

Mount Cashel sex abuse victims

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TORONTO (CP) The last thing Mount Cashel sex abuse victims need is another trial to determine who owes them compensation, a Newfoundland government lawyer said Friday.

"They were boys whose lives were shattered at Mount Cashel orphanage," said Donald Burrage, representing the provincial attorney general at a liquidation hearing about the assets of the Christian Brothers.

For at least two decades, the orphans were physically, sexually and emotionally abused by the Roman Catholic lay order and officials tried to cover it up. During 150 days of painful testimony at a 1990 public inquiry, the men testified about their ordeal as children and how it affected their lives.

"It was, for those of us there, an extremely emotional period in Newfoundland's history and a very difficult time," Burrage said on the fifth and final day of the liquidation hearing.

"All of us were traumatized by what we heard and saw, but none were as traumatized as those victims who were called to relive the experience again."

Burrage urged the judge to allow a liquidating company to admit liability on behalf of the Brothers and settle 89 claims without further delay.

"There's a certain surreal quality to the suggestion (that), eight years after the Hughes inquiry, we now have the possibility of returning to Newfoundland for another eight-month trial. It's the exact situation we sought to avoid when we accepted liability."

In an out-of-court settlement last December, Newfoundland paid \$11 million to 43 victims and is now trying to recover the money from the Brothers. Some of the victims may be entitled to more.

Justice Robert Blair reserved decision but promised to rule quickly. He's expected to rule on three issues whether the corporation that manages the Canadian assets of the Brothers is immune from liability because of its charitable status; what, if any, assets are available to pay claims; and should the liquidator settle the claims or defend them in court. The liquidator, Arthur Andersen, requested permission to admit liability and pay proven claims outright, except for Newfoundland's. But the law says liquidators need court approval before selling assets and settling claims.

"There are millions of dollars at stake here," said James Prestage, arguing on behalf of the charitable interest and against an outright admission of liability.

"The activities at Mount Cashel were not the responsibility of the corporation. Prestage said the corporation was created to hold property only and therefore not responsible for the actions of individual Brothers.

Arthur Andersen is arguing the corporation was responsible for all areas of the schools, except for the spiritual work of the Brothers. Unlike a bankruptcy, there are no creditors in the "winding up" of the Christian Brothers of Ireland in Canada the corporation created to manage schools run by the Brothers.

The assets include two Vancouver schools worth \$40 million most of the total \$44 million across the country. Their ownership will be determined by a B.C. court in January.