Who in that group would have a motive to make your
8 allegations public?

9 MR. GUZZO: I don't know that anybody would
10 but when I'm talking to Mr. Segal on the phone, he has a
11 copy of my letters or he's seen them and I asked him where
12 he got them and he said "Bob Hunter of the Solicitor
13 General's Department," so I'm thinking that there maybe
14 some widespread circulation of these for whatever reason.

15 If -- and I don't know Mr. Hunter's title or
16 position at the time but he used the name "Hunter" and I
17 knew who he was talking about. But other than that, you
18 know, I don't think I've ever suggested and I don't think I
19 ever felt that there was a -- they were leaked for, you
20 know, any purpose.

21 I didn't see -- you know, in answer to your
22 question, I don't know of anybody that would do it to be
23 spiteful or to cause trouble.

24 MR. MANDERVILLE: Mr. Guzzo, isn't the
25 obvious purpose of leaking them to make them public and to

1 generate some buzz about the issue?

2 **MR. GUZZO:** Well, it wasn't something that I
3 thought there should be buzz about at that time, and I
4 don't think anybody else did. But I did think that there
5 should be discussion with regard to the issue.

6 **MR. MANDERVILLE:** Certainly of the people to
7 whom you sent the letter and yourself, you were the only
8 one who openly had that motive. Correct?

9 **MR. GUZZO:** I did not have that motive to
10 leak the -- make the letters public.

11 **MR. MANDERVILLE:** I'm sorry, Mr. Guzzo; you
12 misunderstand me. You were the only one who openly had
13 that motive to make this an issue and to generate public
14 discussion on it.

15 **MR. GUZZO:** Well, when I -- if I was going
16 to have to make it public, I would have had to do it but I
17 would have done it in a much different manner. I would
18 have called a press conference and done it formally and
19 properly and invited the Solicitor General and the Attorney
20 General to be there.

21 **MR. MANDERVILLE:** Now Mr. Guzzo, from the
22 various exhibits that have been entered during your
23 testimony, your letters, your media interviews, your press
24 releases, you are repeatedly alleging that my client, the
25 Cornwall Police, may, and I underline may, be engaged in

1 the practice of assisting paedophiles in covering their
2 tracks, aren't you?

3 **MR. GUZZO:** I don't know that that's an
4 accurate statement, Mr. Manderville. I am concerned with
5 the comments of Sergeant Lortie and the Deputy Chief that I
6 have read in their notes and I'm particularly concerned
7 when I see Sergeant Lortie say, "This is another cover up
8 by the Catholic Church."

9 He doesn't say "This is a cover up." He
10 said "This is another cover up" according to the notes I
11 read, and I draw to your attention that this is before
12 Boston has blown up; this is before Los Angeles has blown
13 up with the Church in the States. The only two that have
14 had any real publicity by 1992, '93 were back in '85 in New
15 Orleans and I think Phoenix.

16 So, they'd be before that time so I don't --
17 in my mind I can't imagine that he's referring to the
18 American situation.

19 **MR. MANDERVILLE:** With respect, Mr. Guzzo,
20 I'm not asking you about Phoenix or Boston or New Orleans.

21 **MR. GUZZO:** I understand.

22 **MR. MANDERVILLE:** I'm asking you about the
23 various letters we've been looking at over the past number
24 of days, months; and your press releases and your media
25 interviews to the Sun, among others, where you allege that

1 my client, among others, was either incompetent or,
2 possibly, engaging in a cover-up.

3 Are you now saying that you haven't made
4 those sorts of statements?

5 **MR. GUZZO:** Well, you know, I'd have to go
6 back ---

7 **MR. MANDERVILLE:** Do we really have to go
8 through them all again?

9 **MR. GUZZO:** Yes because the question, Mr.
10 Manderville, with regard to the issue -- we don't have in
11 the legislature of Ontario a mandate with your police force
12 or with the Ottawa Police Force, we do with the OPP and
13 that's where I'm directing my attention with, you know, I
14 can honestly tell you this, that other than the comments I
15 picked out of those notes, which give me some concern, I
16 don't have a lot of knowledge of the operation of the --
17 your client and I, you know, I had some -- well, it's not
18 important -- some comments of some Ottawa Police forces
19 some of which were very positive with regard to the work
20 and the quality of the individuals here, particularly, the
21 former Deputy Chief in Ottawa, Bickford, who had done some
22 work or had done some work with people on the Cornwall
23 force.

24 **MR. MANDERVILLE:** You are saying you don't
25 have any idea of what Cornwall Police operations are? Is

1 that what you said just now?

2 **MR. GUZZO:** I said I'm not overly familiar.
3 I don't have any -- I haven't had anything to do in years
4 with the force and when I was here, I certainly had a
5 positive feeling about the force, when I sat here as a
6 judge.

7 **MR. MANDERVILLE:** Is it fair for me to
8 suggest, Mr. Guzzo, that if you do allege a cover-up on the
9 part of a police service in assisting pedophiles in
10 covering their tracks, those are very serious allegations
11 you are making; correct?

12 **MR. GUZZO:** Yes, they are.

13 **MR. MANDERVILLE:** It's not the equivalent of
14 alleging that Pat punched Mike in a bar and the police
15 hushed it up to give Pat a break; right?

16 **MR. GUZZO:** Right.

17 **MR. MANDERVILLE:** We are talking about one
18 of the most serious labels you can hang on anyone aren't
19 we?

20 **MR. GUZZO:** Correct.

21 **MR. MANDERVILLE:** And you've told us before,
22 as an MPP, you felt you had a duty to be accurate in your
23 public pronouncements didn't you?

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

25 **MR. MANDERVILLE:** Mr. Guzzo, Mr. Manson

1 talked with you a little bit about politics and how
2 politics can be played, and you agreed with him that in
3 order to achieve one's aims in the political process as it
4 plays out in Canada and elsewhere, politicians feel obliged
5 from time-to-time to resort to rhetoric or hyperbole to
6 advance their goals or cause?

7 **MR. GUZZO:** I think that happens, yes.

8 **MR. MANDERVILLE:** Part of the reason for
9 doing so is to generate a little publicity and garner
10 attention to the cause they are trying to advance?

11 **MR. GUZZO:** Correct.

12 **MR. MANDERVILLE:** And it's perhaps an
13 unfortunate fact of life, but the sensational or the
14 controversial stories get more attention and they're deemed
15 more newsworthy aren't they?

16 **MR. GUZZO:** Many times I think, yes.

17 **MR. MANDERVILLE:** And you agreed with Mr.
18 Manson that in some cases you did resort to some rhetoric
19 to advance what you felt was a good thing?

20 **MR. GUZZO:** I was in the game.

21 **MR. MANDERVILLE:** And you used, I suggest,
22 as much rhetoric and hyperbole as you thought was necessary
23 to generate publicity for your cause and to put pressure,
24 both public and private, on the government of the day?

25 **MR. GUZZO:** I would think, yes, public and

1 private, yes.

2 MR. MANDERVILLE: And you did so because,
3 one, you felt that an inquiry was in the public interest?

4 MR. GUZZO: I did. I do.

5 MR. MANDERVILLE: And it would also be a
6 feather in your cap too, sir, wouldn't it?

7 MR. GUZZO: Not if the -- yeah, well, I
8 suppose it would but, you know. I mean, certainly if the
9 people who should, in my opinion, have taken it under
10 advisement and handled it in a -- what I would have thought
11 was a proper way, I think it would have, like everything
12 else, you know, it wouldn't -- it wouldn't accrue to me.
13 It would accrue to the minister who took it and did it as
14 appropriate.

15 MR. MANDERVILLE: Well, you told Mr.
16 Sherriff-Scott yesterday, and you sort of alluded to that
17 with me a little earlier, you're proud to be here and proud
18 that the Inquiry was called?

19 MR. GUZZO: I am.

20 MR. MANDERVILLE: And proud of your role in
21 getting it called?

22 MR. GUZZO: Well, I am, yes, by all means.

23 MR. MANDERVILLE: And that's a personal
24 pride isn't it?

25 MR. GUZZO: Well, it is but, you know, I've

1 also told you that I've talked to upwards to 90 people who
2 talked to me about abuse, and I have some feeling for those
3 people as well as having feelings for the members of the
4 Cornwall Police who are risking their safety doing the job
5 they do.

6 But I also have some concern for those
7 victims and I have some concern, sir, for the youngsters
8 who are still out there.

9 **MR. MANDERVILLE:** I'm not suggesting
10 otherwise, Mr. Guzzo. What I am suggesting is that there
11 were two reasons for your lobbying for a public inquiry.
12 One, you felt it was in the public interest and, two, you
13 took a certain personal pride in your role in getting it
14 called?

15 **MR. GUZZO:** And, three, I thought it was my
16 obligation, pursuant to the oath I took, of office, and
17 indeed the oath I took when I was called to the Bar.

18 **MR. MANDERVILLE:** And I suggest to you, Mr.
19 Guzzo, that in your efforts to advance these goals and your
20 use of the rhetoric which you felt was necessary to create
21 sensational stories and generate publicity for your cause,
22 you were, on occasion, indifferent as to the accuracy of
23 your public statements. Is that fair?

24 **MR. GUZZO:** Well, I made mistakes, but I --
25 when I'm trying to get the information, when I'm trying to

1 get it, I'm not getting any cooperation. I'm not getting
2 any help and I'm frustrated by that, I must admit it.

3 **MR. MANDERVILLE:** And as a consequence of
4 that, you were on occasion indifferent as to the accuracy
5 of your public statements?

6 **MR. GUZZO:** I don't think I was indifferent,
7 sir, but ---

8 **MR. MANDERVILLE:** Reckless?

9 **MR. GUZZO:** No, I don't think I was
10 reckless. I tried to get verification for the material and
11 the items I was dealing with and I was not getting
12 cooperation.

13 **MR. MANDERVILLE:** Do you feel you have any
14 obligation to correct the various inaccuracies that have
15 now been pointed out to you?

16 **MR. GUZZO:** Well, yeah, a couple of them, I
17 do. I have already. A couple of them troubled me, but the
18 -- some of the ones that, you know, where they were
19 individuals, I was mistaken with regard to individuals. I
20 am more concerned with people in the public eye.

21 **MR. MANDERVILLE:** Thank you very much, Mr.
22 Guzzo. Those were my questions.

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

24 **THE COMMISSIONER:** Ms. Costom and Mr.
25 Wallace, do you figure we'll be finished by 4:30?

1 **MS. COSTOM:** I could ---

2 **MR. WALLACE:** If we started now, probably.
3 But if we take a break, all bets are off.

4 **THE COMMISSIONER:** Well, we need a little
5 break. How much time do you think you'll need, Ms. Costom?

6 **MS. COSTOM:** I think I'll have up to an hour
7 or so.

8 **THE COMMISSIONER:** An hour?

9 **MS. COSTOM:** Up to an hour. That was the
10 information I gave yesterday ---

11 **THE COMMISSIONER:** I know, but no repetition
12 now.

13 Mr. Wallace, how long will you be?

14 **MR. WALLACE:** Oh, I think I'd be maybe half.

15 **THE COMMISSIONER:** All right. Let's take a
16 short break.

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

19 This hearing will resume at 3:10.

20 --- Upon recessing at 2:55 p.m./

21 L'audience est suspendue à 14h55

22 --- Upon resuming at 3:15 p.m./

23 L'audience est reprise à 15h15

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

1 The hearing now resumed. Please be seated.

2 Veillez vous asseoir.

3 **MS. COSTOM:** Good afternoon, Mr.

4 Commissioner.

5 **THE COMMISSIONER:** Good afternoon.

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

7 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.**

8 **COSTOM:**

9 **MS. COSTOM:** Good afternoon, Mr. Guzzo, my

10 **name is Suzanne Costom.**

11 **MR. GUZZO:** How do you do?

12 **MS. COSTOM:** I am one of the lawyers for the

13 Ontario Provincial Police.

14 **MR. GUZZO:** Good afternoon.

15 **MS. COSTOM:** Good afternoon.

16 Mr. Guzzo, you raised a lot of questions in
17 your correspondence with the various Members of the House,
18 the various Members of Cabinet, throughout your involvement
19 in this matter. You would agree with that, sir?

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

21 **MS. COSTOM:** Okay. And you said on a number
22 of occasions that you were begging for answers. Is that
23 correct?

24 **MR. GUZZO:** You're right.

25 **MS. COSTOM:** And you said that one of your

1 frustrations in this matter was that nobody was giving you
2 these answers. Is that correct?

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

4 **MS. COSTOM:** And, in fact, in the later
5 correspondence to your colleagues in the House, you
6 actually list a series of questions for which you feel
7 there are not appropriate answers. Is that correct?

8 **MR. GUZZO:** I believe I did on at least one,
9 maybe two occasions.

10 **MS. COSTOM:** Okay. I don't know that we
11 have to pull it up, but for the record, you have the letter
12 of -- which is found at Exhibit 1025, which is the letter
13 of May 14th, 2002. And in that letter there are 19
14 questions, and I'm not going to go through them with you.
15 There is a list of 19 questions.

16 And in Exhibit 1022, which is your letter of
17 October 18th 2001, you have a series of 13 questions in the
18 earlier letter and then the later one builds on that.

19 **MR. GUZZO:** Right.

20 **MS. COSTOM:** Do you remember that?

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

22 **MS. COSTOM:** Okay. One of the purposes of
23 this Inquiry, I would suggest to you, is to get to the
24 bottom of things. You would agree with that?

25 **MR. GUZZO:** I hope so.

1 **MS. COSTOM:** Okay and we've been doing a lot
2 of that, I hope, as well.

3 **MR. GUZZO:** And we're going to continue to
4 do that, and I would like today to see if you and I
5 together can try and go through some of the facts and some
6 of the documents and see if we can't provide some of those
7 answers to the questions that have been plaguing you for a
8 long time.

9 **MR. GUZZO:** I would love that. Thank you.

10 **MS. COSTOM:** Okay. So the first area that I
11 want to discuss with you, is the area of the videotapes and
12 when I talk about the videotapes, I'm talking about the
13 videotapes, the suitcase of 20 videotapes as well as two
14 loose videotapes that were seized by the Ontario Provincial
15 Police in 1993. Just to situate you.

16 **MR. GUZZO:** Right.

17 **THE COMMISSIONER:** In Mr. Leroux's home.

18 **MS. COSTOM:** We're going to go through the
19 facts now.

20 **THE COMMISSIONER:** Okay. Okay. I just
21 thought that was part of the situation. Okay.

22 **MS. COSTOM:** When I say -- when I talk about
23 the 20 videos, I'm talking about as opposed to this eight
24 millimeter tape, Mr. Commissioner, that we heard about for
25 the first time.

1 **THE COMMISSIONER:** That's good.

2 **MS. COSTOM:** Okay. So what I thought that I
3 would do, Mr. Guzzo, in an attempt to help us get to the
4 bottom of things, is walk you through a series of facts as
5 I know them, and as they come out from the documents which
6 we have in our possession and which perhaps you don't have
7 in your possession and I would like you to tell me after
8 each fact whether you are aware or unaware of the fact.
9 And that is all I am going to ask you to do with me at this
10 point. Is that okay?

11 **MR. GUZZO:** Yes, by all means.

12 **MS. COSTOM:** Okay. First of all, Mr. Guzzo,
13 are you aware that in December of 1992 someone who we now
14 know as C-8 -- and you know who I am talking about when I
15 say C8? You have your moniker list?

16 **MR. GUZZO:** Yes, I have that.

17 **MS. COSTOM:** Someone by the name of C-8 made
18 a complaint in 1992, December of 1992, to the Ontario
19 Provincial Police and the nature of the complaint was that
20 he was feeling threatened, and I will speak in general
21 terms, by a Mr. Leroux. First of all, are you aware of
22 that?

23 **MR. GUZZO:** No, I was not.

24 **MS. COSTOM:** Okay. And he added to that
25 that he felt particularly fearful because he knew that Mr.

1 Leroux had guns in his home. Are you aware of that?

2 **MR. GUZZO:** No, I was not.

3 **MS. COSTOM:** Okay. Are you aware, sir, that
4 on the basis of that complaint, and on the information
5 provided to the OPP by C-8, a warrant to search Mr.
6 Leroux's home was obtained by the OPP?

7 **MR. GUZZO:** I knew there was a warrant.

8 **MS. COSTOM:** You didn't know that it was on
9 the basis of that complaint?

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

11 **MS. COSTOM:** Okay. And in fact the warrant
12 was obtained and the search was executed by the OPP in the
13 home of Mr. Ron Leroux on February the 10th, 1993. Are you
14 aware of that?

15 **MR. GUZZO:** No, I did not -- I was not aware
16 of the date I don't think. I have a rough estimate of when
17 it was but I did not know the date.

18 **MS. COSTOM:** Okay. And I take it, sir, that
19 you have never seen that warrant?

20 **MR. GUZZO:** I don't believe I have, no.

21 **MS. COSTOM:** Okay, so I am going to ask you
22 to have a look at Document No. 706161, it's a cross
23 document. My Friend is telling me that it's already in
24 evidence from earlier testimony. I gave notice of it and I
25 don't have the exhibit number, I'm sorry.

1 **THE COMMISSIONER:** We have -- well, we
2 should be able to dig that up fairly quickly. I'm sorry.
3 All right; 603, all right. We'll get you that in a minute.
4 And that's a publication ban and it's confidential.

5 **MR. GUZZO:** Thank you.

6 **MS. COSTOM:** You have the search warrant in
7 front of you?

8 **MR. GUZZO:** I do.

9 **MS. COSTOM:** Okay. And so you'll see that
10 as I said, it's a warrant to search an address, 18 -- I'm
11 not certain if I should say the address Commissioner?

12 **THE COMMISSIONER:** No.

13 **MS. COSTOM:** Okay. There's an address that
14 you see at the top of the page.

15 **MR. GUZZO:** Yes.

16 **MS. COSTOM:** Which is the home of Mr.
17 Leroux.

18 **MR. GUZZO:** Right. Right.

19 **MS. COSTOM:** And you see later on that it is
20 a warrant that is obtained in respect of the commission of
21 an offence having to do with restricted weapons?

22 **MR. GUZZO:** Yes.

23 **MS. COSTOM:** Okay. And you see that the
24 warrant is dated and the officers are authorized to enter
25 his dwelling between 7:00 a.m. and 7:00 p.m. on the 10th of

1 February 1993.

2 MR. GUZZO: Correct.

3 MS. COSTOM: Okay. And that is in fact what
4 happened. So now you have seen the warrant that you have
5 been waiting to see after all these years. Now during the
6 search, Mr. Guzzo, are you aware that weapons were in fact
7 found?

8 MR. GUZZO: At some point in time I was told
9 that, yes.

10 MS. COSTOM: Okay. And are you aware, sir,
11 that in addition to the weapons a suitcase which ultimately
12 turned out to contain 20 pornographic videotapes was found
13 as well as two loose videotapes?

14 MR. GUZZO: I was aware that the -- of the
15 suitcase. Yes.

16 MS. COSTOM: Okay. But you --

17 MR. GUZZO: But I don't know that I knew of
18 the two loose ones, if that's important.

19 MS. COSTOM: Okay. And you were certainly
20 not aware that guns were seized at the same time as these
21 tapes?

22 MR. GUZZO: No, I was not.

23 MS. COSTOM: Okay. You weren't aware that
24 it was all part of that investigation? Okay. You are not
25 aware either, sir, that the search was conducted by

1 Detective Constables Randy Miller and Steve MacDougald of
2 the OPP?

3 **MR. GUZZO:** No.

4 **MS. COSTOM:** Okay. And you are not aware
5 either, I imagine, that following the search Staff Sergeant
6 Jim McQuade of the OPP directed officers Steve MacDougald
7 and Pat Dussault of the OPP to review the tapes?

8 **MR. GUZZO:** I think -- I think I may have
9 been told that in November of 2000 by Pat Hall.

10 **MS. COSTOM:** By Inspector Hall.

11 **MR. GUZZO:** I think so. I knew that -- some
12 -- I didn't -- I don't know the names of who they were but
13 somebody, and it must have been -- it must have been
14 Detective Inspector Hall who told me that -- I think the
15 point he was trying to make to me was these were from the
16 Long Sault Detachment. If I'm not mistaken we got into a
17 discussion on the debate I had had with Detective Inspector
18 Miller ---

19 **MS. COSTOM:** And he tells you that somebody
20 reviewed the tape?

