therefore we are prepared to do anything about it." "There is no reason to believe that mere is any substance to the complaint and

We will not return his telephone call. If he telephones Leuise during this week I will take the call. The statement we agreed to make to him is:

CAAL 'C AMI

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED (REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

** COUNT **

TOTAL PAGES SCANNED TOTAL PAGES CONFIRMED :

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No.	REMOTE STATION	START 1	TIME	DURATION	#PAGE	S	MODE	RESULTS
1	A CLARKE	2-29-96	15:02	1'21"	3/	3	EC	COMPLICITAD 9600

TOTAL NOTE:

No.: OPERATION NUMBER 48: 4800BPS SELECTED EC : ERROR CORRECT
PD : POLLED BY REMOTE SP : STORE & FORWARD RI : RELAY INITIATE
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING G2 G2 COMMUNICATION

APPENDIX B

STATEMENT OF

D

WITNESS STATEMENT

FILE NO: 93-5730

DATE AND TIME: 95-10-19 1029 hours

Please provide the police with a statement as to your recollection of events and/or knowledge and/or accident in your own words, paying particular attention to dates, times, descriptions of vehicles and/or persons or other details which may assist the police. Thank you for your cooperation.

NAME: D DATE OF BIRTH: 63-11-20

ADDRESS:

PHONE NO

DATE AND TIME OF INCIDENT:

LOCATION:

COMPLETE DETAILS OF EVENT:

Cst. CLARY:

Now Description I understand, uh, as I spoke to you last night, you told me that you were, uh, in Grade 8, a student at Westminster Abby Seminary. You told me about an individual last night and about what, what happened to you regarding this individual. Um, perhaps you can tell me again, but also expand on it, and just tell me about the place and, and, and about this incident.

Okay. Uh, the individual in question is Father PLACIDUS, um, (PAUSE) I was at the seminary for the entire school year when I started Grade 8 school year. Um, it wasn't a place, I uh, over time, I'm going to be kinda direct about Father PLACIDUS. I uh, as far as explaining the, the seminary, I slept in the junior dorm. I attended class. Uh, there was eight of us in in my Grade 8 class. Um, my incident happened in springtime. Uh, Father PLACIDUS was uh, teaching the art class at the time and uh, on the, on one occasion, one class he asked us to draw him, and what he did was he sat up in front of the class and uh, he sat in a chair, in a wooden chair, and he sat with, so you could see his profile, and he got us to draw him, and uh, I drew Father PLACIDUS, uh, as best I could and then we turned in our drawings and uh, for whatever reason I'm not sure, uh he appeared to me to take offence to my drawing and uh, that's to the best of my memory what, um, caused uh, or was the cause of me, uh, spending time alone with Father PLACIDUS in his office. Um, at the time I wasn't sure as to why I was being called to his office. Um, when he had me in his office which was

upstairs in between the senior and junior dorm, uh, there was nobody else to my recollection in the area. There was nobody else upstairs that I was aware of. Uh, he took me up there. Uh, him and myself only. He took me into his office. Uh, we went in there and uh, he uh, under the guise that I was going to be strapped, uh, uh, for uh, for an incident, what I'm not sure of, uh, pertaining to what that I was getting the strap. Uh, under this condition having been in private school, um, since Grade 3 I'd attended private schools, um, and uh, I understood that uh, to me it seemed normal when you were going to get the strap, that you pull your pants down and be bent over, uh, an object, a table, a chair. In this case it was a wooden table and then you get strapped. Um, which I thought would be the case. Um, so I I took my pants down to my ankles and I leaned over the table and I waited to get strapped, and I waited, and I waited, and uh, he came up to me uh, it seemed to me, I wasn't looking, turning around because I was scared at the time. I wasn't looking to see where he was at the time after I'd taken my pants off. It was quite a bit of time before he, after I'd taken my pants off, that he came up to strap me. Um, uh, after that, what seemed to be uh longest period of time, he came up behind me and uh, instead of the strap uh I felt his uh, his touch on my, on my behind, and uh, (PAUSE), this went on for a while. Um, (PAUSE).

C: The time now is, uh, 10:48. I paused the tape at 10:36, and while the taped was paused you told me some things that you want to talk about, um, and I'm feeling that's because you're very uncomfortable about this.

H: Yeah.

C: You want to get organized, and when, when I paused the tape, you were in a room expecting uh, to get a strap and you felt his hand,

H: Yeah.

C: On your,

H: My right buttocks.

C: And what else did he do with his hand?

H: Caressed my buttocks and uh, pulled, pulled at my butt cheeks, you know, um,

C: Pulled at your butt cheeks?

H: Yeah.

C: Your buttocks cheeks?

H: Buttocks cheeks.

C: Okay.

H: And uh,

C: How long did that go on?

H: Um, uh, a little while, uh,

C: Do you recall anything being said while this is going on?

H: Uh, no, no, I don't recall any conversation, um,

C: Like how long is a little while?

H: Five, ten minutes.

C: Okay.

H: Five minutes.

C: And now he's using both his hands I gather.

H: Uh, well the next thing is he's uh, he takes his own, uh, trousers down.

C: Okay.

H: Um, and uh, uh, I'm not turning around during this incident, um, I was told very specifically not to turn around.

C: He told you that?

H: Yeah. Uh, he, he told me that prior to, um, the incident occurring. He told me that prior to coming up and caressing my, my uh buttocks, um,

C: Did he touch any other part of your body?

H: My back. He put his one hand in the middle of my back and he had me pinned, pinned down with one hand, um

C: Okay, now we're at the point where he's been, he's been massaging or caressing

H: Yeah.

C: Your buttocks.

H: He uh,

C: Now has he taken his pants down?

- H: Yeah, and uh, and he's poking around my anus.
- C: With what?
- H: Uh, I'm assuming, not having turned around, that it was his penis, um,
- C: Did that, did that continue?
- H: Yeah, it continued on for uh two or three minutes, and uh, it was made clear to me that I'm not to make any noise. I'm to be quite, silent.
- C: Do you remember the words he said?
- H: You're not to make any noise.
- C: Okay, and then what happened?
- H: He uh, really pinned me down like, really. I couldn't move. I was pinned down.
- C: How'd he do that?
- H: With his hand in the middle of my back.
- C: Okay.
- H: With my chest and everything pushed down against the table, um,
- C: And then what happened?
- H: Then he really forcefully poked at my anus, and uh, (PAUSE), then he entered my anus with his penis.
- C: What happened next?
- H: He uh, he finished what he was doing.
- C: Um, can you tell me how, how long that took?
- H: Minutes.
- C: Minutes?
- H: Yeah minutes, um,
- C: Can you describe to me how, how that felt?
- H: It felt sharp, um, (PAUSE) burning,
- C: Okay. When you, when you said that he finished, did anything happen to make him stop?

H: What I remember is, it was uh, it was messing at the end, you know. Um, it was, I was brought up uh, in a Catholic family and um, very sheltered and um, I wasn't familiar with uh intercourse, um, to any degree whether it be heterosexual intercourse or homosexual intercourse. Um,

C: What happened after he finished?

H: Well I had to clean myself up.

C: Where did, where did you do that?

H: In the uh, the boy's washroom.

C: Okay, now when you cleaned up was there something there to clean up?

Do you know what I'm getting at?

H: Yeah, yeah.

C: Can you remember?

H: I was very upset. (PAUSE) I was having great difficulty uh, I was very confused.I remember cleaning my back off on the right-hand side.

C: What was on your back? Like what did you clean off?

H: Sperm.

C: Is that what it was? Obviously you know what sperm is today now.

H: Yeah, yeah.

C: And that was, sperm was on your back? You're shaking your head.

H: Yeah.

C: Okay.

H: I had to uh,

C: What did PLACIDUS do right after this?

H: He stayed in his office.

C: And whose idea was it for you to go clean up? Or was that something you just went and did?

H: I just did. I was, I just went and did it.

C: Was there anything said before you left that office?

H: Yeah, that I was not to uh, not to tell anybody of our, I was never to tell anybody that I'd been in that office with him.

- C: Okay. Tell me what's in that office. Describe it for me.
- H: Okay, you go in and um, as soon as you go in there's a desk. Um, you know like an office type. Very plain desk. Then off to your right-hand side when you go in there's a, there's an entrance way into another smaller room. It's just a square room.
- C: What's in there?
- H: A table thing, a table.
- C: And this office where this incident that you've described to me happened, is there just a desk in there, is that it?
- H: There's a desk you go in, you go in there's this desk there and off to the right there's another entranceway and you go in there, in there there's a chair up against the back wall and then there's a table and there's a window.
- C: Where does the window look out to?
- H: It's looks out, it's high up, I couldn't see out of the window. It looks out over the...
- C: Does it face towards Mission or away from Mission?
- H: It faces Mission's over here, away.
- C: Like it faces east out towards the Valley?
- H: Um...
- C: You seem unsure, I don't want to put words in your mouth.
- H: No, ...how to explain where it faces.
- C: My view of the seminary is kind of a long building...
- H: Yup, it's a long building.
- C: And the windows are on...
- H: It's long like this and Mission's over here.
- C: The windows generally either face west or east.
- H: Yeah...
- C: And west is towards Mission, east is towards the Valley.
- H: Yeah I think it would face the east.
- C: Okay where was, where was this office? What floor was it on?
- H: It was in between the two dormitories, the second floor.

C: The second floor.

H: Yeah and you come up a set a stairs and to your right is the junior dorm and to your left is the senior dormitory.

C: Okay.

H: And when you come up the set of stairs you just jog off, it's in front of you, there's a, there's a wall and you go right in his office, it's right there. When you come up the stairs it's right there.

C: Okay where did PLACIDUS sleep, do you know?

H: No, I'm not sure. I'm not sure where he slept.

C: Okay, maybe you can describe now your, actually before, what time of day did this happen?

H: It was mid-afternoon.

C: Would you not have been in class?

H: No it was mid-afternoon.

C: And, and again what time of year?

H: Spring time.

C: Why, why do you say the spring time?

H: Cause of the sunshine and the temperature and...

C: Okay now when you said you went in there for the strap, is there a strap in that office?

H: I'm not sure if he has a strap.

C: Did you ever see a strap when you went in?

H: No.

C: Okay now where were you when he approached you to go to that office?

H: He'd, he'd, after I did the picture of him he was very upset about the picture that I drew. He had set up for me to meet him. He wanted to see me he told me.

C: Okay.

H: And I was to come to his office and...

C: And that's how you came to be in his office?

H: Yeah, yeah.

