
Institutional Response of the Diocese of Alexandria-Cornwall

Introduction

As will be discussed in the Chapter 12, on the process of Phase 1 of the Inquiry, I found the Episcopal Corporation of the Diocese of Alexandria-Cornwall (referred to in this Report as the Diocese of Alexandria-Cornwall) to be a “public institution” within the language of the Order-in-Council. The response of the Diocese as a “public institution” to allegations of historical abuse could be examined and recommendations could be made for how it could and should respond to such allegations in the future.

I indicated that I would not be investigating the Roman Catholic Church, its doctrine, or its beliefs but rather the corporate entity of the Diocese as an employer of the priests who worked in the Diocese. In this chapter, I begin by providing an overview of the organizational structure of the Roman Catholic Church and the Diocese of Alexandria-Cornwall. This information is provided solely for background and contextual purposes.

The Organizational Structure of the Roman Catholic Church

The organizational structure of the Roman Catholic Church is set out in canon law, the body of laws that govern the Church. The Roman Catholic Church’s central administration is located in Vatican City, an autonomous state that is surrounded by Italy. The Pope is the head of the Church. The Roman Curia, which corresponds to a cabinet and civil service in secular society, assists the Pope in the administration of the Church.

The Church is divided into nine congregations. Each congregation is headed by a cardinal who lives in Rome. The Congregation for the Doctrine of the Faith is responsible for the unity of faith and for overseeing morals in the Church. Since 2001, all cases of alleged sexual abuse involving priests must be sent to the

Congregation for the Doctrine of the Faith. The Congregation for the Clergy is responsible for priests. The Congregation for Bishops is responsible for the functioning of the dioceses.

The Roman Catholic Church also has tribunals. There are three tribunals in Rome: (1) the Apostolic Penitentiary, (2) the Roman Rota, and (3) the Apostolic Signatura. The Apostolic Penitentiary deals with matters of conscience. It is private and involves no written documents. The Roman Rota is the supreme court of the Church. The Apostolic Signatura is the highest tribunal. It functions as the Privy Council did in Canada before the Supreme Court of Canada was declared the highest judicial authority. Its focus is on procedures followed, not on the content of the case. Since 2001, the Congregation for the Doctrine of the Faith has set up a parallel tribunal to the Apostolic Signatura, and as a result, none of the three tribunals discussed above deals with cases of priests alleged to have committed acts of sexual abuse.

The Roman Catholic Church also has pontifical councils, which are bodies that advise the Pope.

The Secretary of State and the congregations, tribunals, and councils constitute the Pope's "Cabinet." These bodies meet with the Pope on a regular basis.

The Roman Catholic Church is divided into ecclesiastical provinces, composed of an archdiocese headed by an archbishop, and a number of dioceses, each headed by a bishop. There are three ecclesiastical provinces in Ontario: Toronto, Kingston, and Ottawa. The Diocese of Alexandria-Cornwall is in the ecclesiastical province of Kingston.

Each diocese consists of a number of parishes. A parish is a body of Catholic people who are served by a priest.

According to Canon 447 of the 1983 *Code of Canon Law*, a Conference for Bishops is a permanent national or territorial institution that coordinates pastoral functions for the Christians in its territory "in order to promote the greater good that the Church offers to humanity." The Canadian Conference of Catholic Bishops (CCCCB) was founded in 1943 and officially recognized by the Vatican in 1948. It is composed of all bishops in Canada, including retired bishops. Paul-André Durocher, Bishop of the Diocese of Alexandria-Cornwall, testified that while the CCCC has no power to establish national protocols for dealing with issues such as sexual abuse, it has great influence on the creation of such protocols at the diocesan level.

Religious orders are groups of lay people or clergy such as priests, nuns, and monks who are not assigned to a particular location. Many religious orders have autonomy from dioceses and bishops because their members make vows of obedience to the superior of the order. To exercise ministry within a diocese, a member of a religious order must obtain permission from the bishop of the diocese.

Authority Within the Catholic Church

There is no central Church authority within particular countries. The Vatican is the sole central authority. The organization of dioceses into ecclesiastical provinces is to foster common pastoral action and relations between bishops in the diocese.

As discussed by Church officials at the hearings, the Catholic Church has a hierarchical, monarchical government structure in which power is held by the Pope as the head of the institutional Church and by the bishop in each diocese. The bishop of each diocese is accountable only to the Vatican.

Each bishop is required to send the Vatican a report on the state of his diocese every five years. Moreover, he is obliged to visit the Vatican every five years, at which time he is questioned on his report.

Orders of Deacons, Priests, and Bishops

There are three orders in the Catholic Church: the Order of Deacons, the Order of Priests, and the Order of Bishops. Deacons can baptize people, preside at marriages and funerals that do not include a mass, and proclaim the gospel and preach during mass. However, they cannot administer the Eucharist.

Priests can perform the same acts as deacons as well as administer the Eucharist, anoint the sick, hear confession, and, if so delegated by the bishop, preside over confirmation ceremonies. A priest has three main functions: (1) preaching, teaching, and setting up educational programs for his parishioners; (2) administering the sacraments, including the regular celebration of the Eucharist; and (3) acting as a leader, which includes setting up committees at the pastoral level.

The care of the diocese is entrusted solely to the bishop. Bishops can perform the same functions as priests as well as preside at confirmation ceremonies and ordain priests. A diocesan bishop is responsible for (1) evangelization and faith education, which involves preaching and teaching and ensuring that these duties are being performed well throughout the diocese; (2) liturgy, which involves leading the celebration of sacraments; and (3) leadership and organization, which includes being responsible for the financial administration of the diocese, the appointment of priests, deacons, and support staff, and the establishment of commissions and committees to coordinate Church life. It is important to note that diocesan bishops have no power to change anything regarding sacramental or liturgical law in the Church.

According to Canon 378 §1, a bishop must be:

1. outstanding in solid faith, good morals, piety, zeal for souls, wisdom, prudence, and human virtues, and endowed with other qualities which make him suitable to fulfill the office in question;

2. of good reputation;
3. at least thirty-five years old;
4. ordained to the presbyterate for at least five years;
5. in possession of a doctorate or at least a licentiate in sacred scripture, theology, or canon law from an institute of higher studies approved by the Apostolic See, or at least an expert in the same disciplines.

At least every three years, the bishops of an ecclesiastical province or a Conference of Bishops meet to compile a list of candidates considered suitable to become bishops. When a vacancy arises in a diocese the Apostolic Nuncio, also known as the Papal Nuncio, the ambassador of the Pope in a particular country, consults his networks to try to identify the person or persons who would be best for the diocese. In consultation with lay people and others, he prepares a list of three names, which he sends to the Congregation for Bishops in Rome. The prefect of the Congregation in Rome then gives his choice to the Pope, who has the final word on the nomination.

Organizational Structure of Dioceses in Ontario

The federal, provincial, and territorial governments of Canada do not recognize the Catholic Church as a legal entity. They recognize only the corporations under which Catholic dioceses operate. Diocesan corporations are autonomous, private corporate entities. Like other corporations, diocesan corporations are subject to regulations relating to corporate registration, taxation, and charitable status. In all of Canada other than Quebec, the bishop is the sole member, officer, and director of a diocesan corporation. Subject to certain negative financial limits beyond which a bishop cannot act without the Pope's permission, a diocesan bishop has control of all of the diocesan corporation's affairs.

Diocese of Alexandria-Cornwall

St. Andrew's Parish in the county of Stormont and St. Raphael's Parish in the county of Glengarry were granted official status by the Roman Catholic Church in 1802. The Diocese of Alexandria was established in 1890. In 1976, Bishop Eugène LaRocque was granted permission from the Congregation for Bishops to establish a co-cathedral in Cornwall and affix the name Cornwall, so that the Diocese became known as the Diocese of Alexandria-Cornwall.

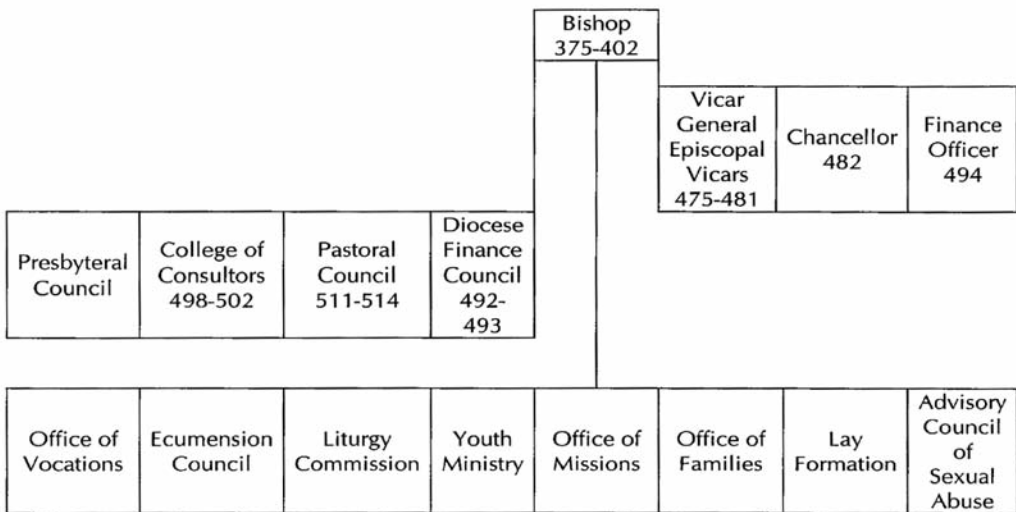
Approximately 56,000 of the 87,000 people in the geographic area of the Diocese of Alexandria-Cornwall are Catholic. There are thirty-one parishes in the Diocese of Alexandria-Cornwall. These parishes are located in the counties of Stormont and Glengarry as well as in the City of Cornwall. The largest parish in the diocese is St. Columban's, in Cornwall.

The Diocese of Alexandria-Cornwall is divided into four deaneries, which are groups of parishes.¹ Parishes are grouped to assist in facilitating collaboration among those that share geographic or linguistic similarities. The priests in each deanery elect a priest as a dean, and deans become members of the Presbyteral Council (described below). There are approximately thirty priests in the Diocese. About twenty of these priests are active and the others are retired.

The Diocese of Alexandria-Cornwall has been led by the following bishops:

- 1941–1966 Rev. Rosario Brodeur
- 1962–1964 Rev. Jacques Landriault (Auxiliary Bishop)²
- 1964–1967 Rev. Joseph-Aurèle Plourde (Auxiliary Bishop)
- 1967–1974 Rev. Adolphe Proulx
- 1974–2002 Rev. Eugène LaRocque
- 2002– Rev. Paul-André Durocher

A chart illustrating the governance structure of the Diocese of Alexandria-Cornwall follows:



The Vicar General, Episcopal Vicars, Chancellor, and Finance Officer are the “backbone” of the bishop’s staff. All dioceses have at least one vicar general, a priest who assists the bishop and exercises some administrative authority. Bishop Durocher testified that there is currently one Vicar General in the Diocese of

1. The City of Cornwall has an English and a French deanery, as does the surrounding countryside.
 2. An auxiliary bishop is an additional bishop assigned to a diocese for reasons such as if the diocesan bishop is unable to perform his functions or if the diocese is so extensive that it requires more than one bishop to administer.

Alexandria-Cornwall. Some bishops have episcopal vicars, to whom the bishop delegates some of his powers. Bishop Durocher stated that there are not currently any episcopal vicars in the Diocese of Alexandria-Cornwall. The Chancellor is responsible for maintaining the archives of the Diocese as well as the publication of decisions, edicts, and decrees of the Bishop. It is not necessary for him to be a priest. The Finance Officer is the chief assistant to the Bishop in administering the finances and assets of the Diocese. He is generally a lay person.

The councils described on the left of the chart are consultative bodies that assist the Bishop in the administration of the Diocese. The Presbyteral Council is a subset of priests, both active and retired. It includes the Vicar General and the Chancellor, priests elected by their peers, and priests named by the Bishop. A smaller group of five priests makes up the College of Consultors. This group acts only in special circumstances. For example, if the Bishop were incapacitated, the College of Consultors would convene to elect an administrator to replace him while a new Bishop was being named. Also, the Bishop needs to obtain this group's permission to sell property over \$450,000 or to close or open a new parish. The Pastoral Council is an advisory body to the Church that is composed mainly of lay people.

Diocesan activities are carried out by certain “ministries” or “commissions,” listed at the bottom of the chart. The Office of Vocations deals with the recruitment and training of future priests. The Ecumenism Council deals with the relationship of the Diocese with other churches. The Liturgy Commission represents the Diocese at national or provincial meetings regarding liturgical policies, practices, or developments. The Youth Ministry provides services to youth, including educational and religious services. The Office of Missions focuses on local, national, or international missionary activities of the Church. The Office of Families deals with marriage preparation, marriage counselling, remarriage, and the death of a spouse. And finally, the Lay Formation Ministry recruits and develops leadership teams to carry out diocesan and parish activities.

The next section of this chapter discusses the expert evidence presented at the Inquiry on canon law and on sexual abuse by members of the clergy. Father Thomas Doyle and Father Frank Morrissey were qualified as experts on these subjects at the hearings. They discussed issues such as the Catholic Church's historical response to sexual abuse by clergy, the 1983 *Code of Canon Law*, the 1992 *From Pain to Hope* document of the CCCB, and the 2001 and 2002 norms. Topics such as the secret archives of the Church as well as screening and training of members of the clergy on how to address sexual abuse were also canvassed. A discussion of the policies and protocols developed in the Diocese of Alexandria-Cornwall to address clergy sexual abuse follows the section on

the expert evidence. The balance of the chapter focuses on the institutional response of the Diocese of Alexandria-Cornwall to allegations of sexual abuse of and inappropriate contact with young persons by various members of the clergy. It discusses the institutional response of the Diocese to allegations of sexual misconduct by Father Gilles Deslauriers, Father Carl Stone, Father Charles MacDonald, Father Romeo Major, Father Paul Lapierre, Father Ken Martin, and other priests.

Expert Evidence on Canon Law and Sexual Abuse by Clergy

Background of Experts

Father Thomas Doyle received a Doctorate in Canon Law from the Catholic University of America in Washington, DC, in 1978. He obtained a Masters degree in Canon Law from the University of Ottawa in 1977. His dissertation was “The Canonical and Legal Foundation of the Dominican Order in Canada.” Father Doyle also received his Pontifical Licentiate in Canon Law from Saint Paul University in Ottawa in 1977. In addition, Father Doyle has Masters degrees in Philosophy, Political Science, Theology and Church Administration.

Father Doyle was ordained as a Catholic priest in 1970 in Dubuque, Iowa. A year after his ordination, he was assigned to a Dominican parish in River Forest, Illinois, where he worked as an associate pastor for approximately three years. In 1974, he was appointed an advocate for the Metropolitan Tribunal of the Archdiocese of Chicago, Illinois, and from 1978 to 1981, he served as a judge for this same tribunal. From 1986 to 1990, he was a tribunal judge for the Diocese of Scranton, Pennsylvania, and from 1991 to 1993, for the Diocese of Lafayette in Indiana. Father Doyle was also a tribunal judge for the Diocese of Pensacola-Tallahassee from 1993 to 1995.

Father Doyle served as secretary-canonist at the Vatican embassy in Washington, DC, from 1981 to 1986. His primary duties entailed managing the program whereby dioceses were created, candidates for the Office of the Bishop were proposed to the Vatican, and bishops were transferred. As the official staff canon lawyer, he was also responsible for a variety of research projects for the Papal Nuncio to the United States and provided assistance on difficult personnel issues, including cases of clergy sexual abuse.

Father Doyle served two terms as a consultant on matters of canon law for the United States National Conference of Catholic Bishops.³

3. Now called the United States Conference of Catholic Bishops.

Father Doyle was a faculty member at the Midwest Tribunal Institute of the Mundelein Seminary in Mundelein, Illinois, the Tribunal Institute of the Catholic University of America in Washington, DC, and the Institute of Spirituality in River Forest, Illinois. He was a visiting lecturer in canon law at the Catholic Theological Union in Chicago, Illinois, from 1979 to 1981 and the Catholic University of America in Washington, DC, from 1981 to 1986.

Father Doyle has acted as a support person, pastoral counsellor, and legal advocate for priests accused of sexual abuse since the mid-1980s. He has also provided pastoral care for victims of clergy sexual abuse and has been involved with victims' groups. Father Doyle is a certified alcohol, drug, and addictions therapist.

Father Doyle has received a number of awards for his work in the area of clergy sexual abuse, including a Priest of Integrity Award from the Voice of the Faithful, a Boston-based group of Catholic lay people committed to assisting survivors of clergy sexual abuse, the Cavallo Award for Moral Integrity, the Isaac Hecker Award for achievements in social justice, the Community Hero Award from the Association of Trial Lawyers, and the Red Badge of Courage Award from the Survivors Network of those Abused by Priests (SNAP). He has also received an official commendation from the Dominican Fathers for his “prophetic work in drawing attention to clergy sexual abuse and for advocating the rights of victims and abusers.”

Father Doyle has served as a consultant and expert witness on several hundred clergy abuse cases in the United States, Ireland, Israel, and Canada. He has been qualified as an expert in canon law, Church governmental structures, penal processes, and the rights and obligations of clerics; the spiritual and pastoral dimensions of clergy sexual abuse; and the historical background of clergy sexual abuse in the United States.

Father Doyle has authored a number of publications, including entries on canon law topics in *The Concise Catholic Encyclopedia* and articles on clergy sexual abuse. He co-authored a book entitled *Sex, Priests, and Secret Codes*, in 2006.

Father Doyle has worked on developing policies and procedures for clergy sexual abuse for dioceses and religious orders in the United States, Australia, and New Zealand. In 1985, he co-authored a manual entitled “The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner.” Father Doyle and his co-authors assembled an interdisciplinary team of experts on “medical, legal, psychological, moral and scriptural” child sexual abuse, to provide bishops in the United States with information to assist them with this issue. (The United States Conference of Catholic Bishops declined to accept this manual.) In 1986, Father Doyle and his co-authors sent the manual to all bishops in the United States. Father Doyle has since delivered seminars to priests in different areas of the United States on the legal, pastoral, and psychological aspects of sexual abuse of children.

Father Thomas Doyle was qualified at the Cornwall Public Inquiry as an expert in canon law and on the historical background of clergy sexual abuse.⁴

Father Francis Morrisey also provided expert testimony at the Inquiry. He has eleven degrees from the University of Ottawa and Saint Paul University. In 1972, he received a Doctorate in Canon Law from Saint Paul University. His doctoral dissertation, “The Juridical Status of the Catholic Church in Canada, 1534–1840,” addressed Church–state relationships in Canada.

Father Morrisey was ordained as a priest in Ottawa in the Missionary Oblates of Mary Immaculate in 1961. As a member of a religious institute, he is not incardinated in a diocese.

Between 1966 and 1983, Father Morrisey held several positions in the Canadian Canon Law Society, including President, Secretary-Treasurer, and Executive Secretary. He is an honorary life member of this society as well as the Canon Law Society of America, the Canon Law Society of Great Britain and Ireland, the Canon Law Society of Australia and New Zealand, and the Canon Law Society of Southern Africa.

From 1966 to 2005, Father Morrisey was a consultant to the Canadian Conference of Catholic Bishops’ (CCCCB) Canon Law Commission.

From 1973 to 1983, Father Morrisey was a judge for the Quebec Metropolitan Tribunal. He was appointed in 1983 as a judge for the Canadian Appeal Tribunal, the highest Church court in Canada for the adjudication of marriage cases. He continued in this capacity at the time of the Inquiry.

From 1985 to 2000, Father Morrisey served as a consultant to the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law in Vatican City. From 1994 to 1999, Father Morrisey was a consultant to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in Vatican City.

From 1972 to 1984, Father Morrisey was the Dean of the Faculty of Canon Law at Saint Paul University. In 2007, Father Morrisey became an adjunct professor at Saint Paul University in Ottawa. From 1984 to 2007, he was a titular professor at the Faculty of Canon Law of Saint Paul University. He has taught courses on several subjects, including Church penal law and crimes and penalties.

Father Morrisey received an award from the Pope for his work on the preparation of the revised 1983 *Code of Canon Law*. He also is the recipient of awards

4. The Diocese of Alexandria-Cornwall brought a motion to exclude the evidence of Father Thomas Doyle. Among the grounds were that Father Doyle was hostile to the interests of the Diocese and the Catholic Church and that he was biased and should not be qualified as an expert. I denied the motion on August 29, 2007. I stated that the Inquiry was a non-adversarial proceeding and that, in my view, Father Doyle has the qualifications to provide contextual expert evidence. Issues of concern regarding his testimony would go to weight.

from the Canon Law Society of America and the Canadian Canon Law Society for his work in the development and teaching of law.

Father Morrissey founded *Studia canonica*, a professional journal in canon law that is recognized worldwide, and he was the editor of this journal between 1967 and 2004. He has authored over 300 articles in the field of canon law and Church history, including a number of articles on sexual abuse of minors by clergy and responses to this abuse.

Father Morrissey has acted as a special advisor to Episcopal Conferences on the preparation and implementation of the *Code of Canon Law*. He has been invited to lecture to bishops, priests, and religious and lay people in many countries, including Vatican City, England, Ireland, France, Poland, Spain, Italy, Germany, Belgium, Canada, the United States, South Africa, Lesotho, Ghana, Australia, New Zealand, Kenya, Thailand, Sri Lanka, Denmark, and Peru.

Father Morrissey has testified and offered affidavits as an expert witness in numerous court proceedings in Canada, the United States, Namibia, and Singapore. He has acted as a consultant to parties in Church and secular litigation, some of which involved alleged abuse of young people by clergy.

Father Morrissey was qualified at the Inquiry as an expert in canon law and, in particular, abuse cases involving members of the clergy.

Frequency of Child Sexual Abuse by Roman Catholic Clergy

Father Morrissey states in a 2001 article, “Addressing the Issue of Clergy Abuse,” published in *Studia canonica*, that accusations of clergy sexual abuse were initially met with denial by Church officials. Even when it became evident that some of these accusations were true, Church officials were still reluctant to recognize the extent of this behaviour:

At first, accusations were generally met with denial; later on, when it became evident that there was indeed a foundation to at least some of the accusations, grudging steps were taken to address individual cases ... Church authorities were, obviously, reluctant to recognize the extent of such deviant behaviour. It just did not seem possible that it was widespread; rather, it was considered limited to isolated incidents.

Father Morrissey considers child sexual abuse by clergy a widespread global phenomenon. He stated that since 2001, when the Congregation for the Doctrine of the Faith became responsible for cases of child sexual abuse by clergy, the Congregation has been overwhelmed by the number of cases it has received. According to Father Morrissey, the Vatican has not released statistics on the results of these cases.

The United States Conference of Catholic Bishops commissioned a study, known as the John Jay study, to determine the prevalence of sexual abuse by priests and members of religious orders in the United States from 1950 to 2002. This information was collected through surveys distributed to the American dioceses and religious orders. Ninety-seven percent of the dioceses, which represented approximately 99 percent of Catholics in the United States, completed the surveys. There were some shortcomings in this study, according to Father Doyle. First, the information was collected from bishops, whose priests were the subject of the research in their respective dioceses. Father Doyle stated that a few dioceses were uncooperative and did not comply with the study. Second, the survey results did not include allegations considered to be “unfounded” or that were withdrawn. According to Father Doyle, there were some cases in which a bishop reported fewer allegations of sexual abuse than were reflected in diocesan files. When the bishops were asked about the discrepancy, they would explain that they had decided unilaterally that some of the allegations were unfounded.

According to the John Jay study, 4,392 of the 109,694 priests in active ministry between 1950 and 2002 were accused of sexual abuse of a minor, according to Church officials. This number represents approximately 4 percent of the priests in active ministry during this period. The study found that the number of complaints increased significantly in the 1960s and 1970s, peaked in the 1970s, and decreased in the 1980s and 1990s. According to the study, 81 percent of the complainants were male and the number of complaints regarding sexual abuse of males increased more than sixfold between the 1950s and 1970s.

The John Jay study reported that 56 percent of the accused priests had one allegation against them; 27 percent had two or three allegations against them; nearly 14 percent had four to nine allegations against them; and 3 percent of the priests had ten or more allegations against them. The 149 priests who had ten or more allegations against them involved 3,000 alleged victims and constituted 27 percent of the allegations.

Father Morrissey testified that he does not know of a Canadian study equivalent to the John Jay study.

The Catholic Church's Historical Response to Sexual Abuse by Clergy

Prior to 1917

Both Father Doyle and Father Morrissey provided testimony on early Catholic Church documents that discuss the seriousness of sex between adults and children. Sexual sins were raised at Catholic Church Councils, meetings of Church leaders at which current issues and their implications for the Church are discussed.

Councils often produce “exhortatory” statements and canons in regard to issues discussed. Many Councils, including the Elvira Council, the Lateran Councils, the Council of Basel, the Council of Trent, and the First Vatican Council or Vatican I, issued canons that condemned the sexual abuse of minors. Some of these laws set out penalties. For example, in 1178 the Third Lateran Council passed legislation stating that clerics who engaged in pederasty or sodomy were to be “dismissed from the clerical state” or “confined to monasteries to do penance.” Furthermore, canons issued as a result of the Council of Basel condemned not only sex between clerics and young boys but also clergy superiors who condoned this activity or who were aware of such activity but failed to take any action.

The Council of Trent authorized the use of *ex informata conscientia*, or “informed conscience,” which allows a bishop to take action against a priest based on information received rather than proceeding through a lengthy administrative or judicial process. In other words, if a bishop obtained what he believed to be reliable information that a priest was sexually abusing a child, he could suspend the priest without process.

Father Doyle explained that sexual sins, such as sexual relations between priests and children or young adolescents, were mentioned regularly in the penitential books. These books were unofficial manuals used between approximately the 6th and 12th centuries that were designed to assist priests in hearing confessions. They contained lists of sins and corresponding penances, and according to Father Doyle, are a valuable source of information about what the community considered to be inappropriate behaviour. The higher the rank of the Church figure, the more stringent the penalties.

Father Doyle discussed the *Book of Gomorrah*, written in the 11th century by St. Peter Damian, which describes a variety of sexual crimes by the clergy, including a priest soliciting sex from male or female penitents during confession and sex between priests and bishops and young boys. It also condemns ecclesiastical and religious superiors who condone this type of activity. When St. Peter Damian sent a report on these issues to the Pope, the Pope’s response was that although these issues were serious, a priest would not be defrocked for only one or two instances of sex with a minor.

The first formal collection of Church laws, promulgated in 1234, contained procedures on sexual abuse of a child by a cleric. Priests convicted of abusing a child would be sentenced to imprisonment in a monastery for seven years with their diet restricted to bread and water.

In the mid-16th century, Pope Pius V issued two documents that addressed clergy sexual abuse, *Horrendum est* and *Suit nuper*. The former, which set out penalties for the sexual abuse of young boys by the clergy, was a public document that was posted on the doors of churches.

In 1741, Pope Benedict XIV issued a document that addressed solicitation of sex by priests within the context of sacramental confession. Father Doyle explained that while some areas issued local legislation regarding solicitation in the confessional, this was the first document on the subject that “touched the entire Church.” As Father Doyle stated, misusing the sacrament of confession in this way is extremely serious, as people are at their most vulnerable during confession. Roman Catholics believe that in confession, the priest takes the place of Christ in giving them absolution. They believe they will be condemned to hell if they die without absolution.

In 1866, Pope Pius IX issued an instruction that imposed absolute secrecy on the process of prosecuting crimes of solicitation during confession.

1917 *Code of Canon Law*

The first *Code of Canon Law* was created in 1917 under Pope Pius X. Canon 2354 §2 states that if a cleric is convicted of raping a youth of the opposite sex, he will be:

... punished by an ecclesiastical tribunal, according to the varying degree of the fault, with penances, censures, privation of office and dignity and, if it seems necessary, also with deposition.

Canon 2359 §2 states that if a cleric engages with a minor under sixteen years old in a number of sexual acts, including sodomy, he will be “suspended, declared infamous,” and “deprived of any office, benefice, dignity” and responsibility within the Church. In more serious cases, the cleric would be removed from his position in the Church. The bishop was required to hold a formal penal trial if he wished to have an accused priest dismissed from the clerical state. If he wished to remove the priest from ministry, he could do so through “administrative action,” meaning that no formal trial was required. According to Father Morrissey, few dioceses conducted canonical penal processes.

Allowing a bishop to suspend a cleric under his authority by way of informed conscience, authorized by the Council of Trent, was confirmed in Canon 2186. However, a bishop was not authorized to dismiss a priest from the clerical state through informed conscience. If a bishop wished to take this step, he was required to establish a formal tribunal to hear the case and there was an opportunity to appeal the decision to an ecclesiastical court.

According to the 1917 *Code of Canon Law*, if a cleric was required to take action but failed to do so, he could be charged with an ecclesiastical crime. Thus, if a bishop knew one of his priests was sexually abusing children and did nothing about it, he could be charged with cooperation in that crime.

Father Morrissey stated that the 1917 *Code of Canon Law* also set out “terrible penalties” for priests who misused the confessional to arrange meetings for a sexual purpose.

1922 and 1962 Instructions

The 1922 document *Instructio de modo procedendi in causis sollicitationis* provided bishops with instructions on how to proceed for cases of solicitation in the confessional and other “worst crimes,” such as homosexuality, bestiality, and sex with minors. Father Morrissey explained that instructions are not laws; rather, they are similar to regulations that delineate how a law is to be applied. The 1917 *Code of Canon Law* set out the laws and penalties regarding the worst crimes, and the instructions delineate which crimes are to be considered the worst crimes and the process for dealing with such crimes. The 1922 document elevated sexual abuse of minors to the level of the worst crime.

The 1922 instructions defined a minor as an individual who had not yet reached puberty. Thus, for sexual abuse of a minor to be defined as a worst crime, the minor would need to be prepubescent, which Father Morrissey stated was twelve years old for girls and fourteen years old for boys.⁵

Father Morrissey explained that although diocesan tribunals were to be set up to deal with the worst crimes, such tribunals were not created until the 1940s. Bishops had a residual plenary power to punish by administrative action, and this was generally how cases continued to be handled.

The 1922 instructions were protected by the Secret of the Holy Office, the highest form of confidentiality in the Church. They were sent to all bishops secretly. The 1922 instructions were stored in the secret archives and were not taught in seminaries. Father Morrissey explained that bishops appointed after 1922 who did not review the archives would not have known of the existence of the instructions.

Father Doyle and Father Morrissey testified that the 1922 and 1962 documents did not forbid people from disclosing sexual abuse to civil authorities prior to the commencement of the ecclesiastical process. However, from the commencement of the Church’s preliminary investigation into an allegation of sexual abuse, anyone involved in the process, including the accuser, the alleged perpetrator, witnesses, and individuals representing the alleged perpetrators, were bound to perpetual silence by the Secret of the Holy Office. According to Father Morrissey, breaching this secret resulted in automatic excommunication.

In 1962, the instructions were revised with only minor changes.

5. Note that the 1922 instructions are in Latin and that they were interpreted by Father Morrissey.

The first time the instructions were officially mentioned in a document from the Vatican was in a 2001 letter from Cardinal Joseph Ratzinger, head of the Congregation for the Doctrine of the Faith at the time. The letter addressed the release of new norms regarding “certain grave delicts ... including the sexual abuse of minors by priests.” It stated that previous norms remained in effect but needed to be revised, and it mentioned the 1962 instructions in a footnote. The mention of the 1962 instructions in Cardinal Ratzinger’s letter raised debate over whether the 1962 instructions were in effect after 1983. Canon 6 of the 1983 *Code of Canon Law* introduced a new procedure for handling allegations of sexual abuse against young people, and it stated that previous legislation was abolished. However, some argued that the instructions were not law and therefore were still in effect. In Father Doyle’s view, whether the 1962 document still applied after the 1983 *Code of Canon Law* was promulgated is a moot point because very few people were aware of the 1962 document and it was not used a great deal.

Father Doyle testified that he believes the secrecy surrounding the 1922 and 1962 instructions is indicative of the large role of secrecy in the institutional Catholic Church.

Response of the Catholic Church to Clergy Sexual Abuse Today

1983 Code of Canon Law

The 1983 *Code of Canon Law*, which continues to apply today, sets out a new procedure for dealing with allegations of sexual abuse by clergy. Canon 1395 §1 states that a cleric who “persists with scandal” in engaging in prohibited sexual activity is to be punished by suspension and “if he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.” This canon further states that a cleric who engages in prohibited sexual activity “by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.”

Father Morrissey explained that the “just penalties” referred to in this canon are found in Canon 1336 §1, which states:

In addition to other penalties which the law may have established, the following are expiatory penalties which can affect an offender either perpetually, for a prescribed time, or for an indeterminate time:

1. a prohibition or an order concerning residence in a certain place or territory;
2. privation of a power, office, function, right, privilege, faculty, favor, title, or insignia, even merely honorary;

3. a prohibition against exercising those things listed under n. 2, or a prohibition against exercising them in a certain place or outside a certain place; these prohibitions are never under pain of nullity;
4. a penal transfer to another office;
5. dismissal from the clerical state.

According to Father Morrissey, this canon contemplates a graduated approach to these penalties and suggests that dismissal from the clerical state should be considered the last step.

Canon 1389 §2 provides a penalty, including dismissal from office, for a Church official who, with culpable negligence, fails to perform an act of ecclesiastical governance. This appears to apply to a bishop who knew that a priest was abusing children but took no action to enforce Canon 1395.

The 1983 *Code of Canon Law* set the limitation period for a case of sexual abuse of a minor at five years.

In addition, it removed the ability of a bishop to proceed by way of informed conscience, which had enabled a bishop to take action against a priest without proceeding through a formal process. This was considered to be unfair, as it was at the discretion of the bishop and offered no right of defence, recourse, or appeal for accused clergy.

The 1983 *Code* introduced protections and due process rights for accused clergy. Canon 220 states: “No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.” This canon has been interpreted to mean that an accusation should not be publicized pending the results of a secular trial, in order to protect the reputation of the priest in question. Moreover, Canon 221 states:

- §1. The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.
- §2. If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the prescripts of the law applied with equity.
- §3. The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.

As Father Morrissey explained, this canon grants a priest accused of abusing a minor the right to canonical counsel, the right to know the accusations against him, the right to know who is testifying against him, and the right to appeal a decision.

Father Morrissey stated that between 1983 and 2001, sexual abuse trials were handled by local tribunals set up at the diocesan level. However, he was not aware of any sexual abuse cases that went to trial in Canada during that period. Father Doyle also stated that there was “scant evidence” that the crimes mentioned in Canon 1395, which included sexual activity with a minor under sixteen years old, were actually prosecuted.

2001 and 2002 Norms

Father Morrissey testified that prior to 2001, it was expected that a warning would be given before a suspension, censure, or excommunication was imposed on members of the clergy. However, since 2001, every priest has been required to sign a diocesan protocol that indicates they are aware of the consequences of committing sexual abuse.

In 2001, the Vatican released a document entitled *Litterae apostolicae motu proprio datae*, which contained new norms regarding the sexual abuse of minors by clergy. The norms raised the age at which an individual is considered to be a minor from under sixteen years old in the 1983 *Code of Canon Law* to under eighteen years old. The limitation period was also increased for cases of sexual abuse of minors by clergy from five years (in the 1983 *Code of Canon Law*) to ten years. Moreover, this limitation period would begin only once an individual had reached the age of eighteen.

Perhaps the most notable change is that the 2001 norms removed the ability of local dioceses to prosecute complaints regarding the sexual abuse of minors by clergy. As mentioned, since 2001, solely the Congregation for the Doctrine of the Faith has been permitted to prosecute such cases. If a bishop receives a complaint of sexual abuse, he is to conduct a preliminary inquiry to determine whether the accusation has a semblance of truth, and if so, he is required to send the information he has gathered, and his recommendations, to the Congregation for the Doctrine of the Faith. However, if a bishop determines that an accusation is unfounded, he is not required to forward any information to the Congregation.

Father Morrissey testified that prior to 2001, the Congregation for the Clergy dealt with some cases of sexual abuse of minors, but he thought that this would have been fairly rare.

Notwithstanding the requirement since 2001 that a bishop refer all cases of clergy sexual abuse of minors to the Congregation for the Doctrine of the Faith, the bishop retains the authority to apply a number of administrative measures, pending the decision from Rome. Canon 1722 states:

To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of

justice and cited the accused, at any stage of the process can exclude the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist.

In 2002, some adaptations to the 2001 norms were released. Bishops were granted the right to seek a waiver of the ten-year limitation period and the adaptations authorized administrative dismissal from the clerical state, which meant that this could be done without a formal trial.

When the Congregation for the Doctrine of the Faith receives a complaint, it can (1) direct the diocese that sent the complaint to prosecute the case in its own or in another diocese; (2) prosecute the complaint in its own tribunal; or (3) recommend an administrative dismissal from the clerical state. If the diocese prosecutes the case, there is the possibility of appeal to the Tribunal of the Congregation for the Doctrine of the Faith. If the Congregation decides to try the case in its own tribunal, the victim or accused may be interrogated at the Vatican, but generally there are people in the country where the complaint is made who are mandated to gather the evidence and send it to the Vatican. The judges of the Tribunal of the Congregation for the Doctrine of Faith render their decision and inform the affected persons. Then there is an automatic appeal to another bench of judges in the Congregation. After this appeal, the final decision is rendered and the penalty is imposed.

If an individual had made a complaint to civil authorities, the Church generally awaits the outcome of the criminal process. It is important to note, however, that once a case has been sent to the Congregation for the Doctrine of the Faith, all those involved in the case are sworn to perpetual silence. When the Vatican asks a local bishop to set up a tribunal to deal with a case, the tribunal is acting as a circuit court for the Congregation for the Doctrine of the Faith and the Secret of the Holy Office applies to its work. If a victim who is under an oath of perpetual silence decides he is not satisfied with the way the Church has dealt with his case and discloses to the police, the local bishop can excommunicate the victim for breaking the oath.

As Father Morrissey explained, because the canonical trial process is secret, the laity would not usually know that a particular priest had been dismissed from the clerical state because of sexual abuse.

Since 2001, when cases of child sexual abuse by clergy were reserved to the Congregation for the Doctrine of the Faith, the Congregation has been overwhelmed by the number of cases it has received. Father Morrissey stated that it has been difficult to deal with these cases in an expeditious manner.

Canada

The legislation and protocols currently applicable in Canada include the 1983 *Code of Canon Law*, the 2001 and 2002 norms, a 1992 publication of the CCCB entitled *From Pain to Hope*, and laws promulgated by bishops in their respective dioceses.

The Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy (the Winter Commission) was created in 1990 to inquire into the sexual abuse of children by diocesan priests in the St. John's Archdiocese. The Commission was a Catholic Church initiative.⁶ The Archbishop of St. John's appointed former Lieutenant Governor the Honourable Gordon A. Winter as the Commissioner. The Commission's report, referred to as the Winter Report, recommended that the Catholic Church formally acknowledge and accept its responsibility for the abuse of children by members of its clergy.

In 1992, within two years of the publication of the Winter Report, the CCCB released a document entitled *From Pain to Hope*, which made recommendations about policies, procedures, and protocols that should be developed in Canadian dioceses regarding sexual abuse of minors by clergy. However, it is essential to note that this document is not binding on dioceses. The document was sent to all bishops in Canada, who were asked to promulgate a binding diocesan protocol on the subject. Father Morrissey testified that he does not know of any diocese that does not currently have such a protocol. In many cases, these protocols were based on the provisions in the CCCB document.

From Pain to Hope states that the Church "too readily shelters its ministers from having to account for their conduct ... [and] is often tempted to settle moral problems behind a veil of secrecy which only encourages their growth." It encourages the Catholic Church to acknowledge and take responsibility for clergy sexual abuse. The CCCB document states:

The spontaneous reaction of shamed self-defense must be avoided under the circumstances, lest one risk becoming, consciously or not, party to further cases of abuse. The fear of scandal often conditions our instinctive reactions of inadvertently protecting the perpetrators and a certain image of the Church or the institution we represent, rather than the children, who are powerless to defend themselves.

6. G.A. Winter, *Report of the Archdiocesan Commission of Enquiry Into the Sexual Abuse of Children by Members of the Clergy* (Winter Report), (St. John's, NF: Archdiocese of St. John's, 1990), p. viii.

From Pain to Hope suggests that each bishop establish an advisory committee of at least five persons in their diocese and that issues involving sexual abuse should be referred to this committee. The document states that the composition of this committee should be as diversified as possible and should include a canonist, a civil lawyer, and a professional person with experience treating victims of sexual abuse or treating those with sexual disorders. *From Pain to Hope* recommends that the advisory committee develop a protocol to deal with allegations of clergy sexual abuse. It suggests that each diocese appoint a priest, referred to as a “bishop’s delegate,” to take responsibility for issues regarding sexual abuse. In the event of a complaint of clergy child sexual abuse:

The delegate should be empowered and directed by the bishop to act immediately (i.e., within twenty-four hours or as soon thereafter as possible), with a view to determining in a discreet and pastoral manner whether there are reasonable and probable grounds to believe there was child sexual abuse by a priest.

The document states that if the delegate determines that the allegations are frivolous or unsubstantiated, the inquiry will be terminated. However, if such grounds are established, “The priest under inquiry should be placed on administrative leave with pay.”

From Pain to Hope states that if secular proceedings are underway, it may be preferable to delay further canonical inquiry until the matter has been resolved before the secular courts. However, if there are no secular proceedings and the accused priest admits that the allegations are true, the delegate is to immediately present a report on the investigation to the diocesan bishop.

If the priest denies the allegations, the delegate is to conduct further inquiry. If, after hearing from those who have brought the complaint, the delegate believes there is reason to proceed further, the accused priest is to be granted the opportunity to be heard. Lawyers for the diocese or the accused or members of the advisory committee may be asked to participate in this stage of the inquiry. If there is reason to proceed further, with his consent the priest will be referred to a treatment centre for an assessment. If it is determined that the accused priest can be considered responsible for his actions, the advisory committee will determine whether the matter should be referred to the diocesan bishop.

If the diocesan bishop decides to proceed in an administrative manner, then he may impose the appropriate penalties according to Church law. Alternatively, the bishop can decide that the case should be judged by a canonical penal trial and pass the evidence on to the promoter of justice. If the promoter of justice considers it opportune to begin a canonical trial, then the provisions of Canon 1722

can be applied: the accused can be excluded from ministry or from a Church position or function, required or forbidden to live in a particular place or territory, or prohibited from public participation in the Eucharist. If the accused is found guilty at the conclusion of the trial, the appropriate canonical penalties would be imposed.

In 2002, the CCCB established a task force to report on progress regarding *From Pain to Hope* ten years after its release. The task force reported in 2005. It outlined a number of concerns, many of which focused on the treatment of victims and the accountability of bishops. While the task force found that the majority of dioceses had implemented measures related to clergy sexual abuse based on *From Pain to Hope*, some dioceses did not provide the information the task force requested, and as a result, it was not able to confirm that all dioceses had done so.

The task force recommended that the CCCB adopt a national protocol to which the bishop of each diocese would be invited to make a commitment. This approach was chosen in order to respect the autonomy of each diocese. The protocol proposed the retention of the majority of the recommendations in *From Pain to Hope* but suggested further measures to promote greater diocesan transparency in regard to clergy sexual abuse and to increase the accountability of bishops for the management of clergy abuse. The protocol also contained measures designed to prevent clergy sexual abuse, such as security clearance for those working with children. Father Morrissey testified that he was not aware of any follow-up in regard to this document.

United States

In the mid-1990s, after *From Pain to Hope* had been released, the United States Conference of Catholic Bishops published a series of documents on clergy sexual abuse entitled *Restoring Trust*. According to Father Doyle, these documents were fairly ineffectual and were not widely distributed.

In 2002, a series of articles about clergy sexual abuse appeared in *The Boston Globe*. This information led to a grand jury investigation in Boston and about twelve other grand jury investigations in other areas of the United States, some of which were in progress when the Church experts testified at the Inquiry. Father Doyle explained that a grand jury is a body composed of twenty-four people who consider evidence on a particular issue and decide whether there is sufficient evidence to justify proceeding to a trial. He stated that the Boston grand jury investigation revealed that more than eighty priests in Boston had allegedly sexually abused children and either been allowed to maintain clerical assignments or been transferred to another location. Moreover, because the statute of limitations had lapsed, some criminal proceedings were not pursued.

In 2002, shortly after the *Boston Globe* articles were published, the United States Conference of Catholic Bishops developed and adopted the Dallas Charter and Norms.⁷ Generally, a national Conference of Bishops cannot create legislation that applies across the country. However, the United States Conference of Catholic Bishops asked the Pope for permission to enact law for the United States on the issue of clergy sexual abuse, which was granted. Therefore, the Dallas Charter and Norms, unlike *From Pain to Hope*, are binding on all dioceses in the United States.

The Dallas Charter and Norms contain a “one-strike-you’re-out” policy—any person, either priest or deacon, will be permanently removed from ministry for any act of sexual abuse. The original version of the preamble to the norms states: “Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behaviour by which an adult uses a minor as an object of sexual gratification.” As Father Morrissey explained, this is a broad definition of sexual abuse that can encompass an array of acts from serious sexual abuse to leering. It is noteworthy that in 2006, the United States Conference of Catholic Bishops revised the norms and significantly narrowed the definition of sexual abuse to committing adultery with a minor as understood in canon law.

Father Morrissey was critical of the “one-strike-you’re-out” policy. In his view, the United States Conference of Catholic Bishops should have taken action in regard to clergy sexual abuse much sooner. Father Morrissey believed that this lack of action caused the Conference to act too strongly. In his opinion, removing the option of rehabilitation was excessive. Furthermore, he claimed that although Canon 9 says the law is not retroactive, the “one-strike-you’re-out” rule is improperly being applied retroactively.

Father Doyle also provided some criticism of the Dallas Charter and Norms. He stated that the norms address only deacons and priests who have sexually abused children, not bishops who have abused or have been complicit in a cover-up. He also said that rather than having a face-to-face audit on an annual basis, the United States bishops prefer to provide their own reports regarding their compliance with the Dallas Charter and Norms. There has been criticism that bishops “immediately started to water down the compliance reports.”

The Dallas Charter required the creation of an Office for Child and Youth Protection at the headquarters of the United States Conference of Catholic Bishops. This Office was to assist with the implementation of policies and programs related to the Dallas Charter and to ensure that dioceses were adhering

7. The *Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* is commonly referred to as the Dallas Charter and Norms.

to the document. A National Review Board was established to assist and monitor the Office in its duties. The National Review Board was also tasked with commissioning a study of the causes and context of clergy sexual abuse in the United States. In 2004, the National Review Board issued a document entitled *A Report on the Crisis in the Catholic Church in the United States*, which focused on the responsibility of the Catholic Church for the sexual abuse of minors by members of its clergy. The Report discussed cover-ups and lack of adequate action in responding to victims of sexual abuse: “Even more troubling than the criminal and sinful acts of priests who engaged in abuse of minors was the failure of some bishops to respond to the abuse in an effective manner.” It made recommendations regarding enhanced screening, training, and oversight of clergy, increased sensitivity and effectiveness in responding to allegations of abuse, greater accountability of bishops and other Church leaders, and improved interaction with civil authorities:

A. Further Study and Analysis

- The bishops and religious ordinaries should continue to support the undertaking of a comprehensive scientific study relating to the causes and context of sexual abuse in the Church and in society. In Article 16 of the Charter, the bishops pledged their willingness to cooperate in such research “with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations.” The problem of sexual abuse of minors is a societal problem, and the Church can take the lead in addressing the problem throughout society.
- The bishops should agree to ongoing diocesan audits to ensure compliance with the Charter and the Essential Norms.
- There should be a periodic review of the effectiveness and fairness of the zero-tolerance policy to ensure the application of individualized justice.