21 **MR. GUZZO:** Somebody reviewed the tapes and
22 I said, "Well, who?" And I said, "Were they involved with
23 Project Truth?" And he said "No, no, no this was done by
24 the local detachment."

25 **MS. COSTOM:** Well, of course it was in 1993,

1 way, way, way before Project Truth ever started, you agree
2 with me?

3 MR. GUZZO: Correct, but who did the first
4 investigation?

5 MS. COSTOM: Well, we'll come to that after
6 ---

7 MR. GUZZO: Okay, no ---

8 MS. COSTOM: --- but let's stick to the
9 search, sir.

10 MR. GUZZO: But you can see my confusion. I
11 think ---

12 MS. COSTOM: If ---

13 MR. GUZZO: --- I'm combining Pat Hall and
14 Tim Smith with the first investigation and Project Truth so
15 I'm -- that's -- yeah, all right.

16 MS. COSTOM: And that's actually why we're
17 going through this exercise to alleviate that confusion,
18 sir.

19 MR. GUZZO: Oh, good. Good.

20 MS. COSTOM: Okay, good. So you have -- now
21 bring to your attention that this two -- that officer
22 McQuade or Staff Sergeant McQuade directs two officers to
23 review the tapes.

24 MR. GUZZO: Right.

25 MS. COSTOM: The next step is -- and I asked

1 you this already whether you are aware that these officers
2 reviewed the tapes and you said that you learned of that
3 some time you think possibly in your discussion with
4 Inspector Hall in the year 2000. Is that correct?

5 **MR. GUZZO:** Somebody told me. Somebody told
6 me I think it may have been ---

7 **MS. COSTOM:** Okay. And it is the evidence
8 of these officers -- one of the statements is already in
9 evidence and the other evidence will be brought forward at
10 this Inquiry, no doubt -- that they reviewed these videos
11 and the videos contained -- or the videos were commercially
12 produced films containing sexual acts between adult males.
13 Are you aware of that?

14 **MR. GUZZO:** I was told that by -- by both
15 Pat Hall and by Detective Inspector Jim Miller.

16 **MS. COSTOM:** Okay. And just for clarity's
17 sake there was one segment that involved a sexual act
18 between an adult female and an adult male.

19 **THE COMMISSIONER:** I don't want to split
20 hairs here, but there is a statement that has been filed,
21 it hasn't been accepted as fact yet. I just -- I just
22 don't want the public and the media to think that what you
23 are saying are proven facts before this Inquiry. And I'm
24 not casting aspersions ---

25 **MS. COSTOM:** No, no, no.

1 **THE COMMISSIONER:** --- as to whether or not
2 they are or not. I just want to make that clear, that yes
3 there is a statement in but we will certainly hear from the
4 officers in due course or some agreement in that regard.

5 **MS. COSTOM:** Your point is well taken
6 Commissioner, but of course the evidence that we have,
7 which we have an obligation to put to Mr. Guzzo ---

8 **THE COMMISSIONER:** Right.

9 **MS. COSTOM:** --- is that this is what the
10 officers either said or will say.

11 **THE COMMISSIONER:** What -- will say, yes.

12 **MS. COSTOM:** Absolutely.

13 **THE COMMISSIONER:** Okay. No, that's okay.
14 Thank you.

15 **MS. COSTOM:** Absolutely; and if that wasn't
16 clear, I apologize. It wasn't my intention to mislead.

17 **THE COMMISSIONER:** Don't -- no, no, no.
18 it's more for the public that I'm saying that.

19 **MS. COSTOM:** Okay; thank you.

20 Are you aware, Mr. Guzzo, that following the
21 search and the seizure, which again took place on February
22 the 10th, 1993, the officers tried to contact Mr. Leroux,
23 from whom the guns and the tapes had been seized?

24 **MR. GUZZO:** I was told that, yes.

25 **MS. COSTOM:** Okay.

1 And in fact, are you aware that on April the
2 25th, 1993, Mr. Leroux attended the OPP detachment in
3 relation to this matter?

4 **MR. GUZZO:** I knew that they had contacted
5 him, and that he -- you know, yes. I think so.

6 **MS. COSTOM:** Okay.

7 And, if I can situate it in time for you, it
8 was in April of 1993. You have no reason to disagree with
9 that?

10 **MR. GUZZO:** No; but I didn't know the time
11 frame, but I have no reason to disagree with that, either.

12 **MS. COSTOM:** Okay.

13 And when Mr. Leroux attended the station,
14 sir, he was arrested and charged in relation to the weapons
15 offences; are you aware of that?

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

17 **MS. COSTOM:** Okay. And in fact, just to
18 sort of close the loop, he ultimately pleaded guilty to
19 those offences. Are you aware of that?

20 **MR. GUZZO:** No, I was not.

21 **MS. COSTOM:** Okay.

22 And while at the station, Mr. Leroux,
23 according to the officers, was asked about these videotapes
24 that were found in his home. Are you aware of that?

25 **MR. GUZZO:** No, I was not. But ---

1 **MS. COSTOM:** Okay.

2 Again, according to the officers, they say
3 that when asked about the tapes, Mr. Leroux said that he
4 found the tapes in a dumpster, at the Raisin River camp
5 ground where he was employed.

6 That was the origin of the tapes, as he put
7 it to the officers in April '93, according to the statement
8 of the officers.

9 Are you aware of that?

10 **MR. GUZZO:** I heard that a month ago when I
11 was here. Somebody mentioned that.

12 **MS. COSTOM:** That was the very first time
13 you heard that?

14 **MR. GUZZO:** That's the first time I heard
15 that, yes.

16 **MS. COSTOM:** Okay. And if I can go further,
17 Ken Seguin's name was not mentioned in any way, in
18 connection with those tapes or in connection with any other
19 matter at that meeting of April 25th, 1993.

20 Are you aware of that?

21 **MR. GUZZO:** No, I was not.

22 **MS. COSTOM:** Okay.

23 Mr. Leroux was asked, according to the
24 officers, if he wanted the tapes back. There was nothing
25 illegal about them; they were commercial porn.

1 And he said that he didn't want them back.

2 Are you aware of that?

3 **MR. GUZZO:** I was told that, yes.

4 **MS. COSTOM:** And in fact, when he said that
5 he didn't want them back, Mr. Leroux signed -- okay.

6 Okay. Mr. Leroux signed what's called a
7 Quit Claim and I'm imagining, based on your legal training,
8 that you know what that is.

9 He signed a Quit Claim in relation to those
10 tapes. Are you aware of that?

11 **MR. GUZZO:** I was told that, yes.

12 **MS. COSTOM:** Okay. Have you ever seen a
13 copy of that Quit Claim?

14 **MR. GUZZO:** No, I have not.

15 **MS. COSTOM:** Okay. So let's have a look at
16 it.

17 It's document 703922. I'm not certain
18 whether it's an exhibit already.

19 I provided Madam Registrar with eight copies
20 this morning, in the event that it is not yet an exhibit.

21 I was under the impression that it was.

22 **THE COMMISSIONER:** Madam Clerk, is -- was it
23 an exhibit already? It wasn't. All right.

24 So it will be now; Exhibit 1144 is a
25 property report 2033.

1 --- EXHIBIT NO./PIÈCE No. P-1144:

2 (703922) OPP Property Report 2033

3 MS. COSTOM: And I'm going to direct you,
4 Mr. Guzzo, about -- well, halfway down, or two-thirds of
5 the way down, in the left-hand column, there is a date, the
6 25th of April 1993. And there's a signature which appears
7 to be the signature of Mr. Ron Leroux.

8 MR. GUZZO: All right.

9 MS. COSTOM: And, if you look at the top of
10 the page, there's a description of first, a brown suitcase
11 containing 20 pornographic videos. And second, two loose
12 pornographic videos.

13 You see that?

14 MR. GUZZO: Yes, I do.

15 MS. COSTOM: And, if we can go back to the
16 place where Mr. Leroux appears to have signed the document,
17 it says, "Quit Claim" -- Renonciation in French, and there
18 is an X.

19 You see that?

20 MR. GUZZO: I do.

21 MS. COSTOM: Okay. And this is the first
22 time that you see that.

23 And you understand, sir, that what this is,
24 is a document in which Mr. Leroux renounces his claim for
25 these goods.

1 **MR. GUZZO:** I do.

2 **MS. COSTOM:** He effectively is saying, in a
3 legal way, he doesn't want them back.

4 **MR. GUZZO:** Right.

5 **MS. COSTOM:** Okay.

6 And, are you aware sir -- I think you are --
7 that the goods, or the videos in question, were in fact
8 destroyed following the signature of this Quit Claim?

9 **MR. GUZZO:** I was told that, yes.

10 **MS. COSTOM:** Okay.

11 Have you ever seen the property destruction
12 report?

13 **MR. GUZZO:** No, I have not.

14 **MS. COSTOM:** Okay. So I am going to direct
15 you, sir, to document 112717 and that is a cross doc, we
16 gave notice on that.

17 One one two seven one seven (112717).

18 **(SHORT PAUSE/COURTE PAUSE)**

19 **MS. COSTOM:** I'm being informed by My Friend
20 that there's going to be a whole series of them, then
21 because -- anyway, I'm being informed by My Friend, that
22 the notice that was sent on November the 19th was late and
23 that there are not copies in the hearing room. I don't
24 have eight copies of these documents or a number of other
25 ones which I will be referring to.

1 **MR. ENGELMANN:** I'd suggest we just pull
2 them up on the screen and we'll go through them that way.

3 **THE COMMISSIONER:** All right.

4 So, let's look at the disposal report then,
5 Madam Clerk. If you can put it on the screen. It's not on
6 mine.

7 **MS. COSTOM:** Mr. Guzzo, I know you prefer to
8 work with paper. I'm wondering whether I should pass out
9 my paper copy to you?

10 **MR. GUZZO:** I don't think it's necessary,
11 Ma'am.

12 **MS. COSTOM:** Okay

13 **MR. GUZZO:** If you wish.

14 **MS. COSTOM:** Well, it's for you, sir. It's

15 ---

16 **MR. GUZZO:** Well, I'll try the screen.

17 **MS. COSTOM:** Okay.

18 **THE COMMISSIONER:** Okay; well, this is the
19 one we looked at already, isn't it?

20 **MS. COSTOM:** So it's 112717, we're looking
21 for now, something called a property report.

22 **THE COMMISSIONER:** Okay. So this is the one
23 you've seen so far; right? Now we're looking at the next
24 one.

25 **MS. COSTOM:** It's a search warrant?

1 One one two seven one seven (112717) I have
2 here as a property report.

3 **THE COMMISSIONER:** Yeah; isn't that the one
4 we just looked at?

5 **MS. COSTOM:** No.

6 **THE COMMISSIONER:** No; that's ---

7 **MS. COSTOM:** Yeah, well actually it is, but
8 it's a -- the first one is the -- there, it's a slightly
9 different form.

10 Maybe I'll pass out my hard copy; I don't
11 know -- are you calling up the document and that's what's
12 coming at 112717? I see.

13 Okay. Well then, I won't deposit it at this
14 time.

15 **THE COMMISSIONER:** Okay.

16 Let's just say -- and I don't think it's in
17 "mécontentieu" that the tapes were destroyed.

18 And you have the document -- you're saying
19 the OPP is saying they have a document that shows that it
20 was destroyed.

21 **MS. COSTOM:** It's just that I would like the
22 document to be in evidence, Mr. Commissioner.

23 **THE COMMISSIONER:** Well, you can do that
24 some other time but right now, we're not -- are you
25 contesting that, sir?

1 You're prepared to accept -- Mr. Guzzo,
2 you're prepared to take Ms. Costom's word that there is a
3 document somewhere that says that, in effect, the tapes
4 were destroyed?

5 **MR. GUZZO:** I am.

6 **THE COMMISSIONER:** All right; let's go.

7 **MS. COSTOM:** And that this was done on May
8 4th 1993.

9 **MR. GUZZO:** Thank you.

10 **MS. COSTOM:** Okay.

11 So, given all of these facts that I just put
12 to you, sir, there was absolutely no reason to get in touch
13 with Mr. Seguin in relation to these videotapes, you would
14 agree, wouldn't you, prior to them being destroyed?

15 Mr. Seguin's name was never mentioned at the
16 time that the tapes were seized.

17 **THE COMMISSIONER:** On the information that
18 the police had, at the time, there was no reason to -- for
19 them to know that they should get a hold of Mr. Seguin.

20 **MR. GUZZO:** From the documents you produced,
21 that appears to be correct.

22 **MS. COSTOM:** Okay.

23 And I would just add that you've mentioned,
24 on a number of occasions, that Mr. Seguin's estate should
25 have been contacted. And I would draw to your attention

1 the fact that in May of 1993, when the tapes are destroyed,
2 according to these documents, Mr. Seguin is alive and well
3 and so, there would be never be any question of contacting
4 his estate, you agree?

5 MR. GUZZO: Well, from the date that I'm --
6 yes, I made a note of the date, May 4th '93. That's
7 correct.

8 MS. COSTOM: Okay.

9 MR. GUZZO: That's correct.

10 MS. COSTOM: And also at the time that the
11 tapes were seized and at the time that the person from whom
12 the home -- person from whom the tapes were seized was
13 questioned, namely Mr. Leroux, and at the time that the
14 tapes were destroyed, there was no reason to preserve the
15 tapes. You agree with that, sir?

16 MR. GUZZO: Not if -- not knowing what's on
17 the tapes, yes, if they're commercially produced tapes that
18 you can rent at the corner store, I agree.

19 MS. COSTOM: Commercially produced tapes
20 with no link to Ken Seguin at that time on the date that
21 they were destroyed?

22 MR. GUZZO: Well, and no link to anybody
23 else involved in any investigation.

24 MS. COSTOM: And that was the information
25 the OPP had when they destroyed the tapes. Is that

1 correct, sir?

2 **MR. GUZZO:** Well, I don't know. If that's
3 the case then you're correct.

4 **MS. COSTOM:** Okay. And in fact, sir, based
5 on the information which I gave you, the tapes were, in
6 fact, seized as part of an unrelated investigation for
7 firearms. Isn't that the case?

8 **MR. GUZZO:** Yes, if that's from the
9 documentation here, it is.

10 **MS. COSTOM:** Okay. And so when Detective
11 Superintendent Jim Millar of the OPP is quoted as having
12 said that the tapes were seized as part of an unrelated
13 investigation, he is correct. Isn't that so?

14 **MR. GUZZO:** Yeah, based on this information,
15 he is.

16 **MS. COSTOM:** And this is the first time that
17 you have the whole story then?

18 **MR. GUZZO:** It is and I also have -- right,
19 that's correct.

20 **MS. COSTOM:** Okay. And so I'm just going to
21 call your attention to Document Number 700997 and I suspect
22 that we're going to have the same problem with this
23 document as with the others because notice was given on
24 November the 19th.

25 Oh, we have this one, thank you.

1 **THE COMMISSIONER:** Ms. Costom, I don't want
2 to -- I'm not stealing thunder.

3 I don't want to dampen the -- I don't want
4 it to be left that all the questions with respect to the
5 search warrant have been answered in the sense that some
6 people have -- I think C8 said number one, you know, where
7 it was found, it looked like -- or somebody said it maybe
8 that the police just waltzed in and knew exactly where they
9 were going behind the cupboard, so I don't want to close
10 off that issue.

11 And the other issue is why they picked up
12 pornographic material on a search warrant that talked about
13 guns.

14 **MS. COSTOM:** Well, we can go and have a look
15 at that, sir, because that's actually addressed in the
16 statement of the police officers. But I don't think that
17 that's something that we need to do to Mr. Guzzo.

18 **THE COMMISSIONER:** No, no, I understand
19 that. I understand that. I just don't -- you know, you're
20 saying this is the fact and this is all we had. I just
21 don't want to give you the impression that I am accepting
22 that as a closed issue with respect to the rest of it.

23 **MS. COSTOM:** I appreciate that, sir. My
24 purpose today is to perhaps explain why so many of my
25 friends were unhappy with some of the statements that Mr.

1 Guzzo made in his correspondence ---

2 **THE COMMISSIONER:** Yes.

3 **MS. COSTOM:** --- given the documents today.

4 **THE COMMISSIONER:** And you're absolutely
5 correct. Go ahead.

6 **MS. COSTOM:** So ---

7 **THE COMMISSIONER:** And so the next exhibit
8 is Exhibit 1145 which is a -- something from the
9 Legislative Library, heading Justice, which is Pedophile
10 Ring Porn Videos Destroyed and source is the Ottawa
11 Citizen. Do I have a date on this thing? Yeah, Tuesday,
12 August 28th, 2001.

13 **---EXHIBIT NO./PIÈCE NO. P-1145:**

14 (700997) Ottawa Citizen "Pedophile Ring
15 Porn Videos 'Destroyed'" - August 28,
16 2001

17 **MS. COSTOM:** Okay. And I'm just going to
18 refer you, sir, to the very last section of the article,
19 five lines up, where Detective Superintendent Jim Millar is
20 quoted.

21 **MR. GUZZO:** Yes?

22 **MS. COSTOM:** And you referred to Detective
23 Superintendent Millar a number of times and sort of gave me
24 the impression anyways that you didn't feel that he was
25 giving you the full story on these tapes. But, in fact,

1 all he says here and I'm going to read it:

2 "Detective Superintendent Jim Millar of
3 the OPP's Criminal Investigation Bureau
4 said the tapes Mr. Guzzo had referred
5 to are not related to Project Truth but
6 were seized during another police
7 investigation taking place in Cornwall
8 at the time. He did not expand about
9 what that investigation was but
10 acknowledged that the confiscated
11 videotapes were destroyed by police."

12 And that is exactly what we have just looked
13 at together. Is that correct sir?

14 **MR. GUZZO:** That is correct, but I think if
15 you read the whole article ---

16 **MS. COSTOM:** Well, I'm trying to avoid being
17 repetitive, Mr. Guzzo. If we go through the article, there
18 are a number of statements which are attributed to you
19 which you have acknowledged either in this article or
20 through other letters that are wrong.

21 **MR. GUZZO:** Well, and there are some that I
22 have repeated on more than one occasion that are accurate.
23 And I ---

24 **MS. COSTOM:** Okay. Well, for now, all I
25 really wanted to point you to was the statement of

1 Detective Superintendent Millar and have you confirm that
2 when he says that the tapes were seized pursuant to an
3 unrelated investigation, you now know that to be the case.
4 Then we can move on. We don't have to look at this.

5 **MR. GUZZO:** Well, I'll deal with it, you
6 know, if -- when we're finished. Yes, thank you.

7 **MS. COSTOM:** Okay. I'm going to ask you now
8 to turn to Document 125447, which is a letter that you
9 wrote to the Solicitor General, the Honourable David
10 Turnbull, on October 31st, 2001 -- it was a cross doc. Do
11 you have it? Okay.

12 Oh, I'm sorry, 125547. I'm sorry.

13 **THE COMMISSIONER:** Exhibit 1146 is a letter
14 dated October 31st, 2001 to the Honourable David Turnbull
15 from Mr. Guzzo.

16 **---EXHIBIT NO./PIÈCE NO. P-1146:**

17 (125547) Letter from Garry Guzzo to
18 Hon. David Turnbull - October 31, 2001

19 **MS. COSTOM:** And I'd like you to turn, Mr.
20 Guzzo, to page 2.

21 **MR. GUZZO:** Just one moment, please. Yes?

22 **MS. COSTOM:** And one, two, three, four, five
23 lines down, the line that starts with, "Took over one
24 hour"?

25 **MR. GUZZO:** Right.

1 **MS. COSTOM:** "It was at that meeting that
2 Inspector Hall and I discussed the
3 tapes relating to the home of Mr.
4 Seguin's late brother . . ."

5 I'm sorry. Sorry, I skipped a line.

6 "It was at that meeting that Inspector
7 Hall and I discussed the tapes in
8 question and I had at that time in my
9 possession a copy of the search warrant
10 relating to the home of Mr. Seguin's
11 late brother."

12 **MR. GUZZO:** Yes?

