

S-1611860
Vancouver Registry

In the Supreme Court of British Columbia
(BEFORE THE HONOURABLE MR. JUSTICE CROSSIN)

Vancouver, B.C.
October 17, 2019

BETWEEN:

ROSEMARY ANDERSON

PLAINTIFF

AND:

FATHER ERLINDO MOLON and the ROMAN CATHOLIC BISHOP
OF THE DIOCESE OF KAMLOOPS, A CORPORATION SOLE

DEFENDANTS

PROCEEDINGS AT TRIAL
(Excerpt - Cross-examination of
Archbishop Adam Exner)

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Archbishop Adam Exner)**

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RULINGS

NIL

Proceedings

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[EXCERPT COMMENCES AT 11:23:53 A.M.]

ADAM EXNER

a witness called for the
Defendants, recalled.

CROSS-EXAMINATION BY MS. KOVACS:

- 12 Q All right. Archbishop Exner, you'll have to
13 forgive me 'cause my voice isn't quite as loud and
14 doesn't carry like my friend, so if you don't hear
15 me, please tell me, okay?
- 16 A Okay.
- 17 Q All right. I just want to start with a bit of
18 your background. You have -- we've reviewed your
19 CV already, but you have a doctorate in theology,
20 correct?
- 21 A Yes.
- 22 Q And that's from the University of Ottawa?
- 23 A Yes.
- 24 Q You have two master's degrees, correct?
- 25 A Yes.
- 26 Q Right. And --
- 27 A Actually, they're called licences in Rome, but
28 they're the equivalent of a master's in Canada?
- 29 Q Right; and you achieved those in Rome?
- 30 A Yes.
- 31 Q All right. And one's in philosophy --
- 32 A Yes.
- 33 Q -- the other in theology?
- 34 A Theology.
- 35 Q All right. And that's from the Pontifical
36 Gregorian University in Rome?
- 37 A Yes.
- 38 Q Did you take those courses in Latin?
- 39 A Yes. All seven years were taught in Latin;
40 imagine.
- 41 Q All right.
- 42 A And the Latin was not the classical Latin that I
43 had learned in high school and university. They
44 use medieval Latin, the Latin of St. Thomas
45 Aquinas and these kind of people, so it was quite
46 an adjustment, believe me.
- 47 Q I'm sure. Well, I'm hopeful that you can help me

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 out with some of my terminology as we go through
2 my questions, okay?
3 A Oh, all right.
4 Q I don't speak Latin so you'll have to --
5 A Okay.
6 Q -- help me out. But you were a professor of moral
7 theology as well at Newman Theological College in
8 Edmonton, Alberta?
9 A For two years, but prior to that, I taught in a
10 seminary, Battleford, Saskatchewan for 12 years.
11 I taught the seminarians for a total period of 14
12 years.
13 Q What is moral theology? Can you just tell us what
14 that is?
15 A Moral theology has to do with the right and wrong
16 of human activity.
17 Q Now, you speak Latin, so I am going to butcher
18 this, but I would like you to correct me on the
19 pronunciation and tell me what it means. Would
20 you know what *restriccio mentales* is?
21 A Mental restriction.
22 Q What is that?
23 A When you -- when you -- when you speak about
24 something, but in your mind you have something
25 else in your mind. It's a mental restriction.
26 Q Right, and there's a bit more to it, I take it.
27 You taught -- you taught about mental restriction;
28 is that right?
29 A Not really.
30 Q Okay. But you're familiar with it?
31 A I am more or less familiar with mental
32 restriction.
33 Q All right. Well, maybe I can refresh us a little
34 bit on mental restriction. I have the Catholic
35 Encyclopedia, Volume 10, from the Vancouver Public
36 Library.
37 A Okay.
38 MS. KOVACS: It's a very old book and smells very old.
39 I have copies as well, which I'd like to mark just
40 for identification. There's one there, one for
41 the counsel, and one is [indiscernible/voice fades
42 away].
43 UNIDENTIFIED COUNSEL: How many do we have?
44 MS. KOVACS: Sorry, just a moment, My Lord. My paper
45 clips have fallen apart here. One for the
46 witness, one for His Lordship and one for my
47 friend.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q You're familiar with the Catholic Encyclopedia, I
2 take it?
3 A Yes.
4 Q All right. Now, my -- there's an index there and
5 a cover page, but there's a page 195. If you can
6 find that for me, it's right at the top in the
7 middle.
8 A I got it, yes.
9 Q Right. And so -- I'll read this out and just ask
10 you some questions [as read in]:
11
12 Mental reservation: The name applied to a
13 doctrine which has grown out of the common
14 Catholic teaching about lying, and which is
15 its complement. According to the common
16 Catholic teaching, it is never allowable to
17 tell a lie, not even to save a human life.
18
19 You agree with that statement?
20 A Yes.
21 Q [As read in]:
22
23 A lie is something intrinsically evil and as
24 evil may not be done that good may come of
25 it, we are never allowed to tell a lie.
26
27 You agree with that statement?
28 A Yes.
29 Q [As read in]:
30
31 However, we are also under an obligation to
32 keep secrets faithfully, and sometimes the
33 easiest way of fulfilling that duty is to say
34 what is false or to tell a lie.
35
36 Do you agree with that definition of mental
37 reservation, Archbishop Exner?
38 A I don't know.
39 Q It's in the Catholic Encyclopedia, though. Do you
40 agree with that definition?
41 A I don't know if I -- I'd have to think about this.
42 Q Fair enough. Maybe I'll give you an example, and
43 my understanding is that the common example used
44 in Catholic moral theology teaching, and it's a
45 story about St. Francis of Assisi who I'm sure
46 you're familiar with.
47 A Yes.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q I'm not as familiar with him, but I've heard this
2 story. So tell me if I'm saying it correctly.
3 There's a story about St. Francis Assisi and he
4 sees a murderer running by to find his quarry or
5 his crate [phonetic]. The murderer comes by St.
6 Francis of Assisi and he says, "Did my quarry run
7 this way?" And St. Francis of Assisi puts his
8 finger in his cassock and says, "No, he ran this
9 way". Have you heard that story before?

10 A No.

11 Q All right. Do you like that story?

12 A I like it.

13 Q Did that story give you an understanding of what
14 mental reservation is about?

15 A Well, mental reservation is, the way I've always
16 understood, is that in your mind you have several
17 meanings, and you express one, but you also have
18 another one in your head.

19 Q Right. So --

20 A You don't express it.

21 Q Kind of like, a white lie?

22 A Something to that nature.

23 Q Sometimes lying for the greater good?

24 A Maybe.

25 Q Are you familiar with the doctrine of mental
26 reservation being exercised by Catholic hierarchs
27 in the context of clergy abuse?

28 A It's quite possible. I can't read their minds, I
29 don't know.

30 Q Right. You appreciate that, Archbishop Exner, I
31 have to ask you -- just before I get there, would
32 you agree that a sin would be committed if a
33 mental reservation is used without just cause?

34 A Yes.

35 Q Who decides what just cause is?

36 A Again, in the end, God does. But, you know, every
37 person has to act according to his conscience, and
38 they go by what they understand. We all do that.

39 Q And I appreciate that, Archbishop Exner, and you
40 appreciate that I'm asking this line of
41 questioning because I need to ask you, do you
42 believe that the preservation of the Roman
43 Catholic church's reputation is just cause to
44 commit the sin of lying?

45 A No.

46 Q No?

47 A No, not lying.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Am I able to know if your answer to that question
2 is itself an exercise of *restriccio mentales*?
3 A I'm sorry?
4 Q Am I able to determine if your answer even to that
5 last question of mine is an exercise of res -- res
6 -- I'm not doing justice -- *restriccio mentales*.
7 A No, I don't think I have any restriction here.
8 Q But you agree that this court has no way to know
9 if you're invoking that doctrine.
10 A Well, you can't read my mind.
11 Q Of course not. The whole point of that doctrine
12 is that your audience is unaware that you're
13 exercising it, correct?
14 A You can't read what's going on in my head.
15 Q Right.
16 A I agree with that.
17 Q Okay. But you have sworn to tell the truth on the
18 Bible this morning.
19 A Yes.
20 Q And you take that oath seriously?
21 A I did.
22 Q All right. Now, Archbishop Exner, as archbishop,
23 you -- and I'll come back to this in a moment. I
24 just want to ask you a little bit about your
25 stature in the community, in the Catholic
26 community. As Archbishop of Vancouver, you were,
27 at the time of your service as archbishop, the
28 highest ranking hierarch for the Catholic church
29 in British Columbia?
30 A Right.
31 Q And archbishop *emeritus* is an honourable position,
32 and you're well respected by --
33 A Yes, it's a comfortable one.
34 Q Yes, I'm sure it is. I understand you're living
35 up in Shaughnessy at The Crescent, right?
36 A Yes.
37 Q Yes, so I'm glad to hear that. You -- you would
38 agree with me, though, that you are very
39 accustomed to the Catholic laity - and we'll
40 explain what the laity is in a moment -- being
41 very respectful of you?
42 A I would probably say that's true.
43 Q Okay.
44 A Yeah, they do treat me very well.
45 Q And in fact much like we stand when a judge walks
46 into a courtroom, the laity or inferior clergymen
47 usually stand when you walk into a room?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A If it's a meeting, yes, but if it's informal
2 gathering, no.
3 Q If it's informal, no, but if it's --
4 A If it's informal, no.
5 Q Right; if it's formal?
6 A Formal, they might do that, yes.
7 Q They stand out of respect for you. All right.
8 We'll come back to that in a moment. But
9 Archbishop Exner, I need to ask you, do you
10 believe that your moral authority under God is
11 greater than the authority of this courtroom?
12 A I would say so.
13 Q Now, there is a -- you're familiar with the *Code*
14 *of Canon Law*, and I'm sure you haven't read it in
15 detail recently, but are you familiar with the
16 final canon law from 1983? It's Code 1751, and it
17 says [as read in]:
18
19 The salvation of souls is the supreme law of
20 the church.
21
22 Have you heard that law before?
23 A I probably did.
24 Q Do you agree with that law?
25 A Yes.
26 Q [As read in]:
27
28 The salvation of souls is the supreme law of
29 the church.
30
31 A Yeah, and that's what morally enables me to try
32 and save Father Molon.
33 Q Right. So try and save Father Molon.
34 A I bent over backwards.
35 Q Right.
36 A Do everything I could.
37 Q We'll revisit this later, Archbishop Exner, but
38 did you do any -- did you take any steps or make
39 any efforts to save the souls of the women he
40 victimized?
41 A Well, they -- they had access to clergy and the
42 churches and all the services that we offered. I
43 can't be a parish priest to everybody, 'cause in
44 Kamloops we have some 50,000 Catholics. In
45 Winnipeg we had many more, and in Vancouver, when
46 I left, at the time there were 438,000. How
47 can --