- C: How did you know you were going to get the strap? H: I didn't... C: Or did you not know that until you got to the office? I knew he was angry with me and I, I actually thought he wanted to just talk to H: me. I wasn't entirely sure what I, what I'd done wrong, I was, like I cannot put an actual incident of wrong doing to why I had to go to his office. C: Other than this picture business? H: Yeah that's, that's what I...! struggle with being able to figure out why I was having to go to his office and that's the only thing I can think of because I know I upset him with the picture I drew and that's the only reason I can come up with with why I had to go there. C: Okay, tell me about tell me about your dorm, you said there was eight grade eights in your class that year... H: Yup. How many kids were in the dorm? Ballpark figures, what grades were in your C: dorm? H: Eight, nine. Eight and nine. C: That's in the junior dorm. H: In the junior dorm. C: And who would be in the senior dorm? H: I'm not really - grade 11s and 12s. C: And where are the grade 10s? H: I'm not...I believe they were in the senior dorm that year. C: Okay, can you tell me some of the names of the boys that were in the junior dorm? H: Yeah, there was
- H: was in grade 9. was in grade 8. was in grade 8. was in grade 8.

And tell me what grade they were in as well if you wouldn't mind.

C: Can you name a few others?

C:

H:I remember some other names, not grade 8s.

- C: Okay who were they?
- H: I remember Mark O'NEILL.
- C: What grade was he in there? Or do you just know that he was an older student?
- H:stop the tape.
- C: Okay we're just going to stop the tape, it's 11:07.

Okay the time now is 11:09. What we were talking about when the tape was off, you were just throwing some of the names out of some of the boys that you recall. Let's get back to your dorm, where was your bed and your dorm, do you recall?

- H: Yeah, my bed was when you came in through the main door it was the, it was...I was on the right hand side of the dorm, all the beds were down the right hand...you could walk through the door and then along the wall and all the beds were to your right.
- C: All of the beds, all beds on one side of the dorm, what was on the other side?
- H: Yeah they were all up ...there was a wall.
- C: Just a wall?
- H: Yeah.
- C: Okay.
- H: And the doors came through. The...my bed was, when you came in my bed you, there was partitions all the way down and on either side of the partition you had beds on either side of the these partitions and when you came in there was the first partition on your right. I was on the far side of the partition all the way down to the end against the wall in a little corner, in my corner.
- C: Okay. Did, did you always have the same bed?
- H: Right when we got there, right near the beginning when I got there to the seminary I switched my bed.
- C: Do you know who you switched with?
- H: What I'm going to do here is I'm just drawing the dorm. There's your, your wall, there's your door you come in and there's PLACIDUS's office right there. Here's the stairwell comes up there and you come in, the door's right here actually. And you come in and my bed was right here, there's another wall here, that's where my bed was. There's a wall here and there's a bed there and that was my bed there.

- C: So you're, you're describing a bed that's in the first alcove right in the corner.
- H: Right.
- C: On your right hand side at the end?
- H: Yeah, there's space here.
- C: Now was that your first bed or your second bed?
- H: That was my second bed, after I was given that spot I stayed there.
- C: Okay do you know who gave you that spot or how you came to be there?
- H: I'm not sure why we had to switch beds.
- C: How did you get a bed, were you assigned a bed or first come-first serve or how did that work?
- H: I'm not clear on how I got a bed.
- C: Okay so you don't know, but in any event you were in one bed and for some reason you switched beds and you went to that bed in the right far corner?
- H: Right.
- C: Okay and you think it was at the beginning of the year?
- H: Yeah.
- C: Are you sure about that?
- H:I'm really unclear right now as to the beds.
- C: About when the switch was made?
- H: Yeah, I'm unclear.
- C: Do you remember where you were prior to the switching?
- H: I think I was right here.
- C: Okay so that's, you're pointing to me that...
- H: I'd be the left wall instead of the right wall.
- C: And the first bed as you come to it?
- H: I don't remember if there was three in a row here, and three in a row there, I don't remember how many beds were in each alcove, I don't remember the number of beds that were in each alcove.

C: Okay, but in relationship to the bed that you ended up in, it's sort of across and down one.

H: Yeah.

C: Or two, you're not sure.

H: Yeah.

C: Okay. Alright, after...relate the switching of the beds to the incident with PLACIDUS, can you do that? If you can't that's fine, it's a long time ago.

H: As far as I remember with beds is your bed, you were bedded in conjunction with the, depending on the, it was a disciplinary - your behaviour evoked your bedding.

C: Okay but who was the overseer of the junior boys, like who made sure the lights were out at night?

H: Father PLACIDUS, it was his.

C: Did you ever see him in your dorm at night when the lights were out?

H: Yeah, yeah, he used to check on us, you know...

C: Okay.

H: ...and um, make sure that we were in bed and the lights were out and we were...

C: What time were lights out?

H: I think it was 9 o'clock.

C: Okay and how often would you see PLACIDUS in there?

H: His frequency...I was, I said go to sleep, like I didn't, I wasn't one for staying up, when lights were out I'd go to sleep.

C: Okay, no that's fine. What, after this incident with PLACIDUS what kind of interaction did you have with him?

H: Uh, none.

C: What was your attitude towards him when you saw him?

H: Avoid. I was very docile and scared. I didn't want to be there anymore.

C: What did you tell...were your, were your parents expecting you to go there for grade 9? Why didn't you go there the following year? Do you know why?

H: Well I was no longer...I had decided to....

C: Go elsewhere?

- H: Yeah, I decided to just go elsewhere. I...
- C: Were your parents surprised at that or was that just par for the course sort of thing or?
- H: I think it was just par for the course.
- C: Okay, now you mentioned that you, when you were into that room with PLACIDUS, at some point you were expecting getting the strap.
- H: Yeah.
- C: Were you aware of any other boys going in there to get the strap?
- H: Yeah.
- C: Can you name them?
- H: Um...what I was aware of is that you didn't want to go in there.
- C: Okay.
- H: It was something truly to be avoided.
- C: Do you know of any other boys that went in there that you can name?
- H: No I don't know who went in there. I, a good friend of mine who was a boy I grew up with in my neighbourhood at home here who also went to the seminary and he......
- C: He what D
- H: I, I asked him about this when I, two years ago when I was, when I, when I, when I started coming to terms with this incident I, I went and asked him, I brought up Father PLACIDUS and, and he didn't want to talk about it and he.......
- C: He what?
- H: Well he told me about Father PLACIDUS's room and, as far as....
- C: As far as what?
- H: As far as he didn't want to go in there.
- C: Okay, what's this guy's name? Is that the name you told me last night?
- H: No, I haven't mentioned this.
- C: What's his name? Was he in the same grade as you?
- H: No, no, he was a grade ahead of me.

C:	it could very well be that I've had his name anyways.
H:	Yeah, he was His brother was also in grade 8 with me,
C:	Whore are they at new?
H: ;	Where are they at now? lives in Quebec and lives in Vancouver, B.C.
•••	iives iii valicouvei, b.C.
C:	Do you have his phone number or where he lives?
H:	Yeah, yeah I know where he moves around a lot. I have a number and I've
	got lots of numbers for as far as phone numbers in my book and I, I
	could find out where he's at. He's a good friend of mine he, we still see each
	other periodically and if he's having a gathering of friends he calls me to go over,
	you know, and we were good friends from the time we were young kids - seven,
	eight years old - and up until now.
C:	Did you tell him about PLACIDUS, what he'd done to you?
H:	Yes I did.
C:	What did say?
H:	He just clammed up.
•	01
C:	Okay.
H:	I have to go to the bathroom.
C:	Okay we'll be finished in a short while here. So I understand that you've told
0.	somebody about this?
H:	Mmhm.
C:	You came to terms with this a couple years ago?
H:	Mmhm.
C:	And you told your therapist?
H:	Yes.
C:	And who else was there?
H:	My wife.
	· ·
C:	And what's her name?
H:	

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H.		
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- C: Is there anything else that you can add to this, what you've told me about PLACIDUS?
- H: The mention of his name is very uncomfortable for me.
- C: Naturally.
- H: When I hear his name I just want to run.
- C: Have you been back to the seminary since grade 8?
- H: Yes I visited once with a friend of mine named
 hitchhiked up there and had dinner with the monks and where the monks have
 dinner and we were given a ride back home, not directly, but we were given a ride
 home. That's when I was, my first year out of high school, about 18, 19 years
 old. And then when I met my wife and I'd asked her to marry me my wife and I
 went up to the seminary and I asked Father Augustan if he would marry my wife
 and I.
- C: Did he?
- H: No he wasn't able to, something to do with the structure of the church.
- C: Now you speak highly of Father Augustan?
- H: Yes, he was a very positive influence in my life. I spoke with Father Augustan when I went up there with my friend when I hitchhiked up there, I spoke with him about the Catholic religion and God and told him that I didn't really think that, I didn't find it viable for me.
- C: Did you tell, did you ever tell anyone up there about PLACIDUS?
- H: No.
- C: Okay, is there anything else there D before we turn the tape off?
- H: The one thing that really strikes me about the incident is the lack of other students in the area when it occurred. It really strikes me as how there was just nobody around before I went in and after I came out. There was just nobody there.
- C: Okay do you know if it was weekday or a weekend? You said it was in the afternoon?
- H: Yeah, I'm unclear as to the day that's why I haven't mentioned what day it was, I'm not clear.

- C: Would you go home on the weekends?
- H: Sometimes yeah.
- C: Sometimes no?
- H: Yeah, I used to prefer to go home on the weekends.
- C: Okay, that's fine, I'll turn the tape off now okay.
- H: Okay.
- C: It's 11:27.

/kim(2)/sfh

Mission, British Columbia V2V 4J2 • (604) 826-8715

November 27, 1995

Mr. Richard Peck 610 - 744 Hastings St. Vancouver, B.C. V6C 1A5 a copy

Dear Mr. Peck,

Enclosed are the things I promised to send. Sorry it took so long. I gave all this material to Constable Clary last Thursday and went through some of it with him.

He thought the K and M affair would not come up in court; but since it was the main ingredient in the Letter of Complaint and since it was highlighted in the <u>B.C. Report</u> article I wanted to discuss it with him. Certainly the Police, the Court, as well as the general public would think there must be considerable substance in the complaints against the Seminary if the Pope's top representative in Canada got involved.

clary told me that Meeting revealed the Father Placidus incident to Signatures, lest Father A words and signatures, lest Father A words who has a control of the letter consisted in retyping, the letter and omitten in retyping. The letter and omitten is of the letter consisted in retyping, the letter and omitten is of the letter in words who has a control of the letter consisted in retyping, the letter and omitten is of the letter it would explain why he told me there were two letters.

It is interesting that the same three people, How, December and Joy, were close to the scene when the B.C. Report article was written seven years later. By then the Oratory had disbanded and How and December were actual or recent employees of the B.C. Report and Joy was one of the persons reporter, Joy Company, consulted. All three of these 'former seminarians' had received quite penaltive Faculty Responses from the Seminary. Relying on their input Joy Company must have felt on safe footing in quoting the defamatory statement of one of the 'signatories': "If this kind of thing was well known to the majority of the students, then what do the monks know?" Ir his investigations I imagine Constable Clary found out how little was known by any of the students, to say nothing of the majority.

Regarding Father War A the 'sympathetic priest' of the article, I can suggest two reasons whe he might have been 'unsympathetic' to the Seminary: 1) He and December the two seminarians he was close to when pastor in Abbotsford and who joined his Oratory, were considered too immature by the Seminary; 2) I more or less ignored Father A so so offers to do some teaching at the Seminary or to give the seminarians a lecture or two.

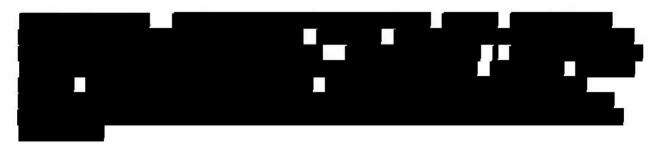
Thank you for looking through the enclosed.

yours sincerely, Dogette Hellow, 08.3. Rector

From the Seminary of Christ the King, Mission, B.C. Rev. Augustine Kalberer, O.S.B.
Rector

November 21. 1995

M O 's Mental Condition:



Wild Allegations: When Constable Clary first brought Most's charges of sexual abuse to my attention he also mentioned two other charges Most was making: 1) that of foul play by State in the death of Father Damasus Payne on Edge Peak, and 2) that Brother Emeric Lazar had broken Most 's arm in a fight in the scullery.

About what happened on the mountain that Saturday afternoon only Date Barrier and Sarrier would be in a position to act as witnesses. I was close to the event both in terms of having telephone calls from these two students as soon as they got to a phone that afternoon and I also talked to them that evening when they returned to the Seminary. I was in the Search and Rescue helicopter along with Sarrier the next morning. From the way Sarrier and Date acted in those tragic hours I had no reason to suspect foul play. About the other scullery incident I can only see it as an accident on a slippery floor during horseplay. They seem the statements of a person whose imagination is out of control.

Paranoid Actions: M apparently has Father Placidus and the Seminary as a constant preoccupation. He appears around the seminary from time to time. He was on the property as recently as Saturday, Nov. 18, 1995, and met Mrs. M , who lives across the road from the Seminary entrance. He told her all sorts of wild things as reported by Mrs. Figure in transcriptions. in transcript of that conversation signed by her that same morning. The whole thing seemed irrational to Mrs. F The LIO" Mrs. F . who is at present a member refers to is her son entered the Seminary a of the Vancouver Police Force. G year before M O and was two grades ahead of M . Being in Grade 10 he would most likely have been in the same dormitory during 1974-75, M 's first year at the Seminary--and possibly also during M 's second year here.

Telephone Call: In 1944, prior to the B.C. Report article M phoned Eu A at the Seminary. At that time E was

Page 2

in his ninth and final year at the Seminary, completing his B.A. degree. Man asked E to meet him behind the gym as he wanted to tell him about Father Placidus. E realizing something of what Mark was up to refused to meet him.

B.C. Report Article on People's Cars: About a year ago, one Sunday morning after the 10:00 A.M. Mass at the Abbey, the B.C. Report article (of May 2, 1994) was put on the cars of 100 or 150 people who came here for Mass. I mentioned the incident to Methe time he came to see me in my office. I understood from that conversation that the thing would not happen again.

Soccer Tournament: In that conversation in my office Mean said he would not rest until some people were behind bars. He also said how agitated he was when he came up on the occasion of the soccer tournament and saw that Father Placidus involved with young people. We hold that tournament annually for the Catholic elementary schools of the Vancouver area and Father Placidus has been handling it very well for years.

<u>Psychology:</u> In the <u>B.C. Report</u> article Media describes himself at the age of 13 as being "in the state of denial". I was impressed by the psychological terminology and wondered what else Media had picked up from those who are trying to help him cope and rehabilitate himself.

Attached are the following:

* Transcript of M F S Account of her Conversation with M O November 18, 1995.

* Article from SKEPTIC, 1994, "Recovered Memory Therapy and False Memory Syndrome", by John Hochmann, M.D.

. ...

December 14, 1995

Constable W. T. Clary R.C.M.P. 7171 Oliver St. Mission, R.C. V2V 6H2

Dear Constable Clary,

Further to the various items I handed you when you came on November 23, 1995, I am adding several pages under the heading December 13, 1995, Observations on Sexual Assault Allegations. They are intended to supplement the material given you in November. As with my previous submissions I am sending a copy to Mr. Richard Peck, our Counsel.

Enclosed are the following:

* December 13, 1995, Observations on Sexual Assault Allegations

* A copy of my letter to Mr. Peck dated Nov. 27, 1945

* Transcript.

Sorry for the delay. I had hoped to get this to you a week ago.

Yours sincerely.

Augustine Ralberer, O.S.B. Rector

RECOEFIZARCE OF BAIL cont. . . .

File: 36974D

Rame: Harold Vincent SANDERS

CHARGES.

Count 1: between Jamuary 1, 1974 and December 31, 1974, at Mission, BC. did indecently assault a male person, M.O., contrary to Section 149(1) of the Criminal Code.

Count 2: between September 1, 1975, and June 30, 1976 at Mission, BC, did indecently assault a male person, H.O., contrary to Section 149(1) of the Criminal Code.

Count 3: between January 1, 1978 and December 31, 1979, at Mission, BC, did indecently assault a male person, K.N., contrary to Section 149(1) of the Criminal Code.

Count 4: between January 1, 1978 and June 30, 1978, at Mission, BC, did indecently assault a male person, D.H., contrary to Section 149(1) of the Criminal Code.

Count 5. between January 1, 1978 and June 30, 1978, at Hission, BC, did commit an act (or acts) of gross indecency with, D.H., contrary to Section 157 of the Criminal Code.

Count 6: between January 1, 1978 and June 30, 1978, at Mission, BC, did commit buggery with D.H., contrary to Section 159 of the Criminal Code.

CONDITIONS:

- 1. Keep the peace and be of good behaviour.
- 2. You are to provide a residential address to the Court and you are not to change that place of residence without prior application to the Court.
- 3. You are to have no contact or attempt to contact, directly or indirectly, any of the named complainants in Counts 1 to 6 on the Information.
- 4. You are to remain within the jurisdiction of the Court.
- 5. You are not to be found in the company of any person under the age of 16 years, save and except unless the young person is in the company of parents or other adult or in a public place.

INITIALLED:

DATE: FLED719K

Had Thompson - Feb. 7/96

- Re: In Placedus -

- could and up in his pools I leave -

- go to sout on upper live yours can-

- exect with allow -

(Fr. Placidus etc.) Mar 1/96

Dear Father:

Re the attached, I have searched my notes more than once. I'm not sure why you asked this question, but in case the following account is of any help, to the best of my recollection this is the scoop!

phoned June 30, 1995 according to my notes. I have written down that I should refer him to Tom for a certain length of time and then Fr. Larson after that — this squares with Tom's note attached.

I do not have the following stuff in my notes any more, as I will explain, but a few months later, called again and said the police would be making an announcement the following Tuesday and gave me the name of the person involved. He said he didn't know why he was calling, but since he had spoken to the Archbishop before, he thought he should warn him about the announcement. As the Archbishop was away, I mentioned his call to Magr. Monroe, but relayed it verbally to the Archbishop on his return. However His Grace wanted it in writing, so I wrote him a note with the date of the call, and then crased it from my book because of the nature of the call, knowing that it was recorded with the date and in the Archbishop's possession.

This was certainly after you came back from studies, but you were not in your office at the time of the call, I remember. Because of the person involved, I didn't like to give you the message myself, but I do remember that the subject came up shortly after and we talked about it.

Louise.

I think this would have been around October or so and, needless to say, there was no announcement on the Tuesday he foretold.

117

From former students of S.C.K.

March 6/96

To: Adam Exner Abbot Maurus Fr. Augustine

URGENT

Fr. Weisgerber from the office of the Papal Nuncio, Ottawa, instructed to phone the Bishops' office in Vancouver to ask and receive therapy for past S.C.K. asked 3 times over a 3 year experiences. period and did not even get a return phone call. Please adress this issue and respond why the people of B.C. are responsable for paying and providing these counciling sessions.?

We do hope those who have been abused are further counciled and justified by criminal and civil charges. Lastly we and many others feel that the minor seminary should be closed .!

The past experience of Mt. Cashels' Newfoundland has shown that the abused are only treated as problems and not compensated even after 7 years. Shame.
The abused of Mt.Cashels' are even climbing the walls of the Priminister of Canada to bring attention to these issues.

Please respond

adress

- for your info - Since issue Sufore

> do it is vapely . spragiale ___ Quit pulse?

#1 - WEST SIDE OF ABBEY

#2 - WEST SIDE OF ABBEY

#3 - SOUTH END OF ABBEY

#4 - EAST SIDE OF ABBEY - WINDOW TO FATHER PLACIDUS' OFFICE ON SECOND FLOOR









- # 5 EAST SIDE OF ABBEY FATHER PLACIDUS'
 OFFICE ON SECOND FLOOR AT OPEN
 SHUTTER. BEDROOM WINDOW IS BESIDE AT
 CLOSED SHUTTER.
- #6 EAST SIDE OF ABBEY FATHER PLACIDUS'
 OFFICE ON SECOND FLOOR WITH OPEN
 SHUTTERS. BEDROOM WINDOW IN MIDDLE
 WITH CLOSED SHUTTER.
- #7 EAST SIDE OF ABBEY FATHER PLACIDUS'
 OFFICE WINDOWS ON SECOND FLOOR WITH
 CURTAIN AND OPEN SHUTTER



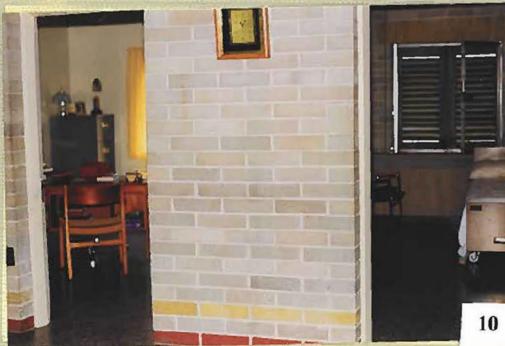




- # 8 ENTRANCE WAY TO JUNIOR BOYS DORMITORY . FATHER PLACIDUS' BEDROOM IS FIRST DOOR ON LEFT.
- #9 HALLWAY TO INFIRMARY. FATHER
 PLACIDUS' BEDROOM IS FIRST DOOR ON
 RIGHT AND OFFICE IS SECOND DOOR ON
 RIGHT.
- #10 FATHER PLACIDUS' OFFICE ON THE LEFT AND ATTACHED BEDROOM ON RIGHT.





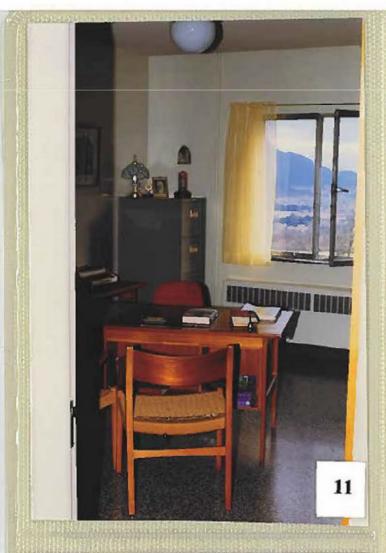




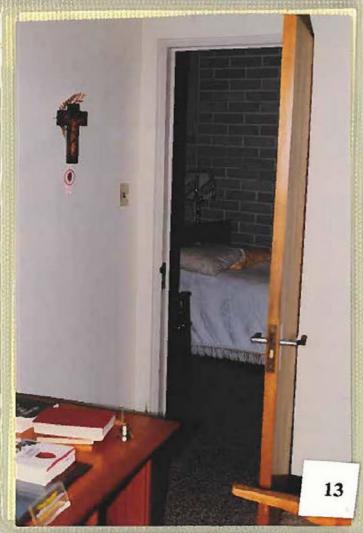
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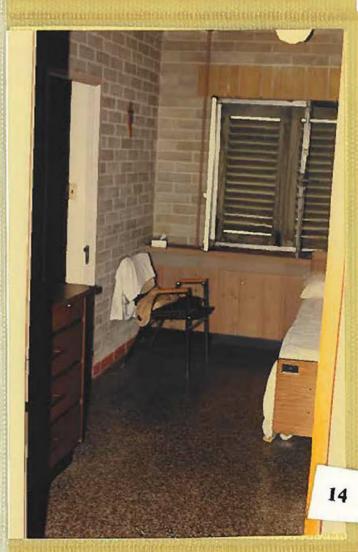
#11 - FATHER PLACIDUS' OFFICE

- #12 FATHER PLACIDUS' OFFICE WITH DOORWAY TO BEDROOM BY LIGHT SWITCH
- #13 OPEN DOORWAY FROM FATHER PLACIDUS' OFFICE TO BEDROOM.
- #14 FATHER PLACIDUS' BEDROOM FROM HALLWAY DOOR.







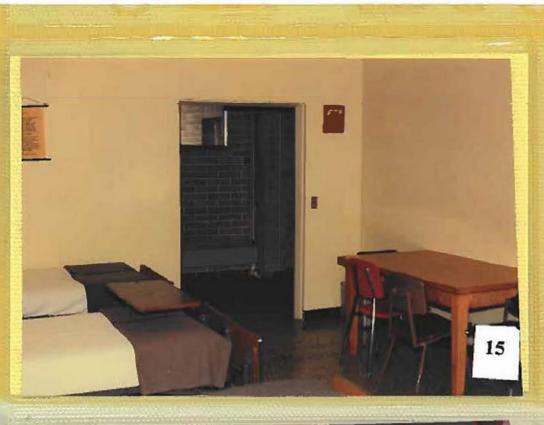


#15 - INFIRMARY LOOKING OUT TO HALLWAY

#16 - INFIRMARY FROM HALLWAY DOOR

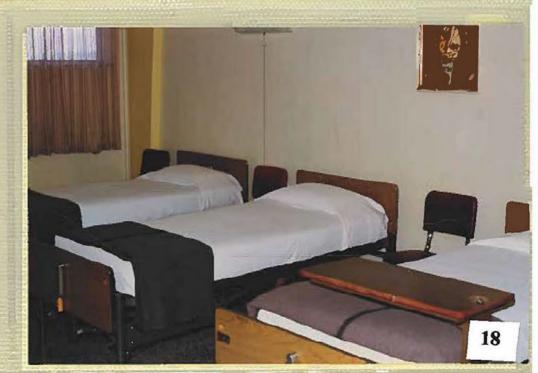
#17 - INSIDE INFIRMARY

#18 - INSIDE INFIRMARY

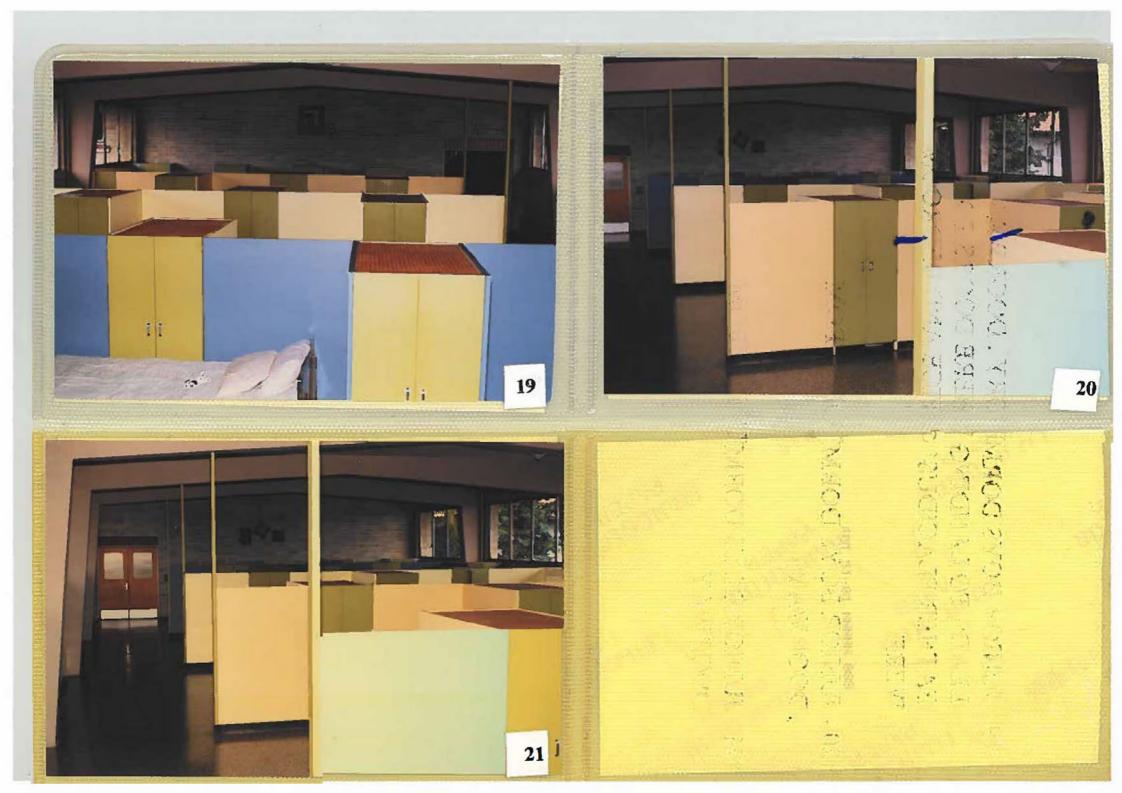






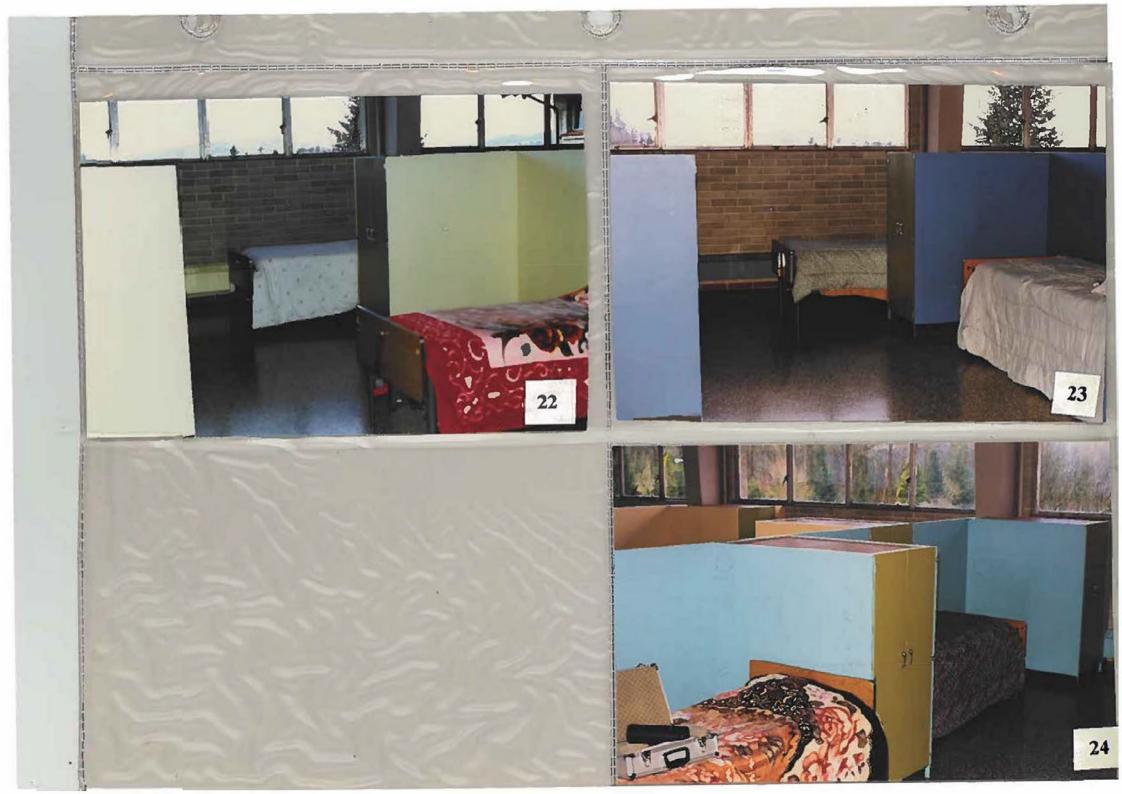


- #20 JUNIOR BOYS DORMITORY FROM DOORWAY
- #21 JUNIOR BOYS DORMITORY FROM DOORWAY



#22 - JUNIOR BOYS DORMITORY SLEEPING SET UP

- #23 JUNIOR BOYS DORMITORY SLEEPING SET UP
- #24 JUNIOR BOYS DORMITORY SLEEPING SET UP



hoe-ins for 1997-1998 were discussed and established. They are Movember 13.15, 1997; Filbruary 13-15, 1998; July 3-5, 1998; November 13-15, 1998; The following dates were established for 1999: Fib 12-14; april 16-18; July 2-4. Thenor beninary fees were discussed but no decision reached.

The application of

was discussed.

At a skeeting of the Council held ow Saturday, November I 9, 1997, the case against P. Placedus was discussed. The trial will begen on Shorday, December 15T.

at a meeting of the Council held on September 19, 1998, approval was given to an offening of \$50,000 to Papal Charities. The flux payable by foreign students in 4.8. dollars was also discussed but no decision was made.

At a meeting of the Council with all the members present and Father Deter Hygren, Rector of the Thinor Sentency, the guestion of the fees for both Semenaries was desensed for the academic year 1999-2000.

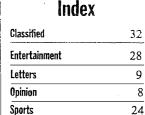
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1

1410 AM STENNER ON MONEY Saturday 9:30-11am GORDON STENNER



MIDLAND WALWYN





City tournament

W. J. Mouat lost to MEI in junior basketball action on the weekend.

RRIF Expert G. STENNER

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Mission III

Newsstand price 25cents

DECEMBER 2, 1997

60 Pages

Council blasts mayor

BY KEVIN GILLIES Times Reporter

The mayor's advertising of lots before they were subdivided puts pressure on the district's independent approval officer and created a perception of conflict of interest, say four Mission councillors.

Coun. Ron Taylor started the firestorm in council chambers Monday night when he produced an Oct. 24 real estate ad run by Mayor Randy Hawes, also a realtor with Windermere Mission Hills Realty. The ad was for properties on Cardinal Avenue.

"My concern is that at this time, the four-and-ahalf-acre lots did not exist. The approval officer had not yet approved the subdivision," Taylor said during the neeting.

"My point is that we nave an independent official . reading this ad," he idded. "Clearly there's an inticipation of these being wailable."

But Hawes shot back saying he did all the right hings. He said council had ssued a letter giving approval in principle on the and's subdivision and that ne had declared a conflict of nterest during the rezoning process.

"When it was pointed at to me (by district adainistrator Glen Roberton), I stopped the ads," lawes responded.

"I have not talked to staff bout this. I would never do iat. Hawes also said the

property owner, by law, has every right to advertise the property because it's strata title and the letter of approval in principle had been

Couns. Noel Hall, Joan MacLatchy, Karen Potter and Taylor were all concerned with how it appeared. "Per-

Randy Hawes

Ron Taylor

council, Taylor said, "If your mayor is advertising,

ception can be damag-

ing," Potter

Outside

said.

there's got to be some pressure (on municipal staff). Hawes

was furious. He said the "Gang of Four" was

trying to sandbag him and call his integrity and credibility into question. "There's an agenda at work here," Hawes said before leaving. "This is bull****.

"This sandbagging has gone on for too long," Hawes said adding he makes less from real estate now than he pays in expenses to keep his licence valid.

He also suggested a political party was being formed by the four councillors. "People did not elect us for any of this backstab-



JEAN KONDA-WITTE/TIMES

Day in court, Father Harold Vincent Sanders, who taught at Westminster Abbey, arrives at Chilliwack Supreme Court Monday. Sanders, right, pleaded not guilty to six sex-related charges dating back to the 1970s. For story, please see Pg. 4.

Top cop talks merge

By Kevin Gillies Times Reporter

The RCMP could patrol Abbotsford or the Abbotsford police could expand to Mission and beyond if the Attorney-General gets his

At a law society seminar for journalists in Vancouver Saturday, Ujjal Dosanjh said he wants to see police forces regionalize.

Citing recommendations in Justice Wallace Oppal's commission on policing in B.C., Dosanjh said the idea of a provincial police force is one whose time has come. "It makes no sense to have all these patch works of police forces," Oppal said Saturday.

"I will be pushing to regionalize the police forces," Dosanjh said, adding it would improve policing service and alleviate economic pressures all municipalities are facing.

"Regional police forces would do that," he said.

Dosanjh said he saw regional police forces as being accountable to the Attomey General instead of to municipalities.

"Criminals do not respect geographic boundaries," he said.

Abbotsford Police Chief Barry Daniel agrees about the criminals and the boundaries but he said Monday it is too early to say if regional forces would work in the central Fraser Valley.

"It would take a study to see if we could be effective regionally," he said.

"In my view it's worth pursuing because we're all facing shrinking budgets."

See *Police*, Page 3

News

COURTS

Former student questioned in monk's trial

By Julie MacLellan Times Reporter

A former Westminster Abbey seminary student who lodged a sexual molestation complaint against a Catholic monk may have had a financial motive, the defence has suggested.

Defence lawyer Richard Peck was cross-examining one of three complainants in the Harold Vincent Sanders trial at press deadline.

Sanders, a Benedictine monk also known as Father Placidus, is on trial before Justice R.M.L. Blair in Supreme Court in Chilliwack. There is no jury.

Sanders pleaded not guilty yesterday morning to four counts of indecent assault, one of gross indecency and one of buggery laid in connection with alleged assaults on three male students between 1974 and 1978. The identities of the former students of the Seminary of Christ the King in Mission are protected by a

publication ban.

Under questioning from Crown counsel Jack Gibson, the first complainant, now 36. testified Sanders had molested him twice during his Grade 8 year. The man had a broken arm at the time and was unable to bathe or shower. He said Sanders gave him two sponge baths, fondling his penis and genital area during the baths.

"He seemed to be fixated on cleaning my penis and genital area a little more than was necessary, to say the least," the man said.

The man also told of an incident that happened the next year, when he woke to find Sanders sitting on his bed fondling his penis.

He testified to another incident, in his Grade 11 year, when he had been attempting to sneak out of the dormitory but dove under a bed when he saw Sanders approaching. He said Sanders sat on the bed, and he could hear the boy in the bed saying "No"

"Please, don't." He said he ten a letter to the seminary believed the bed belonged to another of the complainants.

Later in his testimony. the man lashed out angrily when relating the episode in which he had broken his arm when grabbed by another monk. He said Sanders had not taken him to the hospital, but left him lying in bed.

"He left me lying up there all bloody afternoon. What am I, a dog?" he said vehemently.

On cross-examination from Peck, the man agreed he was in financial difficulties when his business went under about 1990. Peck questioned if the man had ever called the seminary to ask for compensation from injuries he had suffered as a

"Compensation wasn't the word I used," the man replied, but agreed he had asked for money. The man also said he and another of the alleged victims had writasking that former students be compensated for injuries.

Peck also pressed the man about his testimony at an earlier preliminary hearing, when he had denied talking to a lawyer about possible plans to sue the church. Peck showed the man a letter from a lawyer stating the complainant had, in fact, talked to that lawyer.

"What's 'talk to a lawyer' mean?" the man replied, saying the lawyer hadn't seemed interested in helping him. "I never signed anything in his office."

Peck also asked about possible changes in the man's story since he initially lodged a complaint with the RCMP in May 1993.

Peck asked whether the man's original complaint had been about a monk who had been murdered in the 1970s and about being assaulted by that particular monk. But the man said the police officer had misunderstood his remarks.

"You can push that one all you like, but that's not the way it goes," he told Peck. Peck also asked why the man had not mentioned the sexual molestation in his original complaint to Mission RCMP, which concerned being "beaten up" by the monks.

The man said he had

wanted to talk about the sexual touching but the police officer directed him away from those statements.

The trial is expected to wrap up sooner than the scheduled 10 days.

Next up for the Crown are the other two complainants and the Mission RCMP investigator.

Family sings holiday music

On the shortest day of the year, celebrate the holidays with Francis Xavier and the family ensemble Nos Galan.

The ensemble is dedicated to the music of Christmas and will be brightening the long winter night with an evening of ancient carols and festive folksongs of Christmas and the solstice.

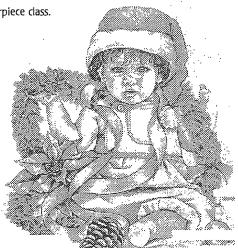
They will perform on guitars, violins, Irish whistles, cello, bhodran, mandolin, bouzouki and, of course, with voices.

The concert will be 7:30 p.m. Dec. 21 at the Clarke Foundation Theatre. Tickets are \$12 for adults and \$8 for youth in advance, or \$15/\$10 at the door. Call the theatre box office, 820-3961.

The said of the sa

Join us on Thursday evening, Dec. 4th from 7-9pm for our Christmas Tabie Centerpiece class. \$10 registration fee.

Call for reservations



Just add imagination.

Visit us any time before December 10th and take advantage of a 15% discount on your entire purchase of Christmas handicrafts items.



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Christmas

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Hours: Mon.-Sat. 9am-5:30pm • Fri. 9am-9pm

** Unedited **

Indexed as:

R. v. Sanders

Between
Her Majesty the Queen, and
Harold Vincent Sanders

[1997] B.C.J. No. 3095 DRS 98-15181 Chilliwack Registry No. X35227

British Columbia Supreme Court Chilliwack, British Columbia Blair J.

Oral judgment: December 12, 1997. (29 pp.)

Criminal law — Sexual offences, public morals and disorderly conduct — Indecent assault — Sexual offences, particular offences — Gross indecency — Buggery — Evidence and proof.

This was the trial of Sanders on four counts of indecent assault, one count of gross indecency and one count of buggery. Sanders was a priest and teacher at a seminary operated by the Catholic Church. The three complainants were young male teens who resided in the seminary when the alleged incidents took place from 1974 to 1978. The first complainant testified that Sanders fondled his penis on two occasions while giving him a sponge bath. On another occasion he allegedly awoke to find Sanders stroking his penis. The second complainant claimed that on three occasions Sanders knelt by his bed and fondled his penis. The third complainant claimed he was taken into Sanders's bedroom, where Sanders lowered his pants for an expected strapping. Instead he claimed Sanders fondled his genitals and then pinned him to a bureau and penetrated his anus with his penis. Sanders denied the charges. All three complainants showed difficulties in recalling the evidence and much of their evidence did not accord with school records and details available such as the size of the bureau in Sanders's room. Their evidence also contained inconsistencies between statements made at different times. There was also some question as to whether the third complainant revised his evidence after discussions with the second complainant.

HELD: Accused acquitted. Due to many inconsistencies and contradictions in the evidence of the complainants, which were partly due to the passage of time, the evidence was so fraught with frailties surrounding the events 19 years before that the allegations raised by the complainants could not be used to convict Sanders.

Counsel:

Jack Gibson, for the Crown. Richard Peck, Q.C., for the defence.

^{¶ 1} BLAIR J. (orally):— Crown charges Harold Vincent Sanders with four counts of indecent assault, one count of gross indecency and one count of buggery. The alleged offenses go back more than nineteen years when the three complainants were in their early teens.

^{¶ 2} The accused is a priest and a teacher at the Seminary of Christ the King at Westminster Abbey located in Mission and operated by the Benedictine Order of the Roman Catholic Church. The accused is known as Father Placidus, however I will refer to him as either Mr. Sanders or simply the accused.

¶ 3 Although there is a religious background to this case, it is only a background. This is not a trial of the seminary, the Benedictine Order or the Roman Catholic Church. The trial is an inquiry to determine the guilt or innocence of Mr. Sanders in connection with the six counts contained in the indictment.

- ¶ 4 I will use the names of the complainants throughout this judgment, but caution that I earlier prohibited the publication of their names or material leading to their identification. The complainants, M.O., K.N., and D.H., resided at and attended the seminary as students at various times between 1974 and 1978 and allege the acts set out in the Indictment occurred within that time frame.
- ¶ 5 Mr. Sanders, now aged seventy years, was vice-rector of the seminary during the time covered in the allegations. The seminary is small, teaching Grades 8 to 12 plus some university courses, with a student enrolment of approximately thirty students. Mr. Sanders' duties included responsibility for supervising the students occupying the dormitories, including the three complainants when they attended the seminary. The accused's office, from which a door led to his bedroom, was located just outside the dormitory for the Grades 8 and 9 students. Mr. Sanders, in addition to his administrative role, also had teaching responsibilities which, in 1977 and 1978 including teaching the Grade 8 students choral and physical education.
- The offenses fall within the description of historical sexual assaults and, as might be expected, the time elapsed between the alleged offenses and trial leads to considerable memory difficulties. The evidence is often hazy, occasionally contradictory and sometimes inconsistent. I attribute some of the evidentiary difficulties to the time passed since the offenses and some to the ages of the complainants when the offenses are alleged to have occurred. The complainants were young when the events about which they testified arose, and I must take into account their ages when considering the presence of inconsistencies such as those relating to time and location.
- ¶ 7 In my analysis of the evidence, I take those factors, as well as others, into account.
- ¶ 8 The difficulties in ascertaining the facts in historical sexual assault cases such as this does not change the onus of proof which rests with the Crown throughout this case as it does for all criminal cases. The Crown must prove Mr. Sanders guilty beyond a reasonable doubt, which is the traditional test in criminal matters. A reasonable doubt is not an imaginary or frivolous doubt, nor may it be based on sympathy or prejudice. Reasonable doubt is based on reason and common sense and must logically come from the evidence or the lack of evidence. Probable guilt is not sufficient.
- ¶ 9 It is virtually impossible to prove anything to an absolute certainty and the Crown is not required to do so. The Crown only has the burden of proving Mr. Sanders' guilt beyond a reasonable doubt. If, after considering all of the evidence, there remains a reasonable doubt as to Mr. Sanders' guilt, the Crown has failed to meet the required standard of proof and I must acquit.

THE ALLEGATIONS

- ¶ 10 Mr. O. is thirty-six years old and commenced his Grade 8 studies at the seminary when aged thirteen years. He attended the seminary for both Grades 8 and 9 between September 1974 and June 1976, took Grade 10 at a public school, attended the seminary for Grade 11 between September 1977 and June 1978 and attended Grade 12 at a school in Saskatchewan. Mr. O. resided in the dormitories during the three school years he attended the seminary.
- ¶ 11 Mr. O. testified that during his first months in Grade 8 his behaviour apparently angered Father Emerick, another priest at the seminary. Mr. O. said the priest broke his arm in half as he was disciplining him. As a result of the arm injury, Mr. O. wore a cast and required assistance in his personal care, including dressing and washing.
- ¶ 12 Mr. O. testified he attended on two occasions at the infirmary alone with Mr. Sanders, who gave him a sponge bath. Mr. O. said the accused on both occasions after cleaning him excessively, fondled his penis and scrotum in a manner which brought him to erection. It is that fondling which is the basis of Count 1 in the

Indictment being a charge of indecent assault against Mr. Sanders.

- ¶ 13 Mr. O. further testified that the following year, when he was in Grade 9, he recalls waking in the night to find his penis being stroked by Mr. Sanders' hand as the accused sat at the side of his bed. This incident led to Count 2 in the Indictment, alleging another act of indecent assault against Mr. Sanders.
- ¶ 14 Mr. N. attended the seminary for just one year, September 1977 to June 1978, when he was enrolled in Grade 8 and during that time he resided in the junior dormitory. Mr. N. testified as to three incidents involving the accused, all of which occurred after Christmas and before Easter in that academic year. Mr. N. said the first incident occurred when he woke to find a person wearing a black robe going by the foot of his bed.
- [paral 5] I find as a fact that there is no evidence of any contact between Mr. N. and the individual wearing the black robe. This incident cannot found a charge against the accused, as no criminal activity attaches to the incident, nor is there any identification of the person wearing the black robe.
- ¶ 16 Mr. N. said shortly after the first incident he awoke to find the accused kneeling beside the middle of his bed. Mr. N. said the accused had his hand on his penis, jerking it up and down. Mr. N. said he protested and told the accused to leave him alone; the accused replying that it was okay, and he should go to sleep. Mr. N. said he recalled the incident lasting only a minute or a couple of minutes.
- ¶ 17 The third incident occurred a short time later, when he again found the accused kneeling beside his bed with his hand going up and down on his penis. Mr. N. said he told the accused to stop and the accused replied he was just tucking him into bed. Mr. N. said the accused's activity continued for four to five minutes. Mr. N. said Mr. O. was hiding under his bed during this third incident, evidence which I will discuss later.
- ¶ 18 Following the third incident, Mr. N. said he changed beds with another student, the complainant, D H., and no further incidents occurred. The incidents involving Mr. N. led to Count 3 in the Indictment, a charge of indecent assault against Mr. Sanders.
- ¶ 19 Mr. H., now thirty-four years old, enrolled in Grade 8 at the seminary at the same time as Mr. N., specifically between September 1977 and June 1978. Like Mr. N., he resided in the junior dormitory during this academic year, the only year that he attended the seminary.
- ¶ 20 Mr. H. testified that Mr. Sanders taught him both Latin and Art that year, during which he assigned the class to sketch his profile. Mr. H. testified the accused appeared particularly interested in his sketch. Mr. H. testified he subsequently attended at Mr. Sanders' office and he understood he was being disciplined, although he had no real recollection as to the reasons for the discipline.
- ¶ 21 Mr. H. testified that Mr. Sanders gestured him to go from the office into the adjacent bedroom, where he recalls lowering his pants and underwear to his ankles. He testified that instead of the strapping he expected, the accused fondled his genitals and pinned him down on the bureau in the bedroom. Mr. H. said he felt a stab of pain as the accused penetrated his anus with his penis and then continued pushing with force for some time.
- ¶ 22 Following the activity, Mr. H. testified Mr. Sanders led him out of the office and he went to the washroom to clean off what he believed to be sperm. After that he went out to play. This single incident gives rise to Counts 4, 5 and 6 in the Indictment, being charges of indecent assault, an act or acts of gross indecency and buggery.
- ¶ 23 Mr. Sanders testified and denied the charges, stating that he had committed no sexual improprieties with the three complainants as alleged in the Indictment.

ANALYSIS

¶ 24 It is rare in historical sexual assaults that the complainants' assertions and the accused's denials are in themselves determinative of a case. The assertions and denials must be placed into the context of all the evidence, and the facts determined from the evidence as a whole.

¶ 25 As noted earlier, the witnesses' memories are all afflicted by the passage of time which twists and warps recollection. Memories are affected by the perspective of viewing events over the two decades since the offenses here are alleged to have occurred. Events often take on a greater or lesser significance over time, depending on the perspective of the witness.

- ¶ 26 In analyzing the evidence before the Court, I attempt to rationalize the evidence, put it into context and ascertain the weight I ought to give the evidence or parts of the evidence of various witnesses. Part of the analytical process is to clarify and seek an explanation or understanding for the contradictions and inconsistencies found in the evidence, how they arose and what impact they have on the evidence as a whole. It is this analysis which will determine whether the Crown has satisfied me that it has proven the case against the accused beyond a reasonable doubt.
- ¶ 27 Counsel in their submissions canvassed much of the evidence, putting it into context, and I thank them for that assistance. It is not my intention to refer to all the evidence, but I will address certain aspects which have been of particular assistance in arriving at my conclusions.
- ¶ 28 I will deal with the evidence first of Mr. O. who raised the initial complaint in 1993, contacting the R.C.M.P. regarding information about what he believed was the murder of Father Damasus, a teacher at the seminary in October 1978. Mr. O. provided Corporal Wayne Thomas Clary, of the Mission R.C.M.P., with a written statement dated May 19, 1993, and filed as Exhibit 15.
- ¶ 29 The statement did not touch on the death of Father Damasus, but in it Mr. O. complained that he had been sexually assaulted by another older student, S.R.; that Father Emerick had broken his arm and that the accused had neglected to obtain immediate medical attention for the broken arm. In this first statement Mr. O. described the accused as the "worst bastard", but only in relation to his neglecting Mr. O.'s broken arm.
- ¶ 30 Mr. O. did not take this opportunity to make allegations against the accused regarding the sexual activity which he later testified occurred. He did refer to the accused hugging him in the evening, but did not mention, indeed, he denied any sexual advances from the accused. In the statement he said the accused washed his arm when he was in the cast after it was broken by Father Emerick. Mr. O. made no mention of Mr. Sanders fondling his genitals when sponge bathing, nor did he mention the accused touching him as he lay in bed in the dormitory in Grade 9.
- ¶ 31 Mr. O. testified that he thought he had told Corporal Clary of the accused's fondling in the initial statement and complained that Corporal Clary cut him off when he wanted to talk about the accused. Corporal Clary denied cutting off Mr. O.'s complaints about Mr. Sanders. There is nothing in the statement to suggest Corporal Clary intervened with Mr. O. when he raised the accused's name. Mr. O. did not describe his allegations against the accused which give rise to Counts 1 and 2 in the Indictment until he provided another statement to Corporal Clary on October 7, 1995, some twenty-nine months after his original complaint.
- ¶ 32 Mr. O.'s anger against the accused and Father Emerick was visible during his testimony. That anger on the stand contrasted with the evidence about his relationship with these individuals and others in the years after which he alleged Father Emerick broke his arm and Mr. Sanders allegedly sexually abused him. A classmate, M.F., testified Mr. O. got on well with Father Emerick in his years at the seminary. After finishing school, Mr. O. donated wood and other materials to the seminary which were picked up by Father Emerick.
- ¶ 33 Mr. O. wrote a number of letters to the accused and Father Augustine Kalberer, the latter being the rector of the seminary. These letters were filed as Exhibit 5, 7, 11, 12 and 13, with the last letter dated December 11, 1982. The letters are chatty and friendly, as Mr. O. writes about his life, reflecting positively on the seminary and inquiring about his former teachers and fellow students. There is no suggestion in the correspondence of any abuse.
- ¶ 34 The events surrounding the death of Father Damasus in a mountain-climbing accident on October 21, 1978, is a collateral issue, but is of assistance in considering the weight to be accorded Mr. O.'s evidence. Mr.

O. considers that Father Damasus was murdered and he blamed Mr. R., the same individual whom he stated in May 1993 had sexually assaulted him.

- ¶ 35 Although Mr. O. attended Grade 12 at a Saskatchewan seminary between September 1978 and June 1979, he recalls being at the seminary in Mission on the weekend Father Damasus died. Mr. O. says he travelled to Mission by train from Saskatchewan. No one else remembers his attending the seminary on that occasion, nor is his attendance mentioned in the seminary's log book for that period, although other visitors are noted. Part of the log is filed as Exhibit 17.
- ¶ 36 Neither the accused, nor Father Augustine recalled Mr. O. visiting that weekend, a weekend remembered not just because of Father Damasus' death, but also noteworthy because John Paul II, I gather, was installed that weekend as Pope. K.V., now a lawyer and then a senior student at the seminary, said he had no recollection of Mr. O. present at the seminary that weekend. He stated that he knew of Mr. O.'s legendary soccer talents and with his own interest in soccer, is sure he would have remembered if Mr. O. had been present that weekend.
- ¶ 37 Mr. O.'s letter filed as Exhibit 7 addressed to the accused and Father Augustine, refers to Father Damasus' death and states, and I quote, "Wow, everything seems to happen when I'm not there. It was quite a shock for me to hear about Father's death. We had a special Mass said for him here. "Mr. O. explained the letter by stating that when he left Mission to return to Saskatchewan it was not yet known whether Father Damasus was dead.
- ¶ 38 Although Mr. O. testified that he was at the seminary on the weekend that Father Damasus died, I find the evidence overwhelmingly against his assertion and conclude that Mr. O. was not in Mission when Father Damasus died. The event is noteworthy in that Mr. O. appears to have convinced himself that an event occurred as he recalls it, even where the evidence contradicts and renders improbable his recollections of the event. This raises in my mind concern about the reliance I can place on Mr. O.'s testimony.
- ¶ 39 The next evidentiary issue I will discuss involving Mr. O.'s testimony is with regard to his relationship with Mr. R. I should note that although Mr. O.'s initial allegations of murder and sexual assault involved Mr. R., the police laid no charges against Mr. R. after a lengthy investigation.
- ¶ 40 Mr. O. described Mr. R. sexually assaulting him on a camping trip, stating originally that the attack occurred when he was enrolled in Grade 8 or 9, but later changing the time to Grade 11, after consulting with others. Mr. O. in his testimony depicted Mr. R. as an older student who sexually preyed upon and abused younger students at the seminary, including himself; however, Mr. O.'s complaints about Mr. R. are not supported by other witnesses.
- ¶ 41 B.K. attended the seminary between 1973 and 1978 and knew both Mr. O. and Mr. R. Mr. K. said he could not recall any complaints about Mr. R. when he was there. The accused, Mr. Sanders, testified the only complaint he recalled about Mr. R. was that he was too demanding in the physical education classes.
- ¶ 42 Mr. O.'s testimony at trial also contrasts with his references to Mr. R. and letters he wrote to the accused and Father Augustine. In Exhibit 5, a letter Mr. O. wrote in March 1979 when he was in Saskatchewan the year after Mr. R. allegedly assaulted him, Mr. O. refers to Mr. R. and others as olden goldies, a term which I find positive in nature, both from the words and from the context. I do not accept Mr. O.'s negative interpretation of that term.
- ¶ 43 He sent another letter from Saskatchewan in the Spring of 1979 to the accused and Father Augustine and included with it a letter to be forwarded to Mr. R. There are also references in Mr. O.'s letters to correspondence he has had from Mr. R. Mr. O. testified that after he completed Grade 12, he returned to British Columbia and I gather sometime in 1979 Mr. R. stayed at his Coquitlam apartment. Mr. O. said he did not agree to Mr. R. staying with him; however, if he felt so strongly about Mr. R., why should he have ever allowed him into that apartment, his residence?

¶ 44 Mr. O.'s actions in having Mr. R. into his apartment is consistent with the positive attitude he displayed towards Mr. R. in the letters he wrote. conclude that Mr. O.'s recollection of his involvement with Mr. R. changed considerably over the years. I am at a loss to determine the reason for that change, but find that it is yet another illustration of Mr. O.'s present recollection about which he is convinced, varying considerably from other tangible evidence produced some eighteen or nineteen years ago.

- ¶ 45 I accept the latter evidence as reflecting the relationship between Mr. O. and Mr. R., and find myself unable to accept the evidence led by Mr. O. at trial regarding Mr. R.
- ¶ 46 I referred earlier to the incident involving Mr. N. and the accused in which Mr. O. was hiding under Mr. N.'s bed when the incident alleged occurred. A review of the evidence regarding this incident reflects on the credibility of both Mr. O. and Mr. N.
- ¶ 47 The two complainants agree that there was only one occasion in which Mr. O. was under Mr. N.'s bed when the latter was allegedly fondled by the accused. Mr. O. testified that he was sneaking out of the seminary when he saw the accused and hid under Mr. N.'s bed to avoid detection.
- ¶ 48 Mr. N. says the incident occurred between Christmas and Easter of 1978; Mr. O. testified it occurred in or around May 1978. The two complainants vary also as to the location of Mr. N.'s bed in the dormitory. Mr. O. testified Mr. Sanders kicked his shins when the accused was beside Mr. N.'s bed; however, Mr. N. testified that the accused was on his knees beside his bed when he fondled him. It is difficult to ascertain how Mr. O. could be kicked by the accused if indeed the accused was on his knees, as Mr. N. testified.
- ¶ 49 Mr. N. said in examination in chief that after Mr. Sanders left his bedside following the third incident, he saw Mr. O. get out from underneath his bed; however, in cross examination Mr. N. acknowledged that at the preliminary hearing he testified that he only learned Mr. O. was under his bed when the two conversed the day after. At trial, Mr. N. seemed to agree that his knowledge of Mr. O.'s presence under the bed came from the conversation with Mr. O. Mr. O. testified he had no recollection of this conversation with Mr. N. and said he did not talk to him about this evidence until the summer of 1995.
- ¶ 50 Mr. O. testified he hid under Mr. N.'s bed as he was sneaking out of the dormitory; however, Mr. N. said he recalled Mr. O. telling him he hid under the bed as he was sneaking back into the dormitory. Mr. O. testified a newspaper report filed as Exhibit 10 incorrectly reported that he was sneaking back into the dormitory.
- ¶ 51 Several news reports quoted Mr. O.'s allegations about the incident involving the accused and Mr. N. Mr. O., who testified that when under the bed he saw nothing of what happened between Mr. N. and the accused, stated that the newspaper reports were wrong when they quoted him as saying that he had seen a boy raped by a monk and that the monk was on the boy's bed. Mr. O., in his first statement to police in 1993, referred at one point to Mr. N., but made no reference either to the incident allegedly involving the accused and Mr. N. or to him lying under the bed during the course of the incident.
- ¶ 52 S.J., a student at the seminary between 1982 and 1987, testified and recounted how in approximately Christmas 1993 he told another student, B.D., about an incident in which he was up after lights out and had hidden under another student's bed in order to avoid being caught by Mr. Sanders. Mr. J. testified he received a telephone call from Mr. O., whom he had not met, in January 1994 in which Mr. O. asked him about the incident. Mr. J. said Mr. O. contacted him by phone several more times but that he, J., terminated the contact because of the media publicity regarding the seminary.
- ¶ 53 Mr. J. stated that during his telephone conversations, Mr. O. made no allegations against the accused. Mr. O. had no recollection of the telephone conversations with Mr. J.
- The evidence before me indicates that Mr. O.'s allegation that he was under Mr. N.'s bed came to light only after his conversation with Mr. J. which is to my mind a most uncomfortable timing; nor do I conclude Mr. N.'s evidence to be supportive of Mr. O.'s assertion that he was under Mr. N.'s bed when the latter was allegedly being assaulted by Mr. Sanders. I will discuss that further when discussing Mr. N.'s evidence. I am not satisfied

that there ever occurred an incident in which Mr. O. lay under Mr. N.'s bed.

- ¶ 55 Mr. O.'s testimony is further challenged by the evidence relating to his speaking to a lawyer in 1994. He testified that he had not retained counsel, but when pressed in cross examination, he acknowledged talking to a lawyer, but that the lawyer did not want to talk to him and did nothing. Exhibit 4 is a letter written by Langley lawyer, William Herdy, dated January 31, 1994 addressed to Mission R.C.M.P., indicating that Mr. O. wished to retain him to commence a claim for damages for physical and emotional abuse. The letter indicates a higher involvement by counsel than Mr. O. was prepared to admit.
- ¶ 56 That initial denial of legal involvement is of particular concern as the event happened just a few years ago, and I would anticipate it to be fresh in Mr. O.'s memory. If Mr. O. cannot remember events from a few years ago, it is difficult for me to rely on that same memory regarding events nineteen and more years ago.
- ¶ 57 I will turn next to Mr. N.'s testimony, as it is linked to the evidence provided by Mr. O. Corporal Clary testified he talked to Mr. N. on July 5, 1995, at which time Mr. N. told him he had already talked to Mr. O. In that initial telephone conversation, Mr. N. told Corporal Clary that he'd experienced no problems when he attended the seminary and had positive memories of the year. Corporal Clary said Mr. N. did not refer to Mr. Sanders in this initial discussion.
- ¶ 58 Corporal Clary received a message from Mr. N. in August 1995 indicating he wanted to discuss the accused, but no conversation occurred until October 19, 1995, when Mr. N. gave a statement to the police officer making certain allegations against Mr. Sanders. Mr. N. said he was reluctant at first to talk to the police officer because there was a warrant outstanding for his arrest; however, Corporal Clary made no mention of the warrant and I gather put no pressure on Mr. N. to make positive statements about his time at the seminary.
- ¶ 59 Corporal Clary testified that he was concerned about the discussions between Mr. O. and Mr. N. because of the possibility of their evidence being, to use his term, cross-contaminated. I share his concern, and consider it likely that their evidence was indeed contaminated by their discussions.
- ¶ 60 Mr. N. and Mr. O. acknowledge talking about the situation at the seminary. Mr. N. said he met with Mr. O. between four and six times, whereas Mr. O. said they met just three to four times. Mr. N. acknowledged that at the preliminary inquiry he admitted that he had lied about meeting with Mr. O. Mr. N. also testified that his mother lied in a letter to the seminary when she wrote he would not be returning for Grade 9 because the family could not afford to send him there. He had testified that he did not want to return because of what the accused did to him the previous year.
- ¶ 61 Mr. N.'s testimony at trial differed in certain critical areas from the statement he provided to police, which was filed as Exhibit 23. At trial he testified the first incident in which the accused fondled him lasted one to two minutes, but in his statement he described it as a quick grab. In his statement he said the accused left as soon as he awakened; but denied that at trial. As for the second incident, he said in his statement it lasted one minute, but at trial he said the contact lasted four to five minutes. Mr. N. also made no mention until trial of the accused kneeling beside his bed.
- ¶ 62 Mr. N. testified that after the last incident with Mr. Sanders, he changed beds with Mr. H.; however, Mr. H. testified he stayed in the same bed for the whole year. Mr. N. also testified that Mr. Sanders caught he and Mr. H. as they tried to sneak out of the dormitory to meet some girls. Mr. H. had no recollection of such an event.
- ¶ 63 In considering Mr. N.'s testimony, I examined his criminal record which he acknowledged, a copy of which was filed as Exhibit 22. Mr. N. developed that record over the period 1982 to 1996, and it includes offenses involving dishonesty.
- ¶ 64 The Defence suggested, and I conclude that there is some possibility that the evidence of both Mr. O. and Mr. N. might be inspired by financial considerations. Mr. O. has experienced financial problems. He requested financial help from Father Augustine, who referred him to the seminary's insurer. Mr. O. sought Mr.

Herdy's assistance in 1994 to seek financial compensation for emotional and physical injuries received when at the seminary, although no mention is made in that letter of any sexual assault.

- ¶ 65 I gather Mr. O. is pursuing a civil action against the seminary. Both Mr. O. and Mr. N. have received compensation under the Criminal Compensation programme operated by the Province of British Columbia. Both individuals raised the issue of compensation in their joint letter to church officials dated March 6th, 1996 and filed as Exhibit 18.
- ¶ 66 I turn next to the allegations against Mr. Sanders arising from the evidence of Mr. H. which stands isolated from the evidence relating to the allegations made by Mr. O. and Mr. N. There were no discussions between Mr. H. and either Mr. O. or Mr. N. Mr. H. alleged Mr. Sanders had him attend at his office. They moved into the bedroom where Mr. Sanders committed an act of buggery upon him. The accused denied committing such an act or any other sexually improper act upon Mr. H.
- ¶ 67 Mr. H. ties his allegations to a situation developing out of an Art class which he testified was taught by the accused. Mr. H. testified in the Art class he sketched a profile of the accused as instructed and after that he was directed by the accused to his office. Mr. H. had virtually no recollection of any conversation he might have had with the accused, but he understood he was being disciplined for something he had apparently done.
- ¶ 68 Mr. H. is adamant, indeed, he was unshakeable that the accused taught him Art and Latin in the one year that he attended the seminary and he is equally adamant that the offence occurred after an Art class. The seminary's records filed as Exhibits 25, 26, 27 and 28, as well as the evidence of other witnesses, reflects that the accused did not teach Mr. H. either Art or Latin that year. The records indicate that Mr. Sanders' teaching assignments involving' Grade 8 students in 1977 and 1978 when Mr. H. attended were choral classes and physical education.
- ¶ 69 I accept the evidence that Mr. H. did not take Art classes from Mr. Sanders. I also accept the evidence that Mr. Sanders never taught Art. Crown suggests Mr. Sanders might have been a substitute teacher in an Art class attended by Mr. H. There is no evidence of any weight sufficient to support that speculation.
- ¶ 70 Mr. H. recalls that in the accused's office when the offence was committed, he was pinned down on a bureau such as that depicted in picture 14 of Exhibit 1. The bureau shown was measured at three feet in height by Father Meinhard Getz who now occupies the office in his position as vice-rector. However, Father Meinhard said the bureau shown was put in place during the 1980's and he testified about measuring the bureau previously in the office and it, he testified, was four foot three inches high.
- ¶ 71 Mr. H. testified that at the time of the alleged offence, he was quite short, being less than five feet high. At that height, the act as described by Mr. H., becomes problematic. I also note that Mr. H. did not initially tell Corporal Clary of the offence, although it came out relatively early in the dealings between Mr. H. and the peace officer. Corporal Clary noted in his records that Mr. H. told him that he had uncovered the abuse through the therapy he received.

ACCUSED TESTIFYING

- ¶ 72 Mr. Sanders gave evidence and I am duty-bound by the following direction of superior courts in this country. If I believe Mr. Sanders' evidence, I must find him not guilty. If, after considering all the evidence, I am unable to decide whom to believe, I must find Mr. Sanders not guilty. If I do not believe Mr. Sanders but I am left with a reasonable doubt by his evidence or other evidence from either Crown or Defence witnesses, which I do accept, whether in combination with Mr. Sanders' evidence or not, I must find him not guilty. I can only find the accused guilty if I am satisfied on the basis of all of the evidence that the Crown has proved the guilt of Mr. Sanders beyond a reasonable doubt.
- ¶ 73 Mr. Sanders denied that he committed any of the offenses with which he has been charged. Mr. Sanders in his testimony had the opportunity to provide evidence which could not be contradicted, but which would be of assistance to him. Mr. O. could not recall, for example, if the door to the infirmary was open when

he was being washed by Mr. Sanders. The accused stated that he would have closed the door to ensure Mr. O.'s privacy as he was being washed. He also admitted it likely that he took off Mr. O.'s clothes prior to the sponge bath. He admitted assisting Mr. O. during the sponge bath, but on only one occasion which stood out in his mind as it was unusual. He testified he did not touch Mr. O.'s genitals on that occasion. He also agreed that it was possible that he supervised, but did not teach, an Art class, although he had no recollection of so doing.

- ¶ 74 Mr. N. testified that before he talked to police, he phoned Mr. Sanders to find out what was going on and the accused told him what was happening, that there was an investigation underway, and advised him to go to the police and tell them the truth. He acknowledged that Mr. Sanders made no attempt to discourage him from meeting with the police.
- ¶ 75 Asked about kissing a student on his lips, the accused admitted the act. He further admitted that it was inappropriate. He also admitted consensual genital contact with an older Grade 12 student.
- ¶ 76 I must include that evidence, including the acts and admissions, in considering Mr. Sanders' testimony. I also note that the evidence led indicated that all the complainants received counselling, particularly Mr. O. and Mr. H. The evidence regarding counselling is not extensive with regard to Mr. N. Mr. O. acknowledged that he obtained therapy and required intensive counselling in 1993. Corporal Clary referred to Mr. O. as being very excited and needed medication during their first meeting in May 1993.
- ¶ 77 Mr. K., whom I referred to earlier, described Mr. O. as being incoherent during a telephone discussion they had in the Fall of 1993. He noted Mr. O. made no allegations of sexual abuse in that call. Mr. K. said Mr. O. was rational and coherent when he telephoned him a few weeks later. Mr. H. testified that he received counselling after being diagnosed as clinically depressed after a breakdown in January 1994.
- ¶ 78 I make these comments regarding the therapy and counselling because it suggests that the three complainants all experienced trauma of some sort that needed resolution with the assistance of experts; however, the existence of therapy does not in itself lead to the conclusion that the events occurred as described by the complainants.

CONCLUSION

- ¶ 79 The onus lies on the Crown to prove the offenses against the accused beyond a reasonable doubt. In analysing the evidence, I have discussed inconsistencies and contradictions in the evidence which relate to all the counts contained in the Information. I have dwelled at length on the difficulties in the Crown's case, particularly with the evidence led from the three complainants which reflects the fallibility of the human mind when it tries to recollect past events.
- ¶ 80 I conclude that the complainants' evidence is so fraught with frailties surrounding the events at the seminary some nineteen and more years ago that I cannot depend on their version of the allegations to convict the accused on any of the six counts contained in the Indictment. Their evidence, even taking into account their ages and the time elapsed, leaves as many questions as it answers. I find the Crown has failed to prove the case against the accused beyond a reasonable doubt.
- ¶ 81 Further, I also accept the evidence of the accused and in so doing, I am bound to acquit. The charges are dismissed.

BLAIR J.

QL Update: 980602 cp/qi/s/kjm/DRS

Monk wins acquittal on sex charges

CHILLIWACK — A Westminster Abbey monk has been acquitted of all six sex-offence charges against him.

B.C. Supreme Court Justice Richard Blair said the evidence given by the three complainants was unreliable and could not prove beyond a reasonable doubt the offences were committed.

Harold Vincent Sanders, 70, was on trial on charges of buggery, gross indecency and four counts of indecent assault for allegedly sexually assaulting three teenage boys at the Mission monastery.

"There were so many inconsistencies and contradictions given in the evidence." said Blair. "I cannot convict the accused of any of the charges. I find the Crown's case not to be beyond a reasonable doubt."

The three complainants, who cannot be named because of a publication ban, testified they were sexually assaulted by Sanders, also known as Father Placidus, between 1974 and 1978.

Sanders refused to comment after his acquittal. Fellow Westminster Abbey monk Father Maurus Macrae said they were pleased with the decision.

One complainant said he is upset that Sanders will be returning to the monastery, particularly since during the trial Sanders admitted to having consensual sex with an 18-year-old student.

"I find this is so bizarre, that he admitted to having sex with a high-school student at the seminary and now he's going back there to teach." he said.

- Sterling News Service

Correction Hotica

Intoday's paper, we inserted a sale ffyer. On page 3, the headline reads, "25% off Flannel & Down". This applies to our entire stock of flannel and a selection (not our entire stock) of flannel and a selection (not our entire stock) of flannel and a selection (not our entire stock) of flannel and a selection (not our entire stock) of flannel and a selection (not our entire stock) of flannel and selection (not our content) for our Coronation product The regular price, should have been \$109.99-\$129.99, and the flore content is not White Goose Down, it is Duck Down. We appoint for any inconvenience or misunderstanding this mistake may have daysed you, our valued outstoner.

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