13 **MS. COSTOM:** That's the line I'd like to
14 call your attention to.

15 **MR. GUZZO:** Right.

16 **MS. COSTOM:** Was that a mistake, sir?

17 **MR. GUZZO:** No, I had a -- there was in the
18 documentation that I received a search warrant for the home
19 of ---

20 **MS. COSTOM:** Of Ken Seguin, Doug Seguin's
21 brother?

22 **MR. GUZZO:** I think -- I believe it was Ken
23 Seguin or one of the Seguins.

24 **MS. COSTOM:** Okay. It's your evidence today
25 that when you met with Inspector Hall in November of 2000

1 that you had a copy of a search warrant for Ken Seguin's
2 home or for -- I'm assuming that that's the right name.

3 **MR. GUZZO:** I think that's -- I thought it
4 was for Ken Seguin's home, yes.

5 **MS. COSTOM:** Okay. And that would have been
6 in relation to what, sir?

7 What I'm going to suggest to you, sir, is
8 that you're mistaken on that. In fact, the warrant that
9 we're talking about here is the warrant which was actually
10 a warrant for Mr. Leroux's home because that was really the
11 only warrant that was in play in the discussion with Mr.
12 Hall, isn't that correct, with Inspector Hall?

13 **MR. GUZZO:** I could have been mistaken. I
14 could have been mistaken, but ---

15 **MS. COSTOM:** And, in fact, you told me
16 earlier that you had never seen the warrant to search Mr.
17 Leroux's house. Can you recall that?

18 **MR. GUZZO:** I don't recall seeing -- I don't
19 recall ever seeing a warrant for Mr. Leroux's house.

20 **MS. COSTOM:** Okay. And so I'm going to
21 suggest to you that you didn't have a copy of any search
22 warrant during your meeting with Inspector Hall and that
23 this is an error that somehow slid into this letter. Do
24 you accept that, sir?

25 **MR. GUZZO:** Not until I went through the

1 documentation that was provided by first of all the Dunlops
2 and, secondly, some other time shortly thereafter that I
3 would have to look and see what was in those documents.

4 **MS. COSTOM:** Okay, well, you've provided to
5 the Commission a copy of all of those documents?

6 **MR. GUZZO:** Right.

7 **MS. COSTOM:** And if I put it to you, sir,
8 that there was no warrant to search the home of Mr.
9 Seguin's late brother in those documents, then you would
10 have to agree with me that this line is mistake?

11 **MR. GUZZO:** I would. I would have to agree
12 that I was mistaken.

13 **MS. COSTOM:** Okay.

14 **MR. GUZZO:** And I would have to agree that -
15 - are you telling me that within those documents, there was
16 a copy of the search warrant I just -- was put on the
17 screen?

18 **MS. COSTOM:** No, sir.

19 **MR. GUZZO:** Okay.

20 **MS. COSTOM:** I'm telling you that there was
21 never a warrant to search the home of Mr. Seguin's late
22 brother and that you, therefore, were certainly not in the
23 materials you gave the Commission and certainly not that
24 the OPP would have been aware of, and that you could never
25 have had a copy of it.

1 **MR. GUZZO:** Well, I ---

2 **MS. COSTOM:** And so I'm telling you, and
3 you've already acknowledged it, that this is, therefore,
4 mistaken.

5 **MR. GUZZO:** Well, I recall seeing a search
6 warrant. I think I recall seeing a search warrant. There
7 was some documentation with regard to the death of Andrew
8 MacDonald (phonetic), the young man who died in custody,
9 and I seem to think that -- I got it around the same time
10 as I had, but ---

11 **MS. COSTOM:** Okay, let's look at the
12 sentence here then. And let's start with the third line
13 down on page 2.

14 "At that time, I'd asked my colleague
15 from Ottawa. Now you're calling a
16 cabinet, the Honourable Brian Coburn,
17 to sit in on a meeting which took over
18 one hour. It was at that meeting that
19 Inspector Hall and I discussed the
20 tapes in question and I had at that
21 time in my possession, a copy of the
22 search warrant relating to the home of
23 Mr. Seguin's late brother."

24 You would agree with me, sir, that it reads
25 as if there is a link between a search warrant for the home

1 of Mr. Seguin's late brother and these videotapes which you
2 were discussing with Mr. Hall?

3 **MR. GUZZO:** It does.

4 **MS. COSTOM:** And to the extent that in that
5 context you're relating to a warrant to search the home of
6 Mr. Seguin's late brother, you are mistaken?

7 **MR. GUZZO:** Well, if it's not in the
8 material and I would want to go through that material if
9 it's germane myself, but if it's not in the material,
10 you're correct. I'm mistaken.

11 **MS. COSTOM:** Okay. And what's more,
12 logical? I'll leave it at that. Thank you.

13 Now, just to summarize on the video issue,
14 and my friends have walked you through a lot of your
15 correspondence where you talk a lot about the videos and
16 it's not my intention to do that, but I want to just
17 summarize and sort of close the circle on this issue.

18 You are wrong about the videos in your
19 letters to colleagues? And I talk about Exhibit 1025 which
20 is your letter of May 14th, 2002. I mean, we can go there
21 if you like, but it's been done already by my friends. And
22 you have acknowledged this already. Do you want to go
23 there?

24 **MR. GUZZO:** No, fine, continue. I'll ---

25 **MS. COSTOM:** You agree?

1 **MR. GUZZO:** I'll go back to it if I ---

2 **MS. COSTOM:** You are wrong in your letter to
3 the Attorney General, David Young, on May 23rd, 2002 and
4 that's Exhibit 1026?

5 Well, I'll put it all to you, I guess, and
6 then you can disagree with me if you like at the end.

7 **MR. GUZZO:** Well, it's the same point, so --
8 -

9 **MS. COSTOM:** Yeah.

10 **MR. GUZZO:** Yeah.

11 You are wrong in your -- the statements that
12 are attributed to you in the House as reflected in the
13 Hansard of the 27th of June 2001. And that's Exhibit 1011.

14 You are wrong in the letter to the Solicitor
15 General, which we just looked at, Document Number 125447
16 that was just made an exhibit.

17 **MR. GUZZO:** Yes.

18 **MS. COSTOM:** And you repeat the same
19 arguments, you say over and over again in these documents:

20 "Despite the fact that had you taken
21 the time to go have a look and try and
22 obtain the search warrant, the facts
23 were there for you to apprise yourself
24 of."

25 Isn't that true?

1 **MR. GUZZO:** Well, it is to some extent, but
2 would I take the time, I -- certainly after the middle of
3 November, November 22nd, 2000, when I discussed it with
4 Detective Inspector Hall and, quite frankly, I think we
5 agreed that the tapes belonged to Ken Seguin at that time
6 and he didn't -- I was still of that opinion and he did not
7 tell me differently.

8 **MS. COSTOM:** Well, that's your complaint a
9 lot of times isn't it, that people don't give you the
10 answers that you want to have?

11 **MR. GUZZO:** No, let me finish my entire
12 statement because I want to refer to the documentation
13 also.

14 I am talking in the -- to Detective
15 Inspector Hall in terms of those tapes belonging to Ken
16 Seguin. And when I ask him why they were destroyed, it is
17 Detective Inspector Hall who says, "We don't need them
18 anymore". And I said, "Well, why not?" And he says,
19 "Well, you can't prosecute a dead man".

20 **MS. COSTOM:** Okay.

21 **MR. GUZZO:** We're talking -- no, no, let me
22 finish the -- please, I want to give the entire answer. I
23 let you go through the documentation. Let me just tell you
24 why I think I am entitled to make the statements that I'm
25 making.

1 He says, "You can't prosecute a dead man".
2 And we agreed that the dead man we're talking about is
3 Kenneth Seguin. And we agreed that he owns the tapes.
4 Whether we're right or wrong, nobody says at that point-in-
5 time Detective Inspector Hall, they belong -- he did tell
6 me he had a Quit Claim and I think that's where I heard he
7 had a Quit Claim from Mr. Leroux, but I am contending that
8 he didn't own the tapes and to my recollection and belief,
9 Detective Inspector Hall did not deny that.

10 Now, when I go on that television thing with
11 Detective Inspector Millar, the same situation comes up.
12 He says, "We don't need them anymore". And we're talking
13 about -- because there's not going to be no prosecution of
14 Seguin. So I have a right to assume that they belong to
15 Seguin and that they should have been returned if he's
16 deceased to his estate, rather than take a Quit Claim from
17 someone who doesn't own them.

18 Now, the other thing I would tell you, that
19 if you read the entire article, you read the entire article
20 of The Ottawa Citizen and I notice that it is -- and I
21 didn't notice it at the time -- it's written by a man of
22 the name of Sands. I did not speak with Mr. Sands on this
23 article but I did speak with somebody from The Citizen and
24 I was surprised when it turned up in the paper and -- but
25 if you read his discussion, as I recollect and I haven't

1 read it in some time, on page 2, "Asked if the tapes" --
2 let me just make sure -- "Asked if the tapes were related
3 to Mr. Seguin" ---

4 **MS. COSTOM:** I am sorry, where are you
5 reading from, sir?

6 **MR. GUZZO:** I am reading from page 2 ---

7 **THE COMMISSIONER:** Second paragraph. No,
8 four lines down.

9 **MR. GUZZO:** "Asked if the tapes were
10 related to Mr. Seguin. Detective
11 Superintendent Millar paused for a
12 moment, cleared his throat and replied,
13 'No, no, they didn't'. An affidavit
14 signed in 1996 by Mr. Leroux, alleged
15 victim of the ring, suggests
16 otherwise."

17 And it goes on with a quote from Mr. Leroux
18 ---

19 **MS. COSTOM:** Let me stop you for a second
20 because I think we can agree on something because I know
21 where you're going and I'll let you finish if we don't
22 agree.

23 I am not disagreeing with you, sir, and I'm
24 not trying to contend that there was not later on in the
25 affidavits that were given by Mr. Leroux or in the

1 statements made by Mr. Leroux, some link between these
2 tapes and Ken Seguin. I'm not trying to say that. And in
3 fact, that's the case. And the documents and statements
4 made by Mr. Leroux are in evidence.

5 And you stated yesterday that you based your
6 information about these tapes on Mr. Leroux, and I
7 understand that.

8 But what we also know today, and this was
9 put to you by Mr. Manson yesterday amongst other people, is
10 that the evidence at this Inquiry from Mr. Leroux and from
11 C8 is that they never saw these tapes and that they don't
12 know what was on these tapes.

13 Do you accept that?

14 **MR. GUZZO:** Give me that statement again?

15 **MS. COSTOM:** I'm not disagreeing with you.

16 **MR. GUZZO:** No, not the first -- the last
17 sentence.

18 **MS. COSTOM:** That the evidence at this
19 Inquiry, given at this Inquiry by Mr. Leroux and by C8, who
20 were the only sources of information about these tapes and
21 what would have been on these tapes and the only people
22 that linked, if you will, these tapes to Mr. Seguin at some
23 time, was that they never saw these tapes and that they
24 don't know what was on them.

25 Do you accept that?

1 **MR. GUZZO:** I accept that, yes.

2 **MS. COSTOM:** Okay. So you don't have to
3 walk me through all of this because I agree with you.
4 There was some confusion, but now is the time to end that
5 confusion. Wouldn't you agree? That was the purpose of
6 this Inquiry.

7 **MR. GUZZO:** Well, it's my understanding that
8 Detective Inspector Hall is going to testify.

9 **MS. COSTOM:** He absolutely is.

10 **MR. GUZZO:** I think that's the time.

11 **MS. COSTOM:** Absolutely.

12 **MR. GUZZO:** I think that's the ---

13 **MS. COSTOM:** When I say now, sir, I say at
14 this Inquiry ---

15 **MR. GUZZO:** Right.

16 **MS. COSTOM:** --- when we're going to get to
17 the bottom of things.

18 **MR. GUZZO:** Well, I think the time to -- is
19 when he appears here and testifies, yes, that's the time
20 it'll be ---

21 **MS. COSTOM:** Absolutely.

22 **MR. GUZZO:** And let me make one point very
23 clear because ---

24 **MS. COSTOM:** I actually am going to ask the
25 question, sir, if that's okay.

1 **MR. GUZZO:** Well, I'm going to -- this is
2 part of an answer. This is part of an answer. You're
3 going to like it.

4 You know, I have read in documentation,
5 since I've been here testifying, that I was critical of Pat
6 Hall. And I, you know, when somebody asked me that earlier
7 if there was -- I, at no time -- I felt sympathy for Pat
8 Hall when I read that letter in The Ottawa Sun newspaper
9 that ---

10 **MS. COSTOM:** Yes, you stated that In-Chief,
11 sir.

12 **MR. GUZZO:** I, at no time, felt that Pat
13 Hall was anything but straight up with me. He admitted,
14 you know, so I ---

15 **MS. COSTOM:** I'm sure they appreciate that,
16 sir.

17 **MR. GUZZO:** I put that in the record. Thank
18 you very much. I'm sorry.

19 **MS. COSTOM:** Okay.

20 **THE COMMISSIONER:** Okay. Let's get back to
21 questions and answers.

22 **MS. COSTOM:** Yes, thank you.

23 I want to turn to another issue now.

24 **MR. GUZZO:** Yes.

25 **MS. COSTOM:** And this is the issue of

1 Florida, if I can put it in broad terms.

2 MR. GUZZO: Right.

3 MS. COSTOM: You said in your evidence In-
4 Chief that in the winter or spring of 1997, you returned to
5 Florida and you looked up the retired police officer,
6 Dixton Fitzgerald or Fitzpatrick.

7 MR. GUZZO: Right.

8 MS. COSTOM: Okay. And you said that,
9 amongst other things, he took you to this Birch Avenue area
10 to see the hotels where, according to him at that time,
11 high profile members of the Cornwall community attended
12 with minors. Is that correct?

13 MR. GUZZO: That is what he told me.

14 MS. COSTOM: Pardon?

15 MR. GUZZO: Yes, correct.

16 MS. COSTOM: Okay. And I just want to
17 situate that a little bit. These two hotels, first of all,
18 are the Saltaire Hotel and Marlin Beach Hotel. Is that
19 correct?

20 MR. GUZZO: I believe so.

21 MS. COSTOM: Okay. And your memory is that
22 they were located actually on Birch Avenue or just in the
23 Birch Avenue area?

24 MR. GUZZO: I think the -- my recollection
25 is the Saltaire was on Birch and the Marlin was around the

1 corner.

2 **MS. COSTOM:** So if I put to you that the
3 Saltaire was actually at 2831 Vistamar Street, nothing much
4 turns on it. You'll agree with that? You have no problem
5 with that?

6 **MR. GUZZO:** If that's the -- you know, if
7 that's the address.

8 **MS. COSTOM:** And the Marlin Beach Hotel that
9 we're talking about was located at 17 South Fort Lauderdale
10 Beach Boulevard; does that sound right?

11 **MR. GUZZO:** Well ---

12 **MS. COSTOM:** I'm sorry?

13 **MR. GUZZO:** For Lauderdale Beach Boulevard
14 is Birch Avenue; is it not?

15 **MS. COSTOM:** Fort Lauderdale Beach Boulevard
16 actually now is called Atlantic Beach Boulevard, to my
17 knowledge.

18 **THE COMMISSIONER:** Okay.

19 **MR. GUZZO:** I haven't been there in some
20 time. I haven't been there so ---

21 **THE COMMISSIONER:** Does it -- let's just --
22 let's go.

23 **MS. COSTOM:** Okay. And you say that Mr. --
24 well, we'll call him Dixton -- that Dixton pointed out the
25 two establishments with you. He pointed and he said,

1 "There's the Saltaire, sir," and you had a look?

2 MR. GUZZO: We drove by them, yes.

3 MS. COSTOM: And he pointed the Saltaire to
4 you, and you saw it?

5 MR. GUZZO: I did.

6 MS. COSTOM: Okay. And he did the same with
7 the Marlin Beach; he pointed it out and he said, "There's
8 the Marlin Beach Hotel", and you saw it?

9 MR. GUZZO: We drove by the two hotels, and
10 a third one on -- but you know ---

11 MS. COSTOM: Okay.

12 MR. GUZZO: --- I think that's -- it could
13 be that the Saltaire still had the sign, "The Saltaire,"
14 The Marlin Beach could have changed its name. I'm not
15 sure, but anyway, is it ---

16 MS. COSTOM: But you remember a hotel at
17 that site where the Marlin Beach Hotel was?

18 MR. GUZZO: I remember two hotels
19 specifically.

20 MS. COSTOM: And you don't remember if you
21 saw the Marlin Beach Hotel? Because you said in your
22 testimony here In-Chief ---

23 MR. GUZZO: There may have been -- you know,
24 I think there may have been a name change in the Marlin
25 Beach, but there was not on the Saltaire.

1 **MS. COSTOM:** But the Marlin Beach was still
2 a hotel?

3 **MR. GUZZO:** I thought so. I thought so.

4 **MS. COSTOM:** Because I'm reassured to hear
5 your ambivalence, if you will, about the Marlin Beach
6 because according to the verifications done by Inspector
7 Hall, when he went to Florida in 1999, the Marlin Beach
8 Hotel was actually demolished in 1993.

9 **MR. GUZZO:** Well ---

10 **MS. COSTOM:** And in fact ---

11 **MR. GUZZO:** I'll refer you to an article in
12 The Ottawa Sun done by -- just a second -- he does a radio
13 show on CFRA in Ottawa now in the afternoons, a talk show.
14 He came down -- he came down and took pictures I would
15 think it was '98 or '99.

16 **MS. COSTOM:** And that would have been at the
17 Saltaire, wouldn't it have?

18 **MR. GUZZO:** But he had pictures of both the
19 Saltaire and the second hotel, which I think is -- I
20 thought was the Marlin Beach Hotel.

21 **MS. COSTOM:** I am going to put it to you,
22 sir, that according to documents from the Fort Lauderdale
23 building authority, the Marlin Beach was destroyed and
24 demolished in 1993, and that in its place went a retail
25 outlet and parking lot. Do you take issue with that, sir?

1 **MR. GUZZO:** Well, if you say there's a
2 demolition permit for it, I'll accept that, but there's a -
3 - I remember being in that area in '72, '74 and seeing the
4 Marlin Beach ---

5 **MS. COSTOM:** Okay ---

6 **MR. GUZZO:** --- and I think that -- I'm of
7 the opinion the second hotel I saw was on the site where
8 the Marlin Beach, but I could be wrong.

9 **MS. COSTOM:** Okay.

10 **MR. GUZZO:** The Saltaire still had the same
11 sign, as I recollect.

12 **MS. COSTOM:** So when you said In-Chief, in
13 response to questions by My Friend, Mr. Engelmann, that you
14 saw the Saltaire and the Marlin Beach, you were mistaken?

15 **MR. GUZZO:** Again, if it was demolished, I
16 was, yes.

17 **MS. COSTOM:** Okay, and when you wrote in
18 your notes -- and I don't need to take you there -- that
19 in, I think, February or March of 1997 that you saw the
20 Saltaire and the Marlin Beach, your notes are mistaken in
21 that respect as well?

22 **MR. GUZZO:** If I'm wrong, yes, they are.

23 **MS. COSTOM:** My Friends have spoken to you
24 quite a bit about the registration slips, and I think that
25 you've said a number of times that the only registration

1 slips that you saw from the Saltaire Hotel were from
2 Malcolm MacDonald, from Leroux, from C-8, and from someone
3 who we now know is C-46. Is that correct?

4 **MR. GUZZO:** They were the ones I saw, yes.

5 **MS. COSTOM:** I am going to turn you to
6 Exhibit 978, sir.

7 It is an article that appeared in The
8 Toronto Sun on Thursday, May 17th, 2001. Do you have that
9 in front of you?

10 **MR. GUZZO:** I do.

11 **MS. COSTOM:** Okay. My Friend, Mr. Sherriff-
12 Scott referred you to part of this article, and I am going
13 to refer you a different part.

14 You can go down, nine paragraphs. The
15 sentence that starts:

16 "Guzzo said he intends to take the name..."

17 Do you see that?

18 **MR. GUZZO:** Right.