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Your -- your answer to my last question then, was
2 no, that you yourself didn't take any steps to
3 help save the souls of the women he victimized?
4 A I only knew one that was victimized. The others
5 were -- I don't know who they were.
6 Q We're going to come back to that, okay? I don't
7 want to skip ahead. Are you familiar with the vow
8 that a new cardinal is expected to take before the
9 pope where he says [as read in]:
10
11 I vow to keep secret anything confided to me
12 that, if revealed, would cause harm or
13 scandal to the church.
14
15 A No, I'm not familiar with that.
16 Q Have you ever taken a similar vow?
17 A No.
18 Q I was reading about you on the weekend, Archbishop
19 Exner, and in the *B.C. Catholic* which is the
20 weekly publication of the archdiocese of
21 Vancouver --
22 A Yes.
23 Q Right. There -- when you retired, your mandatory
24 retirement as archbishop was in 2004, correct?
25 A Right.
26 Q And there were a number of adulations and
27 accolades in the *B.C. Catholic* about you at the
28 time of your retirement. Did you read those?
29 A I probably did.
30 Q Right. Do you recall being described as "fierce
31 grace"?
32 A What?
33 Q "Fierce grace". Do you recall being described as
34 that?
35 A No, I don't remember.
36 Q Do you recall being described as having the
37 resolve to protect the vulnerable and to tell the
38 truth?
39 A No.
40 Q You would agree that that describes your
41 character, though?
42 A I would think so, yes.
43 Q Now, Archbishop Exner, do you agree that the
44 Catholic church is a hierarchical system?
45 A Yes.
46 Q It's an organized religion, and by organized,
47 meaning it's an institution that is hierarchical.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yeah.
2 Q All right. Do you agree that the church hierarchy
3 requires blind obedience to the Holy See?
4 A I thought -- well, maybe in some instances it may
5 come to that. In my own lifetime, whenever I had
6 run into a wall, I was able to talk my way through
7 it and found understanding.
8 Q And let's just talk about that a little bit,
9 because some of us in this courtroom perhaps
10 aren't Catholic, and I think we need to understand
11 some of the terminology. The Holy See is the
12 pope, correct?
13 A The Holy See is the --
14 Q The Vatican.
15 A -- pope and the congregation surrounding him.
16 Q Right. So, the curia?
17 A There's 16 of them. They do different things.
18 Q Right. So, there's the pope and his curia, c-u-r-
19 i-a, correct?
20 A Yeah, that's -- that's all the other departments
21 around him. That's the curia.
22 Q Right. So I'm not pronouncing it correctly, coria
23 [phonetic].
24 A Curia.
25 Q Got it. Now, the curia are 16 --
26 A Congregations.
27 Q Right. Catholic hierarchs that govern the
28 Catholic church -- the Roman Catholic church.
29 A Yeah. They do different things.
30 Q Right. Now, as bishop -- I just want to
31 understand the hierarchy. As bishop, who did you
32 answer to?
33 A Well, immediately, if there was an issue, would be
34 with the pope's representative in Canada, and if
35 that wasn't enough, it would go right up to Rome.
36 Q So the pope's representative is really his agent,
37 so you answer to the pope?
38 A Yeah, by answering to him.
39 Q Right. You had a direct line to the pope if
40 necessary?
41 A If necessary, yes.
42 Q And I understand there's generally a meeting of
43 all bishops in the world with the pope every five
44 years?
45 A Five years.
46 Q Right. So you would meet with the pope every five
47 years?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yes.
2 Q All right. But generally, in between those five
3 years, if you needed to speak to the pope, you
4 could.
5 A I'm sorry?
6 Q Generally, in between those five-year meetings, if
7 you needed to speak to the pope, you could.
8 A I suppose you could. I never had the need to do
9 that.
10 Q But you did --
11 A But normally you'd go to the nuncio.
12 Q The nuncio?
13 A In Ottawa; that's the pope's representative in
14 Canada.
15 Q Right.
16 A That's who your step -- you don't phone the pope.
17 You phone the nuncio.
18 Q The nuncio.
19 A Yeah.
20 Q Right. So it's almost like an ambassador for the
21 Vatican in Canada?
22 A Right. Right.
23 Q Right.
24 A Right.
25 Q And there's a Vatican embassy in Washington, D.C.
26 as well?
27 A Yeah.
28 Q All over the world. That's -- that's the line of
29 communication.
30 A Yeah.
31 Q But I -- what I want to understand is you didn't
32 answer to the Archbishop of Vancouver when you
33 were Bishop of Kamloops.
34 A Answer to him, no. I -- I was not under him, but
35 when we had a meeting of the bishops, the
36 archbishop would preside. He was -- the
37 archbishop's position is mostly honorary rather
38 than functional things. But when -- when the --
39 we have meetings regularly as bishops of British
40 Columbia, and it's the archbishop who calls the
41 meeting, the place, draws up the agenda and that
42 kind of thing.
43 Q Right. So just so I can understand, because you
44 were -- you're obviously here today to give
45 testimony about your time when you were Bishop of
46 the Diocese of Kamloops.
47 A Yes.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Which is itself an incorporation, by statute?
2 A Yeah.
3 Q Right. So it operates through that entity,
4 through a corporate entity?
5 A -- it's a corporate entity, yes.
6 Q Right. The Roman Catholic church itself does not
7 operate independently of its' dioceses?
8 A No.
9 Q It can only operate through these corporate
10 entities?
11 A Yeah.
12 Q Right; but then you went on from Bishop of
13 Kamloops to become Archbishop of the Vancouver
14 Archdiocese?
15 A Of Winnipeg first.
16 Q Winnipeg first -- my apologies, but what I want to
17 understand is that the Vancouver archdiocese and
18 archbishop really doesn't have authority or
19 control over the Bishop of Kamloops?
20 A No.
21 Q So in respect of this litigation, before I get
22 there, you are an archbishop *emeritus* so you are
23 no longer functional as an archbishop.
24 A No.
25 Q You are fully retired.
26 A Fully retired.
27 Q And enjoying retirement.
28 A I recommend it.
29 Q Except for today; I'm sure you're not enjoying
30 today. But otherwise you're --
31 A Not today.
32 Q -- enjoying retirement.
33 A I do.
34 Q All right. So you have no authority with respect
35 to --
36 A None whatsoever.
37 Q Right. And so, you are not the directing mind of
38 this litigation?
39 A None of it.
40 Q That is the Bishop of Kamloops?
41 A That's his job.
42 Q Right. So that is currently Bishop Nguyen?
43 A Nguyen.
44 Q N-g-u-y-e-n?
45 A Yes. Joseph Nguyen.
46 Q Right. And his Vicar General, Father Fred
47 Weisbeck, do you know him?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yes.
2 Q All right. So you can't tell them what to do.
3 A No. No, I have no -- no business relationships
4 with them whatsoever.
5 Q Right. So you're simply a witness in these
6 proceedings at this point.
7 A Yes, that's right.
8 Q Archbishop, do you agree that the purpose of the
9 Catholic church -- the Roman Catholic church is to
10 promote the spiritual health of its faithful?
11 A Of course.
12 Q Yes. And deacons, priests and bishops are tasked
13 with the ministry of the Catholic faithful?
14 A Yes.
15 Q We refer to them as the clergy.
16 A Yes.
17 Q Right. And it goes bishop first --
18 A Yeah.
19 Q -- priest below the bishop, and a deacon below the
20 priest.
21 A Right.
22 Q Deacons can marry?
23 A Deacons can marry.
24 Q Priests cannot.
25 A Not so far.
26 Q Right. And, of course, bishops are priests, and
27 they cannot marry?
28 A They cannot marry.
29 Q Not so far. We're going to come back to that.
30 So, Catholic clergy sit in the hierarchical system
31 above the laity?
32 A Yes.
33 Q And the laity really are the laypeople, the
34 parishioners.
35 A The what?
36 Q The parishioners -- the laypeople?
37 A Parishioners, yes.
38 Q Yeah. And Catholic clergy are respected by the
39 laity?
40 A I think they are.
41 Q Adored by the laity?
42 A Adored, that's pushing it.
43 Q Well, certainly when Mass happens, the laity stand
44 and there's some adoration of the clergy to some
45 degree.
46 A You come to adore the Lord in the Mass, not the
47 clergy.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Do you agree that the laity obey Catholic clergy?
2 A Usually, yes.
3 Q Right, because in any hierarchical system,
4 obedience is important?
5 A Yes.
6 Q Right. Now, as archbishop *emeritus*, and when you
7 were archbishop, you would be referred to as Your
8 Grace?
9 A As an archbishop, yes.
10 Q Right.
11 A As a bishop, Your Excellency.
12 Q That was my next question. So Your Excellency is
13 when you're a bishop?
14 A Yes.
15 Q And Your Grace is when you're archbishop.
16 A Yes.
17 Q All right. And a bishop is named by the pope
18 directly, correct?
19 A By -- yes, the pope, who uses the Congregation for
20 Bishops which consists of a bunch of cardinals and
21 bishops who study the input that comes regarding
22 prospective candidates.
23 Q Right.
24 A And they suggest them, and the pope appoints them.
25 Q Right. Sounds a bit like the way judges are
26 appointed, but -- so there's a pool of nominees --
27 A Yes.
28 Q -- that come in from the Congregation of Bishops
29 and the pope says, "I'm going to appoint you
30 bishop."
31 A Mm-hmm.
32 Q And that's an honour, a very big honour, I take
33 it?
34 A It's also a burden.
35 Q A burden and an honour, yes. Now, you, yourself
36 -- even though the pope names bishops, they aren't
37 usually consecrated by the pope.
38 A No.
39 Q Because that would be impractical.
40 A There's simply too many.
41 Q Right. So usually a bishop would be consecrated
42 -- and by "consecrated" means the ceremony --
43 A Ordained, yes.
44 Q Yes, ordained by his immediate superior
45 archbishop.
46 A Not necessarily.
47 Q Or cardinal?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Not necessarily. I chose -- you choose who you
2 want to ordain you, and I chose a bishop who
3 taught me catechism when I was about this big.
4 Q I see.
5 A He was a seminarian. He wasn't a priest yet, and
6 then -- but he taught me catechism in a summer
7 session.
8 Q I see.
9 A And he had a picture to prove it, so I chose him.
10 Q Right. Now, you, yourself, though, as archbishop,
11 have performed consecration ceremonies for
12 bishops?
13 A I have consecrated bishops, yes.
14 Q And you've also, I assume, performed probably
15 many, many ordinations of priests?
16 A Yes.
17 Q And just so we understand, ordination is the
18 ceremony in which the priest becomes the priest?
19 A Yes.
20 Q And in those ceremonies, there's a laying on of
21 the hands?
22 A That's right.
23 Q And just for the record, I'm holding my hands
24 forward as if there was priest kneeling or sitting
25 before me, correct?
26 A Put it right on his hands like -- on his head like
27 that.
28 Q On his head. So for the record --
29 A Right on --
30 Q -- you're placing your hands together in a flat
31 plane, and you're placing the hands on the head.
32 Why do you do that?
33 A It's a physical expression of a spiritual reality,
34 the conferring of the powers as the priesthood.
35 Q Right.
36 A Through -- you know, something visible. That's
37 what it is.
38 Q Right; the Holy Spirit?
39 A Yeah, the Holy Spirit acting through the priest --
40 to the priest through the bishop who puts his
41 hands on the head of the one to be ordained.
42 Q And forgive me, I didn't catch your exact words,
43 but you said it's a physical representation of a
44 spiritual reality?
45 A Yes.
46 Q All right. And we're going to come back to that.
47 I want to ask you about ontological change in a

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 moment, but we're not going to get there yet.
2 I want to talk a little bit about formalities
3 and decorum, okay? So I notice that you're
4 wearing your -- forgive me -- episcopal ring? Is
5 that how I say it?
6 A Yes.
7 Q Okay. It's a very large gold ring, and that --
8 you received that when you became bishop or
9 archbishop?
10 A No, I got that later. When -- at a given point in
11 the history of the recent church, there was a --
12 what do they call it now? My memory is bad. But
13 anyway, a Congregation of the Bishops of the world
14 in Rome, and at that congregation of all these
15 bishops, Pope Paul VI gave a ring like this to
16 each bishop there. I was not there, but I
17 inherited this from my predecessor in Kamloops,
18 and it's shaped like a bishop's mitre, the
19 bishop's hat that you wear.
20 Q Yes.
21 A And in the front there's engraved Jesus in the
22 middle and Peter and Paul on the sides. This was
23 -- it's a rather -- it's a very historic ring, and
24 it's also comfortable and attractive.
25 Q Yes.
26 A Nice ring.
27 Q So you -- you've been wearing that since you were
28 in Kamloops.
29 A Yes.
30 Q All right. And I see that you also have a large
31 -- large gold chain on your neck. Is that your
32 pictoral [phonetic] cross tucked in your pocket?
33 A Yes, that's a pectoral cross.
34 Q May we see it? Okay, so that's a large gold
35 cross. We call it a pictoral cross.
36 A Pectoral.
37 Q Pectoral. My apologies. It's made of gold?
38 A Gilded.
39 Q Gilded?
40 A No, it looks gold, but it isn't.
41 Q You wear it at all times?
42 A No.
43 Q No?
44 A Not in retirement.
45 Q You're wearing it today?
46 A Today I'm wearing it, yes.
47 Q Why did you have it tucked in your pocket,

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Archbishop?
2 A 'Cause it dangles around. It stays put if you put
3 it in your shirt pocket.
4 Q But you -- you wear it -- why do you -- why did
5 you wear it today?
6 A Well, it's a more formal occasion than every day
7 at home.
8 Q I take it you wear it for formal occasions, and
9 you wear it during Mass?
10 A Yeah -- not all the time.
11 Q Not all the time. Now, I want to understand
12 clerical clothes and choir dress. So you're
13 wearing the collar?
14 A Yes.
15 Q These are clerical clothes?
16 A Yes.
17 Q All right.
18 MR. HOGG: I'm going to object here. I -- the only --
19 and I won't do it again on this issue. I just sat
20 here and listened to this, I just don't know the
21 relevance to this case.
22 MS. KOVACS: My Lord --
23 MR. HOGG: And you're getting a history lesson, we're
24 getting a religion lesson, but -- and who -- you
25 know, to whose benefit?
26 MS. KOVACS: My Lord, context is everything here, and
27 this case is about a woman who says she was raped
28 between 70 and 100 times by a priest. The power
29 imbalance and the injury that is alleged to have
30 happened to her spiritual well-being is critical.
31 And having an understanding of the context is also
32 critical.
33 There is a point to every single question in
34 my cross-examination, and that will come to be
35 seen.
36 THE COURT: All right.
37 MS. KOVACS:
38 Q Now, I want to understand what choir dress is,
39 Archbishop Exner. These are symbolic vestments
40 pertaining to the office of the particular
41 clergyperson?
42 A Choir dress is what you -- the dress you wear when
43 you serve in church.
44 Q Right. And so a cassock -- can you explain what a
45 cassock is?
46 A Long black dress.
47 Q Sometimes with a belt of some kind?

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1 A Usually a belt.
2 Q Right. Coloured?
3 A Black.
4 Q Black, okay. If you're --
5 A For a priest.
6 Q Right. If you're archbishop, it's purple, right?
7 A Yes.
8 Q Right. Now, I'm going to mispronounce this, a
9 chasuble, what a --
10 A Yes.
11 Q Did I pronounce it correctly?
12 A Right.
13 Q All right. What's a chasuble?
14 A That's the outer garment we wear when you
15 celebrate Mass. It's the outer one --
16 Q It's a long cloak.
17 A -- the decorated one. Not long, not usually, but
18 decorated.
19 Q Right. To the waist maybe? It's a cloak?
20 A No, it'd be lower than that.
21 Q Lower than that.
22 A Yeah, with -- inch above the ankles.
23 Q What is an alb?
24 A An alb is the white garment that you wear
25 underneath the chasuble. It's a white linen
26 garment that you wear underneath the chasuble.
27 Q And a stole?
28 A A stole is this -- oh, how do you explain a stole?
29 Q Like a scarf almost, a long --
30 A Well, it -- it does -- you put it around your neck
31 and it has two pendants, one on each side.
32 Q And those are often embroidered.
33 A They're usually -- often decorated, yes.
34 Q Right. Sometimes with gold embroidery?
35 A Sometimes.
36 Q So your attire today is really toned down from
37 what it would be if you were actually saying Mass,
38 or celebrating Mass.
39 A Oh, yes.
40 Q And a priest would not, in usual circumstances,
41 celebrate Mass without the chasuble, alb and
42 stole.
43 A Normally not.
44 Q Because this is inherently necessary to identify a
45 priest's superior position within the hierarchy of
46 the Catholic church's traditions and rituals.
47 A I suppose so.

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1 Q Now, Archbishop, do you need a -- do you need a
2 break now, 'cause we go until 12:30. Are you okay
3 to go?
4 A 12:30, I can go.
5 Q All right. You just let me know if you need a
6 break, okay?
7 Now, can you please define the word
8 "clericalism" for me?
9 A Clericalism?
10 Q Yes, please.
11 A How would you define it? I wish I had a --
12 Q I could suggest one to you --
13 A -- dictionary here.
14 Q -- and you can agree with it or not.
15 A Have you?
16 Q I can -- well, Pope Francis, I understand, has
17 described clericalism as an attitude embraced by
18 priests and bishops into which they see themselves
19 as special or superior to others. Do you agree
20 with that definition?
21 A Yeah, that's a [indiscernible] guide, yeah.
22 That's a good description.
23 Q So perhaps a synonym for clericalism could be
24 narcissism, perhaps? That's a good synonym?
25 A I'm sorry, I didn't hear that.
26 Q A synonym for clericalism could be narcissism?
27 A Narcissism? Wee bit of it, yeah.
28 Q Right. Do you view clericalism as a negative or a
29 positive term?
30 A There's a little bit of both.
31 Q Now, are you able to explain to me some of the
32 reasons for the existence of clericalism in the
33 Roman Catholic church?
34 A I wouldn't venture to take a stab at that. Many
35 reasons. Many reasons.
36 Q Many reasons.
37 A Many of them are personal and part of individuals.
38 I wouldn't venture to --
39 Q You would agree, though, like any institution made
40 up of humans, that power and greed and ego can
41 play a role.
42 A Yes. Obviously.
43 Q And that those three things perhaps feed
44 clericalism in the culture of the Roman Catholic
45 church. They exist.
46 A Yeah.
47 Q Now, as a moral theologian, do you accept that

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1 power and clericalism have played a role in
2 creating the sexual abuse crisis that has rocked
3 the Catholic church?
4 A I --
5 THE COURT: I did not hear from your friend, but I'm a
6 bit concerned about that question.
7 MS. KOVACS: All right. Well --
8 THE COURT: How is that relevant?
9 MS. KOVACS: My Lord, it's relevant to this witness's
10 conduct in how he responded to the allegations of
11 sexual impropriety for the defendant priest at the
12 material time.
13 THE COURT: Well, I understand that, but inviting his
14 opinion about what has rocked the Catholic church
15 I think is a little beyond that.
16 MS. KOVACS: Fair enough. He is here to give factual
17 evidence and not opinion evidence.
18 Q Archbishop Exner, you are familiar with St. John
19 Vianney?
20 A Yes, somewhat.
21 Q In fact, as a bishop of the Diocese of Kamloops,
22 back in '79 and '80, you actually asked Father
23 John Ditsall [phonetic] to start a new parish in
24 Kamloops named after St. John Vianney.
25 A Yes. Yes.
26 Q Right. You blessed the building site?
27 A Yes. Helped dig the foundations.
28 Q You helped dig the foundations.
29 A Physically.
30 Q You got a shovel out?
31 A Yes.
32 Q I understand. And that became a state-of-the-art
33 building that was finished in 1981?
34 A Somewhere in there, yes. I was gone by then.
35 Q By 1981?
36 A Oh, yeah.
37 Q Right. But that was a new parish that you helped
38 create within the diocese.
39 A I started it, yes.
40 Q And it's in Kamloops. It's in Kamloops.
41 A It's in Kamloops.
42 Q So, in Kamloops, even though the diocese chancery
43 offices were attached to the Our Lady of Perpetual
44 Help parish, really you were governing a number of
45 different parishes in the province.
46 Would you like some water?
47 A Yeah, I have some, thank you. The diocese of

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1 Kamloops covers about 100,000 square kilometres.
2 And it takes about -- right now I think the
3 Catholic population of the diocese is about
4 75,000. It was less when I was there.
5 Q Now, St. John Vianney, he is the patron saint of
6 parish priests.
7 A Yes.
8 Q He was canonized -- would you like a break,
9 Archbishop?
10 A Sorry. I'll be all right.
11 THE CLERK: Thank you.
12 A Thank you.
13 MS. KOVACS: Not to worry, that's [indiscernible/voice
14 fades away]. All right.
15 Q St. John Vianney was canonized by Pope Pius VI in
16 1925; is that correct?
17 A I don't know.
18 Q But he was particularly dedicated to the sacrament
19 of reconciliation?
20 A Yes.
21 Q That's otherwise known as confession?
22 A Yes.
23 Q Right. And in fact, in his latter years, his
24 parish in France became a pilgrimage site for
25 Catholic faithful.
26 A Exactly.
27 Q Seeking confession. Do you recall Saint John
28 Vianney's comments about priesthood?
29 A Well, I know some of his comments, but I don't
30 know what you're referring to.
31 Q Perhaps I'll refresh your memory, and you can tell
32 me if they -- if they trigger your memory, do you
33 agree with them. But he described priesthood to
34 the masses, right? He has many famous quotes
35 about what priesthood means.
36 A Mm-hmm.
37 Q Sorry, that's a yes?
38 A Yes.
39 Q [As read in]:
40
41 The priesthood is the love of the heart of
42 Jesus.
43
44 That was something he said? Do you remember?
45 A I don't remember it, but he's not too far off.
46 That's what the ideal is.
47 Q Do you recall one of his quotes to be [as read