B. Enhanced Screening, Formation, and Oversight

- Bishops and seminary leaders must ensure that each candidate is a mature, psychologically well-adjusted individual, with an unequivocal commitment to a life of service to the Church and her people, and a clear understanding of the challenges of the priesthood, including celibacy, before admission into the seminary. A bishop must get to know each potential candidate and exercise good judgment in determining whether the candidate is suitable for the priesthood. Candidates should be thoroughly vetted through all appropriate methods.

- Seminaries must provide better preparation for the challenges of living a celibate life in today's culture.
- Seminaries must institute rigorous procedures for continually evaluating the suitability of those admitted to study for the priesthood, as well as mechanisms (including expulsion) for addressing problems identified in the evaluation process.
- Seminaries themselves must be more rigorously evaluated. The upcoming Apostolic Visitation should be conducted by independent, knowledgeable individuals who can provide an honest, informed, and unbiased evaluation. It must examine both the curriculum and the formation program. To the extent that institutions operating certain seminaries are not providing adequate oversight, the seminaries should be placed under different authority.
- A healthy priest is connected to God, connected to his bishop or religious superior, connected to his fellow priests, and connected to the People of God. Accordingly, there must be ongoing intellectual, spiritual, and psychological formation and monitoring of priests after ordination. Priests should be encouraged to participate in fellowship groups with other priests, to form close, healthy relationships with priests and with laity, and to maintain an active prayer life.
- Bishops must meet frequently with their priests to monitor their morale and emotional well-being. A bishop must know his priests.
- Each bishop should meet annually with the religious superior for any non-diocesan priests who are resident in his diocese to ensure that the religious superior takes responsibility for monitoring the non-diocesan priests engaged in ministry in the diocese.

C. Increased Sensitivity and Effectiveness in Responding to Allegations of Abuse

- Seeing to the welfare of victims of abuse must be the primary duty of the Church when confronted with evidence of abuse. Dioceses must ensure that victims of clergy sexual abuse are encouraged to come forward and are treated with respect, dignity, and compassion.
- Bishops and Church leaders must recognize both the criminal and the sinful nature of the sexual abuse of minors by members of the clergy. Bishops must respond vigorously to all allegations of abuse, maintain accurate records of such allegations and the responses thereto, and openly exchange information with other dioceses about such allegations.
- All bishops and leaders of religious orders should meet with victims and their families to obtain a better understanding of the harm caused by

the sexual abuse of minors by clergy. Bishops and leaders of religious orders must be personally involved in this issue and not delegate a matter of such importance to others.

- In assessing individual cases in order to determine whether the priest engaged in an act of sexual abuse of a minor and therefore must be removed from ministry, bishops and other Church leaders should honor the rights of accused priests and consult with their lay review boards, so that together they might strive for individualized justice in light of their developing experience and expertise.
- Dioceses and religious orders should re-examine their litigation strategies to ensure that a pastoral response takes precedence over legal tactics. Dioceses should eschew litigation when possible and earnestly pursue other avenues of resolving allegations of abuse.
- In seeking therapeutic options for priests who have engaged in sexual abuse of minors, the dioceses should use only well-qualified treatment centers that specialize in treating sexual disorders and that are able and willing to evaluate patient outcomes in a disinterested professional fashion.
- The Church should make use of national or regional canonical tribunals in the United States to consider cases for laicization under the Charter in order to ensure that experienced individuals hear and decide these cases and that they are decided in a consistent fashion. Bishops should ensure that the appropriate authorities at the Vatican are provided with a comprehensive and complete file to review when determining whether to laicize a priest.

D. Greater Accountability of Bishops and Other Church Leaders

- The process for selecting bishops should include meaningful lay consultation.
- The bishops should trust and learn to make greater use of those consultative and deliberative bodies established by canon law to assist them in the pastoral care and governance of their dioceses. These bodies should be filled with faithful laypersons and priests who are talented, responsible, and dedicated to the Church, but who are also capable of offering, and who are expected to offer, truly independent counsel to the bishop.
- The Church should consider restoring and strengthening the role of the metropolitan archbishop in overseeing suffragan bishops and should consider steps to enable the national conferences to serve as information clearinghouses and to provide enhanced information flow among dioceses about critical issues facing the Church.

- The bishops should be more willing to engage in fraternal correction and should appeal to the Vatican to intervene if a particular bishop appears unable or unwilling to act in the best interests of the entire Church.
- An audit team through the Office of Child and Youth Protection should review the handling of abuse allegations by individual dioceses and orders. The audit team should publish its findings in a report so that the laity will be apprised of the results.

E. Improved Interaction with Civil Authorities

- Dioceses and orders should report all allegations of sexual abuse to the civil authorities, regardless of the circumstances, or the age or perceived credibility of the accuser.
- Dioceses and orders should endeavor to resolve civil claims and government investigations on reasonable terms and in a manner that minimizes the potential for intrusion of civil authorities into the governance of Church matters.

F. Meaningful Participation by the Christian Faithful in the Church

- The bishops and other Church leaders must listen to and be responsive to the concerns of the laity. To accomplish this, the hierarchy must act with less secrecy, more transparency, and a greater openness to the gifts that all members of the Church bring to her.

Father Doyle testified that Church leaders in the United States are still failing to respond appropriately to complaints of clergy sexual abuse. He stated that there have been instances of bishops intentionally returning sexual abusers to their ministries without disclosing the situation to the parish.

Despite some criticism of the Dallas Charter and Norms, Father Doyle stated, “I do think it is a useful exercise to have a uniform policy ... because if it is suggested as *Pain to Hope* was, you’re going to end up several years down the line with another document such as the 2005 critique of *From Pain to Hope* which mainly said these things look nice but they weren’t done ... I suspect ... the Dallas ... norms will be further refined and changed to reflect the needs that have arisen and the critiques.”

Adequacy of Canon Law to Deal With Sexual Abuse by Clergy

According to *A Report on the Crisis in the Catholic Church in the United States* (2004) by the National Review Board, canon law is inadequate to deal with cases

of sexual abuse for many reasons. The first reason is that canonical tribunals in dioceses do not have the expertise to handle involuntary laicization cases.

The second reason is that the canon law process for dealing with sexual abuse cases is impeded by the concept of “imputability,” which provides that dismissal from the clerical state cannot be imposed if the accused priest is found not fully responsible for his actions due to an illness or psychological condition. Father Morrissey disagreed with this statement and commented that although a bishop could not dismiss a priest from the clerical state due to a mental illness, the Vatican could do so.

The third reason for the inadequacy of the canon law for cases of sexual abuse, according to the Report, was that “process often took precedence over substance.” Convictions could be overturned by the Vatican years after the fact due to failure to follow technical procedural requirements. One bishop was quoted in the Report as saying, “We were all very hesitant to do a canonical trial because if there’s any procedural flaw in it you can easily be overturned on appeal to Rome.” However, Father Morrissey argued that this situation also exists in secular courts, as an appeal court can overturn a first instance court because procedures were not followed.

The Report also stated there was a sense that Vatican tribunals had traditionally erred on the side of protecting the accused rather than on assisting the victim. Below are some excerpts from the U.S. National Review Board Report:

A significant cause of the inadequate response of Church leaders to allegations of sexual abuse was the fact that in assessing allegations against accused priests, presumptions rooted in both theology and Church culture heavily favored the accused priest. Surveying the landscape in certain dioceses, one bishop noted, “There is a larger pattern of protection of priests first, rather than protecting the children first.”

...

... Until recently, ... bishops all too often treated victims of clerical sexual abuse as adversaries and threats to the well-being of the Church, not as injured parishioners in need of healing. Far too frequently, they treated predator priests as misdirected individuals in need of psychological treatment or a simple change in environment, rather than as criminal offenders to be removed from ministry and reported to civil authorities for possible prosecution and appropriate punishment. These approaches did not solve any problems but rather served to exacerbate them.

...

... [C]anon law procedures made it very difficult to take action against a priest. As one bishop told the Board, “I’m not a canon lawyer, but I happen to think that the Code of Canon Law we’ve got is flawed ... I just think it’s so much weighted toward the rights of the individual that the common good of the Church is not adequately protected.”

...

Reportedly, the Vatican courts tended to err on the side of protecting a priest because of a concern that bishops could seek to use canon law to rid themselves of priests whom they did not like or with whom they disagreed on some point or another. The focus of the law and of the canonists interpreting and applying the law historically was on protecting the rights of the accused. Although the Review Board believes it is important to protect the rights of accused priests, it also believes that greater consideration must be given to the protection of the faithful.

Father Morrissey believes that canon law might have been adequate to deal with clergy sexual abuse of children if it had been used. Father Doyle commented that historically it was often within the bishop’s discretion to determine how to deal with sexual abuse and that until recently, almost all incidences of sexual abuse of minors were handled without process. Father Doyle testified that in his examination of confidential Church records over a twenty-year period, he had seen evidence of a tribunal process only about three times in several thousand instances of clergy sexual abuse:

... [T]he bishop decided when it was too inconvenient to go through process. And unfortunately, what happened in all the cases, the individual was transferred to another assignment in the same diocese or in another country or another diocese where inevitably he would continue to offend.

Dioceses that received accused priests were often not notified of the reason for the transfer. Father Doyle testified that he knew a priest who turned himself in about two or three times to bishops and was given a new assignment each time. He also mentioned a case in which three priests had been convicted in a canonical trial of sexually abusing young boys at a school in Colombia and their sentence was to study sociology for at least a year outside the country. He said that one of the priests was sent to California, where he had family and it was known why he

was there. Nevertheless, the priest was assigned to another parish and within a week there was another complaint.

In Father Doyle's opinion, it has been a combination of public pressure, the media, and lawsuits that have caused the Church to take action in regard to sexual abuse by clergy:

... [I]t has been the pressure from the media, the public pressure as well as the pressure from the litigation that has caused these things to happen, the action that the Church has taken—the institutional Church has taken. Otherwise, sad to say, I think they'd still be dragging.

The Effect of Secrecy in the Catholic Church on Dealing With Clergy Sexual Abuse

Both experts testified that canon law and the Catholic Church have often displayed an excessive preoccupation with secrecy. As Father Doyle stated:

Secrecy is imposed on anything that could render the church somewhat vulnerable or embarrassing to it. Secrecy is imposed on most church activities, most legislative activities, most deliberative activities that go on behind closed doors.

Father Morrissey agreed that secrecy has often attached to issues involving a person's conscience; sexual assault always involves conscience because it is a serious sin, and "sin is a matter of conscience."

Father Doyle agreed with the following statement in *From Pain to Hope*: "Secrecy is the breeding ground for the development and repetition of child sexual abuse." In his view, the current process for dealing with sexual abuse complaints is cloaked in secrecy:

... [O]nce the preliminary investigation is concluded, it goes to the Congregation [for the Doctrine of the Faith], and in my interpretation ... that's when the secrecy is imposed ...

...

... You wrap it up in an envelope and send it to Washington, D.C., to the Papal Nuncio⁸ and ask him to transmit it to the Congregation in Rome through the diplomatic pouch ... Some time later ... you get a letter back saying, "We've looked at this case. We now are remanding it back to

8. The Pope's ambassador in a country.

you for a judicial trial.” ... You, the bishop, then have to constitute a tribunal ... You name the officials, the promoter of justice. You have the promoter of justice start the process, and that’s all covered by confidentiality or secrecy. He sends out letters to the potential witnesses, to the accused, to the victims ... the people involved, and they start the process which means they will come for depositions, to give testimony, and this is all under the cloak of secrecy.

Secret Archives

Canon law requires each diocese to maintain a secret archive to which only the bishop has a key.

Father Doyle testified that the 1922 instructions regarding the “worst crimes” stated that it was to be retained secretly, which suggested that the 1922 instructions should be kept in the secret archives. As discussed, the fact that this document was placed in the secret archives meant that any bishop after 1922 who did not go through the old archives would not have known of this document’s existence.

Father Morrissey testified that before 2001, files regarding allegations of sexual abuse against minors were kept at the diocesan level and often they were placed in the secret archives. Since 2001, cases involving allegations of sexual abuse against minors must be sent to the Vatican.

Problems of secrecy in the Church and an inadequate system for the files of clergy members are discussed in *A Report on the Crisis in the Catholic Church in the United States*:

... [I]n part out of an overemphasis on secrecy, dioceses and religious orders did not utilize adequate methods to track allegations against priests. Because records relating to an individual priest often would be kept in three or four separate files, Church leaders investigating allegations of sexual abuse by an individual priest did not always have all of the information they needed in order to assess the credibility of the allegations. Important documents often were maintained in “secret archives” pursuant to canon law, and Church officials without access to these files often were unaware of critical past allegations against a priest when addressing other allegations. Reflecting this, Cardinal Law at one point put the blame for the transfer of predator priests in part on an inadequate filing system.

The Review Board believes that dioceses and religious orders must maintain more open and accurate personnel records regarding priests, which should be audited and reviewed by diocesan lay boards or outside

auditors. Nevertheless, the existence of a bad filing system only partially explains, and in no way excuses, the failing of various dioceses to respond properly to evidence of sexual abuse by members of their clergy. Had bishops placed the issue of sexual abuse of minors by the clergy at the top of their agenda, we have no doubt that the filing system on priest perpetrators would have been improved.

Impact of Clericalism on Dealing With Clergy Sexual Abuse

Father Doyle explained that clericalism is the belief that clerics are entitled to deference and are above lay people as a result of their ordination. He explained that this attitude is encouraged by Catholic Church doctrine, which teaches that priests take the place of God and Christ. The U.S. National Review Board Report in 2004 stated that Church leaders were often reluctant to acknowledge that “a man ordained to be ‘another Christ’” could have engaged in sexual abuse:

Clerical culture and a misplaced sense of loyalty made some priests look the other way in the face of evidence of sexual abuse of minors, and contributed to the unwillingness of members of the clergy to condemn the conduct of a brother priest.

Father Doyle testified that victims of clergy sexual abuse who believe that a priest takes the place of Christ or God are confused about why a member of the clergy would abuse them. Some victims, he said, may think that the abuse occurred because they did something wrong. This creates obstacles to the disclosure of the sexual abuse. Father Doyle also explained that victims may fear divine retribution for accusing a priest of abuse. Moreover, some victims have been punished by their parents for accusing a priest of such acts.

The concept that lay people are lower than the clergy remains deeply entrenched in Church law, tradition, and doctrine, explained Father Doyle. He noted, however, that Vatican II, which began in the early 1960s, initiated a process whereby the chasm between the clergy and the laity began to be narrowed. The clergy and the hierarchy began to become demythologized. As a result, some Catholic people began to overcome their fears that something bad would happen to them if they exposed a priest to authority figures in the Roman Catholic Church for engaging in sexual abuse.

Screening and Training of Candidates for the Priesthood

Before a candidate for the priesthood is admitted to seminary, he is required to be presented by a bishop. Canon 241 §1 states:

A diocesan bishop is to admit to a major seminary only those who are judged qualified to dedicate themselves permanently to the sacred ministries; he is to consider their human, moral, spiritual, and intellectual qualities, their physical and psychic health, and their correct intention.

This canon further states: “If it concerns admitting those who were dismissed from another seminary or religious institute, testimony of the respective superior is also required, especially concerning the cause for their dismissal or departure.”

The U.S. National Review Board Report stated that over the past fifty years some men who should never have been admitted to the seminary or ordained have become priests. The Report discusses several reasons why this occurred, among them that “[s]eminaries simply presumed that no one afflicted with a severe sexual dysfunction would have heard the call to the priesthood in the first instance.” It also stated that bishops may have felt reluctant to question a call from God. However, the Report states that this reluctance is based on a misunderstanding of the bishop’s role in determining whether candidates are suitable for the priesthood. It cited a letter from Pope Paul VI that made it clear that those involved in the education of priests have a responsibility not to admit candidates who are unsuitable to enter the seminary:

Those who are discovered to be unfit for physical, psychological or moral reasons should be quickly removed from the path to the priesthood. Let educators appreciate that this is one of their very grave duties. They must neither indulge in false hopes and dangerous illusions nor permit the candidate to nourish these hopes in any way, with resultant damage to himself or the Church. The life of the celibate priest, which engages the whole man so totally and so delicately, excludes in fact those of insufficient physical, psychic and moral qualifications. Nor should anyone pretend that grace supplies for the defects of nature in such a man.

Although canon law has a long history of addressing clergy sexual abuse, not every seminarian has received training in canon law. Before World War II, priests-in-training, even those at the doctoral level, did not receive much information about conducting canonical trials because these trials were simply not held. It was not until 1946 that bishops in Canada began to seriously consider establishing Catholic Church tribunals.

As Father Morrissey stated, most priests who were ordained between 1967, the end of Vatican II, and 1983, when the revised *Code of Canon Law* was

released, did not study canon law in the seminary. He stated that Vatican II made significant revisions to canon law. This gap in canon law training, he explained, means that many of those individuals who are bishops today have not studied canon law.

Father Doyle testified that when he has spoken to bishops about why they have not acted when confronted with child sexual abuse by one of the priests in their dioceses, some have responded that they were uncertain of the appropriate course of action in this situation. Father Doyle explained that these bishops “had been trained in a system that said that the welfare of the institution” was of “paramount importance” and the priesthood was a “sacred brotherhood” that must be protected “at all costs.”

Many bishops have also told Father Doyle that they did not have a full understanding of the devastating effects clergy sexual abuse has on victims. Through his experience dealing with victims of clergy sexual abuse, Father Doyle has realized that celibate priests and bishops may have difficulty comprehending the pain of parents when they learn that their child was abused by a priest.

Canon 242 §1 of the 1983 *Code of Canon Law* states that each nation is to have a program of priestly formation that is established by the Conference of Bishops and approved by the Vatican, and this program is to be “adapted to new circumstances,” with the approval of the Vatican. *From Pain to Hope* states:

The formation of candidates to the priesthood in the Catholic Church is a long and complex process which includes various dimensions: theological, spiritual, communal and pastoral formation within a framework which usually requires three or four years of study and one or two years of pastoral experience.

In 1992, John Paul II issued a document called *Pastores dabo vobis*, which set out the four poles of formation of priests: human formation, spiritual formation, intellectual formation, and pastoral formation. In 2006, drawing on *Pastores dabo vobis*, the United States Conference of Catholic Bishops published a program of priestly formation.

Father Morrissey testified that although there are Canadian documents that address the formation of priests, he believes Canadian seminaries are using the U.S. document as it is the most current.

According to the U.S. program, if there is any evidence that a candidate for the priesthood has engaged in criminal sexual activity with a minor or showed an inclination toward such activity, he will be disqualified from admission to the priesthood. It also states that if there is any credible evidence that a candidate is sexually attracted to children, he will be dismissed from the seminary

immediately. The program stresses the need for candidates for admission to the priesthood to have healthy psychosexual maturity. It states that the program of formation must be designed to assist candidates for the priesthood to meet the challenge of psychosexual growth. It expresses the need for “high standards and strict vigilance ... in evaluating human thresholds pertaining to sexuality,” and says, “As we have recently seen so dramatically in the Church, when such foundations are lacking in priests, the consequent suffering and scandals are devastating.” The annual evaluation of candidates for the priesthood is to include an evaluation of “[a]ffective maturity and healthy psychosexual development; clarity of male sexual identity; an ability to establish and maintain wholesome friendships; the capacity to maintain appropriate boundaries in relationships.”

Duty to Report

Legislation requiring any person having information regarding the physical ill treatment of a child or of a child in need of protection to inform the civil authorities has existed in Ontario since the 1965 *Child Welfare Act* was introduced.⁹ In 1979, section 49 of the 1978 *Child Welfare Act* was proclaimed. This section placed a duty to report suspected abuse specifically on professionals and a penalty was imposed for failure to report.¹⁰ Subclause 94(1)(f)(ii) of the 1980 *Child Welfare Act* added that every director, officer, or employee of a corporation who knowingly concurred in contravening the corporation’s duty to report was guilty of an offence and set out penalties for such an offence.¹¹ The *Child Welfare Act* was replaced in 1984 with the *Child and Family Services Act*.¹² Two sections were added to expand the definition of a child in need of protection to include a child who was being sexually molested or was at risk of being sexually molested or exploited. The *Child and Family Services Act* specifically includes priests in its list of professionals who have a duty to report suspected abuse:¹³

- (2) A person who believes on reasonable grounds that a child is or may be in need of protection shall forthwith report the belief and the information upon which it is based to a society.
- (3) Despite the provisions of any other Act, a person referred to in subsection (4) who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be

9. S.O. 1965, c. 14

10. *Child Welfare Act, 1978*, S.O. 1978, c. 85.

11. R.S.O. 1980, c. 66.

12. S.O. 1984, c. 55.

13. R.S.O. 1990, c. C.11.

suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society. R.S.O. 1990, c. C.11, s. 72(1-3).

- (4) Subsection (3) applies to every person who performs professional or official duties with respect to a child, including,
 - (a) a health care professional, including a physician, nurse, dentist, pharmacist, psychologist;
 - (b) a teacher, school principal, social worker, family counsellor, priest, rabbi, member of the clergy, operator or employee of a day nursery and youth and recreation worker;
 - (c) a peace officer and a coroner;
 - (d) a solicitor; and
 - (e) a service provider and an employee of a service provider. R.S.O. 1990, c. C.11, s. 72(4); 1993, c. 27, Sched.
- (5) In clause (4)(b), “youth and recreation worker” does not include a volunteer.
- (6) A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall forthwith report the information to a Director.
- (7) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with subsection (2) or (3) unless the person acts maliciously or without reasonable grounds for the belief or suspicion, as the case may be.

The child protection legislation that has existed since 1965 states that the duty to report applies regardless of whether the information is confidential or privileged. The exception is solicitor–client privilege.

Father Morrissey stated if an individual admits to sexually abusing a child in the confessional, the priest who hears the confession is confronted with a conflict between the seal of confession and the duty to report. The seal of confession applies the highest level of secrecy to any communication to a priest in the confessional. In fact, the canon dealing with the confessional seal is the sole canon that states that it is inviolable, meaning there are no exceptions. Any priest who breaks the confessional seal is automatically excommunicated. It is Father Doyle’s view that canon law will never change with respect to the seal of confession.

It is important to note that the Dallas Charter and Norms, binding on all American dioceses, requires that allegations of sexual abuse be reported to civil authorities, even when not required by law. As Father Morrissey stated, the exception to this is the seal of confession.

Father Doyle expressed the view that mandatory reporting by clergy and Church employees is important because it lessens the possibility of cover-up and enhances the possibility of healing for victims. It is noteworthy that *From Pain to Hope* states that dioceses will comply with civil reporting laws. However, Father Morrissey testified that in the case of a conflict between the civil law duty to report and the canon law seal of confession, priests are instructed to observe canon law. Father Morrissey stated that canon law does not require a priest who receives information regarding sexual abuse during confession to report it to the bishop; if such information is received during confession, the priest is obliged to keep it confidential.

Father Morrissey explained that Canadian dioceses now have a delegate for child sexual abuse complaints. Thus, any priest who receives information about an allegation of sexual abuse outside of confession should provide the complainant with the delegate's contact information, and the delegate should make the report to the civil authorities.

Father Doyle stated that there is an opportunity for a priest hearing a confession to have a dialogue with and give advice to the confessor, which could include encouraging the perpetrator to seek counselling. He testified that this is a subject that could be addressed as part of the training of seminarians. He also stated that if a priest believed that the person's confession was insincere, he could refuse to grant absolution. Furthermore, if an individual persisted in his sins, the priest could refuse absolution until the individual had taken some action, which could include disclosing the abuse to the authorities. In other words, a priest could make disclosing the abuse part of the confessor's penance. Father Morrissey did not endorse this approach. He stated that he would ask the individual to meet with him outside of the confessional to discuss how the situation could be addressed, and upon meeting, he would remind the individual that anything he told him outside of the confessional could be subject to civil law. Thus, if the situation involved sexual abuse, the priest would warn the individual that anything he told him outside of the confessional could trigger the priest's legal duty to report.

I commend Father Doyle and Father Morrissey for giving serious consideration to this issue and proposing ways in which clergy can fulfil their statutory duty to report child sexual abuse. This very important issue, including their proposals, should be addressed by the Diocese immediately to ensure that civil authorities are alerted to the alleged sexual abuse in order to conduct their respective investigations so that young people can be protected.

From Pain to Hope recommended that Catholics in Canada "become informed about the requirements of provincial and territorial reporting laws on child sexual abuse ... and become involved in information, education and prevention programs

on child sexual abuse.” Father Morrissey testified that every diocese has a mandatory session on this subject for all priests, who must sign a document that states they have participated in this session and are aware of reporting obligations. He also stated that these sessions can be held in collaboration with local Children’s Aid Society authorities or with the local police.

Father Doyle stated that in the United States, a report to the civil authorities is made after the bishop undertakes a preliminary inquiry into the allegations. Father Morrissey testified that he is unaware whether in Canada a complaint is required to be reported immediately or after the bishop conducts a preliminary investigation. In a 1991 article entitled “The Pastoral and Juridical Dimensions of Dismissal from the Clerical State and of Other Penalties for Acts of Sexual Misconduct,” Father Morrissey wrote:

In some places, the Children’s Aid Societies and similar organizations insist that they are to be informed even before the Church conducts any internal inquiry. This will be a matter for a prudential judgment on the part of those involved, and calls for the establishment, if possible, of suitable relations with such organizations beforehand.

According to Father Morrissey, it is the Church’s position that if a person who is no longer a minor reports historical sexual abuse that occurred when he or she was a minor, the person who receives the complaint is not required to report it to the civil authorities. A person who is no longer a minor is considered capable of reporting the abuse to the civil authorities. Father Morrissey contrasted this with the Dallas Charter, which states that the Church will “cooperate with public authorities about reporting in cases when the person is no longer a minor” and that bishops in some states have made a commitment to refer every case of clergy sexual abuse to the district attorney, regardless of whether it involves a duty to report. Father Morrissey was not aware of any similar commitment in Canada.

Treatment of Abusive Priests

In the past, sexuality was treated as something that could be controlled through willpower, and sexual abuse was considered a moral problem. Father Doyle explained that at times, a bishop would “put the fear of God” into a priest who had abused and the priest would promise not to do it again. However, Church experts currently take the position that sexual dysfunction is a highly compulsive form of mental illness, which cannot be willed away, and should not be considered simply a moral failing.

A priest cannot be forced to attend treatment. The Winter Report suggested that convicted priests who have completed prison terms should be offered therapy and that the cost of this therapy should be borne by the diocese. It also proposed that a follow-up and monitoring program exist for all priests after therapy and the archdiocese should be responsible for the implementation and administration of such programs.

There are a number of treatment centres available in Canada for priests who agree to undergo treatment for sexually abusing people. However, there are waiting lists at some of the facilities.

A priest cannot be forced to release his treatment records to the bishop or diocese. However, Father Morrisey explained that if a bishop does not receive a report on a priest's treatment, he may not provide the priest with an assignment or a salary. Therefore, there is considerable pressure on a priest to release his treatment report.

Return to Ministry for Abusive Priests

From Pain to Hope states that rehabilitation is possible for some priests who have committed abuse, while it may not be for other members of the clergy. According to Father Morrisey, true pedophilia is not a curable disorder. Father Doyle said that an individual suffering from sexual dysfunction requires intensive therapy for the duration of his life.

A centre that treats a priest for sexual dysfunction merely provides a medical evaluation. It is a bishop's responsibility to evaluate a priest's fitness for ministry. Father Morrisey testified that although it is unlikely that a priest who has sexually abused a child would be placed back in ministry, there is no categorical prohibition to ensure that this does not occur.

Father Morrisey pointed out that there is a difference between being found unsuitable to exercise ministry and being dismissed from the clerical state. He was of the opinion that with the input of clinicians trained in dealing with the issue, some priests who have committed child sexual abuse could be returned to some working function. Both Father Doyle and Father Morrisey agreed that simply releasing priests who have sexually abused children into the community does not protect the public because once a priest is dismissed from the clerical state, nobody has authority over him and there is nothing to prevent him from continuing to abuse children. Father Doyle said that in the United States, he has seen an increasing number of cases in which men dismissed from the priesthood for committing sexual abuse have subsequently worked in positions where they had access to children. He argued that keeping a priest in a special residence, akin to house arrest, can sometimes enable the Church to protect members of the public from clergy abuse.

The experts confirmed that there were cases in the past when offending priests were transferred to other dioceses or parishes without treatment for their sexual problems. Father Doyle described sexual dysfunction of clergy as a lifelong problem. Once an offending priest has received treatment, measures need to be taken to prevent him from re-offending. A priest found to have sexually abused a child may not be placed in ministry again. However, it is possible that a priest who has received treatment for sexual abuse will be transferred to another diocese in a position other than parish priest. Canon 241 §3 provides that “when persons seek admission after they have been dismissed from another seminary or from a religious institute, further testimony is required from the respective superior, especially regarding the cause of their dismissal or their leaving.” The problem is that if the information is strictly confidential or if it has been received in the confessional, it cannot be communicated. Father Morrissey stated that when a priest is removed from a diocese and seeks employment in another diocese, the receiving diocese may not be told the reason for the removal.

Policies and Procedures on Allegations of Sexual Abuse Against Members of the Clergy

Prior to 1987, there were no policies or procedures in the Diocese of Alexandria-Cornwall that addressed sexual abuse by members of the clergy. Bishop Eugène LaRocque testified that it became evident in 1986, when the Diocese was confronted with the Father Gilles Deslauriers matter, that the Diocese needed a formal procedure and protocol on how respond to this issue. As I discuss in detail in this chapter, Father Deslauriers was a priest in the Diocese against whom allegations were made of sexual abuse of young people in the Cornwall community. He was criminally charged by the Cornwall Police Service (CPS) and pleaded guilty in late 1986 to four counts of gross indecency. There were multiple victims.

Although there were no diocesan policies or protocols that addressed allegations of abuse by members of the clergy prior to 1987, Bishop LaRocque was aware that canon law dealt with issues of sexual abuse. He testified that there has never been a canonical prosecution dealing with sexual misconduct or clergy sexual abuse in the Diocese of Alexandria-Cornwall.

The Diocese issued a policy on clergy misdemeanours in 1987. As will be discussed, it was not an official or a formal policy. In 1992, the Diocese developed guidelines that specifically dealt with sexual abuse by priests, deacons, seminarians, and pastoral assistants, and in 1995, they were replaced with another set of guidelines. In 2003, “Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious,

Lay Employees and Volunteers” took effect in the Diocese of Alexandria-Cornwall. The 2003 guidelines, with some revisions that have been made over the years, continue to apply in the Diocese today. Bishop Paul-André Durocher stated that these guidelines require updating, which he plans to undertake after he has received the recommendations from this Inquiry.

This section describes the protocols and policies developed in the Diocese of Alexandria-Cornwall to address sexual abuse by members of the clergy.

Principles and Procedures for Clergy in Difficulty, 1987

The first protocol in the Diocese of Alexandria-Cornwall on allegations of abuse on a young person by a member of the clergy, “Principles and Procedures for Clergy in Difficulty,” was developed in 1987. Bishop LaRocque explained that in signing this document, he was approving it for use within the Diocese of Alexandria-Cornwall “as a draft.” He stated that it was replaced in 1992 by a document created by Father Denis Vaillancourt.

In the late 1980s, bishops in Ontario and other provinces of Canada were trying to develop procedures for sexual abuse by clergy, in part because of the allegations of abuse at Mount Cashel in Newfoundland, the abuse of First Nations children in residential schools, and the allegations of sexual abuse by Christian Brothers in Ontario. There were also some high-profile cases in the United States.

“Principles and Procedures for Clergy in Difficulty” stated that the Diocese was formally taking the position that clergy misdemeanours must be taken seriously. It said that clergy and Church personnel must be educated on the legal and moral aspects of indictable offences, including child abuse and teenage sexual assault, and should be aware of procedures to deal with complaints of clergy misdemeanours. It also stated that the Diocese must assume responsibility for the care of victims of clergy misdemeanours:

1. The Diocese goes on record to take matters of clergy misdemeanours seriously, out of concern for the members of the clergy as well as those affected. Before these are legal problems, they are pastoral problems.
2. Clergy and personnel are to be educated on the legal and moral aspect of indictable offenses (e.g. drunk driving, embezzlement of funds, child abuse, teenage or retarded adult sexual assault ...)
3. Clergy and personnel are to know that there is a procedure for identification, care, support and after-care.
4. Diocese takes responsibility with the clergy concerned for the care of the victims.

“Principles and Procedures for Clergy in Difficulty” stipulated that upon receiving a complaint about a clergy member, the bishop was to refer the complainant to a third party designated by the bishop. This individual, who could be a clergy member or other person in a position of trust, was to obtain information on the complaint. Upon verification of the facts, the Diocese was to support both the clergy member and the victim—to help the alleged perpetrator with his problem and the victim with his or her trauma. The Christian community, it stated, must take responsibility for re-admitting the clergy member and the victim to the community. Bishop Durocher explained that “re-admission” of a clergy member referred to re-admission to functions or duties. The document stated that “in some instances, incardination in another Diocese may be best for all concerned.” Bishop Durocher explained that another diocese might have facilities for treatment unavailable in the current ministry or might have a more suitable position for the priest. He stated that the originating diocese has no ongoing responsibility for the priest if the priest is incardinated in a new diocese.

“Principles and Procedures for Clergy in Difficulty” recommended that the following canonical and legal procedures be applied in “more serious cases,” which Bishop LaRocque testified included sexual abuse:

1. immediate suspension, which meant that the priest could no longer celebrate the sacraments
2. immediate treatment and support of the member of the clergy and victim(s)
3. plea bargaining (if necessary to avoid litigation or incarceration).

The document stated that “legal advice and assistance is available to all members of the clergy involved in criminal investigations.” Bishop LaRocque explained that only unusual or exceptional circumstances would disqualify clergy from legal assistance, as was the case with Father Gilles Deslauriers. This is discussed in fuller detail in this chapter.

“Principles and Procedures for Clergy in Difficulty” did not discuss the duty to report complaints of abuse to the Children’s Aid Society (CAS) or of contacting other civil authorities such as the police.

Proposed Procedure to Be Applied in Cases of Child Sexual Abuse by a Cleric, 1988

In April 1988, in preparation for a Canadian Conference of Catholic Bishops (CCCCB) meeting, the document “Proposed Procedure to Be Applied in Cases of Child Sexual Abuse by a Cleric” was distributed to local dioceses. The author of this document was Father Francis Morrissey, who, as mentioned, testified at this

Inquiry as an expert in canon law. He periodically provided canonical advice to the Diocese of Alexandria-Cornwall. This document was not an official CCCB document. It was circulated for information purposes only. Bishop Durocher explained that it had some persuasive value, but it was merely a proposed procedure, not binding on any dioceses. This proposed procedure was not adopted by the Diocese of Alexandria-Cornwall.

The document suggested that bishops appoint a team of competent people to handle allegations of child sexual abuse, who would report directly to the diocesan bishop. It was further recommended that the team establish a policy to deal with complaints of clergy sexual abuse, which would take into account existing Church and civil laws applicable to the territory such as reporting obligations, confidentiality, and privileged information. Once such a policy was established, it was to be communicated to clergy.

The proposed procedure indicated that the diocesan bishop should appoint one or more priests to conduct a preliminary investigation into complaints of child sexual abuse. It also stated that “suitable persons should be designated to meet with the parents, and eventually the children involved.”

It also suggested that referral centres be selected that could provide psychological testing and assessments and recommended that the diocese establish a contingency fund to cover legal, medical, and counselling expenses.

The CCCB document also suggested that as soon as a priest was accused of sexual abuse, a person designated by the bishop should meet with the parents of the alleged victim. With the parents’ consent, the alleged victim should then be interviewed by a mental health professional. If the parents did not consent to this interview, they should be advised as to where they could obtain appropriate professional counselling for their children as well as for themselves.

The document proposed that the accused cleric be given an immediate leave of absence and provided with a trial lawyer, a person other than the diocesan lawyer. It stated that a meeting could then be held with the bishop of the diocese, the diocesan lawyer, the accused priest, and the priest’s lawyer. The information discussed at such meetings would be protected by solicitor–client privilege. In my view, the bishop has responsibilities to the priest and the parishioners as well as to the alleged victims. The bishop, in my opinion, should adopt a more neutral role when dealing with the accused priest and discontinue meeting with the accused in the presence of his lawyer.

The CCCB document also stated that the accused cleric was to be provided with an appropriate place to reside pending the outcome of the investigation. It further stated that after the priest was accused of the abuse, neither the bishop nor any of the priests involved should hear his sacramental confession.

The designated priest would then conduct a preliminary inquiry on behalf of the Church. If he determined that there was reason to proceed with the case, the accused cleric would be heard.

Once the inquiry was complete, the designated priest would present a report to the bishop, stating either that there was no substance to the allegations or that this matter required further action. In the latter case, the cleric's faculties to preach and his right to hear confessions were to be immediately removed. The cleric would then be referred to a treatment centre for evaluation, and the team would decide whether the matter should be referred to a canonical penal trial.

If the matter proceeded to a canonical trial at which the cleric was found guilty, the appropriate canonical penalties would be applied.

If the sexual abuse was verified, the document recommended that the children and family involved continue to receive assistance from the Church. Any eventual return to ministry for the cleric could not be considered until after therapy and a recommendation by the team appointed by the bishop.

Criteria for Accepting Ordained Priests to the Diocese, 1989

When Eugène LaRocque was installed as Bishop of the Diocese of Alexandria in 1974, there was no screening process for priests transferring from another diocese. The only practice that existed was for the bishop to contact the superior or the bishop of the priest's former diocese.

At a September 25, 1986, Council of Priests meeting, it was decided that admission criteria for accepting candidates from other dioceses should be established. It was suggested that such work be completed by a committee.

The minutes of a March 1987 meeting of the Council of Priests indicate Father Kevin Maloney presented some criteria for accepting candidates and priests to the Diocese.

At a Council of Priests meeting on September 13, 1989, the "Criteria for accepting ordained Priests to the Diocese" were accepted. Bishop LaRocque implemented these criteria in the Diocese.

The document stated that any priest applying for a position in the Diocese should do so by letter, specifying why he was leaving his present position and the reasons he wished to join the Diocese of Alexandria-Cornwall. Moreover, the priest was to obtain a letter of recommendation from his superior, dated within six months of the application. In the case of a priest who worked in a diocese other than his own, letters of recommendation and evaluation had to be provided.

It was recommended that the applicant be interviewed by a panel of three priests selected by the bishop and that this panel provide a recommendation for

action to the bishop. If an applicant was accepted and assigned to a parish, it was on a trial basis of three months, to be reviewed by the pastor, the applicant, and the bishop or his delegate.

Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminaries, and Pastoral Assistants, 1992

Father Denis Vaillancourt, the Chancellor of the Diocese of Alexandria-Cornwall, prepared a document for the Diocese entitled “Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants.” As the document was not signed, there was some confusion about when it was officially adopted. Bishop LaRocque testified that Church officials in the Diocese regarded this document as the official guidelines for the Diocese, despite the fact that it was not signed. He claimed that he followed these guidelines as early as summer 1992. Bishop LaRocque testified that these guidelines were in effect when David Silmsler contacted the Church and alleged that a priest in the Diocese, Father Charles MacDonald, had abused him. This is discussed in further detail in this chapter.

These guidelines remained in effect in the Diocese until 1995.

The guidelines stated that the person designated by the bishop was to meet with the complainant within forty-eight hours of receiving a complaint of sexual abuse. He was to assess the seriousness of the complaint and verify if the alleged victim was a minor. A minor was defined as an individual under sixteen years old. The designated person was to “ascertain that there are facts which support a ‘reasonable motive’ for the complainant according to the laws on the protection of youth (Children’s Aid Society).”

The designated person was to inform the complainant that there would be a meeting with the suspected aggressor, the advisory committee would study the complaint, and if the alleged victim was a minor, the CAS would be informed of the offence. Bishop LaRocque testified that it was unclear whether reporting was triggered in circumstances in which the alleged victim was a minor at the time of the offence but not a minor at the time of the complaint.

The designated person was to open a file on the case, record the events in chronological order, and write a report on the meeting with the complainant. He was also to discuss the contents of this meeting with the bishop.

The designated person was also to meet with the accused priest within forty-eight hours of the complaint. He was to notify him of the complaint, reassure him that his rights would be respected, and offer him legal and psychological support. If the alleged victim was a minor, the accused priest was to be informed that the case would be submitted to the CAS. The alleged perpetrator was also to be instructed not to have any contact with the complainant, the victim,

or the victim's family, and if necessary, require that he voluntarily resign from his ministry.

The designated person was to file a report of the meeting with the accused priest and inform the bishop of this meeting.

After the above steps had been completed, the designated person was to convene a meeting with the advisory committee as soon as possible so that the committee could assess the value of the "reasonable motive." The minutes of the meeting were to be recorded. The bishop was to be informed of this meeting.

After the above steps had been followed, if necessary, the designated person was to notify the CAS of the case and follow its directives. The complainant and the suspected aggressor were to be informed of the measures taken. The guidelines stated that if the CAS was not notified of the case, the designated person was to meet with the complainant, explain the reasons for this decision, and inform the complainant of his right to bring the case to the attention of the CAS.

The guidelines stated that at this stage, "If the situation warrants it because the events have become public, because of the trial or that it is a case for the CAS, the Bishop will order the person concerned to leave his post." It is important to note that this does not cover situations such as those encountered by Mr. Silmsler, when an individual makes a complaint to the Diocese regarding sexual abuse allegations and the accusations are not yet public. Bishop LaRocque stated in his testimony that the bishop could temporarily suspend the faculties of the accused priest if he was of the view that there was a risk to the complainant, the alleged aggressor, or others.

Bishop LaRocque initially took the position when he testified at the Inquiry that if the policy was not followed, it was not his responsibility; rather it was the responsibility of the designated person. However, he later acknowledged in his evidence that it was in fact his responsibility to ensure the protocol was adhered to. He acknowledged that he should have monitored situations involving clergy sexual abuse in the Diocese much more closely. This is discussed further in this chapter.

Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians, and Pastoral Assistants, 1995

In June 1995, Bishop LaRocque signed the "Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants." These guidelines were a protocol created by the Diocese of Alexandria-Cornwall after consultation with the Children's Aid Society, the Ontario Provincial Police, and the Cornwall Police Service. The 1995 guidelines replaced the previous policy created by Father Denis Vaillancourt.

The guidelines developed by Father Vaillancourt in the early 1990s had contained more detail than the 1995 guidelines. Bishop Durocher explained that the CAS and the police believed they should handle investigations without the involvement of the Diocese, and therefore the 1995 guidelines simply set out that the Diocese should make a report to the CAS or police and then wait for the outcome of the investigation. He testified that this might have been necessary, given public perception of the Diocese at the time.

The previous guidelines prepared by Father Vaillancourt stated that if the offence involved a minor, after consultation with the advisory committee, the designated person was to make a report to the CAS. These guidelines made no mention of reporting to the police. In contrast, the 1995 guidelines stated that the first person who received a complaint was to report it to the police immediately or to the CAS if the offence involved a minor. Bishop LaRocque agreed that this protocol required reporting of historical sexual abuse if the alleged victim was under sixteen years old at the time of the offence. That was the agreement reached with the CAS at the time.

The guidelines stated that after a report is made to the CAS or police, the bishop of the Diocese is to be informed of the complaint. The next step was an investigation by either the CAS or the police. Bishop LaRocque stated that at this time an internal Church investigation could also be undertaken by the person designated by the bishop.

The guidelines say:

The Bishop waits for the investigation to take place. If the situation warrants it (because there is a risk to the alleged aggressor, or the possibility of a risk to other members of the community, because the events have become public, because charges will be laid, because a trial will take place) the Bishop removes the suspected aggressor from Church duties.

The final step of the process of dealing with the complaint is to offer help and support to the alleged victim and his family.

Protocol for Priests Who Are the Subject Matter of Criminal Proceedings or Civil Litigations, 1996

Bishop LaRocque signed the diocesan policy “Protocol for priests who are the subject matter of criminal proceedings or civil litigations” in June 1996.

These guidelines were in effect when Bishop Durocher was installed in the Diocese in 2002. This protocol remains in force in the Diocese today. It sets out the various protections available to an accused priest and the procedures to

be followed if a priest is the subject of an allegation that results in a criminal proceeding or civil litigation.

According to the protocol, an accused priest has the right to seek legal counsel before responding to investigating authorities, both civil and religious. The priest is entitled to choose his legal counsel, and the cost of his legal counsel is to be borne by the Diocese, regardless of whether it is a criminal allegation or a civil lawsuit. The protocol states that a rationale for paying an accused priest's legal fees is the presumption of innocence. Bishop LaRocque explained that the reason the Church, an employer, pays the legal fees for the priest, an employee, is that members of the clergy do not have the funds to retain legal counsel. He stated that the protocol protects priests through an entire criminal law process, including all appeals. In my view, for funding appeals, the Diocese should require priests who wish to receive such funding to submit a written request in which reasons for the appeal are delineated. The Diocese should then review and assess the request to decide whether such funding should be provided. This will ensure that recourse to the courts is not unnecessarily drawn out, to enable the alleged victims to attain closure.

The protocol directs that a priest accused of an indictable offence be removed from his position and placed on a leave of absence for six months if one or more of the following conditions are present:

- a) risk to the alleged aggressor;
- b) possibility of risk to members of the community;
- c) because the events have become public;
- d) because charges will be laid;
- e) because a trial will take place.

According to the protocol, after a six-month temporary removal from ministry, the removal becomes permanent. Bishop Durocher testified that in his view, this provision contravenes canon law. He explained that a parish priest cannot simply be removed from his position. There is a procedure set out in canon law that must be followed and, as a result, Bishop Durocher was uncertain how this could be put into effect.

The protocol states that the accused priest will be provided with reasonable lodging and the necessary funds to provide such lodging and food.

The protocol directs that an accused priest who is asked to vacate his assignment will receive his full salary, car allowance, and benefits until the completion of all legal processes, including appeals. It also states that the Diocese will pay for the priest's therapy.

Bishop Durocher stated that there are cases in which canon law provides for a canonical penal process, which could result in a penalty. However, he explained

that because penal processes are extremely rare, for all intents and purposes, the bishop or the superior of a priest belonging to a religious order decides the appropriate penalties to be imposed. As mentioned earlier, the 1995 “Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants” state that there are certain circumstances that require a priest to be removed from his position and placed on a leave of absence.

The protocol states that priests who are indirectly involved in these matters will also be provided with legal representation. According to the provision: “Legal assistance should be provided to other priests who are interviewed by legitimate investigating authorities both civil and religious; the costs will be paid by the Diocese.”

Policy and Procedures for Screening Church Personnel, 2000–2002

In 2000, the Diocese of Alexandria-Cornwall drafted a screening policy that applied to all diocesan lay employees, clergy, seminarians, religious brothers and sisters, and volunteers. These individuals were required to submit a completed background check form. Employment, volunteer work, and ministry were contingent on a satisfactory investigation, updated every seven years. A copy of the policy and procedure for implementation was to be distributed to all parishes and diocesan entities.

The designated person in each diocesan entity was instructed to forward to the Chancellor’s Office a completed background check for each prospective or existing employee, volunteer, or religious person. A record of all personnel was to be retained.

Under the heading “Minimum Standards of Good Moral Conduct,” the policy states:

Anyone who has been found guilty of, regardless of adjudication, or entered a plea of guilty to, any offense prohibited under any of the following may be excluded from employment or volunteer work that places them in regular contact with children, fragile elderly or the physically or mentally challenged.

- a) relating to abuse or neglect against a child
- b) relating to abuse, neglect or exploitation of aged or disabled persons

...

- i) relating to child abuse ...

On January 1, 2002, the Diocese revised its screening policy to require all individuals involved in high-risk positions to provide personal information and references and to complete the necessary forms for criminal record verification.

Creation of the Ad Hoc Committee on Safeguarding Against Abuse, 2002

When Paul-André Durocher became the Bishop of the Diocese of Alexandria-Cornwall in 2002, one of the first things he did was set up the Ad Hoc Committee on Safeguarding Against Abuse. This committee consisted of specialists who were to advise Bishop Durocher on the implementation of policies to help safeguard children and other vulnerable parishioners against sexual abuse. The Bishop issued a press release announcing the first meeting of this diocesan committee, which was held on August 15, 2002.