19 **MS. COSTOM:** And we can read it together:

20 "Guzzo said he intends to take the name
21 or names from that registration record,
22 people who have not been brought to
23 justice and are still working in
24 positions of trust with children."

25 Do you remember that?

1 **MR. GUZZO:** Yes.

2 **MS. COSTOM:** None of those four people whose
3 names appeared on the registration cards, which you claim
4 you saw, were people who were still, as of 2001, working in
5 positions of trust with children. You agree with that;
6 don't you?

7 **MR. GUZZO:** I do, and I don't agree with
8 making the statement either.

9 **MS. COSTOM:** Okay. So you were misquoted?

10 **MR. GUZZO:** Well, I'm not quoted. It's not
11 in quotation marks.

12 **MS. COSTOM:** Well, it's attributed to you,
13 sir. You agree with that?

14 **MR. GUZZO:** It is. It is, and I would have
15 thought there was -- I certainly spoke to the lady, I spoke
16 to this lady a number of times, on my time at Queen's Park.

17 **MS. COSTOM:** You spoke to her specifically
18 to correct her about alleging that you ---

19 **MR. GUZZO:** About a number of things. I
20 don't think -- when this comes out, I don't -- I'm not
21 satisfied that she's even spoken to me, and I don't know
22 where she is getting her information.

23 **MS. COSTOM:** Okay.

24 **MR. GUZZO:** But she may have got -- you
25 know, I mean, like-- anyway; that's my -- that's my

1 position.

2 MS. COSTOM: Because if, in fact, there had
3 been people whose names that you saw who you were concerned
4 about as potential abusers and they were still working in
5 positions of trust with children, you would have had an
6 obligation to report that, wouldn't you have?

7 MR. GUZZO: Yes.

8 MS. COSTOM: Okay, and you didn't.

9 MR. GUZZO: Right.

10 MS. COSTOM: Okay.

11 MR. GUZZO: Well, I ---

12 MS. COSTOM: Because the registration cards
13 didn't have names of that nature.

14 MR. GUZZO: Right, but when it comes to
15 reporting, when it comes to reporting, I may have had
16 obligations to report other things and, quite frankly, I
17 thought that by attempting to deal with the chief
18 magistrate of the province, the Premier, and the two
19 lieutenants who are charged with the responsibility of
20 policing and legal order, I was probably living up to my
21 obligations.

22 MS. COSTOM: Yes, and we've been through
23 that, but I am talking now about the names on the
24 registration cards.

25 MR. GUZZO: Right. No, and I don't think I

1 -- first of all, as I say, it's not in quotations and I
2 don't think -- is there anything here in quotations?

3 **THE COMMISSIONER:** Yes.

4 **MR. GUZZO:** Yes, I don't know where she did
5 not interview me, she did not talk to me and I don't know
6 where she got the ---

7 **MS. COSTOM:** And we therefore agree that
8 there were no registration cards of people who were in
9 positions of trust with young people?

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

11 **MS. COSTOM:** Okay. Now, I want to bring to
12 your attention now, another series of facts of what the OPP
13 actually did when they went to Florida. And I want you to
14 tell me whether you were aware or unaware of these actions
15 on the part of the OPP.

16 First of all, are you aware that Inspectors
17 Smith and Hall went to Fort Lauderdale from May 4th to May
18 5th of '99?

19 **MR. GUZZO:** I knew they went but I didn't
20 know when.

21 **MS. COSTOM:** Okay. Are you aware that when
22 they were in Fort Lauderdale, they met with the detective
23 of the Criminal Investigations Bureau of the Fort
24 Lauderdale Police Department who ran checks on a number of
25 people?

1 And I'll list them for you: Malcolm
2 MacDonald, Murray MacDonald, Father Charles MacDonald,
3 Bishop Eugene Larocque, Claude Shaver, Ron Wilson, Gary
4 Ostler, David Ostler, Bernard Cameron, C-8 and Ron Leroux,
5 and that there was no record of any contact between these
6 individuals and the Fort Lauderdale Police?

7 **MR. GUZZO:** No.

8 **MS. COSTOM:** Are you aware that that was
9 done?

10 **MR. GUZZO:** I wasn't aware of that, no.

11 **MS. COSTOM:** No. Okay. Are you aware that
12 inspectors -- that the inspectors attended the Saltaire
13 Hotel?

14 **MR. GUZZO:** I think Mr. Hall told me that,
15 yes.

16 **MS. COSTOM:** Okay. And are you aware that
17 the owner was quite upset and didn't want to meet with them
18 because he felt that he had been harassed in the past by
19 others; citizens and members of the media?

20 **MR. GUZZO:** No, I was not aware of that. I
21 was aware that Pat told me -- Mr. -- Detective Inspector
22 Hall said -- I think he said we showed up unannounced, and
23 maybe we shouldn't have, and -- but, we got what we needed.

24 **MS. COSTOM:** Okay; and in fact, you're
25 right, because what was agreed upon later on, in a phone

1 call with the owner's wife, was that they were to send a
2 letter with a series of questions and that the owners would
3 cooperate and provide answers.

4 Are you aware that that was done, that there
5 was this correspondence between the OPP and the owners of
6 the Saltaire Hotel?

7 **MR. GUZZO:** I was told that by Detective
8 Inspector Hall, yes.

9 **MS. COSTOM:** Okay. And are you aware, as
10 well, that as a follow-up to that letter, that the OPP
11 obtained a number of registration cards?

12 **MR. GUZZO:** I was told that, yes.

13 **MS. COSTOM:** Okay. And in fact, the
14 registration cards that they obtained were from Malcolm
15 MacDonald and from a priest from out of town, named
16 Orlando. Were you aware of that?

17 **MR. GUZZO:** I don't know whether I was told
18 about the ---

19 **MS. COSTOM:** The priest?

20 **MR. GUZZO:** --- from Rochester, New York?

21 **MS. COSTOM:** He was from the states, sir.
22 I'm not certain from where.

23 **MR. GUZZO:** Yeah; yeah. Maybe I was told
24 about that too at the same time.

25 **MS. COSTOM:** Okay. Now, you say over and

1 over again in your correspondence that what you really want
2 is you want thee to be action on this file. Is that
3 correct?

4 You want someone to be doing something about
5 this serious problem which exists, in your mind, in
6 Cornwall. Isn't that correct?

7 **MR. GUZZO:** No. I want the government of
8 which I am a part and the leadership of it, to assure me
9 that we are doing everything that we are supposed to do and
10 that this isn't going to come back and bite us and five
11 years from now, 10 years from now, I'm not going to be
12 embarrassed by the fact that children were at risk, or
13 there were problems with regards to youngsters, that we did
14 not do our job.

15 **MS. COSTOM:** Okay.

16 **MR. GUZZO:** That's what I want to know.

17 **MS. COSTOM:** So you're anxious, then, for
18 the police to be doing their job properly; for the
19 government to be doing their job properly and the police
20 and the investigating body in a case like this; you're
21 anxious for them to do their job properly also; isn't' that
22 the case?

23 **MR. GUZZO:** Oh yes, very anxious.

24 **MS. COSTOM:** Okay. And yet, you never give
25 the OPP the name of this Dixon Fitzpatrick or Fitzgerald,

1 who you claimed was an important source of information for
2 you; do you?

3 **MR. GUZZO:** Oh, I think I did. I think I
4 did.

5 **MS. COSTOM:** Does his name appear in any of
6 the correspondence, first of all? Do you mention him
7 anywhere in the letters that you sent to the AG or to the
8 Solicitor General or even in your correspondence with Pat
9 Hall?

10 **MR. GUZZO:** Well, I don't -- my
11 correspondence with Pat Hall comes later. I certainly can
12 tell you this; that Bob Runciman, the Solicitor General
13 Runciman knew about -- knew the name in discussions I had
14 with him.

15 **MS. COSTOM:** Did you -- you met with Mr. --
16 with Detective Inspector Hall? You met with him, and one
17 of the reasons was for you to direct him to other victims?
18 That's in fact the correspondence leading up to the
19 meeting?

20 He's saying to you, "It seems that there is
21 -- that you have information about other victims. Before
22 we close the investigation, we want to make sure that we
23 have all the information we need. Can we get together and
24 get whatever information you need from me?" Is that the --
25 sort of lead up to that meeting in November; you would

1 agree with that?

2 MR. GUZZO: No, I would not.

3 MS. COSTOM: Okay; well I'm going to direct
4 you to the correspondence then, sir.

5 MR. GUZZO: Well, let -- you know, I don't
6 recall -- I'm sorry, but I -- in the discussions I have, I
7 don't recall being asked for that person's name and, if I
8 had been asked, I think I would have had every reason to
9 give it to him.

10 MS. COSTOM: Okay.

11 MR. GUZZO: But ---

12 MS. COSTOM: But you didn't volunteer it; we
13 can agree on that.

14 MR. GUZZO: I -- well, if Pat Hall says I
15 didn't give it to him or I never mentioned the name, I
16 would have to accept that.

17 MS. COSTOM: Okay. And you also -- Pat Hall
18 will also say that you never mentioned any bookkeeper
19 operating out of a garage in Wilton Manors where there,
20 perhaps, were other registration slips.

21 Pat Hall says that you never told him that.
22 So you agree with that as well, then? Or do you agree with
23 that as well, then?

24 MR. GUZZO: Well, it's late 2000 when I
25 finally meet with Pat Hall. The first bill has been passed

1 and voted on at second reading and I have the idea that he
2 and Detective Inspector Lewis come to my office in Queen's
3 Park to more or less debrief me. So ---

4 **MS. COSTOM:** And you agree, sir that you did
5 not provide them with information in relation to this
6 bookkeeper who you allegedly went to see in Wilton Manors?
7 That's all I'm asking you.

8 **MR. GUZZO:** Well, I don't recall doing it,
9 but I don't recall being asked, but I do know this. That
10 on occasion, I would take the train back and forth to
11 Toronto and, when I was on that train, Mr. Runciman would
12 get on at Brockville and we would sit together.

13 And this file was a major topic of
14 conversation and I can remember talking to him, I think and
15 telling him about the situation and going to the
16 bookkeeper's garage and you know -- but ---

17 **MS. COSTOM:** You never directed the police,
18 specifically, to that location sir?

19 **MR. GUZZO:** I beg your pardon?

20 **MS. COSTOM:** You never directed the police
21 specifically to that location.

22 **MR. GUZZO:** I don't ---

23 **MS. COSTOM:** You can agree with me on that,
24 sir, can't you?

25 **MR. GUZZO:** I agree with you on that, but I

1 don't ---

2 **MS. COSTOM:** Okay.

3 **MR. GUZZO:** --- I'm -- and I underline
4 again, I don't -- when you're in an elected position, as I
5 was, you cannot be calling police officers and, when I am
6 in the meeting with Detective Inspector Hall, I try and be
7 as open and helpful as possible, and I'd be surprised if he
8 suggested he asked and I didn't give him the name. I know
9 he would not say that, I mean, it's not the truth.

10 **MS. COSTOM:** Okay; well. Mr. Guzzo, you
11 have in your possession information which you think was
12 very important to this situation, information stemming from
13 Florida. And rather than providing it to the police, they
14 end up going to a certain extent, on a wild goose chase,
15 looking for registration cards which actually never exist.

16 **THE COMMISSIONER:** Whoa, whoa, whoa. "That
17 never exist; wild goose chase" that never -- what
18 registration cards that don't exist?

19 **MS. COSTOM:** Well again, I don't want to
20 walk Mr. Guzzo through all of the correspondence that he
21 was directed to yesterday.

22 **THE COMMISSIONER:** No, no, I just ---

23 **MS. COSTOM:** --- and all day today. He
24 talks about registration cards for seven individuals who
25 appeared in his office. We have no evidence that these

1 registration cards exist. There are many registration
2 cards which were reported to exist in the correspondence,
3 which we now have no evidence whatsoever, existed, sir.

4 **THE COMMISSIONER:** I would just ask you to
5 temper the -- your language "wild goose chase". What his
6 evidence is, is he may not have been offered it; you people
7 didn't ask him.

8 **MS. COSTOM:** Okay; and Inspector Hall will
9 come and respond to that I suppose ---

10 **THE COMMISSIONER:** Exactly.

11 **MS. COSTOM:** --- in due course.

12 **THE COMMISSIONER:** I mean, who's supposed to
13 be doing the investigation here?

14 **MS. COSTOM:** Well ---

15 **THE COMMISSIONER:** This gentleman or the
16 police?

17 **MS. COSTOM:** I don't want to sort of start
18 engaging each other because that's not the point of this --
19 -

20 **THE COMMISSIONER:** Well.

21 **MS. COSTOM:** --- Mr. Commissioner, except --
22 except that Mr. Guzzo -- I mean, I don't want to engage
23 you. I -- but Mr. Guzzo is someone who claims to have an
24 interest in the police doing their jobs properly.

25 And he's someone who said in his testimony

1 that although he doesn't want to interfere with police
2 investigations, if he has information he's going to provide
3 it.

4 He said that on a number of occasions. He
5 didn't provide this information. That's my only point,
6 sir.

7 **THE COMMISSIONER:** All right; let's go on.
8 Now, if -- I'll tell you something. He is supposed to
9 answer questions; you're supposed to ask them.

10 Let's limit it to that.

11 **MS. COSTOM:** Okay.

12 **THE COMMISSIONER:** It's getting late in the
13 day.

14 **MS. COSTOM:** All right. I want to talk to
15 you about an issue which we can talk -- which we can call
16 sort of the press or the media. Okay?

17 I want to turn your attention to Exhibit
18 1000 which is the famous press release of December 23rd,
19 1994; the OPP press release.

20 **MR. GUZZO:** Yes.

21 **MS. COSTOM:** And it's already been brought
22 to your attention and you've already conceded that this was
23 not a press conference, but a press release?

24 **MR. GUZZO:** Right.

25 **MS. COSTOM:** And it's already been brought

1 to your attention and you've already conceded that the
2 expression "no stone unturned" does not appear anywhere in
3 this press release?

4 MR. GUZZO: The ---

5 MS. COSTOM: The expression, "no stone
6 unturned".

7 MR. GUZZO: Nor does Klancy Grasman's name.

8 MS. COSTOM: Exactly. It's a statement --
9 or the contact if you will, according to page 2 of this
10 document, is Detective Inspector Smith.

11 MR. GUZZO: Yeah.

12 MS. COSTOM: Okay. Something else that I
13 want to speak to you about in terms of the content of the
14 investigation and it's to sort of, again, close the circle
15 on a matter that was discussed with you by a number of my
16 friends.

17 You agreed with my friend, David Sherriff-
18 Scott, and you agreed with Peter Manderville, that your
19 writings to the Premier gave the impression that the OPP in
20 1994 engaged in a widespread investigation as to whether or
21 not a pedophile ring existed in Cornwall in that time.
22 Your writings gave that impression. Is that correct, sir?

23 MR. GUZZO: Yes, I think it did. Yes.

24 MS. COSTOM: Okay. And I'm going to ask you
25 to have a look at the second paragraph of this press

1 release. And I'm going to read it.

2 "Following the nine month investigation
3 and consultation with the Regional
4 Director of Crown Attorney, it has been
5 decided that there are no grounds (1)
6 to lay criminal charges against a
7 Cornwall Priest in the alleged assault;
8 nor (2) ..."

9 -- and I'm adding the numbers --

10 (2) to lay charges in the alleged
11 improper relationship between the
12 diocese and the Cornwall Police."

13 So the scope of the investigation, sir, is
14 spelled out in this press release. You agree with me?

15 **MR. GUZZO:** Well, if -- yes, I -- from what
16 we've been told but, I mean, a person reading the press
17 release might not come to that conclusion, but that's based
18 on the other evidence and the other documentation, it's
19 accurate.

20 **MS. COSTOM:** What the OPP is saying in their
21 press release, if I can paraphrase it is -- and I'm
22 paraphrasing the paragraph we just read -- "We've done a
23 nine month investigation. We've consulted with the
24 Regional Director of Crown Attorney's and it has been
25 decided that there are no grounds to lay charges. And they

1 list the two matters in which -- in relation to which there
2 are no grounds to lay charges. That's what the press
3 release says, doesn't it?

4 MR. GUZZO: Yes, it does.

5 MS. COSTOM: Okay.

6 MR. GUZZO: But that doesn't encompass the
7 scope of the operation, does it? Is that ---

8 MS. COSTOM: Well, well, let's have a look
9 at that actually.

10 THE COMMISSIONER: What he's trying to say
11 is, in ---

12 MS. COSTOM: I understand.

13 THE COMMISSIONER: I will say something now.

14 MS. COSTOM: I'm sorry.

15 THE COMMISSIONER: Perhaps we'll call it
16 quits before we go any further, but is that -- this is a
17 deduction. What you are asking us -- me to do, and him, is
18 to say, "By reading this, this is the scope of the
19 investigation".

20 Whereas what I am going to want to hear is,
21 "I'm in charge of the OPP or whatever. I gave the order to
22 this person and here is the scope to it."

23 We don't have that document yet, so what you
24 are asking him to do is go by deduction. There you go.

25 So if you want him to deduce that, that's

1 fine, but that's just a deduction and what we have learned
2 from press releases and from articles is don't believe
3 everything that you read in the newspaper or in press
4 releases. So there you go.

5 **MS. COSTOM:** The OPP issue a press release
6 to explain the results of an investigation.

7 **THE COMMISSIONER:** And it's there. It's in
8 black and white. There you go.

9 **MS. COSTOM:** And I'm asking him, if someone
10 reading that press release is to understand that there are
11 no grounds to lay charges against a priest and no grounds
12 to lay charges in any improper relationship, if that is
13 what the reader of this press release is supposed to
14 understand, I ---

15 **THE COMMISSIONER:** With respect to the scope
16 of the investigation; right?

17 **MS. COSTOM:** There are a number of ways
18 which Mr. Guzzo could have informed himself of the scope of
19 the investigation. I am suggesting to him that this is one
20 of them.

21 Did you have a look at this before you wrote
22 about what you understood the scope of the investigation to
23 be?

24 **MR. GUZZO:** No, Tim Smith didn't send me a
25 copy of this Christmas Eve of '94, but I did look at old

1 newspapers around that time and I did find comments from
2 Klancy Grasman, and that is what I formed my opinion on.

3 **MS. COSTOM:** Okay. And those documents
4 would be in the file that you would have delivered to the
5 Commission?

6 **MR. GUZZO:** I believe they are.

7 **MS. COSTOM:** Comments from Klancy Grasman
8 that allegedly say that in 1994 the OPP did a widespread
9 investigation or an investigation of the existence of a
10 widespread pedophile ring in Cornwall.

11 **MR. GUZZO:** "Left no stone unturned" and I
12 attribute those words to Klancy Grasman.

13 **MS. COSTOM:** Okay. And what you understood
14 "no stone unturned" to mean, was meant, "no stone unturned
15 on the issue of a pedophile ring"?

16 **MR. GUZZO:** I -- that is the impression that
17 I have from the newspaper I'm reading, but as the
18 Commissioner has said, my deduction is a deduction.

19 **MS. COSTOM:** Okay. Did you say, Mr.
20 Commissioner, that you wanted to stop?

21 **THE COMMISSIONER:** Yeah, I'm going to stop
22 talking. How much longer do you have?

23 **MS. COSTOM:** Maybe 10 minutes.

24 **THE COMMISSIONER:** Well, you can continue.

25 **MS. COSTOM:** One of the other things that

1 you complained about in terms of this investigation or that
2 you raised, if you will, in your correspondence and in your
3 testimony, is the timing of this press release, the fact
4 that it was released right at Christmas Eve of 1994. Do
5 you agree with that?

6 **MR. GUZZO:** I found it strange, yes.

7 **MS. COSTOM:** Okay. So let's look sort of at
8 what the steps leading up to the -- to the release of this
9 press release, if you will.

10 Are you aware that in February of 1994 the
11 OPP were asked to investigate three things?

12 The first was whether or not charges should
13 be laid against this Cornwall priest, Father Charles
14 MacDonald.

15 The second is whether there was an
16 improper relationship between the diocese and the Cornwall
17 Police which created some sort of cover-up.

18 And, third, whether or not Ken Seguin had
19 been the victim of extortion at the hands of David Silmser.

20 Those are the three things that the OPP was
21 asked to investigate in 1994. Are you aware of that?

22 **MR. GUZZO:** No, I don't think I was.

