

C A N A D A  
PROVINCE OF QUÉBEC  
DISTRICT OF JOLIETTE

SUPERIOR COURT

N° : 705-17-003784-103

RAYMOND GRAVEL

Plaintiff

c.

LIFESITENEWS.COM

and

JOHN-HENRY WESTEN

and

STEPHEN JALSEVAC

and

TIM WAGGONER

and

**HILARY WHITE**

and

**PATRICK B. CRAINE**

and

CAMPAGNE QUÉBEC-VIE

and

LUC GAGNON

Defendants

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**DEFENCE AND COUNTERCLAIM  
OF HILARY WHITE AND PATRICK B. CRAINE**

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IN DEFENSE OF:

Originating Motion	30 dec. 2010
Clarified Originating Motion	16 feb. 2011
Clarified and re-clarified Originating Motion	14 april 2011
Clarified, re-clarified and amended Originating Motion	29 july 2011

IN RESPONSE TO THE AMENDED ORIGINATING MOTION OF THE PLAINTIFF  
DATED JULY 29, 2011, THE DEFENDANTS SET FORTH THE FOLLOWING:

1. They ADMIT paragraphs 1, 28, 30, 62 of the *Originating Motion*;
2. They DENY paragraphs 2, 4, 44, 44 c), 45, 52, 59, 60, 63, 64, 71 and 72 of the *Originating Motion*;
3. They ARE UNFAMILIAR with paragraphs 3, 5, 9, 10, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 31, 32, 38, 41, 42, 46, 47, 49, 51, 56, 57, 61, 65, 66, 67, 68, 69, 70, 73 of the *Originating Motion*;
4. They DEFER TO THE EXHIBITS, and deny everything not compliant thereto while reserving the right to complete the contents of these documents, where necessary with respect to paragraphs 6, 7, 8, 11, 18, 19, 20, 29, 33, 34, 35, 36, 37, 39, 40, 43, 44.a), 44.b), 44.d), 44.e), 44.f), 44.g), 44.h), 44.i), 44.j), 44.k), 44.l), 44.m), 44.n), 44.o), 44.p), 44.q), 44.r), 44.s), 44.t), 44.u), 44.v), 44.w), 44.x), 44.y), 44.z), 44.aa), 44.bb), 44.cc), 44.dd), 44.ee), 44.ff), 44.gg), 44.hh), 44.ii), 48, 50, 53, 54, 55 and 58 of the *Originating Motion*.

AND IN ORDER TO ESTABLISH THE FACTS, THE DEFENDANTS ADD THE FOLLOWING:

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## **Identification of the Parties**

### **A. Common Characteristics of the Parties: Catholicism**

5. All parties to this litigation, both plaintiff and defendants, acknowledge their membership in the Roman Catholic Church;
6. The Roman Catholic Church (hereafter "**The Church**") is a Christian denomination, which may be specifically characterized by the existence of a "Magisterium," namely a **unique teaching** on questions of faith and morals, which the bishops and priests, in union with the Pope, are bound to transmit, by virtue of the Oath of Fidelity pronounced at the time of their ordination, which is received and held to be true by the faithful, if they choose to freely adhere to this denomination;
7. For Catholics, this **authority** of the College of Bishops, in union with its head, **the Pope**, is the inheritance received from Christ and the apostles, according to their interpretation of the Gospel:

*"He who hears you, hears me; and He who rejects you, rejects me; and he who rejects me, rejects him who sent me."*

(Gospel according to St. Luke, chapter 10, verse 16)

### **B. Hierarchical Organization of the Catholic Church**

8. The Pope is the head of the Catholic Church, whose bishops he appoints or whose election he confirms. In order to govern the Church, the Pope is normally assisted by the following authorities, described in the Apostolic Constitution *Pastor Bonus*, issued in 1988 (the text of which may be found in the appendix of Exhibit D-7, pp. 1591 and ff.):
  - a) A central government, the "*Curia*": The Curia consists of various "*decasteries*," or "**CONGREGATIONS**," councils, tribunals, etc., which are similar to government departments, and which are headed by a "*Prefect*" or a President. For the purposes of this litigation, two *Congregations* must be specified:

- i) *The Congregation for the Doctrine of the Faith*

The Apostolic Constitution *Pastor Bonus* defines this Congregation as follows:

*"Art. 48. The proper duty of the Congregation for the Doctrine of the Faith is to promote and safeguard the doctrine on faith and morals in the whole Catholic world; so it has competence in things that touch this matter in any way." Pastor Bonus, art. 48 (Exhibit D-7, p. 1637)*

If a Catholic priest promulgates a teaching or displays conduct that is contrary to Catholic Doctrine, this *Congregation* has the authority to report

him to the Bishop of the diocese in which he is incardinated, so that the Bishop may take any appropriate measures set out in the *Code of Canon Law*. The communications between the *Congregation* and the Bishop are generally transmitted through the Apostolic Nuncio to the country in question (see below, “*Diplomatic Service*”).

From 1981 to 2005, the *Congregation for the Doctrine of Faith* was headed by Cardinal JOSEPH RATZINGER. When he became pope, Benedict XVI appointed Cardinal WILLIAM LEVADA as his successor on May 13, 2005.

The Latin name of the Congregation appears on all its official correspondence: “*Congregatio pro Doctrina Fidei*”

ii) The “*Congregation for the Clergy*”

The Apostolic Constitution *Pastor Bonus* defines this Congregation as follows:

“Art. 95 §1. *The Congregation is competent concerning the life, conduct, rights, and obligations of clergy.*” *Pastor Bonus*, art. 95 §1 (Exhibit D-7, p. 1649)

The Congregation is divided into three Offices, the first of which, “***The Office for the Clergy***,” may be compared to the Office of Discipline for priests:

“1) *The Office for the Clergy collects, suggests and promotes initiatives with regard to the sanctity and the intellectual and pastoral updating of the Clergy (**Diocesan Priests and Deacons**) as well as their ongoing formation; it oversees (...) **Parish Priests and all clerics with regard to whatever pertains to their pastoral ministry, etc.***”.

(See description below from Vatican Site: HYPERLINK  
“[http://www.vatican.va/roman\\_curia/congregations/ccclergy/documents/rc\\_con\\_ccclergy\\_pro\\_31051999\\_en.html](http://www.vatican.va/roman_curia/congregations/ccclergy/documents/rc_con_ccclergy_pro_31051999_en.html)”  
[http://www.vatican.va/roman\\_curia/congregations/ccclergy/documents/rc\\_con\\_ccclergy\\_pro\\_31051999\\_en.html](http://www.vatican.va/roman_curia/congregations/ccclergy/documents/rc_con_ccclergy_pro_31051999_en.html))

If a Catholic priest fails to observe ecclesial discipline, this *Congregation* has the authority to report him, via the Nuncio, to the Bishop of the diocese where the priest is incardinated, so that the Bishop may employ appropriate canonical sanctions.

The two most recent *Prefects of the Congregation for the Clergy* were Cardinal CLÁUDIO HUMMES (2006–2010) and Cardinal Mauro Piacenza (2010–).

The Latin name for the *Congregation*, which **appears** in its official correspondence, is: “*Congregatio pro Clericis*.”

- b) A Diplomatic Service (See *Pastor Bonus*, articles 45–47, Exhibit D-7, p.1637)

As a sovereign State, the Vatican has diplomatic representation in 179 countries, including Canada. The Vatican Ambassador is referred to as the “APOSTOLIC NUNCIO” (hereafter “**The NUNCIO**”). He is the personal representative of the Pope in the country. It is through this diplomatic position that all correspondence is exchanged between the various *Congregations* and local bishops. For the period covering the facts in question in this litigation, there were two (2) successive appointments to the NUNCIO in Canada:

- i) Bishop LUIGI VENTURA, who occupied the position from June 22, 2001 to September 22, 2009;
- ii) Bishop PEDRO LÓPEZ QUINTANA, who has been in office since December 10, 2009;

### **C. The PARTIES**

#### **Plaintiff**

9. RAYMOND GRAVEL has been a priest in the Roman Catholic Church since 1986. Two (2) characteristics need to be described immediately for the purposes of this litigation:

- i) Raymond Gravel is a “**public personality**,” for two reasons:
  - i) as a *public commentator* because he has appeared regularly in the media since 1994 and is, or has been, a columnist or commentator in various publications, including:
    - L’Action
    - Hebdo Rive-Nord
    - Le Trait D’union
    - Le *Journal de Montréal* et le *Journal de Québec*
    - The gay publication *Le Point*
    - On his own website: HYPERLINK [www.lesreflexionsderaymondgravel.org/](http://www.lesreflexionsderaymondgravel.org/)
  - ii) as a *politician*, since he was elected as an M.P. for the Bloc Québécois in the Canadian Parliament from 2006 to 2008. He decided not to pursue his career in Parliament at the request of Church authorities and in order to avoid ecclesiastical sanctions as set out in this statement of defence;

- ii) Raymond Gravel is a “**cleric**,” under Canon Law, a status he has maintained without interruption to the present date since his ordination as a deacon. In this capacity, he is subject to the obligations arising from this status, which are defined in the specific legislation of the Roman Catholic Church.

## **Defendants**

### **Corporate Entities**

10. LIFESITENEWS.COM (CANADA) (hereafter “**LSN**”) is a federally incorporated company under the *Canadian Corporations’ Act*, part. II, as it appears in the Industry Canada Business Registry, shown in Exhibit **D-1**;
11. CAMPAGNE QUÉBEC-VIE, (hereafter “**CQV**”) is a non-profit organization incorporated on February 24, 1989, under the *Companies Act*, RSQ, c C-38, part 3, under registration number 1143109875 in the *Quebec Registry of Businesses* (REQ), as shown in the REQ extract under Exhibit **D-2**;
12. There is no legal bond between LSN and CQV, and none of the articles in this litigation are co-signed by the two co-defendants;

### **Natural Persons**

13. HILARY WHITE has been a journalist for LSN since 2004; she is the author of the following articles quoted in the *Originating Motion* of the plaintiff:

<b>Exhibit no.</b>	<b>Date</b>	<b>Co-author</b>
<b>P-20</b>	2006-10-24	-
<b>P-21</b>	2006-10-30	Westen
<b>P-29</b>	2008-04-18	-

14. PATRICK B. CRAINE is a LSN journalist who specializes in Canadian affairs. He has been employed by LSN since May 2009, and is the author of the following articles quoted in the plaintiff’s *Originating Motion*:

<b>Exhibit no.</b>	<b>Date</b>	<b>Co-author</b>
<b>P-41</b>	2010-05-18	Westen
<b>P-42</b>	2010-05-28	-
<b>P-43</b>	2010-06-03	-
<b>P-44</b>	2010-07-06	-
<b>P-45</b>	2010-07-09	-
<b>P-47</b>	2010-08-19	-

**D. Undertakings of Third Party, Bishop Gilles Lussier**

15. BISHOP GILLES LUSSIER is the Bishop of the Joliette Diocese and the immediate hierarchical superior of the plaintiff RAYMOND GRAVEL within the Catholic Church at all times relevant to this litigation;
16. August 18, 2011, Honourable Justice CATHERINE MANDEVILLE, J.S.C., authorized the Defendants to examine BISHOP GILLES LUSSIER prior to the defence, as indicated in the record of hearing of August 18, 2011:

***“JUDGMENT: Based on the arguments presented verbally and recorded for the record, the Court:***

***GRANTS in part the request to examine Bishop Lussier, limiting such an examination to the production of documents or information concerning any factual knowledge that this witness might have of any exhortation or intervention by the Vatican concerning Mr. Gravel and his role or his intervention in the authorization granted to Mr. Gravel concerning the latter’s active participation in political life.”***  
(our emphasis)

17. On November 8, 2011, the undersigned attorney served the following *duces tecum* subpoena on BISHOP GILLES LUSSIER:

TO BRING: (DUCES TECUM)	“Documents or information concerning factual knowledge that the witness (Bishop Lussier) <b>may have of any exhortation or intervention by the Vatican</b> concerning Mr. Gravel or his role or intervention in any authorization granted to Mr. Gravel for the latter’s participation in political life.” (Judgment of the Honourable Catherine Mandeville, re-transcribed from the Court record of August 18, 2011, in attachment).
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18. On November 23, 2011, BISHOP GILLES LUSSIER attended the hearing **without any document**;
19. The legal counsel, present with BISHOP GILLES LUSSIER on this occasion, André Roy, Ad. E., spoke at the beginning of the examination and requested that the attorney for the Defendants sign an “undertaking of confidentiality” with respect to any undertaking to be provided by BISHOP GILLES LUSSIER;
20. The undersigned counsel, believing in good faith that such an undertaking was related to the documents specified in the subpoena *duces tecum*, agreed to provide the requested undertaking;
21. On December 21, 2011, the undertakings of BISHOP GILLES LUSSIER were delivered to the attorney for the Defendants, accompanied by letter **D-3** from the Bishop legal counsel, André Roy, Ad. E., including the following extract:

*“We wish to remind the parties that as a result of the undertaking provided during interrogation, The attorney has accepted that the documents delivered will remain under the seal of confidentiality and shall in no way be communicated and in the event that they are produced in the Court record, such documents will be produced in a sealed envelope that cannot be opened except in the presence of the presiding judge when the case is to be argued on its merits.”*

22. On December 23, 2011, the undersigned attorney sent letter **D-4** to legal counsel for BISHOP GILLES LUSSIER to obtain clarification regarding the extent of the undertaking of confidentiality;
23. For this reason, in the following defence, exhibits consisting of the private communications sent by or to the third party, BISHOP GILLES LUSSIER, shall be produced *under sealed envelope*, with reference to the number of the undertaking provided at the Bishop's examination prior to the defence;
24. Should it prove necessary to do so, the Defendants request that the obligation to maintain the undertakings of the third party, BISHOP GILLES LUSSIER, requested on November 23, 2011, be lifted and that the Defendants may produce them for the purposes of their defence;

#### **E. Procedural Context: Amended Chronology**

25. The main dates of proceedings in this case are the following:

ORIGINATING MOTIONS (4)				
	Date of service of Originating Motion			Dec. 30, 2010
	Date of service of the clarified Originating Motion			Feb.16, 2011
	Date of service of the clarified and re-clarified Originating Motion			April 14, 2011
	Date of service of the clarified and re-clarified and amended Originating Motion			July 9, 2011
	Deadline for registration (180 days)			<b>June 1, 2012</b>
<b>Stage 1: Preliminary Procedures and Substitution of Counsel</b>				
	Motion to change district	Adjourned <i>sine die</i>	Hon. Michel Delorme, J.C.S.	Feb.17, 2011
	Motion inadmissibility (prescription)	Rejected	Hon. Claudette Picard, J.C.S.	August 2,2011
	Permission to appeal motion for inadmissibility	Rejected	Hon. Richard Wagner, J.C.A.	Sept.1, 2011
	Motion to examine third party (Bishop Lussier)	Granted	Hon. C. Mandeville, J.C.S.	August 18, 2011
	Attendance of Jacques Marquis, Counsel for CQV and Luc Gagnon			Nov 3, 2011
	Attendance of Jean-Pierre Bélisle, Counsel for LSN and John-Henry Westen			Nov. 7, 2011
<b>Stage 2: Examination prior to defence</b>				
	Examination of third party (Bishop Gilles Lussier)			Nov. 23, 2011
	Production of undertakings agreement for which provided during examination			Dec. 23, 2011
<b>Stage 3: Defences</b>				

	Communication of written defences	Jan. 20, 2012
	Communication of defence exhibits	Jan. 20, 2012
	Communication of expert and/or counter-expert reports (a. 402.1)	Feb. 17, 2012
	Presentation of preliminary means in response to defence, if required	Feb. 24, 2012
<b>Stage 4: Examinations of parties after defence</b>		

**F. Writings Alleged to Be “Litigious” by Plaintiff**

26. The Plaintiff cites forty-one (41) press articles in support of his *Motion*:

- i) The Plaintiff is himself the author of three (3) of these articles: P-7A, P-11 and P-49;
- ii) The thirty-eight (38) remaining articles have been alleged by the Plaintiff to be “litigious”; eighteen (18) of these articles originate from CQV and twenty (20) originate from LSN;