Bishop Durocher hired Ronald Bisson, a professional facilitator from Ottawa, to assist this process. The Bishop asked Father Everett MacNeil, a priest from the Diocese of Antigonish and then the bishop's delegate for the Archdiocese of Ottawa, to act as his delegate. Father MacNeil had related experience as a member of the Winter Commission in Newfoundland.

The mandate of the Ad Hoc Committee stated that it would be composed of a dozen members of different ages, genders, professions, and backgrounds. Along with Ronald Bisson and Father MacNeil, the members were Richard Abell, the executive director of the Children's Aid Society; Frances Lafave, administrator of the Glengarry, Stormont and Dundas Lodge, one of Cornwall's major senior homes; Lucie Lévesque, a teacher involved in one of the parishes; Chris McDonell, a retired police officer; Kevin Maloney, the Vicar General of the Diocese of Alexandria-Cornwall; Ron McClelland, a local lawyer; Johneen Rennie, a former administrator of a local senior's home; Gérald Samson, a former superintendent of education for the public board; Judy Schaeffer, a mother active in one of the parishes; and Robert Smith, director of the Children's Treatment Centre.

The mandate contained a list of suggestions for the committee to follow in order to meet its objective, which was "to advise the Bishop on formulating and implementing diocesan policy which will help safeguard children and other vulnerable parishioners against possible sexual abuse by clergy, lay staff and parish volunteers." The first item was "learning from the history of the Church's response to allegations of sexual abuse by members of the clergy." Bishop Durocher wanted the committee to reflect on the history of the Diocese's response to allegations, how these responses were perceived, and the results of these responses. Another suggestion for members of the Ad Hoc Committee was to become familiar with the recommendations contained in *From Pain to Hope*. All the members were given copies of the document. A further suggestion was to study "recent developments in the field."

Another proposal was to receive "suggestions from concerned groups and individuals relating to the mandate of the committee." The Diocese published the "Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians

and Pastoral Assistants” and the “Protocol for priests who are the subject matter of criminal proceedings or civil litigations” in newspapers such as the *Cornwall Standard-Freeholder* and French newspaper *le Journal de Cornwall* and asked for feedback on them. Bishop Durocher testified that although the Diocese received some responses, it “wasn’t overwhelming.”

Bishop Durocher released on August 19, 2002, a press release entitled “First meeting of a diocesan committee on safeguarding against abuse” in which members of this committee were identified to the public.

Bishop Durocher told the committee that the current diocesan policy on clergy sexual abuse was deficient and that he wanted the committee to recommend ways that *From Pain to Hope* could be applied in the Diocese. The committee’s response to *From Pain to Hope* was positive. However, in the discussion of this document, a few concerns were raised, including what should be done to protect innocent priests who are falsely accused, what should be done if doubt persists in the public’s mind after an accused priest is acquitted of charges, and whether the Church should pursue an investigation based on canon law when a case is unresolved due to “legal technicalities.” In regard to the last point, it was stated that the Church would be leery of pursuing an investigation when the criminal justice system had not come to a conclusion.

The committee received and studied a second draft of the new policy “Diocesan Guidelines and Policy on Allegations of Sexual Abuse of Children by Clergy, Religious, Lay Employees and Volunteers” dated October 23, 2002.

The Report of the Ad Hoc Committee on Safeguarding Against Sexual Abuse was submitted to Bishop Durocher on December 17, 2002. It set out draft guidelines entitled “Diocesan Guidelines on Reporting and Dealing with Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers,” which were subsequently adopted with some revisions in 2003.

The Ad Hoc Committee Report also set out a “Framework of a Plan for Safeguarding against Sexual Abuse and Sexual Assault.” The aim was to “develop an education, training and prevention plan for safeguarding against sexual abuse and sexual assault in the Diocese of Alexandria-Cornwall.” It stated that the plan should meet the following six objectives:

1. To establish a mandatory ongoing education program for the clergy, members of religious orders, lay employees and volunteers regarding their responsibilities, obligations and rights on issues pertaining to sexual abuse and sexual assault.
2. To raise awareness within the diocesan church community, particularly with parents and children, in order to promote positive attitudes concerning healthy sexuality and good relationships.

3. To implement the Ontario Screening Initiative.
4. To assist the Bishop in developing a series of positive messages that will be heard as the voice of the Church in the community.
5. To develop effective communications procedures.
6. To identify and make available the human, technological and material resources required to support an implementation plan.

There was also a recommendation that the bishop annually establish a review committee to study the effectiveness of the diocesan guidelines and recommend improvements. The Report also contained a number of recommendations for follow-up:

In order to pursue the work initiated in August 2002, the Ad Hoc Committee recommends the following:

1. That consideration be given to identifying more clearly the “volunteer” category.
2. That approaches be developed to implement a healing process within the diocese through programs or sessions for various constituencies and for the community at large.
3. That the diocese develops a bank of local resources that could be called upon on short notice in matters relating to these guidelines.
4. Should a victim request a confidentiality agreement, that it be absolutely clear that it is being done at the request of the victim, represented by independent legal counsel, and that it in no way attempts to limit any rights of the victim flowing from criminal law.
5. That appropriate forms be drawn up relating to reporting and record keeping pertaining to actions taken in following the Guidelines.
6. That consideration be given for developing distinct procedures for religious, lay employees and volunteers.
7. That a victim be a member of the Committee for Victims.

In my view, the Diocese should adopt a policy that confidentiality agreements should not be solicited from a victim or alleged victim at any time.

The Report also set out draft guidelines that were to apply to all clergy, employees, and volunteers in the Diocese.

Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers, 2003

Bishop Durocher circulated the draft guidelines submitted by the Ad Hoc Committee on Safeguarding Against Sexual Abuse to different parishes to elicit feedback before making them official. After receiving comments and making

appropriate revisions, the “Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees and Volunteers” became effective on July 1, 2003. They replaced the 1995 guidelines and are the guidelines currently in effect in the Diocese of Alexandria-Cornwall.

The guidelines state that clergy, Church employees, or volunteers who become aware of an allegation of child sexual abuse must report it to the bishop’s delegate and to the CAS. The bishop’s delegate will also contact the CAS regarding the allegation. Furthermore, if the allegation concerns historical abuse of a child, the bishop’s delegate will inform the CAS.

The guidelines state that the bishop’s delegate will contact the complainant immediately to verify the allegation, advise him of his right to contact the police, and inform the complainant that the delegate has an obligation to report to the CAS if the allegation involves a child.

Upon verifying the allegation, the bishop’s delegate is to immediately inform the bishop and to convene a meeting of the advisory committee within twenty-four hours. The advisory committee will direct and evaluate the actions of the bishop’s delegate. One of the first issues to be considered by the advisory committee is the care that is to be provided to the victim. The guidelines state that referral will be made to the victims’ care committee in appropriate cases, which is defined as “[a] standing, multidisciplinary committee set up by the Bishop to see that individualized support is available to the victim, both during and after the investigative process, upon referral by the Advisory Committee.” According to the guidelines, the victims’ care committee may pay for counselling or therapy. They also state that if charges have been laid or an investigation by the CAS or the police is ongoing, no meeting will be held with the victim unless proper authorization is obtained from the police or judicial authorities.

The 2003 guidelines stipulate that if charges are laid, “the Bishop will immediately place the accused on a leave of absence from parish ministry or from other Church-related responsibilities, brief the Delegate and the Diocesan Spokesperson, and call a meeting to advise the parish and community.”

If the matter is being pursued by the CAS and/or police, the delegate will not undertake any investigation “but will remain vigilant and will maintain appropriate ongoing communication with the civil authorities.”

If the advisory committee deems the innocence of the accused to remain in question after the conclusion of the police investigation, it can direct the delegate to investigate the allegations and prepare a report for the committee, which will make recommendations to the bishop. The guidelines state that if there is no police investigation of a complaint of a sexual assault of an adult, the delegate must investigate

the complaint. Bishop Durocher explained that if the matter involves a child, the CAS and/or police will be involved in an investigation. However, if the case involves an adult, it is possible for the complainant to refuse to have the police involved. Bishop Durocher stated that in such a situation, the delegate must undertake an investigation and report his findings to the advisory committee, which will make recommendations to the bishop on how to proceed in regard to the complaint.

If either the judicial process or the advisory committee determines that an offence has been committed, the committee “will make recommendations to the Bishop on issues of censure, treatment, and future placement of the accused and ongoing care of the victim.” If a judicial process or the advisory committee concludes that no offence has been committed, the committee brings the case to a close, and if the accused had been placed on a leave of absence, he will be permitted to resume his duties.

The bishop’s delegate is responsible for ensuring that contact is maintained with civil institutions so that the advisory committee is aware of the reasons for decisions made by civil authorities. If the court process ends with a clear and unambiguous acquittal, this will be taken to mean that no offence has been committed. Bishop Durocher testified that if the court process does not end with a clear, unequivocal statement, the advisory committee must continue working on the case.

Throughout the process, the advisory committee makes recommendations to and oversees decisions made by the bishop with respect to pastoral care of parishioners, information provided to the clergy and public, and the status of any criminal charges or civil actions.

The guidelines state under “accountability” that the bishop will annually establish a review committee to study the effectiveness of the guidelines. The bishop will make the results available to the public. The delegate will maintain a written record of allegations received, meetings, and the outcomes of proceedings. Bishop Durocher explained that one of the reasons for establishing an advisory committee was to create a structure of accountability.

The guidelines do not discuss the specifics of civil proceedings. However, Bishop Durocher testified that if he received a statement of claim containing an allegation of historical sexual abuse but no allegation had been made to the bishop’s delegate and there were no CAS or criminal investigations, the advisory committee would also be asked to examine the situation.

The 1996 “Protocol for priests who are the subject matter of criminal proceedings or civil litigation” continues to apply regarding issues not addressed in the 2003 guidelines. Bishop Durocher stated that if there are any conflicts between the 1996 protocol and the 2003 guidelines, the latter prevail.

Screening Policy for the Diocese of Alexandria-Cornwall, 2004

The Diocese's screening policy was amended in January 2004 to include broader screening practices. In addition to police record checks of volunteers, the Diocese conducts reference checks and has an interview process. The policy distinguishes between high-, medium- and low-risk volunteer positions.

In each parish, there is a parish leadership team that is responsible for implementation of the policy. The team identifies high-risk positions and assesses whether the risk can be lowered. A high-risk position would be, for example, leading Sunday school for children. The risk could be lowered by ensuring that two or three adults are always present during Sunday school.

This policy sets out the following steps with respect to screening, among others:

1. providing a written description of the services offered in the Diocese
2. determining and reducing risks levels with respect to the services offered by the Diocese
3. making available to recruits the description of the service to be rendered and its rated level of risk
4. screening for high-risk positions by
 - a) obtaining information about the candidate
 - b) interviewing the candidate
 - c) verifying a candidate's references
 - d) conducting a police record verification
 - e) providing orientation and training
 - f) ensuring supervision and evaluation
 - g) obtaining feedback from participants.

Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers, 2005

After the creation of the 2003 guidelines, Catholic Mutual Canada, the insurer for the Diocese of Alexandria-Cornwall offered to conduct professional audits of all policies in each Ontario diocese. In January 2005, the insurers met with members of the Diocese's advisory committee to review the 2003 "Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers." They conducted an analysis of the guidelines and procedures for allegations of sexual misconduct. In 2005, the Diocese updated the 2003 guidelines.

Catholic Mutual Canada's review report recommended that the guidelines be modified to include information regarding what procedures should be followed

when allegations of sexual abuse are raised anonymously or by someone other than the alleged victim. In response, the relevant section of the guidelines was amended to read:

If the complainant is not himself/herself the presumed victim, the delegate will attempt to contact the presumed victim in order to verify the allegation and advise him/her of his/her right to contact the police. The delegate will attempt to do so even in the case of anonymous allegations.

Further, a distinction needed to be made between an allegation of criminal activity and an allegation of consensual activity involving an adult. As recommended in the review, the definition of sexual assault was changed to read: “Contacts or interactions of a sexual nature between adults with or without mutual consent where a person deems himself or herself to have been victimized.”

The review recommended that a written policy be created regarding communication with the media on sexual misconduct. It proposed that the leadership role of the bishop in the recovery process be included in this communication policy. Bishop Durocher stated that the Diocese has not yet developed a written communication policy.

Changes other than those recommended in the 2005 review were also included in the new version of the guidelines. A provision requiring the bishop’s delegate to inform the accused of the allegation and record his response was added to the guidelines.

The following provision was also added to the guidelines:

In the case of the sexual abuse of a minor by a priest or deacon, if the presumed victim is under the age of 28 years old at the moment the complaint is made, the Bishop will also initiate a canonical investigation according to Canon 1717 of the Code of Canon Law and eventually refer the case to the Congregation for the Doctrine of the Faith.

This change was made to reflect the fact that in 2001 the Pope released norms stating that all cases of sexual abuse of minors were to be reported to the Congregation for the Doctrine of the Faith. These norms set out that offences reserved to the Congregation for the Doctrine of the Faith have a ten-year limitation period, meaning that after ten years have passed, the offence cannot be dealt with through a canonical process. However, the norms also state that in cases involving the sexual abuse of a minor, the limitation period does not begin to run until the minor reaches the age of eighteen. Therefore, if the complaint is

made when the person is not yet twenty-eight years old, the bishop must initiate an investigation and refer the matter to the Congregation for the Doctrine of the Faith.

The accountability section was changed to provide that the guidelines will be reviewed by an independent audit every second year. This replaced the review committee that was mandated in the 2003 guidelines with an independent audit.

Catholic Mutual's review report also recommended that any employee who has a role that falls within the definition of a high-level volunteer should be subject to a police check and detailed employment application process. It was also suggested that a protocol be established to audit all facets of the volunteer management process, and that this protocol apply to any diocesan employees who have interaction with any vulnerable person or group designated as "high" in relationship to volunteer grading.

The report also recommended that the Diocese amend its policy to make clear that it addresses employees as well as volunteers.

The insurer's review report further recommended that the Diocese create a written policy which requires the bishop or religious superior to disclose all information concerning sexual misconduct of any priest seeking to be transferred to the Diocese or seeking faculties in the Diocese.

The amended guidelines were made effective in September 2005. There was no audit conducted in 2007. Bishop Durocher stated that this audit did not take place because he was awaiting the findings and recommendations of this Inquiry.

Orientations Issued by the Canadian Conference of Catholic Bishops With Respect to Sexual Abuse of Minors, 2007

In 2006, the Canadian Conference of Catholic Bishops (CCCB) initiated work on a document regarding sexual abuse of minors, which was adopted at an October 2007 plenary meeting. Bishop Durocher explained that this document did not have a large effect on the diocesan guidelines, as many of the issues had already been addressed in the 2005 guidelines.

The document has a section entitled "A Responsibility of the Individual Bishop." It reaffirmed the responsibility of each bishop to establish a protocol in each diocese.

The CCCB document stressed, "The protocol should recognize that the responsibility of the Diocese is primarily pastoral and that under no circumstances are its pastoral responsibilities to be overcome by its concerns about the possibility of forfeiting insurance coverage."

Bishop Durocher testified that the Diocese would be reviewing its documentation in light of this document and any recommendations from this Inquiry. Prevention and care were issues introduced in *From Pain to Hope*.

The Bishop stated that the Diocese has already started work on policies regarding screening. Bishop Durocher stated that the Diocese will need to develop a broader, revamped policy.

Conclusion

Bishop LaRocque testified that the Roman Catholic Diocese is an important institution in the Cornwall community. He agreed that it was important for the community as a whole that the institution be perceived as credible and forthright. Abuse allegations, if not handled appropriately by an institution, can affect the community at large and the Church in a detrimental way. It can also be a breeding ground for rumour and innuendo.

Bishop LaRocque stated that he, as Bishop, had ultimate authority in the Diocese.

Bishop LaRocque published an annual compendium of diocesan policies when he was the Bishop of the Diocese of Alexandria-Cornwall. In looking back on the evolution of protocols, both internal and inter-agency, Bishop LaRocque acknowledged that some of the practices and the implementation of these protocols could have been done differently. This is discussed in further detail in this chapter.

Bishop Durocher stated that a bishop can adjust the policies that apply in his diocese at will. As he said in his testimony, “Personally, I feel that it’s too great a power for bishops but that’s an issue to be debated within canon law.”

The following sections discuss the institutional response of the Diocese of Alexandria-Cornwall to allegations of sexual abuse of young persons by members of the clergy.

Father Gilles Deslauriers

Shortly after Eugène LaRocque became the Bishop of the Diocese of Alexandria in 1974, he discerned tension between Father Gilles Deslauriers and some priests in the Diocese. Father Deslauriers was perceived by some of the clergy as controlling and manipulative. At the time, Father Deslauriers was at two parishes; he was the administrator of Green Valley Parish and was responsible for youth at Sacré-Coeur Parish in Alexandria. In November 1974, Bishop LaRocque wrote to Father Deslauriers instructing him to stop interfering in the affairs of Sacré-Coeur Parish, to allow Fathers Raoul Poirier and Denis Vaillancourt to perform matters within their responsibilities. He asked Father Deslauriers to end his involvement in this parish.

Father Deslauriers had been ordained by Bishop Adolphe Proulx in 1970. After his ordination, the priest was in contact with students and youths. Bishop Proulx appointed Father Deslauriers the pastor responsible for French-speaking

youth in Alexandria in 1971 and also gave him responsibilities teaching religion in the French sector of Glengarry District High School. Two years later, Father Deslauriers was appointed pastor for Rouleau School in Alexandria.

His contact with children and youth continued when Bishop LaRocque succeeded Bishop Proulx in the Diocese of Alexandria. In 1978, Father Deslauriers became responsible for apostolate with francophone youth in the Diocese. That year, Bishop LaRocque also named Father Deslauriers full-time chaplain at La Citadelle High School in Cornwall.

The appointment at La Citadelle High School, a French public secondary school, was a result of the request of Principal Jeannine Séguin. Ms Séguin lived with Bishop Proulx's sister in the Bishop's cottage. It is noteworthy that her suggestion that a Catholic priest be installed in a French public school as chaplain, with a salary to be paid by the school, was considered out of the ordinary by Bishop LaRocque:

... [C]'était inouï de penser d'un école publique de langue française mettrait un prêtre catholique comme aumônier et paierait son salaire. Je n'avais jamais entendu parler de cela.

Although some high schools had chaplains, the chaplains did not have offices. They were seldom at the schools other than for graduation or if a serious problem emerged and did not receive salaries from the school.

At the time Father Deslauriers became the full-time chaplain at La Citadelle High School, Bishop LaRocque wrote a pastoral letter to commemorate the twenty-fifth anniversary of his own ordination as a priest. It was directed at young people. The pastoral letter discussed the Roman Catholic Church teaching that love comes from practising chastity and control of sexuality:

... [J]'avais écrit la lettre pour essayer de rehausser la lettre de l'encyclique de Paul VI sur la contraception et l'idée de l'Église que l'amour vient en pratiquant la chasteté, le contrôle de notre sexualité par amour et non par peur. Et je l'avais écrite directement pour essayer d'aider aux jeunes.

In a letter to Bishop LaRocque in 1981, Father Deslauriers informed the Bishop that he had never distributed the pastoral letter to students at La Citadelle as he considered the message indigestible and unacceptable:

... [J]e voudrais vous dire que votre lettre past. sur la chasteté fut pour moi inacceptable. Elle reflétait un po pourri [sic] d'idées saugrenues et

non digestibles ... [V]oilà pourquoi je me suis permis de ne pas la distribuer aux étudiants de la Citadelle.

Bishop LaRocque was very disappointed that Father Deslauriers had not circulated the pastoral letter to the students and was upset by the tone of the priest's correspondence to him.

Parishioners Raise Questionable Behaviour of Father Deslauriers With the Bishop, Claude Thibault Meets With Bishop LaRocque

Claude Thibault was born and raised in Cornwall. His parents were devout Roman Catholics. He served as an altar boy and a reader during mass and was involved in a youth group at his parish. In high school he was on the Pastoral Committee, which organized prayer sessions, masses, and other religious activities. As he said at the Inquiry, religion was an integral part of his life.

Claude Thibault was in grade 12 at La Citadelle High School when Father Gilles Deslauriers became chaplain of the French school. Father Deslauriers was in charge of the Pastoral Committee and organized prayer services and other activities for the high school students.

Father Deslauriers organized a spiritual movement called "R3" after he became the school chaplain. "R" stood for "rencontre," which means "meeting." As Bishop LaRocque explained, the "3" signified meeting with God, others, and oneself. There were monthly meetings and sometimes weekend retreats at which the students participated in prayer, celebrations, and sometimes confession.

Claude Thibault became very involved in the R3 movement when he was a grade 12 student at La Citadelle. Through the activities of R3, Father Deslauriers quickly became a "good friend," a "mentor," and a "confidant" for Claude Thibault. As Claude Thibault said in his evidence, "R3 really created the opportunity to get to know" the priest. Father Deslauriers told the student that he had a doctoral degree in psychology, which was untrue. Claude Thibault, who later became a priest, testified that the information about Father Deslauriers' doctoral degree was false. He considered Father Deslauriers his spiritual advisor.

Claude Thibault periodically sought advice from the priest. It was at one of these counselling sessions, said Claude Thibault, that Father Deslauriers began to sexually abuse him. He testified that he was abused by Father Deslauriers several times. It was his recollection that this took place between approximately January 1978 and September 1979. Although the grooming took place at La Citadelle High School, the abuse occurred at St. John Bosco rectory, where Father Deslauriers was a priest in residence. The abuse generally occurred in the evening. Claude Thibault, like many victims of abuse, did not disclose at that time the sexual acts committed on him by the priest.

But in August 1979, when Claude Thibault was at a retreat in Trois-Rivières, Quebec, he disclosed the sexual acts of the priest to a lay person in charge of the centre. Father Deslauriers did not attend this retreat. Nineteen-year-old Claude Thibault told this woman, Rose-Annette Vachon, that he was confused about the “therapy” administered to him by Father Deslauriers. She learned that the sexual contact perpetrated on him had been presented by the priest as “therapy.” Her reaction was one of surprise. She escorted Claude Thibault to a priest at the retreat centre. Father Thibault explained at the Inquiry the reason why he trusted Father Deslauriers despite the fact that the sexual behaviour, the “so-called therapy,” did not “feel right”:

... I believe that my involvement with the Church, my faith and all of that was very instrumental ... with the abuse itself. One of the reasons why—like, there was a lot of confusion over this abuse, this so-called therapy. In my mind, it never felt right, but it was somebody that, as he had said and falsely said, had a degree in psychology, and he spoke at different times that his thesis was something regarding sexual problems or deviants of whatever. So he was, in my mind, a master of that, but he was also a priest.

And I really—I wouldn’t say—I knew a number of priests so I wouldn’t say that I believed that a priest could do no wrong. I think I had a good understanding at that point that priests are human and can make mistakes but I constantly would come back to the fact, like, well, he knows what he’s doing, even though it doesn’t feel right. It doesn’t feel right with my religious values; what I had been taught; what I had grown up with. He is a priest. So there has got to be something that I’m missing that he sees and I—he had brainwashed me, I would say, so much with having to trust him that that is exactly what I did.

Claude Thibault spoke to Father Germain Côté, who worked at the retreat centre. In Father Côté’s office, he disclosed the “therapy” administered by Father Deslauriers. Claude said he felt guilty for participating in these acts. Claude Thibault testified that he is quite certain that the disclosure was “in the context of confession.” Father Côté’s immediate reaction was that this behaviour was inappropriate and did not “make sense.” He encouraged Claude to approach Father Deslauriers and make it clear to the priest that he wanted this “therapy” to stop. Claude Thibault testified that he does not recall Father Côté recommending that he contact the Bishop or the police or the Children’s Aid Society (CAS).

Claude Thibault decided to follow Father Coté's advice. After the spiritual retreat at Trois-Rivières, he met with Father Deslauriers and asked the priest to stop this behaviour. He testified that Father Deslauriers complied.

In 1981, Claude Thibault entered Saint Paul Seminary after completing three years at the University of Ottawa. He disclosed the abuse that had been perpetrated on him by Father Deslauriers to a friend at the seminary, who commented that there were likely to be other victims. His friend helped him to realize the control Father Deslauriers had over him and he began to understand that the sexual acts were without question inappropriate. This had a significant impact on Claude Thibault. He became angry and began to rebel against persons connected with the Diocese and generally with people in positions of authority. This behaviour had an adverse effect on his studies at Saint Paul Seminary and he received a poor evaluation from the rector in his second year.

Claude Thibault was concerned and decided to arrange a meeting with Bishop LaRocque.

Claude Thibault knew Father Deslauriers was manipulative and did not tell the truth and therefore was very worried that the priest who had sexually abused him would make negative and false comments about him to the Bishop. He thought that Bishop LaRocque trusted and highly respected Father Deslauriers. The theology student wanted the Bishop to know that his relationship with Father Deslauriers was poor. He sought the Bishop's understanding and support.

The meeting took place in Bishop LaRocque's office. Claude Thibault told the Bishop that he had a strained and difficult relationship with Father Gilles Deslauriers; the priest had not been "true" with Claude, and he was controlling and played games. Claude Thibault testified that he was "trying to open a door" because he "had a desire to go further eventually" and disclose the sexual abuse to Bishop LaRocque. But instead the Bishop chastised Claude Thibault for making these statements and said, "Attention; c'est des grosses accusations," which translates as "Be careful; those are grave accusations." This was a very unfortunate response. As Claude Thibault said, the Bishop's "response closed the door" to the "possibility" of revealing in the future the sexual abuse perpetrated on him by Father Deslauriers.

After completing his studies at the seminary, Claude Thibault had a pastoral internship in 1984 and 1985 at St. Columban's Parish in Cornwall. His spiritual advisor at that time was Sister Myrna Ladouceur of the Soeurs du Sacré-Coeur in Ottawa. Although he did not disclose the sexual abuse, Claude Thibault told Sister Ladouceur that Father Deslauriers lied, was manipulative, and abused his authority:

... I started talking about my relationship with Father Gilles since I had known him and different difficulties that I had had with him in the way he directed me and the control he had.

I did not at first speak to her about the so-called therapy or the sexual abuse, but I spoke about the lies that I had endured and the manipulation, other forms of abuse, abuse of authority.

Sister Ladouceur encouraged Claude Thibault to confront Father Deslauriers with these issues and to convey the impact of the priest's behaviour on his life.

The meeting with Father Deslauriers took place on March 21, 1985. Claude Thibault confronted the priest with the sexual abuse, and he told Father Deslauriers that he was “taking ... back” the “control” the priest had over his life. He described the adverse effect the priest's behaviour had on him. Claude Thibault felt unburdened and for the first time out from under the control of Father Deslauriers. He no longer feared Father Deslauriers. In a mixture of French and English, he said:

I realized only afterwards it was [the] first day of spring and it was a spring day in my life. So I basically went to see him after preparing with Sister Myrna and went over a number of issues and said ... when you did this, when you said that, this is what it what it had, the impact it had on me, this is how I felt. And although I had not spoken to Sister Myrna about the sexual abuse, I also confronted him specifically on that aspect, and brought that back and told him—talked to him about the -impact that it had had on me and how I felt at that time about it.

...

Le contrôle que je t'ai donné sur ma vie, je viens le reprendre. So the control I'd given you over my life, I'm taking it back. And it really, really is what happened.

I had come to realize that he was a friend that I was terrified of, and you're not terrified of friends. So for the first time, he wasn't up there and me down here; he was at my level and it really broke the fear and it broke the control.

After listening to Claude Thibault, Father Deslauriers said he was sorry but insisted that he was merely trying to “help” him.

Claude Thibault testified that Father Deslauriers' control over him ended on March 21, 1985, when he told the priest that he was taking back control of his life.

Another parishioner in the Diocese tried to alert Bishop LaRocque to Father Deslauriers' inappropriate behaviour. A woman arranged a meeting with the Bishop in the fall of 1985 concerning her son. She said that Father Deslauriers was manipulative and asked the Bishop to take steps to ensure that her son had no

contact with this priest. This parishioner met with the Bishop a second time. Yet Bishop LaRocque did not give serious consideration to the mother's complaint. In his evidence, the Bishop recalled these visits from the woman, who was accompanied at one of them by her sister.

It was in 1986, when this parishioner told the story about her son to an ad hoc committee established by the Bishop to examine Father Deslauriers' conduct, that Bishop LaRocque realized she had tried to approach him to address the priest's behaviour. He had not given her complaints much consideration and had taken no measures to address the situation. The Bishop acknowledged in his evidence at the Inquiry that he had acted unfairly and apologized for his behaviour at the meetings with this woman:

Et ça—je voudrais peut-être profiter de—pour demander pardon de cette dame. Sa soeur moins parce que sa soeur était plutôt là pour l'accompagner, mais je crois que j'ai été très injuste envers elle.

Claude Thibault's Failed Attempt to Disclose Abuse to Bishop

Although Sister Ladouceur continued to be his spiritual advisor, it was not until the end of 1985 that Claude Thibault disclosed the sexual abuse perpetrated on him by Father Deslauriers. He told Sister Ladouceur that he knew he needed to reveal the abuse to Bishop LaRocque but felt it was "too much of a risk" to do so before his ordination. Claude Thibault thought that it was his responsibility to make this disclosure in order to protect other possible victims of Father Deslauriers. Claude Thibault, who was a deacon at this time, considered himself very vulnerable because of Father Deslauriers' "power" and "the trust that the Bishop had towards Gilles." He was fearful that the Bishop would not believe him. He told Sister Ladouceur that within six months of his ordination he would disclose the abuse to Bishop LaRocque:

... I told her that I knew by that time that I had to speak to the Bishop about it, and that I was planning to do so but I felt that I couldn't talk to him about that before my ordination.

I was deacon already at that point, and before being ordained priest, because it was too much of a risk, again, because of the power that Father Gilles, had, and the trust that the Bishop had towards Gilles.

I wasn't sure, first of all, that the Bishop would believe me; that it would be my word against Father Gilles' words, and that I was just

kind of a nobody almost. And that I—I felt that after being ordained, I probably would have a bit more leverage.

And so I said to her, I know I have to speak to him, and she agreed with that, definitely. And I said, I'm giving myself six months within my ordination. I had no idea how and when I'd do it. I was very afraid but I knew I had the responsibility to let the Bishop know what had happened.

At that point, I still did not know that there was anybody else that had suffered the same thing, but I was more and more aware that I didn't want anybody else to have to go through what I went through.

Claude Thibault was afraid that if he revealed the abuse before this time and was not believed, he would never become ordained. When he had approached Bishop LaRocque a few years earlier, the Bishop did not appear to believe him, and in fact had chastised Claude Thibault for saying that Father Deslauriers was controlling. This led Claude Thibault to conclude that the Bishop might not believe his disclosure that Father Deslauriers had sexually abused him.

Brisson Family Discloses Abuse of Benoit Brisson to Priests in the Diocese of Alexandria-Cornwall

On January 21, 1986, Father Bernard Ménard received a call from Ms Lise Brisson. She conveyed that she had something painful to share with the priest and asked to meet him. They arranged to meet two days later.

Father Claude Champagne from Ottawa contacted Father Denis Vaillancourt on January 21, 1986, to ask him if he could supervise an R3 weekend in Ottawa. Father Vaillancourt was involved in this spiritual movement at the same time as Father Deslauriers and participated in the weekend retreats for young people between the ages of seventeen and twenty-five. During the course of this telephone call, Father Champagne relayed that he had received information that Father Deslauriers had had sexual encounters with young persons. He added that this had destroyed a man's marriage. This man was Benoit Brisson. Benoit had been a student at La Citadelle High School when Father Deslauriers had been chaplain.

Father Vaillancourt met the Brisson family. Bishop LaRocque was not in the Diocese at that time but was expected to return in a few days. Hubert and Lise Brisson shared with Father Vaillancourt some details of the sexual abuse of their son, Benoit. They told Father Vaillancourt that they had also disclosed the abuse to Father Rhéal Bisailon and had contacted Father Ménard.

This was the first time Father Vaillancourt and Father Ménard had been presented with allegations of sexual abuse by a priest in the Diocese. The clergy

were unprepared. They had no training in such matters and there was no protocol on sexual abuse at that time in the Diocese of Alexandria-Cornwall.

On January 23, 1986, Father Vaillancourt contacted Father Bisailon, who was surprised that another priest knew of the Brisson sexual abuse. Father Bisailon had asked the Brisson family not to discuss this issue with anyone. He wanted the Brisson family to give him time to think about how the Church would deal with this situation. To Father Vaillancourt's knowledge, Father Bisailon did not report the allegations of abuse.

After Father Ménard spoke with the Brisson family and learned of the sexual abuse by Father Deslauriers, he met with Fathers Vaillancourt and Bisailon at the Ste-Croix presbytery to discuss what he considered to be a serious issue. Father Ménard was saddened by this disclosure and the impact the sexual abuse had had on Benoit Brisson and his family. At this January 27, 1986, meeting, Father Bisailon stated that three or four years earlier, Monsignor Aimé Leduc had asked him discreetly whether he had heard that Father Deslauriers was having sexual contact with young people. Father Bisailon told Monsignor Leduc that he was not aware of this conduct.

Because Father Ménard was from a religious order and was not a priest from the Diocese, Fathers Vaillancourt and Bisailon thought he should be the person to confront Gilles Deslauriers with the Brisson allegations of abuse. Father Ménard was not a colleague of Father Deslauriers and was considered "neutral." Father Ménard agreed to approach the priest. He considered the Brisson disclosure to be credible. He went to La Nativité Presbytery that day to speak to Father Deslauriers about the allegations. When Father Deslauriers was confronted with the Brisson disclosure of sexual assault, his response was that this was therapy for youths who lacked confidence and self-esteem. Father Ménard replied that this was a serious matter and told the priest that the Bishop should be notified immediately.

Bishop LaRocque had just returned from a two-week vacation. Father Deslauriers went to see the Bishop on January 27, 1986, the day he met with Father Ménard. He told Bishop LaRocque that he had engaged in an indiscretion, that he had touched a youth, but he insisted that it was not a serious matter. As Bishop LaRocque said:

... [I]l m'a dit qu'il avait eu l'indiscrétion de toucher le jeune par-dessus les vêtements, puis c'était vraiment rien et puis qu'il faudrait pas en faire une grosse cause.

Bishop LaRocque testified that he might have told Father Deslauriers to take a thirty-day retreat. Yet the Bishop acknowledged that there was no discussion as to when the retreat should begin or who should make the arrangements.

The Bishop appears to have accepted Father Deslauriers' explanation and took no action at the time to further investigate the matter or to determine whether any other boys or young people in the Diocese had been sexually abused by Father Deslauriers.

The following morning, Father Ménard met with the Bishop to ensure that Father Deslauriers had disclosed his sexual behaviour with Benoit Brisson. Father Ménard was disturbed about the Deslauriers situation. There was no discussion or contemplation by the Bishop at that time about suspending or removing Father Deslauriers from the ministry.

Father Gilles Deslauriers met with Ms Lise Brisson on January 28, 1986, the day after he spoke to Bishop LaRocque. The meeting took place at the Brisson home. The priest explained that he had been administering psychological therapy to her son and that his acts had been misunderstood. Father Deslauriers asked for and received forgiveness but had no repentance. Together they called Bishop LaRocque. According to Ms Brisson, Bishop LaRocque thanked her for proceeding with this issue discreetly because, he cautioned, if it became public knowledge, it would be harmful to the clergy.

Denyse Deslauriers, Benoit Brisson's former spouse, testified that she met with Father Gilles Deslauriers on January 30, 1986. Father Deslauriers had blessed their engagement, married them, and baptized their oldest child. Ms Deslauriers states that she met the priest at the presbytery. She testified that she confronted the priest and told him that he manipulated young people, that he had abused his power, and that he needed treatment. According to Denyse Deslauriers, Father Deslauriers explained that he had had a moment of weakness and he mentioned homosexuality. Ms Deslauriers also met with Father Vaillancourt on January 30, 1986. At the meeting, she described the marital problems that she and her husband had been experiencing.

Lise Brisson Contacts Father Claude Thibault

Father Claude Thibault was ordained at La Nativité Church on February 1, 1986. At the time of his ordination, he was unaware that there were other victims who had been sexually abused by Father Deslauriers. But when he returned to the Cornwall area on February 7, 1986, after a week away, his mother told him that Ms Brisson, Claude Thibault's teacher in grades 7 and 8, had called. It was on that day that Claude Thibault learned that another person had been sexually abused by the same priest, Father Deslauriers.

When Father Thibault returned Ms Brisson's telephone call that evening, she said her son, Benoit, had problems that she wished to share. Lise Brisson also mentioned that she was aware Claude Thibault had had difficulties in the past when he was in the seminary, and inquired if they had been with respect to a "certain priest." Father Thibault asked if he could come to the Brisson home.

That evening, Lise and Hubert Brisson told Claude Thibault that their son, Benoit, had been sexually abused by Father Deslauriers. Ms Brisson said she had disclosed the abuse to Fathers Vaillancourt, Bisailon, and Ménard.

Claude Thibault had been a classmate of Benoit Brisson in grade 7 and 8, as well as in high school. He said in his evidence that they had both participated in R3 retreats and had been in “therapy” sessions with Father Deslauriers. Claude Thibault testified that they were sexually abused by this priest in the same period.

Father Thibault contacted Sister Myrna Ladouceur, his spiritual advisor. He told her that he felt he needed to reveal the sexual abuse that had been perpetrated on him to the Bishop. Sister Ladouceur encouraged him to make the disclosure to Bishop LaRocque.

Father Thibault decided to speak to Father Vaillancourt, Chancellor of the Diocese, before he disclosed the abuse by Father Deslauriers to the Bishop. As mentioned, Father Vaillancourt had been active in R3 and had worked closely with Father Deslauriers in this spiritual movement. Although Father Thibault was very nervous about the prospect of disclosing the abuse to Father Vaillancourt, he believed this priest could be trusted. Father Deslauriers at that time was a parish priest at La Nativité.

It was immediately apparent to Father Vaillancourt that Father Thibault was anxious to meet him as soon as possible. Because of the urgency of the call and Father Thibault’s mention of the Brisson family, Father Vaillancourt became concerned that there could possibly be other victims.

Father Thibault met Father Vaillancourt at St. Columban’s, the church where he had done his internship. After discussing the Benoit Brisson disclosure, Claude Thibault revealed that he, too, had been sexually abused by Father Deslauriers. Father Vaillancourt’s reaction was compassionate and supportive. Father Thibault explained that he had been very confused and uncomfortable about the sexual contact. He stated that he had gone to confession and that Father Deslauriers had absolved him. Father Vaillancourt encouraged Father Thibault to speak to the Bishop and offered to arrange the meeting.

Father Vaillancourt was worried that the abuse had been committed at La Citadelle High School and that the school board would become involved in this matter. He learned from Father Thibault that Father Deslauriers had had sexual encounters with him in the office at St. John Bosco rectory. Father Vaillancourt was the chaplain of La Citadelle at this time. He did not contact the school board or speak to staff at the school to determine if other children had been sexually abused by Father Deslauriers, the former chaplain of this high school. In the next few days, Father Vaillancourt learned that there were more victims. By February 12, 1986, Father Vaillancourt had seven names and had met with four of the alleged victims.

Father Thibault was extremely nervous when he went to see Bishop LaRocque on February 9, 1986, at the meeting that had been arranged by Father Vaillancourt. He told the Bishop that, like Benoit Brisson, he was a victim of sexual abuse committed by Father Gilles Deslauriers. He explained that Father Deslauriers had told him that the sexual contact was therapy. Father Thibault reminded Bishop LaRocque of their meeting a few years earlier, in 1983, when he had been experiencing difficulties at the seminary; that he had told the Bishop that Father Deslauriers was not truthful, was manipulative, and was playing games. He also reminded Bishop LaRocque of his response at the time. He had cautioned Claude Thibault against making such serious allegations. Father Thibault courageously told the Bishop that this response had ended the discussion and that had the Bishop been more receptive and supportive, he would probably have disclosed the sexual abuse several years earlier:

I said to him, “Now, I’m telling you it wasn’t just an impression; it was more than impression. I knew that was the truth but you responded that way and I shut up.”

I also told him that if he had listened, I probably eventually would have told him ... before ...

Claude Thibault explained to the Bishop that his difficulties in the seminary and confusion were, in large part, attributable to Father Gilles Deslauriers: “I wasn’t becoming a priest for God in God’s Church but for Gilles who was such an important person in my life.” Father Thibault testified that when he revealed that he, in essence, worshipped Father Deslauriers, Bishop LaRocque abruptly said, “That’s idolatry.” The Bishop subsequently apologized and said he did not intend to be critical and accuse Father Thibault of idolatry. Bishop LaRocque testified that Father Gilles Deslauriers had also manipulated him.

Father Thibault stated that he was thankful he was able to understand, prior to his ordination, this complex relationship with Father Deslauriers and to realize the purpose for which he should be entering the clergy: “I was happy that I had cleared that out before being ordained.”

Bishop LaRocque told the newly ordained priest that he wished he had discussed this earlier but then immediately acknowledged that had he been more receptive and listened to what Claude Thibault was telling him three years earlier, perhaps the young man would have revealed the abuse perpetrated by Father Deslauriers sooner.

Bishop LaRocque Learns There Are More Victims: Father Deslauriers Instructed to Leave Diocese

Father Vaillancourt met with Bishop LaRocque on February 12, 1986. By that time, he had the names of seven people who claimed they had been abused by Father Deslauriers and, as mentioned, he had met with four of the alleged victims. When Father Vaillancourt revealed the number of possible victims, the Bishop was shocked and said that action had to be taken.

Bishop LaRocque met with Lise Brisson the following morning, on February 13, 1986. According to Ms Brisson, the Bishop told her that Father Deslauriers was a dangerous man and that he had had the Bishop's confidence in the past, which had clearly not been deserved. Bishop LaRocque said the priest would be treated by the Church since he was a sick man. He also undertook to assist victims abused by Father Deslauriers.

Accompanied by Father Ménard, the Bishop met with Father Gilles Deslauriers at La Nativité. Bishop LaRocque confronted the priest and chastised him for asserting that he had abused only one victim, when in fact he had sexually molested many youths and young adults. He instructed Father Deslauriers to leave the Diocese of Alexandria-Cornwall immediately. He asked the priest to resign but undertook to support him in a position in another diocese, after Father Deslauriers had completed treatment with a therapist for his problems. Bishop LaRocque believed that Father Deslauriers' conduct could be changed; in the Catholic Church there is no sin that cannot be forgiven, and there can be modification in the orientation of one's life. But the Bishop testified that he now understands that professionals in the field of psychiatry do not subscribe to the view that the sexual behaviours exhibited by Father Deslauriers can necessarily be successfully treated:

... [S]elon la doctrine, il y a toujours possibilité d'une conversion. Dans l'église catholique, on croit qu'il n'y a pas de péché qui ne peut pas être pardonné où on ne peut pas changer l'orientation de notre vie. Ce n'est pas tout à fait ce que les psychiatres nous disent maintenant.

There was uneasiness among parishioners in the Diocese, as it was known that several young people had been abused. According to Father Ménard, there was a perception that the Church was not taking action because Father Deslauriers remained in the Diocese.

Bishop LaRocque and Father Ménard did not discuss whether the police or Children's Aid Society should be contacted regarding the allegations of abuse

against Father Deslauriers. Because the victims who had come forward were now in their early twenties, it may not have occurred to these religious figures that there were children possibly at risk in the community. No protocol existed in the Diocese at that time, and the clergy believed that the matter could be handled within the confines of the Roman Catholic Church. As Father Ménard said in his evidence:

... [L]’idée de l’Aide à l’enfance nous est même pas venue comme telle. Et l’idée de rendre ça public à la police ça venait pas—c’était pas dans—y avait aucun protocole à ce moment-là qui était prévu dans ce sens-là. Il n’y avait pas de tradition ou autre chose et on avait confiance encore que ça pouvait se traiter à l’intérieur des mesures dans l’église.

Father Ménard agreed that the Roman Catholic Church at times was very concerned about damaging its image in these situations. The inclination of the institution to keep such matters confidential within the confines of the Church and not discuss them in the public domain, Father Ménard said, caused damage to victims who had been sexually abused by members of the clergy. As mentioned, some bishops and priests believed in 1986 that with therapy, people such as Father Deslauriers could be successfully treated and resume their priestly duties. As Father Ménard acknowledged in his evidence, there was “some naivety to our approach in those years.”

Bishop LaRocque thinks he suggested to Father Deslauriers that he seek treatment for his sexual problems at Southdown Institute, a treatment centre established by the Bishops of Ontario. The priest refused, as therapy was not offered in the French language at that facility. There was a francophone treatment facility in Montreal, the Institut de Formation et de Rééducation, at which Jeannine Guindon, Monsignor Guindon’s sister, was the director. But Father Deslauriers was also not receptive to therapy at this centre. Bishop LaRocque also discussed the re-training centre for priests in Pierrefonds, Quebec, under the direction of the former bishop of Hull, Monsignor Charbonneau, but this facility did not offer treatment or therapy for sexual problems. Father Deslauriers was resistant. It is important to note that Bishop LaRocque did not direct anyone in the Diocese to make arrangements to ensure that Father Deslauriers received treatment for his inappropriate conduct with young men.

Father Deslauriers gathered his personal belongings after the meeting with the Bishop. He was prohibited from returning to La Nativité Parish or sleeping at the presbytery. At Father Deslauriers’ request, the Bishop allowed the priest to sleep at Bishop Proulx’s cottage.

Bishop LaRocque testified that neither he nor other clergy in the Diocese were trained to deal with allegations of sexual abuse. Nor was there a protocol in the Diocese. The behaviour of Father Deslauriers was not reported to any outside agencies—not to the Children’s Aid Society, not to the police, and not to the school board. Nor did the Bishop conduct a formal investigation of the abuse at that time. Bishop LaRocque acknowledged that “one of [his] preoccupations” throughout the Deslauriers matter was avoiding scandal for the Diocese.

Knowledge or Suspicions of Clergy Regarding Father Deslauriers’ Inappropriate Behaviour

Prior to January 1986, comments were made by other priests suggesting that they, too, knew or suspected that Father Deslauriers was having sexual contact with young people. For example, Brother Laflamme, who was with the religious order Frères du Sacré-Coeur, was aware that young people did not want to go to confession with Father Gilles Deslauriers. To Father Vaillancourt’s knowledge, Brother Laflamme did not report this information to the Bishop.

Father Réjean Lebrun lived with Father Deslauriers at the presbytery at St. John Bosco Parish for about seven years, from 1977 to 1984. This occurred as a result of a request by Jeannine Séguin, principal of La Citadelle, after Father Deslauriers was asked to become the chaplain at the high school. Father Deslauriers was responsible for mass at St. John Bosco Parish on weekends.

Father Lebrun knew that Father Deslauriers did not have a good relationship with a number of priests in the Diocese. He was also aware that Father Deslauriers received young people in his office at night as well as on Saturdays. People often called the presbytery to speak to “Father Gilles.” Father Lebrun became irritated with the constant disruptions of their meals and the late-night calls. Benoit Brisson testified that Father Lebrun was sometimes in close proximity to the area where Father Deslauriers was molesting him. On a couple of occasions, Father Lebrun walked down the hall outside the room in which Benoit was being sexually assaulted by the priest.

Father Lebrun testified that the Diocese authorities were initially silent about the Father Deslauriers matter. Bishop LaRocque did not discuss the issue with clergy in the Diocese such as Father Lebrun. Parishioners inquired about the actions that would be taken by the Diocese to deal with this problem and the allegations of sexual abuse against the priest. But as Father Lebrun said, clergy at that time did not question the authority of the Church; the structure of the Roman Catholic Church was strict obedience and matters of sexuality were not spoken about openly, particularly sexual misconduct by a priest.

There was no public announcement by the Diocese of the circumstances leading to the departure of Father Gilles Deslauriers in 1986. No explanation was given to the clergy or to parishioners. Father Lebrun and others thought that the matter was mishandled by the Diocese, with negative repercussions in the Cornwall community for many years.