23 **MS. COSTOM:** Okay. So over the course of
24 1994, from February on, the OPP investigate these matters,
25 and I'll leave aside the issue of the extortion for now,

1 and they do -- on the first two points, the issue of the
2 Cornwall priest and the improper relationship between the
3 diocese and the Cornwall Police, they do a number of
4 things.

5 First of all, are you aware that they
6 reviewed the entire CPS, the Cornwall Police Service Crown
7 Brief?

8 **MR. GUZZO:** No, I was not.

9 **MS. COSTOM:** Are you aware that they
10 coordinated with the Children's Aid Society?

11 **MR. GUZZO:** I was -- no, I was not but I
12 would have assumed so, wouldn't I not?

13 **MS. COSTOM:** Okay. Are you aware that
14 Officers Smith and Fagan re-interviewed David Silmser and
15 his lawyer on February the 22nd, 1994?

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

17 **MS. COSTOM:** Okay. Are you aware that they
18 re-interviewed or spoke to approximately 18 of the people
19 that had been spoken to or interviewed by the Cornwall
20 Police Service?

21 **MR. GUZZO:** No, I was not.

22 **MS. COSTOM:** Are you aware that they met
23 with over 20 new people in relation to these matters?

24 **MR. GUZZO:** No, I was not.

25 **MS. COSTOM:** Okay. And after, what I would

1 call, an exhaustive investigation, are you aware that in
2 November of 1994 they submit briefs to the Regional
3 Director of Crown Attorneys and asked for his opinion as to
4 whether or not there is -- the charges should be -- or
5 whether or not they believe there to be reasonable and
6 probable grounds -- no, whether or not there is a
7 reasonable prospect of conviction in relation to these
8 matters. An opinion was solicited from the Crown on these
9 matters?

10 **MR. GUZZO:** No I was not, but I would have
11 assumed so.

12 **MS. COSTOM:** Okay. I'm going to ask you
13 to have a look a Document 111153. There are no copies
14 available of this document. It is the letter; it's 111153.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MS. COSTOM:** It's going to come up, but I'll
17 tell you it's a letter from Peter D. Griffiths, the
18 Regional Director of Crown Attorneys to Detective Inspector
19 T. S. Smith, and the subject is the investigation of Father
20 Charles MacDonald.

21 So we'll just wait until it comes up on the
22 screen.

23 And if you look at the last paragraph of
24 page 3 -- we don't need to read -- I mean, you can have a
25 look at it, but the gist of the paragraph is that at the

1 advise of the Crown, based on the material, that the
2 threshold of objective reasonable and probable grounds do
3 not exist and that subjectively it doesn't appear that
4 there are reasonable and probable grounds and therefore --
5 I'm reading from the second-to-last line, and the last
6 line:

7 "It is my advice that absent that
8 belief, charges cannot be laid by you."

9 So an opinion -- I'm sorry, I'll wait till
10 you -- are you with me?

11 **MR. GUZZO:** I am, yes.

12 **MS. COSTOM:** So an opinion is obtained from
13 the Crown on December the 21st, 1994 on the issue of the
14 investigation of Father Charles MacDonald and the Crown is
15 not recommending charges. Okay?

16 And I'll ask you also to have a look at
17 111152. And you can have a look at it, the second-to-last
18 paragraph of page 2:

19 "In the circumstances, I can advise you
20 that without this objective belief..."

21 **THE COMMISSIONER:** Just a minute; Madam
22 Clerk ---

23 **MS. COSTOM:** Oh, I am sorry.

24 **THE COMMISSIONER:** --- scroll down please.
25 Second-last paragraph she says.

1 **MS. COSTOM:** Second-to-last paragraph:
2 "In the circumstances, I can advise you
3 that without this objective belief it
4 is my opinion that charges cannot be
5 laid."

6 And I'm just choosing that paragraph because
7 it's sort of the gist of the thing that the Crown, again,
8 in an opinion dated December 21st, 1994, is recommending
9 that no charges be laid.

10 Now you didn't know it then because you
11 weren't enmeshed in this at the time but looking back to
12 that time period, you would agree with me sir that this was
13 a very emotionally charged time in relation to these
14 matters in Cornwall?

15 **MR. GUZZO:** I assume it was, yes.

16 **MS. COSTOM:** Okay. And looking back again,
17 and you've acknowledged this already today with my friend
18 Mr. Neville, you are now aware that there was very
19 significant publicity in relation to these matters and in
20 particular in relation to the \$32,000 settlement.

21 **MR. GUZZO:** Well, yes, I'm aware. I ---

22 **MS. COSTOM:** You weren't aware of it then
23 but you are aware of it now.

24 **MR. GUZZO:** I was aware of it at some point
25 when I reviewed some newspaper clippings I guess.

1 **MS. COSTOM:** And you now know that to be
2 true?

3 **MR. GUZZO:** Yes.

4 **MS. COSTOM:** And people were waiting for
5 answers as to whether or not charges were going to be laid.
6 People were following this thing with interest; weren't
7 they?

8 **MR. GUZZO:** I don't know, but I assume so,
9 yes.

10 **MS. COSTOM:** Okay. And in that context, it
11 was important that the decision or the announcement as to
12 what decision was going to be made as to whether or not
13 charges be laid, would be released at the earliest possible
14 time. Isn't that fair, sir?

15 **MR. GUZZO:** Yes, it's fair.

16 **MS. COSTOM:** Okay. And in fact, it's
17 appropriate and logical that as soon as the police can
18 release the information, they do so.

19 **MR. GUZZO:** I assume so, yes.

20 **MS. COSTOM:** Okay. And that explains, sir,
21 why the press release is on December the 23rd, 1994 because
22 the opinions from the Crown were only received on December
23 the 21st. Is that fair, sir?

24 **MR. GUZZO:** If you think so, I agree with
25 you.

1 **MS. COSTOM:** Okay. Thank you.

2 **MR. GUZZO:** I still think it's a strange
3 time to be issuing press releases on a matter of such
4 substance but, if that -- you're telling me it's the
5 earliest possible time to do it and that's what he did,
6 I'll accept that.

7 **MS. COSTOM:** Well, if you look at the
8 chronology sir, the Crown opinions are received on December
9 21st, 1994 ---

10 **MR. GUZZO:** I agree. That's what I said.

11 **MS. COSTOM:** Okay.

12 **MR. GUZZO:** If that's what your position is,
13 I have to accept it.

14 **MS. COSTOM:** Okay. Another matter having to
15 do with media and the press -- and I'm going to ask you to
16 look at Exhibit P-1008.

17 **THE COMMISSIONER:** That's the letter dated
18 October 4th, 2000?

19 **MS. COSTOM:** That's correct.

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

21 **MS. COSTOM:** On page 2 of that letter, one,
22 two, three, four, five, six, seven, eight; eight paragraphs
23 down. And this is a letter written by you, sir. You
24 write:

25 "Sometime in early to mid-1997, the

1 Ontario Provincial Police quietly
2 returned to Cornwall and set up Project
3 Truth. The date of commencement is not
4 known but unlike the Christmas Eve
5 press conference to announce the end of
6 the first investigation, there was no
7 press conference held and no press
8 release issued for the launch of
9 Project Truth."

10 This is your comment in this letter, sir?

11 **MR. GUZZO:** It is.

12 **MS. COSTOM:** Okay. I'm going to direct you,
13 sir, to Document No. 726226.

14 **MR. GUZZO:** Yes.

15 **MS. COSTOM:** Okay. You have it in front of
16 you, sir, on the screen?

17 **MR. GUZZO:** I have it here now.

18 **MS. COSTOM:** Okay. And this is a press
19 release of the 20th of July 1997 issued by the Ontario
20 Provincial Police.

21 **MR. GUZZO:** Right.

22 **MS. COSTOM:** And it says:

23 "The Major Cases Section of the
24 Criminal Investigation Bureau of the
25 Ontario Provincial Police is

1 investigating allegations of sexual
2 abuse in the Cornwall area. At the
3 request of the Cornwall Police Service
4 and the Director of Crown Attorneys,
5 East Region, OPP Investigators have
6 been investigating since early spring
7 1997 and will continue to do so
8 including the interviewing of all
9 persons that have come forward with
10 allegations."

11 And I'm going to skip now to the last
12 paragraph:

13 "Anyone with information or knowledge
14 of any incident relating to sexual
15 abuse in the Cornwall area is urged to
16 contact the Lancaster OPP Detachment
17 at..."

18 And the number is provided. So when you
19 write in your letter that the OPP sneaks in and never makes
20 any announcement, it's not quite exact because you have
21 your press release on the 20th of July 1997.

22 **MR. GUZZO:** What does it say?

23 **MS. COSTOM:** It says ---

24 **MR. GUZZO:** It says that in early spring of
25 '97, they started and they issued the press release on the

1 28th of July '97 and that's not sneaking in?

2 Let me tell you something. I didn't get a
3 copy of that press release, you know, the OPP were not
4 sending me copies of their press releases.

5 But when I learned that they were back on
6 the street and I learned Tim Smith and Pat Hall were back
7 on the street in Cornwall and somebody had mentioned it to
8 me, I talked to Bob Runciman. I talked to Bob Runciman
9 before the House opened in the fall of '97, the Solicitor
10 General. And I told him and he didn't know it.

11 **MS. COSTOM:** What is ---

12 **MR. GUZZO:** The Solicitor General was not
13 aware. Now I thought he might have got a copy of it, but I
14 didn't. They weren't sending me press releases at the
15 time. So that is clear in my mind.

16 That is very clear in my mind and I know
17 what we were doing when I told him, and I know where we
18 were.

19 **MS. COSTOM:** Mr. Guzzo, you said yesterday
20 in your testimony that you had assembled an extensive media
21 file in relation to this. Did you have someone in your
22 office that was doing a media trace to follow-up on all the
23 media articles that were in relation to Project Truth?

24 **MR. GUZZO:** Ma'am, I didn't have anybody
25 doing that for anything, anything in my office. I had a

1 budget of about -- enough to hire two and a half bodies and
2 there are constituents banging at your door with real
3 urgent problems every day of the week.

4 And no, I'm sorry, I wish I had that kind of
5 situation. But I will tell you this, Mr. Runciman, the
6 Solicitor General did and he didn't know about it until I
7 told him that the problem was back on the street.

8 **MS. COSTOM:** You said today in answer to a
9 question put to you by Mr. Manderville that the formal and
10 proper way to bring information to the public is through a
11 press release. Is that correct?

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

13 **MS. COSTOM:** Okay. This is a press release,
14 sir, announcing the existence of Project Truth. It's in
15 your words the formal and proper way to bring information
16 to the public; isn't it, sir?

17 **MR. GUZZO:** And it's dated the 28th of July
18 and it says they've been doing it since early spring.

19 **MS. COSTOM:** Okay. What's important, sir,
20 is that victims and people with information know where to
21 go if they have information; isn't that correct?

22 **MR. GUZZO:** Yes.

23 **MS. COSTOM:** Okay. And as of at least the
24 28th of July 1997, anyone following the press would know
25 that. Isn't that correct?

1 **MR. GUZZO:** Right.

2 **MS. COSTOM:** Okay. I am going to ask you to
3 turn to now to Document 730454

4 **THE COMMISSIONER:** Thank you. Seems the
5 clerk is making exhibits ---

6 **MR. ENGELMANN:** I was just going to say,
7 sir, I think that the ---

8 **THE COMMISSIONER:** Ms. Costom isn't
9 following it. So 1147 is a letter dated December 21st,
10 1994, Ontario Provincial Police from Peter Griffiths. Oh
11 no, wait a minute. Are these two the same?

12 **MS. COSTOM:** No.

13 **THE COMMISSIONER:** No, they're not. Okay,
14 they're two letters. And then 1149 is the press release
15 dated -- release date July 28th, 1997. Okay.

16 **---EXHIBIT NO./PIÈCE NO P-1147:**

17 (111153) Letter from Peter Griffiths to
18 Tim Smith re: FCM - 21 Dec. 94

19 **---EXHIBIT NO./PIÈCE NO P-1148:**

20 (111152) Letter from Peter Griffiths to
21 Tim Smith - 21 Dec. 94

22 **--- EXHIBIT NO./PIÈCE No. 1149:**

23 (726226) OPP News Release re: Cornwall
24 Sexual Abuse Investigation - 28 Jul. 97

25 **MS. COSTOM:** Mr. Commissioner, if I can just

1 respond to what you just said.

2 THE COMMISSIONER: M'hm.

3 MS. COSTOM: I was under the impression that
4 there weren't eight copies available of these documents and
5 that they were going to have to be filed as exhibits at a
6 later date.

7 THE COMMISSIONER: M'hm.

8 MS. COSTOM: It wasn't inadvertence on my
9 part; it was a respect for the process, sir.

10 THE COMMISSIONER: Terrific.

11 MS. COSTOM: Seven three zero four five four
12 (730454). Have you had a chance to look at it, Mr. Guzzo?

13 THE COMMISSIONER: We don't have it up there
14 yet. There it is. Is that what you're looking at?

15 MS. COSTOM: Yes, sir.

16 MR. GUZZO: Yes.

17 MS. COSTOM: And I suggest to you, sir, that
18 this is a news conference in relation to Project Truth?
19 That's what the document says.

20 MR. GUZZO: Right, right. Sue me. Correct.

21 MS. COSTOM: And I am going to point you to
22 the second to last paragraph on the second page, which is
23 called page 1 but which is the second page of the document
24 that we have ---

25 MR. GUZZO: Yes.

1 **MS. COSTOM:** --- which reads:
2 “To successfully investigate these
3 serious allegations, the cooperation of
4 all concerned citizens is required.
5 Any male person who may have been or is
6 presently being sexually abused by a
7 pedophile or has any information
8 regarding this type of activity is
9 urged to call the investigators.”

10 And a phone number is provided. Do you see
11 that?

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

13 **MS. COSTOM:** Okay. So when you said in your
14 testimony in chief, in response to questions from my
15 friend, Mr. Engelmann, that you couldn't find Project
16 Truth, that people were having trouble finding Project
17 Truth, you would agree with me, sir, that the information
18 was certainly made available in, at the very least, this
19 press release?

20 **MR. GUZZO:** I didn't say that, Ma'am. I
21 didn't say that we had trouble finding Project Truth. I
22 knew how to get in touch with Pat Hall. I knew where the
23 office was and we had a phone number.

24 What I said was that for someone trying to
25 find them and call the Cornwall police, they were referred

1 to Orillia and when you called Orillia, they were referred
2 to the local detachment at Long Sault.

3 And we actually did that twice a week for
4 two or three weeks and the point is -- we knew how to get
5 there. When we told somebody they should go to the
6 Cornwall police or you should go -- we had a phone number;
7 we had a place to send them. The staff had it at the front
8 desk and we certainly had it. We had it in the Toronto
9 office.

10 What I'm saying is that somebody else trying
11 to find them through the normal channels would have trouble
12 finding them because that's what was happening. And we
13 rehearsed the situation, had somebody make the calls for
14 two or three weeks in a row, once or twice a week; twice a
15 week, I think.

16 And I think there was a record of that in,
17 you know, in ---

18 **MS. COSTOM:** But you would agree, sir,
19 again, that a press conference or a press release is really
20 the only means for widespread information to be
21 disseminated; it's the formal and proper way. And so it's
22 really no fault of the OPP or the Cornwall Police Service
23 if people didn't have this information.

24 Is that correct?

25 **MR. GUZZO:** Right, right. Pat Hall and Tim

1 Smith were not hiding, if that's -- if I left that ---

2 MS. COSTOM: Okay. I am going to put to
3 you, sir, that there were a series of press releases issued
4 throughout the Project Truth investigation. Do you take
5 issue with that?

6 MR. GUZZO: No.

7 MS. COSTOM: Okay.

8 MR. GUZZO: No.

9 MS. COSTOM: Every time there were people
10 charged, there were press releases, and that was done. And
11 in each case, the phone number of Project Truth was
12 provided and people were urged to provide information.

13 Do you take issue with that?

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

15 MS. COSTOM: And so when you write, in the
16 year 2000, that the OPP sneaks back in, other than perhaps
17 this April to July period which you seem to have an issue
18 with, you agree with me that the OPP was not hiding and
19 didn't sneak back in?

20 MR. GUZZO: No, but I'm shocked that their
21 boss, the Solicitor General, didn't know.

22 MS. COSTOM: Okay.

23 MR. GUZZO: Or I was shocked at that time,
24 but I ---

25 MS. COSTOM: Okay. You told my friend, Mr.

1 Horn -- and this is my last point -- you told my friend Mr.
2 Horn that as a judge, you would sometimes take a view. Do
3 you remember saying that?

4 MR. GUZZO: M'hm.

5 MS. COSTOM: In Quebec, we call it a "visite
6 des lieux." You would go see the site.

7 MR. GUZZO: I think I did it once in 11
8 years on the Bench.

9 MS. COSTOM: Okay. And you did that in
10 order to assure yourself of the facts firsthand?

11 MR. GUZZO: Correct.

12 MS. COSTOM: Okay. And it was important to
13 do that as a judge, in certain cases, to make sure that you
14 were sure of the information?

15 MR. GUZZO: In certain cases, yes.

16 MS. COSTOM: Yes? Okay. And as a
17 politician, we've heard you say that things are sometimes
18 are a little bit different. Do you agree with that?

19 MR. GUZZO: You mean between the Bench and
20 politics?

21 MS. COSTOM: Yes.

22 MR. GUZZO: Very different.

23 MS. COSTOM: Okay. And in fact, a lot of
24 the remarks that you make in relation to this matter,
25 you're not basing on firsthand knowledge and you've

1 acknowledged that, you're basing on what you've heard from
2 the people around you. Is that correct?

3 **MR. GUZZO:** I am basing it on the questions
4 I ask and the answers or lack of answers I receive, yes.

5 **MS. COSTOM:** Okay. And you've acknowledged
6 very, very honestly over the past couple of days when the
7 facts are put to you, that many of the remarks that you
8 make in your letters are in fact mistaken.

9 **MR. GUZZO:** Yeah, the information I've been
10 given is not accurate. Right.

11 **MS. COSTOM:** Okay. And you acknowledge
12 that, because of that, and the fact that you're saying
13 these things which turn out to be false, it risks
14 undermining public confidence in the police and in
15 particular, the ongoing Project Truth investigation. You
16 acknowledged that yesterday, didn't you, sir, to Mr.
17 Sherriff-Scott?

18 **MR. GUZZO:** If I didn't, I acknowledge it
19 today.

20 **MS. COSTOM:** Okay. And so one point of
21 view, sir, is that rather than help the public institutions
22 get to the bottom of things, you were in fact part of the
23 problem because you were continuing to contribute to this
24 rumour and innuendo which was swirling around the city.
25 That's one appropriate point of view. Wouldn't you agree?

1 Because you're repeating what those who are
2 in some points of view, spreading rumours are saying and
3 repeating them in very, very formal documents. Isn't that
4 the case?

5 **MR. GUZZO:** Well, it's one point of view
6 that may be exact but I remind you, as I said earlier this
7 morning, I don't think we'd be here today if I hadn't done
8 what I did.

9 **MS. COSTOM:** Okay. Well the end justifies
10 the means, I suppose, in your mind then.

11 **MR. GUZZO:** Well we'll know that when we --
12 you know -- but I think it will regardless of what comes
13 out of it. I think it will be a very worthwhile exercise
14 for this city and particularly for young people here and
15 for the victims or alleged victims. I think that is true.

16 **MS. COSTOM:** Okay, but if you accept, if we
17 can go back to the previous point, that some may have had
18 the point of view that you were contributing to the rumours
19 or innuendo, you would agree, sir, that it's very, very
20 difficult for a public institution like the OPP to operate
21 in a context like that; wouldn't you?

22 **MR. GUZZO:** I acknowledge that it is very
23 difficult for any police force in this province and in this
24 country to operate and I -- at any time, at any time and
25 the best of times.

1 **MS. COSTOM:** Okay. Thank you, sir.

2 **THE COMMISSIONER:** Mr. Wallace?

3 **MR. ENGELMANN:** Just before Mr. Wallace
4 starts, I think the last document number was not made in
5 the exhibit. It's 730454.

