

March 22, 2007

Justice G. Normand Glaude
Commissioner
Cornwall Public Inquiry

Mr. Commissioner:

I have been following with great interest, the series of events that have unfolded at your inquiry following my decision (and subsequent medical approval) not to appear at the inquiry for the purpose of cross examination by lawyers representing several agencies associated with my case. After reading the latest transcript (March 1) and, after having received a copy of a letter forwarded to my attorney from the victims' rights lawyer indicating that there has been some agreement reached by the various lawyers who wish to cross examine me in terms of how to proceed in my absence, I was compelled to write this letter.

There is a definite need to vigorously defend my rights as a witness to the inquiry and to put a stop to what I perceive is an abuse of the rights of victims like myself by lawyers who are somewhat overzealous in their attempts to defend the interests of their clients.

I have two major concerns regarding my case. The first involves a decision to show a two hour videotape of a police statement given by me in 1994 that goes into explicit detail concerning the sexual abuse I endured by several individuals. I understand that the lawyer representing the OPP is intending to show this tape in its entirety putting me and my life story out in full public display. He claims the purpose is to show that the institutional response by the OPP was professional, contradicting what he claims is my allegation that this interview formed the basis for my ongoing lack of trust in this particular institution. My distrust of any police force goes way back before 1994. I can assure Mr. Kozloff this particular interview only added to a distrust that I had, and still have to this day, regarding various Ontario police forces. Perhaps Mr. Kozloff can make you aware of an incident that occurred just weeks prior to my taking the stand involving my wrongful arrest and subsequent abuse while in a jail cell, by manner of a taser, that resulted in a mad dash in the back of an OPP cruiser to the hospital and resulting in an accident on the 401. Of course, all charges against me were dropped and the OPP is supposedly conducting an internal review of the incident but do I really expect anyone to come to my defense? Do I expect the OPP to come clean and admit wrong doing that almost resulted in my death? Of course not. This is just another in a long line of abuses over which I have no control and no recourse. And Mr. Kozloff wonders why I distrust the police.

So what purpose would showing the video to the entire world have other than to embarrass and humiliate me and my family? Have Mr. Kozloff send me a statement to sign that will indicate that this interview was not the root cause of my distrust of the police. Please do not allow the showing of this video in a public inquiry.

The second concern involves the contents of the letter forwarded to my attorney from the victims' rights lawyer. I am aware that a decision has not been made as to whether my

previous testimony will stand as presented or be expunged from the record. The letter, however, and parts of the transcript, indicate that, in my absence, the lawyers representing the various individuals and institutions that were not able to cross examine me will be allowed to present the questions they would have asked me, had I been on the stand, as they relate to various court documents and evidence involved in my case. I further understand that those same lawyers will then be allowed to state, on the record, what they would have expected as a response from me if I was indeed present and on the stand.

Mr. Commissioner, I cannot believe that such a convoluted method of cross examination would occur in a public inquiry. I am hopeful that the information I have received is incorrect. However, if it is accurate, I would expect, at the very least, that you would rule this procedure to be totally unacceptable.

I can appreciate the fact that the lawyers in question would like to have the opportunity to cross examine me. They would love to have the opportunity to have me on the stand to rip to shreds the over fifteen years and tens of thousands of pages of documentation that has been collected by various police forces, lawyers, and government institutions that have been involved with my case. They would love to show what they believe are the inconsistencies and memory lapses associated with having to tell and retell over and over again to a multitude of sometime sympathetic but more often than not aggressive, cross examination style interviewers that I have been subjected to over the last fifteen years.

If I had the fight still in me, I would meet them head on; I would take the stand and state what I always have stated – the truth. I would love nothing more than to be able to state that I know exactly who interviewed me on such and such a date ten years ago, who was present, what was said, how I was feeling, what the weather was like that day – but I didn't take notes; I wasn't given a copy of statements very often; I rarely had legal representation that was acting in my best interests. I admit - I was angry – very angry; fifteen years ago, ten years ago and even today.

I can appreciate the fact that someone, finally, wants to get to the bottom of this whole mess. But for me, it's too little and far too late. I battled alone. I battled with my own demons while the abuse was occurring. I battled with myself when I rebelled in my youth. I battled with authority as I grew older and lost trust in everyone and everything. And now, it appears that I still have to battle, but this time those that are supposedly in my corner; supposedly there to help; to heal; to set the record straight.

Mr. Commissioner, what has happened here? Why have I been portrayed as a drugged, mindless, incompetent individual who has limited memory of past events; who may or may not have been abused; who is volatile and needs anger management therapy? Why am I still the victim?

The inquiry was called to examine institutional responses to alleged sexual abuses occurring over a long period of time in Cornwall and the surrounding area. Mine is but one case, but it is a pivotal case. It is the case that started the initial investigation that has subsequently snowballed into a massive, loose collection of data that may indeed point to, at the very least, a pattern of corrupt, ineffectual, and incompetent institutional responses to a pervasive and

systemic pattern of sexual abuse in the community. To that end, I am fully aware of the importance of my testimony but I am also fully aware that this is not a trial.

I do not believe I was on the stand for the purpose of cross examination related to statements I made ten or fifteen years ago. I believe the purpose was to corroborate that I did indeed make those statements; that I indeed appeared before numerous agencies, legal entities, and made statements to numerous representatives of those agencies and anyone else that was willing to listen to my case. I was and am fully prepared to confirm what I said over that period of time and to whom it was said. I am at a distinct disadvantage, however, because I don't have notes. I don't have copies of statements. I can't remember all the details of every meeting.

I do, however, remember every detail of the abuses; every detail of the incompetence involved with investigations as they evolved over the years. I was prepared to discuss those aspects of my case. I was prepared to discuss my disillusionment and anger related to what I perceive as an utter failure of the institutions that are supposedly in place to protect individuals like myself. I am not prepared, however, to take the stand and have a lawyer try to manipulate my appearance at the inquiry and my thousands of pages of statements in an effort to discredit me or personally attack me so as to salvage the reputation of his or her client.

My testimony and my statements stand on their own merit. If there had been a trial (which never happened, in my opinion, due to institutional incompetence) I would have taken the stand to back up what I had said. But this is not a trial. This is an inquiry. This is something that has been undertaken to investigate and hopefully restore public trust in public institutions that, again in my opinion, have failed miserably to this point in time.

How can a lawyer answer for me? How can a lawyer know what I've been through; what I think; how I feel? I have not given my permission for anyone to speak for me. No one, except possibly the other victims, can know what I have experienced; how I feel; the anger; the mistrust.

I could return. I could take the stand. But for what purpose? To be held to ridicule? To be portrayed in the media as a drugged, violent, criminal? It's not worth the battle. The people that know me, know I speak the truth. The people that know me, know the lies and deception that was so much a part of the Cornwall hierarchy for so many years. The abusers know what they have done and will answer to a higher authority. I don't need the grief. I don't need the further abuse.

Ten years from now, what will be the effect of this inquiry. Your report will most likely focus on improvements that could be made to streamline the process of investigating suspected abuse. It may single out various agencies and identify areas of past negligence or incompetence. It may even help the odd victim of future abuse.

It will not, however, change the fact that the sexual abusers of the past will not be held accountable for their crimes. It will not provide any sense of satisfaction for those victims who know that their abusers walk freely in society. It will not make amends for the institutional abuses that occurred as a result of incompetent investigations. It will not

change how I feel about the system and the injustices I suffered as a result of the abuse of power by those who chose to protect a ring of pedophiles rather than the children that they were entrusted to care for.

And so Mr. Commissioner, I will not return to take the stand and subject myself to further abuse from a panel of lawyers whose sole purpose is to discredit me by any means possible in a misguided effort to protect the interests of either abusers or institutions that were aware of abuse but failed to act.

My only two requests are to not allow anyone to speak for me and to not show that videotape. If you must expunge my testimony, then do so. I would much prefer to see my words disappear from the transcripts than to have some misguided lawyer attempt to speak on my behalf and have that entered into the public record. To do so would be a grave injustice.

Sincerely,

David Silmscr