Father Vaillancourt, another priest involved in the Deslauriers matter, thought that the lack of a policy or written guidelines on sexual abuse was a significant problem when the Diocese was confronted with this issue in the 1980s. And as several priests stressed, what exacerbated the problem was that they had no training in such matters. Father Vaillancourt said that to this day he has not received training on the appropriate response to complaints of sexual abuse. It is important to note that neither he nor, to his knowledge, other priests notified the school board responsible for La Citadelle, where Father Deslauriers had been a full-time chaplain. Father Vaillancourt replaced Father Deslauriers as the chaplain of La Citadelle High School in September 1985.

After Father Deslauriers' departure from the Diocese of Alexandria-Cornwall, members of the clergy wanted to know how they were to respond. At the March 4, 1986, meeting of the Council of Priests, Father Romeo Major asked how priests should respond to the Deslauriers issue. Bishop LaRocque's answer was that priests were to tell parishioners and members of the public that Father Deslauriers left for personal reasons.

Bishop LaRocque testified that he thinks he knew Father Deslauriers was in Hull under the guardianship of Bishop Proulx. By March 6, 1986, there were reports that "Father Gilles" was performing ministerial functions in that Diocese.

Father Deslauriers Celebrates Mass in Hull

After Father Deslauriers left the Diocese of Alexandria-Cornwall, Father Ménard learned from the Brisson family that the priest was celebrating mass in Hull. Another priest had fallen ill and Father Deslauriers was asked if he would perform ministerial functions in the parish.

Father Ménard told Bishop LaRocque that Father Deslauriers was performing ministerial functions in Hull. Father Ménard asked whether Bishop Proulx was aware of the sexual allegations made against Father Deslauriers. At the request of Bishop LaRocque, on about March 18, 1986, Father Ménard travelled to Hull to ensure that Bishop Proulx knew of the complaints of sexual abuse by parishioners in the Diocese of Alexandria-Cornwall. Father Ménard testified that his purpose in visiting Bishop Proulx was twofold: (1) to persuade the Bishop to remove Father Deslauriers from his clerical functions in the Diocese of Gatineau-Hull; and (2) to ensure that Father Deslauriers was receiving therapy, as Father

Ménard believed that consistent and good treatment could change the priest's sexual behaviour with children and young people.

When Father Ménard met with Bishop Proulx, it was apparent that the Bishop had some knowledge of Father Deslauriers' inappropriate conduct but was unaware of the magnitude. Bishop Proulx asked Father Ménard to meet with Father Deslauriers, who was at the parish of Notre-Dame de Lorette. Father Deslauriers was very surprised to see Father Ménard. Father Ménard was direct; he said there were several allegations of sexual misconduct against him and that it was inappropriate for Father Deslauriers to perform clerical functions and to have contact with young people. Father Ménard told the priest that he thought he should leave the area. Father Deslauriers assured Father Ménard that he was seeing a therapist weekly. But Father Ménard had no confidence that the therapist actually knew about the sexual abuse allegations. It was also Father Ménard's opinion that Father Deslauriers should be receiving more than weekly therapy. Father Ménard shared his concerns with Bishop LaRocque in correspondence.

Father Ménard met with a group of lay people around March 21 or 22—several families and three couples. They were impatient. They were upset at the slow pace at which the Church was responding to the sexual abuse allegations and greatly concerned that Father Deslauriers was performing clerical functions in Hull. Dr. Denis Deslauriers, Benoit Brisson's father-in-law, suggested that there might be a requirement for Father Deslauriers' abusive conduct to be reported to the civil authorities. However, some of the people at the meeting expressed the desire that this issue be addressed within the confines of the Church.

On March 22, 1986, Mr. and Ms Brisson sent a letter to Bishop LaRocque, Bishop Proulx, the Apostolic Nuncio, the Prefect of the Congregation for Bishops, and Archbishop Spence. They wrote that Father Deslauriers had been seen celebrating mass in Hull one week after he left Cornwall. They also stated that Father Deslauriers had travelled to the Cornwall area and had been seen on several occasions, at the hospital and at the Caisse Populaire. Hubert and Lise Brisson complained that the Church did not appear to have taken any measures either to assist the young victims or to treat Father Deslauriers.

It was clear to Bishop LaRocque that people outside the Diocese now had knowledge of the sexual abuse allegations against Father Deslauriers and that the situation was escalating. The Bishop was disappointed and upset with the Brissons for maintaining that he was not taking action to address the situation. In correspondence to Mr. and Ms Brisson on March 25, 1986, Bishop LaRocque expressed his disappointment in them:

Que vous vous êtes sentis obligés de faire appel à tous les niveaux de la responsabilité hiérarchique indique la profondeur de votre angoisse,

mais me déçoit beaucoup. Ce manque de confiance à mon endroit me blesse énormément.

The Bishop clearly did not offer support to Mr. and Ms Brisson, whose son, Benoit, was an alleged victim of childhood abuse by a priest.

Father Ménard Sends a Report on the Deslauriers Matter to the Bishop

After meeting with the aggrieved victims and distressed families, Father Ménard wrote a letter and submitted a report to Bishop LaRocque. Before sending it to the Bishop, he shared the contents of the report with Fathers Bisailon and Vaillancourt.

In the March 25, 1986, correspondence to the Bishop, Father Ménard explained that he had prepared the report because the Gilles Deslauriers matter was escalating. More people in the Cornwall area had become aware of the priest's alleged sexual misconduct and dissatisfaction with the Church's failure to initiate measures to prevent further victimization was growing. Father Ménard stressed that it was important to listen to the victims and families to learn the truth, and to promote justice and healing. He maintained that the faith of these young people and their families was at stake. He informed Bishop LaRocque that dissatisfied people in the Diocese had sent letters regarding Father Deslauriers to Church superiors: to the Apostolic Nuncio, to the Archbishop for the region of Cornwall, and to Rome. Father Ménard had supported the initiative of the victims and their families.

In his report, Father Ménard described the details of abuse conveyed to him by the alleged victims of Father Deslauriers. He wanted the Bishop to fully understand the seriousness of the situation. Father Ménard also described the spiritual manipulation of consciences, which included the abuse of power by Father Deslauriers. He discussed Father Deslauriers' deception and dishonesty in telling these alleged victims that his "therapy" would help them. As Father Ménard commented in his evidence, the commission of the acts of abuse is serious, but when the perpetrator denies or does not regard the acts as improper or wrong, it is much graver:

C'est que quelqu'un fasse du tort, c'est grave. Mais quand quelqu'un en toute apparence n'arrive pas à voir qu'il fait du tort ou en tout cas le nie, c'est plus grave. C'est encore plus grave. Fait que là c'est une question de conscience faussée là. Alors, ça, ça m'inquiétait.

Father Ménard made several recommendations in the report he submitted to the Bishop. In his view, Father Deslauriers should be prohibited from engaging

in pastoral work; only after completing treatment and receiving a suitable evaluation from the therapist was Father Deslauriers to be allowed to return to clerical functions. It was Father Ménard's understanding that Father Deslauriers was undergoing therapy with Father Jacques Jobin. He asked the Bishop to ensure that the priest was attending appointments and following the prescribed treatment. Father Ménard also recommended that Father Deslauriers receive more intense treatment—group as well as individual therapy. He suggested Southdown and the rehabilitation centre operated by Jeannine Guindon in Montreal, but as mentioned, the latter did not have the expertise to treat individuals for sexual abuse. Father Ménard did not recommend the centre in Pierrefonds because it was not a treatment centre for psychological problems, but Bishop LaRocque suggested that Father Deslauriers attend there for three months.

Father Ménard also suggested to the Bishop that Father Deslauriers undergo a process of absolution and, if required by canon law, suspension. As Father Ménard explained in his evidence, if a priest abuses the sacred seal of confession by committing the crime of solicitation during confession, he must seek absolution from Rome.

Father Ménard recommended that Father Deslauriers leave the Diocese of Hull immediately. He also stressed that any diocese that received Father Deslauriers should be fully apprised of the priest's past conduct with young persons. Furthermore, he stated that the priest should be prevented from communicating with any of the victims whom he had allegedly abused.

Finally, Father Ménard proposed that the Church establish a committee, an ecclesiastical tribunal, to hear from the victims and their families as well as priests, and to make recommendations to the Bishop. The costs of therapy for victims of abuse should be defrayed by the Church, wrote Father Ménard in his report.

Bishop LaRocque travelled to Hull to meet with Bishop Proulx. Although he intended to meet alone with Bishop Proulx, to his consternation Father Deslauriers was present during the entire meeting. Bishop Proulx defended Father Deslauriers throughout the discussion.

Bishop LaRocque asked Bishop Proulx to remove Father Deslauriers from ministerial duties at the parish. Some of the young people who had been victimized by Father Deslauriers lived in Ottawa, which is near Hull. Bishop Proulx was not receptive to Bishop LaRocque's suggestion.

At this meeting, Bishop LaRocque discussed the seriousness of the sexual acts, but Gilles Deslauriers insisted that his conduct was "therapy." Bishop LaRocque was aware at this time that there were between eight and twelve alleged victims. He left the Diocese of Gatineau-Hull without any commitments by Bishop Proulx and considered his meeting unsuccessful. Bishop LaRocque still

did not consider contacting the police, despite the fact that Father Deslauriers was continuing to exercise his ministry in another diocese and had contact with young people—other possible victims of sexual abuse.

Father Ménard decided to bring a copy of his March 25, 1986, report to Bishop Proulx in Hull. He wanted to ensure that Bishop Proulx was aware of his recommendations.

The Establishment of the Ad Hoc Committee

After reading Father Ménard's report and conferring with Monsignor Bernard Guindon, who had a degree in Canon Law, Bishop LaRocque agreed in early April 1986 to establish an ad hoc committee. Father Ménard had recommended that the members of the committee not include the Bishop. Bishop LaRocque decided that the committee should consist of Jacques Leduc, the Diocese lawyer, who had a Bachelors degree in Canon Law from Saint Paul University, and Sister Claudette Pilon, whom the Bishop mistakenly thought was a psychologist but who in fact was in the process of pursuing a Masters degree in Pastoral Studies and Matrimonial Counselling at Saint Paul University at the University of Ottawa. In addition, the Bishop selected Monsignor Guindon to chair the Ad Hoc Committee on the Father Gilles Deslauriers Case. Members of the committee were asked to listen to the testimony of witnesses designated by the Bishop and to make recommendations. Bishop LaRocque testified that at the time he established the Ad Hoc Committee, he was morally certain that Father Deslauriers had engaged in sexual acts with young people, considered "one of the worst crimes" by the Church. By letter dated April 3, 1986, Bishop LaRocque informed Mr. and Ms Brisson that the Ad Hoc Committee under the direction of Monsignor Guindon had been established to address the Deslauriers matter. The Bishop requested that they appear before the committee.

Bishop LaRocque asked Father Gilles Deslauriers to testify before the Ad Hoc Committee. In a letter dated April 6, 1986, the Bishop also requested Father Deslauriers to continue his treatment in Pierrefonds with Father Jobin. However, Father Deslauriers refused to stay in Pierrefonds for the three months proposed by the Bishop, and left after a short time. Bishop LaRocque told the priest in the April letter that he had received correspondence from Rome that indicated Father Deslauriers should be prohibited from hearing confessions. Church officials in Rome had stated that although no crime in canon law had been committed, it was advisable to withdraw Father Deslauriers' faculties from hearing confessions. Bishop LaRocque asked Father Deslauriers to leave the region of Hull.

Father Jobin, Father Deslauriers' therapist, communicated with Bishop LaRocque on April 18, 1986. He told the Bishop that in his opinion, Father Deslauriers should continue to hear confessions as it was part of his rehabili-

tation. Father Jobin was a priest and a psychotherapist. Father Deslauriers had been referred to Father Jobin by Bishop Proulx. It was Bishop LaRocque's belief that Father Deslauriers had also manipulated his therapist.

Father Deslauriers responded to the Bishop's letter on April 16, 1986. He challenged the composition of the Ad Hoc Committee, and made it clear that he would not complete the three-month retreat in Pierrefonds.

Testimony Heard by the Ad Hoc Committee

The Ad Hoc Committee heard evidence from alleged victims of Father Deslauriers, members of their families, and priests.

Bishop LaRocque had made a list of witnesses whom he thought should give evidence at the Ad Hoc Committee. The list included alleged victims and their parents, such as Benoit Brisson and Mr. and Ms Brisson. It also included clergy, such as Father Ménard, Father Vaillancourt, Father Bisailon, and the alleged perpetrator, Father Gilles Deslauriers. It is noteworthy that Father Claude Thibault's name was crossed out. This priest, an alleged victim, was not requested by the Bishop to testify before the committee.

Monsignor Guindon, Chair of the Ad Hoc Committee, and Mr. Leduc, the Diocese lawyer, asked the witnesses questions to collect facts on the allegations against Father Deslauriers. Sister Pilon helped the victims and families to tell their stories and listened to the individuals who gave evidence at the committee.

Members of the Ad Hoc Committee were asked to take an oath of secrecy. Sister Pilon said that she was requested to take an oath of confidentiality on the Bible each day of her involvement in this committee. She swore that she would not disclose the contents of the meetings. Similarly, Monsignor Guindon told Cornwall police officers Herb and Ron Lefebvre, who later investigated the Deslauriers allegations, that he was sworn to secrecy and would not divulge any information heard at the Ad Hoc Committee. When Sister Pilon became involved in this Inquiry, it was the first time she had revealed information about the Ad Hoc Committee, of which she was a member twenty-three years earlier.

The Ad Hoc Committee members learned from the priests who appeared before them that some of Father Deslauriers' alleged victims were minors under the age of eighteen. Although Father Deslauriers told Father Ménard that he had had contact with about fourteen youths, it became clear from the alleged victims who testified at the diocesan committee that the number of people who had been sexually molested by the priest was much greater. It also became apparent to members of the ecclesiastical committee that Bishop Proulx, formerly the bishop of Cornwall, had a close relationship with Father Gilles Deslauriers.

Despite the fact that Father Deslauriers had been a chaplain at La Citadelle High School and had worked at other schools, Monsignor Guindon, Sister Pilon,

and Jacques Leduc did not discuss the importance of notifying the schools or school boards. Nor did they pursue whether they should report Father Deslauriers' inappropriate sexual behaviour to the Children's Aid Society or to the police, according to Sister Pilon. In fact, Dr. Denis Deslauriers, Benoit Brisson's father-in-law, had expressed concern at the Ad Hoc Committee that a crime had taken place that had not been reported to the civil authorities. Jacques Leduc, the Diocese lawyer, agreed that the evidence heard by the Ad Hoc Committee indicated there was a serious breach of trust between Father Deslauriers and his alleged victims. Father Bisailon suggested to the committee members that the Diocese pay for therapy for the victims allegedly abused by Father Deslauriers as well as for their family members. It was estimated that the number of victims who required such therapy could be as high as forty.

The Ad Hoc Committee heard evidence from alleged victims, their families, and their spouses. Most of the alleged victims were now young adults in their twenties.

Many of these witnesses were both shocked and outraged that Father Deslauriers was being permitted to exercise ministerial functions in another diocese. Some strongly argued that the priest should be prohibited from pastoral work and contact with children or young people.

A parishioner who testified before the Ad Hoc Committee proposed that a canonical inquest of the allegations against Father Deslauriers and Bishop LaRocque's handling of the matter be undertaken. It was clear to the committee that people in the Diocese were not only very disturbed by Father Deslauriers' behaviour but also deeply upset at the failure of Bishop LaRocque to address this serious situation. Bishop LaRocque considered this parishioner's accusations very insulting and did not give any consideration to a canonical inquest. An inquest did not take place.

Recommendations of the Ad Hoc Committee to Bishop LaRocque

The Ad Hoc Committee completed its report to Bishop LaRocque on May 23, 1986. It was signed by the Chair, Monsignor Guindon, Jacques Leduc, and Sister Pilon. The report contained six recommendations.

The first recommendation was that Father Deslauriers be suspended "a divinis" and that a competent authority (l'autorité compétente) uphold his exclusion from the Diocese. A suspension "a divinis" was a decision that Church authorities in Rome had to make. This meant that the priest would not be permitted to exercise any public ministry.

The second recommendation was excardination, followed by incardination into another diocese with conditions. It was proposed that Father Deslauriers

undergo therapy by a qualified psychologist who was fully cognizant of the behaviour engaged in by the priest, with the proviso that Father Deslauriers be prohibited from any pastoral functions until the competent authority was convinced that he was fully rehabilitated. A copy of the Ad Hoc Committee report was to be sent to the therapist.

The third recommendation of the Ad Hoc Committee was addressed to the people who wished to undergo counselling and treatment as a result of the acts of Father Deslauriers. It proposed that the Diocese assume the cost of such therapy and that Father Deslauriers be responsible for these costs.

A further recommendation was that serious consideration be given to Father Ménard's report.

Nowhere in the recommendations did the Ad Hoc Committee propose that the Diocese try to seek out other possible victims to ensure that they, too, received therapy for the sexual abuse committed by the priest. The Ad Hoc Committee also did not make recommendations to the Bishop on the importance of contacting outside agencies such as the Children's Aid Society, the school boards, or the police to alert these institutions to the sexual conduct of Father Deslauriers with boys and young people. Mr. Leduc, the Diocese lawyer, explained that because the victims were now in their early twenties and were young adults, and because the sexual assaults were historical, the Ad Hoc Committee did not recommend that the Diocese contact outside agencies. Clearly, thought was not given to other victims or to the risk of abuse of other children or other young people with whom Father Deslauriers came into contact after he left the Diocese of Alexandria-Cornwall.

After the Ad Hoc Committee submitted its report to the Bishop on May 23, 1986, the Bishop did not meet with the committee members to discuss the information gathered from the priests, victims, and victims' families. Nor did the Bishop discuss the recommendations put forth by Monsignor Guindon, Sister Pilon, and Mr. Leduc.

No investigation was undertaken by the Diocese of Alexandria-Cornwall to determine whether other children were abused at the schools or at other locations or with other groups at which Father Deslauriers had been involved. Nor did the Bishop himself consider contacting agencies outside the Church to alert these institutions to the sexual misconduct by Father Deslauriers.

Although one of the recommendations of the Ad Hoc Committee was payment for counselling for the alleged victims of Father Deslauriers, Bishop LaRocque did not send any written material to the alleged victims to alert them to the availability of counselling. Nor did the Diocese make any efforts to find other victims to let them know that the Church would absorb the cost of their counselling, such as former students at La Citadelle High School.

The Brisson Family Contacts the Media

It was in May 1986 that the Brisson family decided to contact the media to publicize the abuse allegedly committed by Father Gilles Deslauriers on young persons in the Cornwall community. Ms Brisson testified that they did not think that the matter was adequately progressing and that Benoit was not satisfied with the response of the Diocese. She contacted Charlie Greenwell, who agreed to come to the Brisson home. Mr. Greenwell arrived with a camera operator and interviewed Benoit Brisson and his parents. The following day, May 19, 1986, the story was broadcast on television as well as on the radio: CJOH and Radio-Canada.

Bishop LaRocque agreed that when the Brisson family went public with their story, the Deslauriers matter became scandalous for the Diocese of Alexandria-Cornwall.

Cornwall Police Interview Bishop LaRocque, Father Thibault, and Other Members of the Clergy

In May 1986, Sergeant Ron Lefebvre and Constable Herb Lefebvre of the Cornwall Police Service (CPS) were assigned the investigation of the allegations of abuse against Father Deslauriers. Sergeant Ron Lefebvre was the lead investigator. On May 27, 1986, they met with Monsignor Guindon. He informed the CPS officers that he had been on the committee set up by the Bishop to inquire into the allegations against Father Deslauriers. Monsignor Guindon told the officers that he had taken an oath of secrecy and could not reveal any information on the committee's findings to the CPS.

Later that day, the CPS officers met with Bishop LaRocque. The Bishop acknowledged that Father Deslauriers had a forceful character and that he could be manipulative. The Bishop told the officers that Father Deslauriers had explained to him that what he had done was therapy, "although not the type taught at the seminary." The Bishop also stated that he had transferred the priest. In the Bishop's opinion, Father Deslauriers did not recognize that he had a problem. Bishop LaRocque refused to provide information regarding the Ad Hoc Committee's findings, as he claimed they were confidential. He indicated that there was a 180-page transcript at his residence of the committee's findings.

Sergeant Ron Lefebvre and Constable Herb Lefebvre continued to conduct interviews and take statements throughout May and June in relation to the Deslauriers investigation.

On June 3, 1986, Sergeant Ron Lefebvre and Constable Herb Lefebvre arrived at a rectory in Alexandria, where the Bishop and priests from the Diocese were meeting at that time. The police officers asked to speak to Father Claude Thibault.

Father Claude Thibault had learned from Lise Brisson that the police were investigating allegations of sexual abuse by Father Gilles Deslauriers. But the young priest did not become involved, and was somewhat taken aback and “self-conscious” when the CPS officers arrived at the church on that day to interview him. He was not prepared to disclose the sexual abuse.

CPS officers Ron and Herb Lefebvre told Father Thibault that they either suspected or had reason to believe that he had been sexually abused by Father Deslauriers. Father Thibault immediately “panicked,” “felt torn inside,” and denied the abuse. One of the officers became irritated and said to the young priest, “What angers me most is the apparent attempt of the Church to cover up.” Father Thibault assured the Cornwall police officers that they were on the “right track” and that they needed to continue their work.

Father Thibault contacted Jacques Leduc. He knew that Mr. Leduc had a canon law degree and had studied at Saint Paul University. Mr. Leduc advised Father Thibault not to lie and explained that the priest could be held in contempt of court if he was not truthful with members of the judicial system. At Father Thibault’s request, Mr. Leduc contacted the CPS and told the police that the priest wished to withdraw his statement that he had not been abused by Father Gilles Deslauriers.

Father Thibault was prepared to participate in the police investigation. In Mr. Leduc’s presence, he gave a statement to Sergeant Ron Lefebvre and Constable Herb Lefebvre at the Cornwall police station. As I discuss later in this section, Father Thibault gave evidence at the preliminary inquiry of Father Deslauriers on September 15, 1986.

The Cornwall police officers also took statements from other priests in the Diocese of Alexandria-Cornwall. Jacques Leduc was present for the June 1986 police interviews of Father Ménard and Father Vaillancourt. His role was to provide these clergy with legal advice, should it be required.

The Cornwall police officers contacted Mr. Leduc to arrange a meeting with Bishop LaRocque, as they wished to take a statement. When Constable Herb Lefebvre and Sergeant Ron Lefebvre arrived at Bishop LaRocque’s residence on June 16, 1986, the Bishop refused to give a written statement to the police. The Bishop told the officers that he did not want to lose the trust of the priests in his Diocese, and he refused to answer any police questions or divulge any information that was not already public. The Bishop made it clear to Sergeant Ron Lefebvre that “should he be called to court, he would not answer questions, he would go to jail first. With that said, the interview was completed.” Jacques Leduc was present at this meeting between the Bishop and the CPS officers.

As mentioned, the CPS officers had previously met with the Bishop on May 27, 1986, and had asked for the report of the Ad Hoc Committee. Bishop

LaRocque had refused. He has stated that the report was confidential and could not be released by the Diocese.

Chief Claude Shaver testified that the two officers approached him near the end of their investigation and asked if he, as the Chief of Police, could do anything to help. The officers had relayed to him the Bishop's unwillingness to co-operate. The Chief recalled that there were issues surrounding Father Deslauriers' whereabouts and the Bishop's refusal to provide a document from the meeting of the Ad Hoc Committee. Chief Shaver described the officers as emotional and distraught. They told him that they were Catholics and this might affect their faith. Chief Shaver testified that the information relayed to him by the officers concerned him and that he decided to call the Bishop. Chief Shaver testified that the CPS officers could have obtained a warrant in relation to the document but that they did not believe they needed one as they were obtaining the information for their investigation through other means, witnesses.

Staff Sergeant Luc Brunet also testified that he had been made aware of the difficulties the officers had with the Bishop. During the Silmser investigation, Staff Sergeant Brunet recalled Sergeant Ron Lefebvre telling him that there was little point in dealing with the Diocese. Based on his experience in the Deslauriers investigation, Sergeant Lefebvre advised Staff Sergeant Brunet not to expect co-operation from the Diocese.

Mr. Leduc had advised the Bishop that he was not required to give a statement to the police. However, Mr. Leduc explained that if subpoenaed to court, there was no privilege that would protect the Bishop from having to divulge information disclosed to him by priests in the Diocese. When he gave his evidence at the Inquiry, Bishop LaRocque said that he no longer agrees with the position he took in 1986. He now believes that a Bishop must take the risk of losing the trust of priests in his Diocese in cases such as that of Gilles Deslauriers. The former bishop of Alexandria-Cornwall said that if such a situation arose today, he would be prepared to cooperate with the civil authorities.

It is noteworthy that Mr. Leduc did not discuss with the Bishop that his refusal to speak to the CPS might hinder the criminal investigation. Nor did he have any recollection of suggesting to the Bishop that La Citadelle High School or the school board should be contacted regarding the sexual abuse allegations and criminal investigation of Father Deslauriers. This was despite the fact that Jacques Leduc was a trustee on the Catholic school board for about six or seven years and held other positions on the board. Jacques Leduc testified that he never discussed the duty to report with the Bishop.

It is also noteworthy that at a meeting requested by the Bishop, Ms Brisson had a recording device that had been requested by the CPS. According to the evidence of Inspector Richard Trew, Sergeant Ron Lefebvre had obtained a warrant to

allow Lise Brisson to carry a recording device in her meeting with the Bishop. Sergeant Ron Lefebvre was the lead investigator on the Father Deslauriers case. Inspector Trew was the Officer in Charge of the CIB at the time. The CPS officers involved in the Father Deslauriers investigation were concerned that the Bishop was not being cooperative regarding this case. The listening device carried by Ms Brisson did not yield information of concern to the Cornwall police.

Incardination Into Another Diocese

On June 3, 1986, Father Deslauriers sent Bishop LaRocque a letter requesting his excardination from the Diocese of Alexandria-Cornwall. Bishop LaRocque contacted Bishop Proulx to ask him if he was prepared to incardinate Father Deslauriers into his diocese with certain conditions. Bishop LaRocque explained that, according to canon law, excardination and incardination must be done simultaneously.

In a letter to Bishop LaRocque on June 20, 1986, Bishop Proulx wrote that he wanted to wait until the criminal matter was resolved before he considered the incardination of Father Deslauriers into the Diocese of Gatineau-Hull. Bishop Proulx was well aware of the CPS criminal investigation and did not want to make a decision on the incardination of Father Deslauriers at this time. Bishop Proulx asked Bishop LaRocque to pay Father Deslauriers' salary for June, July, and August 1986.

Bishop LaRocque instructed the Reverend Gordon Bryan to make arrangements to pay Father Deslauriers' salary. The Reverend replied in a memo to the Bishop that he could not justify writing a cheque to "Gilles." In a routine audit, he had discovered a bank account of over \$150,000 in Father Deslauriers' name, which the bursar referred to as a "nest egg." This was a great concern to the bursar of the Diocese. Neither the Bishop nor Reverend Bryan had been aware of this fund. The memo to the Bishop stated:

After a great deal of thought and prayer I feel in conscience I cannot justify making up a cheque for Gilles. The reason originally for continuing Gilles' salary was because he needed money to live. After "discovering" his nest egg of over one hundred and fifty thousand I am sure you agree his survival is assured.

Although I cannot prove it, I am morally certain that these funds were solicited and collected to assist diocesan vocations.

Bishop LaRocque was surprised to learn about the existence of this fund. Father Deslauriers had never apprised the Bishop of this money and the funds and account had not been recorded in the Diocese's financial books.

As I discuss, several months later, on November 10, 1986, the date of Father Gilles Deslauriers' sentence in criminal court, Bishop LaRocque wrote and asked him to return the money that belonged to the Diocese in the fund discovered by Reverend Bryan. Father Deslauriers was not yet excommunicated from the Diocese of Alexandria-Cornwall. Bishop LaRocque wrote to Bishop Proulx on December 9, 1986, to advise him that the criminal matter was now resolved and that he wished to proceed with the excommunication and incardination of Father Deslauriers. He listed some of the conditions of Father Deslauriers' probation order.

In his December 1986 correspondence to the Bishop of Gatineau-Hull, Bishop LaRocque wrote that Father Deslauriers' manipulation was more serious than his behaviour in the past with young people—in other words, the sexual abuse by Father Deslauriers:

[L]'abbé Gilles m'a menti et manipulé; cette manipulation des personnes est sans doute bien plus sérieuse que les gestes qu'il aurait posés avec certains jeunes et pourrait se manifester d'autres façons à l'avenir ...

Bishop LaRocque acknowledged at the Inquiry that although he may have thought at the time that Father Deslauriers' manipulation was more serious than the sexual abuse of youths and other people in the Diocese, he no longer held this view: “[C]’est peut-être ma pensée à ce moment-là, mais ce n’est plus ma pensée maintenant.”

In this letter to Bishop Proulx, Bishop LaRocque stated that Father Deslauriers should not be permitted to exercise ministry in the Diocese of Alexandria-Cornwall or in parishes bordering on or in close proximity to it. Bishop LaRocque enclosed a copy of the December 9, 1986, excommunication with conditions signed by him and Chancellor Denis Vaillancourt. This had also been sent to Father Deslauriers.

Bishop LaRocque had previously consulted Monsignor Guindon and Chancellor Vaillancourt, who were well versed in canon law; they were of the view that the excommunication with conditions for Father Deslauriers conformed with canon law. As discussed, the Ad Hoc Committee had asked Bishop LaRocque to include conditions in the excommunication of Father Deslauriers.

Bishop Proulx was resistant to excommunication with conditions for Father Deslauriers. In a letter dated December 16, 1986, he indicated that he had consulted Father Frank Morrissey, a Professor of Canon Law at Saint Paul University, who said that no conditions could be attached to an act of excommunication. But this was contrary to the advice received by Bishop LaRocque from the experts in canon law in his Diocese. Bishop LaRocque was insistent. But

again in correspondence the following month, on January 15, 1987, Bishop Proulx argued that excardination must be without conditions. Bishop Proulx also wanted information on the criminal charges against Father Deslauriers removed from the act of excardination.

Bishop LaRocque relented and agreed to sign an act of excardination without conditions. This was accepted by Bishop Proulx. As mentioned, the Ad Hoc Committee had recommended that conditions be attached to Father Deslauriers' incardination into another diocese. Bishop LaRocque was unsuccessful. In February 1987, Father Deslauriers was incardinated into the Diocese of Gatineau-Hull without conditions.

As I discuss, Father Deslauriers did not remain in the Diocese of Gatineau-Hull for very long. After Bishop Proulx died in July 1987, Father Deslauriers went to the Diocese of Saint-Jérôme. Bishop LaRocque wrote to Monsignor François Valois of the Diocese of Saint-Jérôme and advised him that Father Deslauriers was manipulative.

Father Deslauriers Is Criminally Charged

The Preliminary Inquiry

Bishop LaRocque made it clear that he did not want to be involved in the criminal process. On September 3, 1986, the Bishop was served with a subpoena to testify on behalf of the Crown at the preliminary inquiry. He wrote a letter to Father Deslauriers on the same day. The Bishop was upset about the subpoena and critical of a process that had the effect of breaching confidentiality between a Bishop and his priests. The Bishop told Father Deslauriers that he had no intention of testifying either for or against Father Deslauriers or the victims:

Ce matin deux officiers m'ont servi une assignation pour témoigner à la demande de la couronne. Je dois te dire qu'une telle procédure va contre toute confidentialité qui doit exister entre l'évêque et ses prêtres; je n'ai nullement l'intention de témoigner ni pour ni contre toi ou les jeunes.

At the Inquiry, Bishop LaRocque claimed that he would not take this position today. The former bishop of Alexandria-Cornwall stated that he now would be willing to cooperate with authorities in a situation similar to that of Father Deslauriers. As he explained at the hearings, "I would not do so now because I have learned differently, but this is where I was at the moment."

As I discuss in Chapter 11, the preliminary hearing took place from September 15 to September 18, 1986. Alleged victims, such as Claude Thibault, received subpoenas to give evidence. When Father Thibault met with Crown Attorney

Rommel Masse, to his surprise and embarrassment he saw other alleged victims who had been his classmates or who had been involved in the R3 movement. Father Thibault did not feel adequately prepared for the preliminary inquiry. He said that the Crown did not discuss with him the availability of a publication ban or victim assistance. Other alleged victims of Father Deslauriers also testified. Bishop LaRocque attended the preliminary inquiry but was not required to give testimony.

Jacques Leduc was retained by the Diocese to follow the preliminary inquiry, what the lawyer described as a “watching brief.” During the course of Benoit Brisson’s cross-examination, Mr. Leduc spoke to this witness. He approached Mr. Brisson because he thought some of the information he was being asked to divulge in questioning by the defence lawyer was in the context of a confession. After speaking to the Crown, Mr. Leduc told Benoit Brisson that if the statements were made in a confession, he could advise the court of this. The preliminary inquiry and Mr. Leduc’s interaction with Benoit Brisson are further discussed in the chapter on the institutional response of the Ministry of the Attorney General.

Father Deslauriers Pleads Guilty—No Incarceration

On September 18, 1986, Father Gilles Deslauriers was committed to stand trial on seven counts of indecent assault and four counts of gross indecency. He had initially been charged with eight counts of indecent assault and eight counts of gross indecency. A few days prior to his scheduled trial, Father Deslauriers pleaded guilty to some of the criminal charges. He was convicted on November 10, 1986, of four counts of gross indecency contrary to section 157 of the *Criminal Code*.

Victims abused by the priest were upset at Father Deslauriers’ sentence. He was given a suspended sentence and two years probation. He was not ordered to serve a term of imprisonment. The convicted priest was simply placed under the supervision of Bishop Proulx for two years and required to undergo therapy. Father Deslauriers was ordered by the court to continue treatment with a therapist, Father Jobin, on a schedule to be determined by the priest’s probation officer.

Bishop LaRocque, to his recollection, was not informed or consulted about the supervision of Father Deslauriers by either the Crown or Bishop Proulx.

Father Thibault testified that he would have liked to have been involved in the sentencing process. He was both disappointed and dissatisfied with the terms in the probation order and in particular, the treatment ordered for Father Deslauriers:

I was very disappointed. I knew that there was a risk that our prosecution of him would lead him to go to jail. That was not my intent at all. I basically had two motives, to make sure that nobody else would go through what I went through and also I was aware that he

needed help big time. What I had done previously in confronting him in all of this I felt didn't lead to anywhere, so collaborating with the investigation and the prosecution I was hoping that he'd be forced to get that help, which was not the case. I was disappointed. I felt that he didn't get the help that he wanted and he was still dangerous ...

...

... [P]ersonally I believe that the therapy he was asked to do once a week or something like that was not what he needed. I felt he needed something intense, full time, for a while.

Benoit Brisson's mother, Lise Brisson, and his former wife, Denyse Deslauriers, testified that they were frustrated by the inadequacy of the sentence. Chief Shaver stated that he contacted Crown Attorney Don Johnson because he, too, was upset about Father Deslauriers' sentence; he thought it was "way too lenient."

Father Deslauriers' guilty plea and sentence are further discussed in Chapter 11, on the institutional response of the Ministry of the Attorney General.

The Diocese of Alexandria-Cornwall Offers to Pay the Costs of Therapy for Victims of Father Deslauriers

After Father Deslauriers pleaded guilty to the criminal sexual offences, Bishop LaRocque asked Father Thibault to act as his representative in notifying victims of Father Deslauriers that the Church would provide financial assistance for the cost of therapy or counselling. Because Father Thibault himself was a victim of Father Deslauriers, Bishop LaRocque thought that the priest could better communicate and discuss these issues with people in the Diocese who needed such therapy. The Reverend Gordon Bryan was instructed by the Bishop to reimburse individuals for these costs.

Father Thibault himself sought professional help for a few years from a therapist in Ottawa and these costs were paid by the Diocese. As mentioned, the Diocese did not send out any written notification to victims of the priest that counselling was available, nor did the Diocese make efforts to find other victims who had been abused by Father Deslauriers.

Father Deslauriers Moves to a Different Diocese

In Father Thibault's opinion, Father Deslauriers was a "manipulator," a "liar," and a danger to youths. Prior to Bishop Proulx's death, Father Thibault met with the Bishop in Hull. Father Thibault felt that Bishop Proulx was protecting the priest, "taking on Gilles under his wings." He wanted the Bishop of Gatineau-Hull to listen to an abused victim, an ordained priest who "loves the Church":

I had felt that his taking on Gilles under his wings was like saying, oh, don't—"faites-lui pas mal"—don't hurt him, and so I wanted him to hear our side of the story. I knew he had heard Gilles' side and I had a pretty good idea what kind of stories Gilles could have told him based on the lies that I had heard him tell me, so I made an appointment with him and I told him basically: I want you to hear the side of one of the victims and not somebody who's angry at the church, who wants to destroy the church; I come here as a priest who loves the church and I want to tell you my side of the story ...

After sharing his perspective of Father Deslauriers with Bishop Proulx, it became clear to Father Thibault that he and the Bishop "weren't really on the same wavelength."

Knowing that "Gilles was on the loose," Father Thibault met with Bishop LaRocque. He asked the Bishop to remove Father Deslauriers' faculties, to prevent the priest from celebrating the sacraments. He told Bishop LaRocque that Father Deslauriers was "dangerous" and should not be involved in ministry. Bishop LaRocque's response was that he could not take these measures, as it would "destroy" Gilles Deslauriers. Father Thibault said at the hearings:

I did not express to him my real feeling, but when I heard that I was not impressed and I felt how many lives has he destroyed.

Father Thibault learned that Father Deslauriers was in the Diocese of Saint-Jérôme. People on holiday in Quebec saw Father Deslauriers in this diocese and relayed this information to Father Thibault.

Father Thibault then made arrangements to meet with Bishop Valois of the Diocese of Saint-Jérôme. They met at the office of the Canadian Bishops, as Bishop Valois had travelled to Ottawa for a meeting. But Bishop Valois was also not receptive and assured Claude Thibault that Father Deslauriers was being watched in his diocese. Father Thibault was not satisfied with this response:

I did not feel comfortable at all at that meeting. He told me: don't worry, we're watching him. I said: you cannot watch that man; I know, I've been through it. But we parted and he stayed there.

Father Deslauriers continued to wear a collar, celebrate mass, and have contact with young people. As Claude Thibault testified, "I was told he was watched, but I know that he can't be watched."

Chief Shaver received information that after Father Deslauriers had been sentenced, he was seen serving mass in Quebec. The Chief did not recall if he

asked Sergeant Ron Lefebvre or Constable Herb Lefebvre to look into this. Chief Shaver stated that he called Bishop LaRocque because he thought this might have been a breach of Gilles Deslauriers' probation. The Chief testified that he was unable to reach the Bishop. Chief Shaver did not ask anybody to contact individuals in Quebec to deal with the matter.

Gilles Deslauriers, in my view, should have been removed from ministry and not be permitted to move to different dioceses. He was a risk to parishioners in the Gatineau-Hull area and to those in the Diocese of Saint-Jérôme. As Father Thibault testified:

... [H]e was a repeat offender. He's a man that I still believe is dangerous and my recommendation was definitely that in that type of case he be totally removed from ministry, any kind of ministry interaction with people, not only with adolescents but with adults because he caused problems for a number of adults, also abused their trust, manipulated them and—but that he not be left on his own.

Conclusion

In Father Lebrun's view, the Father Deslauriers matter was mishandled by the Diocese and resulted in bad feelings among parishioners and members of the community in Cornwall for a long period. Father Thibault similarly thought that Father Deslauriers should have been removed from ministry and not permitted to work in another diocese.

The old philosophy remained entrenched at the time of the Deslauriers matter. The Diocese did not take active measures to report a priest's behaviour to civil authorities and was focused on avoiding scandal in the Diocese. Bishop LaRocque acknowledged that Catholic bishops would transfer priests "in difficulty" to other dioceses to avoid scandal and embarrassment to the Roman Catholic Church. As mentioned, there was also a belief by Roman Catholic bishops that if a priest confessed and was sent on a retreat, there would be a moral transformation after the retreat, at which time the priest would be reassigned to another diocese.

It is clear from the evidence of witnesses regarding the Father Gilles Deslauriers matter that the Diocese of Alexandria-Cornwall and Bishop Eugène LaRocque failed to provide training on sexual abuse of young persons by the clergy to individuals in the Diocese assigned to deal with such allegations: clergy, diocesan personnel, and volunteers. It is also evident that the Diocese and Bishop LaRocque at that time had not developed or adopted policies, guidelines, or protocols to respond to allegations of sexual misconduct of young persons by members of the clergy. Furthermore, the Diocese and Bishop LaRocque failed to take appropriate action to ensure that young people in the community would not be at

risk of inappropriate contact by Father Gilles Deslauriers. The Diocese and Bishop LaRocque failed to advise the police and Children's Aid Society in relation to the allegations of sexual abuse by Father Deslauriers of young persons. And significantly, they did not adequately cooperate with the Cornwall Police Service with respect to the investigation of the allegations of sexual misconduct by Father Deslauriers. It is also my finding that the Diocese and Bishop LaRocque did not take appropriate action to identify other potential victims of Father Deslauriers. Moreover, the Diocese and Bishop LaRocque failed to monitor the treatment of Father Gilles Deslauriers. It is also evident that the Diocese and Bishop LaRocque failed to ensure that sufficient conditions were applied in the incardinating dioceses with regard to Father Gilles Deslauriers, and by allowing Father Deslauriers to leave the Diocese and excardinating him they failed to maintain supervision of this priest.

Father Carl Stone

Father Carl Stone was in Cornwall in the Diocese of Alexandria between 1957 and 1963. He was a priest at St. John Bosco Parish on Ninth Street. The Bishop at that time was Rosario Brodeur. Prior to joining the St. John Bosco Parish, Father Stone was a priest in the Diocese of Ogdensburg in New York. As I discuss in this section, Father Stone was asked to leave several dioceses, including Cornwall, because of sexual and other inappropriate conduct.

Father Stone served as a priest in different dioceses in Canada and the United States. He returned to Cornwall in 1981. Eugène LaRocque was the Bishop of the Diocese of Alexandria-Cornwall at that time.

History of Sexual Relations With Boys and Young Men

According to correspondence between Church officials in the 1950s and 1960s, Father Carl Stone had sexual relationships with children and young adults. When Father Stone was instructed by Church officials to leave a diocese for his inappropriate conduct, he simply moved to another diocese, where he continued to engage in sexual behaviour with boys and young adults.

Father Stone joined St. John Bosco Parish in Cornwall in June 1957. The Bishop of the Diocese, Rosario Brodeur, received a letter in August from Monsignor William Argy, the Chancellor of the Diocese of Ogdensburg in New York. In the August 3, 1957, correspondence, Bishop Brodeur learned that Father Stone had a history of sexual misconduct. He became aware that Father Stone had engaged in inappropriate behaviour with children and young adults, referred to as *cum pueris*,

both before and during his years in the Diocese of Ogdensburg. Father Stone had been asked to leave the New York diocese and was designated a “refugee religious.” In the letter, the Chancellor of the Diocese of Ogdensburg wrote that “all faculties withdrawn for all time.” The Chancellor knew that Father Stone was in Cornwall and had not been reporting to his superior as required. Father Stone was considered by the Church to be *vagus*, that is, in a location without the permission of his superior. The 1957 letter from the diocese in New York states:

It has been brought to our attention that the Reverend Carl V. Stone, formerly in the Diocese of Ogdensburg Ad Experimentum, is residing at St. John Bosco’s Rectory in Cornwall. Considering all the circumstances, His Excellency, Bishop Navagh, felt you should be advised of the following:

1. Father Stone was asked to leave because of certain evidence of trouble “cum pueris.” This actually took place in Malone and *he has been returning to Malone from Cornwall. He was told to leave the Diocese and all faculties withdrawn for all time. There is a past history to this trouble before he came to this Diocese.*
2. Ordered by his Superior to return to the Provincial House at Ozone Park he advised that his services were being expected at Cornwall for a couple of week-ends. Consent was given to him to go on condition that he reported to his Superior as soon as he reached his destination. As of July 23 he had not yet reported to his Superior. It was about June 16 that he was ordered to leave the Diocese. He is therefore in a sense a refugee religious.

It is regrettable to have to advise you of the above facts concerning a priest but Bishop Navagh felt you should know. (Emphasis added)

Bishop LaRocque agreed in his testimony at the Inquiry that the comments about Father Stone were very serious, that it was clear the priest had engaged repeatedly in sexual misconduct with children, and that the New York diocese was warning Bishop Brodeur of the problems with this priest.

Bishop Brodeur confirmed in a letter in December 1957 to the Reverend Frank Setzer of the Montfort Fathers in New York that Father Stone had been at St. John Bosco Parish in Cornwall for the past six months. He wrote that Father Poirier of St. John Bosco believed that Father Stone had been a “victim of rash and unfair judgment,” and had invited him to his rectory with the permission

of Bishop Brodeur. Father Stone was accepted to this parish for one year *ad experimentum*, that is on a temporary basis.

The December 20, 1957, letter from the Bishop of Alexandria states:

Yes Reverend Carl Stone has been in our midst for the last six months. A Pastor of the diocese, Reverend H.A. Poirier of St. John Bosco Parish in Cornwall, Ontario, who knew him and beleived [sic] him to be a victim of rash and unfair judgement, invited him to his rectory. He asked me to give him the necessary jurisdiction to act as his assistant, which I did.

Recently I was asked by Father Poirier to sign a letter by which I would accept Father Stone for one year “ad experimentum.” I had no objection, as Father Stone, since his coming here, gave no cause of anxiety; on the contrary his conduct was that of a good priest and his ministry most serious, zealous and efficient; but I made it clear that I would not incardinate him. The main reasons are that this diocese is small, that three of my seminarians are to be ordained this year and three more next year.

If you agree, Father Stone may stay here for the year, during which he may look about for a bishop.

With the hope of being some help to you and to Father Stone, I am

Yours devotedly in O.I.,
Bishop of Alexandria

This one-year stay was extended further by Bishop Brodeur at the request of Father Poirier. Father Stone remained a priest in Cornwall from 1957 until August 1963.

A second letter of concern was sent by the Diocese of Ogdensburg in April 1958. Father Stone had been seen in Malone, New York, wearing his collar. Church officials from the Diocese of Ogdensburg asked the Diocese of Alexandria to take measures to ensure that Father Carl Stone did not come to the New York diocese. Church officials were worried that the priest could be arrested by police for having relations with young men in the community. As Bishop LaRocque said in his testimony, this request from the Diocese of Ogdensburg was highly unusual. The letter from the Vice Chancellor of the Diocese of Ogdensburg reads:

Bishop Navagh has asked me to inform you that the Reverend Carl V. Stone, formerly in the Diocese of Ogdensburg ad experimentum and reportedly residing at a Catholic Rectory in Cornwall, has recently been seen in Malone, New York, wearing a collar and tie.

The Bishop of Ogdensburg is greatly concerned, as there is danger that the civil authorities would apprehend Father Stone if they thought he were trying to contact certain young men of that community. I believe the situation was explained somewhat in a letter of Monsignor Argy, Chancellor of Ogdensburg, to Bishop Brodeur under the date of August 3, 1957.

If Father Stone is at present in any way under the jurisdiction of the Diocese of Alexandria, any measures taken to keep him from returning to the Diocese of Ogdensburg would be most sincerely appreciated.

Regretting the necessity of seeking your assistance in a matter of this kind, but with every good wish, I am

Sincerely yours in Christ,

Very Rev. Msgr. John M. Waterhouse
Vice Chancellor
(Emphasis added)

The Diocese of Ogdensburg was concerned about a scandal in its community.