6 **THE COMMISSIONER:** One one five zero (1150).

7 **--- EXHIBIT NO./PIÈCE No. 1150:**

8 (730454) OPP Press Release/News
9 Conference regarding Project Truth
10 - 25 Sep. 97

11 **MR. ENGELMANN:** Okay.

12 **MS. COSTOM:** Thank you.

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

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

15 **WALLACE:**

16 **MR. WALLACE:** Good afternoon, Mr. Guzzo. My
17 name is Mark Wallace and I am a lawyer for the Ontario
18 Provincial Police Association. And I'm intending to
19 restrict my questioning of you to the 22nd of November
20 meeting that you had with Pat Hall and Chris Lewis; okay?

21 **MR. GUZZO:** And Mr. Lewis you say?

22 **MR. WALLACE:** Yes.

23 **MR. GUZZO:** Yes, right, right.

24 **MR. WALLACE:** And just briefly by way of
25 background, in the 24th of June '99, Pat Hall sends a letter

1 to your office that appears to have been -- you've been
2 shown this letter on a number of occasions. It appears to
3 be motivated by some media reports indicating that you
4 possibly have information concerning victims that could be
5 helpful to the Project Truth investigation and requesting a
6 meeting with you.

7 Correct?

8 **MR. GUZZO:** I believe so.

9 **MR. WALLACE:** Yes.

10 **MR. GUZZO:** He did write and ask for a
11 meeting, yes.

12 **MR. WALLACE:** Yes. And there was -- that
13 letter was sent on the 29th of June '99 and there was a
14 number of contacts between your office and Pat Hall and,
15 leading up to a letter, that he sent on the 15th of
16 September requesting a meeting.

17 And in that letter, he is indicating that
18 they're in the process of winding up the investigation and
19 in the interest of thoroughness, they want to touch base
20 with you as you may have information that could be helpful.
21 Correct?

22 **MR. GUZZO:** I believe so.

23 **MR. WALLACE:** Okay.

24 **MR. GUZZO:** If you say so, I think so, yes.

25 **MR. WALLACE:** Now, a theme that has been

1 championed by yourself as far as the investigations were
2 concerned, was that you had this notion that there were
3 three investigations turn up no charges and then in Project
4 Truth investigates and, all of a sudden, they've got 115
5 charges.

6 And the point being was how come they missed
7 those charges in the first three investigations? That's
8 something that you've been asking questions about for quite
9 some time; correct?

10 **MR. GUZZO:** Going back to -- at least '97
11 and maybe '96.

12 **MR. WALLACE:** Okay. And in fact on the 13th
13 of September, I don't think you need to see this, but this
14 is Exhibit 1005.

15 It's a letter to the Editor of the Standard
16 Freeholder that you sent on the 13th of September, which
17 would be two days prior to Pat Hall writing your office
18 requesting the meeting prior to the closure -- the
19 anticipated closure of the Project Truth investigation. In
20 that letter, you repeat in a public forum; if you look at
21 paragraph three, the point number three ---

22 **MR. GUZZO:** Yes.

23 **MR. WALLACE:** --- talking about the fact
24 that the no stone left unturned. And then, if you look at
25 the very back, the bottom sentence:

1 "Since that time, there have been 115
2 charges laid against 15 individuals.
3 Of these charges, 109 are alleged to
4 have taken place long before Christmas
5 Eve of 1994."

6 And you then repeat the comment that you've
7 made on a number of occasions that this is either an
8 incompetent investigation or there has been some form of a
9 cover-up, and that's contained in the following paragraph.

10 **MR. GUZZO:** Right.

11 **MR. WALLACE:** And then the bottom paragraph
12 on that page says, at the last sentence:

13 "No one has offered any explanation for
14 the situation that has resulted."

15 And then at the closing full paragraph you
16 indicate in the second sentence:

17 "I am concerned that if there has been
18 an incompetent investigation or if
19 there has been a cover-up that the
20 Ontario Provincial Police, which
21 operates in other jurisdictions across
22 this province could be practicing the
23 same incompetence or the same behaviour
24 that resulted in this cover-up."

25 And then you indicate this wishful thinking

1 on your part:

2 "If there's a simpler explanation to
3 that, and I have missed some evidence
4 along the way, I should be obliged if I
5 might be advised of my error."

6 So you're making a public invitation to
7 whoever can shed any light to you, is there a third
8 alternative here? Correct?

9 **MR. GUZZO:** Well, yeah, and I'm writing this
10 to the Editor of the Standard Freeholder, I gather, as a
11 result of a story that appeared on the date that it -- on
12 the caption but, more importantly, it's questions -- the
13 same questions that I've been asking for three years of
14 people in my government who should be able to answer. I'm
15 not really expecting the Editor of the paper to be able to
16 answer, but I am -- and I had expected that people in my
17 government could answer, sir.

18 **MR. WALLACE:** Okay.

19 And you're publicly expressing your
20 frustration in getting answers to this question. Is this a
21 cover-up, an incompetence or is there a third alternative
22 that I'm missing; correct?

23 **MR. GUZZO:** Right.

24 **MR. WALLACE:** You also made this the same
25 series of comments in the Dear Colleague letter that you

1 sent on the 4th of October, that you've seen a number of
2 times in the last couple of days, the letter that you sent
3 out drumming up support for your Bill, making the same
4 points in a long fashion. Again, the idea of incompetence,
5 cover-up, possibly a third alternative. And these letters
6 were based and this position, the fact that there has been
7 incompetence or a cover-up was based, you'll agree with me,
8 now that you've heard all the questions that have gone on
9 in the last couple of days, was based on the false premise
10 that the three investigations that were conducted were
11 investigations into allegations of the existence of a
12 pedophile ring.

13 It was your belief that that's what they
14 were investigating, but you've now learned that that was
15 not what they were investigating. Correct?

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

17 **MR. WALLACE:** Okay. So the premise that
18 there has been a whole series of charges missed was based
19 on the fact that the police were, in fact, looking for
20 these things when -- as you now know, they were not;
21 correct?

22 They were looking at very different,
23 discreet allegations; correct?

24 **MR. GUZZO:** The OPP was, yes.

25 **MR. WALLACE:** Well, the Cornwall Police was

1 looking into the allegation of Mr. Silmsner.

2 MR. GUZZO: Well, that's true, but there
3 were people coming forward to me, telling me that they had
4 either gone to the Cornwall Police earlier or had --
5 recently or earlier, and brought information to them;
6 whether it was something that should have been acted upon
7 or not, I can't advise, but yes, you're right.

8 In that regard, just let me make one point,
9 if I could; that when I was told, at whatever time, by the
10 Ottawa Police Officer that, "You're making a mistake. We
11 did not whitewash this thing," I immediately changed my
12 tune with regard to the Ottawa Force.

13 Anyway, that's ---

14 MR. WALLACE: Yeah, but ---

15 MR. GUZZO: --- which supports your
16 position.

17 MR. WALLACE: Yes. You agree with what I'm
18 saying -- it's that the idea of the 115 charges missed was
19 based on the fact that that's what they were looking for,
20 when, as you've now learned, that was not what they were
21 looking for at the time the three investigations were
22 conducted; the Cornwall, Ottawa, and the OPP 1994
23 investigations.

24 MR. GUZZO: Correct.

25 MR. WALLACE: You accept that?

1 **MR. GUZZO:** I accept that.

2 **MR. WALLACE:** Okay, and you've made a -- so
3 against that background, a meeting is set up between
4 yourself and Pat Hall and, as you indicated this afternoon,
5 that it was your impression that "they were there to
6 debrief me." Correct?

7 **MR. GUZZO:** Yes.

8 **MR. WALLACE:** Yeah.

9 And the reason you had that impression was
10 because after the initial topic of, "Do you have any
11 further names that could assist our investigation" he, on
12 behalf of the OPP, went on to lay out for you what exactly
13 they had done. Correct?

14 **MR. GUZZO:** He was very helpful, yes.

15 **MR. WALLACE:** Okay.

16 And the meeting lasted as we see from Pat
17 Hall's notes in excess of an hour, and the vast majority of
18 the time was spent with outlining for you just exactly what
19 had been done; fair?

20 It didn't take very long for you to say "I'm
21 not going to give any names. I've got three people in
22 mind. One guy appears to be bankrolling the operation and
23 the other two who could blow the lid off this thing,
24 they're not going to come forward." It wouldn't take him
25 very long to get over that part.

1 **MR. GUZZO:** Well, we discussed a couple --
2 we discussed a couple of people whom I -- who had been to
3 me and who had gone to the people at Project Truth as well.

4 **MR. WALLACE:** M'hm.

5 **MR. GUZZO:** I think -- but certainly a large
6 part of the discussion was a breakdown of what the OPP were
7 doing; what they were trying to do; the problems that they
8 were facing; the roadblocks that they were running into;
9 and some difficulties between -- other difficulties between
10 police services across the province and our government.

11 **MR. WALLACE:** Now, I'd like you to have in
12 front of you -- because I will be making from time-to-time
13 some references and this would be easier for you if you
14 could have in front of you -- Pat Hall's notes of the
15 interview, which are Exhibit 1009.

16 **MR. GUZZO:** Yes.

17 **MR. WALLACE:** And he's got the time of the
18 meeting as commencing at ten-fifty and appears at twelve-
19 thirty he's off to lunch with Superintendent Lewis and
20 which appears -- then we're talking about something a
21 little in excess of an hour-and-a-half.

22 **MR. GUZZO:** That's my recollection ---

23 **MR. WALLACE:** Yes.

24 **MR. GUZZO:** --- although I thought it was
25 later in the day. I thought -- but anyway I remember it

1 being in excess of an hour-and-a-half.

2 **MR. WALLACE:** Yes. When you testified back
3 in November, it was clearly your impression that the
4 timeframe was about an hour-and-a-half, although you
5 thought the meeting itself took place a little later in the
6 day?

7 **MR. GUZZO:** Right.

8 **MR. WALLACE:** Okay. Now, one of the things
9 that you have gone to great pains to make, and I certainly
10 appreciate from you, is the fact that you have not spoken
11 badly of Pat Hall.

12 And, in fact, you have spoken of him in very
13 complimentary fashion. And that is as a result of not only
14 what he told you but his demeanour with you when you met
15 with him on the 22nd of November; fair?

16 **MR. GUZZO:** That and other things.

17 **MR. WALLACE:** Okay. You dealt with him
18 again in July of 2001 on the issue concerning the tapes
19 that you spoke of in the legislature; correct?

20 **MR. GUZZO:** I didn't meet with him I don't
21 think.

22 **MR. WALLACE:** No, I'm not suggesting that.
23 I can take you to documents but the long and short of it
24 is, you placed a phone message to him or leave him a voice
25 mail, he responds, you have a conversation, he's written to

1 you ---

2 **MR. GUZZO:** Right. He ---

3 **MR. WALLACE:** --- you've spoken in the
4 legislature?

5 **MR. GUZZO:** Yeah.

6 **MR. WALLACE:** He wrote to you, you phone him
7 up, leave a voice mail, he responds to that, you have a
8 conversation concerning the tapes and what you've said in
9 the legislature and then you respond in writing?

10 **MR. GUZZO:** Yes.

11 **MR. WALLACE:** Is that correct?

12 **MR. GUZZO:** I think so, yeah.

13 **MR. WALLACE:** And you did not have any
14 further contact with Pat Hall concerning Project Truth
15 after that dealings with him in July of 2001; correct?

16 **MR. GUZZO:** I believe that's correct, yeah.

17 **MR. WALLACE:** Okay. Now, first of all, you
18 would agree with me that when you dealt with Pat Hall, as
19 far as giving the nuts and bolts of what the Project Truth
20 investigators had done and the background leading up to
21 Project Truth and talking about the Cornwall and the Ottawa
22 Police investigation, it was Pat Hall who was giving you
23 the information.

24 Superintendent Lewis was there, but he
25 wasn't giving the nuts and bolts of what was happening;

1 fair?

2 MR. GUZZO: Correct.

3 MR. WALLACE: And you would agree with me
4 that it would be a fair characterization to say that Pat
5 Hall had a very impressive mastery of the facts of the
6 file. Is that fair?

7 MR. GUZZO: It appeared that way, yes.

8 MR. WALLACE: Yes. And he had quite an
9 amazing recollection for dates and places when things
10 occurred; fair?

11 MR. GUZZO: I don't recall, you know, the --
12 be that specific, but I was impressed with the debriefing
13 as I call it.

14 MR. WALLACE: Fine. And you have earlier
15 described him as being quite open, helpful, trying to be
16 helpful and fair. That's correct?

17 MR. GUZZO: Yes.

18 MR. WALLACE: You had a very positive
19 impression of him; correct?

20 MR. GUZZO: Yes, I did.

21 MR. WALLACE: And he came across as --
22 you've actually used the term -- that he was straight-up
23 with you. He came across as a very honest,
24 straightforward, straight shooter; fair?

25 MR. GUZZO: He did.

1 **MR. WALLACE:** Okay. And he also appeared,
2 as you've described him in other correspondence, he is a
3 very experienced fellow; correct?

4 **MR. GUZZO:** Very.

5 **MR. WALLACE:** And he really knew what he was
6 doing; correct?

7 **MR. GUZZO:** I think he is a 30-year veteran,
8 is he not? I think so.

9 **MR. WALLACE:** More so.

10 **MR. GUZZO:** Even more so now, but I think at
11 that time, I had -- I asked him, I think, early in the -- I
12 think he said 30 or 32 years, yes.

13 **MR. WALLACE:** And he's someone that you felt
14 quite comfortable taking his word for stuff; facts that he
15 was telling you as facts?

16 **MR. GUZZO:** I did.

17 **MR. WALLACE:** And you felt that you could
18 rely on the answers that he was giving you as being
19 correct?

20 **MR. GUZZO:** That he felt -- definitely that
21 he felt they were correct, yeah. He was being as honest as
22 he could be with me, yeah.

23 **MR. WALLACE:** Sure. And if he was stating
24 something was a fact, you didn't doubt that; correct?

25 **MR. GUZZO:** Well, if I did, I'd raise it

1 with him and we discussed it, you know.

2 **MR. WALLACE:** Fine. But he was somebody,
3 and I suggest this to you, that at the end of this whole
4 meeting that you had and after hearing what he's told you
5 as to what they've done and when you heard his -- how
6 thorough the investigation was and his experience and just
7 the sense you got from him, he was someone that you were
8 quite comfortable knowing was in charge of this
9 investigation. Is that fair?

10 **MR. GUZZO:** Well, I think it's fair. I
11 think I was also, before I met him, somewhat satisfied that
12 he -- with the way, you know -- all of a sudden there are
13 115 charges laid when, you know, I think there haven't been
14 any before and, you know, I think even when that first
15 investigation was going on, people were still going to the
16 police, I guess, probably the Cornwall Police at that time.
17 But, yes, I had confidence in him and I also had some
18 sympathy for him.

19 **MR. WALLACE:** And this would be in part
20 because you recognized how difficult a job it was when
21 people were reluctant to come forward; that they're
22 difficult cases to prosecute. It was a tough assignment to
23 have?

24 **MR. GUZZO:** I recognized that long before he
25 appeared at my door, yes.

1 **MR. WALLACE:** Okay.

2 **MR. GUZZO:** I knew that before that but --
3 and as I say I had some sympathy for him.

4 **MR. WALLACE:** And when he was in the office
5 and he was explaining the particular problems associated
6 with the file, that just reinforced the sympathy that was
7 pre-existing; fair?

8 **MR. GUZZO:** Right.

9 **MR. WALLACE:** Okay. Now, if you look at his
10 notes and the first notation. You got those in front of
11 your, sir?

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

13 **MR. WALLACE:** Okay. If you look at the
14 notation 10:50 and it just outlines the fact that he's met
15 with you and you're accompanied by, you've told us, your
16 colleague, Mr. -- is it Coburn?

17 **MR. GUZZO:** Brian Coburn.

18 **MR. WALLACE:** And he is there with
19 Superintendent Lewis and you'll just confirm that you did
20 not make any notes of this particular meeting; correct?

21 **MR. GUZZO:** You know, I would have had a
22 notepad there, but I don't think I sat down and made any
23 notes from the meeting myself. I certainly don't have any
24 now.

25 **MR. WALLACE:** Okay.

1 **MR. GUZZO:** But I did look for them because
2 I was expecting that I would have, you know.

3 **MR. WALLACE:** Well, you can look through
4 your -- your -- the notes that you have provided and I have
5 checked; you don't even have a notation of the fact that
6 this meeting took place. I mean, the significant notation
7 in November that you've got in your notes is the one
8 concerning the dinner you have at the Biaggio with the two
9 priests.

10 **MR. GUZZO:** That's the same day, I guess;
11 yes.

12 **MR. WALLACE:** Yes, but there's no -- that
13 would have been the evening of the same day.

14 **MR. GUZZO:** Right.

15 **MR. WALLACE:** Okay, so the meeting with Pat
16 Hall would have occurred around lunchtime, whereas, your
17 meeting ---

18 **MR. GUZZO:** Right.

19 **MR. WALLACE:** --- with the two priests would
20 be the evening and that -- the Pat Hall meeting doesn't
21 even show up in your notes, so you're -- you're not aware
22 of any notes that -- that were in existence or are in
23 existence?

24 **MR. GUZZO:** I would have had a notation in
25 my daytimer and I would -- I would think I probably sat

1 down and dictated a memo to Runciman, Mr. Runciman, the
2 Solicitor General, after the meeting, but I don't -- I
3 don't think I have -- have any notes and I don't think I
4 have a memo going to Bob, so I may have handwritten
5 something telling him I had met with Hall, but I certainly,
6 someplace along the line very early, brought him up-to-date
7 that I had met with Mr. Hall and Mr. Lewis.

8 **MR. WALLACE:** My point is that -- at least
9 one of the points I want to make is that anything you're
10 telling us about this meeting of what was said and what
11 wasn't said, you're relying exclusively on your memory, at
12 this stage; you haven't been able to refresh your memory
13 from any documents.

14 **MR. GUZZO:** Well, save and except I, at some
15 point in time, whether I wrote to Mr. Runciman by hand or
16 whatever, I did refer to the meeting in memos and letters
17 that I sent to my colleagues.

18 **MR. WALLACE:** That has been provided to the
19 Commission?

20 **MR. GUZZO:** Yes, I believe so.

21 **MR. WALLACE:** Okay.

22 **MR. GUZZO:** I believe so. I believe that
23 some of those -- some of those letters and documents refer
24 to the -- refer to the meeting.

25 **MR. WALLACE:** Okay. In any event, the top

1 one-quarter of the next page is taken up with the issue of
2 the fact that there is three victims that you've -- you had
3 spoken to; one has lots of money and is funding Dunlop,
4 other two could blow the top off this thing, but doesn't
5 think they will come forward and then, from thereon in,
6 there appears to be in point form various issues that are
7 discussed between you and Pat Hall; correct?

8 MR. GUZZO: That's what it says.

9 MR. WALLACE: Yes.

10 MR. GUZZO: I don't think he's -- that's --
11 that's not my terminology, blow the top off, but ---

12 MR. WALLACE: Okay.

13 MR. GUZZO: --- I am -- I confirm that there
14 were two, three or four people that I -- I wanted them to
15 go to the Project Truth people. I had -- and they were not
16 necessarily recent people who had come to me, but I thought
17 they were very important, key people and I wanted them to
18 go and they were reluctant to.

19 MR. WALLACE: Okay. I -- I'd like you also
20 to refer to the notes that Superintendent Lewis took and
21 notice has been given in this. I don't believe this is an
22 exhibit; it's Document number 733127. It's a three-page
23 document.

24 MR. GUZZO: M'hm.

25 THE COMMISSIONER: Thank you. Exhibit 1151

1 is an excerpt of -- is it Inspector Lewis?

2 MR. WALLACE: Superintendent, sir.

3 THE COMMISSIONER: Superintendent Lewis'
4 notes.

5 ---EXHIBIT NO./PIÈCE NO. P-1151:

6 (733127) Excerpts: 7127665-67 of Supt.
7 Lewis' Handwritten Notes - 22 Nov. 00

8 MR. WALLACE: You'll see, sir, his notes, as
9 far as this meeting is concerned, they start at the time --
10 he has the meeting time starting at 11 o'clock.