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1 in]:
2
3 If you want a diocese to be converted, then
4 the parish priest must become saints.
5
6 Do you recall that one?
7 A No, I don't. I don't remember all of them. I'm
8 90 years old.
9 Q Fair enough.
10 A And my memory is shot.
11 Q Let me give you one more. I've got a list of
12 them, but I'm only going to give you one more [as
13 read in]:
14
15 Without the sacrament of the Holy Orders, we
16 would not have the Lord. Who put him there
17 in that tabernacle? The priest. Who
18 welcomed your soul at the beginning of your
19 life? The priest. Who feeds your soul and
20 gives it strength for its journey? The
21 priest. Who will prepare it to appear before
22 God, bathing it one last time in the blood of
23 Jesus Christ? The priest; always the priest.
24 And if this soul should happen to die, who
25 will raise it up? Who will restore its
26 common peace again? The priest. After God,
27 the priest is everything.
28
29 Have I recited his words accurately?
30 A I'm sorry?
31 Q Have I recited his words accurately?
32 A I don't remember hearing those words. It's the
33 first time I hear them.
34 Q Oh.
35 A So I don't know if you quoted it accurately.
36 Q All right. But generally it's consistent with
37 what you know about St. John of Vianney who was
38 the patron saint --
39 A Yes.
40 Q -- of priests.
41 A And consistent with his style.
42 Q Now --
43 A I'm okay.
44 Q You're okay?
45 A Don't worry.
46 Q All right. I touched on this earlier when we
47 talked about the laying on of the hands. Is what

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1 you were describing there ontological change?
2 A Yes.
3 Q All right. What is ontological change?
4 A Changing the level of being. That's ontology.
5 Q Right.
6 A Changing the level of being, the very being of the
7 person has changed.
8 Q And in Catholic teachings, and -- is that a
9 metaphorical phrase for the change of the priest,
10 or does it refer to an actual transformation?
11 A An actual transformation.
12 Q So this is the ordination of the priest is
13 ontologically changed. He's no longer simply a
14 human being.
15 A But he's a human being with -- who is ordained,
16 and he stays a human being, believe me.
17 Q Oh, I'm sure. But being --
18 A Doesn't cease.
19 Q What is special about ontological change,
20 Archbishop? What is it?
21 A I can't answer that. That's beyond me. I can't
22 answer. Ask a metaphysician. I'm not a
23 metaphysician.
24 Q But you believe, and the Catholic church believes
25 that a priest is metaphysically transformed into a
26 servant of God.
27 A So yes, that's what ordination is about.
28 Q He becomes a man of God.
29 A Yes.
30 Q And as of his ordination, the Catholic laity and
31 other clergypersons -- clergymen refer to him as
32 Father.
33 A Yes.
34 Q And because he is responsible for the spiritual
35 care of the people.
36 A Right.
37 Q And it's symbolically parental.
38 A To a degree.
39 Q It is a parent-like relationship. That's why we
40 call him Father.
41 A Okay.
42 Q Do you accept that? We talked about that at
43 discovery. I can take you there if you like, but
44 you accept that?
45 A Okay.
46 Q All right. Now, a priest exclusively administers
47 several sacraments, and a priest of course can be

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1 a bishop, but only a priest can administer certain
2 sacraments, correct?
3 A Mm-hmm.
4 Q That's a yes?
5 A Yes.
6 Q All right. And is this what distinguishes a
7 Catholic priest from perhaps ministers of other
8 faiths, to your knowledge, is the ability to
9 administer sacraments?
10 A I'm sorry?
11 Q Is this what distinguishes a Catholic priest from
12 perhaps a minister of other faiths, is the
13 administration of sacraments?
14 A I'd go slow before I interpret what other
15 ministers think they are.
16 Q Right.
17 A I don't know.
18 Q Okay, fair enough. But the sacraments are really
19 holy rites of passage; is that an accurate
20 description of what they are?
21 A They are.
22 Q Holy rites of passage.
23 A Holy rites of passage.
24 Q Baptism?
25 A Baptism certainly is.
26 Q Confirmation?
27 A Well, in the sense they all are intended to get us
28 from this world to the happy place in the next.
29 Q Exactly.
30 A So, yeah, you could say that they're transitioning
31 in that sense.
32 Q Right. And so there's the sacrament of sick, of
33 course.
34 A Yes.
35 Q All right. As also known as extreme unction?
36 A Yes.
37 Q And reconciliation or confession, that requires a
38 priest?
39 A Yes.
40 Q And a priest is there to serve the Mass.
41 A Yes.
42 Q In Mass, when Mass is being celebrated, it's
43 tradition to stand when the priest enters the
44 church for Mass?
45 A Usually does.
46 Q Without a priest, there can be no Eucharistic
47 offering at Mass.

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1 A There can be no Mass. There can be communion,
2 communion services, and now with the shortage of
3 priests, more and more there are communion
4 services in different communities and they're led
5 by laypeople.
6 Q Right. So families and parishioners can assist in
7 offering communion.
8 A Yes.
9 Q Which is the Eucharist.
10 A Yeah.
11 Q And I want to just make sure we all understand
12 what the Eucharist offering is. Can you just
13 briefly describe the Eucharistic liturgy and how
14 that happens in the context of a Mass?
15 A I don't think I'm capable anymore.
16 Q Okay. But the priest has the power over the
17 sacramental body of Christ to consecrate the wine
18 and the bread.
19 A He consecrates the wine and the bread.
20 Q He takes ordinary wine and bread and makes it
21 holy, correct?
22 A Changes into body and blood of Christ.
23 Q Right. And that happens in the Mass.
24 A Yes.
25 Q So he -- when he's celebrating Mass in front of
26 the Catholic laity, says, "This is the body of
27 Christ, this is the blood of Christ." He has
28 changed it magically in the Mass.
29 A By divine power, not magically.
30 Q Right. Divine power. Now, he blesses it? Does
31 that happen or is it just that it changes?
32 A Yeah.
33 Q Now, the -- there's a chalice for the wine?
34 A Yes.
35 Q And then he shares the holy bread with those in
36 communion with the Holy Church. What does -- or
37 with the Catholic church. What does it mean to be
38 in communion with the Catholic church.
39 A Be in harmony with it.
40 Q And to be in harmony with it, you have to --
41 A I can't go into all of that.
42 Q No, I just want the basics. I don't want -- I
43 want --
44 A Be in good standing with the Catholic church.
45 Q All right.
46 A That's about as general a statement as I can make.
47 To go into the details, impossible.

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1 Q Right. But generally you have to have had
2 reconciliation. You have to have gone to
3 confession to --
4 A Not every time.
5 Q Not every time. At least once a year?
6 A Once a year, yes. Definitely.
7 Q But generally, you should not -- you're not in
8 communion with the Catholic church if you haven't
9 gone to confession for a long time.
10 A Yeah.
11 Q All right.
12 A You're not in good -- your relationship.
13 Q But parishioners, the laity, they line up in Mass,
14 they approach the altar, and they receive the
15 wafer from either the priest or a Eucharistic
16 minister, which is a layperson?
17 A Right.
18 Q But the priest generally is there handing the
19 wafers?
20 A Yeah, the priest is always there.
21 Q Right. And the parishioner can either accept it
22 directly from the priest or Eucharistic minister
23 onto their tongue or they can hold out their hands
24 in a cupped portion and -- or formation and
25 receive the wafer that way.
26 A Right.
27 Q Right. And at the time that that happens,
28 Eucharistic minister or the priest says, "The body
29 of Christ".
30 A Right.
31 Q And that is meant to say, "I am giving you the
32 body of Christ".
33 A That's right.
34 Q And a true Catholic believes that is the body of
35 Christ, because it's been made into the body of
36 Christ by the priest.
37 A Right.
38 Q And the recipient responds by saying, "Amen".
39 A Right.
40 Q Now, I wanted to talk a little bit about the
41 sacrament of confession, also known as penance or
42 reconciliation. The idea that men and women of
43 the laity can confess their sins and have them
44 absolved by God --
45 A Not only the laity. Priests and bishops go to
46 confession too.
47 Q All Catholics do.

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1 A All Catholics do.
2 Q Right, okay. But the idea that you can confess
3 your sins to the priest and, through the priest,
4 you're absolved by God Himself.
5 A You receive absolution, yes.
6 Q Right. The priest has the power to grant --
7 A That's -- that's --
8 Q -- absolution to the penitent.
9 A -- a priestly power, yes.
10 Q And the intent of the sacrament is to provide
11 healing for the soul.
12 A Right.
13 Q As well as to redeem the grace of God which is
14 lost by sin, correct?
15 A Right.
16 Q Now, the Catholic church teaches that sacramental
17 confession requires three acts on the part of the
18 penitent: contrition, which is sorrow of the
19 soul, sincere sorrow of the soul for the sins
20 committed; disclosure of the sins, which is the
21 confession, the act of confession --
22 A Mm-hmm.
23 Q -- and satisfaction, which is penance, so doing
24 something to make amends for their sins, correct?
25 A Right.
26 Q Right. And you would agree that a Catholic is
27 obliged to confess a mortal sin at the earliest
28 opportunity?
29 A That's right.
30 Q A Catholic is obliged to confess a mortal sin --
31 A Yes.
32 Q -- earliest opportunity. Can you give us an
33 example of what a mortal sin is?
34 A It's a serious sin.
35 Q Adultery?
36 A Yes, very much so.
37 Q In theological terms, the priest acts *in persona*
38 *Christi*. What does that mean?
39 A With the power of Christ.
40 Q He is in --
41 A Or in acting on behalf of Christ.
42 Q He is standing in the position of Christ.
43 A As an ordained minister, he is acting on behalf of
44 Christ, *in persona Christi*. He's acting as though
45 Jesus were there, the person, but he's not there,
46 but he represents him.
47 Q Yes. And he has the power of jurisdiction over

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1 the penitent who may be kneeling or sitting before
2 him. He has the power of jurisdiction over the
3 penitent who may be kneeling or sitting before
4 them.
5 A That is in -- before him. They don't have to sit
6 or kneel. That's irrelevant.
7 Q Usually the custom, though, correct?
8 A It's the custom, yes --
9 Q Right.
10 A -- but you can -- I have -- I have heard people's
11 confessions walking down the sidewalk in a city,
12 broad daylight.
13 Q Yes. So confessions can happen anywhere.
14 A Anywhere.
15 Q Right. Traditionally, though --
16 A Parking lots.
17 Q Yes. Traditionally, though, there are -- there's
18 something called a confessional booth or box.
19 A Yes.
20 Q And you see those in some of the older churches
21 especially.
22 A Yes.
23 Q And the priest sits in the middle and there are --
24 are penitent boxes seated -- seated on either
25 side.
26 A Those are the old traditional ones, yeah.
27 Q Right. And traditionally the priest sits with his
28 ear to the screen?
29 A Yes.
30 Q Right. The priest is slightly illuminated but the
31 penitent is not. Usually? There's -- anonymity
32 is --
33 A Roughly. Roughly, yes.
34 Q Right. Anonymity is important sometimes to the
35 penitent.
36 A Yeah, but it takes many different forms and
37 shapes.
38 Q But typically the penitent begins the sacramental
39 confession by saying, "Forgive me, Father, for I
40 have sinned."
41 A Yes.
42 Q And the penitent is seeking absolution --
43 A Yes.
44 Q -- a pardon for their wrong.
45 A That's why they come to confession.
46 Q And the priest sometimes, sometimes not, will say,
47 "I absolve you from your sins in the name of the

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1 Father, the son and the Holy Spirit".
2 A Mm-hmm.
3 Q And makes the cross, correct?
4 A [No audible response].
5 Q All right. And then the priest will finish the
6 confession with, "God has forgiven your sins. Go
7 in peace." Those are the words.
8 A Something like that.
9 Q Now, a priest, when ordained, takes three vows to
10 enter consecrated life.
11 A I'm sorry?
12 Q A priest, when ordained, takes vows to enter
13 consecrated life. There are vows during the
14 ordination ceremony. A vow of obedience to God?
15 A Yeah.
16 Q Obedience to the church? That's a vow that's
17 taken by a priest?
18 A Not a formal vow.
19 Q But it is a vow.
20 A I suppose you can call it that.
21 Q And there is also a vow of celibacy.
22 A Yes.
23 Q And earlier we talked about this when we were
24 talking about deacons marrying and priests not
25 marrying. Generally speaking, at present, priests
26 cannot marry, and that's historically been that
27 way since --
28 A A long time.
29 Q -- for a thousand years. Maybe not quite a
30 thousand. But that vow of celibacy is part of the
31 ordination ceremony.
32 A I believe it is.
33 Q And do you agree, though, that nowhere in the New
34 Testament does it explicitly say that priests are
35 required to be celibate?
36 A I don't know where it does.
37 Q To your knowledge, it doesn't anywhere.
38 A No.
39 Q In fact, historically, even the first Pope, St.
40 Peter, was a married man.
41 A Yeah. The apostles were married men, most of
42 them.
43 Q Do you agree that celibacy is one of the biggest
44 acts of self-sacrifice a Catholic priest is called
45 upon to make?
46 A It can be, yes.
47 Q Because he is foregoing spouse, progeny and sexual

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1 fulfillment.
2 A Yes.
3 Q And this is a sacrifice made for the benefit of
4 his relationship with parishioners and with God.
5 A Right.
6 Q And according to the Catholic church's Code of
7 Canon Law, and just so we understand because I
8 don't think we've had a proper understanding of
9 what the Code of Canon Law is, the Catholic
10 church's Code of Canon Law is an internal legal
11 system of rules.
12 A A collection of the church's laws.
13 Q Right. And so that governs the Roman Catholic
14 church. That's a yes?
15 A Yes.
16 Q Sorry, unfortunately -- I'll try and catch you,
17 but the head nodding doesn't turn up on the
18 record.
19 Now, and according to the Code of Canon Law,
20 celibacy is called a special gift of God.
21 A I guess so. I'm not sure.
22 Q And the understanding though is that celibacy
23 allows practitioners to follow more closely the
24 example of Christ who was chaste.
25 A Okay.
26 Q Do you accept that?
27 A Yes.
28 Q That's generally understood.
29 A Yes.
30 Q All right. All right. And God really is the
31 priest's highest calling. That's another reason
32 for the vow of celibacy.
33 A Okay.
34 Q Because if a priest were to have a family, there
35 would be the potential for conflict between
36 spiritual and familial duties. Do you agree with
37 that?
38 A Well, you have more -- more things to look after
39 than be single.
40 Q Other priorities.
41 A Yes.
42 Q Now, the Vatican regards it as being easier for
43 unattached men to commit to the church; is that
44 correct?
45 A I'm sorry?
46 Q The Vatican regards it as being easier for
47 unattached men to commit to the church. Is that

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1 something that the Vatican states, that it
2 believes that unattached men are more committed to
3 the church?
4 A I don't -- have never heard the church say that.
5 You know, in the church, there are different
6 rites. We belong here to the Latin rite, but
7 there are some 17 rites, and in some of those
8 rites, the clergy are married.
9 Q Yes, of course.
10 A Yeah.
11 Q Yeah, but not in the Latin Roman Catholic church.
12 A Not in the Latin rite.
13 Q Right. Now, you agree, though, that celibacy is a
14 discipline rather than a dogma.
15 A Oh, yes, it's a discipline.
16 Q Right. So the latter --
17 A Not a dogma.
18 Q And a dogma meaning it's -- it's not a divinely
19 revealed truth from God that can't be altered.
20 A Yeah.
21 Q So this can be altered.
22 A Yes.
23 Q And in fact you said, when we talked about
24 marriage, you said "for now", so there's always
25 some talk in the church, and there has been for
26 decades, about whether or not the vow of celibacy
27 should be removed.
28 A Yeah. Very recently, Pope Francis suggested that
29 maybe they should ordain married men in the Amazon
30 in Peru. That may -- that may be a beginning of
31 something. I don't know if he'll follow through,
32 but that's what he said.
33 Q Because there -- you accept and you understand, as
34 a hierarch in the Catholic church, or a former
35 hierarch, that celibacy is a very delicate subject
36 within the Roman Catholic church for two reasons.
37 A Very much so.
38 Q One, because there's often a prayer for vocations,
39 there's the shortage of priests, and celibacy may
40 be a roadblock to attracting more priests; is that
41 right?
42 A For some.
43 Q And the other delicate -- the reason it's delicate
44 is because of its implication in the church sex
45 abuse crisis. That's your understanding?
46 A Yes.
47 Q Now, do you agree that -- I mean, you went through