In correspondence in May 1958, Bishop Brodeur explained to the Bishop of Ogdensburg that he had been “tolerat[ing] the presence of Father Stone in the Diocese” of Alexandria for the following reasons. First, there was a “very pressing need for priests” in the Cornwall area. Second, Bishop Brodeur stated that he had been “instrumental in saving 18 out of 20 unfortunate priests from despair and enabling them to resume their ministry.” The Bishop thought he might be able to change Father Stone’s improper behaviour. Third, Father Carl Stone was being supervised by a pastor.

In this letter, Bishop Brodeur said that Father Stone had been cautioned that he would be expelled from the Diocese of Alexandria if he visited the Diocese of Ogdensburg and in particular, Malone. An exception was made for contact with his mother, an elderly and ill woman, who lived in Malone. In such circumstances, Father Stone was obliged to obtain permission to visit his mother and was required to be accompanied by a priest from the Diocese of Alexandria for the trip to the

New York diocese. Bishop Brodeur ended the letter with optimism that Father Stone would adhere to these conditions, and that his inappropriate behaviour would cease:

So, Your Excellency, with those conditions clearly understood and willingly accepted by Father Stone, I feel confident that you will have no more cause to worry about him, that I'll not be forced to throw him out on the street, that he will profit by this chance, either to return to his Community or go and do good work in some distant diocese. I might be all wrong, but I pray your Excellency to bear with me in this attempt to help an unhappy priest.

Unfortunately, however, Father Stone did not comply with the conditions imposed by Bishop Brodeur. The priest was found in New York in the Diocese of Ogdensburg with boys at night. These encounters had occurred several times. The police were “checking” the situation. Monsignor Argy again wrote to Bishop Brodeur on October 31, 1958:

I have the unfortunate duty of advising you that the Reverend Carl V. Stone was in the Diocese of Ogdensburg and brought boys to his camp. They have been there at nighttime. This took place on at least two occasions during the summer and again recently. We have also been advised that the police are checking on the situation. (Emphasis added)

Although Bishop Brodeur had assured Church officials at the Diocese of Ogdensburg that he would take immediate action and expel Father Stone if he travelled without permission to the New York diocese, the Bishop of Alexandria failed to carry through with these measures. Instead, Father Stone remained a priest in Cornwall for almost another five years. It was not until 1963 that Father Stone was required to leave the Diocese of Alexandria as a result of a “misdemeanor” for which the Cornwall police had “threatened to intervene.” In October 1963 correspondence, Bishop Brodeur wrote:

To my regret, I must inform you that Father Carl Stone has left Alexandria Diocese sometime in August when the Cornwall Police threatened to intervene after his misdemeanor.

The Bishop further stated that he was “very sorry” and that he “highly appreciated” Father Stone for his good work.

Father Stone Returns to Cornwall in 1981

At the request of Father Gary Ostler, a priest at St. John Bosco Parish, Bishop Eugène LaRocque interviewed Father Carl Stone in October 1981. He had become the Bishop in 1974. Father Ostler asked the Bishop to permit Father Stone to work in the Diocese of Alexandria-Cornwall.

It is important to understand features of the relationship between Father Ostler and Father Carl Stone. There was a significant age difference between the two priests. Gary Ostler had been an altar boy in Father Stone's parish. Bishop LaRocque was aware of this. When Father Stone arrived in Cornwall in 1957, Gary Ostler was eleven years old, and when the priest left the Diocese in 1963, he was seventeen.

Bishop LaRocque read the Church files on Father Stone and spoke to Father Ostler about Father Stone's background. He examined the correspondence between the Diocese of Ogdensburg and Bishop Brodeur, and learned that Father Stone had a history of sexual relations with teenage boys. Bishop LaRocque testified that he thinks he may have also spoken to Bishop Brodeur, who lived with him at that time.

Bishop LaRocque knew that Father Stone had a sexual problem and that his victims were often teenaged boys. He was aware of the difficulties in the Diocese of Ogdensburg as well as in the Diocese of Alexandria in 1963. Bishop LaRocque was also well aware that Father Stone had been convicted of a sexual offence in New York. As he wrote on October 14, 1981, Father Stone "has been working in the diocese of Albany, N.Y. but had to leave because of an affair with boys." Bishop LaRocque refers to Father Stone's "life-long weakness" and his sexual relations with teenaged boys, known as ephebophilia. The Bishop knew that Father Stone had been undergoing treatment at the Southdown Institute, where priests in North America seek counselling and treatment for various problems such as alcoholism, drugs, and sexual problems. The Southdown Institute was sponsored by the Bishops of Ontario.

Father Stone had been staying with Father Ostler at the St. John Bosco rectory since he left Southdown. Bishop LaRocque knew that Father Stone was on probation and was required to report to a probation officer in Cornwall. That probation officer may have been Ken Seguin. Mr. Seguin was copied on correspondence from Immigration officials concerning Father Stone, and Mr. Jos van Diepen testified that he believes that Mr. Seguin was Father Stone's probation officer.

Bishop LaRocque did not contact either the diocese in Albany, New York, to discuss the conviction or the Southdown treatment facility to seek information on the diagnosis and progress of Father Stone's treatment. The Bishop

agreed at the hearings that as Bishop of Alexandria-Cornwall, he was the shepherd of the flock for the parishioners in his Diocese and was responsible for protecting people in the community as much as possible from physical and spiritual dangers.

Bishop LaRocque testified that he had reservations about allowing this priest to work in his Diocese after interviewing Father Stone and reading the Church files. He instructed Father Stone in the October 1981 interview “never to be alone with a boy(s) in a room or a car.” Bishop LaRocque sought work for Father Stone as a full-time chaplain at St. Joseph’s Villa and on a part-time basis at Mount Carmel House. St. Joseph’s Villa is a retirement home in Cornwall under the supervision of the Religious Hospitallers of St. Joseph. Sister Dolores Kane was the administrator at St. Joseph’s Villa. Mount Carmel House was an alcoholic rehabilitation centre in St. Raphael’s, about twenty minutes from Cornwall. Unlike St. Joseph’s Villa, Mount Carmel House was operated by lay people. The Bishop needed to seek permission from the Canadian government for Father Stone to work at these two institutions in Ontario.

Mount Carmel was located next door to Iona Academy, an elementary school operated by the Catholic school board for children up to grade 8. The eldest students were thirteen or fourteen years old. Father Stone was permitted to wear his collar. He was considered a trusted figure in the community because of his religious position. Yet Bishop LaRocque did not warn the administration of the school of Father Stone’s background and that he would be working in very close proximity to the school. He did not inform school officials of Father Stone’s history of sexual activities with children. Bishop LaRocque acknowledged at the hearings, “[T]hat should have been done.” The Bishop appeared to be preoccupied with avoiding scandal in the Diocese and was less focused on the protection of children. His response to a question on that subject by counsel at the Inquiry follows:

COUNSEL: Is it fair to say that the balance between avoiding scandal and other considerations, such as in this case, the safety of the children, at that time, it was more balanced towards avoiding scandal?

MSGR. LAROCQUE: It would seem so.

One of the priest’s alleged victims of sexual abuse, Fernand Vivarais, testified that he was eleven or twelve years old when Father Stone sexually assaulted him, around 1958 or 1959. Mr. Vivarais alleged that Father Stone had invited him to an Ice Capades show in Montreal and that the sexual assaults occurred in

a motel in Montreal. Mr. Vivarais testified that he met Father Stone at St. John Bosco Church.

Other priests in the Diocese were aware of Father Stone's past inappropriate behaviour with youths. Father Réjean Lebrun knew that Father Stone had left St. John Bosco Parish very suddenly in 1963. When he asked Father Desrosiers the reason for the quick departure of the priest, he was told that Father Stone had problems with young boys, "les petits gars." About two years later, when Father Lebrun was the chaplain of St. Lawrence High School in 1965, a student disclosed that Father Stone had committed acts of sexual misconduct on him. Father Lebrun simply advised the student to speak to the vocational (guidance) counsellor. Father Lebrun did not report the disclosure of abuse or try to determine whether Father Stone at that time was serving in another diocese. Father Lebrun explained at the hearings that he had not been trained in matters of sexual abuse and that as a young priest, who had been ordained only three years earlier in 1962, he would not have pursued this issue further:

À cette époque-là, on ne posait pas de questions. L'autorité l'avait remis et avec seulement trois ans de service, on posait pas de questions ... J'étais tout à fait pas préparé pour ça. Je me suis senti dépourvu.

Father Lebrun stated that he did not comprehend at the time the devastating effects of sexual abuse on young victims.

Father Lebrun was surprised that Father Stone returned to the Diocese of Alexandria-Cornwall in 1981. There was no discussion among the priests or by the Bishop to the effect that Father Stone should be monitored. When Father Lebrun asked Church officials why Father Stone was returning to Cornwall, he was told that the priest had been undergoing therapy and was now able to serve in the Diocese.

Bishop LaRocque testified that when he contacted St. Joseph's Villa and Mount Carmel House to seek work for Father Stone, he was likely to have disclosed the priest's sexual misconduct and "life-long weakness." He also stated that he would probably have discussed the conditions imposed on Father Stone, which included a prohibition on being alone with boys. Bishop LaRocque testified that he would have asked the individuals operating these institutions to contact him if a problem arose.

Bishop LaRocque was successful in finding chaplaincy work for Father Stone at both St. Joseph's Villa and Mount Carmel House. In a December 8, 1981, note to Father Stone confirming the positions, the Bishop reminded the priest that he was not permitted to be alone with youths:

Fr. Stone, I also include this personal and confidential reminder of our conversation: *it is understood that you will not be alone with any youth in your car, or room in this diocese or in Malone and area.*

(Emphasis added)

Father Stone was required to continue his treatment as an outpatient at Southdown and to report to his probation officer.

Bishop LaRocque wrote to Immigration in June 1982, asking the federal government to grant permission to Father Stone to allow him to work in Cornwall as a chaplain. He also wrote on October 12, 1982, to Ed Lumley, the Member of Parliament for Stormont-Dundas, as Father Stone's permit to remain in Canada was due to expire in seventeen days, on October 29. Mr. Lumley was a former mayor of Cornwall. Father Stone was required to return to Albany, New York, to apply for landed immigrant status. This could take up to six months. In the letter, Bishop LaRocque informed the federal politician that Father Stone had been convicted of a sexual offence in Albany and had received a suspended sentence. He stated that the Cornwall Probation and Parole Office was supervising Father Stone. Bishop LaRocque also conveyed the information that the priest had been treated at Southdown in Aurora, Ontario, and that he continued to see a psychiatrist at this treatment facility each month.

In the letter to Ed Lumley, Bishop LaRocque stated that the New York conviction for the sexual offence in Albany was “the first time that Father Stone was convicted on this or any other charge.” Bishop LaRocque knew that there had been multiple incidents of inappropriate sexual conduct with young persons, including those reported by the Diocese of Ogdensburg, yet this was not communicated to the MP for Stormont-Dundas. The Bishop did not mention the problems in the 1950s or '60s, or Father Stone's sexual misconduct prior to Ogdensburg. When he gave his evidence, Bishop LaRocque acknowledged that it probably would have been “more prudent” to disclose the other incidents of sexual misconduct. The Bishop agreed that this letter to Mr. Lumley did not contain a complete account of Father Stone's past. This, he said, is known in the Roman Catholic Church as “mental reservation”—limiting the amount of information that is disclosed.

In the concluding paragraph of the letter, Bishop LaRocque argued that Father Stone's case “warrants special consideration” and asked the federal politician to take appropriate measures to ensure that the priest could continue his excellent work at St. Joseph's Villa and Mount Carmel House. He also stated that the loss of Father Stone would place him in a difficult position, as there were no other priests in the Diocese to replace him. The Bishop wrote:

He has shown himself responsible both in his personal conduct and in his ministry. Due to his role in the community, I would ask you to keep this matter confidential. I believe his case warrants special consideration and I would ask you to do whatever you can to assist in this matter. We both realize that as I ask this, there is a time factor of 17 days at play.

My sincere thanks for whatever you can do to help me in this matter. If he were to go, I have no priest to replace him in the work he is doing.

In my view, the Bishop seemed more concerned with retaining Father Stone than with the protection of children and youths in the community.

Bishop LaRocque met with Minister Lloyd Axworthy in Ottawa on December 22, 1982, to seek permission for Father Stone to remain in Canada on a Minister's Permit, which was renewable each year. Mr. Axworthy was the Minister of Employment and Immigration at that time. Bishop LaRocque testified that this was the first and only occasion on which he contacted a Cabinet minister with regard to the work status of a priest in the Diocese.

A Minister's Permit for Father Stone was granted. However, Minister Axworthy imposed the following seven conditions in his correspondence to the Bishop in January 1983:

1. You will be personally responsible for Father Stone and his behaviour in Canada and are willing on all occasions to answer for it;
2. Father Stone will remain in the same or similar duties in the Cornwall area, i.e., working only with geriatric cases or alcohol rehabilitation cases;
3. Father Stone will not be allowed to work with young people;
4. Father Stone will continue to undergo his rehabilitative therapy on a regular basis as he is presently;
5. Father Stone will continue to enjoy the support of a group of religious Fathers as he does presently;
6. You will be responsible for maintaining a strict control on Father Stone;
7. Decision to renew the Minister's Permit will be made following an annual review.

Minister Axworthy made it clear in this correspondence that the Canadian Immigration Centre in Cornwall had been notified of the conditions attached to this Minister's Permit and would be interviewing Father Stone.

Bishop LaRocque informed the Minister of Employment and Immigration by letter a few days later that he accepted these conditions. Bishop LaRocque agreed to be personally responsible for Father Stone's behaviour while he was in Canada. The Bishop knew that Father Stone had been convicted of a sexual offence involving minors in the United States, that Church officials in the Diocese of Ogdensburg did not want Father Stone in their area, that Father Stone had brought boys to a camp several times in Ogdensburg, and that the priest had engaged in sexual misconduct prior to serving in the Diocese of Ogdensburg. Bishop LaRocque also knew that Father Stone had committed a "misdemeanor" in Cornwall in 1963. Yet despite this priest's history of misconduct and his sexual activities with boys and young men, Bishop LaRocque spent considerable effort and took extraordinary steps to ensure that Father Stone could remain in the Diocese of Alexandria-Cornwall. The Bishop agreed at the hearings that this was "very unusual."

When asked to explain why he went to such lengths to ensure that Father Stone remained in the Diocese, the Bishop replied that he wanted to give Father Stone "a chance" and that a very well-respected priest, Father Ostler, had asked him to find work for the priest. In my view, these were not convincing reasons. Bishop LaRocque was willing to risk the protection of children and youths because Gary Ostler, a highly regarded priest, had recommended Father Stone and the Bishop wanted to give Father Stone another "chance." In view of Father Stone's behaviour over more than two decades of sexual relations with young people, there was a serious risk that this priest would continue to sexually assault young persons.

Bishop LaRocque devoted additional time and effort over the next few years to ensure that the Minister's Permit for Father Stone was extended. In February 1985, Mr. Fern Lebrun, manager of the Canadian Immigration Centre in Cornwall, sent a letter to Father Stone indicating that it was very unlikely that the Minister's Permit would be extended beyond January 24, 1986. Mr. Lebrun told Father Stone to make the necessary arrangements to leave Canada by that date. Father Ostler was copied on this government letter, as was Ken Seguin, a probation officer in the Cornwall Probation and Parole Office. As discussed in Chapter 5, on the institutional response of the Ministry of Community Safety and Correctional Services, there were allegations by several witnesses at the Inquiry that Mr. Seguin had sexually abused young people, including his probationers.

Bishop LaRocque responded to Mr. Lebrun's letter and sent a copy of his correspondence to Flora MacDonald, Minister of Immigration at that time. The Bishop wrote that it was unusual to respond to "copied letters," but that he "must make an exception" because of the great importance of Father Stone to the Church. Bishop LaRocque acknowledged at the hearings that he expressed very

strong concerns to the Minister and to the manager of the Canadian Immigration Centre in Cornwall regarding the federal government's decision not to extend Father Stone's permit to remain in Canada:

Dear Mr. Lebrun:

Re: File 3105-11107

Usually I do not answer copied letters, but the matter of your February 12th letter to Father Stone is of such importance to me and the Church of Alexandria-Cornwall that I must make an exception.

I wish to inform you that I am totally satisfied with the work of Father Stone; he has proven to me and I would hope to others that he is a responsible person at the service of a very important group of elderly people who would be deprived of pastoral services were your permission for him to continue his stay in Canada to be effected [sic] January 24th 1986.

I wish to inform you that I will take every measure possible to see that Father Stone be allowed to stay among us in order to continue his ministry.

If I may comment on your final sentence of Father Stone, it seems rather ironical that you should state "hoping that this will not cause you any inconveniences," since it will not only inconvenience Father Stone, but myself, and especially the over 100 elderly people, the patients at the General Hospital at Cornwall and the priests of the diocese to whom he renders great service.

Sincerely yours,

+ Eugene P. LaRocque
Bishop of Alexandria-Cornwall

Bishop Receives Complaints About Father Stone: Priest Instructed to Leave the Diocese

Two months after Bishop LaRocque wrote to the federal government praising Father Stone and urging that his Minister's Permit be extended so that the priest could remain in Canada, Bishop LaRocque received a number of complaints about the priest.

Sister Kane, the administrator of St. Joseph’s Villa, met with Bishop LaRocque to advise him that Father Stone was receiving young men at his apartment. This was clearly in breach of the conditions under which Father Stone was permitted to work in the Diocese. Sister Kane also complained that Father Stone was quick tempered with staff at the Villa.

The Bishop confronted Father Stone with these allegations, but the priest denied that he had engaged in improper behaviour with young men. This was conveyed to Sister Kane by the Bishop. Sister Kane was disappointed and upset by the Bishop’s response. Sister Kane had verified the information regarding Father Stone’s inappropriate conduct and she urged the Bishop to take measures to address the situation. In her June 9, 1985, letter to Bishop LaRocque, she wrote, “Everyone is hesitant to say anything about a priest.” Sister Kane stressed that this was a serious matter and that she was concerned about the reputation of St. Joseph’s Villa as well as the negative repercussions for the Bishop if he failed to take any action. Sister Kane reminded Bishop LaRocque that he had promised the federal government he would ensure that Father Stone did not engage in inappropriate behaviour. Sister Kane wrote:

I was disappointed in your telephone response to me on Friday. It was very difficult for me to go to see you and discuss the matters I did with you on last Wednesday. As a religious of many years, I am very conscious and aware of the seriousness and delicacy of the situation and information which I was reporting. Serious effort was made to check the related facts in the matter.

Although I knew the past history of the person involved, I wanted to be fair in his regard. Your Grace, I do have to be concerned when I receive complaints and concerns for the reputation of the Villa, but my concern is no less for the reputation and well-being of this priest and for you too, since you did state that you had to vouch for him to the government.

As we discussed, everyone is hesitant to say anything about a priest. I have incident reports to share with you, but not everyone is willing to sign their name to a report—again because he is a priest. I am enclosing a few, as well as a list of those who would be willing to discuss these matters with you personally.

If you would be willing to meet with the department heads, I will gladly arrange a date and time agreeable to you. They are willing to meet with

you regarding the rudeness and unacceptable behaviour shown to their staffs. This also includes the *parade of young visitors with earrings who visit the area in back of the Chapel.*

...

You stated that the priest denied everything. I can appreciate his response. It would be very difficult for him to do otherwise. So your Grace, I am coming to you once again to ask you to review in depth this full matter. I know you will take the appropriate action. (Emphasis added)

Sister Kane sent incident reports from staff at St. Joseph's Villa, as well as a list of employees who were willing to discuss Father Stone's conduct with the Bishop. Bishop LaRocque inscribed the following on Sister Kane's letter: "Seen at—frequenting St. Hubert restaurant with young men ... 17 to 19 years old appearance of ... homo ... using side door ... twice in nude in front of young girl ... going on for one year; more blatant in last 6 months."

Father Stone had lied to him. Bishop LaRocque decided he needed to take measures to deal with the priest's behaviour and his violation of the conditions of his stay in the Diocese. In his letter to Father Stone in early June 1985, Bishop LaRocque wrote that young men between seventeen and twenty-one years old had been visiting the priest's room and had been in the company of Father Stone in restaurants. The Bishop instructed Father Stone to leave the Diocese and the country "as soon as possible":

After our meeting last Wednesday I have received written and verbal corroboration of the fact that *three young men between 17 and 21 years of age have been up in your room, one after another and that this has been going on blatantly for the last six months.* You have also been seen in the company of the same individuals in various eating establishments.

I am therefore morally certain that you did not tell me the truth last Wednesday. Since you know how far I went to obtain permission for you to remain in Canada, I feel a tremendous "let-down."

From the time that you read this letter you no longer have the faculties of this Diocese; you are not to offer Mass to-morrow morning and you are to leave the Villa and Canada as soon as possible.

I am sorry that you did not take advantage of the opportunity that was offered you. *I pray that not too much harm has been done to the faith of the people who have witnessed your “modus vivendi.”* And I pray and shall continue to pray for your salvation.

Disappointedly yours,

+ Eugene P. LaRocque
Bishop of Alexandria-Cornwall
(Emphasis added)

In his resignation letter to Sister Kane on June 10, 1985, Father Stone did not apologize or express any regret. Nor did the priest admit any wrongdoing or acknowledge that he had been instructed to leave the Diocese. Father Stone simply writes: “Another pastoral year has come to an end and I believe that the time has come for me to retire from active ministry.” As Bishop LaRocque said at the hearings, Father Stone “didn’t tell the whole truth.”

But Bishop LaRocque himself did not disclose to the government the reason for Father Stone’s departure from the Diocese. In the June 21, 1985, letter to Mr. Lebrun of the Canadian Immigration Centre in Cornwall, Bishop LaRocque simply states, “Father Carl Stone has resigned as Chaplain of St. Joseph Villa and has returned to live in New York State.” He explains that it is therefore not necessary to extend the Minister’s Permit for Father Stone beyond the January 1986 expiry date. Bishop LaRocque did not inform the government that Father Stone had breached one of the conditions stipulated by the Minister of Immigration. Bishop LaRocque also did not contact the local police. Nor did the Bishop advise the Montfort Fathers of Father Stone’s misconduct and his return to the United States. Bishop LaRocque acknowledged in his evidence that “in retrospect,” it would have been prudent to advise the Montfort Fathers of the misconduct of Father Stone. The Bishop also agreed that “it certainly would have been the proper thing” to advise the Ministry of Immigration of the reason for Father Stone’s resignation and departure from the Diocese. Nor did the Bishop contact the Ministry of Correctional Services to inform Father Stone’s probation officer of the reason for the priest’s departure. And significantly, the Bishop made no effort to contact the potential victims of Father Stone to assess whether they required counselling or other support and resources to deal with the alleged sexual abuse perpetrated by the priest. Bishop LaRocque made no effort to determine if Father Stone joined another parish in Canada or in the United States after he left Cornwall. He took the position that “it was not really

my responsibility ... [W]hile he was here he was my responsibility, but not after he left my diocese ... I was relieved that he was gone.”

This was also the case when the Ontario Provincial Police (OPP) requested information from the Bishop during the Project Truth investigation. As I have discussed in fuller detail, the OPP asked Bishop LaRocque in 1998 to provide background information on a number of priests to assist the police in its investigation. One of the priests was Father Carl Stone. Bishop LaRocque simply provided the OPP with tombstone data, that is, the places at which Father Stone had worked. When Bishop LaRocque was asked by Commission counsel why he had not disclosed Father Stone’s history of sexual misconduct with youths and young men, the Bishop responded, “I would have willingly given it to them if they had requested it, but I didn’t think that that was part of their request.” Bishop LaRocque clearly understood that the mandate of the OPP and Project Truth was to investigate sexual abuse by priests in the Diocese of Alexandria-Cornwall. Yet the Bishop failed, in his written response to the OPP, to divulge important information on priests such as Carl Stone. The Bishop acknowledged in his testimony that “in hindsight,” perhaps he should have communicated this information to the police.

The Reverend Gordon Bryan was the assistant chaplain at St. Joseph’s Villa from 1972 to 1989. The Villa was a religious hospital, not administered by the Diocese. Prior to Father Stone’s appointment, Bishop LaRocque did not discuss with Gordon Bryan the priest’s inappropriate and sexual conduct. Bishop LaRocque did not convey the circumstances under which Father Stone was returning to the Diocese in 1981. Nor was Gordon Bryan asked to monitor Father Stone’s behaviour at the Villa. He knew that Father Stone had been in the Diocese in the late 1950s and early 1960s. He was aware that Carl Stone was American and that he had been in the United States for quite some time. When Father Stone left the Diocese in 1985, Gordon Bryan was unaware of the reasons for the priest’s departure from Cornwall.

In my view, Bishop LaRocque and the Diocese failed to sufficiently investigate allegations of inappropriate contact with young people by Father Stone. It is also my conclusion that Bishop LaRocque and the Diocese failed to inquire into Father Carl Stone’s background: with the Montfort Fathers religious community about his past sexual conduct, and with Southdown about his assessment and treatment. The Diocese and Bishop LaRocque also omitted to take appropriate action to identify potential victims in relation to the allegations of inappropriate contact with young persons involving Father Stone. Finally, the Diocese and Bishop LaRocque ought to have informed the Montfort Fathers religious community of the occurrences at St. Joseph’s Villa involving young persons and that Father Stone had left Canada.

Father Charles MacDonald

When Bishop Eugène LaRocque arrived in the Diocese of Alexandria in 1974, Father Charles MacDonald was a priest at St. Columban's Parish in Cornwall. Father MacDonald was ordained in June 1969 by Bishop Adolphe Proulx and was appointed assistant priest at St. Columban's. He worked with Father Kevin Maloney and Father Donald McDougald.¹⁴ In 1970, he assumed responsibility for the training of altar boys at St. Columban's and came into contact with David Silmser, John MacDonald, and C-3. He also became involved with weekend retreats for some of the youth groups in the Church. In February 1974, Bishop Proulx asked Father MacDonald to assume responsibility for the Cursillo Movement¹⁵ in the Diocese.

Questions were raised by Church officials even before Father MacDonald was ordained. Charles MacDonald attended Saint Paul Seminary from 1963 to 1969. At this time, he met Ken Seguin, a fellow theology student who, as previously discussed, became a probation officer in the Cornwall Probation and Parole Office. Many young people in the Cornwall community alleged that Mr. Seguin had sexually abused them, although Mr. Seguin took his life in November 1993 and was not criminally prosecuted. The institutional response of the Cornwall Probation and Parole Office and the Ministry of Correctional Services is discussed in detail in Chapter 5.

Charles MacDonald entered Saint Paul Seminary as a mature student. He had previously taught in elementary school for ten years. He was in his thirties when he attended Saint Paul Seminary; other theology students were twenty-one or twenty-two, more than ten years younger. A 1967 report from the seminary contained information that was critical of Charles MacDonald's conduct. Contrary to the rules of the seminary, Charles MacDonald was visiting the rooms of other seminarians: "Conduit moins satisfaisante que les années passées, en ce qui a trait aux visites aux chambres entre séminaristes."

In this report, the rector of Saint Paul Seminary, Rosaire Bellemare, wrote that Charles MacDonald was aggressive, overbearing, did not readily accept correction, did not forgive easily, and had a spirit of revenge. This was clearly not a positive evaluation. In fact, the rector did not give Charles MacDonald any assurance that he would be accepted into the seminary the following year:

14. He became Monsignor McDougald in December 1980.

15. The Cursillo Movement focuses on training lay people to become effective leaders and to communicate Christian teachings and principles. Generally over the course of weekends, priests and lay people make presentations to individuals who are expected to participate further in the movement.

VUE D'ENSEMBLE: Défavorable. Je serais étonné qu'il persévérât.
De toute façon, je ne serais pas prêt pour le moment à donner
l'assurance que nous l'accepterions pour une autre année.

Charles MacDonald spent the summer with Monsignor Proulx, improved his attitude, and returned to the seminary. He completed his years of study and, as mentioned, was ordained in 1969. At that time, there was no trial period before ordination. Bishop LaRocque explained in his testimony that once a student completed his studies at the seminary, he was ordained.

When Father MacDonald became responsible for the altar server program at St. Columban's Parish in 1970, there was no screening or interviews by the Church for priests who would be interacting with these young boys. Nor was there additional supervision of these priests. Screening was implemented in the Diocese in 2000.

In 1975, Bishop LaRocque appointed Father MacDonald pastor of St. Anthony's Parish in Apple Hill and Monkland. It was a smaller parish than St. Columban's and Father MacDonald was the sole priest. He was responsible for all the programs and activities at the church, including the altar boys. Father MacDonald also became involved in the COR Movement, the English equivalent of the French "R3" Rencontre Movement. Youths entered the program in high school as early as grade 9. Initially, Father MacDonald and Father Kevin Maloney shared responsibility for the anglophone youths, but Father MacDonald soon became solely responsible for this Church program. Father Gilles Deslauriers and Father Denis Vaillancourt were responsible for the francophone counterpart, the R3 program.

In 1983, Father Charles MacDonald was appointed chaplain of Bishop MacDonell School. He had been moved in 1982 from St. Anthony's to St. Mary's Parish in Williamstown. Again, he was the sole priest of that parish. Bishop MacDonell School, a Catholic school for grade 9 and 10 students at that time, was scheduled to open in the fall of 1983. Father MacDonald was the first chaplain of this school, where he worked on a part-time basis. He continued to be the pastor of St. Mary's Parish. When grades 11, 12, and 13 were added to this high school, it was renamed St. Joseph's Secondary School.

In 1988, Bishop LaRocque appointed Father MacDonald pastor of St. Andrew's Parish. The priest remained at that church until his resignation in October 1993, which occurred as a result of allegations of sexual abuse of young persons.

***David Silmsner Contacts the Church: Allegations of Sexual Abuse by
Father Charles MacDonald***

It was in December 1992 that thirty-four-year-old David Silmsner decided to contact the Roman Catholic Church to disclose that a priest, Father Charles MacDonald, had sexually abused him when he was a boy.

Mr. Silmsler initially made contact with Mr. Guy Levac, assistant to the Bishop in Ottawa, who referred him to the Diocese of Alexandria-Cornwall.

David Silmsler called Mr. Levac back and told him that the person to whom he spoke at the Diocese of Alexandria-Cornwall was not interested in helping him. Mr. Levac decided to contact Monsignor Peter Schonenbach, the Bishop's delegate for the Archdiocese of Ottawa. Monsignor Schonenbach offered to assist Mr. Silmsler even though this matter did not fall within his jurisdiction.

Monsignor Schonenbach spoke to David Silmsler on December 9, 1992. Mr. Silmsler disclosed that when he was an altar boy at St. Columban's Parish, Father Charles MacDonald had sexually molested him. He said that Ken Seguin, a probation officer, had also sexually abused him. Mr. Silmsler told Monsignor Schonenbach that he had been in and out of prison for ten years. He mentioned that he had contacted the police about the allegations. Mr. Silmsler said that when he contacted the Diocese of Alexandria-Cornwall, Monsignor Bernard Guindon had not been receptive and had responded, "What do you expect me to do?" Monsignor Schonenbach considered the allegations serious and had no reason to believe the story was fabricated.

Monsignor Schonenbach decided to call the Chancellor at the Diocese of Alexandria-Cornwall, Father Denis Vaillancourt, after speaking to David Silmsler. On December 9, 1992, he spoke to Father Vaillancourt, who did not appear to be aware of the Silmsler allegations. The Cornwall priest asked Monsignor Schonenbach to contact Monsignor Donald McDougald, the Bishop's delegate for issues of this nature. This was done on the same day. It was decided that Monsignor Schonenbach would obtain further information on the Silmsler allegations and forward them to Monsignor McDougald.

Monsignor Schonenbach testified that when confronted with David Silmsler's allegations, either Father Vaillancourt or Monsignor McDougald responded, "It's simply not possible because Charles is such a wonderful priest." It was evident to Monsignor Schonenbach that clergy in the Diocese of Alexandria-Cornwall were "having real difficulty in coming around to realizing that this good priest could have done this." As Monsignor Schonenbach testified, "The real horrible thing about it is you can have a man who is doing wonderful pastoral work and hiding all of this."

Monsignor Schonenbach met with David Silmsler at the Diocesan Centre in Ottawa the following day to discuss his allegations of abuse. On December 11, 1992, he wrote a letter to Monsignor McDougald, providing details of his meeting. His intention was to communicate that he considered these allegations to be serious and that he thought Monsignor McDougald should meet with Mr. Silmsler.

In the letter, Monsignor Schonenbach conveyed the following. As a boy, David Silmsler was a devoted altar server at St. Columban's Church in Cornwall. When the boy was thirteen, Father Charles MacDonald took an interest in him and invited him to his office to talk. On one such occasion, Father MacDonald told David Silmsler that he sometimes "masturbated in front of a window when girls were passing by." When David was fourteen years old, Father MacDonald invited him to go for a drive in the country. The priest parked his car at an isolated location and suggested that they have "sex together." David Silmsler told Monsignor Schonenbach that he ran from the car but was caught by Father MacDonald, who forcibly pushed him to the ground and "violated" him.

Mr. Silmsler told Monsignor Schonenbach that the sexual abuse by the priest radically changed his life. He began to drink and became involved in petty crimes. David Silmsler said that when he disclosed the abuse to his parents, he was not believed.

Mr. Silmsler stated that his life had somewhat improved in the past few years; he was married and had two children and a job managing a trailer park. He explained to the Church official the reason why, as an adult, he was now contacting the Church. Monsignor Schonenbach wrote the following in the December 1992 letter to Monsignor McDougald:

He told me he was raising the matter at this time because he wanted to lose the label of being a bad person, he said: "for starters, I would like a letter from Father MacDonald acknowledging what he did so that I could show this to my mother." (Emphasis added)

Mr. Silmsler was focused on receiving a letter from Father MacDonald that acknowledged the abuse. It was apparent to Monsignor Schonenbach that this man had serious problems and wanted his mother to understand the reason for his behaviour. In his correspondence to Monsignor McDougald, Monsignor Schonenbach indicated that David Silmsler appeared to be a "credible person."

Monsignor Schonenbach explained to Mr. Silmsler that Monsignor McDougald was responsible for matters of this nature in the Diocese of Alexandria-Cornwall. He gave him Monsignor McDougald's telephone number and encouraged David Silmsler to contact him. This is documented in the December 11, 1992, letter to Monsignor McDougald.

Monsignor Schonenbach sent a copy of the December 11, 1992, letter by registered mail to Bishop LaRocque. He wanted the Diocese to take this allegation seriously and for Monsignor McDougald to deal with Mr. Silmsler's concerns. As Monsignor Schonenbach testified, he wanted to ensure that "nothing was

swept under the rug.” Monsignor Schonenbach also sent by fax a copy of the December 11, 1992, letter to his Bishop, Archbishop Gervais.

Bishop LaRocque’s “first reaction” to the allegations in the letter was that this behaviour was “utterly out of character” for Father MacDonald. David Silmsler was pursuing this complaint in large part because he wanted his aging mother to understand his conduct in the past as a youth and as a young adult. He wanted his mother to change her view that he was a “bad person.” It was Bishop LaRocque’s recollection that after he read the correspondence from Monsignor Schonenbach, he would have instructed Monsignor McDougald to follow the 1992 protocol drafted by Father Vaillancourt about six or seven months earlier.

In an interview with the Ontario Provincial Police (OPP) in 1994, Monsignor McDougald indicated that he spoke to David Silmsler after receiving the December 11, 1992, letter from Monsignor Schonenbach. Mr. Silmsler reiterated that he was seeking an apology from Father MacDonald. However, Church officials at the Diocese of Alexandria-Cornwall did not make any arrangements to meet with Mr. Silmsler for two months. Monsignor McDougald claimed that he and other clergy at the Diocese were preoccupied with other matters such as the birth of Christ ceremonies and therefore did not address Mr. Silmsler’s concerns at that time. While I understand that the birth of Christ ceremonies are important to the Church, a two-month delay to meet Mr. Silmsler was clearly too long. The 1992 protocol states that the designated person is to meet the complainant within forty-eight hours.

On December 17, 1992, Monsignor McDougald met with Father Charles MacDonald. Father MacDonald was accompanied by his lawyer, Malcolm MacDonald. The meeting took place at the parish house at St. Andrew’s. Monsignor McDougald showed them the December 11, 1992, correspondence from Monsignor Schonenbach, detailing Mr. Silmsler’s allegations of sexual abuse by Father MacDonald.

According to the protocol, Monsignor McDougald was required to write a report of his meeting with the alleged aggressor and send it to the Bishop. However, Bishop LaRocque testified that he never read a written report of the meeting between Monsignor McDougald and Father Charles MacDonald, nor did he know if a written report had been filed in accordance with the protocol. Monsignor McDougald was also required, according to the protocol, to instruct Father MacDonald that he was not to have any contact with the victim or the victim’s family.

A few days later, Malcolm MacDonald wrote a letter to Monsignor McDougald restating that Father MacDonald denied the allegations made by David Silmsler. He also said that Mr. Silmsler’s allegations were vague, and he requested a detailed statement under oath from the complainant. Malcolm MacDonald stated that his

client was prepared to take a polygraph test and suggested that Mr. Silmsler also undergo one. He wrote that Mr. Silmsler had a criminal record for the following offences when he was a youth: theft of money from the Church, theft of a car when he was seventeen or eighteen years old, and embezzlement from his employer. Malcolm MacDonald also told Monsignor McDougald in this December 21, 1992, letter that he had contacted Bishop LaRocque to keep him apprised of this matter. According to Malcolm MacDonald, the Bishop told him to continue dealing with Monsignor McDougald with regard to the Silmsler complaint. The Bishop testified at the Inquiry that he had no recollection of speaking to Malcolm MacDonald at this time about the Silmsler matter.

It appears that the priest's lawyer was taking the lead on the issue and providing suggestions to the Diocese on how to proceed. The protocol states that the person designated by the Bishop is to receive and record the complaint. Mr. MacDonald, the priest's lawyer, wanted Monsignor McDougald to obtain a detailed statement from Mr. Silmsler. It was after this was communicated to David Silmsler that he decided he did not want to co-operate and made contact with the police.

Malcolm MacDonald also contacted Monsignor Schonenbach. In correspondence from the Monsignor to the lawyer, it was evident that Mr. Silmsler was not prepared to take a polygraph test or swear a statement. Monsignor Schonenbach made it clear to Father MacDonald's lawyer that "under the circumstances outlined," David Silmsler "does not want to cooperate further" and that the complainant "intends taking matter to the Police."

The Diocese of Alexandria-Cornwall continued to involve Monsignor Schonenbach in the Silmsler matter. In January 1993, Monsignor McDougald asked Monsignor Schonenbach to facilitate a meeting between Mr. Silmsler and the alleged perpetrator, Father Charles MacDonald. Monsignor Schonenbach, in strong language, told Monsignor McDougald that he would not do so. He felt that he had become too involved in this matter and that this was the responsibility of the Diocese of Alexandria-Cornwall. This ended his involvement in the Silmsler complaint. Bishop LaRocque acknowledged in his testimony that if Church officials in his Diocese had suggested that the victim meet with the alleged perpetrator, this was not appropriate and was contrary to the protocol.

According to the diocesan protocol on sexual abuse, the Children's Aid Society (CAS) was to be notified if a minor was involved. If the CAS was not notified, the complainant was to be told the reason for this decision. In the Silmsler matter, the CAS was not notified. Bishop LaRocque stated that confusion existed as to whether it was necessary to contact the CAS in cases of historical sexual assault. Monsignor McDougald, according to the protocol, should have notified Mr. Silmsler to give him the reason for the decision not to contact the CAS. Bishop LaRocque agreed that if this did not occur, there was a breach of the protocol.

Bishop LaRocque testified that he considered the protocol a “serious guideline” for the Diocese. Initially, the Bishop took the position at the Inquiry that his delegate rather than he was responsible for ensuring compliance with the provisions in the protocol. However, the Bishop agreed in his testimony the following day that it was in fact his responsibility to ensure this protocol was followed. At the hearing, Bishop LaRocque said:

... I want to take full responsibility for the policy, the protocol, whatever we call it, and its—and the following of that protocol, and in no way do I want to blame my former Vicar General, Monsignor McDougald, for any of this.

I should have realized—that was the first time we were using the protocol and I should have monitored it much more closely.

Bishop LaRocque agreed that the allegations against Father MacDonald in December 1992 were serious. He had received Monsignor Schonenbach’s report on his meeting with David Silmsler and knew that Father MacDonald had denied the sexual molestation. The Bishop testified that he applied the test of “moral certitude” to decide whether to remove Father MacDonald from the ministry. He claimed that in December 1992, he did not have the moral certitude that Father MacDonald had had sexual contact with David Silmsler and was therefore not prepared to remove or even temporarily suspend the priest from his ministry. As the Bishop said at the hearings:

... I didn’t have the moral certitude that I needed at that time.

...

... I have to know—have at least the moral certitude that what is being said is true because remember I was dealing also with other accusations that came later but it was the same thing. I mean, if you remove a priest on the mere accusation of someone without having a moral certitude that it’s correct, I mean, I would have no priests left in the parishes.

Bishop LaRocque asserted that he had doubts about the credibility of David Silmsler’s allegations because Mr. Silmsler had not made his complaint earlier. More than seventeen years had passed before the former altar boy at St. Columban’s Parish made his complaint to the Church. Bishop LaRocque explained:

... [Y]ou can imagine why I had a sort of a doubt as to whether this accusation, made so late in history, why it had not been made sooner.

It would not have the effect that a—if it had been made sooner, then I think I would have been more convinced.

Clearly the Bishop did not understand the difficulties of disclosure of child sexual abuse. As discussed at the Inquiry by the expert witnesses on child sexual abuse, disclosure is particularly difficult when the alleged perpetrator is a priest, a revered person in the community, a person in a position of great trust and authority.

Bishop LaRocque did not suspend the priest pending the investigation of the Ad Hoc Committee. Nor did he impose restrictions on Father MacDonald's contact with children, teenagers, or young adults. As I discuss in this section, from late 1992 until October 1993, the Bishop took no action with regard to removing Father MacDonald from his ministry.

Church Officials in the Diocese of Alexandria-Cornwall Meet With David Silmsler, February 9, 1993

On February 9, 1993, David Silmsler met with Church officials at the Diocesan Centre in Cornwall. Monsignor McDougald, Father Vaillancourt, and Diocese lawyer Jacques Leduc were present. The purpose of the meeting was to receive details of Mr. Silmsler's complaint, to offer him psychological assistance, and to advise the Bishop.

David Silmsler introduced himself. He told the Church officials and Diocese lawyer that he was a father and that he came from a good family, but that because of traumatic experiences during his youth, he had served time in jail.

Jacques Leduc asked Mr. Silmsler most of the questions. David Silmsler told the Church officials that Father Charles MacDonald had sexually molested him several times when he was a teenager. The first assault, he alleged, took place when he was an altar boy, in the sacristy of St. Columban's Church. Further sexual assaults allegedly took place on Church retreats and in a deserted area north of the City of Cornwall, to which Father MacDonald drove David Silmsler in his car. The Church officials asked Mr. Silmsler to describe Father MacDonald's aggression and other details of the sexual assault, but he either refused or could not remember the requested details. Neither Mr. Leduc nor the Church officials had training on interviewing alleged victims of sexual assault.

As Father Vaillancourt stated, in 1992, there still was no training for clergy in the Diocese on issues of sexual abuse. This was despite the fact that there had been complaints of sexual abuse in the Diocese in the past, and Bishop LaRocque himself had been involved in dealing at an earlier time with the allegations of sexual abuse by Father Carl Stone and Father Gilles Deslauriers.

Mr. Silmsler made it clear that he wanted a letter of apology from Father MacDonald to be sent to his mother. There was no discussion or request on

his part for any financial compensation from the Church for the alleged sexual assaults perpetrated by the priest nor, as Jacques Leduc acknowledged, was there any threat by Mr. Silmsler that he would sue the Diocese. Inscribed in Father Vaillancourt's notes of the February 9, 1993, meeting is: "He stated that all he wanted was a letter of apology from Fr. MacDonald to be sent to David's mother."

Without having previously discussed this with the two clergy, Jacques Leduc asked Mr. Silmsler if he would meet with the alleged perpetrator, Father MacDonald. This request surprised Father Vaillancourt. Father Vaillancourt had drafted the 1992 protocol "Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants." Although these guidelines had not been officially adopted by the Council of Priests, Father Vaillancourt relied on them for the Silmsler complaint. As Father Vaillancourt said in his evidence, arranging a meeting between the victim of a sexual assault and the alleged perpetrator was clearly not one of the steps in the 1992 guidelines. It was threatening, intimidating, and frightening for an alleged victim who had mustered the courage to disclose the sexual abuse to the Diocese and who sought a public apology from the priest for the molestation so that his mother could understand his past conduct. I agree with Father Vaillancourt's assessment. Not surprisingly, David Silmsler did not want to meet with Father Charles MacDonald, the perpetrator who he alleged had sexually abused him.

Church officials offered David Silmsler psychological counselling to help him deal with his personal problems.

After the meeting and deposition of Mr. Silmsler, Father Vaillancourt, Monsignor McDougald, and Jacques Leduc discussed his complaint. Details had not been provided by Mr. Silmsler on some issues. They thought that David Silmsler either did not remember these details, was fabricating the complaint, or was simply refusing to provide the requested information. It did occur to Father Vaillancourt that Mr. Silmsler might not be comfortable sharing this information with the Diocese lawyer and clergy who were priests in the Diocese with Father Charles MacDonald. Monsignor McDougald suggested that contact be made with Father MacDonald's lawyer, Malcolm MacDonald, and possibly the Crown. Father Vaillancourt's notes say:

After he left, we shared on what we thought of his statement. We felt that some details were not given possibly because he didn't want to or that they had slipped his mind or that perhaps many things had been dreamed up. It was thought that Fr. Charles would never walk around in a group only dressed in his underwear. It was decided that we contact Fr. Charles' lawyer and he could talk with the accused and possibly the Crown Attorney.

Similarly, Jacques Leduc stated in a 1994 document to Diocese lawyer Peter Annis:

After hearing the complainant's story, we, as members of the Committee, agreed that his anguish appeared real and that he was extremely emotional by what occurred. We felt that he was either telling the truth or was one of the best actors possible. There was no doubt that we had some sympathy for his situation, but had a problem with his credibility as a result of his refusal to provide details or occurrences.

It was decided that Monsignor McDougald would report the meeting with David Silmsler to the Bishop.

There was no discussion regarding the preparation of a written report. According to the 1992 protocol, a written report of the meeting was to be prepared by the designate, who in this case was Monsignor McDougald. This was not done. Nor was a file opened as mandated by the 1992 protocol. Bishop LaRocque acknowledged that this violated the protocol. He also conceded that it was contrary to the principles of transparency and openness. Bishop LaRocque was well aware at that time that *From Pain to Hope* stressed the importance of openness and transparency. The Bishop also acknowledged that in the past, the Church had not always been forthright or transparent in cases of sexual abuse by priests and other clergy.

None of the Diocese officials at the February 9, 1993, Silmsler meeting suggested speaking to the Bishop about the removal of Father Charles MacDonald from his position as parish priest at St. Andrew's Church. They knew that the priest continued to have contact with children and youths. Nor did Bishop LaRocque consider removing Father MacDonald from active ministry. He claimed that he did not have the "moral certitude" that Father MacDonald had committed the acts alleged by Mr. Silmsler.

Bishop LaRocque was concerned about the perception of scandal in the Church. As discussed, *From Pain to Hope* describes how fear of scandal by Church officials in the past has resulted in inappropriate responses to allegations of sexual abuse:

... The fear of scandal often conditions our instinctive reactions of inadvertently protecting the perpetrators and a certain image of the Church or the institution we represent, rather than the children, who are powerless to defend themselves.

Bishop LaRocque acknowledged that fear of scandal raised in him an instinctive reaction of protection of the Church. He agreed in his testimony with the following statement in *From Pain to Hope*:

... The ideal breeding ground for the development and repetition of child sexual abuse is a general conspiracy of silence, motivated by the fear of scandal and of major repercussions for the institutions directly or indirectly concerned.

From about February 1993 until August 1993, the Silmsers matter essentially remained dormant.