27. The articles may be presented in the following chronological order:

Date	Piece	Author
2003-08-05	P-7A	Article from Plaintiff Raymond Gravel
2003-08-07	P-8	LSN-Westen
2004-06-23	P-9	CQV
2004-06-25	P-10	LSN-Westen
2004-08-01	P-11	Article from Plaintiff Raymond Gravel
2004-08-01	P-12	CQV
2005-10-01	P-13	CQV
2006-02-27	P-15	LSN-Westen
2006-02-28	P-14	Article from Plaintiff Raymond Gravel
2006-04-16	P-16	CQV
2006-06-01	P-18	CQV
2006-10-01	P-19	CQV
2006-10-24	P-20	<b>LSN-White</b>
2006-10-30	P-21	<b>LSN-White+Westen</b>
2006-11-01	P-22	CQV
2006-11-28	P-23	LSN-Westen
2007-08-01	P-24	CQV
2007-12-30	3 years _____	_____ Art. 2925 C.c.Q.
2008-01-01	P-25	CQV
2008-02	P-17 (pages 113-129)	16 letters from faithful Catholics to Bishop Lussier
2008-03-03	P-26A	2 <sup>d</sup> speech by Plaintiff on Bill C-484
2008-03-04	P-26	LSN-Westen
2008-03-04	P-17 (pages 102-110)	6 letters from faithful Catholics
2008-04-01	P-27	CQV
2008-04-01	P-28	CQV
2008-04-18	P-29	<b>LSN-White</b>
2008-05-01	P-30	CQV
2008-05-01	P-31	CQV
2008-05-20	P-32	LSN-Baklinski
2008-06-01	P-33	CQV
2008-07-08	P-34	LSN-Westen
2008-07-08	P-49	Article from Plaintiff Raymond Gravel
2008-08-01	P-35	CQV
2008-09-03	P-36	LSN-Waggoner
2008-10-01	P-37	CQV
2008-10-16	P-38	CQV
2009-04-21	P-39	LSN-Westen
2009-04-22	P-40	LSN-reader
2009-12-30	1 year _____	_____ Art. 2929 C.c.Q.
2010-01-28	P-50	<b>LSN-White</b>
2010-05-18	P-41	<b>LSN-Craine+Westen</b>
2010-05-28	P-42	<b>LSN-Craine</b>
2010-06-03	P-43	<b>LSN-Craine</b>
2010-07-06	P-44	<b>LSN-Craine</b>
2010-07-09	P-45	<b>LSN-Craine</b>
2010-07-10	P-17 (pages 1-57)	Letters from readers
2010-07-12	P-46	LSN-Westen
2010-08-19	P-47	<b>LSN-Craine</b>
2010-09-30	3 months _____	_____ The Press Act, R.S.Q. vs. P-19, art. 2
2010-11-01	P-48	CQV-Buscemi
<b>2010-12-30</b>	<b>Service of originating motion against Defendants from special authorization</b>	

## **Doctrinal and Disciplinary Framework of the Catholic Church (1980 to 2003)**

### **1971–1983: Politically Active Catholic Priests: Rome Tightens the Screw**

28. In 1971, a Bishops' Synod was held in Rome concerning the role of the priest, leading to publication of the text **D-5**, entitled:

#### ***“THE MINISTERIAL PRIESTHOOD”***

29. In this text D-5, the 1971 Bishops' Synod set out the behaviour for priests with respect to political life:

*“As a witness of future things, the priest should maintain certain distance from all the duties and passion of political life.” (Ministerial Priesthood, II, I, 2 b: SMME 597; Ench. Vat., IV, 1195).*

*“All priests should exclude the assumption of any leadership function or role of political activist in any political party.” (Ibid. IV, 1197; SMME 599).*

30. In 1980, Pope John-Paul II restated the common standard of the Catholic Church that priests should abstain from any political function:

*“Leave political responsibilities to those to whom such have been assigned.”*

as indicated in the documents produced in full as Exhibit **D-6** ;

31. In obedience to this directive, which was firmly restated by Pope John-Paul II in 1980, several priests/elected officials around the world retired from political life in the ensuing months or years. This is notably the case of:

- i) In Quebec, Father Jacques Couture, Jesuit, and Minister of Immigration in the René Lévesque Cabinet, who announced on November 5, 1980, that he would not run as a Member of the National Assembly;
- ii) In Canada, Father Robert Ogle, a New Democrat Member of Parliament in Ottawa, who did not seek re-election in the 1984 general election, after receiving instructions from his ecclesial superiors to conform with the Vatican directive. The Defendants believe that it is appropriate to quote the opinions that appeared in the media on the subject:

*“His career was causing controversy within the Church. By 1984, the Vatican had decided that Parliament was no place for a priest, and despite the fact that he had already won his party's*

*nomination as a candidate, Father Ogle was instructed not to stand for election.”*

See: [http://esask.uregina.ca/entry/ogle\\_father\\_robert\\_1928-98.html](http://esask.uregina.ca/entry/ogle_father_robert_1928-98.html)

- iii) In the United States, Father Robert Drinan, a member of the House of Representatives in Congress since 1971, announced his resignation on January 3, 1981. Father Drinan had created controversy by his published opinions in favour of the decriminalization of abortion. (See [HYPERLINK en.wikipedia.org/wiki/Robert\\_Drinan.](http://en.wikipedia.org/wiki/Robert_Drinan))

### **1983: Publication of the New Code of Canon Law**

32. On January 25, 1983, John-Paul II issued the new *Code of Canon Law* of the Roman Catholic Church (Exhibit **D-7**);
33. The *Code* restates the prohibition for clerics to engage in active political life, as set out in canons **285 §3** and **287 §2**:

“285 (...)

**§ 3. Clerics are forbidden to assume public offices which entail participation in the exercise of civil power.”**

“287 (...)

**§ 2. They (the clerics) are not to have an active part in political parties and in governing labour unions unless, in the judgment of competent ecclesiastical authority, the protection of the rights of the Church or the promotion of the common good requires it.”**

(Our emphasis)

34. In addition, the same *Code* contains provisions concerning:

➤ The right and the duty of the lay faithful to express his opinion and to share with the other faithful	canon 212 §3
➤ The obligation of obedience of clerics	canon 273
➤ The sanction of "suspension" of a cleric	canon 1333

### **1986: Ordination of Plaintiff as a Roman Catholic Priest**

35. On June 29, 1986, the plaintiff RAYMOND GRAVEL was ordained a priest and incardinated in the Diocese of Joliette;
36. On the occasion of his ordination to the diaconate and to the priesthood, the plaintiff RAYMOND GRAVEL signed the following documents, with respect to which the plaintiff has received formal notice to produce the copy he signed:

- i) The *Profession of Faith*, Exhibit **D-8**, under which he subscribes to the following undertakings:

*“I also firmly accept and hold each and everything definitively proposed by the Church regarding teaching on faith and morals.*

*Moreover, I adhere with religious submission of will and intellect to the teachings which either the Roman pontiff or the College of Bishops enunciate when they exercise their authentic Magisterium, even if they do not intend to proclaim these teachings by a definitive act.”*

- ii) The *Oath of Fidelity*, Exhibit **D-9**, by which he expresses the following commitments:

*“I promise that in my words and in my actions I shall always preserve communion with the Catholic Church. (...)*

*In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety; I shall faithfully hand it on and explain it, and I shall avoid any teachings contrary to it. (...)*

*With Christian obedience I shall follow what the Bishops, as authentic doctors and teachers of the faith, declare, or what they, as those who govern the Church, establish.”*

### **1992: New Catechism of the Catholic Church**

37. October 11, 1992, John-Paul II promulgated the new *Catechism of the Catholic Church* (CCC), produced as Exhibit **D-10**. This document presents the magisterial teachings of the Catholic Church concerning many of the subjects in litigation, namely:

➤ Abortion	§2271 CCC
➤ Homosexuality	§2357- §2359 CCC

38. The catechism restates the prohibition for clerics to engage in political life (§2442 CCC):

*“2442. It is not the role of the Pastors of the Church to intervene directly in the political structuring and organization of social life. This task is part of the vocation of the lay faithful.”*

39. For the purposes of protecting the right to life, the catechism reiterates the position of the Church concerning the requirement for criminal sanctions to prevent abortion (§2273 CCC):

*“ 2273. When the state does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a state based on law are undermined.... As a consequence of the respect and protection which must be ensured for the unborn child from the moment of conception, the law must provide appropriate penal sanctions for every deliberate violation of the child's rights.”*

(Our emphasis)

### **1993: Conference “The Priest in Civil Society” by John-Paul II**

40. On July 28, 1993, in a general audience, John-Paul II delivered the speech **D-11** entitled:

*« THE PRIEST IN CIVIL SOCIETY. »*

41. In this speech D-11, John-Paul II reiterated and explained the prohibition for members of the clergy to actively engage in politics:

*“§4 (...) The priest, who is the witness of things to come, must keep a certain distance from any political office or involvement  
(...)”*

*The presbyter’s right to express his own personal choices is limited by the requirements of his priestly ministry (...)*

*He will do what is possible to avoid making enemies by taking political stands (...)*

*§5. The 1971 Synod of Bishops especially stressed that the presbyter must abstain from all political activism.”*

(Our emphasis)

### **1994: Position of the Church on the Ordination of Women**

42. On May 22, 1994, John-Paul II published the Apostolic *Ordinatio Sacerdotalis*, produced as Exhibit **D-12**, in which he repeats the position of the Magisterium of the Catholic Church regarding the ordination of women:

*“Wherefore, in order that all doubt may be removed regarding a matter of great importance (...), I declare, in virtue of my ministry of confirming the brethren (cf. Lc 22,32), that the Church has no authority whatsoever to confer priestly*

*ordination on women and that this judgment is to be definitively held by all the Church's faithful.*"  
(*Ordinatio Sacerdotalis*, §4, our emphasis.)

#### **1994: Position of Raymond Gravel on the Ordination of Women**

43. Three weeks later, on June 11, 1994, the Plaintiff RAYMOND GRAVEL wrote in reaction to document D-12 of John-Paul II an article that was published in the *LA PRESSE* newspaper, Exhibit **D-13**, entitled:

***"ROME AND THE ORDINATION OF WOMEN: WHAT IS THE FEAR THAT HAUNTS JEAN PAUL II?"***

44. The Plaintiff has refrained from producing this article D-13 in support of his "*Originating Motion*," either in its original form or in its numerous modified versions;
45. In article D-13, Plaintiff RAYMOND GRAVEL publicly expresses his dissent from the Church's teaching on the ordination of women:

*"This is proof that the Pope is very bad at exegesis and his biblical training needs to be updated and refreshed.(...) It is needless to say how uncomfortable I am and how sad I am in the Church of Rome; as a priest, it is more and more difficult for me to defend Jean Paul II."*

46. A few days later, on June 26, 1994, a reader responded to the public dissent expressed by the Plaintiff RAYMOND GRAVEL regarding the ordination of women, in a letter which was published in *LA PRESSE*, Exhibit **D-14**:

*"The text from Mr. Raymond Gravel has greatly intrigued me. (...) The Church is not a supermarket where we can pick and choose as we please or reject and cast aside the things that bother us. Yes, it is the role of the Pope to speak to us plainly about God, but it is also his role to teach us doctrine. I do not see how such teaching is in any way an impediment to our freedom."*

#### **1995: The Position of the Church on Abortion**

47. On March 25, 1995, John-Paul II published the encyclical *Evangelium Vitae* ("The Gospel of Life") on the value and inviolability of human life, which has been produced hereunder as Exhibit **D-15**. The themes discussed are:

- The death penalty;
- Abortion;

- Euthanasia
- The “Culture of Life,” as opposed to the “Culture of Death.”

48. In terms of **abortion**, John-Paul II solemnly reiterates the magisterial position of the Catholic Church:

*“Given such unanimity in the doctrinal and disciplinary tradition of the Church, Paul VI was able to declare that this tradition is unchanged and unchangeable. Therefore, by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops—who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine—I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium.”* (Evangelium Vitae, §62)

49. In paragraph 82 in the same encyclical, John-Paul II stipulates that those invested with authority in the Church, including priests such as the Plaintiff RAYMOND GRAVEL, are not authorized to derogate from this doctrine in order to express their “personal opinions”:

*“May Paul's exhortation strike a chord in all theologians, pastors, teachers and in all those **RESPONSIBLE FOR CATECHESIS** and the formation of consciences. Aware of their specific role, may they never be so grievously irresponsible as to betray the truth and their own mission by proposing **PERSONAL IDEAS** contrary to the Gospel of life as faithfully presented and interpreted by the Magisterium.”* (Evangelium Vitae, §82, our emphasis)

50. In paragraph 73, the encyclical deals with the question of those who **vote in Parliament**, particularly on the issue of abortion:

*“In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to “take part in a propaganda campaign in favour of such a law, or vote for it”.* (Evangelium Vitae, §83, our emphasis)

**May 1998: Rome Re-emphasizes the Obligation of Conformity to the Magisterium**

51. On May 18, 1998, John-Paul II signed the decree *Ad tuendam fidem* produced as Exhibit **D-16**, which sets out the sanctions to which clerics may be subject if they publicly defy magisterial teachings. The Pope also introduced two (2) modifications to the 1983 *Code of Canon Law*;

i) Addition of a second paragraph to Canon 750:

*“Can. 750, § 2. Each and every thing which is proposed definitively by the Magisterium of the Church concerning the doctrine of faith and morals, that is, each and every thing which is required to safeguard reverently and to expound faithfully the same deposit of faith, is also to be firmly embraced and retained; therefore, one who rejects those propositions which are to be held definitively is opposed to the doctrine of the Catholic Church.”*

(our emphasis)

ii) Addition of a reference to new Canon 750 §2 to Canon 1371, dealing with punishments in case of disobedience:

*“Can. 1371 The following are to be punished with a just penalty:*

*1° in addition to the case mentioned in can. 1364, §1, a person who teaches a doctrine condemned by the Roman Pontiff or an ecumenical council or who obstinately rejects the doctrine mentioned in can. 750, §2 or in can. 752 and who does not retract after having been admonished by the Apostolic See or an ordinary;*

*2° a person who otherwise does not obey a legitimate precept or prohibition of the Apostolic See, an ordinary, or a superior and who persists in disobedience after a warning.”*

(our emphasis)

52. On June 29, 1998, Cardinal Joseph Ratzinger, Prefect of the *Congregation for the Doctrine of the Faith*, published the “*Doctrinal Note*,” produced as Exhibit **D-17**, in which he identifies a certain number of “*points that must be held as definitive*” within the Magisterium of the Church, regarding new Canon 750 §2, particularly:

➤ “The doctrine concerning illicit nature of <b>euthanasia</b> , a doctrine which is taught in the <i>Encyclical Evangelium Vitae</i> ”	§11, par.5
➤ The impossibility of <b>ordaining women</b> , as reiterated in the letter	§11, par.4

"Ordinatio Sacerdotalis"	
➤ The position of the Church concerning <b>abortion</b>	§11, par.2 <i>in fine</i>

#### **April 1999: Raymond Gravel's Position on Abortion**

53. On April 23, 1999, Plaintiff RAYMOND GRAVEL reacted in writing to the position of the Catholic Church on abortion, in an article published in *LA PRESSE*, Exhibit **D-18**, entitled:

***"HONOURABLE BISHOPS: BE SILENT!  
Since rape is immoral, the fruit of rape is also immoral."***

54. The Plaintiff has omitted exhibit D-18 in his *Originating Motion*, either in its original form or in its various amended forms;
55. In Exhibit D-18, Plaintiff RAYMOND GRAVEL publicly expresses his dissent from the Magisterial teaching of the Church on questions related to "cultural life":

***"Fortunately, bishops from here do not share the opinions, completely lacking nuance, coming from the Vatican. One almost wonders whether or not the New Testament is available in Rome.***

***(...)***

***We cannot raise the same argument as the early Christians concerning the indissolubility of marriage. The same thing is true for moral principles concerning artificial contraception, such as the pill or the condom.***

***(...)***

***If science and technology today provide the means of contraception, not to eliminate the horrors of rape, but to mitigate its dramatic consequences, such means are moral and worthy of approval by the Magisterium of the Church, even for reasons of compassion"***

#### **June 2003: The Position of the Church on Homosexual Marriage**

56. On June 3, 2003, Cardinal Joseph Ratzinger, Prefect of the *Congregation for the Doctrine of the Faith*, signed the document entitled:

***"Considerations regarding proposals to give legal recognition to unions between homosexual persons"***

57. The Plaintiff RAYMOND GRAVEL produced this text from the Vatican **in English only**, as Exhibit P-7, as it appears on the website of the defendant LSN;
58. For reasons of clarity and to dispel the ambiguity that the Plaintiff RAYMOND GRAVEL seeks to create concerning the authentic source of text P-7, the

Defendants produce, as Exhibit **D-19**, a **bilingual copy** of the official text of this document from the *Congregation for the Doctrine of the Faith*, entitled:

*“Considerations regarding proposals to give legal recognition to unions between homosexual persons”*

59. Paragraph 10 of this document produced by the *Congregation for the Doctrine of the Faith* stipulates:

*“If it is true that all Catholics are obliged to oppose the legal recognition of homosexual unions, Catholic politicians are obliged to do so in a particular way, in keeping with their responsibility as politicians. Faced with legislative proposals in favour of homosexual unions, Catholic politicians are to take account of the following ethical indications:*