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1 seminarian life, you've already mentioned it to
2 us, but do you agree that seminarian life begins
3 just as young men are beginning to mature?
4 A Yeah, they usually start quite young.
5 Q 12, 13, 14?
6 A No, they're not that young.
7 Q Minor seminarians.
8 A The seminarians are usually -- they've finished
9 high school, maybe one or two years of university,
10 and then they go to the seminary.
11 Q There is, for example, Christ the King seminary
12 where there are minor and major seminarians --
13 A Yes.
14 Q -- and some of them are as young as 12.
15 A In the high school, yes.
16 Q Yes.
17 A In the school pre [phonetic] --
18 Q Right. And do you agree, though, that sexuality
19 was not traditionally addressed in a seminarian's
20 education?
21 A It is -- I'm sorry?
22 Q Sexuality was not traditionally addressed in a
23 seminarian's education.
24 A Not adequately.
25 Q Not adequately. Do you agree -- I'll hold back on
26 that one. Is it generally understood by you and
27 your peers that sexually dysfunctional clerics are
28 sometimes created by an early seminarian life?
29 A Not necessarily.
30 Q Not necessarily. They can be?
31 A It can be, yes.
32 Q Do you agree that a priest psycho -- or do you
33 understand, and is it the general understanding of
34 your former peers in the church hierarch -- or
35 hierarchy, that a priest's psychosexual
36 development may be stunted at the seminary stage,
37 seminarian stage?
38 A Because of the seminary? I have no expertise in
39 that. I can't really answer that.
40 Q I appreciate that. Is that something that you
41 knew as archbishop and bishop before that?
42 A I've thought of it, but I can't answer that.
43 Q Has it been discussed as amongst your fellow
44 bishops and archbishops when you were in power?
45 A Occasionally, yes. It was never resolved.
46 Q And do you agree that in your experience, some
47 priests are psychosexually immature?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Oh, sure.
2 Q That's been your observation over the years.
3 A Uh-huh.
4 Q Now, I don't intend to spend a lot of time on
5 this, but we -- at your discovery you'll recall we
6 talked about your own thesis for your doctorate in
7 theology. Do you remember that discussion?
8 A Vaguely.
9 Q Vaguely. But your -- your thesis focused on the
10 morality of an East Indian practice of avoiding
11 conception during intercourse without climax,
12 correct?
13 A Yeah.
14 Q And it was your position in your thesis that that
15 practice could lead to abuse.
16 A Very easily.
17 Q Because in Catholic teaching, ejaculation without
18 intercourse is morally wrong.
19 A I'm sorry?
20 Q Because in Catholic teaching, ejaculation without
21 intercourse is morally wrong. That's the --
22 A Right, right.
23 Q -- premise of your thesis.
24 A Right.
25 Q And so even in Catholic teaching, masturbation is
26 considered morally wrong.
27 A Yes.
28 Q But that rule is just for the laity, correct?
29 A No, it's for everybody.
30 Q Right. But where -- but when we're talking about
31 that rule, though, really you're not usually
32 talking about clerics because clerics aren't --
33 well, priests and above are expected to abide by
34 the vow of celibacy.
35 A Are expected to, but they don't always.
36 Q Right.
37 A In the case we're dealing with is -- adds the
38 proof.
39 Q Right. And, Archbishop, you spent a long time in
40 the church as Bishop of Kamloops and then
41 Archbishop of Winnipeg, and Archbishop of
42 Vancouver. In your observation over the years,
43 would you agree with the generally known or
44 generally proposed statistic that only 50 percent
45 of the celibacy -- or 50 percent of priests that
46 are actually celibate?
47 MR. HOGG: I'm -- is that a statistic? I don't know

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 what my friend's doing.
2 A I can't answer that.
3 MR. HOGG: I'm going to object to this.
4 THE COURT: Well, I -- I would be shocked if he could
5 answer that anyway.
6 MS. KOVACS: I'll move on.
7 Q But you'd agree with me, Archbishop, that the vow
8 of celibacy assists in upholding the image of
9 clerical mysticism and superiority of the priest;
10 is that right?
11 A I don't know if it does. I've -- I never felt
12 superior to anybody.
13 Q You didn't.
14 A No. Most priests don't, I would say, my
15 experience.
16 Q But you're certainly respected as a superior in
17 the hierarchy. You're respected as a superior in
18 the hierarchy of --
19 A In the hierarchy as a bishop, yes.
20 Q Now, women have historically been considered
21 inferior in the Catholic church, correct?
22 A I suppose so.
23 Q Women cannot be priests.
24 A Yeah.
25 Q Women cannot fulfil any hierarchical roles.
26 A Yeah.
27 Q Even nuns are considered inferior to priests?
28 A Yes.
29 Q And parishioners, whether male or female, look to
30 a priest for guidance.
31 A That's correct.
32 Q Do you -- there are probably a billion Roman
33 Catholics in the world, correct?
34 A Yeah.
35 Q Somewhere around there. Three thousand hierarchs
36 govern the Roman Catholic church, mostly bishops?
37 A I don't know about those numbers.
38 Q The hierarchy is all male.
39 A Yes, the bishops are all male.
40 Q And all priests and bishops have taken a vow of
41 celibacy.
42 A Yes.
43 Q And this is the way, it's your understanding, that
44 canon law of the Roman Catholic church says God
45 wants it to be.
46 A I'm sorry?
47 Q This is the way God wants it to be. That's what

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 canon law says.
2 A Does it?
3 Q I'm asking you if you understand that or if that's
4 your knowledge?
5 A I've never seen that in canon law.
6 Q All right. That's just --
7 A Never seen that in canon law.
8 Q So that's a custom.
9 A Pardon?
10 Q That's a custom that's come to be with the Roman
11 Catholic church, and not necessarily law, that
12 clergy and hierarchy are all male?
13 A I don't -- I have no explanation for that.
14 Q It just is.
15 A I don't --
16 Q But the clergy are tasked with providing
17 compassionate pastoral care of the laity. That's
18 their job.
19 A That's their job, yes.
20 Q And the laity includes female parishioners.
21 A Right.
22 Q Now, you were consecrated as bishop of the Diocese
23 of Kamloops in March of 1974.
24 A Right.
25 Q And, as bishop, you had responsibility for and
26 authority over priests, deacons and the laity of
27 the diocese.
28 A Everybody.
29 Q Do you agree that -- and I've just taken this from
30 the Code of Canon Law, but a diocese is a portion
31 of the people of God which is entrusted for
32 pastoral care to a bishop. That's correct?
33 A That's correct. I won't argue with canon law.
34 You get in trouble.
35 Q I'll try not to misquote it to you. What is
36 pastoral care?
37 A Pastoral care, that's caring for people in their
38 relationship with God and each other.
39 Q It's an ancient model of care, correct?
40 A Yeah, it goes back to the time of the apostles and
41 Jesus.
42 Q And it's meant to address the emotional, social
43 and spiritual support to be provided to
44 parishioners and Catholics.
45 A Yes.
46 Q And the term pastoral ministry, that originates
47 with the idea that a shepherd has a role in caring

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 for his sheep. My friend actually referred to a
2 Mass that you spoke -- you celebrated as the
3 flock. It's generally -- pastoral care, the
4 origin of that wording comes from the idea that a
5 shepherd leads his flock.
6 A Yeah.
7 Q And the term is a metaphor for Christ is the
8 shepherd caring for his flock of souls. That's
9 correct?
10 A Yeah.
11 Q Can you tell me, Archbishop, what are the very
12 basic responsibilities of a bishop?
13 A Of a bishop?
14 Q Mm-hmm.
15 A To run the diocese and to what that may -- run
16 means, that means a whole bunch of things that I
17 cannot go into.
18 Q All right. But generally your responsibility,
19 your -- the biggest responsibility you have is to
20 ensure that pastoral -- pastoral care is being
21 provided to your diocese.
22 A Yes.
23 Q Who is the bishop responsible for in the diocese?
24 A For all his parishioners.
25 Q And the clergy underneath him.
26 A Pardon?
27 Q And the clergy underneath him.
28 A And the clergy and the religious.
29 Q Does the bishop also have authority over and
30 responsibility for all ministries that take place
31 in the diocese, so --
32 A Yes, yes.
33 Q -- hospitals, educational --
34 A Yeah. He's on top of the heap.
35 Q Top of the heap, got it. Now, does the bishop
36 have sole authority for founding or erecting a
37 parish, like St. John Vianney?
38 A Well, I guess he could do it by himself, but he
39 usually works through his Presbyteral Council. He
40 has a council of priests to help him, and, you
41 know, three, four, five heads are usually better
42 than one.
43 Q Right. So kind of like the pope and his curia.
44 A Yeah.
45 Q Right. So a bishop has --
46 A So you have -- you have your own curia.
47 Q Right. So a bishop has his Presbyteral Council.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yeah.
2 Q Is that the same as the Diocesan Council that we
3 referred to earlier?
4 A Diocesan Council includes laity.
5 Q So there's a Presbyteral --
6 A Presbyteral Council is only priests. Diocesan
7 Council includes laity.
8 Q Does the Presbyteral Council take minutes?
9 A Oh, yes. They're on record.
10 Q I see. Careful minutes?
11 A Pardon?
12 Q Careful minutes?
13 A Oh, I'd say so.
14 Q When you were the Bishop of Kamloops, where were
15 those minutes kept, Archbishop?
16 A In a filing cabinet.
17 Q But they absolutely existed?
18 A Pardon? Oh, yes.
19 Q They absolutely existed.
20 A They existed, yes.
21 MS. KOVACS: My Lord, I note the time. I wonder if we
22 might take the lunch break now.
23 THE COURT: That's fine. Two o'clock. We're adjourned
24 till 2:00. All right?
25 A Very good. Thank you, sir.

26
27 (WITNESS STOOD DOWN)

28
29 (PROCEEDINGS ADJOURNED FOR NOON RECESS)
30 (PROCEEDINGS RECONVENED)

31
32 **ADAM EXNER, recalled.**
33

34 MS. KOVACS: My Lord, Mr. Registrar has reminded that
35 we actually didn't mark the Catholic Encyclopedia
36 section on the *reservation* [phonetic] *mentales* as
37 an exhibit, and I just suggest we mark it as an
38 exhibit for identification. It doesn't need to go
39 in.
40 THE COURT: All right.
41 MS. KOVACS: Mr. Registrar, is that Exhibit B?
42 THE CLERK: It's Exhibit B, My Lord.
43 THE COURT: All right.

44
45 **MARKED B FOR IDENTIFICATION: Five-page**
46 **document taken from Catholic Encyclopedia,**
47 **Volume 10**

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

CROSS-EXAMINATION BY MS. KOVACS, CONTINUING:

- 1
2
3
4 Q Archbishop Exner, before the break you had told me
5 that there was a Presbyteral Council and a
6 Diocesan Council and those are two separate
7 things, correct?
8 A Yes.
9 Q And the Diocesan Council includes laypeople?
10 A Yes.
11 Q Whereas the Presbyteral Council does not.
12 A No.
13 Q Do the two councils serve different functions?
14 A Yes.
15 Q What are those different functions?
16 A I don't remember the exact terms of reference for
17 each one, but what the Presbyteral Council has to
18 do more directly with the clergy. The Diocesan
19 Council has a wider deal, education and healthcare
20 and whatnot else --
21 Q Handling the affairs of the diocese.
22 A Servicing the poor and so on.
23 Q But the Presbyteral Council would be a council
24 that you would go to if you had a problem with a
25 priest?
26 A Yes, that would be the one.
27 Q And you said that meeting minutes were kept from
28 that council?
29 A I'm sorry?
30 Q Meeting minutes were kept? You kept minutes of
31 the meetings?
32 A Oh, yes, there were minutes.
33 Q And you said they were in a filing cabinet.
34 A They were -- yeah, they're in the filing cabinet
35 in Kamloops.
36 Q Where -- in Kamloops?
37 A Yes.
38 Q Where -- where in -- where was that filing cabinet
39 kept?
40 A The live ones were in my office, and then when
41 they were full, they would go downstairs into a
42 locked room and they were classified there, kept.
43 Q Okay. So they're kept in a locked room --
44 A Yes.
45 Q -- in the chancery?
46 A Yes. The dead ones.
47 Q The dead ones. So they hold --

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A The ones that's full, the old ones. The active
2 ones stay up in the chancery offices.
3 Q They remained in your possession as long as they
4 were still materially relevant?
5 A Yeah.
6 Q Do you know where those minutes have gone to?
7 A I've no idea. I've been gone for 40 years.
8 Q Right. You didn't take any of those minutes with
9 you?
10 A No, I didn't take any of it. I left everything
11 there.
12 Q None of them are kept at The Crescent?
13 A No.
14 Q Which is where you are now.
15 A No, no, none of -- everything else is in --
16 Q So to the best of your knowledge, any minutes
17 reflecting Presbyteral Council meetings would be
18 still with the chancery?
19 A They should be there.
20 Q In Kamloops?
21 A Yes.
22 Q All right. We'll come back to that. We -- we'd
23 sidetracked before the break, talking about the
24 Presbyteral Council because we -- that issue was
25 introduced when we were talking about the bishop
26 having the authority to erect a parish. Is the
27 bishop's assent required to establish a school in
28 the diocese?
29 A I'm sorry?
30 Q Is the bishop's assent required to establish a
31 school in the diocese?
32 A Yes.
33 Q A Catholic school.
34 A I believe so.
35 Q Also to close a school?
36 A Yeah.
37 Q Can a bishop remove the Catholic identity of a
38 school?
39 A I imagine if he has adequate reason to do so, he
40 might be able to do so.
41 Q Right. Have you, as a bishop, ever removed a
42 Catholic identity or accreditation from a school
43 or hospital?
44 A No.
45 Q What about as archbishop?
46 A In my years, in my 30 years as serving as bishop
47 and archbishop, I've never done that.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Right. And, in fact, during your tenure as
2 archbishop, it was quite the opposite. I
3 understand you were closely involved with the
4 efforts to prevent the closure of St. Thomas More
5 Collegiate.
6 A Yes.
7 Q Right. And that was because of -- it was operated
8 by the Christian Brothers?
9 A Yes.
10 Q Right. And the Christian Brothers were involved
11 in litigation over the --
12 A Well, much more so Vancouver College.
13 Q It was Vancouver College and St. Thomas More.
14 A Yeah.
15 Q Right. And they were threatened because of the
16 historical sexual abuse claims brought in respect
17 of the Christian Brothers' operation of Mount
18 Cashel.
19 A Yes.
20 Q And so you were actively involved in protecting
21 those assets.
22 A Yes.
23 Q Now, with respect to a diocese, as bishop, a
24 priest could not work in your diocese without you
25 first authorizing him to do so.
26 A Correct.
27 Q Right. And in fact my friend, in his direct
28 examination, took you to that exchange of letters
29 with Father Sheffield from Quesnel. Do you
30 remember those?
31 A Yes.
32 Q And you said in your direct examination that the
33 process is important.
34 A Yeah.
35 Q Right. And the process being you have the
36 authority to --
37 A Yeah.
38 Q -- invite a -- invite a priest.
39 A Like what Father Sheffield did was not -- not
40 proper. That was improper.
41 Q In the hierarchy.
42 A Well, he -- he started -- he gave authorization
43 that wasn't his to give.
44 Q Right. That was your authorization to give.
45 A Yeah.
46 Q Right. And you were irked by the lack of
47 compliance with the required procedure.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yeah.
2 Q Now, what responsibility does a bishop have when
3 he learns a priest has been accused of sexual
4 abuse?
5 A You move in on him.
6 Q Sorry?
7 A You move in on him and you try to help him.
8 THE COURT: Well, can I just pause? I think -- I think
9 we need a bit more precision. What do you mean by
10 "accused of sexual abuse"? Do you mean
11 criminally? What do you mean?
12 MS. KOVACS: No.
13 Q Archbishop, just to be clear in my question, when
14 a -- when there -- when there is a report brought
15 to you of the possibility of a clergyman, a
16 priest, sexually abusing a parishioner, what is
17 your responsibility as bishop?
18 A Try and find out if it is true, and then satisfy
19 myself from that level, and when I've satisfied my
20 -- next is to take appropriate action to see that
21 it doesn't happen again.
22 Q So you investigate, and then you take steps to
23 remedy the problem.
24 A Right.
25 Q Now, what responsibility did -- would you have as
26 bishop to the victims of the alleged abuse?
27 A To -- you stay --
28 THE COURT: Well -- well, please, do you mean the
29 complainants?
30 MS. KOVACS: Yes, the complainants.
31 A To help them in any way I could, and try and look
32 after them.
33 Q To provide them with pastoral care?
34 A Yes.
35 Q In Catholic terminology, what does "credibly
36 accused" mean?
37 A I'm sorry?
38 Q In Catholic terminology, what does "credibly
39 accused" mean?
40 A An accusation that has a foundation to it, not
41 privileged, because you do -- and, you know, in
42 the life of a diocese, you get a lot of
43 accusations that are efforts to get back at
44 somebody but there's no foundation to what they're
45 alleging, so you have to have established that
46 it's real and not made up.
47 Q Is that an official Catholic term?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A I would -- I don't know.
2 Q It's a term you've heard before? It is a term
3 that you've heard before.
4 A Term, which term are you referring to?
5 Q "Credibly accused".
6 A What?
7 Q "Credibly accused"?
8 A "Credibly accused"?
9 Q Yes.
10 A Yes, I've heard that before.
11 Q And what are the standards applied internally
12 within the Roman Catholic church to determine if a
13 clergyman is credibly accused?
14 A That depends from case to case. They're so
15 different. Don't know if there's a -- a, you
16 know, a unique cleanly defined procedure for every
17 case.
18 Q But there is a procedure.
19 A There is a procedure.
20 Q And canon law provides a procedure, does it not?
21 A Pardon?
22 Q Canon law provides a procedure.
23 A Not that I'm aware of.
24 Q No?
25 A For the investigation?
26 Q Yes.
27 A Not that I'm aware of.
28 Q As bishop in Kamloops, you'd agree with me that
29 you had access to the canon laws printed from
30 1917?
31 A I'm sorry?
32 Q As bishop in Kamloops, you'd agree with me that
33 you had access to the canon laws printed from
34 1917?
35 A That I had access to these laws, yes.
36 Q Yes.
37 A Yes.
38 Q Yes, you would have kept them in your library.
39 A I had a copy of them in my office.
40 Q Right. And, as bishop, you also had access to
41 canonist lawyers.
42 A Yes, I had some canonist lawyers.
43 Q They're on retainer.
44 A On retainer, no. I don't recall ever having a
45 canon lawyer on retainer.
46 Q But you did have a list of canon lawyers you could
47 call if you weren't --