Pressure on the Bishop to Settle With David Silmsers: A Difficult August Meeting With Bishop LaRocque

In a call in August 1993, Malcolm MacDonald, Father MacDonald's lawyer, told Jacques Leduc, the Diocese lawyer, that he wished to meet with the Bishop to discuss the David Silmsers matter. On August 25, 1993, Malcolm MacDonald and Jacques Leduc met with Bishop LaRocque in his office. There are no notes of the meeting. As I discuss in this section, it is noteworthy that there do not appear to be written documents or recorded notes of many of the discussions and meetings that took place with Diocese officials regarding the Silmsers matter. The Bishop testified that at this time, both Jacques Leduc and Malcolm MacDonald "were putting pressure on me" to settle the case.

According to Bishop LaRocque, these two lawyers argued that the benefits of entering into a monetary settlement with Mr. Silmsers were avoiding scandal in the Diocese and ensuring that Father Charles MacDonald's reputation was not adversely affected. It would enable Father MacDonald to continue his ministry. The two lawyers also maintained that this had been done in other dioceses of the Catholic Church. They told the Bishop that they thought David Silmsers would agree to a civil settlement.

Bishop LaRocque was initially resistant to the prospect of a civil settlement. The confidentiality of the settlement also concerned him. He understood that by settling, David Silmsers would be abandoning his right to sue the Diocese and also would be compelled to sign an undertaking not to disclose the settlement. The Bishop was worried about the perception that the Diocese was offering money to an alleged abuse victim for the purpose of silencing him. As Bishop LaRocque said, "[M]y thought process was that it would appear that the Diocese was giving this money in order to buy off and to shut up the victim."

Bishop LaRocque asked whether a civil settlement by the Diocese with Mr. Silmsers would have an impact on the criminal investigation by the police. He testified that the lawyers assured him that a civil settlement would have no effect on the criminal process. However, Jacques Leduc conceded at the hearings that it was his hope that the civil settlement would resolve all matters, including the criminal issues surrounding this case.

Bishop LaRocque knew that a prime purpose of David Silmsler's contact with the Church in December 1992 and his disclosure of the sexual abuse, was to obtain a written apology to give to his mother to explain his past behaviour. Yet no discussion took place between the Bishop, Jacques Leduc, and Malcolm MacDonald regarding an apology to Mr. Silmsler by Father Charles MacDonald or the Church. Nor did the Diocese lawyer, testified Bishop LaRocque, discuss at that time whether a proposed monetary settlement with David Silmsler would be covered by insurance or whether the Church insurer should be notified. At the August 1993 meeting, there was also no discussion about the amount of money that would be offered to Mr. Silmsler.

According to Bishop LaRocque, "a very heated argument" between him and the lawyers took place at the August meeting. Malcolm MacDonald and Jacques Leduc pressured him to agree to a civil settlement but the Bishop was not persuaded: "[T]hey were arguing strongly that I should do so, and I absolutely refused."

Mr. Leduc was angry at the meeting because Bishop LaRocque would not agree to the civil settlement. He thought a monetary settlement with Mr. Silmsler would help to "resolve a messy situation," protect Father Charles MacDonald's reputation, and avoid legal costs if David Silmsler decided to sue the Diocese. He said the following in a statement to Mr. Annis:

The Bishop was adamant against settling. He was concerned about being seen as covering up and felt that the truth should come out in the criminal proceedings if that was the case. At the end of the meeting he told us that the Diocese would not participate in any settlement.

I left the meeting feeling very angry. I thought from my experience in these matters that settlement represented a good opportunity to resolve a messy situation, to protect the reputation of the priest, which would be destroyed by any legal proceedings, regardless of his innocence, and to avoid incurring unnecessary costs in defending the civil suit.

In the spring or summer of 1993, Jacques Leduc had learned that there had been other complaints of inappropriate sexual behaviour by Father Charles MacDonald in the past. Monsignor McDougald had conveyed this information to the Diocese lawyer. But Mr. Leduc did not raise this issue with the Bishop either at the late August meeting or at a second meeting with the Bishop in early September 1993, when they discussed the prospect of a civil settlement. I would have expected a lawyer concerned with the best interests of his client to have advised the Bishop of the existence of these other claimants, who also alleged they had been victims of inappropriate sexual behaviour.

Advice for Bishop LaRocque at the Canadian Conference of Catholic Bishops

A couple of days after the meeting in August 1993 with lawyers Malcolm MacDonald and Jacques Leduc, Bishop LaRocque attended the annual meeting of the Canadian Conference of Catholic Bishops (CCCCB). As mentioned, the report *From Pain to Hope* had been released the previous year. It stressed the principles of transparency and openness by the Church, the need for the Diocese to conduct investigations of allegations of sexual abuse, notification to the appropriate authorities, and compassion for the victims of abuse. *From Pain to Hope* contained the following statement: “We would like to see our Church guided by a spirit of openness and truth when responding to allegations of child sexual abuse by a priest or a religious.”

There had been allegations of sexual abuse by clergy in Newfoundland and in Ontario at that time, some of which had been publicized in the media. In a closed session at the CCCC, child abuse by clergy and the responsibilities of bishops in such cases were discussed. Bishop LaRocque decided to raise the Silmsler matter at this closed session, without identifying the priest or the alleged victim. Bishop LaRocque told the bishops that he had a case in his Diocese in which a person alleged that he had been abused twenty years earlier by a priest. He explained that the Diocese lawyer as well as the lawyer for the priest were trying to convince him to settle the matter by offering money to the alleged victim. About ninety bishops attended this closed session. Bishop LaRocque was strongly urged by his fellow bishops not to enter a monetary settlement. As the Bishop of the Diocese of Alexandria-Cornwall said at the hearings, the bishops “advised me against it because it would be seen as ... trying to buy the silence” of the victim. The bishops agreed with the position Bishop LaRocque had taken in his first meeting with lawyers Jacques Leduc and Malcolm MacDonald a few days earlier. But as Bishop LaRocque acknowledged at the Inquiry, “My regret has been ever since that I didn’t keep the same decision in the second meeting.”

A Second Meeting With the Bishop: Agreement to Settle Civilly With David Silmsler

Father MacDonald’s lawyer, Malcolm MacDonald, was intent on pursuing a civil settlement with the Diocese. He contacted Jacques Leduc after the August 25, 1993, meeting, and asked the Diocese lawyer to arrange a second meeting with Bishop LaRocque to further discuss the Silmsler case. He told Mr. Leduc that he had contacted Mr. Silmsler, who was prepared to agree to a settlement for \$32,000.

A meeting with Jacques Leduc and Malcolm MacDonald was arranged for September 1, 1993, after Bishop LaRocque returned from the CCCB. The Bishop, in hindsight, regretted that he had not asked the bursar, the Reverend Gordon Bryan, to attend this meeting, at which he was ultimately persuaded by the two lawyers to enter a civil settlement with David Silmsler. Again, there are no notes of this meeting.

The lawyers told the Bishop that David Silmsler needed money for psychological treatment and counselling. Bishop LaRocque agreed that an offer to provide financial assistance to Mr. Silmsler for counselling and psychological therapy should be made, as the Diocese had done so in the past for some of the sexual assault victims of Father Gilles Deslauriers. According to the Bishop's recollection, Malcolm MacDonald said that contact had been made with Mr. Silmsler, who needed \$20,000 for counselling costs and \$12,000 as compensation for damages for the alleged sexual abuse. Malcolm MacDonald said he would find the other \$12,000, but did not provide details. The Bishop was not told how that amount was arrived at, nor that Malcolm MacDonald had negotiated this sum with David Silmsler, who did not have legal representation when this discussion of the settlement costs occurred. Both Malcolm MacDonald and Jacques Leduc were anxious for the Diocese to enter this settlement. Mr. Leduc "in very forceful terms" tried to persuade the Bishop to agree to the settlement. It is noteworthy that the Diocese lawyer did not suggest that payment for psychological treatment for David Silmsler could be made on a "without prejudice" basis.¹⁶ This in fact had been done for victims of Father Deslauriers.

Bishop LaRocque testified that his principal concern, which he stressed to the two lawyers, was that the civil settlement entered into by Mr. Silmsler have no effect on the criminal investigation by the police or on the criminal process as a whole. At the hearings, the Bishop maintained that he was persuaded to enter the settlement on the basis that the Church needed to fulfil its undertaking to pay Mr. Silmsler for counselling and psychological treatment. The Bishop also conceded that he had agreed to the civil settlement because he wanted Father MacDonald to continue exercising his ministry. The lawyers also discussed with the Bishop the importance of avoiding scandal with respect to the Church and ensuring that Father MacDonald's reputation was not adversely affected. Bishop LaRocque knew that Mr. Silmsler would be asked by the lawyers to sign a release to the effect that in exchange for the monetary payment, he would not sue the Diocese. He was also aware that a confidentiality provision would be included in the settlement documents to prevent Mr. Silmsler from discussing the settlement with third parties.

16. "Without prejudice" means without implying an admission of liability or without abandoning a claim, privilege or right.

The Bishop understood that the civil settlement would take place soon after this meeting. “That is where,” Bishop LaRocque said, “I made my mistake. I should have consulted with Mr. Bryan ... and I suppose Monsignor McDougald since he was my delegate. But I did not do so and I left that in the hands of the lawyers.”

It was Bishop LaRocque’s understanding that the total settlement with David Silmsler would be in the amount of \$32,000: \$20,000 for counselling to be paid by the Diocese and \$12,000 that Malcolm MacDonald would obtain from other sources. This was contrary to the information conveyed by the Bishop to Chief Claude Shaver of the Cornwall Police Service (CPS) that the funds were from three parties. A cheque in the amount of \$27,000, not \$20,000, was sent to Mr. Leduc’s law firm from the Diocese of Alexandria-Cornwall on September 2, 1993. The contributors and the amounts in the settlement were never satisfactorily explained at the Inquiry.

Bishop LaRocque thought that it was necessary to receive approval from the finance committee of the Diocese for payments that exceeded \$10,000. In fact, the Bishop was incorrect; committee approval for payments that exceeded a specified monetary amount was applied to the parishes, not the Diocese. The finance committee consisted of priests and lay persons who advised the bursar on the finances of the Diocese. Bishop LaRocque believed that if this permission had been sought, the committee would not have approved the civil settlement negotiated by Malcolm MacDonald and Jacques Leduc on behalf of the Diocese. The Bishop thought, in hindsight, that he should have sought the advice of the bursar and the financial committee before the cheque from the Diocese was issued.

Bishop LaRocque testified that he had no involvement in the preparation of the documents for the civil settlement. He knew that the release would be drafted but did not know who was responsible for preparing it, nor its precise wording. The Bishop had made it clear to the lawyers that the civil settlement should have no effect on the ongoing criminal process. Bishop LaRocque never asked Diocese lawyer Jacques Leduc to review the civil settlement documents before they were signed by Mr. Silmsler. The Bishop testified that he would never have authorized the settlement with David Silmsler if he had known that the documents contained a clause that imposed a halt to the pursuit of criminal proceedings.

Jacques Leduc testified that he advised the Bishop that \$32,000 was a good settlement and that it would cost that amount or more for the Diocese to defend such an action civilly.

Jacques Leduc knew from Monsignor McDougald prior to the September 1 meeting with the Bishop that there had been other complaints of inappropriate sexual conduct by Father MacDonald. Yet the Diocese lawyer does not recall discussing these complaints at the meeting with the Bishop, at which he argued forcefully for the Bishop to enter a civil settlement with David Silmsler. It should

have been evident to Mr. Leduc that had he provided this information to Bishop LaRocque, the Bishop may not have agreed to the settlement. The Bishop claimed that he became aware of the other alleged victims only in October 1993, when Chief Shaver met with him in his office.

Despite the fact that Bishop LaRocque had raised the Silmsler case at the CCCB and had been advised not to agree to a civil settlement, the Bishop of Alexandria-Cornwall succumbed to the pressure of Father Charles MacDonald's lawyer and Diocese lawyer Jacques Leduc. "I've regretted it ever since," said Bishop LaRocque in his testimony at the Inquiry.

As I discuss later in this Report, Jacques Leduc claimed that prior to the signing of the release, Malcolm MacDonald told him that he had advised the local Crown, Murray MacDonald, about the preparation of the civil settlement and that the Crown Attorney had no concerns with it. Mr. Leduc also testified that he saw Murray MacDonald in the hallway of the Provincial Court, probably in the last week of August 1993, and that the Crown confirmed that Malcolm MacDonald had apprised him of the proposed settlement between the Church and Mr. Silmsler and "he had no problems with this." By contrast, Murray MacDonald testified that this discussion did not take place at the courthouse but rather that Mr. Leduc telephoned him to inform him of the settlement. The Crown attorney said he made it clear to Mr. Leduc that the criminal process would continue. This is discussed further in the chapter on the institutional response of the Ministry of the Attorney General.

Preparation of the Release Signed by David Silmsler

Mr. Leduc left the Bishop's office with Malcolm MacDonald, with instructions to proceed with the civil settlement. The lawyer for the Diocese discussed with Malcolm MacDonald the documents that needed to be drafted. He testified that he also told Mr. MacDonald that David Silmsler must obtain independent legal advice prior to signing the release and the undertaking not to disclose. Mr. Leduc told Father MacDonald's lawyer that a certificate of independent advice should be attached to the documents signed by David Silmsler.

Mr. Leduc testified that it was agreed that Malcolm MacDonald would prepare the civil settlement documents. But Mr. Leduc received a call from Father MacDonald's lawyer requesting his help, as Malcolm MacDonald practised principally in the area of criminal law. Mr. Leduc had previously acted for victims of abuse by clergy in Quebec, and agreed to search for a legal precedent that could assist in the drafting of the release and the undertaking not to disclose.

Mr. Leduc testified that he dictated a draft of the release, which was typed by his secretary. There was no reference to withdrawing from the criminal

investigation. He sent the document to Malcolm MacDonald by fax, who returned it with changes. The document altered by Mr. MacDonald contained references to criminal proceedings, which Mr. Leduc stroked out. Mr. Leduc testified that he wanted all references to criminal matters removed from the document as Bishop LaRocque had made it clear in his instructions that the settlement was in no way to affect the criminal investigation or criminal proceedings. Mr. Leduc stated that he called Malcolm MacDonald to confirm that all references to criminal proceedings were deleted from the document. Mr. Leduc knew that inserting a clause that impeded the criminal process would be void and against public policy.

Mr. Leduc also testified that the document he drafted was not the document that was signed by David Silmsler. He testified that the release he prepared did not contain a clause that referred to the criminal process. However, it is essential to note that the document signed by David Silmsler and witnessed by his lawyer, Sean Adams, on September 2, 1993, contained a clause that stipulated that Mr. Silmsler could not undertake “any legal proceedings, civil or *criminal*” and was to “immediately terminate any actions that may now be in process.”

It is important to note that Mr. Leduc gave different accounts of this in a January 1994 press release, a February 1994 statement that he prepared, and an August 1994 interview with the OPP. For example, in the January press release, Mr. Leduc said that he did not see the offending section. In the February statement, Mr. Leduc said that he had prepared a draft release that did not contain a reference to a release against criminal actions, that Malcolm MacDonald had made amendments to the document, and that Mr. Leduc had then called Mr. MacDonald to ask him to ensure that references to criminal matters were removed. When Mr. Leduc was interviewed by the OPP in August 1994, he said that the word “criminal” may have appeared but that he did not notice it. Mr. Leduc further stated in the OPP interview that had he noticed the reference to criminal matters, he would have asked Malcolm MacDonald to remove it.

I find it curious that Mr. Leduc did not open a file at his law office for the Silmsler matter. Mr. Leduc claimed that he has no notes of meetings or discussions that took place with respect to the Silmsler settlement. When asked how he knew how much time was spent on the file for the purposes of billing, he replied that he would “guesstimate” and rely on his memory.

Did Malcolm MacDonald, Jacques Leduc, or Sean Adams Contact Duncan MacDonald at the Time of the Settlement With David Silmsler?

Karen Derochie worked as a legal assistant for Cornwall lawyer Duncan MacDonald from approximately late 1992 or early 1993 until 1997. Duncan MacDonald’s legal practice was predominantly real estate and estate law. He was a sole practitioner.

Ms Derochie's employment with Duncan MacDonald ended in 1997 when Mr. MacDonald suffered a stroke. Mr. MacDonald died in 2000.

When Karen Derochie testified at the Inquiry, she recalled a meeting Duncan MacDonald had with Malcolm MacDonald and Jacques Leduc. According to Ms Derochie, the meeting took place in Duncan MacDonald's office and lasted about ten to fifteen minutes. It should be noted that Ms Derochie was familiar with both Mr. Adams and Mr. Leduc. Ms Derochie could not remember the precise date of this meeting but recalled that it was in either late 1992 or in 1993, shortly after she began working at Mr. MacDonald's law office. Ms Derochie testified that when the meeting concluded, Duncan MacDonald's face was red and he was visibly upset, unusual behaviour for her boss. According to Ms Derochie, he uttered something to the effect that "some things shake your faith in institutions or what you believe in." He also told Ms Derochie that if Mr. Sean Adams telephoned the office, he did not want to respond to the call. When Garry Guzzo testified at the Inquiry, he discussed a call he received from Duncan MacDonald regarding the Church's involvement in a financial settlement. Duncan MacDonald, he stated, was concerned about the settlement and sought the MPP's assistance. Duncan MacDonald wanted the government to look into the matter. As Mr. Guzzo related in his evidence, Duncan MacDonald said "the Church was involved, that we as Catholics should be concerned and I as a Conservative should be concerned."

Ms Derochie testified that she did in fact receive calls from Sean Adams either that day or the next, and conveyed the message that Duncan MacDonald was unavailable.

Karen Derochie further stated that a few weeks after Duncan MacDonald had the meeting with Jacques Leduc and Malcolm MacDonald, four people arrived at his office. They had not arranged an appointment. These four people, Ms Derochie testified, were Malcolm MacDonald, Jacques Leduc, Sean Adams, and an adult male whom Ms Derochie did not know. She asked the men to wait as Duncan MacDonald was not in the office at this time. When he arrived and observed these men, Duncan MacDonald promptly went upstairs to an office and called Ms Derochie. He told her that he did not intend to meet with these individuals and that they should be asked to leave the premises. This was the first time Ms Derochie had encountered such a situation. She complied with Duncan MacDonald's instructions and asked the men to leave the lawyer's office.

The testimony of Karen Derochie was inconsistent with the evidence of Jacques Leduc and Sean Adams. Mr. Leduc testified that he never went to Duncan MacDonald's office with Malcolm MacDonald. Nor, he said, did he visit Duncan MacDonald's office with Sean Adams and David Silmsler. He maintained that he never went to Duncan MacDonald's office to discuss the Silmsler

settlement. According to Mr. Leduc, the events described by Karen Derochie simply did not happen.

Sean Adams also testified that he did not attend a meeting at Duncan MacDonald's office relating to the Silmsler matter. Nor was he aware of a meeting between Duncan MacDonald, Malcolm MacDonald, and Jacques Leduc in the summer of 1993. Sean Adams also stated that he had no recollection of attempting to contact Duncan MacDonald by telephone. It is not for me to determine if and when these meetings took place but to point out some of the evidence that would have been available to explore had an in-depth investigation taken place.

Sean Adams' Involvement in the Silmsler Matter, Settlement Documents Are Signed

Sean Adams testified that he was reluctant to act for David Silmsler when he received his call. Mr. Silmsler explained that the Church was settling with him civilly in a case of sexual abuse by a priest but that the settlement funds would not be released unless he had a lawyer representing him to give independent legal advice. He asked Mr. Adams to meet him the following day at Malcolm MacDonald's office. Mr. Adams at that time practised solely as a solicitor. He testified that he told Mr. Silmsler he would recommend another lawyer, but Mr. Silmsler was anxious to settle the matter and wanted Mr. Adams to represent him. Sean Adams did not disclose to Mr. Silmsler that he had previously represented clergy in the Diocese of Alexandria-Cornwall. For example, in June 1992, Mr. Adams had done legal work for Father Gary Ostler at St. Columban's Church and also for priests at his parish, St. Clement's.

Mr. Adams decided to discuss the Silmsler request with Tom Swabey, a senior partner at his law firm. Mr. Swabey had previously done work for the Anglican Church. The senior partner suggested that Mr. Adams make it clear to David Silmsler that his retainer for independent legal advice was limited to witnessing Mr. Silmsler's signature on the settlement documents and giving him advice with respect to the release and undertaking not to disclose.

Mr. Adams agreed to represent Mr. Silmsler. He testified that there was urgency in Mr. Silmsler's voice and he wanted to help him.

Mr. Leduc testified that about a day before the civil settlement documents were signed, he became aware that Sean Adams was providing independent legal advice to David Silmsler. Mr. Leduc knew that Mr. Adams had previously done legal work for the Diocese. But Mr. Leduc did not raise with the Bishop or others that Sean Adams could possibly be in a conflict of interest with regard to representing Mr. Silmsler in this matter.

Mr. Adams met with Mr. Silmsler privately in Malcolm MacDonald's office on September 2, 1993. Mr. Adams read the release and undertaking not to disclose, as well as the certificate of independent legal advice. These documents had been prepared prior to Mr. Adams' arrival at the office:

FULL RELEASE AND UNDERTAKING NOT TO DISCLOSE

FROM: David Silmsler, Hamlet of Hammond, in the Counties of Prescott & Russell
TO: Father Charles MacDonald and to the Most Reverend Eugene P. Larocque, Bishop, and to his successors and assigns, and to The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario.

1. In consideration of the payment to me, of the sum of—Thirty Two Thousand—(\$32,000.00)—00/100 DOLLARS receipt of which is hereby acknowledged, I, David Silmsler, of the Hamlet of Hammond, Province of Ontario, ... hereby release and forever discharge Father Charles MacDonald, The Most Reverend Eugene P. Larocque and the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario, from any and all actions, causes of actions, claims and demands, for damages incurred or to be incurred, foreseen and unforeseen, for any loss, or injury, both physical, emotional or other, howsoever arising, which heretofore may have been, or may hereafter be sustained by me in consequence of any conduct, behavior or act done to me directly or indirectly by Father Charles MacDonald or by any other agent or employee of The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario, including all damage, loss or injury not now known or anticipated but which may arise in future and all effects and consequences thereof.
2. *In addition to the aforesaid release and for the said consideration, I hereby undertake not to take any legal proceedings, civil or criminal, against any of the parties hereto and will immediately terminate any actions that may now be in process.*
3. *In addition to the aforesaid release and for the said consideration I further hereby undertake not to disclose or permit disclosure directly or indirectly of any of the terms of this settlement or*

of any of the events alleged to have occurred. Breach of this undertaking will constitute a breach of settlement agreement as evidenced by this release and I will refund all amounts paid to me forthwith.

4. And for the said consideration, I further agree not to make a claim or take any proceeding or participate in same, against any other person or corporation who might claim contribution or indemnity under the provisions of The Negligence Act and the Amendments thereto from the person, persons or corporations discharged by this release.
5. It is further understood and agreed that the said payment is deemed to be no admission whatsoever of liability on the part of the said Father Charles MacDonald, The Most Reverend Eugene P. Larocque, Bishop, his successors and assigns and The Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario.
6. I hereby authorize and direct the releasees to pay the said consideration to me.
7. I also acknowledge having received independent legal advice prior to executing this full and final release as evidenced by the Certificate of Independent Legal Advice signed by my solicitor and myself, attached hereto.

IN WITNESS whereof, I have hereunto set my hand and seal,
this 2nd day of September, 1993.

David Silmser
(Emphasis added)

CERTIFICATE OF INDEPENDENT LEGAL ADVICE

I, SEAN ADAMS, of the City of Cornwall, County of Stormont, Barrister and Solicitor, DO HEREBY CERTIFY that I was this day consulted in my professional capacity by David Silmser, named in the annexed Full Release and Undertaking not to Disclose, dated the 2nd day of September, 1993 as to his obligations and rights under the said Full Release and Undertaking not to Disclose, that I acted solely for him

explained fully to him the nature and effect of the said Full Release and Undertaking not to Disclose and he did acknowledge and declare that he fully understood the nature and effect thereof and did execute the said document in my presence and did acknowledge and declare and it appeared to me that he was executing the said document of his own volition and without fear, threats, compulsion or influence by the releasees or any other person or persons.

DATED at Cornwall, this 2nd day of September 1993.

Sean Adams

ACKNOWLEDGMENT

I, hereby acknowledge that Sean Adams fully explained the nature of the Full Release and Undertaking not to Disclose and the effect of my signing it. I confirm that I understand the nature and effect of the document, I have executed it freely and voluntarily, I have given complete disclosure and I am satisfied with the disclosure provided by the release and confirmed by my solicitor.

DATED at Cornwall, this 2nd day of September, 1993.

David Silmser

ACKNOWLEDGMENT

I hereby acknowledge that I have retained Sean Adams only to review and explain the nature of the full Release and Undertaking not to Disclose to me and that I have not sought legal advice from Sean Adams with respect to the amount of compensation I am receiving from the Roman Catholic Episcopal Corporation for the Diocese of Alexandria-Cornwall in Ontario, nor have I disclosed to him the full facts concerning my claim against the said Diocese, and as such I hereby release Sean Adams and his firm for any actions or claims I may have should I determine that the compensation paid to me is insufficient.

Dated at Cornwall, Ontario, this 2nd day of September, 1993.

David Silmser

Mr. Adams testified that he reviewed the settlement documents with Mr. Silmsler. The amount of the settlement seemed low to the lawyer.

Mr. Adams was told that Mr. Silmsler was also required to sign the following document, addressed to Staff Sergeant Luc Brunet and Constable Heidi Sebalj of the Cornwall Police Service, before the settlement money would be released. Mr. Adams testified that it was his belief that Malcolm MacDonald had drafted the following document:

TO: Cornwall City Police
AND TO: Det. Sgt. Luc Brunet
AND TO: Cst. Heidi Sebalj

I, DAVID SILMSER, hereby states as follows:–

I made a complaint with Cornwall City Police concerning Charles MacDonald. I received a civil settlement to my satisfaction and before accepting it, I received independent legal advice.

*Now, I do not want to proceed further with any criminal charges.
You may take this statement as a direction to you to close your file
and stop further proceedings as far as I am concerned.*

DATED at Cornwall this 2nd day of September, 1993.

David Silmsler
(Emphasis added)

Malcolm MacDonald made it clear that Mr. Silmsler was required to go to the Cornwall police station to advise the police that he did not wish to proceed with the criminal charges.

Sean Adams understood that if Mr. Silmsler signed the documents, he was agreeing not to pursue either a civil or criminal action against Father MacDonald. Mr. Adams claimed that it did not occur to him that the settlement document his client was asked to sign was not, in fact, a legal document. He testified that he had never seen a settlement document that contained a provision requiring the termination of a criminal matter. Thus, Mr. Adams did not advise his client that the release he was asked to sign was illegal.

On September 2, 1993, Malcolm MacDonald wrote this letter to Mr. Adams:

Dear Sir:

Please find enclosed my trust account cheque payable to David Simser [sic] in the amount of \$32,000.00, being the settlement that he signed today in connection with Father Charles MacDonald and Diocese of Alexandria-Cornwall.

This cheque is being given to you and to be held in escrow until we are advised by the City Police that David Simser [sic] has attended at the Police Station and he advised them that he does not want to proceed with any of these charges.

Yours truly,

A.M. MACDONALD

Mr. Adams testified that in retrospect, it would have been “wise” for him to inform Mr. Silmsler that he could not represent him in this file with the Diocese. There were other lawyers in Cornwall who practised in this area of law, who knew more about settlement documents of this nature, and who had not previously acted for priests in the Diocese of Alexandria-Cornwall. Mr. Adams reiterated that he was simply trying to help Mr. Silmsler obtain his money so that he could begin the healing process. Moreover, Mr. Adams stated that, in hindsight, a warning light should probably have gone off regarding the provision that required Mr. Silmsler to terminate his involvement in the criminal action: childhood sexual abuse by a priest, a person in a position of trust and authority.

Instructions to Bursar of Diocese to Issue a Cheque in the Amount of \$27,000

On September 2, 1993, Mr. Leduc instructed the bursar for the Diocese, the Reverend Gordon Bryan, to write a cheque in the amount of \$27,000, payable to his firm in trust. When the Reverend asked the purpose of the cheque, Mr. Leduc responded that it was for a claim brought against Father Charles MacDonald. The bursar then asked about the nature of the claim, to which Mr. Leduc replied, “You really don’t want to know.” Gordon Bryan considered the lawyer’s response unusual as the bursar was accustomed to being briefed about financial matters involving the Diocese. It was evident to the Reverend that this matter

was confidential. He understood that this cheque was for the settlement of a claim against the Diocese.

It was Gordon Bryan's practice to seek Bishop LaRocque's authorization for cheques issued by the Diocese in such amounts. He met with Bishop LaRocque to discuss this matter. When the bursar asked Bishop LaRocque if he approved the \$27,000 payment, the Bishop replied, "Reluctantly, yes." The Bishop did not provide further details.

The Reverend Bryan issued the cheque to Mr. Leduc on September 2, 1993, in the amount of \$27,000. The payee on the cheque was Jacques Leduc's law firm, Leduc, Lafrance-Cardinal.

On September 2, 1993, Mr. Leduc received a cheque from the bursar in the amount of \$27,000. He deposited this cheque from the Diocese into his trust account and then issued a cheque in that amount to Malcolm MacDonald in trust. Mr. Leduc testified that he assumed from his discussions with Malcolm MacDonald that Father Charles MacDonald would contribute \$5,000.

Mr. Silmsler received a cheque on Malcolm MacDonald's trust account for the total amount of the civil settlement, \$32,000. It was not apparent from the face of the cheque that \$27,000 had been paid by the Diocese.

After Mr. Silmsler signed the release and undertaking and was given the cheque, Malcolm MacDonald brought the executed documents to Mr. Leduc's office in a brown envelope. Mr. Leduc testified that he did not read the executed documents. When asked at the hearings why he failed to review the documents, his response was, "There is no excuse professionally that I can give for that."

Mr. Leduc asked Gordon Bryan to pick up the release and undertaking and place the documents in a confidential file. As I discussed in Chapter 7 of this Report, Malcolm MacDonald was subsequently charged by the Ontario Provincial Police with attempt to obstruct justice regarding the release signed by Mr. Silmsler. Mr. MacDonald pleaded guilty and on September 12, 1995, he received an absolute discharge from the Ontario Court of Justice Provincial Division. This is further discussed in the Chapter 11, on the institutional response of the Ministry of the Attorney General.

On September 2, 1993, the day he signed the release, David Silmsler wrote a note to the Cornwall Police Service to the effect that he had received a civil settlement to his satisfaction and did not wish to proceed further with any criminal charges against Father MacDonald. This is discussed in Chapter 6, on the institutional response of the Cornwall Police Service.

About one week after receiving the cheque from the Reverend Bryan, Mr. Leduc gave him a brown envelope that contained the settlement documents. On the envelope was a label addressed to Jacques Leduc of Leduc, Lafrance-Cardinal, 340 Second Street East, Cornwall, with the notation "Personal & Confidential" and Malcolm MacDonald's return address in the corner of the

envelope. Mr. Leduc explained to Gordon Bryan that this was a full release, and the bursar assumed that the money had been received. Mr. Leduc instructed him to seal the document well and to inscribe on the envelope “Private & Confidential—To Be Opened by Bishop Only.” The Reverend Bryan placed tape on the sealed envelope and filed it in the office. He testified that he did not notify Bishop LaRocque that he had received the settlement documents. He states that in retrospect, he ought to have given these highly confidential settlement documents to the Bishop to review.

Cornwall Police Meet With Bishop LaRocque

Five or six weeks after Bishop LaRocque agreed to the civil settlement with David Silmsler, Cornwall Chief of Police Shaver and Staff Sergeant Brunet met with the Bishop. As I discuss in Chapter 6, Chief Shaver and Staff Sergeant Brunet had met on October 7, 1993, with the Papal Nuncio in Ottawa, who had suggested that the CPS arrange a meeting with Bishop LaRocque. This was the first time the Bishop had been contacted by the CPS since David Silmsler had made his complaint to the police in December 1992. The Bishop had been told by Monsignor McDougald that Mr. Silmsler had contacted the police and had alleged that he had been sexually abused by Father MacDonald in his youth.

Bishop LaRocque met with the Cornwall police officers in his office. He told Chief Shaver and Staff Sergeant Brunet that he had authorized a payment of \$32,000 to David Silmsler and that the settlement had been negotiated with Malcolm MacDonald and Jacques Leduc. The settlement documents were not reviewed at the meeting. Chief Shaver expressed his discontent that the Church had failed to contact the police. As Chief Shaver testified, “I also expressed my displeasure that the Church had not contacted the police during their negotiations and that surely the Church was interested in justice and not the possibility of hampering a police investigation.” The Bishop replied that Father Charles MacDonald had denied the allegations of sexual abuse and that he believed the priest had not committed these acts. Chief Shaver told Bishop LaRocque that David Silmsler was not the only person who had alleged abuse by the priest. He informed the Bishop that two other people had claimed that Father MacDonald had engaged in sexually inappropriate behaviour with them.

Bishop LaRocque became visibly upset when he learned that there were additional victims who had alleged they had been sexually abused. This changed his view about the seriousness of the situation. Mr. Silmsler’s complaint had become more credible to the Bishop, as others were making similar allegations against the priest. In his testimony, Bishop LaRocque did not deny that he may have told Chief Shaver at the meeting that he had made a large mistake in the payment of the money.

Bishop LaRocque testified that he met with Father Charles MacDonald that evening. The priest denied that he had sexually assaulted Mr. Silmsler or other people. He stated that if he had sexual relations, it was always on a consensual basis. Father MacDonald then conceded that he had had sexual relations with more than one person.

Bishop LaRocque called Chief Shaver that night. He relayed his discussion with Father MacDonald to the police chief. According to Chief Shaver, the Bishop said the priest had admitted the assault, and then abruptly said that it was not an assault but rather an isolated homosexual relationship. This is discussed in further detail in Chapter 6. It is noteworthy that the Bishop's account of his conversation with Father MacDonald differed when he spoke to the CAS executive director on October 12, 1993, and to the OPP when he was interviewed in 1994.

Bishop LaRocque was very upset. Father MacDonald was asked to leave the parish and was sent to Southdown two days later for an assessment. Approximately ten months after David Silmsler had disclosed to the Church that Father Charles MacDonald had sexually abused him, the priest was finally removed from his ministry.

Monsignor McDougald had known about previous complaints of sexually inappropriate behaviour by Father MacDonald before the Silmsler disclosure. He knew in late 1991 or early 1992 that the priest had gone on a holiday with a twenty-eight-year-old man and had made sexual advances.

The Children's Aid Society Arranges to Meet the Bishop

A few days after Bishop LaRocque met with the Chief of Police and Staff Sergeant Brunet, he was contacted by the Children's Aid Society (CAS). On October 12, 1993, the Bishop met at his office with CAS Executive Director Richard Abell, Bill Carriere, and Angelo Towndale. Bishop LaRocque had been told by Chief Shaver that the CAS was aware of the Silmsler allegations of sexual abuse and that the agency was initiating an investigation.

Mr. Abell explained to the Bishop that the CAS was concerned about abuse of children and that the agency intended to investigate the Silmsler matter. The CAS wished to interview the altar boys and parishioners in Father MacDonald's parish. It wanted to ensure that Father MacDonald was "out of the parish" during its investigation. Bishop LaRocque was surprised by this request. He told the CAS officials that he wanted to monitor the investigation. He was worried about the publicity associated with the CAS investigation and "the harm that would be done to the faith of the people." Although the 1992 *From Pain to Hope* report had stressed the principles of transparency and openness, Bishop LaRocque was clearly resistant to the CAS investigation and worried about the effects of it on parishioners and on the Diocese as a whole. Mr. Abell's notes state, "We say we

want him out of the parish—to allow us to investigate—Bishop very reluctant—finally agrees to two weeks.” As Bishop LaRocque tried to explain at the hearings, “[A]t that time it was still a very confusing type of situation.”

Father MacDonald was at Southdown undergoing an assessment. Mr. Abell told the Bishop that it was his understanding that David Silmsler had contacted the Ottawa Diocese and that the clergy who spoke to Mr. Silmsler at that time had found him credible. When the CAS officials asked for a copy of the letter from Monsignor Schonenbach, Bishop LaRocque refused, claiming the correspondence was “confidential.” At the Inquiry, the Bishop could not give a reasonable explanation for his reluctance, but stated that if this request were made now, he would be much more forthcoming with documents and would provide a copy of such a letter to the CAS for its sexual abuse investigation.

Bishop LaRocque told the CAS officials that “he didn’t want to pay off Silmsler” but had been “advised to do so by Jacques Leduc,” the Diocese lawyer. According to Mr. Abell’s notes of the meeting, the Bishop said that Father MacDonald was “strongly denying Silmsler allegation” but “admitting to being a homosexual.” The Bishop stressed that such acts had not occurred for the past four years and the priest had had relations “only with teens/adults.” Bishop LaRocque considered sexual acts between a priest and a teenager a breach of celibacy and violations of trust and authority.

The CAS agreed to start its investigation at St. Andrew’s Parish, where Father MacDonald had served for the past several years. Officials from the agency intended to interview current altar boys as well as others who had recently served as altar boys. The CAS representatives told the Bishop that they would be discussing the case with the OPP, which would decide whether to initiate a criminal investigation. Mr. Abell’s notes of the October 12, 1993, meeting conclude with “ended positive note. Bishop looked worried.” Bishop LaRocque confirmed in his testimony that he was anxious about the outcome of the investigations “where the scandal and what the effect on the parish is and on the whole Diocese.”

The notes of Richard Abell the following day record a call he had with Jacques Leduc. Inscribed is, “Says he will talk to Greg rather than Fth McDougal [sic] ... can’t betray priestly confidences (?)” Bishop LaRocque maintained that he never instructed Mr. Leduc or Monsignor McDougald to refrain from speaking to the CAS because of priestly confidences. The Bishop stated that only comments made in the confessional would not be disclosed.

At the end of October 1993, Jacques Leduc told the executive director of the CAS that Father MacDonald would not be returning to his parish, as the priest would be undergoing six months of treatment at Southdown. Mr. Abell told the Diocese lawyer that David Silmsler had refused to discuss the matter with the CAS, as he was concerned he would forfeit the money from the civil settlement. Jacques Leduc undertook to assure Mr. Silmsler that he could speak to the CAS “without penalty.”

A detailed discussion of the CAS investigation of the Silmsers allegations is in Chapter 9, on the institutional response of the Children's Aid Society.

On October 30, 1993, at Bishop LaRocque's request, Father MacDonald sent a letter of resignation from his parish to the Bishop. The Bishop wanted to appoint a new pastor to St. Andrew's Parish, and for that to occur, it was necessary for Father MacDonald to resign the position. According to the Bishop, the letter was strangely worded and did not mention either the allegations by David Silmsers or the fact that the priest was undergoing treatment at Southdown. The letter said:

The Most Reverend Eugene P. LaRocque, D.D., Bishop of the Diocese of Alexandria-Cornwall has announced the resignation of Rev. Charles F. MacDonald as pastor of Saint Andrew's Parish effective immediately. Father MacDonald has asked for time for rest and personal renewal before accepting re-assignment.

Approximately eleven months after Mr. Silmsers had disclosed to the Church that he had been sexually molested by the priest, the Bishop decided it was time to ask Father Charles MacDonald to resign from his position as pastor at St. Andrew's Church.

The response by the Bishop to Father Charles' letter the following day said:

Dear Father Charles:

I wish to thank you for the work that you have done at St. Andrews and for your resignation as Pastor of this Parish in order to find time for rest and personal renewal before you accept a new assignment.

I hope that your stay at Southdown may be profitable to you personally and to your future ministry.

Be assured of my prayers on your behalf, especially as I visit the tomb of the Apostles, Peter and Paul.

Fraternally yours in Christ,

+ Eugene P. LaRocque,
Bishop of Alexandria-Cornwall

Denis Vaillancourt,
Chancellor

Father MacDonald continued to be paid as a full-time priest.

The Diocese Issues a Press Release

On January 6, 1994, a newspaper article entitled “Reports of Sex-Abuse Complaint Involving Church, Police Surface” appeared in the *Standard-Freeholder*. It stated that a male, who alleged he had been abused twenty years earlier by a priest when he was a boy, may have been paid \$30,000 in 1993 “to drop his criminal complaint.” An excerpt of the newspaper article follows:

The male victim of a sexual abuse about 20 years ago may have been paid more than \$30,000 in 1993 to drop his criminal complaint against a local priest.

Allegations that both Alexandria-Cornwall Diocese Bishop Eugene LaRocque and city police had some involvement in a settlement have been circulating for weeks.

The reports surfaced Wednesday in an Ottawa television news program.

...

The source said that during the investigation, the victim told police he was negotiating with the church for compensation and that he might want to drop the case. The source said police were not happy with those developments, but that without a complaint they had no choice but to drop the case.

Bishop LaRocque decided to issue a media release the following day. In the January 7, 1994, press release, the Bishop stated that the Diocese had acted in accordance with the “Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants,” which he attached. But, as mentioned, these guidelines were not strictly followed by the Diocese in the Silmsler case. For example, the written report required by Phase 1 of the protocol on receipt of the complaint was not prepared. Also, the notification procedures to the CAS delineated in Phase 5 were not followed. Bishop LaRocque acknowledged at the hearings that unbeknownst to him, at the time he issued the press release in January 1994, the guidelines had not been strictly adhered to in the Silmsler allegations of sexual abuse by Father MacDonald. The guidelines, he said, were “followed to some extent.”

The January 7, 1994, press release discusses the principles of compassion and healing for victims of abuse. It also discusses the need for the perpetrator to admit the truth and, if need be, “seek pardon and conversion.” The Diocese in the media release urged victims to disclose clergy sexual abuse and stated that it

was prepared to cooperate with the police and other agencies, and as well to be involved in the healing process:

January 7th, 1994

MEDIA RELEASE

In view of recent media allegations of sexual aggression on the part of a member of the Clergy of the Diocese of Alexandria-Cornwall let it be known that the Diocese had acted in accordance with the Guidelines accepted and promulgated for the immediate and serious attention demanded by such a complaint. (copy enclosed).

The Guidelines are a practical plan of action “for the maximum reconciliation of the following three principles:

- justice towards all who are implicated
- diligence
- respect for civil authorities and their proper jurisdiction in these matters.” (**From Pain to Hope**, Report from the Ad Hoc Committee on Child Sexual Abuse, CCCB, p. 43).

Two attitudes are essential for a truly Christian response to such a grave situation: 1) **compassion** toward the victim(s) of abuse who have suffered a grave injustice and are in need of healing, as well as to the accused who is in need of admitting the truth and, if need be, seek pardon and conversion. The Church, all believers, must manifest this compassion of Christ;

2) **responsibility** in seeking the truth of a difficult situation, while firmly maintaining the important social principle that a person is innocent until proven guilty; also in searching for appropriate remedies, forms of response and eventually, reconciliation. (cf. **From Pain to Hope**, CCCB. p. 43).

We are all agreed that a morally evil act is an offense against God and His plan for our happiness and also “a violation of man’s humanity, in the one perpetrating it even before the one enduring it.” (**Splendour of Truth**, Pope John Paul II, no. 92)

If there are victims of sexual abuse by clergy, we want to know about it. We are prepared to cooperate with the police and/or other agencies and also in the healing process, as we have done in the past.

+ Eugene P. LaRocque,
Bishop of Alexandria-Cornwall

Bishop LaRocque stated that if he were drafting the press release today, he would probably include a contact person for victims of abuse to call, and perhaps additional information on support and counselling available. This would encourage victims to seek the therapy needed for the abuse.

On January 13, 1994, an article entitled "Church Paid to Silence Alleged Victim of Abuse Despite Its Policy on Openness" was published in the *Ottawa Citizen*. It contrasted the principle of transparency advocated in the 1992 Canadian Conference of Catholic Bishops report *From Pain to Hope*, with the \$32,000 Silmsler settlement offered by the Diocese of Alexandria-Cornwall:

The Roman Catholic Diocese of Alexandria-Cornwall paid a man \$32,000 after he promised to remain silent about his claim a Cornwall priest molested him as a child, despite the church's national policy for openness on sexual abuse.

In June 1992, the Canadian Conference of Catholic Bishops formed an ad hoc committee to determine the church's policy in handling cases of child sexual abuse by members of the clergy.

An excerpt from that report, entitled *From Pain to Hope*, reads: "Another contributing factor to child sexual abuse is a Church that too readily shelters its ministers from having to account for their conduct; that is often tempted to settle moral problems behind a veil of secrecy which only encourages their growth."

However, a 35-year-old former altar boy says the Cornwall diocese offered him money in exchange for his secrecy. The man, who now lives outside Ottawa, says a parish priest in Cornwall sexually abused him from the time he was nine until he was 12.

The following day, Bishop LaRocque held a press conference. Jacques Leduc, the Diocese lawyer, was present. At the press conference, the Bishop maintained

that he had “reluctantly” agreed to a settlement of a civil dispute in which both the Diocese and the priest in question had contributed funds. He acknowledged that this was “not the prudent way” to handle this situation and that he “should have maintained [his] original position” and not agreed to the civil settlement. He asserted that “in no way did I or would I wish to impede the police investigation.” Bishop LaRocque had not yet seen the settlement documents and claimed that he was unaware of the offending clause that prohibited David Silmsler from involvement in the criminal investigation of Father MacDonald. Bishop LaRocque stated that there was “zero tolerance” in the Roman Catholic Church for sexual abuse by priests, and he encouraged victims to come forward. The January 14, 1994, press release further stated:

The Diocese by this decision settles a civil dispute and does not as has been implied, pay the complainant to withdraw criminal complaints.

There was no interference with the criminal justice system in that the investigating officers and the Crown Attorney were advised of the proposed settlement and of the settlement and no criminal charges have been laid.

As had been stated, a settlement was made but the Diocesan authorities have cooperated fully with City Police and with other agencies in their ongoing investigations.

After issuing the January 14, 1994, statement, Bishop LaRocque had an opportunity to read the settlement documents. At this time, the Bishop realized that the information he had conveyed to the public was inaccurate. He testified that he was shocked to see the clause prohibiting Mr. Silmsler from continuing his involvement in the criminal process:

... I’m not a lawyer but as soon as I saw it that second paragraph jumped out in my eyes.

...

... [W]hen I saw it; dropped all criminal proceedings, I mean it just—I couldn’t believe my eyes because it was exactly what I warned them that I didn’t want in the document at all.

This clause, he said, was contrary to the instructions he gave to the Diocese lawyer, Jacques Leduc and to Father MacDonald’s lawyer, Malcolm MacDonald,

in the September 1993 meeting at which he agreed to enter a civil settlement with Mr. Silmsler.

Jacques Leduc, the Diocese lawyer, claimed that he had still not read the settlement documents delivered to him in early September 1993 at the time of the January 14, 1994, press release. He testified that he trusted Malcolm MacDonald, Father MacDonald's lawyer, that he did not read the final documents, and that he had simply transported them to the Diocese, to the Reverend Gordon Bryan. He claimed that it was not until January 19, 1994, when Mr. Silmsler's lawyer notified him by letter, that Mr. Leduc became aware that the release contained the offending clause. Mr. Leduc contacted Gordon Bryan and asked him to fax a copy of the settlement documents. Mr. Leduc informed the Bishop of the contents of the clause on the same day.

Mr. Leduc acknowledged at the hearings that he had never previously been involved, to his recollection, in a case in which he had not read the final documents on behalf of his client. Mr. Leduc stated that his trust in Malcolm MacDonald was misplaced and that he had relied on Mr. MacDonald's representation, with the consequence that this was "very embarrassing" both to him and to the Bishop. It damaged his reputation. Mr. Leduc said that the consequences of his reliance on Father Charles MacDonald's lawyer were "disastrous."