*When legislation in favour of the recognition of homosexual unions is proposed for the first time in a legislative assembly, the Catholic law-maker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favour of a law so harmful to the common good is gravely immoral.”*  
(§10, our emphasis)

#### **The Defendants Begin to React to Positions Taken by the Plaintiff**

60. It is from this moment (August 2003) that the Defendants began to publish articles describing the public positions of the Plaintiff RAYMOND GRAVEL;
61. The *Originating Motion* remains almost systematically silent about the **declarations and triggering events by the Plaintiff RAYMOND GRAVEL**, which the Plaintiff considers to be legitimate provocations, to which the Defendants only reacted, based on the model **ACTION-REACTION**, as illustrated in the twenty-eight (28) episodes presented below in chronological order::

#### **Episode 1 (August 2003): Gravel writes the article “The Vatican is wrong”**

62. On August 5, 2003, the Plaintiff RAYMOND GRAVEL reacted in writing to document D-19 of the Vatican, which article was published in *LA PRESSE* under the title:

*“THE VATICAN IS WRONG  
The Catholic Church has no credibility in this debate on the redefinition of marriage.”*

63. The Plaintiff failed to produce to support his original *Originating Motion*, the article published on August 5, 2003 in *LA PRESSE*;

64. In response to a request for clarification from Counsel for the Defendants, the Plaintiff produced on March 30, 2011, a “*Clarified and re-clarified Originating Motion*” to which he attached an **illegible copy** of said article as Exhibit “P-7A”;
65. For the purposes of clarity, the Defendants have produced, as Exhibit **D-20**, a **legible copy** of this article P-7A published on August 5, 2003, in *LA PRESSE*, entitled:

***"THE VATICAN IS WRONG  
The Catholic Church has no credibility in this debate on the  
redefinition of marriage."***

66. In this article D-20 (P-7A), the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of the Church on homosexual marriage. The Plaintiff RAYMOND GRAVEL wrote:

***“The document on gay marriage from the Congregation of the Doctrine for the Faith of the Vatican is discriminatory, injurious and offensive (...). As a Catholic priest, I disassociate myself from this conviction without appeal (...)***

***Outdated Magisterium  
It is for this reasons [sic] that the Catholic Church unfortunately has no credibility on the current debate about the redefinition of marriage to make it accessible to individuals of the same sex.”***

67. The Plaintiff RAYMOND GRAVEL’s public dissent from the official position of the Church regarding homosexual marriage drew considerable media attention, as may be seen from the press review, Exhibit **D-21**:

Date	Media	Title	Extracts (Our emphasis)
August 7,2003	LA PRESSE	<b>Gay Marriage Father Gravel maintains his accusation against the Church</b>	“Father Gravel is <b>aware that he has triggered a major storm</b> by denying the Church’s credibility in the current debate on the legalization of marriage between spouses of the same sex. <b>‘I feel like I have dropped a bomb’</b> , he stated with surprise.”
August 7,2003	LA PRESSE	<b>The Bishop wishes to see Father Gravel</b>	
August 12,2003	GAZETTE	<b>Priest who challenged Church's opposition to gay marriage avoids sanctions</b>	“Gravel said (...) <u>he’s sure he will probably be <b>sanctioned</b> by the Vatican in the coming months.</u> (...) Gravel <u>has been reprimanded in the past</u> for speaking out in favour of the ordination of women.
August 13,2003	LE QUOTIDIEN	<b>Church Critic: Father Gravel avoids Sanctions</b>	“Father Raymond Gravel who criticized the Catholic Church’s

			opposition to gay marriage (...) <u>recognized that he would likely be subject to sanctions by the Vatican</u> over the next few months."
August 14, 2003	LA PRESSE	<b>Father Gravel likes to say out loud what the others are thinking in silence</b>	"Some say that <u>I am a provocateur</u> " (...) Mr. Gravel is aware that he is taking risks and that he might be shown the door if he goes too far. "I know that I have a sword of Damocles over my head, but I prefer to continue to say what I think".

68. It is in this context of media attention that defendant LSN published on August 7, 2003, a ten-line article, Exhibit P-8, published by the Plaintiff, who deems that he has been subject to defamation because *he is being depicted as a dissident priest who criticizes the Church and who is in favour of abortion*" [§31 of the *Originating Motion*, hereafter "**OM**";

69. On September 7, 2003, the immediate hierarchical superior of the Plaintiff RAYMOND GRAVEL, the Ordinary of the Diocese of Joliette, Bishop GILLES LUSSIER, published an article in a regional newspaper, *L'ACTION*, Exhibit **D- 22**, entitled:

***"THE DEBATE ON GAY MARRIAGE:  
THE POSITION OF THE BISHOP OF JOLIETTE"***

70. On September 10, 2003, the *Canadian Conference of Catholic Bishops* (CCCB), published a message, Exhibit **D-23**, entitled:

***"MARRIAGE IN CURRENT CIRCUMSTANCES"***

in which it asks the faithful to express:

***"Their firm opposition to any redefinition of marriage to include partners of the same sex."***

71. Four (4) days later, on September 14, 2003, the Plaintiff RAYMOND GRAVEL reacted to the CCCB document, Exhibit D-23, by publishing in *LA PRESSE*, article **D-24**:

***"THE SOLUTION OF THE BISHOPS TO THE CURRENT DEBATE ON  
HOMOSEXUAL UNIONS IS UNFORTUNATELY NON-EXISTENT"***

72. The Plaintiff has failed to produce article D-24 to support his *Originating Motion*, whether in its original form or in his multiple amended forms;

73. In article D-24, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from Message D-23 of the Canadian Bishops. He personally criticized a

member of the hierarchy of his Church, CARDINAL JEAN-CLAUDE TURCOTTE, Archbishop of Montreal:

*“Does the Archbishop of Montreal also confuse homosexuality, incest, pedophilia and bestiality?”*

74. This new outburst of public dissent from the Plaintiff RAYMOND GRAVEL concerning the official position of his Church on marriage between homosexuals caused a second wave of media coverage, as appears in the press review, Exhibit **D-25**, from September 14 until October 1, 2003:

Date	Media	Title	Extracts
Sept.14, 2003	LA PRESSE	<b>Priest Opposes the Position of the Canadian Bishops</b>	“In an open letter published today, the priest denounced the attitude of the Canadian Conference of Catholic Bishops (CCCCB) which he describes as “thoughtless.”
Sept.14, 2003	CANADIAN PRESS	<b>Priest States that the Church Must Adapt to Gay Marriage</b>	“In his opinion, the Canadian bishops are caught in the trap of their sexual morality. (...) He particularly deplores the comments from Cardinal Jean-Claude Turcotte”.
Sept.15, 2003	MÉTRO	<b>A Priest Comes Out in Favour of Gay Marriage</b>	“Dissidence is being expressed among Catholic priests concerning gay marriage. In an open letter to La Presse, Father (...) Raymond Gravel states that the Church must adapt to society.”
Oct.1, 2003	LE SOLEIL	<b>Martineau “renounces his baptism”</b>	“(…) and interviews Father Raymond Gravel, who treats his own Church as outdated.”

75. On January 10, 2004, the Plaintiff RAYMOND GRAVEL again publicly denounced the Archbishop of Montreal, CARDINAL JEAN-CLAUDE TURCOTTE, as appears in an article, Exhibit **D-26**, after the latter’s decision to impose HIV screening on candidates to the seminary, who wish to become priests:

*“This is dreadful!” exclaimed Raymond Gravel, parish priest of Saint-Joachim-de-la-Plaine, after learning the news published in the Saturday edition of ‘The Gazette’. Next I suppose they will be asking priests to be screened.”*

*The man who publicly supports gay marriage and the ordination of women has difficulty understanding the decision made by Archbishop Jean-Claude Turcotte of Montreal.”*

76. On June 2, 2004, the Plaintiff RAYMOND GRAVEL received the *Fight against Homophobia 2004 Award*, granted by the *Emergence Foundation*. The website of this foundation, of which relevant extracts are produced as Exhibit **D-27**, stated that RAYMOND GRAVEL deserved the award for having publicly “expressed his opposition to the official discourse of his Church,” concerning homosexual marriage:

*“This is undoubtedly a precedent in Quebec: a member of the Catholic clergy has publicly opposed the official discourse of his Church by coming out in favour of the rights of homosexuals. Father Gravel continued to speak out at every public tribunal without retreating from his convictions.”*

and

*“The Fight against Homophobia 2004 Award has been given to Father Raymond Gravel, a Roman Catholic priest, to highlight his exceptional contribution in the debate about gay marriage when he said “that the Vatican was wrong when it condemns such a marriage.”* (our emphasis)

77. This episode concerning the position taken by the Plaintiff RAYMOND GRAVEL concerning homosexual marriage, set out in his text D-20 *“The Vatican is wrong”* represents, in the opinion of the Plaintiff, the “point of departure” of his grievances with the Defendants, as stated in paragraph 32 of the *Originating Motion*.

**Episode 2 (June 2004) : Gravel states on radio his Dissidence on Abortion Issue**

78. On June 20, 2004, The French division of the Canadian Broadcast Corporation broadcasted a radio report entitled:

***“COMMUNION AND ABORTION”***

Plaintiff RAYMOND GRAVEL and Defendant LUC GAGNON, President of co-Defendant CQV, were respectively interviewed by journalist Léo Kalinda, as part of a report aired on the program Sunday Magazine;

79. Although he refers to this broadcast in paragraph 33 of his *“Originating Motion”*, the Plaintiff omits to include the sensational statement he made on the program, which triggered the reaction of the Defendants. The latter have submitted an audio copy and faithful transcript of the show, prepared by the official reporter of said radio broadcast, all of which are included under the exhibit **D-28** of their defence;
80. At minute 6 of the report D-28, Plaintiff RAYMOND GRAVEL stated:

*“I am myself pro-choice, and I go to communion every Sunday. There is not a Bishop on earth who will exclude me from communion. Not one. Not even the Pope.”*

(Our emphasis)

81. On June 23, 2004, three (3) days after the radio broadcast D-28, Defendant CQV reacted by issuing a press release, exhibit P-9;
82. On June 25, 2004, five (5) days after report D-28 was broadcasted by *RADIO-CANADA*, Defendant LSN reported a translated version of the sensational statement made by the Plaintiff in the article exhibit P-10, in which he deems that he has been subject to defamation [§44a) OM], in the following passage, which he alleges are "lying remarks"
- i) " 'Pro-Choice', Pro-Homosexual Marriage Quebec Priest on Radio: 'There's Not a Bishop on Earth Who'd Deny me Communion, Not Even the Pope.'"
83. In August 2004, Defendant CQV and its President of that time, Defendant LUC GAGNON, provided the Plaintiff with a *right of response*, which they published in the newsletter of Defendant CQV "*Response from Fr. Gravel*", exhibit P-11:
- "We are reproducing the essential part of his text, a complete copy of which will be available on the Campagne Quebec-Vie website (www.cqv.qvs.ca)"*
84. A few days later, in August 2004, Defendant CQV reacted to the "*Response from Fr. Gravel*" by publishing a "*Response to Fr. Gravel*", which the Plaintiff has produced as exhibit P-12 in support of his *Originating Motion*;

### **Episode 3 (Dec. 2004): Gravel in favour of Homosexual Marriage**

85. On December 2004, the Supreme Court of Canada issued its judgment in *Reference re same-sex marriage*, [2004] 3 S.C.R. 698, a summary of which is produced under exhibit **D-29**;
86. The CCCB responded immediately by publishing its "*Statement by the Canadian Conference of Catholic Bishops on the decision of the Supreme Court of Canada*" in the Reference on Marriage" (exhibit **D-30**):
- "We continue to affirm that marriage is a loving, life-giving partnership between a man and a woman. Its purpose is the good of the couple and the procreation and education of children – and thus necessary for the survival of society. As the committed and stable relationship of a man and a woman, marriage is basic to the stability of society and family life."*
87. Ten (10) days later, on December 19, 2004, Plaintiff RAYMOND GRAVEL publicly responded to the statement D-30 of the Canadian bishops by publishing an article in *LA PRESSE*, shown under exhibit **D-31** and entitled:

**“A WASTED OPPORTUNITY”**

88. The Plaintiff has omitted producing the article D-31 to support his “*Originating Motion*”, both in its original form and in its multiple amended versions;
89. In article D-31, Plaintiff RAYMOND GRAVEL publicly expressed his dissidence to Statement D-30 by the Canadian bishops concerning same-sex marriage. RAYMOND GRAVEL wrote:

*“The heads of the Catholic Church, namely the Catholic Bishops of Canada, missed their opportunity with history. They are bound up in archaic and outdated doctrines, defined in a different generation and which are no longer relevant for the majority of the faithful; they refuse any redefinition of marriage which would allow homosexual couples to regularize their union”*

90. Five (5) days later, on December 24, 2004, Plaintiff RAYMOND GRAVEL published a very similar article in the daily newspaper *LE DEVOIR* (exhibit **D- 32**);

**(Jan. 2005) Gravel threatened with sanctions by Vatican for 1<sup>st</sup> time**

91. Towards the end of 2004, or the beginning of 2005, Roman authorities contacted BISHOP GILLES LUSSIER about Plaintiff RAYMOND GRAVEL;
92. So:
- i) The *Congregation for the Doctrine of the Faith*, the Prefect of which was at that time Cardinal Joseph Ratzinger, informed the Plaintiff’s bishop, BISHOP GILLES LUSSIER, that Fr. RAYMOND GRAVEL would be subject to canonical sanctions if he continued to publicly challenge the Magisterium of the Catholic Church Catholic, as shall be proved during the course of the trial;
  - ii) On February 22, 2005, BISHOP GILLES LUSSIER sent to Plaintiff RAYMOND GRAVEL the *monitum* produced *under seal* as exhibit **D-144**;
93. The Plaintiff himself alluded publicly to the existence of this document and disclosed the threat of sanctions contained therein in an interview granted to the magazine *FUGUES*, as set out below;

**Episode 4 (June 2005): Gravel grants Interview to Gay Magazine *FUGUES***

94. In June 2005, the homosexual monthly magazine *FUGUES* published interview **D-33** with the Plaintiff under the title:

***“RAYMOND GRAVEL, THE PINK PRIEST”***

95. Even though it is essential to the understating of this litigation, the Defendant has failed to produce interview D-33 to support his “*Originating Motion*”, either in its original form or in its multiple amended versions;
96. In interview D-33, Plaintiff RAYMOND GRAVEL **took the initiative to publicly disclose** information about his past homosexual prostitution activity and his work in a gay bar. Plaintiff RAYMOND GRAVEL made the following statements, reported with quotation marks in article D-33 by the *FUGUES* journalist, indicating that he is quoting the Plaintiff:
- i) *“I opened up the Want Ads in a newspaper looking for male escorts. I phoned and it was not long before I began working”.*
  - ii) *“After I was hospitalized, I bid adieu to prostitution. And I became a barman in the Lime Light and also at Bud's, a leather bar which no longer exist.”*
  - iii) *“Everybody was grabbing ass all the time... but because we did not want to lose our customers...”*
  - iv) *“And this did give you the chance to make a boyfriend?” I asked him. “I never had long relationships. It was as if I wasn’t capable of them.”*
  - v) *“In 1982, I decided to enter the Grand Séminaire.”*
  - vi) *“ ‘I would say that 50% of parish priests in Quebec are gay’, stated Raymond. ‘But I became a priest because I believe and I believe in Christ’s message.’ ”*
97. In the same interview D-33, Plaintiff RAYMOND GRAVEL made very clear references to the **warnings of sanction** against him by the authorities of his Church, as well as their **direct cause**, in his opinion:

*“My positions on abortion and gay marriage were not very well received in the Vatican. My bishop (Bishop Gilles Lussier, Bishop of Joliette) even received a letter from the See stating that if I continued in my disrespect for the doctrine of the Catholic Church I would have to face the consequences.”* Raymond looked at me with his penetrating gaze and added: *“And guess who signed the letter in question”...Cardinal Ratzinger himself who, before being Pope, was prefect of the Congregation for the doctrine of the faith”, the powerful*

*organization that oversees fidelity to the Magisterium by theologians and ecclesiastical authorities.”* (Our emphasis)

98. In October 2005, CQV published the article, exhibit P-13 by the Plaintiff;

**Episode 5 (Nov.-Dec. 2005): Gravel and Homosexual Access to the Priesthood**

99. On November 4, 2005, the Vatican, after receiving approval from Pope Benedict XVI (Joseph Ratzinger), made public document **D-34** from the *Congregation for Catholic Education*, entitled:

*“Instruction concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in view of the Admission to the Seminary and to Holy Orders”.*

100. On December 2, 2005, Plaintiff RAYMOND GRAVEL reacted to the Vatican document by publishing an article in the daily newsPoper *LE DEVOIR*, article **D- 35** entitled:

*“THE VICIOUS CIRCLE OF HOMOPHOBIA”*

101. The Plaintiff has failed to produce article D-35 in support of his “*Originating Motion*”, either in its original forms or in its multiple amended versions;
102. In article D-35, the Plaintiff publicly expressed his dissidence to the teaching of the Church regarding admittance to the priesthood of individuals displaying homosexual tendencies. Plaintiff RAYMOND GRAVEL wrote:

*“In its discriminatory, injurious and offensive language, the Magisterium of the Church has once again ostracized, through its gratuitous and debatable affirmations, not only priests and seminarians of homosexual orientation, but all homosexual persons whom the Church has marginalized, excluded and qualified as “disordered”.*

103. On January 9, 2006, THE NUNCIO sent letter #6205/06, produced *under seal* as exhibit **D-36** (Undertaking GL-9, page 1);
104. On January 18, 2006, THE NUNCIO sent BISHOP LUSSIER letter #6261/06, produced *under seal* as exhibit **D-37** (Undertaking GL-9, page 2);
105. On February 9, 2006, Plaintiff RAYMOND GRAVEL met with BISHOP LUSSIER;
106. On February 14, 2006, Plaintiff RAYMOND GRAVEL sent letter **D-38** to BISHOP LUSSIER, produced *under seal* (Undertaking GL-11, pages 1 and 2);

107. Towards the month of February, 2006, the gay magazine *LE POINT* published article **D-39** entitled:

***“WHAT IS THE PURPOSE IN CELEBRATING GAY PRIDE?”***

- i) As a member of the “Advisory Committee” of this magazine, Plaintiff RAYMOND GRAVEL wrote:

*“Just as long as the Catholic Church, for example, holds her traditional discourse on homosexuality, the celebration of Gay Pride will be justified. (...) Until there is full recognition and equality, we must demonstrate, make demands, PROVOKE AND EVEN SHOCK, so that the pockets of resistance may dwindle and disappear.”* (Our emphasis)

**Episode 6 (Feb. 2006): Gravel signs open letter “Enough is enough”**

108. February 26, 2006, Plaintiff RAYMOND GRAVEL and eighteen of his fellow priests published an article in *LA PRESSE*, exhibit **D-40**, entitled:

***“ENOUGH IS ENOUGH!***

*Nineteen priests express their disagreement with Church interventions on the civil marriage between same-sex spouses and admittance to the priesthood”.*

109. The Plaintiff failed to produce in support of his “*Originating Motion*”, either in its original form or in its multiple amended versions, the original version of this article D-40 published in the daily newsPoper *LA PRESSE*. For some obscure reason, the Plaintiff preferred to submit, under exhibit P-14, the copy of this article that Defendant LSN published on its website two days later (see below, paragraph 115 of the defence);
110. In article D-40, Plaintiff RAYMOND GRAVEL publicly expressed his dissidence respecting his Church’s teaching on these two (2) subjects: marriage between persons of the same-sex and admittance to the priesthood of individuals presenting homosexual tendencies. Plaintiff RAYMOND GRAVEL and the other priests, who co-signed the article, wrote:

*“In this business, the official teaching of the Church has once again proven to be wrong.”*

111. On the same day, February 26, 2006, this sensational public outburst of the Plaintiff and his colleagues made front line news in *LA PRESSE*, as appears on page one of the newsPoper produced under exhibit **D-41**:

***“PRIESTS DENOUNCE THE CHURCH’S ATTITUDE***

*On the question of homosexuality, ‘the Church is depressing, it has failed in the Gospel’”.*

112. The public dissidence of Plaintiff RAYMOND GRAVEL and his colleagues, regarding the official position of the Church on these two (2) subjects, immediately triggered extensive media coverage, as appears in the press review, **D-42**:

Date	Media	Title	Extracts (Our emphasis)
Feb. 26,2006	CANADIAN PRESS	<b>Priests denounce the Attitude of the Church on Homosexuality</b>	" <u>Fr. Gravel</u> (...) who frequently speaks to the media to criticize the sexual morality of the Church. "The Church is depressing. It has failed in the Gospel."
Feb. 26,2006	AGENCE FRANCE-PRESSE	<b>Homosexuality: 19 Priests Denounce the Position of the Catholic Church</b>	
Feb. 26,2006	RADIO-Canada	<b>Priests Denounce the Church</b>	" <u>Mr. Gravel</u> , a 53 year old priest from the Diocese of Joliette, believes that the conservative position of the Vatican on homosexuality, which he describes as "depressing", encourages homophobia."
Feb. 27,2006	LE DROIT	<b>Priests demand that the Church opens its Mind to Homosexuals</b>	" 'There are many priests who think like us', states <u>Raymond Gravel</u> , one of the signers. 'In the past few weeks, we have be contacted by other priests (...) Other members of the André Naud Forum were not able to sign because they are Episcopal vicars or teachers. They might get into trouble with their superiors." <u>Fr. Gravel</u> (...) often speaks to the media to criticize the sexual morality of the Church."
Feb. 27,2006	CBC – EASTERN TOWNSHIPS	<b>Bishop Gaumond disagrees with dissident priests</b>	"According to <u>Fr. Raymond Gravel</u> , of of the signatories of the letter, "the Supreme Court judgment on homosexual marriage is more in line with the Gospel than the document produced by the Conference of Bishops"
Feb. 27,2006	RADIO-Canada	<b>An Open Letter from 19 Catholic Priests provokes Reactions from the Bishops of Canada</b>	"FATHER RAYMOND GRAVEL : "I think I have been listened to you can be sure we didn't read the same document, because the document from Rome, literally condemns homosexuality."
Feb. 27,2006	LE SOLEIL	<b>Priests and Homosexuality: Three Bishops are Cautious</b>	"Bishop Dicaire agreed to make a public statement (...): "The first duty of these <u>dissident</u> priests (...) was to speak first and foremost with their bishop." He stated that priests are also entitled to freedom of opinion, but that they must exercise it with greater discernment than other people."

113. It is the context of this media coverage that Defendant LSN published on February 27, 2006, the article, exhibit P-15 by the Plaintiff, who alleges that he has been subject to defamation [§44c) in the following passage in which the LSN journalist reported the following statement from Canon Lawyer PETER VERE :

- i) "44.c) On February 27, 2006, Defendant CQV (**sic**) quoted a Canon Lawyer and wrote: "At this point, I would encourage people to write the Congregation for the Doctrine of the Faith (CDF) because it no longer concerns priest or bishops but concerns a direct attack on the faith and morals of the Catholic Church" , as it appears in the copy of the article

dated February 27, 2006 and produced as exhibit P-15;" (§44c) of the Originating Motion of Plaintiff RAYMOND GRAVEL)

114. The Plaintiff has knowingly failed to reproduce at the conclusion of this quotation which appears in paragraph 44c) of his *Motion*, the words: "*Vere added*" through which the LSN journalist (and not CQV, as alleged by the Plaintiff) indicates that he is quoting the comments of a third party, to wit, Canon Lawyer PETER VERE;
115. On the following day, February 28, 2006, Defendant LSN published article P-14 which faithfully reproduces in French text D-41, which the Plaintiff is a co-signer, as published in *LA PRESSE* two days earlier.
116. On April 2006, Defendant CQV reacted to the publication of letter D-40 by the nineteen (19) dissident priests, publishing the article, exhibit P-16 by the Plaintiff;
117. On May 4, 2006, BISHOP GILLES LUSSIER met Pope Benedict XVI in Rome during an *ad limina* visit, shown in press release **D-43**, issued by the Vatican;
118. Two months later, in the "June-July 2006" issue of its newsletter, CVQ published the article, exhibit P-18, by the Plaintiff;
119. Towards September 2006, the Plaintiff published in the Gay magazine, *LE POINT*, as a member of the "Advisory Committee", text **D-44**, entitled:  
  
*"The wise men of Le Point make a statement on mentioning the homosexuality of teenagers".*
120. The Plaintiff failed to produce article D-44 to support his "*Originating Motion*", either in its original form or in its multiple amended versions;
121. In article D-44, Plaintiff RAYMOND GRAVEL expressed publicly his dissidence with the teaching of his Church on homosexuality. Plaintiff RAYMOND GRAVEL wrote:

*"The media must denounce the homophobic speech of certain religious leaders (...). In 2006, saying that homosexuality is a grave sin and contrary to divine will, is unacceptable and must be denounced by all."*

#### **Episode 7 (Sept. 2006): Gravel Repudiates Cardinal Ouellet on Homosexuality**

122. In the September 15, 2006 issue of the French magazine *L'ACTUALITÉ*, the Plaintiff RAYMOND GRAVEL published article **D-45**:

***"TO BE OR NOT TO BE CATHOLIC?"***

123. The Plaintiff failed to produce article D-45 in support of his “*Originating Motion*”, either in its original form or in its multiple amended versions;
124. In article D-45, Plaintiff RAYMOND GRAVEL publicly expressed his dissidence with the teaching of his Church concerning homosexuality, as restated by the Primate of the Catholic Church of Canada of the time, Cardinal Marc Ouellet. Plaintiff RAYMOND GRAVEL wrote:

*“I disassociate myself from the comments of Cardinal Ouellet of Quebec concerning homosexuality (“Canada is opening the closets” August 2006). I am a Catholic priest and I sincerely believe that throughout its history the Church has amply demonstrated its homophobia. There is no need for such speech today. They do not represent the majority of Catholics in Quebec, who are the Church as much as Cardinal Ouellet. When I hear the Cardinal, I am almost ashamed to be Catholic; it is also against the Gospel. The Cardinal should limit himself to his own opinions. He is not the entire Church, and even less so the Church of the Risen Christ.  
Raymond Gravel, LA PLAINE”*

125. In response to this letter D-45, in which Plaintiff RAYMOND GRAVEL expressed his dissidence with the teachings of his Church homosexuality, while publicly criticizing a senior dignitary of his Church, a reader sent a response to Defendant CQV, which CQV published in its October issue 2006: this article appears as exhibit P-19 in the Plaintiff’s Evidence, in which he deems that has been subject to defamation [§44f) OM] by the following passage, which he alleges to contain “lying remarks”
- i) “This dissident priest who demonstrates a profound scorn for authorities of the Roman Catholic Church”. (§44f) of the Originating Motion of Plaintiff RAYMOND GRAVEL)

\* \* \* \* \*

**RAYMOND GRAVEL ENTERS INTO ACTIVE POLITICAL LIFE**

**Episode 8 (October 23, 2006) : Gravel seeks Nomination in the Bloc Québécois**

126. On or about October 23, 2006, Plaintiff RAYMOND GRAVEL rendered public his decision to seek the nomination for the Bloc Québécois in the Repentigny riding, for the November 27, 2006 federal by-election.
127. Plaintiff RAYMOND GRAVEL's decision to enter into politics immediately garnished a great deal of media attention as appears in the press review **D- 46** for October 23, 2006:

Date	Media	Title	Extracts (Our emphasis)
Oct.23, 2006	RADIO-CANADA (Bernard Derome)	<b>Daily News</b>	"We have just learned that <u>Fr. Raymond Gravel</u> will be a candidate for nomination in the Bloc Québécois (...) The priest (...) is well known for his <u>positions in favour of freedom of sexual orientation, especially against the Vatican.</u> "
Oct.23, 2006	CANADIAN PRESS	<b>Fr. Raymond Gravel will be a candidate for nomination to the Bloc in Repentigny</b>	"Mr. Gravel is <u>well known in Quebec</u> for his very liberal <u>positions</u> which are often in <u>opposition to Vatican teachings.</u> He is especially in favour of freedom of sexual orientation and marriage between spouses of the same-sex."
Oct.23, 2006	RADIO-CANADA	<b>Raymond Gravel wants to represent the Bloc</b>	"Earlier this year, Mr. Gravel and 18 fellow Bishops signed a letter in which they maintain that the Catholic Church does not hold the truth concerning human beings".
Oct.23, 2006	CANADIAN PRESS	<b>Opposition pokes at Fortier's refusal to run for seat in by-election</b>	"Raymond Gravel, a very liberal Roman Catholic priest who favours same-sex marriage, is running for the Bloc nomination."

128. The following day, October 24, 2006, the Counsel of priests of the Diocese of Joliette met in an assembly, chaired by BISHOP GILLES LUSSIER. Extract from the minutes of this meeting has been produced *under seal* in exhibit **D-47** (Undertaking GL-1);
129. On the same day and the following day, media coverage of Plaintiff RAYMOND GRAVEL's decision to enter into politics intensified, as appears in the press review **D-48** for Tuesday October 24, 2006 and Wednesday, October 25:

Date	Media	Title	Extracts (Our emphasis)
Oct. 24,2006	RADIO-CANADA	<b>Raymond Gravel seeks to represent the Bloc</b>	"With his critical mind, Raymond Gravel is recognized for his very liberal positions which are often opposed to <u>Vatican teaching</u> ".
Oct. 24,2006	LE DEVOIR	<b>Parish Priest Gravel sides with the Bloc The defender of homosexuals will be a candidate in Repentigny</b>	The by-election (...) might send to Ottawa a very colourful <u>priest, who is a homosexual, and former prostitute</u> (...) immediately prior to the vote in the House of Commons concerning the re-opening of the on gay marriage. (...) I defend women who <u>have abortions</u> . (...) Raymond Gravel is a very colourful priest who is not afraid to defend gay marriage despite sermons from the Vatican."
Oct. 24,2006	CBC MONTRÉAL (FRENCH CHANNEL)	<b>Fr. Gravel defers to the Vatican</b>	"Raymond Gravel (...) spoke especially <u>in favour of freedom in sexual orientation and same-sex marriage</u> ."
Oct. 24,2006	LA PRESSE	<b>Fr. Raymond Gravel might be a candidate</b>	"Favourable to gay marriage Mr. Gravel has been favourable to civil unions and marriage between people of the same-sex, despite recent declarations by Benedict XVI."
Oct. 24,2006	MÉTRO	<b>Elections</b>	"Fr. Raymond Gravel, among other things, has taken positions <u>in favour of gay marriage</u> . (...) "
Oct. 24,2006	CANADIAN PRESS	<b>Opposition challenges senator to run in by-election</b>	"Raymond Gravel, a very liberal Roman Catholic priest <u>who favours same-sex marriage</u> , is running for the Bloc nomination."
Oct. 25,2006	THE GAZETTE	<b>Controversial priest wants Repentigny nomination Bloc</b>	"Rev. Raymond Gravel, a <u>maverick</u> who has publicly disagreed with his own church in areas such as same-sex marriage (...) Gravel left home at age 16 and soon began working as a <u>male escort</u> . (...) As a priest, Gravel has been an <u>outspoken critic of the church's opposition to same-sex marriage</u> "
Oct. 25,2006	LE DEVOIR	<b>Parish Priest Gravel will face an opponent</b>	"Will his <u>homosexual prostitution of the past</u> and his rocky youth be harmful to his election campaign?" "No, I do not believe so. On the contrary (...), stated Gilles Duceppe."

130. It is against this background of media coverage that Defendant LSN published on October 24, 2011, the article signed by Co-Defendant HILARY WHITE, produced as exhibit P-20 by the Plaintiff, in which he alleges that he has been defamed by the following three (3) passages, and which he alleges to contain "lying remarks":

- i) "The Catholic priest who is probably Canada's most outspoken opponent of Catholic teaching on sexuality";
- ii) "Gravel's display of potential obedience is unlikely to impress those who have followed his very public displays of defiance of Catholic doctrine and clerical discipline."

- iii) “In parallel to the case of Fr. Drinan for which the prohibition is considered to have been written, Fr. Gravel has made his own support for abortion and homosexuality, a matter of the public record.”

