

Mount Cashel back in spotlight

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St. John's lawyer Geoff Budden represents about 60 clients involved in a Mount Cashel abuse claim represented by four test cases scheduled to go to court in April against the Roman Catholic Episcopal Corp. of St. John's. The men involved in the claim were former residents of the orphanage in the late 1940s, '50s and mid 1960s.

Roughly seven decades ago, the Roman Catholic archbishop patted the heads of some boys as he passed them in the hallway. Among them was a St. John's man who is set to stand up in court in less than two weeks in a case about whether the church had a role in operating the infamous Mount Cashel orphanage.



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The Roman Catholic Episcopal Corp. of St. John's, no longer represented by its longtime local lawyer, is scheduled to head to court April 4 to fight four test cases — representing about 60 claimants of physical and sexual abuse by some members of the Roman Catholic lay order, the Christian Brothers, dating back to the late 1940s, '50s and mid-1960s.

The second defendant previously named was the New York-based Christian Brothers Institute Inc., but because the organization declared bankruptcy in 2011, that action was discontinued.

The Roman Catholic Church contends it was not involved in the operation of the orphanage.

The St. John's man's childhood memory of the archbishop visiting is of that one occasion. But to him, one of the four people testifying about their own alleged abuse at the hands of the Brothers, the role of the archdiocese was clear in the orphanage's operation. He recalls there was a Roman Catholic parish priest in residence on the property and he held mass every morning and night.

"It's kind of difficult to comprehend the reticence of the church to accept responsibility," he said.

"I think it is more to do with trying to hold onto any wealth they may have, that they want to keep that secure. ... They need to come forward and accept their responsibility. They refused to do so."

Memories of the abuse continue to haunt him, his four brothers and other alleged victims of abuse at the orphanage from that era, he said.

"Where is the peace that has been robbed from them?" he asked.

Many of the Christian Brothers' victims, he said, have had their lives ruined by alcoholism, drugs and divorce, and they deserve to have the church take responsibility.

"(The church) may come out in a backhanded way and say, 'I am sorry.' That is as far as they go," he said.

"I find that aggravating, disappointing and totally unacceptable."

Now in his mid-70s, the retired professional previously told his story to The Telegram in a series on the aftermath of abuse at Mount Cashel.

He's surprised there has been no settlement of the case — with the civil trial date bearing down. It is expected to involve about 19 sitting days of testimony at the Supreme Court of Newfoundland and Labrador in St. John's.

"It will creep up on you like fog creeping in over the Gut. You turn around and there it is," he said of the trauma associated with the abuse.

"I hope (the court case) doesn't put some of (the victims) under. Everybody doesn't have the same strength. To others, it may flatten them out emotionally. There is no spirituality left in any Mount Cashel boy I know. That's gone. That's taken and I am pretty sure it won't be coming back."

The man said he is looking forward to testifying to try to resolve the case once and for all, but is also dreading it.

"I will be cross-examined, up before the public again with efforts to confuse me, trick me and this sort of thing. It's a mental battle and emotional battle all over again," he said.

The men involved in his case may have received a little compensation in the past from the Christian Brothers, but that was not adequate given the suffering, noted St. John's lawyer Geoff Budden, whose firm represents 60 claimants. (He estimates there are also about 20 other cases involving other lawyers still unresolved from the era.)

Budden could not comment on whether settlement talks have taken place, but said he remains open to discussion.

"This thing really requires a resolution — our clients are getting older and the case has gone on a long time," Budden said.

Budden's firm contends the Episcopal Corp. of St. John's played a role in the orphanage setup and its operation, and knew or ought to have known about the abuse that took place there.

"If it must be court, then court it will be," he said.

"And all four of our (trial) clients lived really honourable lives. But they have all suffered because of this abuse and therefore they are entitled to compensation. They didn't just walk into this orphanage. Some of them were brought there by priests."

The Archdiocese of St. John's issued a statement to The Telegram about the upcoming case, saying it can't comment much.

"While the Archdiocese of St. John's was never responsible for the operations of the orphanage or the school at Mount Cashel, we have great sympathy for those who suffered and continue to suffer as a result," said the statement.

"At this time it would be inappropriate to address specifics of the current legal proceedings as they unfold other than to state that we respect due judicial process and its outcomes. The archdiocese remains focused on our daily work and service giving generously in the community, and promoting social justice."

Gemma Hickey, founder of the Pathways Foundation, a non-profit organization that helps victims of abuse by clergy, said she approached current Archbishop Martin Currie of the Archdiocese of St. John's when a trial date was set and asked the church to settle the case.

"Mount Cashel left a deep wound in the province and a trial is going to open it up again," said Hickey, who last year walked across the province to raise awareness for victims of abuse by clergy — ending the trek at the Mount Cashel memorial.

"My reasoning (for making the request to Currie), obviously, is because settlement will be the best way forward for everyone involved."

Hickey said as a victim of sexual abuse by a clergy, the trial could trigger trauma for not only orphanage survivors, but all victims of abuse by clergy.

The archdiocese recently replaced local counsel with Toronto lawyer Mark Frederick.

"After consultation, we have engaged counsel we believe to have the experience, knowledge, insight and background to offer the best possible direction in this case," archdiocese spokeswoman Anne Walsh told The Telegram.

Among the arguments the victims' side intends to make is a September 1897 letter from Archbishop M.F. Howley to colonial secretary Robert Bond among a collection on the founding of Mount Cashel.

In the letter, Howley remarks on his "constant" consideration of the establishment of an institution for boys, that he had entered in a correspondence with the Christian Brothers of Dublin for staff, and that bedsteads and other furniture had been ordered.

"I guarantee to have the establishment carried on in such a manner as will amply satisfy all the demands required by an Act of Parliament which may be enacted, to erect suitable buildings and make the enterprise in every sense a complete success," Howley wrote.

"We're looking to call in the guarantee they issued 120 years ago," Budden said.

The liability of the church in the case has not yet been determined by the courts.

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