11 MR. GUZZO: Right.

12 MR. WALLACE: And if you turn over to the
13 top of the second page, this is talking about the issue of
14 the three key people that he refers -- that you have
15 referred to.

16 MR. GUZZO: Right.

17 MR. WALLACE: And it says that he encouraged
18 to come forward one of which put up the money and then his
19 notation is "Pat", that would be Pat Hall, "encouraged
20 Guzzo to recontact him and encouraged them again." You
21 would agree with that statement?

22 MR. GUZZO: Yes, yes.

23 MR. WALLACE: Pat was saying, why don't you
24 give it another -- give it another ---

25 MR. GUZZO: Give it another try, yes.

1 **MR. WALLACE:** --- shot and see what happens.

2 **MR. GUZZO:** Right.

3 **MR. WALLACE:** Did you ever contact him first
4 -- that's my first question and second of all, if you did,
5 did you report back to Pat Hall as to what your results
6 were?

7 **MR. GUZZO:** I definitely attempted to
8 contact him and I did contact two of them. Okay.

9 **MR. WALLACE:** And these -- and these are the
10 -- you're not -- the two people you are talking about are -
11 - are the people that Pat had referred to as blowing the
12 top off or the lid off?

13 **MR. GUZZO:** Well, one of them had an
14 interesting story that -- the other one I don't know
15 whether or not it was that, well, powerful, but anyway,
16 yes, one of them was -- one of the other ones that I would
17 have preferred to have gotten in contact with that I
18 thought would have been more important, I was unable to
19 contact.

20 **MR. WALLACE:** Did you give Pat a call back
21 and say, "Listen, I don't know if they're going to reach
22 you or not, but I've spoken to these two guys. I've spoken
23 to two fellows and that's the best I can do for now?"

24 **MR. GUZZO:** I don't think I did, but I would
25 -- I would think I had Bill Grant call them.

1 **MR. WALLACE:** You're not going to disagree
2 if Pat comes here and says that he was never contacted by
3 anyone from your office on that issue?

4 **MR. GUZZO:** No, I'm not going to disagree
5 with that. I didn't call him myself and I haven't got a
6 recollection of ---

7 **MR. WALLACE:** Now ---

8 **MR. GUZZO:** --- in like I mean, I'm getting
9 -- I'm getting no for an answer from these guys. It's not
10 a -- It's not what we want to hear.

11 **MR. WALLACE:** Now, the next -- I want to
12 draw your attention to the next paragraph that
13 Superintendent Lewis has written here. It says:

14 "Assured Guzzo that we've done a very
15 thorough job. Went over our stats,
16 told him that some of the public
17 statements he has made were not
18 accurate and we wanted to tell him the
19 truth knowing he made his statements
20 based on misinformation that someone
21 had provided him."

22 You would agree with that statement that, at
23 some point in time, they said "Listen, Mr. Guzzo, you've
24 been saying a number of things in public and they aren't
25 true; we're not saying you're a liar, but someone's giving

1 you wrong information and we want to set you straight."

2 **MR. GUZZO:** We agreed on certain things that
3 were not 100 percent accurate and misinformation that I
4 had; that he corrected, yes.

5 **MR. WALLACE:** Now ---

6 **MR. GUZZO:** We also agreed to disagree on
7 some issues, yes.

8 **MR. WALLACE:** Fair enough, but what he did,
9 if you look now -- if you refer over to Pat Hall's notes is
10 in the conversation, he lays out for you the Cornwall
11 police investigation, that is, that he explains to you that
12 they were investigating the allegations by David Silmsner,
13 that is the Cornwall police. That's what they were doing;
14 correct?

15 **MR. GUZZO:** I don't recall that, to tell you
16 the truth I don't recall getting into that, but I'm looking
17 at the notes here ---

18 **MR. WALLACE:** M'hm.

19 **MR. GUZZO:** --- and I'm having trouble
20 reading them just -- there not on the screen, Madam Clerk,
21 and they ---

22 **THE COMMISSIONER:** Which ones did you want
23 to look at?

24 **MR. GUZZO:** Well, he's now referred me to
25 Pat Hall's notes.

1 **THE COMMISSIONER:** Oh, yes.

2 **MR. WALLACE:** That's Exhibit 1009 and Mr.
3 Guzzo's now on page 2. I'll help you with the -- with the
4 penmanship ---

5 **THE COMMISSIONER:** We -- we need you closer
6 to the microphone, sir.

7 **MR. WALLACE:** I'm sorry.

8 **THE COMMISSIONER:** Just bring it over.
9 Okay.

10 **MR. WALLACE:** If you look down at the second
11 point that is mentioned on the top page there, the notation
12 is "initial complaint address D.S., that would be David
13 Silmsler, from beginning." See that?

14 **MR. GUZZO:** Yes.

15 **MR. WALLACE:**

16 "Number of victims; when victims became
17 known; why no charges first time."
18 See that?

19 **MR. GUZZO:** Yes.

20 **MR. WALLACE:** Thirty-two thousand (32,000)
21 circumstances.

22 **MR. GUZZO:** Yes.

23 **MR. WALLACE:**

24 "Chief Johnson request Ottawa P.F.
25 Police Service investigation given

1 names of officers."

2 See that?

3 **MR. GUZZO:** Ottawa Police -- yeah.

4 **MR. WALLACE:** "Ottawa P.S...."

5 **MR. GUZZO:** Right, right. Okay.

6 **MR. WALLACE:** "...investigation..."

7 **MR. GUZZO:** Right.

8 **MR. WALLACE:** "given names of officers."

9 **MR. GUZZO:** Right.

10 **MR. WALLACE:** Okay, I'll stop you there.

11 Pat Hall will come and give evidence at a
12 later point in time, that he was laying out for you just
13 exactly what it was the Cornwall Police were investigating
14 -- that is, the David Silmsler allegation against Father
15 Charlie and why no charges were laid the first time -- that
16 is the \$32,000 settlement. And that, as a result of that,
17 Chief Johnson requested the Ottawa Police to re-examine the
18 circumstances of the investigation.

19 So, what he's doing there is he's explaining
20 to you the exact purpose of the investigations. Do you
21 disagree with that?

22 **MR. GUZZO:** No. No, I don't but the
23 conversation -- the conversation gets deeper than that. I
24 bring up the question of the notes of Deputy Chief St-Denis
25 and Sergeant Lortie and what are they talking of -- another

1 Catholic Church cover up.

2 What did Sergeant Lortie say to you when you
3 asked him what he was talking about? What else -- because
4 we also have press coverage where Bishop Larocque says
5 "This isn't the only one. We've helped giving money to
6 other people but" and he qualifies it in the press saying
7 "Well, to help them with rehabilitation, but there have
8 been other cases."

9 And I'm asking him "In light of that
10 information, are you sure you're giving me the whole
11 story," and we have a discussion with regard to that and
12 agree to disagree.

13 **MR. WALLACE:** But there was no disagreement
14 though that the -- and the purpose of the Cornwall
15 investigation ---

16 **MR. GUZZO:** No, there was no disagreement.

17 **MR. WALLACE:** Okay, was it was to
18 investigate the David Silmsmer allegation. Correct?

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

20 **MR. WALLACE:** There was no disagreement that
21 the Ottawa Police Service were not investigating the
22 Silsmer investigation but were investigating the adequacy
23 of the Cornwall investigation of it. Fair?

24 **MR. GUZZO:** I knew that at that time. I had
25 been told that by the Ottawa Police -- some Ottawa officers

1 at that time.

2 MR. WALLACE: Okay.

3 So, he's informed you of the precise scope
4 of the Cornwall investigation and he's informed you of the
5 precise scope of the Ottawa investigation. In fact, he's -
6 --

7 Correct?

8 MR. GUZZO: Correct.

9 MR. WALLACE: Yes. And he has also given
10 you the names of the two Ottawa investigators that prepared
11 the report. I'll refresh your memory because I think you
12 know both of them. You know Bill Blake?

13 MR. GUZZO: I -- not well but I know
14 Skinner.

15 MR. WALLACE: And you know Skinner. Brian
16 Skinner. Correct?

17 MR. GUZZO: Yes.

18 MR. WALLACE: Okay so he gave you those two
19 names -- Staff Sergeant Bill Blake and Superintendent Brian
20 Skinner.

21 MR. GUZZO: But I already had those names by
22 this date but that's beside the point. Yes, he gave them
23 to me, yeah.

24 MR. WALLACE: Okay and he invited you to
25 give them a call. Check it out for yourself. Correct?

1 **MR. GUZZO:** I don't recall that but he's
2 being told that I talked to some people who have filled me
3 in on the -- so I don't know that he's telling me to call
4 Skinner because, you know, I know Skinner but I don't know
5 him that well.

6 I mean, there are officers on the Ottawa
7 force I feel comfortable calling and, then again ---

8 **MR. WALLACE:** And then he explains to you
9 the circumstances of the first OPP investigation culminating
10 with the press release of the 24th of December 1994.

11 Correct?

12 **MR. GUZZO:** Yes.

13 **MR. WALLACE:** And he explains to you that
14 what it was -- what the precise scope of that investigation
15 was. Correct?

16 **MR. GUZZO:** Yes.

17 **MR. WALLACE:** Okay. It was not, nor were
18 any of the three, an investigation into the existence or
19 non-existence of an alleged paedophile ring in the Cornwall
20 area; correct?

21 **MR. GUZZO:** Correct.

22 **MR. WALLACE:** And that was made very clear
23 to you on the 22nd of November and you accepted that as a
24 statement of fact, that this is what the investigations
25 were; correct?

1 **MR. GUZZO:** I disputed the limitation of the
2 Cornwall thing because of the material that I had but I
3 accepted it with regard to Ottawa and with the OPP.

4 **MR. WALLACE:** But you told me just a few
5 minutes ago you accepted the fact that that's what they
6 were investigating. It was the Silsmer investigation; not
7 paedophiles generally, David Silsmer.

8 **MR. GUZZO:** Right.

9 **MR. WALLACE:** Correct?

10 **MR. GUZZO:** Right.

11 **MR. WALLACE:** So when you left the meeting
12 on the 22nd of November, at that point in time, you knew
13 what the precise scope of the three investigations were.
14 You knew what their mandates had been. Correct?

15 **MR. GUZZO:** Right.

16 **MR. WALLACE:** Now, I just want to deal with
17 a few selected topics that we discussed with you one of
18 which was the issue that surfaced in the newspaper
19 centering around Pat Hall signing the receipt for the
20 documents that he received from Perry Dunlop in July of
21 '98.

22 **MR. GUZZO:** Right.

23 **MR. WALLACE:** Okay. And as you've told us
24 before, he made it quite clear to you that, "I had some of
25 these documents before Dunlop gave them to me." Correct?

1 **MR. GUZZO:** Some, yes.

2 **MR. WALLACE:** Yeah and he explained to you
3 that -- because he's going to give evidence along these
4 lines and I'll tell you that he explained to you the fact
5 that the Fantino brief, which was one brief, was forwarded
6 from Commissioner -- then Chief Fantino to the OPP and it
7 found its way to Peter Griffiths, the Regional Crown in
8 Ottawa. He explained that to you; correct?

9 **MR. GUZZO:** I don't recall that.

10 **MR. WALLACE:** Well, in the very first letter
11 that he sent you requesting a meeting he talked about the
12 origin of Project Truth and the fact that it started as a
13 result of the brief that Chief Fantino had sent to the OPP
14 that went to Peter Griffiths that resulted in a meeting in
15 April of '97 and then -- sorry, April of '98 and then the
16 Project Truth was started up as a consequence.

17 **THE COMMISSIONER:** No, '97.

18 **MR. WALLACE:** '97, sorry. Yeah, I'm sorry.

19 **MR. GUZZO:** I don't recall that part of the
20 discussion but ---

21 **MR. WALLACE:** Okay. Well in fact if you
22 look down on the next half page -- if you look down to the
23 fourth point, he actually has a notation there, "How
24 Project Truth Started." Do you see that?

25 **THE COMMISSIONER:** No, we don't have it.

1 Where is it?

2 **MR. WALLACE:** Oh, sorry. I said the next
3 page but it would be this next page in his notebook but
4 it's the bottom half of the same page. I'm sorry.

5 Yes, it's the fourth point, "How Project
6 Truth Started." Do you see that?

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

8 **MR. WALLACE:** Okay, so you're not going to
9 dispute the fact that he explained to you how the Project
10 Truth started up and that the explanation involved the
11 transmission of the materials from Chief Fantino to the OPP
12 to the Regional Crown's office.

13 You'll accept that if he says that ---

14 **MR. GUZZO:** If he says that but I don't
15 recall it.

16 **MR. WALLACE:** Fair enough.

17 **MR. GUZZO:** I don't recall -- I questioned
18 him about some other aspects of Chief Fantino but I don't
19 recall him attributing the fact that Chief Fantino sent the
20 package and that's how it started. I don't recall that but
21 if he says that, I don't know why he would, you know --
22 when -- I'm aware and I think you are too, that OCOPS sends
23 documentation but I don't, you know, I don't want to
24 complicate it. If he says it, I don't know why he would
25 not be accurate.

1 **MR. WALLACE:** And he will give evidence that
2 he actually showed you a photocopy of the two indexes, that
3 is the index of the materials that were contained in the
4 Fantino brief as opposed to the materials that Perry Dunlop
5 had.

6 Do you recall that? Seeing a photocopy of
7 indexes?

8 **THE COMMISSIONER:** Say that again?

9 **MR. WALLACE:** That Pat Hall ---

10 **THE COMMISSIONER:** Yes. Showed him what?

11 **MR. WALLACE:** --- showed Mr. Guzzo an index.

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

13 **MR. WALLACE:** --- the index of the materials
14 that Chief Fantino had forwarded.

15 **THE COMMISSIONER:** Well, see -- no, no, no.
16 He didn't have the index; couldn't recognize the index when
17 he testified. So you have to characterize it in a
18 different way.

19 Was the index out of material that Bourgeois
20 got?

21 **MR. WALLACE:** The information that I'm
22 relying on is that he will say that he showed to Mr. Guzzo
23 a photocopy -- photocopies -- of the two indexes to
24 compare, to show to Mr. Guzzo the difference between what
25 was purported to have been received by Chief Fantino ---

1 **THE COMMISSIONER:** Okay.

2 **MR. WALLACE:** --- as opposed to what he
3 received from Perry Dunlop in July of '98.

4 Do you recall seeing or having that
5 demonstrated to you?

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

7 **MR. WALLACE:** Okay. But you will agree that
8 he made it quite clear that he had seen a lot of this
9 material previously -- previous to Perry Dunlop giving it
10 to him; correct?

11 **MR. GUZZO:** Some. We discussed -- I
12 remember having a discussion as to what he had and what he
13 didn't have and when I say that I -- you know, I asked him
14 why he would have signed that letter.

15 **MR. WALLACE:** M'hm.

16 **MR. GUZZO:** Why sign the letter? I know it
17 says -- and I've read it a number of times -- it says, "I
18 didn't have all of the material" ---

19 **MR. WALLACE:** Yes.

20 **MR. GUZZO:** --- but if he had most of it --
21 I mean, the man's a veteran police officer. Why would he
22 leave the impression that he's getting a lot of it or some
23 of it for the first time if it's not accurate?

24 So, anyway, we have that discussion and I
25 remember that discussion and, quite frankly, the man was --

1 the man was quite honest, you know. I had some sympathy --
2 when I said I had some sympathy for him, I got the
3 impression that he was not happy with headquarters for not
4 providing him with everything, but that was my impression.

5 MR. WALLACE: That was your impression;
6 correct?

7 MR. GUZZO: Yeah.

8 MR. WALLACE: The receipt said no more than
9 he had received -- he did not receive the full package --
10 didn't say he didn't receive any of it?

11 MR. GUZZO: No, no. That's what I said.

12 MR. WALLACE: Okay.

13 MR. GUZZO: That's what I said, but I had
14 the impression in our discussion and I had some sympathy
15 for him because I felt he was short-changed by
16 headquarters.

17 THE COMMISSIONER: Now, now. Let's be clear
18 here.

19 He says:

20 "I never received the full package
21 that was delivered to the Office of the
22 Attorney General or the Office of the
23 Solicitor General, Ontario Civilian
24 Commission."

25 That was hand-delivered on April 8, 1997.

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

2 **THE COMMISSIONER:** That's what he said.

3 Well ---

4 **MR. WALLACE:** Are you suggesting I'm
5 misstating it?

6 **THE COMMISSIONER:** Yes.

7 Not misstating -- you're not giving him the
8 whole package -- you're not giving him the full package of
9 what it was said.

10 **MR. WALLACE:** My point was, he wasn't saying
11 that it's -- Pat Hall was not saying he received nothing.

12 **MR. GUZZO:** No, he definitely did not and he
13 didn't say that in the letter he signed.

14 **MR. WALLACE:** Fair enough.

15 **THE COMMISSIONER:** Okay.

16 How much longer would you have, sir? We're
17 going to have to take a break soon.

18 **MR. WALLACE:** You know, I think there's one
19 other area -- one other issue that I wanted to talk to him
20 about on the Pat Hall interview and then I think I'm going
21 to wrap up, so ---

22 **THE COMMISSIONER:** Okay.

23 **MR. WALLACE:** As far as the -- and you've
24 been asked a number of questions concerning the search at
25 Ron Leroux's place. What Pat Hall was explaining to you

1 was the fact that this is what happened and these were the
2 facts as we knew them at the time; correct?

3 **MR. GUZZO:** Well, I have gone over that I
4 think, in-Chief with Mr. Engelmann about the discussion I
5 had with regard to the tapes and I quoted Pat Hall --
6 Detective Inspector Hall -- accurately when I said -- when
7 he said -- I said, "Why did you destroy them?" He said,
8 "We no longer needed them". I said, "Why did you need them
9 in the first -- what were you going to do with them in the
10 first place?" He says, "We can't charge a dead man".
11 Well, I said, "How are you going to use them to charge him
12 if they're commercial tapes and if they're just commercial
13 tapes?" and there was no answer for that.

14 **MR. WALLACE:** So if I can just summarize.
15 What you're saying Pat Hall told you was the justification
16 for destroying the tapes was the fact that Ken Seguin was
17 dead; correct?

18 **MR. GUZZO:** That is what I heard him say.

19 **MR. WALLACE:** And that therefore they didn't
20 need the tapes; correct?

21 **MR. GUZZO:** Correct.

22 **MR. WALLACE:** Now, if you could look at
23 Exhibit 1144, that is the property report that was shown to
24 you early this afternoon?

25 **MR. GUZZO:** Right. I noted it at the time,

1 yes.

2 **MR. WALLACE:** Okay.

3 **THE COMMISSIONER:** No, no, sir. It would be
4 in a loose -- it's in a loose ---

5 **MR. GUZZO:** Oh yes, right. Right.

6 **THE COMMISSIONER:** Madam Clerk, could you
7 assist? We're looking for 1144.

8 **MR. GUZZO:** I have it; I have it. Thank you
9 very much. Sorry about that.

10 **THE COMMISSIONER:** No, no, that's fine.

11 **MR. GUZZO:** Yes.

12 **MR. WALLACE:** If you look at the very bottom
13 of the report, it indicates "destroyed by fire". Do you
14 see that on the bottom right-hand corner?

15 **MR. GUZZO:** Right.

16 **MR. WALLACE:** It's got the signature of
17 Staff Sergeant McWade, I believe, and it's dated the 4th of
18 May '93.

19 **MR. GUZZO:** Right.

20 **MR. WALLACE:** I'm given to understand it's
21 when the tapes were actually destroyed?

22 **MR. GUZZO:** Correct.

23 **MR. WALLACE:** Correct?

24 Ken Seguin didn't die until November of that
25 year. He was alive for a further six months.

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

2 **MR. WALLACE:** So the fact that Ken Seguin
3 was dead could not possibly provide any logical
4 justification for the destruction of the tapes?

5 **MR. GUZZO:** That's clear. Why didn't he say
6 that?

7 **MR. WALLACE:** Well, I'm suggesting that he
8 didn't say that?