(§44g) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

**Episode 9 (October 2, 2006): Gravel and “permission” (sic) from the Vatican**

- 131. On or about October 24, 2006, THE NUNCIO sent to BISHOP LUSSIER the document produced *under seal* as exhibit **D-49** (Undertaking GL-2);
- 132. On Wednesday October 25, 2006, Plaintiff RAYMOND GRAVEL met with his bishop, BISHOP GILLES LUSSIER, concerning the Plaintiff’s decision to enter into active politics;
- 133. At this date, BISHOP GILLES LUSSIER was facing a *fait accompli* in terms of the actions of Plaintiff RAYMOND GRAVEL; BISHOP LUSSIER had to take note of the Plaintiff’s determination to exempt himself from the Church’s discipline concerning priestly involvement in active politics;
- 134. Forced to deal with such an unusual situation, BISHOP GILLES LUSSIER attempted to attenuate the surprising initiative of Plaintiff RAYMOND GRAVEL by imposing certain conditions on the Plaintiff’ involvement, without however imposing any sanctions, namely:
  - i) prohibition of all priestly ministry by the Plaintiff during his active political involvement;
  - ii) **prohibition, for the Plaintiff, to support any legislation contrary to the teachings of the Catholic Church;**
  - iii) Maintenance of his “clerical” status within the Catholic Church, along with obligations arising there from;
- 135. On the same day, Plaintiff RAYMOND GRAVEL publicly announced to the media the strict conditions that had been imposed by his Bishop with respect to his engagement in active political life and reported to the media that he had received “*the green light from the Vatican*”. These statements were made to the Canadian Broadcast Corporation, French division, which published them in the article “*The Church before the party*”, dated October 26, 2006 and broadcast on the website of *RADIO-CANADA* (exhibit **D-50**):
  - i) “*In an interview with Radio-Canada, the priest did however restate that if he were elected on November 27, his first loyalty would be to the Catholic Church, and that he could not support measures contrary to Catholic teaching.*”
  - ii) “*Explaining that he would have to discuss these issues with the leadership of the Bloc Québécois, Fr. Gravel clarified: “If it is contrary to the teachings of the*

*Catholic Church, I will not be able to vote and I will abstain. In any event, I will see what I can do, because I have to remain faithful to my life as a priest”.*

- iii) *“Interviewed on Thursday morning as to whether he was well and truly in favour of gay marriage, Mr. Gravel responded. “Civilly speaking, I was. But now I understand hesitation of the Church regarding gay marriage. I will certainly demonstrate this as a politician. I have always said that I am first and foremost a priest before being a politician.”*
- iv) *“Such declarations by Raymond Gravel raise questions regarding the principle of party discipline. The Bloc Québécois has always defended the **right to abortion**. In its most recent electoral platform, the party also came out in favour of gay marriage and assisted suicide. All of these positions are contrary to the teachings of the Catholic Church.”*

136. This meeting between Plaintiff RAYMOND GRAVEL and his Bishop, BISHOP GILLES LUSSIER, also received extensive media coverage because of the numerous interviews granted by the Plaintiff on this occasion, as appears in the press review **D-51** of October 26-29, 2006:

Date	Media	Title	Extracts (Our emphasis)
Oct. 26, 2006	LE DEVOIR	<b>Fr. Gravel receives the blessing of Rome</b>	<i>“Fr. Gravel got the <u>green light from the Vatican</u> (...) However, <u>he will not be able to exercise his ministry</u> during active political life, which will prevent him from celebrating Mass, baptisms or marriages. A <u>hard blow</u>, he recognized.”</i>
Oct. 26, 2006	RADIO-CANADA	<b>Fr. Gravel can join the party</b>	<i>“Fr. Gravel, <u>well known for his repeated challenges to the teachings of the Catholic Church</u>, particularly with regard to <u>gay marriage</u>, received <u>authorization from the Vatican</u>. (...) Even though special permission from the Catholic Church, which normally prohibits priests from engaging in politics, Fr. Gravel will however have to refrain from his ministry. Therefore, he cannot celebrate Mass”.</i>
Oct. 27, 2006	CANADIAN PRESS	<b>Repentigny by-election: only candidate for BQ nomination</b>	<i>“This week, Fr. Gravel obtained cooperation not only from the Bishop of Joliette, Bishop Gilles Lussier, but also from the Vatican to obtain the authorizations needed to run as a candidate for the Bloc in Repentigny.”</i>
Oct. 27, 2006	CANADIAN PRESS	<b>Bloc Québécois candidate in Quebec by-election is priest, ex-prostitute</b>	<i>“First, Rev. Raymond Gravel had to get <u>permission from the Vatican</u> to run in a federal by-election. Now, the <b>former prostitute</b> who used to work in gay leather bars has to convince the voters of Repentigny (...) He followed a childhood dream and entered the priesthood in 1982 after a rough-and-tumble life that included work as a <b>male prostitute</b> and in gay leather bars between 1976 and 1982. (...) His tenure as a priest has not been low-key either. <u>An outspoken advocate</u>, Gravel has publicly decried the Roman Catholic Church's position on</i>

			<u>same-sex marriage</u> . (...) He has also received a <u>disciplinary letter</u> from Joseph Cardinal Ratzinger before he became Pope Benedict XIV. (...) Gravel has also been vocal about <u>abortion rights</u> (...) “
Oct. 27, 2006	CANADIAN PRESS	<b>A priest has been acclaimed as the Bloc Québécois candidate in a by-election next month.</b>	“Rev. Raymond Gravel needed <u>permission from the Vatican</u> to be allowed to run in the Nov. 27 by-election (...) Gravel, who was a <u>male prostitute</u> and worked in a gay leather bar in his youth, is a <u>maverick who has sparred with the Roman Catholic Church</u> over issues such as <u>same-sex marriage</u> .”
Oct. 28, 2006	TRANS-CONTINENTAL	<b>Raymond Gravel is given absolution</b>	“Raymond Gravel received the blessing from his bishop and will be able to seek the Bloc nomination in Repentigny this Sunday. Caught up in the whirlwind, Raymond Gravel admitted that ‘it would have been so much easier if his bishop had simply said no’, he stated.”
Oct. 29, 2006	HEBDO RIVE-NORD	<b>Fr. Raymond Gravel jumps into politics in Repentigny</b>	“After receiving the blessing from Rome on Wednesday (...), Fr. Gravel obtained <u>the green light from the Vatican</u> at the end of the day on Wednesday (...) <u>He can no longer practise his ministry and shall therefore have to abstain from celebrating Mass, baptisms or marriages..</u> (...) Fr. Gravel is very well known in the public square for his spicy outbursts in defence of homosexuals. In Quebec, he is well known for <u>opposing the teachings of the Vatican</u> , especially concerning <u>gay marriage</u> . In order to launch himself into politics in Repentigny, Fr. Gravel obtained special permission, because the Catholic Church prohibits priests from engaging in politics.”
Oct. 29, 2006	CYBERPRESSE	<b>According to Raymond Gravel, the Church and the Bloc are saying the same thing</b>	
Oct. 29, 2006	CANADIAN PRESS	<b>Catholic priest to be Bloc Québécois candidate in upcoming federal by-election</b>	“An outspoken Catholic priest <u>opposed to his church's stance on same-sex marriage and abortion rights</u> . (...) The 53-year-old priest said he doesn't think he will be torn between the teachings of the church and the positions of the Bloc. Gravel, who entered into the priesthood in 1982 after a troubled life that included work as a <u>male prostitute</u> , is known throughout Quebec for <u>his opposition to the church's stance on gay marriage and abortion</u> . (...) He had to get special <u>permission from the Vatican</u> to run in the federal by-election because <u>Catholic doctrine prevents clergy from belonging to a political party</u> .”
Oct. 29, 2006	LA PRESSE	<b>A new religious fervour has reached the Hill</b>	“Fr. Raymond Gravel. The priest has already announced that if he is elected, <u>his first loyalty will be to the Catholic</u>

			<i>Church. No problem, responded, Bloc party leader, Gilles Duceppe, this week."</i>
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137. It is in the context of such media coverage that Defendant LSN publishes on October 30, 2006 an article signed by co-Defendants JOHN-HENRY WESTEN and HILLARY WHITE, produced as exhibit P-21 by the Plaintiff, in which he alleges that he has been defamed [§44h) OM] by the following four (4) passages, which he alleges to contain "lying remarks":

- i) *"Gravel, the pro-abortion, and pro-gay 'marriage' parish priest"*
- ii) *"Gravel is a former homosexual prostitute and one of Canada's most vociferous opponents of Catholic teaching on homosexuality, marriage and the sanctity of life."*
- iii) *"Thus far, Fr. Gravel's greatest claims to public notoriety have been his vociferous opposition to Catholic teaching on sexual purity and the sanctity of life."*
- iv) *"Aside from his history of public opposition to those teachings";*

(§44h) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

138. On the same day, October 30, 2006, columnist Jean-Claude Leclerc of *LE DEVOIR* published article **D-52** in which he anticipated the difficulties, dangers and inevitable contradictions to which Plaintiff RAYMOND GRAVEL would be exposed, if as a priest, he chose to engage in active political life:

- i) *"Well known for his positions in favour of people with homosexual orientations, (...) he has become the **symbol of resistance to the positions of Rome** in areas concerning sexual morality."*
- ii) *"Fr. Gravel is not the militant of a single cause. Should he be elected to parliament, his concerns will go beyond the defence of gay marriage. **In an interview with Le Devoir, he restated his support for women who have abortions**"*
- iii) *"Should Fr. Gravel be disciplined by the Vatican, it will not be for his commitment, **but rather for his positions against official teaching**. It is true that there are more members of the Clergy and religious congregations than we think who do not agree with Rome, especially in the area of sexuality. However, the majority do not want to debate this in the public square but within the institution."*
- iv) *"He will soon learn that there is hardly any more freedom for a member of a political party than a priest in the Church. There is probably even less."*

v) *“Many are hoping that if ever the government’s future depends on a single vote, it will not be the vote of Fr. Gravel. His political vocation will be much more arduous than expected.”*

139. On the same day, October 30, 2006, Plaintiff RAYMOND GRAVEL tendered his resignation as parish priest to BISHOP LUSSIER, as it appears in the letter produced under seal in exhibit **D-53** (Undertaking GL-5);

140. The following day, October 31, 2006, BISHOP GILLES LUSSIER issued a press release, under **D-54** entitled:

***“Fr. Raymond Gravel and politics  
CLARIFICATION FROM THE BISHOP OF JOLIETTE, BISHOP GILLES  
LUSSIER”***

The bishop of Plaintiff RAYMOND GRAVEL wrote:

*No “green light” has been issued by the Vatican. The Bishop of Joliette has received no permission from Roman authorities concerning the initiatives of Fr. Raymond Gravel. **Church legislation is clear: all priests must abstain from active participation in politics.** However, under specific and very exceptional circumstances, such a commitment may be possible. Such would be a derogation from the common standard. The competent authority to review such a situation is the local bishop. The bishop must give special consideration to the good of the Church community and the common good in society to allow, should the case arise, such a derogation. For such purposes, he must consult the Counsel of priests, who are the representatives of the diocese and clergy and who assist the bishop in the governance of the diocese. **In the case in question, it is not the situation in the country which justifies such a derogation from the common standard as defined under Church law.***

*By choosing to engage in active politics, Fr. Gravel may maintain his clerical status but **he has been released from priestly ministry.** During **his active political involvement, he shall engage in no priestly ministry.** This measure is designed to avoid all confusion among the faithful and to maintain the distinction between the political and the religious functions. In all events, the decision to refrain from exercising priestly ministry is always a painful situation for the Church.”*

141. On November 6, 2006, during the by-election electoral campaign in Repentigny, the media picked up the news that Plaintiff RAYMOND GRAVEL **had not received authorization from the Vatican** to enter into political life, as appears in press review **D-55** from November 5 to 8, 2006, a stark contradiction to the allegations by the Plaintiff in this regard:

Date	Media	Title	Extracts (Our emphasis)
Nov. 5, 2006	L’ACTION	<b><i>Explanations needed from Bishop Lussier –Fr. Gravel candidate in the election</i></b>	<i>“No green light was issued by the Vatican”</i>
Nov. 6, 2006	CANADIAN PRESS	<b><i>The Vatican did not grant permission to Fr.</i></b>	<b><i>“Fr. Raymond Gravel did not obtain authorization from the Vatican to enter into</i></b>

		<b>Gravel to enter into politics</b>	politics. (...) When he announced his intention to run as a candidate from the Bloc to Le Devoir at the end of October, Raymond Gravel stated that he had to "wait to see if Rome" will grant him "permission". (...) The Vatican was informed of the situation after the decision had been made, <b>a nuance which Fr. Gravel failed to make.</b> "
Nov. 6, 2006	CANADA NEWS WIRE	<b>"Thou shalt not lie" – Bloc candidate Raymond Gravel forgot the 8th Commandment</b>	"How does Mr. Gravel explain these contradictions? <b>No green light</b> was issued by the Vatican. The Bishop of Joliette received <b>no permission</b> concerning the nomination of Mr. Gravel. (...) Stéphane Bourgon, Conservative candidate in the riding of Repentigny, reacted: "Fr. Gravel needs to learn that in politics <b>truth is important</b> and accountability applies to everyone, without exception." On what other subjects, has Mr. Gravel chosen not to tell the truth?"
Nov. 6, 2006	CANADIAN PRESS	<b>Priest didn't get permission of Vatican to run for Bloc Québécois: bishop</b>	"A Roman Catholic priest <b>has not received the permission of the Vatican</b> to run for the Bloc Québécois (...)"There's <b>no green light</b> ," said Most Rev. Gilles Lussier. (...) An exemption under the rules of canon law is always possible but Lussier said <u>there is nothing in the present case to justify that.</u> (...) However, in the official statement that he was the only candidate seeking the nomination, the Bloc indicated he had gotten the required permission. Conservative candidate Stephan Bourgon criticized Gravel in a statement Monday, saying that <b>Gravel had misled voters</b> and that telling the truth is vital in politics, without exception. Gravel was not available for comment on Monday but the Bloc pointed out that it is up to the bishop to approve or reject a request by a priest to enter politics."
Nov. 7, 2006	LE DEVOIR	<b>Fr. Gravel has sinned through lack of clarity</b>	"Fr. Raymond Gravel (...) <b>did not get the blessing from the Vatican</b> to enter the political arena. (...) "I will have to see whether or not Rome will give me the permission, because there is no question of me leaving the priesthood to enter into politics. I am a priest in heart and soul. I wish to remain so", stated Mr. Gravel to Le Devoir last October 23. Few days before he won the nomination. This statement has not been corrected either by Mr. Gravel or the Bloc Québécois. It was Bishop Gilles Lussier who corrected the situation by issuing a press release on October 31. <b>"No green light"</b> was issued by the Vatican, he stated. (...) The Bloc Québécois attachée de presse, Catherine Bourgault, (...) confirmed yesterday that the bishop is "competent authority in such cases. He makes the decision and then he informs Rome, but the decision is not made from Rome". "Maybe at that time [M. Gravel] thought that authorization had to come from Rome, but afterwards he understood that authorization came from the bishop and did not have to come from anywhere else", she

			<i>stated. She did not want to ascribe this misunderstanding to the lack of political experience of Raymond Gravel and did not state why the affirmation was not corrected."</i>
Nov.7, 2006	LA VOIX DE L'EST	<b>Fr. Gravel in politics... without an imprimatur!</b>	<b>"Contrary to what was insinuated by the Bloc Québécois candidate, with regards to the Repentigny by-election, Fr. Raymond Gravel did not obtain authorization from the Vatican to enter into politics"</b>
Nov. 7, 2006	LE SOLEIL	<b>Fr. Gravel did not receive permission from the Vatican</b>	<b>"When he announced his position to run as Bloc candidate to Le Devoir, Raymond Gravel confirmed that he had to "wait to get permission from Rome". Then in the press release announcing that Gravel would be the only candidate for the Bloc nomination in Repentigny, the Bloc Québécois also made reference to a green light from the Vatican. Conservatives have accused Fr. Gravel of "forgetting" the 8th Commandment, with respect to <i>lying</i>."</b>
Nov. 7, 2006	LE QUOTIDIEN	<b>The Vatican said no</b>	
Nov. 7, 2006	LA PRESSE	<b>Fr. Gravel jumps into politics without Vatican approval</b>	
Nov. 8, 2006	CYBER-PRESSE	<b>Does Fr. Gravel have to go to confession?</b>	<b>"Bloc member Fr. Raymond Gravel is the perfect example to demonstrate that in this world there is no room from truth. (...) As we should call a spade a spade, <b>we should also call a lie... a lie.</b> (...) As priests are required by Canon Law to abstain from all active political involvement, who gave him the authorization to derogate from Canon Law, and if he acted in spite of this prohibition, <b>who gave him the authorization</b> to do what he decided to do, and to do something contrary to which he could not do? If authorization did not come from Rome, it must have come from elsewhere? Did it come from his bishop, Bishop Lussier? Was the latter mandated by Rome to approve this process? If the permission did not come from the bishop, <u>did Fr. Gravel act against the authority of his diocese and the rules of his Church?</u> Do I have the right to find this more serious than the white lies, for which I went to confession in my youth?"</b>

142. On November 12, 2006, after several days of silence, Plaintiff RAYMOND GRAVEL finally responded to the controversy with his version of the facts, published in a regional newspaper, HEBDO RIVE-NORD, in an article entitled "Raymond Gravel issues an explanation concerning "permission from the Pope" (exhibit **D-56**):

*"The party in question (Raymond Gravel) stated that the bishop acted appropriately in calling journalists to order.*

*"The bishop wanted to rectify certain things so that national journalists will cease to say that I had received the blessing of Vatican. **Rome has nothing to do with this decision, or the procedure**", explained the Bloc*

*candidate.*

*In fact, Gilles Lussier, Bishop of Joliette, clarified in his press release that "he received no permission from Roman authorities concerning Fr. Raymond Gravel's initiative". **Mr. Gravel added:** "Contrary to what it has been said in media, I did not need to get the approval of the Pope! Church Law states that the decision must be made by the local bishop. Furthermore, it was the Counsel of priests of the Joliette Diocese that gave me permission to enter into politics and at the same time to relieve me of my priestly ministry."*

143. This episode on the alleged "permission" granted to the Plaintiff by Church authorities, so that he could enter into politics, is a very important aspect of the current proceedings, because it represents one of the main "*falsehood and errors*" (sic) that Plaintiff RAYMOND GRAVEL criticizes the Defendants for having disseminated, as set out in paragraph 47 of the *Originating Motion*:

*"47. The articles published contain a considerable number of falsehoods and errors, the main ones of which are the following: (...)*

*f) The Plaintiff **was authorized** legally by the Bishop of Joliette to run as a candidate in a federal political election in Canada **in accordance with a Decree and Canon Law** which set out reasons for derogation from common standard, which prohibits members of the clergy from entering into politics;"*

*(§47f) from the Originating Motion of Plaintiff RAYMOND GRAVEL)*

**Episode 10 (Nov. 2006): Gravel Promises to Refrain from any Vote Contrary to the Magisterium**

144. During the by-election campaign in November 2006, in the riding of Repentigny, the media repeatedly raise the question of how Plaintiff RAYMOND GRAVEL would vote, as a member of parliament, on any legislation contrary to the teachings of his Church: Will he follow the party line or Catholic Magisterium?
145. On November 18, 2006, this question was raised by the national public radio of Canada, the CBC, during a special report on Plaintiff RAYMOND GRAVEL as part of a political affairs broadcast "*The House*", the transcription of which has been produced under exhibit **D-57**, in which appear the following extracts:
- i) *"Raymond Gravel is a **former stripper** and **prostitute**. Now that's interesting enough all on its own, but Gravel is also a priest. KATHLEEN PETTY (HOST): So Alain, what he's talking about is his very controversial past, that as a **stripper**, as a **prostitute**, and he suggests that he thinks people don't condemn him, that they understand him. Do Quebecers understand him?"*
  - ii) *"ALAIN CREVIER (HOST OF TV SHOW "SECOND REGARD")": (...) I think people like him also here in Quebec because he says out loud what he thinks, and let's... let's say for instance what he says about **same-sex union, priesthood for women, abortion, marriage for priests, all questions that the Vatican say no.***

*He says yes, and he says it out loud, so people like that kind of guy who says things even if his boss doesn't want to hear them.”*

- iii) *“ALAIN CREVIER (HOST OF TV SHOW "SECOND REGARD"):* (...) *His only boss, and he says himself, is Benedict, the Pope. Why am I saying this? Because he said himself a few weeks ago that if the Pope ask him to resign, he will. Now you know what the Pope thinks about the same-sex union, **same-sex marriage**. You know what the Pope think about **abortion**. Those are questions that will probably be somewhere, sometime, eventually, at the parliament. **How is he going to react? How is he going to vote?** It's the Pope who's going to tell him what to do. «*
- iv) *“KATHLEEN PETTY (HOST): **But the Pope and Raymond Gravel disagree on so many issues**; I find it a bit puzzling that he then goes on to say that whatever the Pope tells him to do he's going to do.”*

146. On November 2006, during a press conference organized by the Plaintiff, accompanied by Bloc Québécois leader, GILLES DUCEPPE, Plaintiff RAYMOND GRAVEL **made a public election promise** that if any legislation placed him in a situation of conflict between his political allegiance and his compliance with the Magisterium of the Church, **he would abstain from voting**, as set out in the press review **D-58** of November 20-21,2006:

Date	Media	Title	Extracts (Our emphasis)
Nov. 20, 2006	LA PRESSE	<b>Gravel will refrain from voting on any subject contrary to Catholic Dogma</b>	<p><i>“Fr. Raymond Gravel Bloc, candidate in next Monday's by-election, issued a statement that he <u>will refrain from voting in the Commons</u> on any social issues contrary to Roman Catholic teachings.</i></p> <p><i>In opposition to his Church, the priest is in favour of <b>same-sex marriage</b> and is opposed to the re-criminalization of <b>abortion</b>. Mr. Gravel</i></p> <p><i>(...) stated that the reopening of the controversial issue of <b>gay marriage</b> will not be useful. (...) However, “if the question were asked directly, <b>as a priest of the Catholic Church, I will refrain from the vote</b>”, he stated. (...)</i></p> <p><i>Gilles Duceppe, Bloc Québécois leader, stated in a press conference that his members may vote accordingly to their conscience, on such moral questions. (...)</i></p> <p><i><b>"Gay marriage, abortion and the right of euthanasia</b> are subjects of a free vote for the Bloc Québécois. There is no difference for anyone who is a priest or someone who has values that are opposed to any proposed legislations”.</i></p>
Nov. 20, 2006	CANADIAN PRESS	<b>Bloc Québécois priest will refrain from voting in the House of Commons against the</b>	<p><i>“Raymond Gravel (...) stated that is he were elected, he <u>will refrain from voting</u> in the House of Commons on any legislation which is contrary to the</i></p>

		<b>Church</b>	ideology of the Catholic Church. (...) Gilles Duceppe, who was campaigning with Mr. Gravel on Monday, stated that MPs will be entitled to vote according to their opinions on moral issues."
Nov. 20, 2006	CANADIAN PRESS	<b>Bloc candidate vows to abstain on issues contrary to Catholic ideology</b>	"A controversial priest running for the Bloc Québécois in a by-election says <u>he will abstain from voting in the Commons on social issues that clash with Roman Catholic ideology.</u> (...) "If the question was directly asked: 'Are you for or against same-sex marriage,' as a Catholic priest <u>I would simply abstain,</u> " he told a news conference as he campaigned with Bloc Leader Gilles Duceppe (...). Unlike the church, Rev. Raymond Gravel favours <b>same-sex marriage</b> and opposes the recriminalization of <b>abortion.</b> (...) Duceppe said his MPs will be able to cast free votes on such moral issues."
Nov. 21, 2006	LE DEVOIR	<b>Fr. Gravel will refrain from voting on certain sensitive issues</b>	"Fr. Raymond Gravel, Bloc Québécois candidate in next Monday's elections, stated that he <b>will refrain from voting</b> in the House of Commons on social issues that are contrary to <b>Roman Catholic teachings</b> ".
Nov. 21, 2006	CBC NEWS	<b>Duceppe defends priest candidate in Repentigny by-election</b>	"The leader of the Bloc Québécois, Gilles Duceppe, said he has no problem with his Repentigny by-election candidate's intentions, if elected, to <b>abstain from voting on issues that run contrary to the Catholic doctrine.</b> (...) Over the course of the by-election campaign, he has said <b>he won't vote</b> in the House of Commons on social issues, such as <b>gay marriage</b> and <b>abortion</b> that could put him in a compromising position regarding his beliefs."

147. Over the following days, various media sources pointed out the irony of this elections' promise made by Plaintiff RAYMOND GRAVEL, who after many years of open dissidence to the Magisterium of his Church, publicly promised to refrain from voting against any legislation contrary to Catholic teachings, as appears in press review **D-59 of November 25, 2006:**

Date	Media	Title	Extracts (Our emphasis)
Nov. 25, 2006	CYBERPRESSE	<b>Fr. Gravel's candidacy raises issues</b>	" <b><u>Ironically</u></b> , after years of <b><u>open opposition</u></b> to his Church on various issues, Raymond Gravel now intends to refrain from voting on issues that are contrary to <b>Catholic teachings</b> , such as gay marriage. He has also agreed to interrupt his ministry during

			his political escapade. Has he now decided to focus his <b>rebellious mind</b> on the business of the Bloc? " <u>I do not know to what point I will be able to act as a <b>rebellious member of parliament</b></u> ", he stated with a laugh."
Nov. 25, 2006	JOURNAL DE MONTRÉAL	<b>Delinquent priest seeks to become member of parliament</b>	"The priest has become the star candidate in the election. Not only because he is a priest but also because he is a <b>delinquent</b> . A <b>delinquent priest</b> . Raymond Gravel This is not the first time that Raymond Gravel has been in the opposition. He is in the <b>opposition against the Vatican</b> . He is in the opposition against Canada."
Nov. 25, 2006	RADIO-CANADA	<b>Fr. Gravel criticized</b>	"Fr. Gravel stated that he will remain <u>faithful to the teachings of the Catholic Church</u> , even as a member of parliament. (...) The Bloc candidate, if elected, will place his priorities on the interests of the Church rather than those of his fellow citizens."

148. At the end of the November 2006 by-election campaign, the gay magazine LE POINT, to which Plaintiff RAYMOND GRAVEL is a contributor, published two (2) articles dealing with the Plaintiff, as appears in extracts from Issue 44 of the magazine LE POINT, produced under exhibit **D-60**:

- i) "Raymond Gravel is a **highly popular priest in the Quebec media** because of his open positions in favour of gays" (page 26);
- ii) "It is important to remember **that Fr. Gravel has often intervened** on questions such as **gay marriage** or **AIDS in opposition to the official teachings of the Church**. He has often risked expulsion but preferred to defend tolerant and open moral values rather than restrictive and exclusive values, **going as far as openly criticizing the Vatican**." (page 38)

149. Against the context of the federal election campaign, Defendant CQV published in its November 2006 Issue the article, cited as exhibit P-22 by Plaintiff;

**Episode 11 (Nov.7, 2006): Gravel elected member of parliament**

150. On November 27, 2006, Plaintiff RAYMOND GRAVEL was elected member of parliament for the riding of Repentigny, as indicated in the extract from the "Report of the Director of Elections Canada on By-Elections held November 27, 2006 in the ridings of London-Centre-Nord and Repentigny", produced under exhibit **D-61**;

151. The news received extensive coverage in national media, as appears in press review **D-62** of November 27-28, 2006:

Date	Media	Title	Extracts (Our emphasis)
Nov. 27, 2006	CTV NEWS	<b>Bloc candidate won in Quebec by-election</b>	"LLOYD ROBERTSON: A <b>former male prostitute</b> who turned his life around and became a Roman Catholic Priest was the overwhelming choice of voters in one of two federal by-elections today. (...). A <b>pro choice advocate</b> and <b>supporter of same-sex marriage</b> , Gravel has often found himself at odds with his own church"
Nov. 27, 2006	LE DEVOIR	<b>Raymond Gravel and Elizabeth May are both outsiders</b>	"His position in favour of <b>gay marriage</b> and his opposition to the recriminalization of <b>abortion</b> place him in direct contradiction with <b>Catholic teachings</b> . In order to obtain authorization from his bishop to enter politics, Fr. Gravel agreed <u>to refrain from voting on major moral issues</u> in the House of Commons."
Nov. 27, 2006	CANADIAN PRESS	<b>The Bloc wins in the Repentigny and Liberals win in London</b>	"Mr. Gravel, who has found himself in a delicate position concerning Church teachings, because of his <b>controversial positions</b> in favour of <b>same-sex marriage</b> and his opposition to the recriminalization of <b>abortion</b> , had to promise not to speak on moral questions."
Nov. 28, 2006	CBC RADIO	<b>The two federal by-elections yesterday</b>	"As a teenager, he worked as a male prostitute. Later, he got a job in a leather bar in Montreal's Gay Village. (...) Unlike most Catholic priests, <u>Gravel supports the ordination of women and same-sex marriage</u> . But he says he'll abstain from votes that put him at odds with the Catholic Church"
Nov. 28, 2006	LE DEVOIR	<b>Fr. Raymond Gravel wins crushing victory in Repentigny</b>	"he who already <u>is in his own words is 'a delinquent priest'</u> (...) Fr. Gravel continued to maintain during his election campaign that he would hold himself accountable to his commitment to the Vatican in his new functions. 'If there is a vote in the House of Commons to find out "are you for or against gay marriage?", I think I will abstain, in order not to embarrass my Church .'"
Nov. 28, 2006	LA PRESSE	<b>Fr. Gravel élu in Repentigny</b>	"Fr. Raymond Gravel, former waiter in the gay bars of Montreal (...), supports same-sex marriages as well as marriage for priests. However, he announced that he will refrain from voting on questions that go against the official positions of the Vatican."
Nov. 28, 2006	CANADIAN PRESS	<b>Fed-By-election-Roundup</b>	"In Repentigny, Raymond Gravel, who went from a <b>gay hooker</b> cruising Montreal leather bars to Roman Catholic priest, won"
Nov. 28, 2006	AGENCE FRANCE-PRESSE	<b>A priest who is in favour of gay marriage was elected to the Canadian parliament</b>	"A priest who is <b>in favour of abortion and gay marriage</b> was elected to the Canadian parliament on Monday night (...) Fr. Raymond Gravel, a <b>former prostitute who became a priest</b> , obtained 67% of the vote (...) A militant <b>supporter of homosexual</b>

			<i>marriage, Mr. Gravel recently traded in his Roman colour against the suit and tie, a gesture criticezed by many of his peers. His diocese did not receive any permission from the Vatican concerning his active entry into politics and stated that as a result he cannot exercise "any priestly activity during his political involvement".</i>
Nov. 28, 2006	THE GAZETTE	<b>No surprise in Repentigny by-election</b>	<i>"Gravel is an <b>openly gay priest</b> and <b>former male prostitute</b> who decided to enroll in a Catholic seminary (...) Gravel's liberal positions favouring <b>same-sex marriage</b> and opposing the recriminalization of <b>abortion</b> <u>run against church doctrine</u>. He got permission to go into politics from his bishop but has pledged to abstain on some moral issues."</i>

152. It is in the context of this media coverage that Defendant LSN published on November 28, 2006, its article produced by the Plaintiff as exhibit P-23, in which he alleges that he has been defamed [§44j) OM] in the following eight (8) passages, which he alleges to contain "lying remarks":

- i) *"Pro-Abortion, Pro-Homosexual Marriage Catholic Priest"*
- ii) *"a Catholic priest, who has scandalized Canadian Catholics for years"*
- iii) *"pronouncing himself publicly in favour of abortion,"*
- iv) *"In the past when Gravel scandalized Catholics with his anti-Catholic stands"*
- v) *"he has publicly repudiated Church teaching with impunity."*
- vi) *"The renegade priest"*
- vii) *"Gravel seems to believe that his brand of 'Catholicism' is more authentic."*
- viii) *"The bishop's refusal to permanently suspend Fr. Gravel now may endanger the efforts to overturn same-sex marriage,";*

(§44j) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

153. On the same day, November 28, 2006, LE NUNCIO sent to BISHOP LUSSIER letter #7542/06, produced *under seal* as exhibit **D-63** (Undertaking GL-3, page 1);

154. On December 8, 2006, BISHOP LUSSIER issued "**decree of suspension**" **D-64** against Plaintiff RAYMOND GRAVEL, produced *under seal* (Undertaking GL-7);

155. On December 11, 2006, BISHOP LUSSIER sent letter **D-65** to THE NUNCIO, produced *under seal* (Undertaking GL-3, page 2);

156. On December 14, 2006, THE NUNCIO sent to BISHOP LUSSIER letter **D-66**, produced *under seal* (Undertaking GL-3, page 3);

**Episode 12 (February 2007): Gravel states that he will vote for gay marriage**

157. On February 20, 2007, the homosexual monthly magazine *FUGUES* published interview **D-67** with the Plaintiff under the following title:

***”RAYMOND GRAVEL: FORTUNATE MEMBER OF THE ELECT? The pink priest takes risks in politics”***

158. The Plaintiff failed to produce this interview D-67 in support of his “*Originating Motion*”, either in its original form or in its many amended versions;
159. In interview D-67, Plaintiff RAYMOND GRAVEL stated that he would have voted for homosexual marriage if the occasion had presented itself:

(Question from FUGUES journalist)

***“You were sworn in after the vote on same-sex marriage. Had you been in parliament at that day, on which side would you have voted?”***

(Response from Raymond Gravel:)

***“(…) In this case, I would have voted according to my conscience and everybody knows what my position is on gay marriage. I have always defended homosexuals and I shall continue to do so for the sake of the Gospel, and I shall not refrain from voting in the House of Commons for justice and equality for all.”***

160. This public position by Plaintiff RAYMOND GRAVEL placed in direct contradiction with the “*ethical instructions*” of the Catholic Church on this issue, which the Plaintiff produced under exhibit P-7, and which state the following:

***“If it is true that all Catholics are obliged to oppose the legal recognition of homosexual unions, Catholic politicians are obliged to do so in a particular way, in keeping with their responsibility as politicians. Faced with legislative proposals in favour of homosexual unions, Catholic politicians are to take account of the following ethical indications:***

***When legislation in favour of the recognition of homosexual unions is proposed for the first time in a legislative assembly, the Catholic law-maker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favour of a law so harmful to the common good is gravely immoral.***

(Cardinal Joseph Ratzinger, Prefect of the Congregation for the Doctrine of the Faith, “*Considerations regarding proposals to give*

*legal recognition to unions between homosexual persons”, June 3, 2003, paragraph 10, our emphasis)*

**Episode 13 (July 2007): Gravel opposed to Benedict XVI on the Latin Mass**

161. On July 7, 2007, Benedict XVI published the Apostolic Letter *Summorum Pontificum*, produced under exhibit **D-68**, concerning use of the Roman Liturgy originating before the 1970 Reform;
162. Without impugning the liturgical reform that came after the Second Vatican Council, giving rise to what the Pope described as the “ordinary form” of the Mass. The Pope also recommended in the letter D-68 the reestablishment of the Latin liturgy which he described as the “extraordinary form” of the Mass; Benedict XVI describes the two forms as two (2) distinct expressions of a single and identical rite:

*“Art 1. The Roman Missal promulgated by Paul VI is the ordinary expression of the 'Lex orandi' (Law of prayer) of the Catholic Church of the Latin rite. Nonetheless, the Roman Missal promulgated by St. Pius V and reissued by Bl. Jean XXIII is to be considered as an extraordinary expression of that same 'Lex orandi,' and must be given due honour for its venerable and ancient usage. These two expressions of the Church's Lex orandi will in no way lead to a division in the Church's 'Lex credendi' (Law of belief). They are, in fact two usages of the one Roman rite. “*

(Our emphasis)

163. On the very next day, July 8, 2007, Plaintiff RAYMOND GRAVEL breached his duty of confidentiality that he had given in an undertaking to maintain concerning questions involving the internal government of the Catholic Church (see: exhibit D-64) during his activities in federal politics. The *JOURNAL DE QUEBEC* published an article **D-69** entitled:

***“FR. GRAVEL IS SHOCKED”***

164. The Plaintiff has failed to produce the article D-69 in support to his *Originating Motion*, either in its original form or in its many amended versions; In article D-69, Plaintiff RAYMOND GRAVEL loudly and publicly protested against Pope Benedict XVI’s letter, D-68. He made the following remarks to the journalist:

*“It’s not just the return to Latin, but it is also saying Mass facing a wall rather than facing the people in the Church... It is the Mass of my childhood”, deplored the member of parliament for Repentigny.*

*“Integrists and Traditionalists are only too happy, but I see it as a return to the past, states the priest. People don’t even understand*

*the Latin, so what worth is it? It is a rite in which people do not participate, they are mere spectators”, he said.*

*“The real danger is that among us Catholics, there is the right-wing, the conservatives, who will be demanding these masses to satisfy a small group of 15 people in the parish, and I am not sure that that is the business of priests in Quebec”, he stated.”*

(Our emphasis)

165. Exacerbated by this new public outburst from Plaintiff RAYMOND GRAVEL against the Catholic Church, one of his colleagues from the priesthood, FR. ÉMILE THIBAUT, sent a letter of “*petition*” to the bishop of Joliette, BISHOP GILLES LUSSIER, which was published by Defendant CQV in its August 2007 Issue, submitted as exhibit P-24 by the Plaintiff;

**Episode 14 (Oct. 2007): Gravel states “I defend abortion” on the television program “3950” on TV5**

166. In October 2007, Plaintiff RAYMOND GRAVEL was interviewed on the television show “3950” on the international French television network TV5;
167. The television broadcast consisted of a meal, hosted by Luck Mervil, with various guests, including Huron Chief Max Gros-Louis, the lawyer Julius Grey, the Imam SAID JAZIRI and Plaintiff RAYMOND GRAVEL;
168. During this television broadcast, Plaintiff RAYMOND GRAVEL was labelled a “homosexual” by Imam SAID JAZIRI and without challenging this allegation, Plaintiff RAYMOND GRAVEL responded: “***I also defend abortion***”;
169. The Plaintiff omitted to include this incident in his “*Originating Motion*”, either in its original form or in its many amended versions;
170. On October 4, 2007, newspaper journalist Richard Therrien from *LE SOLEIL* described this exchange of words between Imam SAID JAZIRI and Plaintiff RAYMOND GRAVEL in article **D-70** under the following terms and quoting directly the comments of the Plaintiff:

*“The conversation remained civilized until the question of homosexuality was raised, when opinions got out of control. The Imam demonstrated at that point the considerable backwardness of his religion on this issue by comparing homosexuality to a "sin", to a "desire", and to something "unnatural". Raymond Gravel became furious in his defence of the gay community. "Perhaps it is because you yourself are a homosexual that you defend them!" quipped the Imam. "I also defend abortion and I have never had an abortion!" responded the priest. Exacerbated by the narrowness of mind of his counterpart, the*

*priest, who is not like other priests, went to have a sip of his wine in the kitchen. The editing crew decided to edit words he swore as he left the discussion "Tabarnak". (Our emphasis)*

171. On the same day, October 4, 2007, the newspaper *LA PRESSE* reported the same incident in its article **D-71** in the column of television critic, Louise Cousineau, who wrote:

*"Fr. Raymond Gravel was called a homosexual by Imam Said Jaziri (...) The Imam and the priest were sitting face to face. (...) Just before desert, the two members of the clergy got into a serious argument. The issue being discussed was homosexuality. (...) The Imam said that homosexuality is a sin. (...) And Catholicism also prohibits homosexuality, according to the Imam. Wow! Fr. Gravel, who is a member of the Bloc Québécois in Ottawa, blew up. He defended homosexuals.*

*The Imam called him a homosexual  
In the exchange of words, Fr. Gravel insisted that he was also  
in favour of the right to abortion."*

172. On the same day, October 4, 2007, Defendant LSN published an article by codefendant JOHN-HENRY WESTEN and translator, Marie-Christine Houle, article **D-72**;
173. **Inexplicably**, Plaintiff RAYMOND GRAVEL **did not** produce article D-72 of Defendant LSN, even though it was an article about him in support of his *Originating Motion*, either in its original form or in its many amended versions;
174. Article D-72 by Defendant LSN is mainly a translation of article D-70 published in *LE SOLEIL* describing the confrontation that occurred between Imam SAID JAZIRI and Plaintiff RAYMOND GRAVEL before the cameras of the television program "3950":

*"In an article published in Le Soleil, reporter Richard Therrien reports that the conversation between Gravel and Imam Said Jaziri remained civilized until the topic of homosexuality was brought onto the table. The Imam noted his religion's opposition to homosexuality calling it "unnatural" and "a sin" while Gravel defended it.*

*The Imam then confronted Gravel and said "Perhaps you chose to defend them (active homosexuals) because you are yourself, homosexual". Gravel replied by stating: "I also support abortion although I have never had one!"*

*Therrien's article reveals other disturbing elements such as the fact that Mr. Gravel walked away from the discussion table in*

*such a fury, that the production team of the show Le 3950 was forced to edit out the swear words he used to express himself.”*  
(Our emphasis)

175. The remarks by Plaintiff RAYMOND GRAVEL, as reported by journalist Richard Therrien from *LE SOLEIL*, were translated as follows by LSN:

Original French text (Pièce D-70)	ORIGINAL English Translation by LSN in D-72
<i>"C'est peut-être parce que vous êtes vous-mêmes homosexuel si vous les défendez!"</i>	<i>"Perhaps you chose to defend them (active homosexuals) because you are yourself, homosexual".</i>
<i>"Je défends aussi l'avortement et je ne me suis jamais fait avorter !", rétorque le prêtre.</i>	<i>Gravel replied by stating: "I also support abortion although I have never had one!"</i>

176. On Saturday, October 6, 2007, this episode of the television show “3950” was broadcasted in Quebec by TV5;
177. On November 17, 2007, Plaintiff RAYMOND GRAVEL sent email **D-73** to defendant STEVE JALSEVAC in which he criticized LSN for having wrongly translated article D-70 that appeared in *LE SOLEIL*:

*“Mr. Jalsevac, it is not very professional to translate an article in a newspaper like Le Soleil without verifying your sources. Did you watch the television program 3950 on TV5? I would think that before making any statement, it would have been appropriate to watch the show... You would have heard and seen what really happened: When the Imam called me a homosexual, I told him that I had defended women who were aborted during the war in Bosnia but I had never had an abortion for this reason. (...)*

*And if Ms. Houle translates texts incorrectly, the harm that can be caused to another person is dangerous... I demand a public excuse, because you publicly wrote such falsehoods. It is the least one might ask and I also want a copy to send it to my bishop and to Apostolic NUNCIO....Thank you!*  
*Raymond Gravel, priest-member of parliament for Repentigny”*

(Our emphasis)

178. On November 22, 2007, defendant STEVE JALSEVAC sent email **D-74** to Plaintiff RAYMOND GRAVEL which reads as follows:

*“Fr. Gravel,*

*We were able to find a video of the 3950 program and translate your exact quotes which were slightly different that what was reported in Le Soleil. I have replaced the Le Soleil quotes in the paragraph in question with the more accurate quotes. See <http://www.lifesite.net/ldn/2007/oct/07100408.html>*

*However, I don't think this changes the reality significantly. The original report was fairly accurate, as the Le Soleil reporter also thought about his report. Still, the quotes in the LifeSiteNews report are now completely accurate.  
Steve Jalsevac”*

179. Defendant LSN published on line, in November 2007, a slightly modified version of the article originally published on October 4, 2007. This modified version, produced under exhibit **D-75**, includes the following modifications that have underlined:

Original Text in French in LE SOLEIL (D-70)	ORIGINAL Translation by LSN in D-72 (October 4, 2007)	MODIFIED Translation by LSN in D-75 (November 2007)
<i>"C'est peut-être parce que vous êtes vous-mêmes homosexuel si vous les défendez!"</i>	<i>"Perhaps you chose to defend them (active homosexuals) because you are yourself, homosexual".</i>	<i>"Perhaps you chose to defend them (active homosexuals) because you speak <u>as if you were homosexual</u>".</i>
<i>"Je défends aussi l'avortement et je ne me suis jamais fait avorter !", rétorque le prêtre.</i>	<i>Gravel replied by stating: "I also support abortion although I have never had one!"</i>	<i>Gravel replied by stating: "I defended women who got abortions <u>in Bosnia</u> and I have never gotten an abortion"</i>

180. On November 23, 2007, Plaintiff RAYMOND GRAVEL sent email **D-76** to defendant STEVE JALSEVAC, with an attachment containing a translated version of his email D-73, which had been translated into English by the Parliament Translation Services. This email D-76 read as follows:

*“Mr. Jalsevac,  
this is the traduction (sic) of my letter from last week...  
Thank you! Raymond Gravel ptre-député”*

181. The Plaintiff did not produce, in support of his *Originating Motion*, the exchange of email between himself and defendant STEVE JALSEVAC. Although this is the only factual incident involving defendant STEVE JALSEVAC;

182. The name of defendant STEVE JALSEVAC does not appear in **any factual allegation** of the *Originating Motion* (only allegations 20 and 21 of the *Originating Motion* mention the name of defendant STEVE JALSEVAC);

**15<sup>th</sup> Episode (Dec. 2007 – March 2008): Gravel voted against the project of Bill C-484 which would confer legal status on the fetus.**

<u>Table of Contents of Episode 15 (Draft Bill C-484)</u>	
a) Bill is tabled by Ken Epp, MP	§ 184-186
b) First speech by GRAVEL on Draft Bill C-484 (December 13, 2007)	§ 187-191
c) Letter from two (2) Roman Congregations to Bishop Lussier (Dec. 21, 2007)	§ 192
d) Communications between Gravel and Bishop Lussier (Jan. 2007)	§ 193
e) Various letters in response sent to the Bishop and to the NUNCIO (Feb. 2007)	§ 194-201
f) Meeting between GRAVEL and Bishop LUSSIER (March 2, 2008)	§ 202-203
g) Second speech by GRAVEL on Draft Bill C-484 (March 3, 2008)	§ 204-211
h) Vote on Draft Bill C-484 (March 5, 2008)	§ 212-214
i) Public debate between LUC GAGNON and RAYMOND GRAVEL (March 2008)	§ 215-221
j) Exchange of correspondence (March 13-19, 2008)	§ 222-223
k) GRAVEL published a “pastoral-” like text (March 2008)	§ 224-225
l) CQV published two articles on Draft Bill C-484 (Spring 2008)	§ 226-227

a) Bill is tabled by Ken Epp, MP

183. On December 13, 2007, there was a debate in the House of Commons on the “*Draft Bill C-484*” tabled by Ken Epp, Conservative MP (Exhibit **D-77**), entitled:

*“AN ACT TO MODIFY THE CRIMINAL CODE (injuring or causing the death of an unborn child while committing an offence)”*

184. The purpose of *Draft Bill C-484* was, in part, to fill the legal void concerning the status of the fetus in Canadian law, as set out in the summary of the draft bill:

*“This enactment amends the Criminal Code by making it an offence to injure, cause the death of or attempt to cause the death of a child before or during its birth while committing or attempting to commit an offence against the mother.”*

185. *Draft Bill C-484* is an **initiative** of private **member**, which means that all Members of Parliament are free to vote according to their conscience, without regard for the party line;

b) First Speech by GRAVEL on *Draft Bill C-484* (December 13, 2007)

186. On December 13, 2007, the Plaintiff RAYMOND GRAVEL made a speech in the House of Commons in which he took a position against *Draft Bill C-484*. The

text of the Plaintiff's speech and its translation appear in Volume 142, Issue 37, of *Hansard* for the 39<sup>th</sup> Parliament, 2<sup>nd</sup> session (Exhibit **D-78**);

187. The Plaintiff has failed to produce this speech D-78 in support of his *Originating Motion*, either in its original form or in its many amended versions;
188. In speech D-78, the Plaintiff RAYMOND GRAVEL targeted the Pro-Life Group, which he described as an "extremist" and "fanatic":

*"Mr. Speaker, I am somewhat uncomfortable with this bill. (...) As a Catholic priest, I find it somewhat difficult to relate to this bill quite simply because the member who tabled it belongs to a pro-life group, the Campaign Life Coalition, which, in my humble opinion, is a fairly extremist and fanatical group."*  
(our emphasis)

189. During this speech D-78, the Plaintiff RAYMOND GRAVEL set out a perspective that is diametrically opposed to the teachings of the Catholic Church on abortion:

*"When a pregnant woman is assaulted or killed and her fetus is killed at the same time, I agree completely that it is an abominable crime (...) but at the same time I believe that when the fetus is in its mother's womb, they are one being. Only when it leaves her womb does it become a child. I believe that is the Supreme Court definition of 1969."* (our emphasis)

190. Taking advantage of the parliamentary immunity to which he was entitled during his speech in the House of Commons, the Plaintiff RAYMOND GRAVEL personally attacked the Defendant LUC GAGNON, as well as the newsletter published by the Defendant CAMPAGNE QUÉBEC-VIE, in a passage in this speech D-78 :

*"I also mentioned that pro-life group, Campaign Life Coalition. I know that the president of the Quebec group is Mr. LUC GAGNON. That group's journal is always full of condemnations and rejections, and there is never any love or compassion in their journal. (...) I do not feel there is any compassion within that group. I therefore oppose that pro-life group."* (our emphasis)

c) Letter from two (2) Roman Congregations to Bishop Lussier (Dec. 21, 2007)

191. On December 21, 2007, two Roman congregations jointly issued to BISHOP LUSSIER letter #20073366, produced *under seal* as Exhibit **D-79** (Undertaking GL-10, page 1). This document is fundamental to truly understand the situation of the Plaintiff RAYMOND GRAVEL;

d) Communications between Gravel and Bishop Lussier (Jan. 2007)

192. In January 2008, BISHOP LUSSIER sent a *monitum* to Plaintiff RAYMOND GRAVEL (exhibit **D-145**). On January 18, the latter sent letter **D-80** to his bishop, BISHOP LUSSIER, accompanied by a text referred to as “*Clarification*”, produced as a consolidated exhibit *under seal*;

e) Various letters in response sent to the bishop and to the NUNCIO (Feb. 2007)

193. In February 2008, the first speech D-78 by the Plaintiff RAYMOND GRAVEL, made on December 13, 2007, caused various indignant reactions among Canadian citizens faithful to the Catholic Church;