Bishop LaRocque issued another press statement on January 23, 1994, in which he acknowledged that the settlement entered into by the Diocese with David Silmsler had interfered with the criminal investigation by the Cornwall Police Service. This was a great embarrassment to the Bishop and to the Diocese. In this statement, the Bishop maintained that he learned this only after the January 14 press release. He apologized for "unwittingly misrepresenting this fact" and stated that this offending provision in the settlement document was "morally unjust." The Bishop said that he had retained new legal counsel for the Diocese, whom he had instructed to make clear to the alleged victim that the Diocese had no intention of interfering with the criminal process:

At the Press Conference of Friday, January 14th, 1994, I stated that the joint "understanding" of settlement out of court was to settle a civil dispute and did not interfere with the criminal investigation. I made this statement in accord with the instructions received from our Diocesan Counsel.

However, I have since learned that the signed release does in fact rule out both civil and criminal action (article 2). This is morally unjust and does not reflect the basis on which the Diocese cooperated with this action.

I have instructed our newly engaged Diocesan legal Counsel to advise the alleged victim that the Diocese does not wish to interfere with his right to proceed criminally and we consider him free to do so in order that we may know the truth of the present situation.

If there are other possible victims in this case, I urge them to contact Msgr. D.B. McDougald, my delegate and/or the Cornwall Police.

I am sorry for unwittingly misrepresenting this fact in the Press Conference and I again assure you of my desire to bring about a Christian reconciliation of the accused priest and the alleged victim based on the truth.

+ Eugene P. LaRocque,
Bishop of Alexandria-Cornwall

Similarly, on January 24, 1994, Jacques Leduc issued the following press release:

On January 14th, at a press conference, I made repeated representations to members of the press that the settlement with the complainant in question did not include as a condition that he withdraw his criminal complaint. I stressed on a number of occasions that it was never the intention of the Bishop or myself to interfere with the criminal justice system.

However, on Wednesday of last week, January 19th, I received a letter from the solicitor for the complainant indicating that the document containing a release made specific reference to the plaintiff undertaking “not to take any legal proceedings, civil or criminal, against any of the parties hereto and will immediately terminate any actions that may now be in process.”

I was, needless to say, disappointed to discover that the mention of criminal proceedings had been included in the settlement document. The document was prepared by other parties and I did not review it before it was signed. In addition once the document was signed and the document was delivered to my office in a sealed envelope and I delivered it to the Diocesan authorities without reading it at the time.

As you can imagine I feel very foolish this morning and embarrassed for having made representations to the press and the general public

without having reviewed the document in question. I certainly assume responsibility for any confusion or misrepresentations arrived at as a result of my omission.

I can assure you that I regret this error and that I deeply regret having caused embarrassment to our Bishop and to other Diocesan authorities.

In conclusion I would like to say that it has been and is my position that this settlement in question was a settlement of a purely civil matter and had I exercised prudence the settlement would not have made any reference to criminal action.

Thank you for your attention.

The Bishop understood that the clause in the settlement document was not only “morally unjust”—it was illegal. The Bishop ended the Diocese’s retainer on this matter with Jacques Leduc and hired David Scott of Scott and Ayles.

Assessment and Treatment for Father MacDonald at the Southdown Facility

Father Charles MacDonald was sent to Southdown by Bishop LaRocque for an assessment in October 1993. On October 22, 1993, the Bishop received a report from the facility, recommending treatment at its residential program. The report stated that Father MacDonald had admitted he had a “homosexual orientation” but denied that he had engaged in sexual activity with minors. Father MacDonald had told the Southdown professionals that his sexual partners had been in their early twenties to mid-thirties. According to the Southdown report, “Charles had crossed professional boundaries” and has been “involved with parishioners.”

Bishop LaRocque received a follow-up report of Father MacDonald’s treatment on December 20, 1993. The priest continued to deny the allegations made against him and maintained that he had never sexually abused any person. He was very upset about the police and CAS investigations. Father MacDonald also claimed that he had had no sexual relations for the past eight years:

... Charles spoke with conviction about the falsity of the charges against him and the injustice of the current police and Children’s Aid Society’s investigation. He maintains his innocence and has assured [sic] me that no further charges are possible because there was never any abuse in the first place.

The therapist wrote “Charles does not appear to be as confident in accepting his homosexual orientation and this should be an area for in-depth therapy.” Some of the goals for his therapy at Southdown included the following:

- to become better able to integrate the emotional aspects of his sexual orientation
- to deal with anger regarding the accusations placed against him; and
- to deal with issues relating to authority.

Bishop LaRocque replied to the January 19, 1994, letter. In correspondence to Sister Donna Markham, the executive director at Southdown, the Bishop disclosed that two other people had claimed that Father MacDonald had sexually assaulted or made sexual advances toward them. One had been an altar boy at the time and the other a young man.

Approximately a week earlier, Bishop LaRocque had received a letter from a former altar boy at St. Columban’s Parish, C-3, who wrote: “Fr. Charles was always trying to grab at my groin when no one was around.” He told the Bishop that as a result of this sexual behaviour, he had “lost all faith in the Catholic Church.” His letter concludes with these words:

I don’t know how many other people were subject to what David and I went through but I can only hope there were not any others.

The Bishop sent this letter to Southdown and to the Diocese lawyer. He did not send the letter or convey the information to the Children’s Aid Society. The Bishop concludes his January 19, 1994, letter with the following words:

I share this with you in the hope that I may help Father’s treatment and lead him to seek pardon from those he has scandalized and offended. Only then can we contemplate the healing that true reconciliation can bring.

In March 1994, Bishop LaRocque received correspondence from Southdown recommending that discussions soon begin regarding Charles MacDonald’s return to the Ministry:

Sometime, during the upcoming month of April, it would be helpful for Charles and myself to discuss with you the prospects for his return to ministry in the Diocese.

Father MacDonald's six-month treatment program ended in May 1994. The therapist stated that she was amenable to discussing Father MacDonald's progress with the Children's Aid Society:

If the Childrens' [sic] Aid Society would like a description of the Southdown Program, and Charles' progress in it, I would be happy to provide it. Charles has shared with me their offer of therapy. It is important that they understand Charles is in therapy here.

Father MacDonald was not permitted to return to ministry by the Bishop. Bishop LaRocque was not satisfied with the treatment received by Father MacDonald at Southdown. In a letter to the executive director in March 1995, the Bishop writes:

I must also, in all frankness, tell you that I am not satisfied with your dealings with Father Charles MacDonald. The fact that you did not give him the tests for pedophilia, the fact that the Children's Aid, after their examination, feel that there is reasonable and probable grounds to believe that the abuse did occur, leaves me, to say the least, perplexed.

After the investment of so much time and money, I would hope that, if Father Charles is blocking this out of his memory, there should be some way in which he could be helped to face the truth.

In the following year, the Bishop learned that another former altar boy at St. Columban's Parish, John MacDonald, alleged that he, too, had been sexually abused by Father Charles MacDonald. John MacDonald disclosed the abuse in a letter to Father Kevin Maloney in August 1995. In the conclusion to his letter, John MacDonald writes:

Please don't make me push this any further than between us. I do not want to go through what Dave is. Father Charlie knows what has taken place, and it is time that healing begins for all involved.

C-4 was another former altar boy who alleged that he was also sexually abused by Father MacDonald. It was evident to the Bishop that many boys and other young men in the Diocese of Alexandria-Cornwall claimed that they, too, had been sexually abused by this priest. The OPP investigation and the prosecution of Father Charles MacDonald are discussed in detail in Chapters 7 and 11 of this Report.

***Father Charles MacDonald Not Asked to Resign From Ministry
Until 1998***

In January 1995, Richard Abell wrote to Bishop LaRocque to inform him that as a result of the investigation, there was reasonable and probable cause to believe that Father MacDonald had abused a child and that he might continue to constitute a risk to both children and young adults. The CAS alerted the Bishop to this information because the agency was concerned with future clerical assignments of Father MacDonald in the Diocese. The January 6, 1995, from Richard Abell stated:

Your Excellency:

Re: Abuse Allegation Against Father Charles MacDonald

Further to our meeting of yesterday, I am writing to confirm the position of our Society with respect to the above-mentioned allegation.

Based on our investigation of the allegations, we have reached the position that there are reasonable and probable grounds to believe that the abuse of a child did occur. Our view is supported by the result of our inquiries into the specific allegation, as well as statements of other individuals who claim victimization by Father MacDonald.

Given this position, and in the absence of a full sexual behaviours assessment of Father MacDonald, it is our view that he may present a risk to children and young adults under his care and control. We are therefore concerned that any further assignment of Father MacDonald in the Diocese be done with this information in mind.

I would like to thank you for your cooperation throughout this very difficult matter. I am extremely pleased that we can now move ahead to establish a collaborative protocol for dealing with abuse allegations against members of the clergy.

Please call if you have any questions regarding the above.

Yours sincerely,

Richard J. Abell
Executive Director
(Emphasis added)

But despite this letter, Father MacDonald remained incardinated in the Diocese. The prospect of initiating canonical proceedings to remove him from priesthood “didn’t enter” the Bishop’s “mind at that time,” but the Bishop commented, “It probably would with the knowledge that I have now and procedures that are taking place at present.”

It was not until the end of January 1998, over five years after the Silmsers complaint, that Bishop LaRocque asked Father MacDonald to retire officially from active ministry. Father MacDonald was sixty-five years old. The January 29, 1998, letter from the Bishop stated:

Dear Fr. Charles,

A belated Happy Birthday—your 65th!

Since it will be impossible, no matter the outcome of the criminal charges against you, to reassign you to active ministry in this Diocese or in any other, I would ask you to retire officially from active ministry. A letter from you to this effect would be greatly appreciated.

As you readjust to a new form of income, I assure you that we shall continue to support you in prayer, in friendship and financially with your court case.

Union de prieres!

+ Eugene P. LaRocque
Bishop of Alexandria-Cornwall

Bishop LaRocque knew that a number of individuals, some of whom did not want to become involved in the criminal process, had disclosed that they had been sexually abused by Father MacDonald. The Diocese continued to fund Father MacDonald’s legal costs, Bishop LaRocque said, in accordance with the 1996 protocol. Bishop LaRocque, as mentioned, never considered initiating a canonical proceeding to laicize Father MacDonald. And it was not until 1998 that the Bishop asked Father MacDonald to retire from active ministry.

Conclusion

As I discuss in Chapters 7 and 11, Father Charles MacDonald was criminally charged by the OPP in 1996 in relation to three complainants: David Silmsler, C-3, and John MacDonald. The preliminary inquiry took place in 1997, and Father MacDonald was committed for trial on seven counts. In January 1998, the OPP charged Father MacDonald on a second set of eight charges regarding complainants C-4, C-8, Robert Renshaw, C-5, and Kevin Upper. In 2000, four additional counts were laid against the priest in relation to C-2. Father MacDonald was not convicted of any of these criminal charges.

These criminal charges against Father MacDonald are discussed in further detail in the chapters on the institutional response of the OPP and of the Ministry of the Attorney General.

Bishop LaRocque made this statement at the conclusion of his testimony:

I want to take this final opportunity to apologize to the community of Cornwall, to all the faithful of the Diocese and to all the people in it who were hurt by mistakes I made during my administration. I also want to apologize to anyone who was hurt by the actions of any priest in this Diocese, or by any errors which I or the Diocese may have made in handling any such cases.

I hope, at least, that my coming here to participate in this Inquiry will contribute to the fulfilment of the Commission's mandate and promote healing and reconciliation to all concerned. And I promise to keep all in my prayers and in my daily mass.

It is clear from the evidence that the Diocese of Alexandria-Cornwall and Bishop Eugène LaRocque delayed investigating the allegations of inappropriate contact with young persons by Father Charles MacDonald. They failed to take appropriate action to identify potential victims with respect to the allegations against Father MacDonald. They also failed to take appropriate action to ensure that young persons in the community would not be at risk in relation to Father MacDonald. Moreover, the Diocese and Bishop LaRocque did not advise either police agencies or the Children's Aid Society of the allegations of sexual abuse involving Father MacDonald and young people.

It is my view that the Diocese and Bishop LaRocque did not provide adequate training for diocesan personnel and clergy on the appropriate response to allegations of sexual misconduct by clergy involving young persons. Monsignor McDougald failed to follow the policies and guidelines in place to respond to allegations of misconduct.

Furthermore, it is evident that Jacques Leduc did not act appropriately when representing the Diocese of Alexandria-Cornwall in the settlement between the Diocese, David Silmsler, and Father Charles MacDonald by delegating the handling of the settlement to Malcolm MacDonald, counsel for Father Charles MacDonald, and failing to read the release and undertaking either before or after it was signed by David Silmsler on September 2, 1993. He also failed to follow practices and procedures to ensure that files, notes, and records of allegations of clergy sexual abuse were properly stored and were retrievable.

Father Romeo Major

Father Romeo Major was a priest in the Diocese of Alexandria-Cornwall. He was incardinated in 1964, ten years before Bishop Eugène LaRocque arrived in Cornwall. Father Major remained a priest in the Diocese when Paul-André Durocher became the Bishop in 2002.

Eugène LaRocque testified that when he was the Bishop of the Diocese, he received several complaints over the years about Father Major. He knew that Father Major was difficult to get along with, but maintained that he never received a complaint of sexual abuse regarding this priest.

It was in October 1999 that the Ontario Provincial Police (OPP), as part of the Project Truth investigation, contacted Bishop LaRocque with a request for information. The investigation of Father Major by the OPP is discussed in Chapter 7, on the institutional response of the Ontario Provincial Police. In correspondence on October 28, 1999, Detective Inspector Pat Hall asked the Bishop for a copy of Father Major's curriculum vitae as well as information on his former postings as a priest and the addresses of his residences. The OPP also wanted a photograph of Father Major, preferably taken in the mid-1970s. Detective Inspector Hall told Bishop LaRocque that the OPP would be contacting altar boys and girls in the 1975 to 1979 period, in locations "where Father Major was a priest." The OPP officer asked the Bishop to provide a list of the names of the altar boys and girls as it would assist the police and, moreover, would avoid unnecessary inquiries of people in the community.

Inscribed on this correspondence from the OPP, Bishop LaRocque wrote "no list available." However, the Bishop acknowledged in his evidence that bulletins from St. Martyr's Church, at which Father Major was a pastor, would often list the names of the altar boys and girls who participated in the services at the church. When Commission counsel asked Bishop LaRocque whether he mentioned this to the OPP, the Bishop claimed that he could not remember.

Bishop LaRocque was aware at this time that there was an allegation of abuse by Father Major with a girl. According to the notes of CAS worker Lorne Murphy, Mr. Murphy received a telephone call on November 1, 1999, from Bishop LaRocque, who asked to speak to Richard Abell, the executive director of the Children’s Aid Society (CAS) of the United Counties of Stormont, Dundas & Glengarry. Mr. Murphy explained to Bishop LaRocque that Mr. Abell was away from the office. The Bishop told Mr. Murphy that OPP Detective Inspector Hall had spoken to him about an investigation into allegations of sexual touching of a girl committed about twenty-five years earlier by Father Major of St. Martyr’s Church. Mr. Murphy stated that he would convey this information to Mr. Abell and to Mr. Bill Carriere.

On April 10, 2000, Father Major wrote to the Bishop to advise him that he had been arrested by the police that morning. The priest was charged with indecent assault of a young girl that allegedly took place between 1974 and 1976. The matter had now become public and Father Major asked the Bishop to relieve him of his duties as pastor of his parish.

The Bishop accepted the resignation of Father Major pursuant to the requirements of the 1996 “Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants.” He told Father Major that he hoped the matter would soon be resolved in the courts. In correspondence on April 11, 2000, Bishop LaRocque assured the priest that the Diocese would continue to pay his salary. The Bishop allowed Father Major to continue to live in the rectory without public functions. The Bishop prepared a media statement, which he copied to Huguette Burroughs, the editor of French newspaper *le Journal de Cornwall*. It stated:

Re: Charge of Indecent Assault against Rev. Roméo Major of
Sts Martyrs [sic] Parish.

After consultation with the Personal Committee of the Diocese and with the Director of the Children’s Aid, I have accepted Fr. Major’s resignation, according to our Protocol, and have named Rev. Réal Lévêque, p.s.s. as administrator. The matter is now before the courts.

+*Eugene P. LaRocque*
Bishop of Alexandria-Cornwall

EPL/ama
C.C. Huguette Burroughs

According to the notes of Detective Constable Don Genier, a man disclosed to the OPP on April 13, 2000, that his sister had been abused by Father Major when she was a teenager and that she had disclosed this to him ten years earlier, in 1990. This man told the OPP that he had contacted Bishop LaRocque in 1990 to ask if the Church had received complaints of sexual abuse or other complaints about Father Major. The Bishop replied that he did not recall a complaint of sexual abuse against this priest. However, at the hearings Bishop LaRocque maintained that until the OPP investigation and the laying of criminal charges against Father Major in 2000, he could not recall any complaints of sexual assaults by this priest.

Prior to the scheduled preliminary inquiry, the Bishop decided that he would send Father Major to Southdown Institute for an assessment after the preliminary inquiry was completed. It was originally scheduled for November 2000 but did not take place until September 2001. The criminal case concerned an allegation of sexual abuse of a girl between eight and eleven years old. It was a historical sexual abuse case. Father Major denied that he had committed sexual improprieties on this alleged victim.

Father Major told Bishop LaRocque that he had previously been involved in children's groups such as Boy Scouts and Cubs. He explained to the Bishop that children would sit on his lap, which he acknowledged may have been indiscreet. However, as the Bishop said in his evidence, Father Major maintained that he could not recall intentionally "touching anyone in this way."

In a letter sent to Bishop LaRocque in May 2001, Mr. Raymond Dlugos, a psychologist at Southdown Institute, wrote that an objective of Father Major's "treatment is to explore sexuality and address issues related to allegations of sexual misconduct." The psychologist stated that although the priest had denied the allegations, "he acknowledges the possibility that he was not as prudent in maintaining professional boundaries at the time the misconduct is alleged to have occurred." Bishop LaRocque and the Diocese did not take adequate measures to investigate the allegations against Father Major when this information was received.

Criminal Charges Withdrawn Against Father Major Due to Illness of Complainant, Bishop Returns Priest to Ministerial Duties

On October 10, 2001, charges were withdrawn by the Crown as a result of a serious illness suffered by the complainant, a malignant brain tumour. As I discuss in Chapter 7, the disease and treatment of the illness affected the woman's memory. It was for this reason that the Crown contacted the complainant and the OPP to inform them that it had decided to withdraw the charges against

Father Major. At the request of Father Major, Bishop LaRocque wrote a letter to the parishioners of St. Martyr's Church a few days after the withdrawal of the criminal charge. The Bishop said that it was with joy that he was reinstating Father Major in his position as priest of the parish. He told parishioners that after a year and a half, the court had found that there was no legal case against the priest. The October 13, 2001, correspondence says:

C'est avec joie que je remets le P. Roméo Major en fonction comme votre curé. Après un an et demi la cour trouve qu'il n'y a pas de cas juridique.

Bishop LaRocque knew that the criminal charges had been withdrawn as a result of the illness of this woman. He knew that the matter was never adjudicated by the courts. Yet the Bishop told parishioners in Father Major's church that the courts had concluded that there was no legal case. And he told parishioners that it was with joy that he was reinstating Father Major to his ministerial functions at the parish. Despite the fact that criminal charges had been laid against the priest for indecently assaulting a young girl, the Bishop decided that Father Major did not present a risk to other young girls in the community or other young people in his parish. Bishop LaRocque came to this conclusion without an internal investigation by the Diocese of the allegations of abuse against Father Major.

Father Major continued his ministerial functions until his retirement at his parish. The Bishop of the Diocese at the time of his retirement was Bishop Paul-André Durocher, who assumed this position in 2002. Although the new Bishop knew of the circumstances surrounding the withdrawal of the charges against Father Major, he maintained the status quo. He stated that at this time, he was focused on developing a protocol. Bishop Durocher did not review the decision made by Bishop LaRocque allowing Father Major to continue ministering in the Diocese of Alexandria-Cornwall. Bishop Durocher testified, "It was not my intention to review Bishop LaRocque's decisions. Furthermore, nobody ever approached me to review that." In Bishop Durocher's opinion, Bishop LaRocque's decision regarding Father Major had been accepted by the community:

... [W]hen Father Major was exercising ministry, there was not a single person who suggested that he should not be there ... not just parishioners, but any other people; victims' groups; protest groups; nobody suggested that I review that decision so I felt it was a decision that was accepted by the community.

...

... Anybody could have sent me a letter that said, “Bishop, we feel really awkward with the fact that this Priest is exercising ministry and no determination was made; we think you should look into this.”

It was clear that the charges against Father Major were withdrawn for reasons other than the merits of the case. In such circumstances, the employer, in this case the Diocese, should automatically conduct a review of the incident to determine whether the priest constitutes a risk to the people with whom he has contact and whom he serves.

In my view, the Diocese and Bishop LaRocque failed to sufficiently investigate allegations of inappropriate contact of Father Romeo Major with young persons. Moreover, the Diocese, Bishop LaRocque and Bishop Durocher failed to take appropriate action to identify potential victims of Father Major in relation to allegations of inappropriate contact with young persons. It is also clear that Bishops LaRocque and Durocher, as well as the Diocese of Alexandria-Cornwall, did not take appropriate measures to ensure that young persons in the community were not at risk in relation to Father Major.

Bishop LaRocque testified that he did not believe that a policy or process existed in the Diocese to ensure that it monitored the preliminary inquiries or trials of priests who had been criminally charged with sexual crimes. It is my recommendation that the Diocese monitor preliminary inquiries or trials of priest and other clergy charged with sexual offences.

Father Paul Lapierre, Father René Dubé, and Father Don Scott

Allegations Against Father Lapierre and Father Dubé

Father Paul Lapierre was incardinated in the Diocese of Alexandria in 1959. Although he left the Diocese before Eugène LaRocque became the Bishop in 1974, Father Lapierre remained incardinated in the Diocese of Alexandria.

Church officials in the Diocese testified that in the late 1950s or early 1960s, there were rumours circulating about Father Paul Lapierre. Father Réjean Lebrun testified that there were rumours about Father Paul Lapierre’s sexual involvement with a young man in his parish. Similarly, the Reverend Gordon Bryan heard rumours about Father Paul Lapierre in that period as well. He testified that he did not discuss these allegations with Church officials in the Diocese.

Father Lapierre was investigated by the Ontario Provincial Police (OPP) and criminally charged as part of Project Truth. As I discuss in this Report, Claude Marleau was one of the alleged victims interviewed by the OPP who disclosed that a number of priests and other men had abused him, including Fathers

Paul Lapierre, Don Scott, and René Dubé. Mr. Marleau alleged that he was sexually abused by Father Paul Lapierre on a number of occasions. In a statement to the OPP, he said that he was abused by Father Lapierre at a retreat house in Alexandria, in Father Lapierre's car, and at cottages.

On March 17, 1998, Detective Constables Don Genier and Joe Dupuis interviewed Father Lapierre. The investigation and criminal charges against Father Paul Lapierre are discussed in fuller detail in Chapters 7 and 11, on the institutional responses of the Ontario Provincial Police and the Ministry of the Attorney General.

One year later, in March 1999, Detective Sergeant Pat Hall contacted Bishop LaRocque to inform him that Fathers René Dubé and Paul Lapierre were also under criminal investigation by the Montreal police. The Bishop testified that although he was surprised to learn about Father Dubé, he was not shocked to hear this information about Father Lapierre. As he said in his evidence, "I knew from his background that it could be possible."

As mentioned, although Father Lapierre was incardinated in the Diocese of Alexandria, he left in the late 1960s before Eugène LaRocque became the Bishop. From approximately 1968 until the mid-1980s, Father Lapierre was a freelance mission retreat preacher in Canada and the United States according to Bishop LaRocque. He spent most of his winters in Florida. Bishop LaRocque had received information regarding Father Lapierre from Bishop Nevin, who was in the Diocese of Naples in Florida. There was information about Father Paul Lapierre in the media. According to Bishop LaRocque, a newspaper article reported that Father Lapierre had been picked up by a male police officer to whom he had made sexual advances. Bishop LaRocque testified that he could not recall whether he provided this information to the OPP.

Bishop LaRocque recalled that Father René Dubé contacted him as soon as he became aware of the police investigation. Father Dubé, a priest at Ste-Croix Parish in Cornwall was very concerned. People in his parish had learned about the charges against him and were upset. Father Dubé was well known in the community and had been a priest in the Diocese for many years. He was charged for sexually assaulting a teenaged boy in Quebec in 1965, when Father Dubé was in the seminary. Father Paul Lapierre was also charged with gross indecency and indecent assault with regard to this youth. Father Lapierre and Father Dubé were co-accused in the Quebec prosecution. Father Dubé tendered his resignation to the Bishop on June 20, 1999.

Bishop LaRocque contacted Father Lapierre between June 20 and June 23, 1999, to assess whether there was any veracity to the allegations. Father Lapierre told the Bishop that Father Dubé was innocent and had not been involved in the sexual abuse. Father Lapierre informed the Bishop that he and another priest

had participated in this incident. He identified the other priest as Father Don Scott, who had been incardinated in the Diocese before Eugène LaRocque was installed as Bishop.

Bishop LaRocque claimed at the hearings that he was concerned about former parishioners who might have been sexually abused by Father Don Scott. But the Bishop did not take any steps after he received the information from Father Lapierre in June 1999 to identify these individuals. The Bishop did not contact Claude Marleau, a victim of sexual abuse, who was at that time practising law in Quebec City.

Claude Marleau testified at the Inquiry that Roch Landry¹⁷ had introduced him to Father Paul Lapierre, who, he said, became the most important figure in his adolescence: “Paul Lapierre est devenu la figure la plus importante de mon adolescence.” Mr. Marleau stated that he was first abused by Father Lapierre in the priest’s room. He testified that the sexual abuse occurred many times. Claude Marleau also testified that he was brought to Father Don Scott’s residence by Father Lapierre and that the two priests had sexually abused him. He stated that both priests were present at the time of the alleged sexual abuse. Mr. Marleau said that Father Paul Lapierre and Father Scott were good friends. The connection between Mr. Marleau’s alleged perpetrators is further discussed in the chapters on the institutional responses of the Ontario Provincial Police and the Ministry of the Attorney General.

Bishop LaRocque met with both the Parish Council and the Finance Council of the Diocese after he spoke to Father Lapierre. The Bishop told the council members that he was morally certain, from a conversation with a “reliable source,” that Father Dubé was innocent of the charges of sexual assault. He asked the members if he could breach the protocol and allow Father Dubé to continue to exercise his ministry.

On June 26, 1999, the following article appeared in the Cornwall *Standard-Freeholder*. Entitled “Priest Tells Parishioners He’s Innocent: Charged With Sex Crime,” it says the following:

A Cornwall Roman Catholic priest charged with a sex crime said he’s innocent and that the truth will set him free.

Rev. René Dubé, 54, pastor of Sainte-Croix parish on Anthony Street in east-end Cornwall, announced to his shocked parishioners at mass last weekend he had been charged in connection with an alleged assault against a 14-year old boy in 1967.

17. Roch Landry was one of Claude Marleau’s alleged abusers.

“I hope that the truth will make me free, because I’m innocent,” he said Friday.

Dubé is alleged to have sexually assaulted the teen when he was a 23-year-old seminarian in Montreal. Dubé said he doesn’t know the complainant and is completely mystified by the charge.

Dubé said he first heard of the charge when he opened his mail recently to find a court summons from the Montreal courthouse. He also said he’s never been interviewed by a police officer.

He’s receiving strong support from Bishop Eugene LaRocque who refused to accept Dubé’s resignation.

“This is a case of mistaken identity,” said LaRocque Friday. “I’m not going to add a second injustice,” by having Dubé removed from the parish.

The church established a protocol for priests who are charged with crimes. But LaRocque said he’s not “shackled” by the protocol.

“I am not shackled to a protocol especially when my conscience comes into play,” said LaRocque.

The bishop said he’s not concerned about the public’s perception, especially in light of a police probe into allegations that priests and other prominent people sexually abused children in the Cornwall area dating back over the last 40 years. Instead, LaRocque said he was “concerned about what God sees.”

Dubé makes his first court appearance June 29 in Montreal.

As I discuss in Chapters 7 and 11, Father Lapierre was convicted of abusing Claude Marleau in Montreal but was acquitted in the Cornwall trial, at which Mr. Marleau was also one of the alleged victims. Bishop LaRocque testified at the Inquiry that he did not know that Father Paul Lapierre had appeared before the Ontario courts on charges of sexual abuse involving Claude Marleau. But he acknowledged that an article was published in the *Ottawa Citizen* at that time regarding the Lapierre trial in Cornwall and that this matter had been brought to his attention.

Bishop LaRocque did not contact either the police or the Crown's office to provide the information that had been imparted to him by Father Lapierre that he and Father Don Scott, priests in the Bishop's Diocese, had been involved in a sexual incident. The Bishop agreed at the hearings that "in hindsight, I should have let people know ... I didn't think of it." In retrospect, he acknowledged that this information might have been of assistance to Mr. Marleau and to the police and prosecutors dealing with these sexual abuse cases.

In approximately late June or July 1999, Huguette Burroughs, the editor of *le Journal de Cornwall*, a French newspaper, wrote an article on the issues involving Father René Dubé, which she provided to Bishop LaRocque. Ms Burroughs was a parishioner at Nativité Cocathédral. She wanted to consult the Bishop before publishing the article in the newspaper. The article discussed the injustice to Father Dubé and other priests in the Diocese who had been subjected to allegations of indecent acts. Ms Burroughs was critical of people who complained to authorities many years after the alleged event. She stated that these alleged victims should not be permitted to pursue their complaints years after the alleged acts and suggested that a limitation period should exist for such accusations. Ms Burroughs said that allegations such as those against Father Dubé were unacceptable and that such complaints against priests were orchestrated to financially ruin the Church as an institution. The article stated that people should not wait thirty-two years to allege abuse against clergy in the Church. It suggested that those alleging abuse were interested in money and that their psychologists were trying to get these alleged victims to retrieve old memories.

Bishop LaRocque testified that he was in agreement with the contents of the article when it was written by Huguette Burroughs in 1999. Yet at this time, the Bishop knew about the sexual abuse perpetrated by Father Stone, Father Deslauriers, Father Lapierre, and Father Scott. Bishop LaRocque agreed in his testimony that in retrospect, he should have conveyed the message that some priests in the Diocese were "problems."

Bishop LaRocque was aware from his discussion with Father Lapierre that both Father Don Scott and Father Paul Lapierre had been involved in the sexual abuse of a boy several years earlier. However, the Bishop told Ms Burroughs that he endorsed the contents of the article she had authored. Father Lapierre had admitted to the Bishop that he had sexually abused this boy and had identified the other priest who had also perpetrated these acts. Yet the Bishop did not raise any objections to the contents of the article.

In his testimony, Bishop LaRocque gave two reasons why he did not report to the police the information relayed to him by Father Lapierre: (1) Father Scott was dead; and (2) the police were already investigating the sexual assault allegation against Father Lapierre. I do not find these reasons convincing. Father Lapierre

had admitted to Bishop LaRocque that he had sexually abused a boy. Moreover, another bishop in the United States had discussed his concerns about Father Lapierre’s inappropriate behaviour, and Bishop LaRocque knew there were allegations that the priest had propositioned an undercover officer. Bishop LaRocque agreed that he could have been more forthcoming and communicated this information about priests such as Father Lapierre and Father Scott to the police. He further acknowledged that the institutional response of the Diocese of Alexandria-Cornwall when he was the Bishop could have been better.

After the trials against Father Lapierre had concluded and he was convicted in Montreal, Bishop LaRocque did not contact Claude Marleau.

As mentioned, Father René Dubé sent a letter of resignation to Bishop LaRocque on June 20, 1999. Bishop LaRocque indicated on June 23, 1999, that he was not required to accept the priest’s resignation and that he was morally certain that Father Dubé was innocent. The Bishop took the position that he was not breaching the diocesan protocol. In his testimony, Bishop LaRocque said that he had been advised by Father Denis Vaillancourt that he was not violating the protocol by refusing to accept Father Dubé’s resignation.

The 1996 “Diocesan Guidelines of Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants” stated:

... If the situation warrants it (because there is a risk to the alleged aggressor, or *the possibility of a risk to other members of the community, because the events have become public, because charges will be laid, because a trial will take place*) *the Bishop removes the suspected aggressor from Church duties.*

Protocol for priests who are the subject matter of criminal proceeding
or civil litigations

...

3. Should there be an allegation of an indictable offense, with one or more of the following conditions present:

- a) risk to the alleged aggressor;
- b) possibility of risk to members of the community;
- c) because the events have become public;
- d) because charges will be laid;
- e) because a trial will take place;

the accused priest will be removed from his position and placed on a leave of absence. After six month [sic], the removal becomes permanent. (Emphasis added)

Charges had been laid and the matter was public. The conditions were present. Yet Bishop LaRocque took the position that he was not contravening the protocol by refusing to remove the priest from Church duties. Bishop LaRocque maintained that he was morally certain Father Dubé was innocent because of his telephone conversation with Father Lapierre.

Bishop LaRocque explained that he did not follow the diocesan guidelines with respect to Father Dubé because he did not want the priest to be doubly punished by the criminal system and by the Diocese. I do not find this a persuasive reason. The Bishop relied upon the conversation he had with Father Lapierre. The Bishop did not undertake any investigation or conduct other interviews to inform himself of the credibility of the allegations made against Father Dubé.

A few days after the article was published in the Cornwall *Standard-Freeholder*, Richard Abell, executive director of the Children's Aid Society (CAS), wrote a letter to the Bishop urging him to accept Father Dubé's resignation and to have him refrain from parish duties until the resolution of the court proceedings. Mr. Abell was clearly concerned about the protection of children and youths in the community. The June 30, 1999, letter stated:

Dear Bishop LaRocque:

Re: Father Rene Dube

I have been hoping to speak to you regarding the recent developments in this matter that were reported in last Saturday's *Standard Freeholder*. In case we are not able to connect by phone in the near future, I'm writing you with some thoughts.

I fully understand your wish to support your priest. However, I also come to this issue with the perspective of public safety. Criminal charges of sexual misconduct against a youth are in themselves very serious, and warrant a careful attention to the safety and protection of children, whatever personal positions may be held about the allegations.

On that basis I urge you to accept Father Dube's offer to step down from his parish duties until such time as a court has given it's [sic] judgment on the allegations against him. A reading of your protocol informs me you have discretion in these circumstances, although four of the five situations cited which would support the decision to suspend ("... a risk to other members of the community ...," etc.) are relevant to the present situation.

In the event you should decide to maintain Father Dube in his present assignment, I ask that you put in place measures to ensure that there can be no risk to children or youth while you await the outcome of the charges.

Please call if you would like to discuss any of the above.

Yours truly,

Richard Abell
Executive Director

Bishop LaRocque acknowledged in his testimony that he did not take Mr. Abell's advice. The Bishop did not instruct Father Dubé to refrain from parish duties until the courts had rendered judgment on the allegations of abuse. However, in early July 1999, Bishop LaRocque asked Father Dubé not to be in the company of youths without adults present.

It is noteworthy that Bishop LaRocque could not recall monitoring Father Lapierre's trial in Cornwall or his joint trial with Father Dubé in Montreal to keep himself informed of the criminal prosecution of priests in his Diocese.

A story on the Cornwall trial of Father Lapierre entitled "Catholic Priest Admits Others in Diocese Confided in Him About Abuse of Boys in Cornwall" appeared in the *Ottawa Citizen* on September 8, 2001. It stated that Father Lapierre had testified at his criminal trial that he was aware for some time that people in the Cornwall community were abusing youths. Father Lapierre denied taking part in the sexual abuse but acknowledged that priests in the Diocese of Alexandria-Cornwall had confided in him about the sexual abuse of boys in eastern Ontario:

A prominent Roman Catholic priest charged with sex crimes under Project Truth confessed in court yesterday that he has long been aware of a group of pedophiles in the Cornwall community.

Under cross-examination while testifying in his own defence, Father Paul Lapierre, 72, repeatedly denied taking part in a sex ring, but told court that priests in the tightly knit diocese, along with others, confided in him over the years about the sexual abuse of boys in Eastern Ontario.

At his trial, Father Lapierre stated that he had received information during confessions regarding the abuse by priests. As I discuss in Chapter 11, this was not pursued by the Crown at the Lapierre trial, which took place in September

2001. Father Lapierre stated that he had communicated this information to Bishop Rosario Brodeur. At the Inquiry, Bishop LaRocque denied that Father Lapierre had discussed the sexual abuse of boys in the Cornwall area with him. Father Lapierre was acquitted on September 13, 2001, on the grounds that the Crown had not proved its case beyond reasonable doubt.

Father Don Scott

Father Don Scott was also a priest in the Diocese of Alexandria when Eugène LaRocque became the Bishop. Father Scott was a pastor in a parish in Maxville. The Bishop decided to move Father Scott in 1975 to St. Raphael's Parish, which was next to Williamstown. Within a short time, Father Scott asked the Bishop to assign him to another parish. In a strained meeting, Bishop LaRocque made it clear to Father Scott that he was to remain in his parish in St. Raphael's. Father Scott subsequently decided to join the Dominican Brothers. In correspondence in 1976 to the Bishop, Father Scott refers to the "unraveling of [his] life."

Bishop LaRocque knew that Father Paul Lapierre and Father Don Scott were friends.

In June 1984, Father Scott wrote to Bishop LaRocque to inform him that he had left the Dominican Brothers and was living in Montreal with a man. Bishop LaRocque visited him. In his correspondence, Father Scott wrote, "Soyez assuré aussi que le style de vie que nous avons discuté est—pour moi—plutôt une question de la position du Magisterium que d'un engagement personnel." As Bishop LaRocque explained, Father Scott was referring to the fact that he was gay and that it was not in accordance with the teachings of the Church. The priest remained incardinated in the Diocese of Alexandria-Cornwall.

Father Scott sent further correspondence to Bishop LaRocque in June 1986, after the Father Gilles Deslauriers matter. The priest wrote: "When I told you why I knew I needed time, you at least knew that I had spared the Diocese and the Church." He further stated:

... I have been made aware of the recent unfortunate happenings that have touched the Diocese with scandal which will if past patterns are repeated, touch the brother priests who are innocent.

Bishop LaRocque testified he did not know what the priest meant by "past patterns are repeated." When he was shown the letter at the Inquiry, Bishop LaRocque reiterated, "I have no idea what was being referred to there."

In the June 1986 correspondence, Father Scott refers to priests who were living double lives—clergy who were not adhering to their priestly vows and who came to Montreal to live a second life:

... I see former colleagues [sic] here in the city taking advantage of what they see as the best of both worlds and I know that they will return to their parishes the next day and they are secure and their future assured.

Bishop LaRocque testified that he did not at that time explore this issue further with Father Scott, nor connect this with priests engaging in sexual relations with young people. Father Scott wrote:

I don't understand—those who hurt the Church are protected and embraced (as well they should be), but one who distants [sic] himself in order to assure himself that he is doing the will of God and who thus protects the Church is forced to live in insecurity and uncertainty.

I know this is not a good time to be honest with you, but I've never been less than honest with you. If I can't speak clearly with you, than [sic] with whom? This is a time of healing and searching that I'm passing through and I just want you to know that I feel badly that I am treated differently than the others.

Father Don Scott died in 1988. His funeral was held in Montreal at St. Dominic's Church. Bishop LaRocque was the celebrant at the funeral. When Father Lapierre told Bishop LaRocque in June 1999 about the sexual abuse committed by Father Scott, Father Scott had been dead for over ten years.

As mentioned, Claude Marleau testified that Father Lapierre had introduced Father Scott to him and that both priests sexually abused him. Father Scott passed away before Project Truth and consequently was not charged for the alleged sexual abuse perpetrated on Claude Marleau.

Bishop Durocher Learns of Criminal Charges

When Paul-André Durocher was installed as Bishop in June 2002, Father Dubé was exercising his ministry without limitations, as he had been acquitted of the criminal charges. Father Paul Lapierre, who was still incardinated in the Diocese, had retired in Montreal. Father Lapierre had been acquitted of the charges in the Ontario prosecution. However, the criminal prosecution in Quebec was ongoing. The Bishop met with Father Lapierre's lawyer to learn more about the criminal charges laid against the priest.

Bishop Durocher testified that Bishop LaRocque was mistaken when he told the Inquiry that the Diocese of Alexandria-Cornwall did not fund the criminal defence of Father Paul Lapierre. The Diocese paid Father Lapierre's legal fees for both the Ontario and the Quebec criminal prosecutions.

Bishop Durocher testified that the Diocese did not seek out the victims of Father Paul Lapierre to determine whether they required counselling. The explanation given was that this was before the 2003 diocesan guidelines came into effect. I do not find this convincing.

Nor did Diocese officials monitor the 2001 trial of Father Paul Lapierre in Cornwall for the purpose of identifying victims of abuse by priests in the Diocese. Eugène LaRocque was the Bishop at that time. In cross-examination at his trial in September 2001, Father Lapierre said that Father Don Scott had discussed with him Father Hollis Lapierre's relationship with Claude Marleau. He was told by Father Scott that Father Hollis Lapierre had Polaroid pictures of naked boys, including photos of Claude Marleau. He said that after Father Hollis Lapierre died in the mid-1970s, Father Scott, the executor of the priest's will, had destroyed the pictures and magazines that had been behind his bed. I discuss this further in this chapter in the section on the allegations of abuse against Father Hollis Lapierre.

Bishop Durocher agreed that it would have been beneficial for the Diocese to monitor the Father Paul Lapierre trial. Victims such as Claude Marleau who alleged that they had been sexually abused by other priests in the Diocese of Alexandria-Cornwall would have been identified.

After Father Lapierre was found guilty in Quebec in June 2004, Bishop Durocher told him that there was a limitation on his faculties. Father Lapierre was not to exercise any public ministry. He was prohibited from preaching and hearing confessions. The Bishop contacted him in Montreal a few months after he was convicted to ensure that the priest was complying with this restriction. Although Father Lapierre resided in Montreal, he was still incardinated in the Diocese of Alexandria-Cornwall. Bishop Durocher learned that Father Lapierre was celebrating weekend masses at a church in Montreal, Saint-Pierre-Apôtre. Bishop Durocher instructed the priest to immediately stop exercising his ministerial functions. He also wrote a letter in October 2004 to the Archdiocese to verify that Father Lapierre was not celebrating mass.

Father Lapierre was never "defrocked"; that is, his clerical status was not removed by the Church. Bishop Durocher explained that loss of clerical status can be imposed only in a penal canonical process and that there is a ten-year limitation period. In other words, in canon law, there is a ten-year limitation period on sexual abuse allegations that begins when the victim reaches eighteen years old. The problem that arose in the Father Lapierre situation, explained Bishop Durocher, was that Claude Marleau was older than twenty-eight years of age when he came forward with the allegations of abuse against the priest. The Bishop testified that because the complaint against the priest was made after the limitation period, the canonical process could not be initiated.

Bishop Durocher acknowledged at the hearings that he has come to the conclusion in the past few years that the Diocese of Alexandria-Cornwall has had a significant problem with clergy sexual abuse.

It is clear that the Diocese and Bishop LaRocque did not sufficiently investigate the allegations of inappropriate contact with young persons by Father Paul Lapierre and Father René Dubé. The Diocese and Bishop LaRocque also knew from Father Paul Lapierre of inappropriate contact by Father Don Scott with a young person. It is also evident that the Diocese and Bishop LaRocque failed to offer counselling and support to Claude Marleau, who alleged he had been abused as a youth by those priests.

It is also my conclusion that the Diocese and Bishop LaRocque failed to take appropriate action to ensure that young persons in the Diocese were not at risk of sexual abuse by these members of the clergy. Moreover, the Diocese, Bishop LaRocque, and Bishop Durocher failed to take appropriate action to identify potential victims in relation to inappropriate contact by these members of the clergy.

Prior to the Inquiry, Bishop Durocher had no knowledge of Father Lapierre's evidence in either the Quebec or the Ontario criminal proceedings.

It is my recommendation that the Bishop and Church officials of the Diocese monitor and/or obtain information on the legal proceedings in which clergy in the Diocese are subject to charges or lawsuits involving sexual abuse of young persons.

Father Ken Martin

Father Ken Martin was ordained in the Diocese of Alexandria in 1958 by Bishop Rosario Brodeur. He served at several parishes in Cornwall, including St. Columban's, Nativity, St. Francis de Sales, and St. Martin de Tours. Father Martin was also a priest at Ste. Thérèse Parish in the Cornwall area before he moved to the province of Quebec.

In July 1997, Claude Marleau reported to Detective Constable Don Genier of the Ontario Provincial Police (OPP) that he had been sexually assaulted as a youth by a number of priests and other men, including Father Ken Martin.

In his statement to Detective Constable Genier on July 31, 1997, Claude Marleau described the details of the alleged sexual abuse by Father Martin. Father Martin was a parish priest in the northern part of the Diocese. Mr. Marleau also told the OPP officer that Father Martin was a friend of his other alleged abusers, Fathers Paul Lapierre and Don Scott. Mr. Marleau said that Father Paul Lapierre had introduced him to Father Martin. This is further discussed in Chapter 7, on the institutional response of the Ontario Provincial Police.

Father Martin asked Claude Marleau if he would like to go on a ski trip. The night before the trip, the priest brought the young Claude to his presbytery. Mr. Marleau testified that the abuse occurred that night. The ski trip, he said, did not take place because of rain.

Claude Marleau thought that the people Father Lapierre introduced him to had the same proclivities and that they knew each other. He described himself as a toy that was passed from one man to another: “C’est sûr que tous les gens qu’il me présentait avaient les mêmes habitudes que lui. J’étais une espèce de jouet qu’on passait d’un à l’autre.”

Mr. Marleau testified that he was first abused as a youth by Roch Landry, who worked in a butcher shop and who in turn introduced him to Father Paul Lapierre, who then introduced him to Father Don Scott, Father Hollis Lapierre, Father René Dubé, Father Ken Martin, and George Sandford (Sandy) Lawrence, the owner of a music store. Claude Marleau alleged that he was abused by all these men.

On April 1, 1998, OPP Detective Constables Don Genier and Joe Dupuis interviewed Father Martin. The priest asked if he could make a call to Bishop LaRocque. Although Father Martin had been incardinated into the Diocese of Alexandria in 1958, he had not been in active ministry in the Cornwall area since 1972. Eugène LaRocque became the Bishop of the Diocese in 1974. His predecessor was Bishop Adolphe Proulx and before him, Bishop Joseph-Aurèle Plourde. Father Martin contacted the Diocese and obtained contact information for a lawyer from the Reverend Gordon Bryan.

On April 3, 1998, Crown Attorney Robert Pelletier was provided with a brief on the Father Martin investigation. He was asked to review the brief and provide an opinion on whether criminal charges should be laid. Mr. Pelletier identified consent as an issue but was of the opinion that a preliminary inquiry should be held, after which the case could be re-evaluated.

On May 7, 1998, Crown Attorney Pelletier informed OPP Detective Inspector Tim Smith that he had reviewed the Martin Brief and had come to the conclusion that Claude Marleau was at an age of legal consent in the 1960s. This is discussed in fuller detail in Chapter 11, on the institutional response of the Ministry of the Attorney General.

On July 9, 1998, Father Martin was arrested by the OPP for indecent assault and gross indecency committed against Claude Marleau.

On November 23, 1998, the OPP requested from Bishop LaRocque a photograph of Father Martin taken in approximately 1972. Bishop LaRocque complied with the request, but informed the OPP that he could only provide a photograph from what appeared to be 1989.

On March 5, 1999, OPP Detective Sergeant Pat Hall asked Bishop LaRocque to have Father Martin report to the Long Sault Detachment of the OPP on March

11, 1999, to be processed. Although Bishop LaRocque could not recall this request in his evidence, he acknowledged that it was probably made. Bishop LaRocque could not explain the reason for the priest's failure to present himself to the OPP. When Father Martin did not appear for processing, the OPP contacted Bishop LaRocque's office. On March 16, 1999, Father Martin was arrested by the OPP for indecently assaulting C-109, contrary to section 148 *Criminal Code*.

There was a preliminary inquiry for Paul Lapierre, Sandy Lawrence, Ken Martin, and Arthur Peachey¹⁸ before Justice Gilles Renaud from May 19 to 27, 1999. All of the accused were committed for trial. Claude Marleau testified at the preliminary inquiry, as did C-109. Father Martin was committed to stand trial on May 27, 1999.

The indictment of Father Ken Martin was dated July 29, 1999. The indictment alleged that between January 1, 1966, and December 31, 1967, Father Martin indecently assaulted and committed an act of gross indecency on Claude Marleau, contrary to sections 148 and 149 *Criminal Code*, and that between January 1, 1971, and June 12, 1972, he indecently assaulted C-109. Father Martin pleaded not guilty to all counts.

The trial of Father Ken Martin for the abuse of Claude Marleau and C-109 took place from September 17 to 19, 2001. Judgment was rendered on November 9, 2001.

At the trial, Father Martin denied sexual encounters with Claude Marleau and with C-109. The issue of consent arose at the trial. This is discussed in further detail in Chapter 11.

Father Ken Martin was found not guilty by Justice Robert Cusson of the Ontario Superior Court. Justice Cusson held that the incident of alleged abuse prior to the skiing trip was a private consensual act between two individuals of consenting age. The judge held:

[The accused] was in a position of trust vis-à-vis the complainant. That does not place him in a position of authority and, of itself, does not show the accused as having exercised such authority to influence Mr. Marleau into submitting or consenting to the sexual activity against his will.

...

... [T]he evidence was clear that this was a single event. And without more, it was without doubt with his consent. There is no evidence whatsoever that Kenneth Martin did anything to convince or coax Claude Marleau to do the sexual acts in question.

18. All four men were alleged perpetrators of sexual abuse against Claude Marleau.

In those circumstances, the charge of indecent assault against the accused cannot stand.

With respect to the charge of gross indecency, I agree with the defence that, presuming the acts of fellatio took place between the accused and the complainant, in the circumstances, that cannot constitute acts of gross indecency. These were consensual acts held in private, between two individuals who were of consenting age.

...

... [T]he second count in the indictment is also dismissed.

The charges with respect to the alleged acts perpetrated on C-109 were also dismissed. C-109 alleged that he was indecently assaulted by Father Martin at the rectory at St. Martin de Tours Parish in Glen Robertson between 1970 and 1972.

It took three years, from July 1998, when charges were laid, until fall 2001, for judgment to be rendered. This was a long period for Claude Marleau. He also described the delay of a year after charges were laid for the preliminary inquiry to be held as very lengthy. This is further discussed in Chapter 11.

Response of the Diocese

When Claude Marleau came forward to the OPP in 1997 with his allegations of abuse, Father Martin was incardinated in the Diocese of Alexandria-Cornwall but was working as a chaplain in Montreal in a home for the aged. After he was charged with the alleged abuse of Claude Marleau and C-109, Father Martin continued to be involved in official religious work in Montreal.

At his trial in 2001, Father Martin testified that he was practising as a priest in Pointe Claire, Quebec. He was celebrating mass for people with disabilities and was the chaplain of Villa Marguerite, a convent and a retreat house. Father Martin also stated that he performed baptisms, marriages, and funerals.

Bishop LaRocque testified that Father Martin had left the Diocese of Alexandria in 1972, before he arrived in Cornwall. The Bishop stated that he did not have contact with Father Martin but acknowledged that he may have received letters concerning him.

Bishop LaRocque testified that neither he personally nor anyone acting on his behalf followed the preliminary inquiry or trial of Father Martin. The Bishop explained that Father Martin was not given funds from the Diocese for a lawyer: "Because he had been away from the Diocese for so long, he was not funded by the Diocese." Bishop LaRocque explained that incardination is not necessarily

the test for whether the Diocese pays legal fees. He claimed that he was unaware that Father Martin was found not guilty at his trial in Cornwall, Ontario.

Paul-André Durocher, who became the Bishop of Alexandria-Cornwall in 2002, did not recall having discussions with Bishop LaRocque regarding Father Martin. He learned that Father Martin was retired in Montreal and doing replacement ministry in the Diocese of Montreal. At the time of his testimony, Bishop Durocher confirmed Father Martin was still incardinated in the Diocese of Alexandria-Cornwall.

The 1996 “Diocesan Guidelines on Sexual Abuse by Priests, Deacons, Seminarians and Pastoral Assistants” were in effect at the time criminal charges were laid against Father Martin. Father Martin was not removed from pastoral duties when he was charged. Father Martin testified at his trial that he was still in pastoral positions. As mentioned, the diocesan guidelines state:

... If the situation warrants it, (because there is a risk to the alleged aggressor, or the possibility of a risk to other members of the community, because the events have become public, because charges will be laid, because a trial will take place) the Bishop removes the suspected aggressor from Church duties.

It further states:

3. Should there be an allegation of an indictable offense, with one or more of the following conditions present:
 - a) risk to the alleged aggressor;
 - b) possibility of risk to members of the community;
 - c) because the events have become public;
 - d) because charges will be laid;
 - e) because a trial will take place;

the accused priest will be removed from his position and placed on a leave of absence. After six month [sic], the removal becomes permanent.

These guidelines remain in effect in the Diocese of Alexandria-Cornwall.

Bishop Durocher received a letter from Gary Guzzo within a few days of his installation as bishop on June 14, 2002. The letter stated: “When one reviews the admissions that came in the evidence in the Lapierre trial and Martin trial, one cannot help but expect an explanation from the church and the diocese. None has been forthcoming.” Bishop Durocher did not respond to the letter.

In my view, the Diocese and the Bishop of the Diocese of Alexandria-Cornwall should have monitored the preliminary inquiry and trial of Father Ken Martin for allegations of sexual abuse against two young people in Cornwall. It is clear that the Diocese and Bishop LaRocque did not sufficiently investigate the allegations of inappropriate contact by Father Ken Martin with these young persons. Given that Father Martin remained incardinated in the Diocese of Alexandria-Cornwall, the Bishop and the Diocese ought to have taken measures to ensure that relevant information was provided to outside dioceses regarding the allegations and that Father Martin's faculties were removed. Moreover, the Diocese of Alexandria-Cornwall, Bishop LaRocque, and Bishop Durocher did not attempt to identify other potential victims in relation to allegations of inappropriate contact with young persons by Father Martin. In addition, the Diocese, Bishop LaRocque, and Bishop Durocher do not appear to have provided counselling assistance and support to alleged victims of Father Ken Martin, such as Claude Marleau.

Father Hollis Lapierre

Father Hollis Lapierre was born in the United States. He was ordained in Quebec in 1949 by Bishop Rosario Brodeur. He was at several parishes in the Cornwall area from 1950 until his death in 1975. They included St. John Bosco, St. Columban's, St. Félix-de-Valois, Sacred Heart, Nativity, Greenfield, and Ingleside.

In 1965, Father Réjean Lebrun received a complaint of alleged sexual abuse involving Father Hollis Lapierre. At that time, Father Lebrun was a vicar in a Cornwall parish, St. Francis de Sales.

A young man of about twenty years old came to see Father Lebrun. He disclosed to the priest that he was gay and had a lover, but that his mother objected to this relationship. The young man asked Father Lebrun what he thought about the relationship. The priest responded that it did not conform to Christian morals and that he should not engage in such behaviour. The young man lost his patience and asked Father Lebrun what he would do about Father Hollis Lapierre, who was amusing himself with young people. As Father Lebrun said in his evidence at the Inquiry:

Un jeune homme dans la vingtaine est venu me voir. Il m'a confié qu'il était gai, qu'il avait un amant qui voulait l'emmener chez lui pour coucher avec lui. Et que sa mère s'y objectait. Et qu'est-ce que j'en pensais. Je lui ai répondu que c'était mal aux yeux de la morale chrétienne. Qu'il ne pouvait pas faire ça. Alors ça l'a impatienté. Il m'a répondu "Alors, que faites-vous du père Hollis Lapierre qui s'amuse avec les jeunes?"

The young man did not provide the names of the alleged victims or other identifying information such as their approximate ages. Nor did he provide any details of the incidents, such as the location at which these alleged acts occurred, testified Father Lebrun.

Father Lebrun stated that he did not discuss this matter with Father Hollis Lapierre. Father Lebrun also testified that he did not subsequently receive any complaints from alleged victims of the priest.

After this meeting with the young man, Father Lebrun went to see Joseph-Aurèle Plourde, the Auxiliary Bishop at the time. Father Lebrun related what the young man had told him about Father Hollis Lapierre. Bishop Plourde did not discuss what he intended to do with this information. Father Lebrun testified that after this meeting, his involvement in this matter ended and that he did not encounter the young man again.

At the Inquiry, Claude Marleau testified that during his youth he was abused by several priests, one of whom was Father Hollis Lapierre. As I discuss in Chapter 7, Mr. Marleau disclosed to the Ontario Provincial Police (OPP) in the Project Truth investigation that he had been sexually abused by several men, including Father Hollis Lapierre. Mr. Marleau testified that he was introduced to Father Lapierre in the mid-1960s by another priest, Father Don Scott. At that time, Claude Marleau was a high school student. He stated that Fathers Hollis Lapierre, Don Scott, and Paul Lapierre were good friends. Mr. Marleau alleged that all three priests abused him, as did other men in the Cornwall community. As I discuss in this chapter, Father Paul Lapierre was found guilty in Quebec of indecently assaulting Claude Marleau.

Mr. Marleau testified at the Inquiry that Father Hollis Lapierre first abused him in the presbytery where the priest resided, in a garage under his bedroom. He stated that the sexual abuse occurred on several occasions, at least four or five times, all in the same location. Mr. Marleau testified that Father Hollis Lapierre took Polaroid pictures of him naked. He also stated that the priest showed him a series of photographs, and he recognized a schoolmate.

Father Hollis Lapierre died in 1975, prior to the OPP Project Truth investigation.

Approximately thirty years after his alleged sexual abuse, Claude Marleau made a complaint to the OPP regarding Father Hollis Lapierre. OPP Detective Constable Don Genier was assigned by Detective Sergeant Pat Hall to interview Claude Marleau. Although Mr. Marleau could not initially recall Father Hollis Lapierre's name, he was later able to confirm the identity of the priest. Mr. Marleau had interviews with the OPP in 1997 and 1998.

As mentioned in Chapter 7, Detective Sergeant Hall discussed the Project Truth investigation with Bishop Eugène LaRocque on March 20, 1998, and asked the Bishop for information on the location of twenty-seven priests. On June 18,

1998, Detective Sergeant Hall met with Bishop LaRocque to clarify information regarding Father Hollis Lapierre.

In a statement given to Detective Constable Genier on October 20, 1998, Claude Marleau reviewed a document written by Françoise Laflamme that provided information on Father Hollis Lapierre. Mr. Marleau confirmed the identity of Father Hollis Lapierre, the layout of the rectory, and the priest's friends for the OPP in October 1998.

At Father Paul Lapierre's Ontario trial in 2001, discussed earlier, the accused priest testified, "Father Donald Scott ... shared with me ... about Father Hollis Lapierre[']s relationship with Claude Marleau ... how expensive it was ... I was told by Father Don Scott ... that Father Hollis Lapierre kept Polaroid pictures of naked boys." Father Paul Lapierre testified that his conversation with Father Scott took place after the death of Father Hollis Lapierre in 1975. He further testified that Father Scott was the executor of Hollis Lapierre's will and said that Father Scott "had been asked to destroy those pictures and all the magazines behind his bed ... in the little wall."

Father Paul Lapierre testified at his trial in Ontario that he learned through Father Scott that Claude Marleau had been abused by Father Hollis Lapierre. Paul Lapierre further stated at his trial that he did not reveal the information provided to him by Father Scott regarding the abuse by Father Hollis Lapierre because "it was a matter of conscience." This is discussed further in this chapter.

Bishop LaRocque acknowledged that the evidence with regard to Father Hollis Lapierre at the trial of Father Paul Lapierre would have been of concern to him and other Church officials in the Diocese. As mentioned, Father Hollis Lapierre was dead at the time of Father Paul Lapierre's trial. The Bishop acknowledged that this evidence raised several issues. Bishop Paul-André Durocher agreed that it would have been valuable to have someone from the Diocese attend and monitor judicial proceedings such as Father Paul Lapierre's trial. Bishop LaRocque had no recollection of speaking with Father Paul Lapierre after this priest gave evidence at his trial. As discussed, Father Paul Lapierre was acquitted in Ontario by Justice Lalonde in September 2001 for indecent assault and gross indecency of Claude Marleau, but was convicted of these offences in Quebec in 2004 by Justice Garneau.

Paul-André Durocher became the Bishop of the Diocese of Alexandria-Cornwall in 2002. Bishop Durocher has no recollection of any discussion with Bishop LaRocque regarding Father Hollis Lapierre. Bishop Durocher did not contact Claude Marleau after Father Paul Lapierre's criminal conviction in Quebec. Perhaps if he had spoken to Claude Marleau at that time, he would have learned about the allegations of sexual abuse perpetrated by Hollis Lapierre in Mr. Marleau's youth. Moreover, Bishop Durocher never offered Mr. Marleau an

apology or sent him a note or offered him counselling. As Bishop Durocher said at the hearings, “I didn’t think of it.” Bishop Durocher stated that it is difficult to deal with alleged victims “because we don’t know where the truth lies. It’s made more difficult when there are lawsuits involved in the process.” While that may be true, in this case, the courts had convicted Father Paul Lapierre and Mr. Marleau never commenced a lawsuit against the Diocese arising from these incidents. Bishop Durocher also said that in canon law, there is a ten-year statute of limitations for allegations of sexual abuse that begins to run when the victim reaches the age of eighteen years old. As mentioned, he agreed that there is always the possibility of asking Church officials in Rome for a dispensation of the limitation period.

Mr. Marleau confirmed at the Inquiry that he was never contacted by the Diocese of Alexandria-Cornwall after the judgment of Justice Lalonde in Father Paul Lapierre’s trial. He said that the Diocese never apologized to him and never communicated with him to discuss the comments regarding Father Hollis Lapierre. To Claude Marleau’s knowledge, Church officials in the Diocese did not conduct an internal investigation on the alleged allegations of priests in the Diocese regarding his abuse. Mr. Marleau believed that Church authorities in the Diocese, such as Bishop Brodeur, were aware of the alleged abuse. Mr. Marleau also stated that Father Hollis Lapierre had a housekeeper, who he thought probably had some information on the improper behaviour of the priest. Mr. Marleau also thought possibly others in the Diocese would have seen Father Hollis Lapierre bring him onto Church property. Yet Claude Marleau stated that others in the Diocese of Alexandria-Cornwall never asked him any questions about his relationship or activities with the priest.

In my view, the Diocese, Bishop LaRocque, and Bishop Durocher failed to take appropriate action to identify potential victims of Father Hollis Lapierre. Had Father Paul Lapierre’s criminal proceedings been followed or the transcript reviewed, potential victims of Father Hollis Lapierre could have been identified. It is also clear that the Diocese failed to provide counselling or assistance to alleged victims abused by Father Hollis Lapierre, such as Claude Marleau.

Father Lucien Lussier

Father Lucien Lussier was born in the United States and studied at Saint-Hyacinthe Seminary in Quebec. He was ordained in 1955 by Bishop Rosario Brodeur at St. Finnan Cathedral in the Diocese of Alexandria.

Father Lussier was a parish priest at St. Martin de Tours in Glen Robertson. On April 29, 1967, parishioner Michel Lalonde wrote a letter to the Diocese of Alexandria, complaining of Father Lussier’s dealing with a young man. In the

letter, Mr. Lalonde described his observations as well as the observations of other parishioners at St. Martin de Tours Parish. They were concerned about the relationship between Father Lussier and a boy who was fifteen years old. He was the verger in the parish and assisted during church services.¹⁹

Father Lussier was in the company of this boy so frequently that it had disturbed parishioners. The letter stated that the priest and the youth had become inseparable in the last year and a half. Michel Lalonde, who was a teacher at the village school in Glen Robertson, noted that when the boy attended the school, Father Lussier would sit near the schoolyard during recess and observe and photograph the youths playing ball. He further stated that the young man was now attending high school in Alexandria and that Father Lussier was seen meeting him at the school, waiting for him at the school bus stop, and meeting him at the presbytery, where the young man would go after school. The writer further noted in the letter that Gilles Joannette, the principal of a school, had seen Father Lussier giving the boy a driving lesson. He said the fifteen-year-old boy was sitting on the priest's knees.

Mr. Lalonde stated in the correspondence that he believed the matter merited serious consideration. It was evident that the relationship between the boy and the priest was more than friendly and was in fact abnormal:

Je crois que la situation mérite une très sérieuse consid[é]ration et que c'était mon devoir de vous renseigner à ce sujet. Les paroissiens et les élèves de Glen Robertson ne sont pas fous et il est évident qu'il existe une relation plus qu'amicale et certainement anormale entre [name of boy] et M. le Curé. Des personnes peuvent affirmer les avoir vu presque tous les soirs depuis quelques temps passer des heures seuls dans l'auto de M. le Curé dans la cour des [surname of boy] et cela jusqu'à onze heures et plus tard encore. La situation en est choquante. Ceux qui ont remarqué M. le Curé quitter la cour des [surname of boy] à des heures tardives ont aussi remarqué que M. le Curé n'allumait pas les phares de son automobile, s'[é]clairant des lumi[è]res de la rue, et faisait un d[é]tour pour revenir au presbytère.

People reported seeing the young man and Father Lussier spending time alone in the priest's parked car almost every night until late hours. Mr. Lalonde wrote that the situation was shocking and that the priest would leave the young man's

19. The French word "bedeau" is translated as "verger." A verger is a Church official who serves as an usher or sacristan or keeps order during services.

yard with his lights off and take a circuitous route when he returned to the parish. Father Réjean Lebrun, Vice Chancellor for the Diocese, agreed that in 1967 this sort of behaviour was shocking and considered inappropriate.

Joseph-Aurèle Plourde was the Auxiliary Bishop of the Diocese of Alexandria from 1964 to 1967. Bishop Adolphe Proulx arrived in the Diocese in June 1967. In April 1967, when the Diocese received the letter from the parishioner at Father Lussier's church, there was no bishop. An administrative vicar had been appointed to administer the Diocese. Bishop Proulx was not familiar with the priests in the Diocese when he arrived in the Cornwall area that summer, according to Father Lebrun.

Bishop Proulx met with a delegation from St. Martin de Tours Parish, in Glen Robertson. They wanted to discuss complaints about their priest, Father Lussier. The Bishop asked Father Lebrun to act as a witness at the meeting with the delegation from the parish. Father Lebrun testified that he was not aware of the April 29, 1967, letter. When asked if he inferred from the discussion that this was a sexual abuse complaint, Father Lebrun responded that it crossed his mind. He testified that he asked himself whether this was a sexual abuse complaint but did not pursue the issue with the Bishop.

At the meeting with Father Lebrun and Bishop Proulx, the parishioners discussed their strained relationship with Father Lussier. Father Lebrun testified that Father Lussier had a somewhat unusual temperament and that he had made a number of enemies in the parish: "Père Lussier a un tempérament un peu spécial et puis il s'était fait plusieurs ennemis dans la paroisse pour ainsi dire." Members of his parish wanted him to leave. They mentioned a friendship between a young man and Father Lussier but did not elaborate or discuss the contents of the April 29, 1967, letter. Father Lebrun testified that when he learned of the friendship, he did not become concerned. He stated that in 1967, he may have been naïve and not sensitive to issues of abuse. He considered the relationship somewhat curious but not more than that. Bishop Proulx did not ask Father Lebrun to follow up after the meeting.

After the meeting with the parishioners from St. Martin de Tours, Bishop Proulx reassigned Father Lussier to another parish. In a letter to Father Lussier on May 21, 1968, Bishop Proulx thanked him for his good service as the pastor of the parish at Glen Robertson. He stated that a group of followers had not accepted him for reasons he did not want to judge, nor had they made life easy for him. Bishop Proulx informed the priest that he would be sent to the St. Guillaume de Martintown Parish:

Je vous remercie pour les bons services que vous nous avez rendus
depuis votre arrivéé [sic] dans le Diocèse et comme Curé de la Paroisse

de Glen Robertson. Comme vous le savez sans doute, un certain groupe de fidèles pour des raisons que je ne veux pas juger, ne vous ont pas toujours accepté ni fait la vie facile. J'ai pensé qu'il était préférable dans les circonstances, de vous nommer ailleurs où vous pourrez faire un travail apostolique dans la paix et la concorde.

This letter was sent more than a year after the parishioners' initial letter of April 29, 1967.

Father Lebrun did not know whether the Bishop conducted an investigation into the allegations set out in Michel Lalonde's letter. He was not aware of a police investigation or any other investigation into the allegations. Father Lebrun testified that he never met the young man referred to in the 1967 letter and did not know if anyone from the Diocese met with him. Nor did Father Lebrun discuss the situation with Father Lussier. Father Lebrun commented in his testimony that what he might recognize as suspicious conduct now, he would not have recognized as such in 1967.

Bishop Proulx met with Father Lussier on January 26, 1972, to discuss difficulties he was having with nuns and parishioners in Martintown. The Bishop wanted Father Lussier to voluntarily resign. Inscribed in Bishop Proulx's notes was that he would await Father Lussier's resignation, which he hoped to receive in June, failing which he would remove the priest from his position. Bishop Proulx made no promises to Father Lussier about another assignment.

On June 28, 1972, Bishop Proulx announced the appointment of Father Lussier to the parish of Dalkeith and Lochiel, in Glengarry County.

It is clear to me that the complaint in 1967 about Father Lussier was not a situation of rumours and innuendo. The parishioners had brought this matter to the Bishop formally in writing and had pursued it vigorously. This was a direct complaint regarding intimate contact of the priest with a fifteen-year-old boy. Even in 1967, parishioners were concerned about such issues and wished to discuss this matter with the Church in order to address the situation.

Problems With the Priest Persist

On October 21, 1993, Gilles Sabourin and René Lalonde sent a letter to Bishop Eugène LaRocque outlining their concerns regarding Father Lussier at his parish in Moose Creek. The letter was also copied to Father Evariste Martin, Father George Maloney, and Father Réjean Lebrun. Bishop LaRocque did not recall receiving the October 21, 1993, letter when he gave his evidence but did remember the great difficulties with Father Lussier at Moose Creek. The Bishop knew that Father Lussier had a difficult temperament. Bishop LaRocque often received

complaints about Father Lussier between 1974 and 1993 regarding the content of his sermons and the priest's personality. However, the Bishop claimed that he never received any complaints about sexual misconduct by him.

In the October 21, 1993, letter, the parishioners referred to a meeting Bishop LaRocque had previously had with several members of the parish, on June 30, 1993, at Moose Creek, an area visited by the Bishop on several occasions. The parishioners said they were no longer capable of dealing with Father Lussier's public insults, sexist remarks, and verbal abuse. Bishop LaRocque undertook to address the issue within the next eight to nine weeks. The parishioners offered him a period of three months to find a replacement for the priest.

In the letter, they also referred to a second meeting with Bishop LaRocque, which was held on October 7, 1993. They noted that in the previous three months, nothing had occurred to address the situation and they had not received any communication from the Bishop to advise them of his intervention. The spokes-persons for the Moose Creek parishioners noted that when they met with the Bishop for a second time, his reception of them was as cold as at the first meeting. Bishop LaRocque, according to the correspondence, had told them he had more important things to deal with and did not know if he could replace his priest. He mentioned that a priest had to retire at seventy-five years of age. The Bishop had told them that Moose Creek parishioners had the reputation of being the most critical:

Après 3 mois d'attente, rien ne se passé, pas de lettre ni d'appel de notre évêque pour nous aviser de son intervention.

Moi-même, Gilles Sabourin et René Lalonde, à titre de porte-parole des paroissiens, de Moose Creek, rencontrons l'évêque sur rendez-vous, pour une deuxième fois.

Son accueil est aussi froid que la première fois. Il nous dit qu'il a des choses plus importantes à s'occuper et qu'il ne voit pas quand il pourra remplacer notre curé. Il mentionne, par contre, qu'un prêtre doit se retirer à l'âge de 75 ans. Ensuite il nous dit que les paroissiens de Moose Creek ont la réputation d'être les plus "chialeux" et "critiqueux."

Bishop LaRocque recalled a discussion of the nature described in the letter. The Bishop claimed that when he said he had other more important things to deal with, he was referring to all the responsibilities of a bishop. He testified that at the time, he was the president of the Bishops of Ontario. He had meetings in Toronto almost every two weeks and was often absent from the Diocese.

In the letter, parishioners again asked Bishop LaRocque to intervene by the end of the month, October 1993, failing which they would seek recourse in the courts and/or in the media:

Nous sommes arrivés à notre dernière intervention auprès de vous. Si aucune action n'est prise d'ici à la fin octobre, nous agirons par voie publique et/ou par voie judiciaire. Nous sommes prêts à aider le père Lussier à se retirer d'une façon honorable et digne d'un prêtre, mais nous ne sommes pas prêts à subir ses abus verbaux, *ad vitam eternam*.

Nous vous prions donc de ne pas attendre que le père Lussier soit obligé de répondre à des accusations judiciaires ou qu'il fasse l'objet des journaux locaux.

Dans votre grande sagesse Mgr. LaRocque, et avec l'aide de l'Esprit Saint, sûrement vous pouvez trouver une solution à notre grave problème qui dure depuis 14 ans, et auquel vous nous avez dit que nous aurions à endurer encore 5 ans à venir.

Bishop LaRocque testified that he does not think he was aware in 1993 of the 1967 letter written by Michel Lalonde regarding complaints about Father Lussier by parishioners. Bishop LaRocque also did not recall discussions with Father Lebrun about Father Lussier but knew that a number of priests were aware of his difficulties with the parishioners.

Father Lebrun denied that he had heard anything about allegations of a sexual nature regarding Father Lussier in 1993. He was aware that Father Lussier was quick tempered and that this often complicated things. Father Lebrun was a parish priest at St. James Church in Maxville, approximately five or six miles from Moose Creek, where Father Lussier was a parish priest. People often came to see Father Lebrun about Father Lussier. He stated that he listened to them but told them he was not Father Lussier's superior and that they should address their concerns with the Bishop.

Father Lebrun was copied on the October 21, 1993, letter to Bishop LaRocque. Gilles Sabourin, whom Father Lebrun knew, taught at the Catholic School of Maxville at this time. He came to see Father Lebrun on a few occasions and made it clear that he wanted things to change in Moose Creek.

Father Lebrun did not attend the meetings with Bishop LaRocque that were discussed in the October 21, 1993, letter. He was provided with a copy of the letter before it was sent to the Bishop but did not take any action since the problem

was outside of his domain. Father Lebrun testified that it was very likely that the Bishop and he spoke about the complaints against Father Lussier.

Father Lussier was asked by Bishop LaRocque to retire. Bishop LaRocque met with the priest to discuss the complaints of parishioners. He told Father Lussier that he was approaching retirement age. Father Lussier agreed to resign. By letter dated October 29, 1993, Bishop LaRocque accepted the priest's resignation. Bishop LaRocque indicated that Father Lussier would stay with him while he contemplated his plans for his retirement. Father Lussier remained incardinated in the Diocese of Alexandria-Cornwall.

Father Lussier Returns to the Diocese

Father Lussier spent several years with his sister in the United States. He returned to the Diocese of Alexandria-Cornwall in 1997, and Bishop LaRocque asked him to go for an assessment at Southdown Institute.

On July 3, 1997, Bishop LaRocque received a letter from Dr. Ruth Droege, the director of assessment at Southdown, confirming that Father Lussier was to attend for the assessment on July 27, 1997. The letter further stated:

If you have not already done so, I suggest that you share with Father Lucien the information for the assessment that you shared with me, to the extent possible. It would also be helpful for you to have discussed with Father Lucien your need to receive the written assessment report. At the beginning of the week, Father Lucien will be asked to sign a release of information indicating his willingness to communicate to you the assessment findings. The assessment will not proceed until this is one, unless another agreement between you and Father Lucien has been mutually reached.

The feedback session will be held by phone at **2:00 p.m. on Friday, August 1, 1997**. Southdown welcomes your participation in the assessment which provides an opportunity for your concerns, together with those of individual assessed, to be heard.

As scheduled, on August 1, 1997, Bishop LaRocque received a telephone call from a therapist at Southdown concerning Father Lussier. Inscribed in notes by Bishop LaRocque are: "In the past was active with men (17+18) & women who approached him first." This note referred to a question the Bishop had asked the therapist about the age of the young people involved. Bishop LaRocque's notes read: "He did not initiate these actions. He has not been sexually active since 60. Avoid contact with young men. This is merely good judgment." Bishop

LaRocque could not recall what the therapist meant by this. The Bishop testified that the emphasis appeared to be on the priest's temper and not on his difficulties with youths or sexuality.

Bishop LaRocque could not recall the findings of the assessment or the length of time Father Lussier remained at Southdown. Bishop LaRocque typically received reports from Southdown when he sent a priest to this facility. The priest was asked if he would sign a release, as mentioned in the letter from Dr. Ruth Droege, to permit the Bishop to see the reports.

After his assessment at Southdown, Father Lussier returned to the Diocese of Alexandria-Cornwall and was appointed by the Bishop as chaplain on August 17, 1998, at St. Joseph's Villa, a retirement home. The Reverend Gordon Bryan was asked by Bishop LaRocque to move Father Lussier into housing close to St. Joseph's Villa. The Reverend was on the board of the Villa at that time. He was aware that Father Lussier had been to Southdown the year prior, as the assessment had been billed to the office at the Diocese. When asked why Father Lussier had been sent to Southdown, Gordon Bryan indicated that it was either for alcohol problems or for anger management. He was aware that the priest angered easily but denied any knowledge of allegations of sexual abuse concerning Father Lussier.

In his letter confirming Father Lussier's appointment as chaplain, Bishop LaRocque stated that at the end of February 1999, the priest would be evaluated and an assessment would be done to determine whether he would continue in this position. Bishop LaRocque did not recall if this evaluation took place but knew that Father Lussier had difficulty there as well. He stated that the priest was arrogant and had insulted people. At a certain point, Bishop LaRocque removed him from the position as chaplain of the St. Joseph's Villa.

Father Lussier's File Not Read by Bishops

Bishop LaRocque confirmed that the 1967 letter sent by Michel Lalonde in Lucien Lussier's personnel file was not provided to the Ontario Provincial Police in 1998 because it was not specifically requested. Bishop LaRocque did not recall reviewing Father Lussier's file. He did not recall seeing Michel Lalonde's letter of April 29, 1967, nor meeting Mr. Lalonde. Bishop LaRocque first saw the letter in preparation for his testimony at the Inquiry. When the Bishop arrived in the Diocese, Father Lussier was in another parish in the north of the Diocese and no longer in Glen Robertson Parish at St. Martin de Tours.

Bishop Paul-André Durocher could not recall any conversations with Bishop LaRocque regarding Father Lucien Lussier but stated that they might have discussed the priest since Father Lussier continued to be involved in replacement ministry, filling in for other priests in the parishes. Bishop Durocher testified

that he was not told by Bishop LaRocque that Father Lussier had been sent to Southdown. Bishop Durocher claimed that all the information he obtained regarding Father Lussier came from his personnel file.

Bishop Durocher, as a general rule, did not review the personnel files of priests. However, because of the requests of some priests, the Bishop gradually examined files over the years. Bishop Durocher looked at the files of the individuals involved in the Project Truth cases. He did not read Father Lussier's file at that time. There was no complaint against Father Lussier when Bishop Durocher arrived in 2004, so he saw no reason to read his file.

Bishop Durocher read Father Lussier's file only after a lawsuit was launched. The personnel file contained the April 29, 1967, letter discussed earlier, which outlined the alleged activities of Father Lussier with a young person in the parish.

In my view, the Diocese failed to sufficiently investigate the allegations of inappropriate contact with a young person by Father Lucien Lussier. It also failed to take appropriate action to identify potential victims of Father Lussier. Moreover, the Diocese failed to take appropriate action to ensure that young persons in the community would not be at risk of inappropriate contact by Father Lussier. It is also evident that the Diocese failed to provide training on the appropriate response to allegations of sexual misconduct by clergy involving young people.

It is also my view that Bishop Eugène LaRocque ought to have known of the inappropriate contact with young persons involving Father Lussier. He consequently did not take appropriate action to ensure that young persons in the community would not be at risk. In addition, he failed to take appropriate action to identify potential victims in relation to allegations of inappropriate contact by Father Lussier. Bishop LaRocque also failed to provide training to Church officials in his Diocese on how to respond to allegations of sexual misconduct by clergy.

In my opinion, it is very important that the outgoing Bishop of the Diocese of Alexandria-Cornwall inform the incoming Bishop with respect to allegations of sexual misconduct by members of the clergy with young persons in the community. It is also important that bishops and other Church officials be conversant with the material in the personnel files of the priests, particularly with respect to allegations of sexual misconduct. Had this been done, Bishop Paul-André Durocher could have taken appropriate action to investigate the allegation of inappropriate contact by Father Lussier and could have taken action to identify potential victims in relation to these allegations.

Father François Lefebvre

Bishop Eugène LaRocque testified that he first learned of an allegation of sexual abuse against Father François Lefebvre when the complainant, André Gauthier,

came to see him in February 1994. Mr. Gauthier told the Bishop that it was on the advice of his psychologist at the Cornwall General Hospital that he was meeting to discuss the abuse he alleged had been perpetrated by Father Lefebvre, a priest in the Diocese of Alexandria-Cornwall.

After learning of the allegations of sexual abuse, Bishop LaRocque asked Mr. Gauthier for forgiveness on behalf of the Church, as Father Lefebvre was dead. The priest had died many years earlier, in 1978, at the age of seventy-six. According to the Bishop, Mr. Gauthier was aware that Father Lefebvre was dead at the time he made this complaint to the Church. Bishop LaRocque testified that he asked Mr. Gauthier not to blame himself and to pray for Father Lefebvre to help him forgive the priest and to heal. The Bishop further claimed that he told Mr. Gauthier that if he needed additional support or assistance, the Church would be prepared to give him this help. Bishop LaRocque testified that this was in conformity with the diocesan sexual abuse guidelines of offering financial assistance for counselling or psychiatric support to alleged victims of sexual abuse by members of the clergy.

Bishop LaRocque knew that Father Lefebvre had been a chaplain for seven years at Juvénat du Sacré-Coeur, a school for boys in grade 9 and 10 in Summers-town. Bishop LaRocque testified that he thought he asked someone at this institution if they had received any complaints.

Bishop LaRocque received a letter dated May 5, 1995, from lawyer Howard Yegendorf. Mr. Yegendorf wrote that he represented André Gauthier and that Father François Lefebvre had sexually abused his client for twenty years, between approximately 1955 and 1975. He stated that the abuse began when André Gauthier was ten years old and that “Mr. Gauthier has been seriously damaged as a result of the abuse.”

On the instructions of Bishop LaRocque, the Reverend Gordon Bryan sent a letter dated May 17, 1995, to the Diocese lawyer, Peter Annis, at the law firm Scott & Aylen. He enclosed Mr. Yegendorf’s correspondence and provided some background information regarding Father Lefebvre. He stated that the priest had been a chaplain in the Canadian army from 1943 to 1945 and then served in various parishes, such as Holy Cross, St. Francis de Sales, and St. Joseph’s. From 1968 to 1975, he was the chaplain at Juvénat du Sacré-Coeur. From 1975 until his death, he lived at St. Joseph’s Villa. He was the chaplain at St. Joseph’s Villa until 1977.

The Reverend Bryan had himself been a parishioner of Father Lefebvre when he was a teenager. However, he testified that he had no prior knowledge of any allegations of abuse against Father Lefebvre. The Reverend Bryan was not aware of the outcome of civil litigation against the Diocese and the Estate of François Lefebvre.

In 2002, Paul-André Durocher became the Bishop of the Diocese of Alexandria-Cornwall. Bishop Durocher read Father François Lefebvre's file when the civil lawsuit was initiated, which was during the time he was Bishop. Although André Gauthier had disclosed his allegations to officials in the Diocese in 1994, a civil lawsuit was not filed until later, when Paul-André Durocher was Bishop of the Diocese.

In my view, notwithstanding the death of Father Lefebvre and the passage of time, the Diocese should have made a concerted effort to try to identify potential victims of Father François Lefebvre in order to offer these alleged victims of sexual abuse any needed support, assistance, or counselling.

I have commented on several occasions that the Diocese did not take steps to identify further potential victims of clergy sexual abuse. As was explained by a number of the context experts, sexual abuse is generally underreported. As a result, there may be victims of clergy sexual abuse of the Diocese who have not yet come forward. Because of this, and because there have been a number of confirmed cases of abuse of young people by clergy in the Diocese of Alexandria-Cornwall, as well as other reports of allegations of sexual abuse by diocesan clergy, the Diocese should make a public appeal and consider making an apology. As a part of its appeal, I recommend that the Diocese offer counselling and support to any alleged victims of clergy sexual abuse who come forward.

Recommendations

Encourage Report to Police

1. The Bishop, priests, employees, and volunteers of the Diocese of Alexandria-Cornwall should encourage individuals who disclose the sexual assault/abuse²⁰ of an individual over the age of sixteen years old to report their allegation to the police.

Immediate Report to Children's Aid Society

2. The Diocese should add a provision to its "Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers" (2003) that states that when a bishop is informed of an allegation of sexual assault/abuse made against a clergy member or diocesan employee or volunteer, he should report it to the civil authorities immediately, rather than waiting to make this report until after undertaking a preliminary inquiry.

Settlement Documents

3. The Diocese should carefully review settlement documents that are entered into by the Diocese and alleged victims of sexual assault/abuse to ensure that they contain no confidentiality clauses.

Information Sharing Within the Diocese and Among Dioceses

4. The Diocese should openly exchange information with other dioceses about allegations of sexual assault/abuse. If allegations of sexual assault/abuse arise against a priest who is not incardinated in the Diocese of Alexandria-Cornwall but is working within the Diocese of Alexandria-Cornwall, the Diocese of Alexandria-Cornwall should inform the diocese within which the accused priest is incardinated or the religious order with which he is affiliated of the allegations, with full particulars. If allegations of sexual assault/abuse arise against a priest who is incardinated within the Diocese of Alexandria-Cornwall but is working within a different diocese, the Diocese of Alexandria-Cornwall should inform that other diocese of the allegations, with full particulars.

20. The reference to sexual assault/abuse refers to the sexual abuse of children and young people, whether current or historical, unless defined otherwise.

5. A diocesan protocol should be amended or a new protocol be developed to require that an outgoing bishop of the Diocese of Alexandria-Cornwall inform incoming bishops of allegations of sexual misconduct by members of the clergy, employees, or volunteers in the Diocese with children and young people in the community.

Note Taking and Record Keeping

6. The Bishop of the Diocese of Alexandria-Cornwall should maintain accurate records of allegations of sexual assault/abuse made against clergy members, employees, or volunteers in the Diocese.
7. The Bishop of the Diocese of Alexandria-Cornwall and other Church officials should be conversant with the material in the personnel files of priests, particularly with respect to allegations of sexual misconduct.

Training

8. All members of the clergy and employees and volunteers of the Diocese of Alexandria-Cornwall should receive ongoing training about sexual assault/abuse. Those individuals delegated by the Diocese to have contact with victims who have been allegedly sexually assaulted/abused by members of the clergy or by diocesan employees or volunteers should receive specialized training on sexual assault/abuse. This training should address child sexual assault/abuse, historical sexual assault/abuse, and male sexual victimization. These individuals should also receive ongoing training and be required to attend regular refresher courses.
9. It is important that the bishop, priests, employees, and volunteers of the Diocese receive ongoing training regarding their statutory reporting duties to the Children's Aid Society under the *Child and Family Services Act* to ensure that children at risk are protected.

Screening

10. The Diocese should institute rigorous procedures for evaluating the suitability of candidates it plans to present for study at the seminary. It should also institute rigorous procedures to continually monitor and evaluate the suitability of candidates it presented to the seminary throughout the candidates' time there.
11. The Diocese should institute rigorous procedures to continually evaluate the suitability of its priests for ministry.

Diocese's Response to Allegations Against a Clergy Member or a Diocesan Employee or Volunteer

12. The Diocese should amend its existing protocols or create new protocols to address the following issues regarding its response to allegations against a clergy member or a diocesan employee or volunteer:
 - a. Upon being informed of an allegation of sexual assault/abuse against a priest, the bishop should immediately suspend the priest from active ministry. The priest should not be returned to active ministry until a criminal, civil, and/or internal process is completed.
 - b. The bishop must not be present when the individual who allegedly perpetrated sexual assault/abuse is speaking with his lawyer. This information is protected by solicitor-client privilege. The bishop should take a neutral approach because he has responsibilities not only to the alleged perpetrator but also to the alleged victim and the parishioners.
 - c. The "Diocesan Guidelines on Managing Allegations of Sexual Abuse of Children and of Sexual Assault of Adults by Clergy, Religious, Lay Employees, and Volunteers" (2003) states, "If at the conclusion of a Children's Aid Society or police investigation no charges are laid but the Advisory Committee deems the innocence of the accused remains in question, the Committee *can* direct the Delegate to investigate the allegations in order to make a comprehensive report to the Committee for recommendations to the Bishop" (emphasis added). It is recommended that the word *can* be replaced with the word *shall* in this sentence.
13. The Diocese should appoint a representative to monitor any criminal trials involving allegations of sexual assault/abuse against a clergy member or a diocesan employee or volunteer. Knowledge of the criminal proceedings will allow the Diocese to make appropriate decisions regarding how to deal with the accused individual (for example, whether the individual should be allowed to return to his or her post, whether an internal church investigation should be pursued, etc.), and in what ways the Diocese can support and provide assistance to the alleged victim(s). It will also ensure that if other victims are identified or other allegations emerge, the Diocese is able to respond properly and to assist the police, CAS, or other officials in their respective investigations.

14. In circumstances in which charges against a priest for alleged sexual assault/abuse are withdrawn or stayed for reasons other than the merits of the case—for example, the complainant is diagnosed with a terminal illness and is unable to testify—the Diocese should conduct a review of the incident to determine whether the priest constitutes a risk to young people such as parishioners and others with whom he has contact. The Diocese should impose appropriate measures if it concludes that the priest continues to pose a risk.
15. The Diocese should give serious consideration to amending its protocol(s) to provide that a priest who has been found guilty of sexual assault/abuse of a young person is prohibited from resuming ministerial duties. Evidence led at the Inquiry suggests that there is no current prohibition to prevent such resumption of duties. If it is ever decided that a priest who has been found guilty of sexual assault/abuse of a young person is to resume ministerial duties, it is recommended that strict restrictions be placed upon him.
16. The “Protocol for priests who are the subject matter of criminal proceedings or civil litigations” (1996) states that if certain conditions are present, a priest accused of an indictable offence will be placed on a leave of absence, and that after six months, this leave will become permanent. Thus, this provision could provide for the permanent dismissal of a priest who is later found not guilty. It is recommended that this protocol be amended to provide that if a priest is to be permanently removed from ministry, this removal will occur only after the conclusion of a criminal, civil, and/or church investigation.
17. The Diocese should require a priest who has allegedly assaulted/abused young persons who wishes to receive funding for a court appeal to submit a written request describing the reasons for the appeal. The Diocese should then review and assess the request and decide whether such funding should be provided.
18. If an individual who has been accused of sexual assault/abuse chooses to resign, the allegations should still be reported to the civil authorities and/or be fully investigated by the Diocese, and any alleged victims of the accused priest should be offered support and counselling.
19. The Diocese should create a policy that precludes the transfer of a clergy member who has committed an act of sexual misconduct to another diocese or religious order. Although evidence led at the Inquiry suggested that the Diocese would not permit the transfer of a clergy member who had committed an act of sexual misconduct to

another diocese or religious order, it also revealed that the Diocese has no written policy precluding such a transfer.

20. The Diocese should create a policy regarding communication with the media on sexual misconduct and that this policy include guidance regarding the leadership role the Bishop is to take regarding the recovery process, as was recommended in the 2005 Catholic Mutual Canada review of the Diocese's policies. This communications policy should provide direction on how information is to be shared with clergy members and employees and volunteers of the Diocese of Alexandria-Cornwall, other dioceses, other public institutions such as the school board, members of the parish where the accused individual served, and the public at large, following disclosure, charges, or convictions related to incidents of sexual assault/abuse of young people by a clergy member or diocesan employee or volunteer. These plans should balance the rights of the alleged victims to privacy with the broader public interest of encouraging other alleged victims to come forward and to receive support.

Treatment of Accused Priests

21. In seeking therapeutic options for priests who have committed or who are alleged to have committed sexual abuse of young people, the Diocese should use only qualified treatment centres that specialize in treating sexual disorders and that evaluate patient outcomes in a disinterested, professional manner.

Public Appeal and Apology

22. The Diocese should make a public appeal, urging any victims of clergy sexual assault/abuse to come forward. Given that there have been a number of confirmed cases of sexual assault/abuse by clergy in the Diocese of Alexandria-Cornwall, that there have been other allegations of sexual assault/abuse reported against diocesan clergy, and that sexual assault/abuse is known to be generally underreported, it is likely that there are still victims of clergy sexual abuse within the Diocese of Alexandria-Cornwall who have not yet come forward. Therefore, the Diocese should convey the message that any individuals who come forward with allegations of clergy sexual assault/abuse will be treated with respect, dignity, and compassion. The Diocese should offer counselling and support to any alleged victims of clergy sexual assault/abuse who come forward.

23. The Diocese should consider making a public apology to all confirmed victims of sexual assault/abuse by clergy in the Diocese of Alexandria-Cornwall and that this apology be delivered by the Bishop of the Diocese of Alexandria-Cornwall. Given that the *Apology Act*, which came into force in Ontario in April 2009, allows institutions to make apologies without admitting civil liability, it is also recommended that the Diocese consider extending such an apology to alleged victims who have reported allegations that have not been confirmed through a civil or Church process and to victims who have either opted not to come forward or who are yet to come forward. During the hearings, an apology from Bishop Paul-André Durocher to Lise Brisson, the mother of one of the victims of Father Gilles Deslauriers, was read by counsel. It was clear that this apology meant a great deal to Ms Brisson and provided a step toward healing for her. Such an apology could be a positive step toward healing for many of the victims and alleged victims of sexual assault/abuse by clergy in the Diocese of Alexandria-Cornwall.

Recommended Proposal to the Canadian Conference of Catholic Bishops

The Bishop of the Diocese of Alexandria-Cornwall is encouraged to propose the following measures to the Canadian Conference of Catholic Bishops.

24. A uniform national protocol for addressing allegations of sexual assault/abuse for dioceses in Canada should be developed. The national protocol should:
 - a. be premised on the principles of transparency and openness discussed in *From Pain to Hope* and the *2005 Report of the Special Task Force for the Review of From Pain to Hope*;
 - b. focus on prevention of sexual assault/abuse as well as care and counseling for victims allegedly assaulted/abused;
 - c. contain a provision prohibiting confidentiality clauses from being included in any settlements entered into between a diocese and an alleged victim of sexual assault/abuse;
 - d. contain guidance on the sharing of information regarding allegations of sexual assault/abuse between dioceses; and
 - e. contain guidance on either the prohibition of or the strict restrictions placed upon the transfer of a clergy member who has committed an act of sexual misconduct from one diocese to another.

Recommendations for the Diocese of Alexandria-Cornwall and Other Public Institutions

Child Protection Protocol, 2001

25. The Diocese should ask the current institutional partners in the Child Protection Protocol: A Coordinated Response in Eastern Ontario that was promulgated in 2001 to be included as a full party. The Diocese and its institutional partners shall meet as soon as practicable to review and update the protocol. For those partners actively involved in the investigation and prosecution of sexual assault/abuse cases, consistent roles for the participants should be set out as well as guidance on the sharing of information between investigating bodies. The process of reviewing and updating the protocol should continue triennially.