9 **MR. GUZZO:** Well, I tell you that not only
10 did he say it, but Detective Inspector Millar left me with
11 the same impression, and I refer there not just to the
12 transcript but also to the press release of August 28th that
13 followed the August 24th discussion I had with him on
14 television.

15 But I agree, and I noted that myself when I
16 saw that and I saw the date on it and I agree. But that--
17 I had no idea when they were burned. I knew they were
18 burned, but I had no idea when they were burned until I saw
19 that document this afternoon an hour ago.

20 **MR. WALLACE:** My understanding is that Pat
21 Hall will say that when he interviewed you, he actually
22 showed you this document, the one I'm just showing you,
23 Document Number -- Exhibit Number 1144.

24 He did not have the warrant with him, but he
25 had this document and he showed you the document.

1 **MR. GUZZO:** I do not recall that. I don't
2 think I've -- you know, I have never seen that. In my
3 mind, I have never seen that document before.

4 **MR. WALLACE:** You're not going to disagree
5 and say, as a fact, you did not see that if Pat Hall comes
6 here and under oath say "I showed Gary Guzzo on the 22nd of
7 November that document as part of my presentation."

8 **MR. GUZZO:** Is it in his notes?

9 **MR. WALLACE:** The notation in his notes is
10 "circumstance" -- you can look at the bottom half of the
11 last page you're looking at.

12 **MR. GUZZO:** Yes.

13 **MR. WALLACE:** "Circumstances of search
14 warrant at Leroux'. Videotapes, why destroyed?"

15 **MR. GUZZO:** Yeah. And when I asked him, he
16 said "You can't charge a dead man."

17 **MR. WALLACE:** Well, you also indicated
18 before us yesterday and I believe again today that in your
19 discussions as to what these tapes were, he told you and
20 you said this this afternoon as well that he told you that
21 officers had looked at the tapes. They were commercially
22 produced and they depicted in almost -- in their entirety
23 male homosexual behaviour, and that there was nothing
24 illegal about those.

25 You made that point -- there was nothing

1 illegal about that sort of stuff so how could that possibly
2 -- what were they going to charge ---

3 MR. GUZZO: Which was exactly my question.
4 That was exactly my question when Detective Inspector
5 Millar says to me, until Dan repeats it in Canadian press
6 release that they were no longer needed and it confirms Pat
7 Hall's statement to me that the man is -- "You can't charge
8 a dead man" so -- and then -- but let me also tell you that
9 in the discussion on the tapes, I then raised the issue --
10 I then raised the issue that -- of the Holmolka-Bernardo
11 situation where they make the tapes on presumably on
12 whatever type of camera that they have and sell them to
13 pornographic providers who incorporate the homemade movies
14 or the homemade video tapes into the -- into the
15 pornographic commercial tapes or movies and -- which I --
16 from reading, I think, Justice Archie Campbell's report on
17 the situation and, indeed, I spoke to former Chief Bevan of
18 the Ottawa Police Force who was instrumental in that
19 investigation that -- and they confirmed that it is a very,
20 very lucrative business to be in.

21 That's what I'm asking him. I said "Fine,
22 you looked at them. They're commercially made but was
23 there anything in there to indicate local people?" And I
24 got a blank stare -- "We never thought of that. Oh, wait,
25 wait, don't go there Garry" you know, so, that's fine. I

1 understand that.

2 That was my question and that was the answer
3 I got.

4 **MR. WALLACE:** My suggestion to you is that
5 the explanation that they opted for the destruction of the
6 tapes was that the tapes were seized incidental to a search
7 for firearms. The fellow was charged. There was no
8 suggestion that the tapes belonged to anybody else but Ron
9 Leroux. He told us he didn't want them; he signed off on
10 them and there was nothing illegal about them; there was no
11 reason for us to keep them. And that's why they were
12 destroyed.

13 **MR. GUZZO:** Well, it seems to me that there
14 were a lot of people who knew that that briefcase belonged
15 to somebody other than Ron Leroux but anyway they were --
16 they were burned on the date in question. I'll accept
17 that. I'll accept the date in question.

18 **MR. WALLACE:** And did you challenge him on
19 it knowing the fact that Ken Seguin had died six months
20 after?

21 **MR. GUZZO:** No. I mean, I'm not thinking in
22 terms of the date of Ken Seguin's death at the time. I'm
23 assuming, you know, I'm assuming that they were burned
24 after Ken Seguin's death.

25 **MR. WALLACE:** The meeting broke up with the

1 fact that -- at least as the notes indicated, that you
2 apologized for critical comments made about the OPP. And
3 one of the things that Pat invited you to do is if you have
4 any questions or if you want any further information, he
5 encouraged you to call him. Fair? That notation is right
6 in the notes of Superintendent Lewis. It's not in Pat
7 Hall's notes.

8 **MR. GUZZO:** I acknowledge that and I also
9 acknowledge my answer. It was that, you know, I feel
10 comfortable on some matters but I got a problem too.

11 **MR. WALLACE:** Okay.

12 **MR. GUZZO:** If there's new information,
13 there's something I can send to you, I'm going to send
14 them. That's what I've been doing and he acknowledged
15 that.

16 But, if I get into a dicey situation, I have
17 an obligation to deal with him through the Solicitor
18 General and that's the way I will deal with him.

19 **MR. WALLACE:** Well, there really -- you
20 couldn't be faulted if you phone up with a question when
21 the lead investigator is saying "Listen, if you've got any
22 questions, give me a call. I'm more than happy."

23 **MR. GUZZO:** Not, you know, not for general
24 information and not for referring people to him or trying
25 to, you know, on the issue but I also -- I made it

1 abundantly clear on certain types of situations, I would
2 have to go through the protocol of dealing with the
3 Solicitor General.

4 **MR. WALLACE:** Did you ever call him back and
5 say "Listen Pat, you know this business about the
6 destruction of the tapes? You told me that you destroyed
7 them because we couldn't charge a dead guy. Well, I just
8 learned that Ken Seguin died six months after you destroyed
9 the tapes."

10 Did you ever follow up and ask that?

11 **MR. GUZZO:** I didn't know the date in which
12 the tapes were destroyed, sir. I did not know the date on
13 which the tapes were destroyed and I'm believing that they
14 got to be hung on to and be kept until after the Seguin --
15 passes away because that's the information I was given and
16 it's fortified by the press release that follows the
17 television interview with Detective Inspector Millar.

18 **MR. WALLACE:** The one main area to that he
19 clarified for you, it appears, is the fact of what the
20 mandates of the three investigations were. Correct?

21 You didn't know that going into that
22 meeting. You'd been asking for answers to these questions.
23 How did they miss all these charges? And he tells you
24 "These were three specific investigations that were not
25 designed to investigate alleged pedophile rings."

1 You already agreed to that; correct?

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

3 The other thing he tells me that was of
4 interest that I didn't know at that time is that he has
5 been down to Florida and he also tells me at that meeting
6 that he has had contact with former Chief Shaver.

7 **MR. WALLACE:** That's fine.

8 **MR. GUZZO:** That's new news to me as well.

9 **MR. WALLACE:** Okay. But, just getting back
10 to the mandate, he has explained to you the fact that the
11 three investigations; that's the Cornwall, the Ottawa, and
12 the OPP 1994, were not investigations looking for alleged
13 pedophile rings. Correct?

14 **MR. GUZZO:** Correct; yeah.

15 **MR. WALLACE:** And the simple answer was that
16 he gave to you and explained to you is "Listen, Mr. Guzzo,
17 we didn't miss those charges, those 115 charges; we weren't
18 investigating that at the time." Correct?

19 **MR. GUZZO:** Yes and I accepted that and I
20 also said to him, "You know, I've been on this thing for
21 three years now. Why wouldn't somebody in my government
22 tell me this?" And we have an ensuing discussion, limited
23 as it is in front of Mr. Lewis of the problems that we both
24 have in dealing with Headquarters and Member Guzzo dealing
25 with the administration of our government.

1 **MR. WALLACE:** So as far as you're concerned
2 -- let me go back one step here. You've been asking for a
3 long time, "Would somebody please shed some light on this
4 issue? How did they miss all these charges?"

5 And you couldn't get any answers.

6 **MR. GUZZO:** Exactly.

7 **MR. WALLACE:** And now you've got a
8 volunteer. Pat Hall comes forward and says, "Here's the
9 situation. We investigated these three -- these three
10 investigations took place. We weren't investigating.
11 That's why those no charges, no 115 charges were laid." He
12 provided you the explanation. Correct?

13 **MR. GUZZO:** Right.

14 **MR. WALLACE:** Okay. So now he has
15 enlightened you. It's not a cover-up. It's not a botched
16 investigation. It's a very simple thing; "We weren't
17 looking for those charges. We weren't investigating an
18 alleged paedophile ring." Correct?

19 **MR. GUZZO:** Correct.

20 **MR. WALLACE:** Okay. My question to you
21 then, when you left the meeting, you knew that the object
22 of the three investigations was not an alleged paedophile
23 ring; nobody missed any charges, they weren't looking for
24 them. My question is, is why did you, at that point in
25 time, why did you persist on saying to your colleagues on

1 the letter you wrote on the 18th of October 2001, Exhibit P-
2 1022, if you just go down, Madam, just a little bit -- yes,
3 the first point there.

4 This is almost a year later and you're still
5 -- you're still now urging your colleagues to investigate
6 this business. "This is the reason we need an inquiry,
7 because they missed these 115 charges." You knew a year
8 ago they didn't miss them; they weren't looking for them.
9 Correct?

10 **MR. GUZZO:** Well, yeah. I have his word on
11 that and I also have the word of a number of alleged
12 victims who have -- apparently, have gone to the police and
13 have not received satisfactory assistance and I put -- if
14 you'll notice, I switched gears at that time and I put the
15 13 questions into the -- at the end of the letter and they
16 are similar questions, some of which he has attempted to
17 answer and I'm wondering, when I'm doing it, why am I --
18 the man who is in the position of the Solicitor General at
19 this time, can't simply give those answers that Pat Hall
20 has given me?

21 And if you look at the next letter that I
22 sent out with the next bill, I not only list those --
23 include those questions, I list the questions that were put
24 on the form by the citizens' group, one of the citizens'
25 groups, and I put it to you that if it's that simple and

1 the answers are as given and I'm not questioning Pat
2 Hall's, you know, integrity, why do you think, sir, members
3 of my own government hadn't given me that explanation, one
4 or two, three years before? Why do you think the Solicitor
5 General would not have said -- do you think it was possible
6 that he didn't know?

7 **THE COMMISSIONER:** We'll put that as a
8 rhetorical question.

9 **MR. GUZZO:** Sorry. Okay then. I apologize.
10 I'm not supposed to ---

11 **MR. WALLACE:** And I'll close with that.
12 Thank you.

13 **THE COMMISSIONER:** Mr. Engelmann?

14 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. ENGELMANN:

15 **MR. ENGELMANN:** Sir, I have just a few
16 questions. I note it's eight minutes to six o'clock. I
17 will be done by six o'clock.

18 Mr. Guzzo, Exhibit 983, your letter of
19 September 18th, 1998 to Premier Harris, the first letter.

20 **MR. GUZZO:** Right.

21 **MR. ENGELMANN:** You were asked questions
22 on this letter by me and several lawyers here. I just
23 wanted to touch on a couple of things about Florida, if I
24 may, from the letter.

25 **MR. GUZZO:** Yes.

1 **MR. ENGELMANN:** By September 1998, sir,
2 you had been to Florida -- well, you had been to Florida
3 many times but you had a couple of trips to Florida where
4 you met a retired police officer?

5 **MR. GUZZO:** Yes.

6 **MR. ENGELMANN:** First name Dixton?

7 **MR. GUZZO:** Right.

8 **MR. ENGELMANN:** And that was in '96 and in
9 '97?

10 **MR. GUZZO:** Yes.

11 **MR. ENGELMANN:** And by September of 1998 --
12 well, whether it's September of 1998 or at any other time,
13 you only saw four names on registrations lists.

14 **MR. GUZZO:** Correct.

15 **MR. ENGELMANN:** And of those four names, two
16 of those names were people who were identified in the
17 materials Mr. Dunlop had given you in July of 1998.
18 Correct? Or, sorry, two of them were identified as alleged
19 victims in those materials?

20 **MR. GUZZO:** I believe so, yes.

21 **MR. ENGELMANN:** Ron Leroux and C-8.

22 **MR. GUZZO:** Right.

23 **MR. ENGELMANN:** And at this point in time
24 and, quite frankly, never did you ever meet with either of
25 those two individuals to obtain information from them

1 directly?

2 MR. GUZZO: I have never met with them.

3 MR. ENGELMANN: All right. So anything you
4 would have known about Florida would have been as a result
5 of your own visits, discussions with a retired police
6 officer and things that you would have read from the Dunlop
7 brief?

8 MR. GUZZO: Yes.

9 MR. ENGELMANN: Sir, also in this letter
10 there's a reference at the bottom of the second page -- you
11 were asked a number of questions about the last paragraph?

12 MR. GUZZO: Yes.

13 MR. ENGELMANN: And you refer to people who
14 signed affidavits, who made depositions under oath, et
15 cetera. Do you see that?

16 MR. GUZZO: Yes.

17 MR. ENGELMANN: And when you're referring to
18 those individuals, were those individuals who were referred
19 to in the Dunlop brief, the brief that you had received
20 from the Dunlops?

21 MR. GUZZO: Certainly, yes, the inculpatory
22 in nature, I think, as I recollect, referred to Leroux.

23 MR. ENGELMANN: All right. Now there were a
24 number of individuals who were named in the materials given
25 to you by the Dunlops.

1 MR. GUZZO: Right.

2 MR. ENGELMANN: And a number of the people
3 who were named were alleged perpetrators?

4 MR. GUZZO: Right.

5 MR. ENGELMANN: Did you know if the OPP or
6 any other police force had interviewed any of them at this
7 point in time, in the fall of '78?

8 MR. GUZZO: I don't know that I had heard
9 but I had talked to, I had talked to one or two alleged
10 victims who had claimed to have gone either recently or
11 within the last three months, four months, who had not been
12 contacted, who had not been contacted, I think. I had it
13 fresh in my mind ---

14 MR. ENGELMANN: I think Mr. Sherriff-Scott
15 took you through ---

16 MR. GUZZO: Yeah.

17 MR. ENGELMANN: --- several of the names of
18 alleged victims and advised you that the OPP had spoken to
19 them?

20 MR. GUZZO: Yeah. And I not -- right, I ---

21 MR. ENGELMANN: I am asking you about
22 alleged perpetrators. Were you aware as to whether or not
23 they might have been interviewed?

24 MR. GUZZO: No, I was not.

25 MR. ENGELMANN: Sir, as well in this letter,

1 you were asked some question, well, about many paragraphs,
2 but you were asked questions about the first paragraph on
3 the top of the last page.

4 **MR. GUZZO:** Right.

5 **MR. ENGELMANN:** I believe it was Mr. Neville
6 this morning. He had you -- or you read the paragraph:

7 "In my time on the Bench, I was forced
8 on a daily basis to decide who was
9 lying, et cetera?

10 **MR. GUZZO:** Right.

11 **MR. ENGELMANN:** And you acknowledged that
12 you had not heard from -- or heard directly from any of
13 those individuals who had -- who had posed statements in
14 the Dunlop brief.

15 **MR. GUZZO:** Right.

16 **MR. ENGELMANN:** At this point in time,
17 September of 1998, approximately how many alleged victims
18 would have come to you and spoken to you?

19 **MR. GUZZO:** I don't know but there are --
20 I've got a half a dozen to eight that I find very
21 convincing; as to whether there were 20 or 25 I don't know
22 at that point in time, but I have a figure in my head of
23 six or maybe as many as eight. So I find it very
24 convincing.

25 **MR. ENGELMANN:** Right. Sir, you were asked

1 about Mr. Dunlop's objectivity, and I think it came up in a
2 question from Mr. Sherriff-Scott about the fact that he was
3 suing the Cornwall Police Service and he asked if you had
4 some questions about his objectivity. And you agree, and
5 you said from day one you had some questions.

6 MR. GUZZO: Yes.

7 MR. ENGELMANN: Why was that?

8 MR. GUZZO: Well, the one time that I met
9 with him and I talked to him at length, he was emotionally
10 involved in the situation which I found strange, you know,
11 for a police officer.

12 MR. ENGELMANN: All right. Yet you did rely
13 on some of the material he gave you when you set out your
14 questions.

15 MR. GUZZO: I did, and I -- you know, I mean
16 I found it strange that he was emotionally involved but, on
17 the other hand, I found him sincere.

18 MR. ENGELMANN: All right. Sir, you were
19 asked this afternoon whether -- you were asked to confirm
20 that you might get some personal gain by getting an inquiry
21 here, and I think it was put down as personal pride, if you
22 were successful in getting this Inquiry through, the Bill
23 through the provincial legislature. Do you recall that?

24 MR. GUZZO: I did.

25 MR. ENGELMANN: Mr. Manderville asking some

1 questions?

2 **MR. GUZZO:** Yes.

3 **MR. ENGELMANN:** Can you tell us if your work
4 in asking for this Inquiry assisted you in any way in
5 advancing your political career?

6 **MR. GUZZO:** (Laughter) -- I guarantee you it
7 did not. I guarantee you it did not and I simply remind
8 you that this was my government and as far as anything that
9 spilled over to the Church, it's my Church.

10 **MR. ENGELMANN:** Sir, you were asked
11 questions about your own investigation. I just want to ask
12 you briefly about that. Were you actively investigating
13 these issues?

14 **MR. GUZZO:** I don't consider what I did
15 investigating. I don't think -- I think I can honestly say
16 I called no one, but I let it be known that if the -- to
17 people who contacted me -- if people wanted to contact me,
18 I would take the time to listen to them.

19 **MR. ENGELMANN:** All right. Sir, you were
20 asked a number of questions about the no-stone-untuned
21 issue, and I tried to find some references to this in the
22 database, and I would like to just show you a document.
23 It's document 1233000.

24 Sorry, 123300.

25 **THE COMMISSIONER:** Exhibit number 1152 is a

1 Ottawa ---

2 **MR. ENGELMANN:** It's an Ottawa Sun story. I
3 believe it's from March 22nd, 1999.

4 And sir, from just reviewing some of the
5 documentation, I believe it may be referring to a press
6 conference that happened either on the 10th or 11th of March
7 1999. A press conference that was held by the OPP.

8 --- **EXHIBIT NO./PIÈCE No. P-1152:**

9 (123300) Ottawa Sun media clipping "MPP
10 Knocks Project Truth" - 22 Mar '99

11 Mr. Guzzo, you mentioned that there were
12 several times when this fellow, Klancy Grasman was
13 mentioned as saying that this was coming to an end, this
14 was coming to an end?

15 **MR. GUZZO:** Yes.

16 **MR. ENGELMANN:** There were a number of other
17 articles, sir, so I think you're correct on that, but I
18 just wanted to ask you if you look about halfway down the
19 right-hand column, I am just going to read this to you:

20 "But Inspector Klancy Grasman, Deputy
21 Director of the OPP's Criminal
22 Investigations Bureau in Orillia
23 brushed aside Guzzo's criticisms and
24 said Project Truth investigators were
25 leaving no stone unturned in their

1 what took place from '97 onwards.

2 **MR. GUZZO:** Yes, yeah. But I feel that I
3 picked it out of a newspaper clipping referring to the
4 situation in '94, Christmas Eve '94, from one of the
5 Cornwall papers, but it's not a term that I would have used
6 myself. I had to pick it up from him. He used it often.

7 **MR. ENGELMANN:** Thank you, Mr. Guzzo. Those
8 are my questions. I'm over time, and I want to thank you
9 again for coming back and going through the last two days
10 with us.

11 **MR. GUZZO:** Thank you.

12 **THE COMMISSIONER:** Mr. Guzzo, I think it
13 goes without saying that I understand that you've had
14 health problems and that your coming back here is very much
15 appreciated by myself and, I think, the public of Ontario,
16 and I thank you for your cooperation in this regard. Thank
17 you very much.

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

19 **THE COMMISSIONER:** Thank you.

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

22 This hearing is adjourned until tomorrow
23 morning at 9:30 a.m.

24 --- Upon adjourning at 6:04 p.m./

25 L'audience est ajournée à 18h04

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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-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM