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Roman Catholic Archdiocese of St. John's files for protection from creditors

Wait for compensation continues for victims of abuse at Mount Cashel

Barb Sweet | Posted: Dec. 21, 2021, 9:12 p.m. | Updated: Dec. 21, 2021, 10:50 p.m. | 5 Min Read

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The former Mount Cashel Orphanage building in St. John's. - Telegram file photo

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For victims of sexual abuse at the Mount Cashel Orphanage in the mid-20th century, time is running out, but that's exactly what the church is looking for more grace on — the Roman Catholic Archdiocese of St. John's has filed for protection from its creditors.

"We're the garbage," said one of the four John Does who fought for compensation for more than two decades — a legal battle led by St. John's lawyer Geoff Budden.

The man and his four brothers were abused at the St. John's orphanage. One brother died within the last couple of years. Two are in long-term care and another has early onset Alzheimer's disease.

It's not unexpected that the church would go the bankruptcy court route, but it is galling that the wait for compensation drags on, Doe said.

He will be 82 on his next birthday.

"What do you say after you say it's unbelievable?" he said.

"That's the Holy Roman Catholic Church for you. ... I just don't have any more anger. I think I have expressed all of that. My feeling towards them or my idea of what they are is a bag of pus. They have no feeling for the plaintiffs, absolutely none. I think they got Beelzelbub and Jesus mixed up."

Archbishop Peter Hundt made the announcement Tuesday afternoon, Dec. 21, via a news release stating that the archdiocese had filed a notice of intention to make a proposal pursuant to the Bankruptcy and Insolvency Act.

"Over the past year since the legal decision became final that the archdiocese was vicariously liable for the claims of abuse at the Mount Cashel Orphanage in the 1940s, '50s and '60s, we have been working hard to determine how best to resolve these claims while also ensuring the ongoing practice and celebration of our Catholic faith," Hundt said in the statement.



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"In effect, we will be requesting additional time to complete our evaluation of our assets, formally call for claims against the archdiocese, and develop a proposal for our creditors to settle victims' claims and creditor liabilities. This process will involve the archdiocese marketing diocesan properties, including church buildings, to satisfied claims. This will be a transparent process adjudicated through the Newfoundland and Labrador Supreme Court."

Hundt, who declined an interview, said in the statement the church is committed to settling the victims' claims, and "hope in doing so we can bring some measure of healing to them, their families and all who have been wounded by sexual abuse."

Hundt said he will meet with parishes and groups in the coming weeks.

Budden, of Budden and Associates, said the church has had quite a bit of time already.

"They had a year since the Supreme Court (of Canada) ruled and 16 months since the Newfoundland Court of Appeal ruled," Budden said Tuesday after news broke of the filing.

"They are doing what they feel is right for them. And we will respond by doing what is right for our clients. ... We will be there (throughout the bankruptcy process)," he said.

The case was launched in 1999 with a statement of claim, but didn't go to trial until 2016.

One of the four representative John Does has since died.

The Roman Catholic Episcopal Corp. of St. John's, the legal entity of the Archdiocese of St. John's, had claimed it wasn't to blame for the sexual abuse, and insisted the Irish Christian Brothers were an independent lay order.

In the summer of 2020, however, the Newfoundland and Labrador Court of Appeal unanimously ruled the Roman Catholic Episcopal Corp. of St. John's was liable for the sexual abuse suffered by the orphans at the hands of some



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the 1980s when systemic sexual and physical abuse of boys who resided there in

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the 1970s and '80s was finally exposed after coverups and led to the Hughes Inquiry.

Men who were abused as boys at the orphanage in the mid-20th century weren't compensated by the provincial government, as the later victims were, and after the Irish Christian Brothers went bankrupt, victims of that era sought compensation from the Roman Catholic Archdiocese of St. John's in the lawsuit fought by Budden and Associates of St. John's. There are more than 75 claimants represented by the firm, with calls still coming in, and the outcome affects the cases of various other lawyers as well.

In 2018, in Newfoundland and Labrador Supreme Court, Judge Alphonsus Faour ruled the archdiocese could not be found vicariously liable for the conduct of the Christian Brothers.

But the Court of Appeal concluded the trial judge made errors of law on that point, and that the relationship between the archdiocese and the Irish Christian Brothers was sufficiently close to justify finding the archdiocese vicariously liable, and it would have to pay damages to the victims.

The 2016, a Newfoundland and Labrador Supreme Court civil trial — covered almost exclusively by The Telegram — heard, among other things, claims of boys at Mount Cashel being beaten as they lined up for meals, having to eat porridge filled with dead grubs, and stealing scraps from vats of swill consisting of patients' leftovers at city hospitals.

There was also the recounting of an incident of a boy being dragged by a rope into a frigid swimming pool where the children were forced to bathe with bars of Sunlight soap to save on hot water, of a boy screaming as he was beaten in the shower because he had been late and was ducking in and out of the cold water, of sexual acts committed at night by a Christian Brother roaming through the young boys' dorm, and of a traumatized boy eating a chocolate bar and drinking pop while being sexually assaulted by the canteen operator because he had no idea what else to do.

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