

Court will hear one voice from Hughes Inquiry

Barb Sweet (barbara.sweet@thetelegram.com)

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Lawyer Geoff Budden and colleague Paul Kennedy at the Mount Cashel civil trial Mo
Photo by Barb Sweet/The Telegram

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A lawyer for the church, Mark Frederick, had objected to the tapes being played on the basis of fairness, in part because of the fact those people can't be cross-examined.

Monday, Justice Alphonsus Faour ruled in a detailed explanation that the testimony of the priest — an archdiocese official of several decades ago — could be admitted and that the others failed to meet the criteria for admissibility of hearsay evidence.

Faour said part of the priest's testimony relates to the question of what knowledge the archdiocese may have had that is relevant in this trial. The man's notes — relating to a particular incident — have already been produced by the church and are in evidence.

The 1989-90 Hughes Inquiry was appointed in the wake of the scandal that emerged in the late 1980s about abuse of boys at the orphanage in the 1970s and 1980s.

Its mandate was to examine the failings of the justice system and related agencies in responding to abuse allegations, Faour noted.

The Hughes report was never admissible in the civil trial and Budden did not seek to have it accepted as evidence.

"Findings of the Hughes Commission are irrelevant to this proceeding. Conclusions are based on policy decisions and evidence taken under a much looser legal regime than would be acceptable in this court," Faour said.

The John Doe lawsuit against the Roman Catholic Episcopal Corp. of St. John's seeks compensation and involves four test cases that claim the church should be held liable for the physical and sexual abuse of boys at the orphanage by certain Christian Brothers during the period of the late 1940s to early 1960s. The test cases represent about 60 claimants in the case being pursued by Budden and Associates.

The church contends it did not run the orphanage, and therefore is not responsible for actions there of the lay order Irish Christian Brothers.

Historian John FitzGerald, an expert witness for the church, completed days of testimony Monday.

FitzGerald, who reviewed historical documents and wrote a report on the relationship between the archdiocese and the Christian Brothers, said Monday in cross-examination by Budden that he stands by his conclusions.

FitzGerald has said the archdiocese did not manage or operate the orphanage.

Father Thomas Doyle, a canon lawyer from the Washington, D.C., area, began testifying in a voir dire Monday afternoon. Claimants' lawyer Paul Kennedy requested he be admitted as an expert witness, but Susan Adam Metzler, a lawyer for the RC Church, is still cross-examining him.

The trial continues this week until Wednesday and then breaks until June 6. There are three weeks scheduled in June, and lawyers from both sides will submit written arguments over the summer, with oral arguments to be heard in the fall.

Follow @bsweettweets on Twitter and #mountcashelciviltrial for live tweets from the courtroom and look for coverage online Tuesday and in print Wednesday.

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