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yes.
2 Q -- sure how to deal with a situation.
3 A Yes. And I did.
4 Q Did you call a canon lawyer in respect of Father
5 Molon?
6 A I can't remember. I cannot remember.
7 Q Now, in the spring of 1976, you became aware of
8 rumours, as you said, of sexual violations
9 allegedly perpetrated by Father Molon.
10 A Yeah, but -- yeah, but they were such vague
11 rumours and is not traceable.
12 Q But people came to you with their concerns?
13 A They made insinuations, you know? Like mostly
14 insinuations, but nothing concrete. I couldn't
15 get a handle on it.
16 Q The clergy even came to you, right? You said
17 that --
18 A Pardon?
19 Q -- you said in your direct early on that clergy
20 came to you to express their concerns as well.
21 A Again, they didn't have anything concrete to give
22 me a handle on. For the longest time, I didn't --
23 I couldn't get a firm grip on this whole thing.
24 Q There was never any one person who reported to you
25 what they themselves experienced with Father
26 Molon?
27 A The first was Marianne, and that's when I clamped
28 down on him.
29 Q Rosemary, yes.
30 A That's what broke the [indiscernible].
31 Q But you say the first was Rosemary. There wasn't
32 anyone else before Rosemary that came to you --
33 A Yeah, I would have acted if there had been anybody
34 that had given me clear evidence like Marianne
35 did. I would have clamped down on them right
36 away, but I didn't have that.
37 Q But there was more than one complaint?
38 A Yes, but they were all veiled and general, and
39 nothing specific.
40 Q But there was more than one?
41 A Yes.
42 Q And there was more than one alleged act of
43 misconduct.
44 A Oh, yes.
45 Q And in fact I believe you used the words
46 previously under oath "quite a few".
47 A Yeah.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Which means more than two?
2 A Yes.
3 Q More than three?
4 A I would imagine so.
5 Q More than four?
6 A How do you -- how am I supposed to know that? I
7 don't know.
8 Q I'm -- I'm just asking about how --
9 A I didn't know. Was it 20, was it four, I don't
10 know. But I know that it was quite wide --
11 widespread.
12 Q Right. And you didn't record any of these
13 complaints that were brought to you in writing,
14 correct?
15 A No, I didn't get any in writing. Well, yes, but
16 most of them were verbal. And verbal
17 insinuations, not saying this and this and this
18 happened, but we suspect. You know, this kind of
19 stuff. There was lots of that.
20 Q Right.
21 A But I couldn't get a handle on it until I had this
22 meeting with Marianne.
23 Q You --
24 A That's when I took action.
25 Q Right. You did investigate?
26 A I did, by the best I could.
27 Q And you put a lot of effort into that
28 investigation?
29 A Pardon?
30 Q You put a lot of effort into the investigation.
31 A I did, I did.
32 Q And in fact you confronted Father Molon with the
33 results of your investigation, correct?
34 A Yeah.
35 Q And he admitted his misdeeds?
36 A He didn't deny it. He just said, "I'm human".
37 Q And he laughed.
38 A He laughed.
39 Q He shrugged and said, "I'm human", and he laughed.
40 A He laughed, yes.
41 Q So he admitted misconduct.
42 A Yeah.
43 Q To you.
44 A But how serious that misconduct was, I never knew.
45 I didn't know.
46 Q Did you cross-examine him as I am cross-examining
47 you, Archbishop?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A I tried, but you try and deal with a guy like
2 that, they're pretty slippery.
3 Q Yeah, he was a slippery character, wasn't he?
4 A Oh, yeah.
5 Q But he admitted that he had done something wrong
6 of a sexual nature with a parishioner.
7 A Yes.
8 Q And he didn't deny the accusations.
9 A No.
10 Q He didn't deny the rumours.
11 A He just kept saying, "I'm human". And that was
12 very difficult to deal with, 'cause I didn't have
13 any specific -- if I would have moved in on him
14 right away at that stage, I would have had the
15 congregation on my back because they loved him and
16 they supported him very strongly, parishioners.
17 Q But you had a priest admitting to you, Archbishop,
18 that he had committed sexual violations. He said,
19 "I'm human". He admitted it to you, correct?
20 A I --
21 Q Isn't that concrete?
22 A He didn't say sexual activity. He was -- you
23 know, had contacts with women and stuff, but I
24 didn't know how far it went. I didn't have the
25 details.
26 Q Archbishop, I'll come back to this, but that upset
27 you, didn't it? His flippant demeanour about it
28 upset you.
29 A Yes. Upset me too.
30 Q Because he wasn't accepting his responsibilities
31 as a priest, was he?
32 A He wasn't.
33 Q And that was impacting the moral superiority of
34 the church in the eyes of the community, you'd
35 agree?
36 A I would say so.
37 Q You offered in 1976 to send him to Southdown,
38 right?
39 A Yes.
40 Q Or Guest House.
41 A Oh, yes.
42 Q But he refused any help whatsoever.
43 A He refused any help I offered.
44 Q And that was in 1976, correct?
45 A I suppose.
46 Q Now, Archbishop, you didn't record the details of
47 your investigation because you didn't want to

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 create a paper trail; isn't that right?
2 A Yes.
3 Q You wanted secrecy.
4 A I wanted -- I didn't want to create a story that
5 wasn't authentic, and I was scared to put stuff on
6 paper until I had their goods really in hand, and
7 then I took the action that I thought was
8 appropriate.
9 Q Are you able to estimate for me, during the course
10 of your investigation, how many people you spoke
11 to about it?
12 A No way, I can't. I'm sorry, I can't. I can't.
13 Q I suspect more than one.
14 A More than one, yes.
15 Q Did you speak to any women that you believed were
16 -- he was involved with?
17 A I never knew. I didn't know.
18 Q But you knew that they were married women.
19 A What?
20 Q You knew that the women he was involved with were
21 married women. You'd heard that.
22 A Some of them were.
23 Q Yeah. How did you know that?
24 A I don't -- I don't remember how I found that out.
25 I know of -- certainly of one married woman that
26 he was involved with.
27 Q Who was that?
28 A I -- do I have to disclose --
29 Q Yes.
30 A -- the name? Gee, I've -- I've -- I see her face,
31 but I can't remember her name.
32 Q You don't remember her name?
33 A No, I don't.
34 Q Are you exercising *restriccio mentales* right now?
35 A Pardon?
36 Q Are you exercising *restriccio mentales* right --
37 A No.
38 Q -- now?
39 A No. This is the honest-to-God truth. I'm 40 --
40 40 -- 90 years old.
41 Q Yes.
42 A I had a stroke in 2015. That shattered my memory.
43 Give me a break.
44 Q I know.
45 A I just don't remember.
46 Q Archbishop, you have to appreciate this is my job
47 is to get at the truth.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yeah.
2 Q So I need to understand the truth from you.
3 A My job is to tell you that I -- when I say I can't
4 remember, I can't. I'm not playing games.
5 Q But you knew of at least one married woman, and
6 you knew her by face and possibly by name.
7 A Yes.
8 Q Did you speak to her?
9 A I think I did. I don't remember.
10 Q Did she --
11 A I'm not sure if I did or not.
12 Q Did she confirm?
13 A I don't remember.
14 Q I'm going to suggest to you that you know who that
15 person is, you know her name even today, you spoke
16 to her and she confirmed that she had been a
17 victim or a complainant of Father Molon.
18 A An accomplice in that case, I think.
19 Q You think it was an accomplice. You don't think
20 she was taken advantage of?
21 A I think she was probably an accomplice.
22 Q I see. All right. Because you see this as
23 adultery, not abuse; is that right?
24 A Yeah, there's a difference.
25 Q Even though the priest has undergone ontological
26 change and is Christ himself, you think it's
27 consensual for a parishioner to sleep with a
28 priest.
29 A I did not say that. It's sinful, but it's
30 consensual. It's not -- no, it's not abuse in the
31 sense of somebody being overpowered.
32 Q Now, Archbishop Exner, your conduct in not putting
33 pen to paper to not have a paper trail is in
34 keeping with instructions from above; isn't that
35 right?
36 A Nobody told me not to do it. I just did what I
37 thought was the prudent thing to do.
38 Q And you knew it was the *modus operandi*. That's a
39 Latin term.
40 A Or it's a way of operating, yeah.
41 Q Right. And that was the *modus operandi* of the
42 Catholic church. Keep it a secret.
43 A No, it was mine. I adopted that. I chose to act
44 that way. The Catholic church doesn't tell me to
45 act that way.
46 Q But you knew to act that way because your brothers
47 act that way.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Pardon?

2 Q You knew to act that way because your brothers and
3 the other bishops in the church acted that way
4 too; isn't that right?

5 A I don't think so. I think I always take full
6 responsibility for what I did without implicating
7 anybody else.

8 Q Archbishop Exner, would you call your
9 investigation of Father Molon a preliminary
10 inquiry according to canon law?

11 A I don't know what you'd call it. I did what I
12 thought was necessary. I didn't put any name to
13 it.

14 Q Well, you -- you've already told us that procedure
15 was important to you, correct?

16 A In many things, yes.

17 Q Right. Was it not important to you in dealing
18 with a wayward priest who was --

19 A More way -- more than one way of skinning a cat,
20 and it depends so much on the circumstances which
21 way you go.

22 Q Right. You don't have to do through the canon
23 courts, do you?

24 A I'm sorry?

25 Q There is such a thing as a canon trial and a canon
26 court system.

27 A Yes.

28 Q Right. And there's procedures for that in canon
29 law.

30 A For that, yes. I didn't feel I needed to go
31 there.

32 Q So you, as bishop, elected not to abide by canon
33 law in investigating Father Molon. You chose to
34 ignore the law of the church.

35 A Does the law say that I have to involve canonists?

36 Q Canon law governs the church, does it not?

37 A Yes.

38 Q Right. It governs misdeeds in the church?

39 A Yes, it has --

40 Q It would certainly govern --

41 A -- penalties for them, but it doesn't say -- tell
42 you how to proceed in investigating anything. It
43 doesn't tell that, not to my knowledge and I've
44 read that Code a few times.

45 Q I just want to understand something about your
46 position as bishop as well, Archbishop. As
47 bishop, you hold -- you hold power -- and I'm

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1 using the analogy here of our government in
2 Canada. There's a legislative wing, an executive
3 wing and a judicial wing. As bishop, within the
4 Catholic church, you exercise all three powers,
5 correct?
6 A Mostly executive.
7 Q Right. But there's no one --
8 A I didn't make --
9 Q There's no checks and balance there, is there.
10 There's no judiciary that tells you that you have
11 to abide by canon law. You can do what you will.
12 A Yeah.
13 Q And you did what you wanted to do in this case.
14 A I did what I thought was appropriate.
15 Q Canon law does set out a process for trying a
16 clergyperson for an offence. Do you agree?
17 A For what?
18 Q For -- to try or to inquire into a clergyperson
19 for an allegation of any offence, like a sexual
20 offence. There is a process under canon law for
21 that. Do you agree?
22 A Not aware of it.
23 Q You're not aware of it?
24 A I -- maybe I don't know my canon law that well
25 perhaps.
26 Q You were the Archbishop of Vancouver.
27 A Yes, but that doesn't mean to say you know
28 everything.
29 Q Right.
30 A Believe me, it doesn't.
31 Q Are you aware that canon law says that ignorance
32 of canon law is no excuse?
33 A Oh, I'm sorry, I didn't ask to be bishop. They
34 made me bishop. They didn't ask me if I know any
35 canon law or not.
36 Q You didn't want to be Bishop of Kamloops?
37 A I -- I would -- didn't ask for it. I went there
38 with fear and trembling.
39 Q It's a lot of responsibility.
40 A And I had only to do -- my hands and what I knew
41 about the church law to guide me, and I did the
42 best I could.
43 Q And when you were scared, Archbishop Exner, and
44 fearful...?
45 A I would ask for advice from other people.
46 Q But you didn't ask for advice from a canon lawyer
47 in this case.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A I didn't have one.
2 Q You didn't have a canon lawyer available to you?
3 A No. No.
4 Q In 1976 and 1977?
5 A I did not have a canon lawyer.
6 Q You had access to the actual canon laws, though.
7 You have a --
8 A I have the canon law book, yes.
9 Q All right. Now, are you -- I don't wish to -- you
10 told me you're not familiar with canon law, but I
11 want to ask you one more question.
12 A I didn't say that. I said I'm not a canon
13 specialist. I know a little -- I know a little
14 bit about canon law.
15 Q Okay.
16 A In a number of areas, but I'm not a specialist.
17 Q Fair enough. You know enough to be bishop and to
18 actually exercise your faculties as bishop.
19 A Pardon?
20 Q You know enough to exercise your faculties as
21 bishop.
22 A I mean Rome figured so. I didn't choose to be
23 bishop; I was appointed.
24 Q Right. Now, Archbishop, are you familiar with the
25 canon that says clergy shall not -- shall take
26 care not to have in their houses nor to visit
27 women that may give reason for suspicion? Are you
28 familiar with that canon?
29 A I've heard of it, yes.
30 Q Right. And that that canon also provides that it
31 is left to the judgment of the bishop whether, in
32 any case, a woman is to be removed from the
33 priest's house? Are you familiar with that?
34 A I imagine that would be true. I've never done
35 such a thing. And the women in the -- the only
36 women in a parish house were housecleaners and
37 cooks. Nobody else.
38 Q Are you familiar with the canon that says if the
39 priest has been admonished repeatedly, yet
40 continues to be obstinate, he is presumed guilty
41 of concubinage. Are you familiar with that?
42 A No.
43 Q What is concubinage?
44 A Living with -- a concubine is a -- living with a
45 person who's not your wife.
46 Q You have previously described Father Molon under
47 oath as a playboy. Do you remember that?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yes.
2 Q And you've chosen not to use that descriptor today
3 so far.
4 MR. HOGG: No, I'll -- I'll object to that. Actually
5 that's not the evidence. I think he did use that
6 term.
7 THE COURT: Yes, he did.
8 MS. KOVACS: Did he? Okay, apologies, I missed it.
9 Okay.
10 Q You -- you've called him a playboy. That's your
11 description of him.
12 A Okay.
13 Q Do you recall that?
14 A Yes.
15 Q All right. Archbishop, wouldn't it be more
16 accurate to describe him as predator rather than a
17 playboy?
18 A Oh, that's a fine distinction. You can have it
19 your way if you like. I don't -- I can't -- I
20 don't see how I can draw the line between those
21 two, because there was predator in him too, a
22 little bit of both I think.
23 Q But a priest really shouldn't be either a playboy
24 or a predator?
25 A Shouldn't, I agree -- heartily agree.
26 Q Archbishop Exner, the women whom you've received
27 reports about in 1976 that Father Molon was
28 involved with, these were women under your
29 pastoral care.
30 A Yes, I -- I would imagine they were Catholic. I
31 don't know if they were all Catholic. I don't
32 know. There might have been others.
33 Q But, as bishop, you made it your business to know
34 who these women were. You were trying to find
35 out --
36 A I was trying to find out.
37 Q Right.
38 A But I couldn't.
39 Q Right. And one of the reasons to try and find out
40 is to stop the gossip; isn't that right?
41 A To stop the abuse and the gossip, but the abuse
42 first of all.
43 Q So you do see it as abuse?
44 A Pardon?
45 Q You do see it as abuse?
46 A Absolutely.
47 Q All right. And part of the concern with respect

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 to gossip is the scandal and how that might taint
2 the moral superiority --
3 A That's a part --
4 Q -- of the priesthood.
5 A -- of it. What he was doing was morally wrong and
6 that's the first concern.
7 Q Yes. One of the women, girls, that there was a
8 rumour about was a teenager; isn't that right?
9 A I never heard of a teenager.
10 Q You -- he impregnated a teenager, correct?
11 A I never heard of that.
12 Q The Merkosky family was a prominent Catholic
13 family at Our Lady of Perpetual Health; is that
14 right?
15 A Yeah, she was a teacher in the Catholic school.
16 Q Librarian.
17 A Or library, yeah.
18 Q But this is a family you were quite familiar with
19 when you were bishop.
20 A When I was made bishop, and while I was bishop in
21 Kamloops I got to know them.
22 Q Yes. In fact you got to know them so well that
23 you sent them a Christmas card every year after
24 you left Kamloops, even when you were Archbishop
25 of Vancouver; isn't that right?
26 A I can't remember.
27 Q Did you send Christmas cards to every parishioner
28 from OLPH?
29 A Oh, God, impossible.
30 Q Now, you said you went to their house once for
31 dinner. Do you have any recall why you were
32 there?
33 A Just a friendly invitation.
34 Q Do you remember what year it happened?
35 A No. Well, some -- somewhere within my -- my --
36 what, it was eight years in Kamloops. Somewhere
37 in there. I don't know what year.
38 Q Do you recall if it was just Mr. and Mrs.
39 Merkosky, or were there children present?
40 A Their children were there too.
41 Q All right. You've met Carmen Moore, or Carmen
42 Merkosky, her daughter? Do you remember her?
43 A No.
44 Q You understand that Carmen Merkosky has given
45 evidence in a voir dire in these proceedings?
46 A No, I wasn't aware of that.
47 Q Are you aware that Carmen Merkosky --

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 MR. HOGG: Okay, I'm going to object. He's not here to
2 weigh evidence and compare witnesses like a judge
3 might in giving reasons. It's not his role. He
4 shouldn't be required to comment on the evidence
5 of others.
6 THE COURT: No, I'm with you, Mr. Hogg.
7 MS. KOVACS: My Lord, the rule in *Browne v. Dunn* is
8 going to apply and I have to put that evidence to
9 this witness.
10 THE COURT: Well, you can put the evidence, but --
11 MS. KOVACS: I will do that.
12 THE COURT: -- or at least you can put the
13 propositions, but that has nothing to do with
14 whether he's aware if someone's given evidence in
15 the voir dire.
16 MS. KOVACS: Fair enough.
17 Q Archbishop Exner, you appreciate that Doris
18 Merkosky is now deceased?
19 A She died?
20 Q Yes.
21 A I didn't know that.
22 Q Are you aware -- sorry, I'm going to put it to you
23 that you knew that Doris Merkosky was a victim of
24 Father Molon.
25 A No, I didn't know that.
26 Q I'm going to put it to you --
27 A And she never told me that. I did not know
28 anything about that.
29 Q Nothing about it?
30 A No.
31 Q Not even from her husband, Mr. Merkosky?
32 A No. No.
33 Q You never met with them in the living room of
34 their home and talked about Father Molon?
35 A Not to my recollection. That's nothing I can
36 remember.
37 Q Do you have any recollection of Doris Merkosky
38 being admitted to hospital?
39 A No, I can't remember any of that.
40 Q Did you have any knowledge of Doris Merkosky
41 trying to kill herself?
42 A No. I didn't know.
43 Q Archbishop Exner, I have to put it to you that you
44 did know that Doris Merkosky was a victim of
45 Father Molon.
46 A No, I did not, and I'll stand by that. I did not
47 know that.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q Archbishop Exner, I'd like to take Exhibit 5,
2 which is the Volume 2 of the common book of
3 documents -- you have that before you there.
4 A Volume 2?
5 Q Yes.
6 A Yes.
7 Q So we'll go to Tab C. First of all, actually,
8 just before we finish that line of questioning,
9 can you look at Tab B2, please?
10 A B2.
11 THE COURT: Sorry, just -- Tab 5 -- or Exhibit 5?
12 MS. KOVACS: Sorry, Exhibit 5.
13 THE COURT: Tab...?
14 MS. KOVACS: B2, right at the beginning.
15 THE COURT: B2, all right, thank you.
16 MS. KOVACS:
17 Q There's a photograph -- there's two photographs
18 under Tab 2. Do you see those?
19 A Yes.
20 Q Are you able to tell me who's in those
21 photographs?
22 A I could not identify any one of them.
23 Q Page over, the last one.
24 A I don't recognize either one.
25 Q All right. Now, if we could go to Tab C now,
26 Archbishop Exner.
27 A Tab C?
28 Q Yes, please.
29 A Yes.
30 Q And there's some numbered tabs behind that. My
31 friend's already taken you through a number of
32 letters. I'd like to start at Tab 6, please. You
33 have Tab 6 before you? It starts with "Diocesan
34 Council meeting"?
35 A Yes, I've got it.
36 Q And there appears to be a date just above that, 3-
37 3/74.
38 A Yes.
39 Q March 3rd of 1974?
40 A Yes.
41 Q All right. And so we've already discussed the
42 difference between the Diocesan Council meeting
43 and the Presbyteral Council meeting, so this is a
44 Diocesan Council meeting in which laypeople are
45 present.
46 A All right.
47 Q All right. And, now, it says [as read in]:

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1
2 The third Diocesan Council meeting with His
3 Excellency Bishop Exner.
4
5 And that was your title at the time, your
6 salutation, His Excellency?
7 A Yes. Yes. Yes.
8 Q
9
10 Was held at the chancery office on Wednesday
11 October 30th, 1974.
12
13 So even though this is 3-3-74, the actual meeting
14 minutes reflect October 30th, 1974. Are you able
15 to explain that to us?
16 A No.
17 Q All right.
18 A I just have no explanation.
19 Q Okay. It has a list of those persons present.
20 A Yes.
21 Q Yourself, Monsignor Miles, Father Conylin
22 [phonetic], Father Byrne [phonetic], and Father
23 MacIntyre.
24 A John MacIntyre.
25 Q Father John MacIntyre later became Monsignor?
26 After he left.
27 A I think so, I'm not sure.
28 Q Father John MacIntyre was a pastor at Sacred Heart
29 Cathedral, was he not?
30 A He was for -- yes.
31 Q Sacred Heart Cathedral was just across the river.
32 A Right.
33 Q Was Father John MacIntyre one of your Presbyteral
34 Council members?
35 A Yes.
36 Q So he would have been privy to anything discussed
37 at a Presbyteral --
38 A Pretty much so, yes.
39 Q -- Presbyteral Council meeting.
40 A Yes.
41 MR. HOGG: How is my friend spelling Presbyteral? It's
42 been on my mind for two hours.
43 MS. KOVACS: P-r-e-s-y-b-t --
44 MR. HOGG: One more time.
45 MS. KOVACS: P-r-e-s-y-b-t-e-r-a-l [sic].
46 MR. HOGG: Thank you very much.
47 MS. KOVACS:

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q You open the meeting with a prayer, it says.
2 A Yes, I see that.
3 Q Now, under "Correspondence", the very last bullet
4 just above "Personnel", do you see that? It says
5 "Father Sheffield". So that's the priest in
6 Quesnel who sort of stepped out of bounds and
7 invited or authorized --
8 A Yeah.
9 Q -- Father Molon to come?
10 A Yes.
11 Q It says [as read in]:
12
13 Father Tantoy [phonetic] in the Philippines
14 has written a letter of recommendation for
15 Father Erlindo Molon.
16
17 And his name is spelled incorrectly. It said
18 that:
19
20 He has to leave USA because of the expiry of
21 his visitor's permit.
22
23 A Mm-hmm.
24 Q And the very last line, it says:
25
26 His Excellency will see him and take things
27 from there.
28
29 So Father Molon could only come into the diocese
30 and work in the diocese through you, correct?
31 That was your decision?
32 A Yes.
33 Q Right. You were going to interview him.
34 A Yes.
35 Q Do you have an independent recollection of that
36 interview, Archbishop?
37 A No. Well, actually here is where Father Sheffield
38 stepped over the line. He invited him to the
39 parish in Quesnel and he started working without
40 my authorization. That's why I wrote a letter and
41 tapped him on his fingers for doing that.
42 Q Right. We saw those letters already. And in fact
43 if you turn over to Tab 7, my friend took you to
44 that letter already, but [as read in]:
45
46 I would have appreciated hearing about him --
47

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 This is in the second line.
2 A Yes.
3 Q
4
5 -- before he was invited to come to the
6 diocese.
7
8 A Yes.
9 Q Now -- and in fact at Tab 8, you've now written to
10 Father Molon in Quesnel, so he's already in
11 Quesnel.
12 A Mm-hmm. Okay.
13 Q And then you decided to bring him down to Kamloops
14 'cause you needed him there.
15 A I needed him there, yes.
16 Q 'Cause you had a shortage of clergy.
17 A Yes.
18 Q Now, Tabs 11 and 12, if I could take you there.
19 A [Indiscernible].
20 Q Right. So those are two separate letters, one
21 dated February 12th, the other dated February 21st
22 of 1975, both directed to Immigration Canada.
23 A Yes.
24 Q And it says on the first one at Tab 11 [as read
25 in]:
26
27 With the present I wish to certify that the
28 above-named Reverend Erlindo Molon is
29 employed by the Roman Catholic Diocese of
30 Kamloops.
31
32 So he was employed by your diocese.
33 A Yes.
34 Q Right. And then in the handwriting down below, it
35 says [as read in]:
36
37 We will need a new letter from Bishop Exner.
38
39 And there are some initials there. Do you know
40 whose initials those were?
41 A No, I don't.
42 Q If we look to Tab 12 now, this is the February
43 21st letter, third paragraph [as read in]:
44
45 In conclusion, I therefore recommend and
46 request that Reverend Erlindo Molon be
47 granted landed immigrant status in Canada.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1
2 So you were recommending not that he come on a
3 visitor's visa --
4 A Mm-hmm.
5 Q -- but that he be given landed immigrant status in
6 Canada; is that right?
7 A We had so many people to serve and so few people
8 -- too few to do it. You want to make sure that
9 you can hang on to them.
10 Q Right.
11 A And this was one way of doing it.
12 Q To make them a landed immigrant instead --
13 A Yeah.
14 Q -- just on a temporary visa?
15 A Yeah. Temporary visas can be removed very easily.
16 Landed immigrant status is much more permanent.
17 Q Right. You had briefly met Father Molon by this
18 time, correct?
19 A I don't remember when I met him.
20 Q To your knowledge, he achieved landed immigrant
21 status, correct?
22 A I don't know if he did or not. I don't remember.
23 Probably, but I don't remember.
24 Q Now, if we look over the tab at Tab 13 now, there
25 are some more Diocesan Council meeting minutes.
26 You have that before you?
27 A I've got it.
28 Q And it says [as read in]:
29
30 The 9th Diocesan Council meeting with His
31 Excellency Bishop Exner was held at the
32 chancery office on Wednesday, October 1,
33 1975.
34
35 And if we look the page over at the bottom, it
36 says "Personnel", page 2.
37 A Yes.
38 Q And then we go over to the top of page 3 --
39 A Yes.
40 Q -- and partway through the top of the page, it
41 says "Changes", you see that?
42 A "Changes", yes.
43 Q Right. And below the indented list there, it says
44 "Father Molon". Do you see that paragraph?
45 A Yes.
46 Q [As read in]:
47

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Father Molon has experience at OLPH and there
2 should be one man there with experience at
3 the parish.
4
5 So by this point, he's already been working at
6 OLPH by October of 1975, perhaps for up to a year;
7 is that right?
8 A Mm-hmm.
9 Q All right. Now, turning the tab over to Tab 14, I
10 think we're going to ignore the date-stamp at the
11 top and simply look to the body of the --
12 A Oh, here we are. Thank you. Yes?
13 Q Okay, so the body of the first paragraph of the
14 minutes says that this was [as read in]:
15
16 These minutes reflect a meeting held at the
17 chancery office on Tuesday, November 25th,
18 1975.
19
20 Now -- and if you look the page -- over to page 2,
21 there's a long list of personnel, and four bullets
22 down, it says:
23
24 Father Lindo Molon.
25
26 So he was called "Father Lindo" most of the time.
27 A Thank you. Yes?
28 Q Fourth bullet down:
29
30 Father Lindo Molon --
31
32 A Yes.
33 Q
34
35 -- will be staying for another year. He's
36 gone to the Philippines as his mother is ill,
37 will be back the first week in January.
38
39 And that's referring to January 1976. And then it
40 says:
41
42 Next fall, we must find a new assistant for
43 OLPH.
44
45 Are you able to tell us what that means? Were you
46 planning to ask Molon to leave?
47 A I don't know what that means or why I said that.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 I don't know, can't remember.
2 Q Archbishop Exner, did you know as early as
3 November of 1975 that Father Molon was sexually
4 involved with parishioners?
5 A I can't remember the date when I found out, I
6 don't remember.
7 Q Now, turning the tab over to Tab 15, this appears
8 to be an agenda, so basically agendas were
9 prepared for every Diocesan Council meeting?
10 A Yes.
11 Q Is this your handwriting on the agenda?
12 A It is.
13 Q So these are the notes that you would come with to
14 be prepared to speak to various matters at a
15 Diocesan Council meeting?
16 A Well, this was the agenda, yes. That's what they
17 do with an agenda.
18 Q Would there have been similar agendas for
19 Presbyteral Council meetings?
20 A Yes; should be on record somewhere.
21 Q Right, with your notes on them possibly?
22 A Sometimes I wrote on them, yes.
23 Q Right. That was your practice generally to
24 remember what to speak to?
25 A Yes.
26 Q All right. There -- if you turn to pages 4, 5, 6,
27 7 and 8, are you able to tell me whose handwriting
28 this is?
29 A That's my handwriting.
30 Q So these are your notes?
31 A Yes.
32 Q All right. Tab 16, Archbishop.
33 A Thank you.
34 Q This is a -- this is the January 26th, 1976
35 meeting minutes. You'll see that personnel are
36 addressed at the bottom of page 1.
37 A Yes.
38 Q No reference to Father Molon at that -- at that
39 meeting.
40 A No, there's not.
41 Q Tab 17.
42 A Thank you.
43 Q Which I think we're a bit out of order here. I
44 don't know quite how that happened. Let's skip
45 over to Tab 18, please, if we could. Tab 18, you
46 have that before you?
47 A I have it, thank you.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 Q All right. So this is now an agenda for the
2 Diocesan Council meeting for September 14th, 1976.
3 A Thank you.
4 Q And your handwriting is on this agenda again?
5 A Yes.
6 Q All right. And if we turn the page over to page
7 2, the agenda under "Personnel" which is paragraph
8 number 5(i). Do you see that?
9 A Yes.
10
11 Father Erlindo Molon offers to stay on at
12 OLPH.
13
14 Yes.
15 Q And if we look to page 6 of this tab --
16 A Yes.
17 Q -- these are your handwritten notes?
18 A Yes.
19 Q Okay. And you'll see at the top it says [as read
20 in]:
21
22 5. Personnel.
23
24 So these are your notes with respect to the
25 agenda?
26 A What, I'm sorry?
27 Q These are your notes with respect to the agenda,
28 are they?
29 A Yes.
30 Q All right. Now, forgive me, because I'm
31 struggling a bit to read your handwriting, but is
32 there -- are you able to tell me - and you can
33 take a moment to read it - but is there anything
34 in here about Father Molon and his agreement to
35 stay on at OLPH?
36 A On this page?
37 Q Yes, or even the next page. Just take your time.
38 I may be able to help you, because I think I see
39 something on tab -- or page 7.
40 A Yes. Under (i)?
41 Q And there's -- yeah, under (i) at the bottom
42 "Molon" is in a square. Is there any reason you
43 put a square around him instead of just an
44 underline like the others?
45 A I don't remember why.
46 Q It says [as read in]:
47

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 OLPH --
2
3 And then it says:
4
5 -- define terms of ref.
6
7 What does that mean, can you tell us?
8 A Terms of reference.
9 Q What does that mean?
10 A For his work -- framework for his work.
11 Q Had you given him any framework?
12 A I imagine we did.
13 Q And then below that, what does it say?
14 A [As read in]:
15
16 Kamloops reserve until arrival of Prezologo
17 [phonetic].
18
19 There was a reserve, First Nations reserve, near
20 Kamloops that he was going to be in charge until
21 the arrival of the other Filipino priest.
22 Q So you were sending him to a First Nations reserve
23 to provide pastoral --
24 A Temporary.
25 Q -- care.
26 A Just temporarily.
27 Q You'd agree with me there's no notes in here
28 whatsoever about any restrictions placed upon
29 Father Molon's pastoral work.
30 A No. No indication of that.
31 Q Right. And, of course, this is September of 1976,
32 so following the spring of 1976 when you've
33 already testified in direct when he was into some
34 "serious" trouble. So that time has now passed in
35 the timeline, Archbishop?
36 A Pardon?
37 Q The timeline, the spring of 1976 is when you were
38 investigating Father Molon for the rumours,
39 correct?
40 A I don't remember the dates. It's 40 years ago.
41 Q Tab 19, these are now the formal minutes
42 reflecting, it appears, if we look at the first
43 paragraph, the meeting from the agenda we just
44 reviewed of Tuesday, September 14th, 1976. My
45 friend took you to this already, but at page 2,
46 top of page 2, second bullet down [as read in]:
47

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1 Father Lindo Molon seems to have overcome
2 some of his personal difficulties with people
3 in the parish.
4
5 By "personal difficulties", you explained in your
6 direct that that word -- that was the same
7 difficulties he always had, meaning sexual conduct
8 with parishioners, correct?
9 A I imagine that's what it means.
10 Q But you didn't state that explicitly in these
11 minutes.
12 A No.
13 Q Because these minutes, of course, are accessible
14 to laypeople who attended Diocesan Council
15 meetings?
16 A Mm-hmm.
17 Q Sorry, that's a yes?
18 A That might be it.
19 Q Would you have stated or provided details more
20 explicitly in the Presbyteral Council minutes?
21 A I might have, yes.
22 Q Tab 20, Archbishop.
23 A Yes.
24 MR. HOGG: Which tab?
25 MS. KOVACS: Tab 20.
26 Q This appears to be an agenda from April 6th of
27 1977.
28 A Right.
29 Q Again, with your handwriting on it?
30 A Yes.
31 Q Page 2, under "5. Personnel" at the bottom of --
32 A Yes.
33 Q Yeah [as read in]:
34
35 Father Lindo Molon report.
36
37 A Mm-hmm.
38 Q No handwritten notes beside it.
39 A Right.
40 Q By this point, though, you'd agree, in April of
41 1977, you've already spoken at Mass about your
42 dismissal of Father Molon.
43 A I don't remember the timeline.
44 Q Tab 21, please.
45 A Yes.
46 Q These are Diocesan Consulters meeting, April 6th,
47 1977, and if we turn the page over to page 2,

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cross-exam by Mr. Kovacs

1 "Personnel", very first minute recorded there [as
2 read in]:
3
4 Father Lindo Molon, the bishop --
5
6 That would be you.
7 A Mm-hmm.
8 Q
9
10 -- explained the sequence of events leading
11 up to his dismissal from OL --
12
13 There's a typo there.
14
15 -- PH parish.
16
17 So you would have explained verbally what had
18 happened.
19
20 The bishop read the message he gave to the
21 people of OLPH.
22
23 So those were the speaking notes that my friend
24 already took you to?
25 A Mm-hmm.
26 Q Sorry, that's a yes? "Mm-hmms" don't turn up on
27 the record, Archbishop. The "mm-hmms" don't --
28 A Yes.
29 Q -- turn up -- thank you.
30 A Thank you, sorry.
31 Q That's okay. And it says [as read in]:
32
33 The bishop will inform his bishop in the
34 Philippines of his status.
35
36 Now, you wrote to the bishop in Philippines about
37 Father Molon, did you?
38 A I believe I did.
39 Q Just before we break, I just want to review our
40 one last set of Diocesan Council minutes. If I
41 could take you to Tab 27, which is the agenda --
42 A Thank you.
43 Q You can see the agenda at Tab 27 is for a
44 Consulters meeting with the Diocesan Council of
45 September 6th, 1977.
46 A Yes.
47 Q Right. And you'll see on page 2, under

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1 "Personnel", which is paragraph number 6, sub (4),
2 "Father" -- or "Lindo Molon - Report". Again, no
3 handwritten notes by you there?

4 A Yes.

5 Q All right. Tab 28, these are the minutes from the
6 September 6th, 1977 meeting, and if you look to
7 page 2 under "Personnel", sub (4).

8 A Yes.

9 Q [As read in]:

10

11 Father Lindo Molon, he is still living in
12 OLPH parish and working with the CPR.

13

14 Is that Canadian Pacific Railway?

15 A It seems so -- well, would have -- it must have
16 been, because -- yes, I remember he worked for
17 CPR.

18 Q So you were informed where he was working.

19 A Hmm.

20 Q [As read in]:

21

22 The bishop has sent an offer of help if he
23 wants it.

24

25 You were still trying to help him at that phase?

26 A I tried to help him to the very end.

27 MS. KOVACS: All right. My Lord, I note the time. I
28 wonder if it's an appropriate time for the break.

29 THE COURT: Does it suit you?

30 MS. KOVACS: Yes.

31 THE COURT: All right. All right.

32

33 (WITNESS STOOD DOWN)

34

35 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

36 (PROCEEDINGS RECONVENED)

37

38 **ADAM EXNER, recalled.**

39

40 THE COURT: Yes. I'm sorry I kept everyone waiting. I
41 misplaced my glasses. Carry on.

42

43 **CROSS-EXAMINATION BY MS. KOVACS, CONTINUING:**

44

45 Q Archbishop Exner, do you agree that there is a
46 power imbalance between a priest and a member of
47 the laity?

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 A Yes, there is.
2 Q Do you agree that it is possible for a priest to
3 use his position to groom or seduce a vulnerable
4 person?
5 A It is.
6 Q You agree it's wrong for a priest to seduce a
7 parishioner to whom he's providing --
8 A Totally.
9 Q -- pastoral care? And you accept that such a
10 seduction is a breach of trust as between the
11 priest and the parishioner?
12 A Terrible breach of trust.
13 Q And you accept that that terrible breach of trust
14 can cause harm to the vulnerable parishioner?
15 A Absolutely.
16 Q And in fact, it may shape the faith and the
17 spiritual wellness --
18 A Exactly, I can understand that 'cause it shakes my
19 faith too.
20 Q Yes. Now, I just want to go back to Tab 19. I'm
21 not sure if that's the tab you have before you,
22 Archbishop.
23 A No, I can get to it.
24 MS. LEUNG: Tab 14?
25 A 19 -- 19, I think.
26 MS. KOVACS:
27 Q Ms. Leung will help you if you need it.
28 MR. HOGG: Which exhibit? Is it 5?
29 MS. KOVACS: Exhibit 5, Tab 19.
30 A Got it.
31 Q All right. Page 2 -- you'll see just from page 1,
32 these are the September 14th, 1976 minutes again.
33 A Yes.
34 Q From the Diocesan Council. Second bullet from the
35 top, we already looked at this, but it says [as
36 read in]:
37
38 Father Lindo Molon seems to have overcome --
39
40 A
41
42 -- some of his difficulties.
43
44 Q Right. And so when it says "seems to have
45 overcome" -- and I appreciate that Father Jerry
46 Desmond was the recorder of these minutes, you
47 were not. Did you have assurance that he had

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1 changed his ways by September of 1976?
2 A I'm not sure. I don't think he did.
3 Q All right.
4 A But sometimes, I guess, you're so desperate that
5 you hope beyond hope.
6 Q Right.
7 A You know, you -- I don't know, but anyway, any
8 little sign you see you interpret as possibly
9 being progress and spurs a little hope. I guess
10 that's what this was.
11 Q 'Cause he -- he had refused your offers to go to
12 Southdown.
13 A I know. That was his big mistake.
14 Q Right. And he was flippant by saying, "I'm
15 human." That was his generic response to the
16 accusations?
17 A Yes.
18 Q So you didn't have any concrete assurance that
19 indeed he had overcome --
20 A No.
21 Q -- his problems?
22 A No.
23 Q Now, you allowed him to stay on.
24 A You do the best you can with what you got. I
25 needed him.
26 Q You'd done without before his arrival though,
27 correct?
28 A Yeah, barely -- because that's a big parish. One
29 priest can't handle it. The volume is just too
30 big. I needed a second priest there.
31 Q Had you made inquiries to get a second priest?
32 A Oh, I tried all over. Not that easy.
33 Q You'd agree -- right, but you'd agree with me that
34 a priest who is potentially causing harm to
35 parishioners, it's better to not have him at all.
36 A I agree.
37 Q But he continued to fulfil the role of assistant
38 pastor at OLPH as of September 1976.
39 A I guess so.
40 Q Without restriction.
41 A Yeah, I guess so.
42 Q Without any limitation?
43 A I don't think I placed any limitations on him.
44 Q Without supervision?
45 A How can you supervise a priest in parish ministry?
46 You need another priest to do that, and I didn't
47 have them.

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1 Q There was no warning to the parishioners of any
2 potential predation concerns with Father Lindo?
3 A No. By then, they -- I think they were alerted
4 already, that there had been some problems and
5 they're probably a little bit more suspicious than
6 they were before.
7 Q The only way they were alerted was by rumours and
8 innuendo.
9 A Well, I read them that letter.
10 Q Right, that comes later after --
11 A Oh, I'm sorry, I got --
12 Q -- Rosemary -- yes.
13 A -- the chronology wrong.
14 Q No, fair enough, and I just want to focus on this
15 period of time if we can, and I appreciate it's
16 been many years, but just -- this is before
17 Rosemary Wright came to you, so this is in
18 September of 1976.
19 A Okay.
20 Q This is after the spring of 1976 when you inquired
21 into those rumours.
22 A Okay.
23 Q So there was no formal warning to the parishioners
24 of any concerns about Father Molon.
25 A It's very difficult to stand up to the parish and
26 say, "Watch him. He's not trustworthy." You
27 can't do that.
28 Q But you'd agree that he wasn't trustworthy.
29 A To a degree.
30 Q But he permitted [sic] to wear the collar?
31 A Yes.
32 Q He -- he continued to do pastoral work with
33 parishioners?
34 A Yes.
35 Q Including counselling?
36 A Whatever it took to do parish work.
37 Q Confessions?
38 A People loved him.
39 Q Right; continued to wear the vestments during
40 Mass?
41 A Of course.
42 Q And he continued to consecrate the Eucharist?
43 A Everything. He was a pastor.
44 Q All right.
45 A A co-pastor did everything one would normally do.
46 Q And it included provided pastoral care to women.
47 But you didn't warn any of your women

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 parishioners.
2 A Well, how can I do that? You know, I mean, I
3 stand up and say, "Hey, watch this guy, don't --
4 can't trust him". Hey, why don't you take him
5 out? Then I didn't have anybody else.
6 Q Well, you'd agree with me that no priest is better
7 than a bad priest who's harming people.
8 A You're probably right. In retrospect, yes, you're
9 right.
10 Q And restrictions weren't an option, because if you
11 restricted his faculties in any way or limited
12 them, that would also send alarm bells out to the
13 parish.
14 A Oh, yes, of course.
15 Q Right. And of course alarm bells would create
16 scandal. Your concern at the time was about
17 quieting a scandal; is that right?
18 A In a difficult situation, you do the best you can.
19 That's what I tried to do.
20 Q Right. So you agree then, in retrospect, was you
21 put more parishioners in harm's way in order to
22 quiet the scandal.
23 A I had to balance, in my judgment, what is more
24 harmful and what is less dangerous. I did what I
25 thought was less dangerous.
26 Q Right. And to be fair to you, Archbishop Exner,
27 the way you handled this in the spring and summer
28 of 1976, before September of 1976, was really in
29 keeping with the cultural response of the church
30 to any sexual violations by a priest; isn't that
31 right?
32 A I tried my best.
33 Q And, tell me, Archbishop Exner, is there a
34 difference in your mind between the institutional
35 church and the church as the people of God?
36 A It's a nice mental distinction, but in reality,
37 they're both the same, one and the same thing, one
38 of the same reality.
39 Q Archbishop Exner, are you able to explain to me in
40 your experience as a bishop, and then archbishop,
41 why sexual abuse by clerics such as Father Molon
42 are covered in secrecy?
43 A To avoid scandal, but it's -- it's -- to cover it
44 up is worse than making it known and dealing with
45 it.
46 Q In retrospect, you realize that?
47 A Oh, yeah, I agree with that.

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cross-exam by Mr. Kovacs

1 Q Now, you're aware that Rosemary Wright only moved
2 to Kamloops in September of 1976. Did you know
3 that?
4 A I don't know when she came. I did not know that.
5 Q I'm going to suggest to you that in fact she did
6 move to Kamloops in September of 1976 right around
7 the time of this Diocesan Council meeting.
8 Archbishop Exner, do you accept that if you had
9 removed Father Molon from his position as co-
10 pastor that this would have never happened to
11 Rosemary Anderson?
12 A It wouldn't have happened, but hindsight is always
13 so much easier than foresight, believe me.
14 Q Are you aware that Rosemary Anderson says she was
15 sexually assaulted by Arch -- by Father Molon
16 between 70 and 100 times?
17 A No, I didn't know that.
18 Q Now, Rosemary Wright did come to see you in the
19 early spring of 1977.
20 A Right.
21 Q You earlier talked about the fact of your speaking
22 notes and speaking at Mass in 1977 in March, and
23 you said it took an awful lot of courage to stand
24 up in front of that congregation and --
25 A Tell me.
26 Q -- say what you did.
27 A Tell me.
28 Q Do you agree it also took an awful lot of courage
29 for Rosemary Wright to come to you and tell you
30 what was happening with Father Molon?
31 A I agree, and I give her full credit for that. She
32 did a service to herself and to the church.
33 Q Do you also agree it takes an awful lot of courage
34 to come forward to this court to explain --
35 A For --
36 Q -- to expose the truth of what happened?
37 A Well, it's painful but the truth has to be told.
38 Q Yes. Now, you recall that she came to you to ask
39 if she should marry Father Molon?
40 A Yes, she did.
41 Q Right. Father Molon wasn't there with her?
42 A No.
43 Q And it occurred to you at the time that she might
44 be asking about whether to do this as a means of
45 trying to adhere to the Catholic faith, to "make
46 it right".
47 A I suspect that that's what she was thinking.

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1 Q 'Cause that's what Catholicism teaches young
2 women, that to make things right, you have to be
3 married, if it's going to be that kind of
4 relationship.
5 A If you're going to be in a relationship, yeah, I
6 guess so.
7 Q And you agree that Rosemary Wright was vulnerable?
8 A Of course.
9 Q And you viewed Father Molon as promiscuous, as a
10 playboy, or even a predator?
11 A I just said that a number of times. You've seen
12 it in the notes.
13 Q And you've discouraged -- you discouraged Rosemary
14 Wright from, in your words, giving it any further
15 thought, "it" being marriage.
16 A Oh, yeah.
17 Q Because a marriage with a man like that is no
18 good.
19 A No, it wouldn't be.
20 Q Because you knew he was taking advantage of her?
21 A Yeah, and he would have taken advantage of her
22 even more if she -- if she were his wife.
23 Q Do you recall taking notes during your meeting
24 with Ms. Wright?
25 A No, I don't think I had paper or pencil.
26 Q Right. She says that you drew a diagram for her
27 to explain why it was wrong to marry him. Do you
28 remember that?
29 A No.
30 Q Do you deny that that happened or you just don't
31 remember.
32 A I just don't remember.
33 Q And, to be fair, I mean, you've said this many
34 times. It's 40 years ago, and you don't remember
35 where that meeting happened, nor --
36 A No, I don't.
37 Q -- nor when it happened or how long it was.
38 A I don't.
39 Q During your meeting with Ms. Wright, did you tell
40 her about your knowledge of Father Lindo with
41 other women?
42 A I don't remember. I don't think so. Probably
43 not.
44 Q Probably not. Why not?
45 A I don't know. Would it have eased her pain? I
46 don't know.
47 Q Are you aware that he continued to sexually

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1 assault her after her meeting with you?
2 A No, I didn't know that.
3 Q Do you agree that had you warned her, perhaps,
4 that might not have happened?
5 MR. HOGG: Well, I'll object to that. I think that's
6 pure speculation. He doesn't know what might have
7 happened.
8 THE COURT: Well, this has been going on for about ten
9 minutes, but --
10 MS. KOVACS: That's fine, I'll move on to my next one,
11 My Lord.
12 THE COURT: -- I agree.
13 MR. HOGG: There's limits.
14 MS. KOVACS: That's fine.
15 Q You didn't warn her. You didn't warn her that he
16 was a predator?
17 A I think I let her know that he -- she's not the
18 only one, that he's promiscuous.
19 Q Do you recall saying that or you think you let her
20 know?
21 A I don't -- I -- hey, it's 40 years. I can't
22 remember.
23 Q I get --
24 A I simply can't. You're asking me to do what I
25 can't do.
26 Q Do you recall asking her for proof?
27 A No. How do you ask for proof for something like
28 that? I wouldn't have asked that.
29 Q Do you recall asking Father Barry [sic] Desmond to
30 -- her confessor, to confirm that she'd confessed
31 it to him?
32 A No.
33 Q You wouldn't have done that?
34 A I couldn't do that. That was -- no, no, you never
35 ask questions about what people confess. That's
36 an absolute no-no. That never happened.
37 Q You say that never happened?
38 A Never happened. I would never ask a priest about
39 a penitent and what they said. I can't. Nobody
40 can. That's a serious, serious matter.
41 Q Right; more serious than sexual violations?
42 A As it -- sure, because it's a violation of a
43 sacrament, the secrecy of the sacrament.
44 Q Right. Archbishop Exner, I'm going to suggest to
45 you that that did indeed happen, that Father Barry
46 Desmond came into the room and you asked him to
47 confirm, "Is it true?" and he said, "Yes".

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1 A I did not ask him what she went to -- I did not --
2 I don't remember asking him to come to the room
3 and I certainly would not have -- never asked him
4 what people said to him in confession. I would
5 not do that. I simply would not do that. I'm
6 certain I didn't do that and I wouldn't.
7 Q You don't recall how your meeting with Rosemary
8 Anderson -- or Wright ended; is that correct? You
9 don't recall how it ended?
10 A No, I don't.
11 Q And so I take it -- I presume after your meeting
12 with Ms. Wright, you then had a meeting with
13 Father Molon.
14 A Possibly.
15 Q You would have had to, I assume.
16 A I'm sure I did.
17 Q Did you record the content of that meeting?
18 A No.
19 Q Why not?
20 A These are matters of conscience. You don't write
21 stuff like that on paper.
22 Q Did you make another offer to send him to
23 Southdown or to the Guest House?
24 A I repeatedly offered it, and urged him to accept
25 my offer.
26 Q He refused?
27 A Every time.
28 Q You also made him another offer, which was to go
29 to a different parish; isn't that right?
30 A I don't remember that.
31 Q I think your speaking notes might help us in that
32 regard, so if I can take you to Tab 24, please.
33 A Yes.
34 Q Moving to page 2, paragraph number 8, there's the
35 paragraph that says [as read in]:
36
37 Why hasn't any help been offered to him so it
38 -- so that at least he would have someplace
39 to go?
40
41 Do you see that? Paragraph number 8.
42 A Yes, number 8.
43 Q And the very first bullet says [as read in]:
44
45 I have made three offers to Father Lindo and
46 begged him to consider the help I was
47 offering.

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cross-exam by Mr. Kovacs

1
2 So, there's three offers made to him?
3 A No, three options -- that should be three options.
4 Q Options?
5 A The offers were repeated much more frequently than
6 three times.
7 Q So the next bullet [as read in]:
8
9 One offer or option was to get professional
10 help which is available at a certain place.
11
12 That would be Southdown or Guest House.
13
14 For priests with problems such as his. I
15 also offered to get the financial help needed
16 to cover the expenses for this.
17
18 So that was option A?
19 A Where are we?
20 Q Second -- next bullet.
21 A Number 8?
22 Q Number 8, second bullet.
23 A Oh, yes.
24 Q Option A was --
25 A All right.
26 Q -- go to get some help at Southdown. And then
27 below that, it says [as read in]:
28
29 Then, too, I offered him two parishes where
30 he could go where he could get help and where
31 he would continue in the priestly ministry.
32
33 Do you see that?
34 A Yes.
35 Q Right. So that would have been true and accurate.
36 You offered him two different parishes.
37 A I don't remember that.
38 Q You don't remember which parishes you offered?
39 A No, I don't.
40 Q And earlier you said you recorded these notes
41 because you wanted to make sure you weren't
42 misquoted, correct?
43 A Right.
44 Q So you have every reason to believe these notes
45 are accurate and would have been read out at Mass
46 at 7:30 p.m. on March 16th, 1977.
47 A Right.

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cross-exam by Mr. Kovacs

1 Q So you don't deny that you offered him two
2 parishes, you just can't remember it.
3 A I can't remember.
4 Q And then the last bullet [as read in]:
5
6 For reasons of his own, he has chosen not to
7 accept my offers.
8
9 Now, my friend asked you some questions in your
10 examination in chief about your suspension of
11 Father Molon. Do you recall those questions?
12 A Who asked me?
13 Q Mr. Hogg.
14 A No, I don't remember.
15 Q Let's just talk a little bit. You eventually did
16 suspend Father Molon, correct?
17 A Yes. Yes.
18 Q And that written suspension didn't come until
19 October of 1977, so several months after this Mass
20 in March of 1977.
21 A Well, one of the reasons was that he disappeared
22 and I didn't know where to reach him. Even when I
23 did suspend him, I wrote that letter suspending
24 him from all priestly activity. I did not know
25 where he was.
26 Q All right.
27 A One of the parishioners knew where he was and was
28 willing to deliver my letter to him, but I did not
29 know where he was, and the parishioner wouldn't
30 tell me. My hands were tied.
31 Q But what I want to understand, though, is the
32 sequence and the process, the procedure that
33 happened here. I'm going to suggest to you,
34 Archbishop, that you didn't suspend Father Molon
35 because of the inappropriate relations he had with
36 Rosemary Wright?
37 A With her and with others.
38 Q I'm going to suggest to you, you suspended him
39 because he disobeyed you?
40 A Oh, that's speculation. I don't think so.
41 Q Archbishop Exner, you'd agree with me that before
42 you suspended him, and it's in your speaking
43 notes, you offered him two parishes to go to.
44 Here's option B, you can go to parish, just go
45 away quietly, we'll put you somewhere else. That
46 was an option presented to him, correct?
47 A I guess -- yeah, I guess the record says that,

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1 doesn't it?
2 Q Yes. And you didn't suspend him until well after
3 that.
4 A I don't know. I can't remember what my thoughts
5 were.
6 Q You'd agree with me, though, that if he took that
7 offer and went to another parish, this would all
8 have ended quietly.
9 A It would been -- it would have come alive
10 elsewhere.
11 Q Exactly. But he didn't take that offer. He
12 disobeyed you, and then you suspended him?
13 A Yeah. I didn't have much choice, did I, though?
14 Q No, you didn't. Now, I'd like to take you to Tab
15 22, if you could.
16 A Yes.
17 Q Tab 22 is a two-page handwritten letter. It says
18 [as read in]:
19
20 Dear Bishop Exner.
21
22 And the second page says:
23
24 Thank you. God be with us all. Elsie.
25
26 Do you see that?
27 A Yes.
28 Q Who's Elsie?
29 A I don't know. I can't remember.
30 Q Do you recall an Elsie with the last name starting
31 with the letter "B"? Does that ring any bells?
32 A No.
33 Q Do you recall the last name Elsie Bodan?
34 A What, pardon?
35 Q Boden.
36 A Bogan?
37 Q Bodan, B-o-d-a-n.
38 A No. I can't remember it.
39 Q Do you recall receiving this letter?
40 A No.
41 Q Receiving a letter from a woman -- and you'll --
42 it's undated unfortunately. You can take the time
43 to read the content if you wish, Archbishop Exner,
44 but what she appears to be doing is making a plea
45 for you to find and -- this is in paragraph 2 [as
46 read in]:
47

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1 Please, Bishop Exner, find it in your heart
2 to help him --
3
4 That's Father Molon.
5
6 -- be a priest in another country.
7
8 Does this ring any bells to you? Do you remember
9 getting this letter?
10 A No.
11 THE COURT: I'm sorry, could you just --
12 A I think that's so many years ago --
13 THE COURT: What tab are you at?
14 A -- that I had the archdiocese of --
15 MS. KOVACS: Tab 3, please, My Lord.
16 A -- for nine -- Winnipeg for nine years and 13
17 years in Vancouver, and the volume of stuff I went
18 through these years is enormous. How can I
19 remember this?
20 Q I'm sure. And if you don't, that's fine, you can
21 just --
22 A I'm not an elephant.
23 Q No, you can just let me know --
24 A I don't have an elephant's memory.
25 Q -- if you don't remember, Archbishop. Do you
26 recall being told that Father Molon was living
27 with a woman named Elsie --
28 A No, I never --
29 Q -- after she -- after he left the rectory?
30 A I can't remember Elsie at all.
31 Q Now, I just want to talk a little bit more about
32 the offer of the other parishes, and you said it
33 would have become -- and I'm paraphrasing here --
34 another problem. What did you mean by that?
35 A Well, I wasn't -- I wasn't blind. I knew that if
36 I sent him to another parish, I could, in due
37 time, expect to have a similar pattern there,
38 'cause he took himself with him in going to
39 another parish. In a sense it really hurt me to
40 send him anywhere 'cause -- knowing that he was
41 probably going to do the same thing elsewhere,
42 because he was not learning anything, and he
43 wasn't -- didn't seem to be even concerned about
44 learning anything.
45 Q Do you -- you appreciate that -- and I'm going to
46 refer to this as the silent shuffle. Do you know
47 -- do you know what that term means? Have you

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 heard that term before? The silent --
2 A No.
3 Q -- shuffle? No? You're generally aware, having
4 been Archbishop of Vancouver, that the *modus*
5 *operandi* for dealing with sexual violators in the
6 church was to move them from parish to parish.
7 A Some did that. I didn't want to do that -- want
8 to do that.
9 Q Did you feel that you had a choice, Archbishop?
10 A Not much.
11 Q No. But the pope at the time of these events, in
12 the late 1970s and 1980s was Pope John Paul II,
13 correct?
14 A Yeah.
15 Q You'd met him.
16 A No, I never did.
17 Q You never met him?
18 A John Paul II, yes, sorry.
19 Q Yes, you did, yes.
20 A Several times.
21 Q Several times; 'cause you would have had the
22 meetings every five years plus there was other
23 occasions to meet. Are you generally aware that
24 John Paul II is accredited with enabling the
25 cover-up culture for the sexual abuse crisis in
26 the church?
27 A Enabling it? Not -- no, I'm not.
28 Q During Pope John Paul II's tenure as pope, to your
29 knowledge, were there any laisizations of priests?
30 A I'm sure there were, I don't know. I don't have
31 hard facts --
32 Q Right.
33 A -- on numbers. I'm sure there were.
34 Q To your knowledge as bishop during those relevant
35 years, do you agree that it was generally known,
36 as amongst bishops, that files sent to the
37 papacy --
38 A To...?
39 Q To the papacy -- to the Vatican.
40 A Papacy.
41 Q Yeah, the papacy, to the Vatican --
42 MR. HOGG: I'm going to object here. I don't mind if
43 she asks was it your -- was it your policy during
44 this time. To say was it generally known by
45 bishops, I mean, that's an impossible situation
46 that a witness can't answer. He doesn't know what
47 other bishops thought.

Adam Exner (for Defendants)
cross-exam by Mr. Kovacs

1 MS. KOVACS: My Lord, this witness attended meetings
2 with other bishops, he was a bishop. The
3 defendant is the corporate -- a corporation that
4 works on behalf of a large religious institution.
5 That religious institution operates through that
6 corporate entity in the Diocese of Kamloops. This
7 witness has knowledge with respect to a cultural
8 and systemic response, and I -- and I need to
9 pursue this line of questioning to that end.
10 It's relevant to the defendant's direct
11 negligence; it's relevant to the defendant's -- to
12 the claim -- defendant's claim for punitive
13 damages.
14 Contrary to my friend's comments on day one
15 of this trial, this -- this is not just the little
16 Bishop of Kamloops. There's a bigger organization
17 behind it, and the plaintiff has a right to
18 explore that.
19 THE COURT: I'm -- I'm not actually understanding that.
20 Are you going to finish with this witness today?
21 MS. KOVACS: I don't think so, My Lord. I probably
22 need about another hour.
23 THE COURT: All right. Well, then, I think what I'll
24 do is just excuse the witness and --
25 MS. KOVACS: Yes.
26 THE COURT: -- hear submissions on this --
27 MS. KOVACS: All right.
28 THE COURT: -- in the remaining time. All right?
29 MS. KOVACS: My apologies, Archbishop, I'll need you
30 back tomorrow morning.
31 THE COURT: So, Archbishop, we'll excuse you --
32 A Thank you.
33 THE COURT: -- until tomorrow morning, and so you can
34 step down now.
35 A Thank you.
36 THE COURT: And depart the room.
37 A I get double pay tomorrow, right?
38 THE COURT: Yeah, maybe triple time.
39 A Thank you very much.

40
41 (WITNESS STOOD DOWN)
42
43 [EXCERPT CONCLUDED AT 3:46:25 P.M.]
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45
46
47 Transcriber: D. Rochfort

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I hereby certify the foregoing to
be a true and accurate transcript
of the evidence recorded on a sound
recording apparatus, transcribed to
the best of my skill and ability.



D. Rochfort
Court Transcriber