DATE	Page in P-17	Letter or Email ?	LANGUAGE	SENT TO	SENT FROM	CERTIFIED COPY	VILLE
31-01-2008	126	Letter	English	Mgr Lussier	Betty MacAulay		Souris, ÎPE
31-01-2008	127-128	Letter	English	Mgr Lussier	Clara Creglia	Apostolic Nuncio	Toronto, ON
31-01-2008	129	Letter	English	Mgr Lussier	Eileen Meunier		Timmins, ON
01-02-2008	125	Letter	English	Mgr Lussier	Cob Bentvensel		Holland Landing, ON
03-02-2008	120	Letter	English	Mgr Lussier	Kathleen Hogan	Apostolic Nuncio, Congregation for the faith	Parry Sound, ON
03-02-2008	121-122	Letter	Français	Mgr Lussier	Corine Bouchard		Ste-Rose-du-Lac, MN
03-02-2008	123	Letter	English	Mgr Lussier	P. et Jack Brennan		Mississauga, ON
03-02-2008	124	Letter	English	Mgr Lussier	Gustavo Gonzalez	Apostolic Nuncio	Candiac, QC
04-02-2008	119	Letter	English	Mgr Lussier	Josephine Quesnel		Harrowsmith, ON
06-02-2008	117-118	Letter	English	Mgr Lussier	Carla Revington		Lucan, ON
07-02-2008	115	Letter	English	Mgr Lussier	Maureen Sullivan		Prince Hubert, BC
07-02-2008	116	Letter	English	Nonce Apostolique	Maureen Sullivan		Prince Hubert, BC
08-02-2008	114	Letter	English	Mgr Lussier	FW Dawson		North Hathley ,QC
10-02-2008	113	Letter	English	Mgr Lussier	Dorothy Carston		Kirkland Lake, ON
11-02-2008	112	Letter	English	Mgr Lussier	Anne Elphick		Nanimo, BC
20-02-2008	111	Letter	English	Mgr Lussier	Mary Labelle	Mgr Lussier	Prince Edward Island

194. Sixteen (16) of these citizens and faithful Catholics sent a letter to the bishop of Joliette, BISHOP GILLES LUSSIER, and to the Apostolic NUNCIO in Ottawa, BISHOP LUIGI VENTURA, as appears from pages 111 to 129 in Exhibit P-17 produced by the Plaintiff in support of his *Originating Motion*, should this Exhibit P-17 be deemed admissible as evidence, for the reasons mentioned in paragraph 198 of this defence. These sixteen (16) letters are presented below:

195. These letters—which were not emails—were sent between January 31, 2008 and January 20, 2008, and can in no way be ascribed to the Defendant LSN, since, in accordance with the evidence produced by the Plaintiff, the Defendant published no article on RAYMOND GRAVEL during the entire year of 2007, or in January or February of 2008;

196. At this point in time, in conformity with the evidence submitted by Plaintiff, the most recent article by the Defendant LSN concerning the Plaintiff RAYMOND GRAVEL, shown as Exhibit P-23, dated from more than one (1) year before, namely in the days following his election as a Member of Parliament; and the

next article, Exhibit P-26, was dated March 2008, more than sixteen (16) months later, as may be authenticated in the exhibits produced by the Plaintiff himself in support of his *Originating Motion*:

DATE	QUOTING	DEFENDANT
➤ 2006-11-28	P-23	LSN
2007-08-01	P-24	CQV
2007-10-04	(not produced)	article D-72
2007-12-13	(not produced)	1 <sup>st</sup> speech by R. Gravel on Bill C-484
2008-01	P-25	CQV
2008-02-__	P-17 (p.113 à 129)	16 letters from Catholics to Bishop Lussier
2008-03-03	P-26A	2 <sup>nd</sup> speech by R. Gravel Bill C-484
➤ 2008-03-04	P-26	LSN

197. In addition, the Defendants respectfully submit that Exhibit P-17 is inadmissible as evidence for the following reasons:

- i) The Plaintiff RAYMOND GRAVEL is neither the author or the addressee of the letters and emails contained in Exhibit P-17 and as such he is not entitled to produce these himself;
- ii) The Plaintiff RAYMOND GRAVEL offer no explanations as to how he came into possession of these letters and emails;
- iii) The Plaintiff RAYMOND GRAVEL has produced no authorization from either the authors or the addressees of such private communications for him to make use thereof;
- iv) Several of these alleged “emails” in Exhibit P-17 are the result of cutting and pasting, which is shown by the delete text marks which appear in the very body of several of these “emails”;
- v) The use of such documents by the Plaintiff undermines the administration of justice (Article 2858 VS.vs.Q.);

198. Furthermore, the Defendants submit that it is normal that a speech made by a Member of Parliament should give rise to comments by the public and that the sixteen (16) letters sent are a healthy expression of public life in Canada;

199. The Defendant CQV did publish in its January 2008 issue an article entitled “A Wonderful Piece of Draft Federal Legislation to Protect a Pregnant Woman,” Exhibit P-25 produced by the Plaintiff;

200. In February 2008, THE NUNCIO sent to BISHOP LUSSIER letter #9212/08, which will be produced *under seal* as Exhibit **D-81**;

f) Meeting between GRAVEL and Bishop LUSSIER (March 2, 2008)

201. On March 2, 2008, the Plaintiff RAYMOND GRAVEL met with his bishop, BISHOP LUSSIER;
202. On March 3, 2008, BISHOP LUSSIER sent to the Plaintiff RAYMOND GRAVEL a written admonition which will be produced *under seal* as Exhibit **D-82**;

g) Second speech by GRAVEL on Draft Bill C-484 (March 3, 2008)

203. On March 3, 2008, the Plaintiff RAYMOND GRAVEL made a second speech in the House of Commons on *Draft Bill C-484*;
204. The Plaintiff has failed to produce this second speech in his *Originating Motion*, in its original form. It is in response to a request for clarifications from Counsel for the Defendants that the Plaintiff finally produced this 2<sup>nd</sup> speech, under Exhibit P-26A. For purposes of clarity, the Defendants produce, as Exhibit **D-83**, the **bilingual version** of the 2<sup>nd</sup> speech, P-26A, made by the Plaintiff in the House of Commons on March 3, 2008, as reproduced and translated from Volume 142, Issue 58, of *Hansard* for the 39<sup>th</sup> Parliament, 2<sup>nd</sup> session;
205. The Plaintiff RAYMOND GRAVEL made this 2<sup>nd</sup> speech, D-83 (P-26A), stating that he wished “to set the record straight” due to the communications received by his bishop after his speech, D-78, in the month of December 2007:

*“Mr. Speaker, I think that my remarks were misrepresented after I spoke on this bill in the House in December. That is why I would like to set the record straight today. I think this is in order because my bishop and the apostolic nunciature[sic] in Ottawa have received a number of e-mails.”*

206. In this 2<sup>nd</sup> speech, D-83 (P-26A), the Plaintiff RAYMOND GRAVEL repeated his scorn and verbal attacks against the President of and the Defendant CAMPAGNE QUÉBEC-VIE, the Defendant LUC GAGNON, whom he described again as a “*fundamentalist*” and an “*extremist*” in full session of House of Commons:

*“Sixth, I also said in my speech that the President of the Quebec office of the Campaign Life Coalition is a fundamentalist and an extremist who judges and condemns everyone who does not share his narrow views on life, and he does so in the name of God. That is not my God or anything*

*like the God of Jesus Christ in the Gospels. I have been on radio shows with this man, Mr. Gagnon, and he has not once shown any compassion for people who are marginalized and excluded.”* (our emphasis)

207. In this 2<sup>nd</sup> speech, D-83 (P-26A), the Plaintiff RAYMOND GRAVEL continued to attack the Defendant LIFESITENEWS.COM, as well as the Defendants JOHN-HENRY WESTEN and STEVE JALSEVAC. He wrongfully accused LSN of being responsible for the wave of letters of protest received by his bishop and the Nuncio in January and February 2008:

*“Seventh, it is interesting to note that not one of the letters in which people insulted, threatened and condemned me was sent to me personally; they were all sent to my bishop or to the apostolic nuncio. The least people could have done would have been to send the letters to me too, since they do concern me. Moreover, the letters were written in English only. Can it be that people misunderstood what I said because my comments were made in French with simultaneous interpretation in the House of Commons? Why did no francophones write to criticize what I reportedly said? I get the feeling that comments made by two people, John-Henry Westen in LifeSiteNews.com and Mr. Jalzevac, (sic) incited this taking up of arms. This is the second time a reporter working for that website has attempted to discredit me.”* (our emphasis)

208. Again in the same speech, D-83 (P-26A), the Plaintiff RAYMOND GRAVEL complained about **not personally receiving these letters**:

*“the letters (...) were not sent to me personally, they were all sent to my bishop or the apostolic nuncio. The least people could have done would have been to send the letters to me too, since they do concern me.”* (our emphasis)

209. The Plaintiff RAYMOND GRAVEL concluded his speech of March 3, 2008 by stating that would vote against *Draft Bill C-484*, seeking to confer legal status on the fetus in Canadian Law:

*“That is why I think we should vote against this bill.”*

210. On March 4, 2008, the day after his speech, D-83 (P-26A), the Defendant LSN published an article by the Defendant JOHN-HENRY WESTEN, the article produced as Exhibit P-26 by the Plaintiff, in which he deems that he has been defamed [§44m) OM] in the five (5) following passages and which he alleges to be “lying remarks”:





- i) *“Prior to the launch of his political career he was already infamous for publicly opposing the Vatican on homosexuality and abortion”;*

- ii) *"LifeSiteNews.com, however, has several times reported on Gravel's heretical and anti-life statements";*
- iii) *"Readers are invited to present concerns to Fr. Gravel directly as well as to his bishop and the NUNCIO";*
- iv) *"In defiance of Vatican direction, Gravel entered politics two years ago";*
- v) *"Controversial Catholic priest and Bloc Québécois representative"*

(§44m) from the *Originating Motion* of the Plaintiff RAYMOND GRAVEL

h) Vote on Draft Bill C-484 (March 5, 2008)

211. On March 5, 2008, the House of Commons voted on *Draft Bill C-484*; the following summary shows the result of the vote:

Party	Yeas	Nays	N/A
INDEPENDENT	1	2	1
 NDP	1	25	4
 BLOC	0	47	2
 Conservative	118	4	4
 Liberal	27	54	14
Total	147	132	25
%	48.3%	43.4%	8.22%
	304		

212. As appears from the summary of the role-call vote published in *Hansard* for March 5, 2008, under Exhibit **D-84**, the Plaintiff RAYMOND GRAVEL **voted against** *Draft Bill C-484*;

213. The very next day, March 6, 2008, through to March 19, 2008, five (5) Canadian Catholic citizens sent letters—which were not emails—as they appear on pages 102 to 110 of Exhibit P-17 produced by the Plaintiff in support of his *Originating Motion*, should Exhibit P-17 be admissible as evidence, for reasons stated in paragraph 198 of this defence:

DATE	PAGE of P-17	Letter or Email ?	LANGUAGE	SENT TO :	SENT FROM :	CERTIFIED COPY	VILLE
06-03-2008	102-104	Lettre	English	Raymond Gravel	Clara Creglia		Toronto, ON
06-03-2008	105-106	Lettre	English	House of Commons	Patrick Hanlon		St-Jean's, NL
11-03-2008	110	Lettre	English	Mgr Lussier	Alma Coupal		Kelowna, BC
17-03-2008	108-109	Lettre	English	Nonce Apostolique	Huguette Boulet	Mgr Lussier	Cochrane, ON
19-03-2008	107	Lettre	English	Mgr Lussier	Geraldin Bowes		Ile du Prince Edouard

i) Public debate between LUC GAGNON and RAYMOND GRAVEL (March 2008)

214. On March 7, 2008, *LE DEVOIR* newspaper published the article “*Members of pro-life cry victory*” (Exhibit **D-85**);
215. Journalist H     Buzzetti reported the reactions of the President of and the Defendant CAMPAGNE QU    C-VIE, the Defendant LUC GAGNON, who stated:

*“We encouraged our members to support the legislation, to contact their member of parliament and to lobby for this bill to be adopted.”*

216. On March 8, 2008, *LE DEVOIR* newspaper published the article “*Abortion: Fr. Gravel defends himself against pro-life members*” (Exhibit **D-86**);
217. Journalist H     Buzzetti reported the response from the Plaintiff RAYMOND GRAVEL to the remarks made on the previous day by the President of and the Defendant CAMPAGNE QU    C-VIE, the Defendant LUC GAGNON.
218. In article D-86, the Plaintiff RAYMOND GRAVEL reiterated, but this time outside of the confines of Parliament, the insults that he had issued in the House of Commons against the Defendant CAMPAGNE QU    C-VIE:

*“This is a fanatical group who has no compassion for women dealing with an unwanted pregnancy, a group that is ready to condemn them and burn them at the stake.”* (our emphasis)

219. At the time of interview D-86 with *LE DEVOIR*, the Plaintiff RAYMOND GRAVEL confirmed:

*“I am against abortion”*

- i) whereas six (6) months earlier he had stated on TV5 Television:

*“I also defend abortion”* (See above Episode 13)

220. On or about March 11, 2008, the TQS Television Network organized a televised debate between the Plaintiff RAYMOND GRAVEL and the Defendant LUC GAGNON to debate *Draft Bill C-484*, during which they had the opportunity to explain their different points of view on this subject of public interest;

j) Exchange of correspondence (March 13–19, 2008)

221. On March 13, 2008, the Plaintiff RAYMOND GRAVEL sent response Exhibit **D-87** to his bishop, BISHOP LUSSIER, produced *under seal* (Undertaking GL-11, pages 7-8);
222. On March 18, 2008, BISHOP LUSSIER sent to one of the Roman Congregations his response to letter D-79 of December 21, 2007; this response is produced *under seal* as Exhibit **D-88** (Undertaking GL-12, pages 2-3);

k) GRAVEL publishes a “pastoral-” like text (March 2008)

223. On March 22 and 23, 2008, the Plaintiff RAYMOND GRAVEL breached the confidentiality relating to religious activities which he had agreed to observe for the duration of his political career. He published, during the Easter weekend, a pastoral-like text both in *LE DEVOIR* (March 22) and in *LA PRESSE* (March 23), produced as a consolidated Exhibit **D-89**;
224. Besides the fact that he signed this article “*Raymond Gravel, **priest-Member of Parliament**,*” thus contravening the order from his bishop “*to avoid any confusion among the faithful and to maintain the distinction between the political and the religious functions,*” (see “Press Release from Bishop Lussier,” Exhibit D-54), in the article D-89, the Plaintiff RAYMOND GRAVEL challenged the historical reality of the Resurrection:

*“The gospels do not describe to us how the Resurrection happened; they tell us about the Risen Christ. In order to illustrate that it is not necessary to prove the historical nature and the facts of this event, the testimony of this event comes from women who were the witnesses. We know that in Jewish culture of the time, the testimony of a woman had no legal value. Therefore if the authors of the gospel turned Easter into a story of women, it is to explain to us that the Resurrection is first an act of childbirth, the birth of a new world.”* (our emphasis)

l) CQV published two articles on Draft Bill C-484 (Spring 2008)

225. It is against the background of a public debate on *Draft Bill C-484* that the Defendant CQV published in spring 2008 the article produced as Exhibit P-27 by the Plaintiff;
226. It was also in spring 2008 and in the same context of the public debate over *Draft Bill C-484* that the Defendant CQV published the article produced as Exhibit P-28 by the Plaintiff;

Episode 16 (April 2008): Gravel Guest Speaker before Gay Group from the Outaouais

227. On April 14, 2008, the newspaper *LE DROIT* published article Exhibit **D-90** entitled “*Fr. Gravel invited by the gay community of the Outaouais*”;

228. According to the comments that were reported in article D-90, the Plaintiff RAYMOND GRAVEL intended to use this conference in order to “reconcile this community with the Church”:

*“I am not familiar with the gay community of the Outaouais. But if I can reconcile this community with the Church, all the better. That is my goal. I do not want them to feel rejected but rather loved,’ stated Fr. Gravel to the newspaper Le Droit. ‘Yes, there are members in the Church who are hard and condemning. But it is not the whole Church. We should not put everybody into the same category.’*

*‘Too often, doctrine trumps pastoral work,’ according to the Bloc MP. ‘It is as though there were no room for welcome. It is (more) important to emphasize accompaniment than condemnation. Pastorally speaking, there is openness in the Church to accompany these people.’” (our emphasis)*

229. On April 16, 2008, the Plaintiff RAYMOND GRAVEL made his speech before the Gay Group of the Outaouais (GGO), as it appears from the summary of this event that appeared in the BRAS EXPRESS bulletin (Exhibit **D-91**):

*“Fr. Raymond Gravel spoke to a very attentive audience as he made a vibrant plea for gays and lesbians at his conference last April 16. The goal of this activity, organized by the Gay Group of the Outaouais (GGO), was to hear the public opinions of the Member of Parliament for the Bloc Québécois for Repentigny on the role of the Catholic Church towards the gay community. With his usual bluntness, Fr. Gravel repeatedly stated that he prefers to work from the inside to obtain rights for homosexuals. (...)*

*He quoted the example of the rights to abortion and to same-sex marriage. He stated that he was afraid that these acquired rights would disappear (...). The very liberal opinions of MP Gravel seek to extend even further the rights of the homosexual class (...) The Bloc Québécois MP recommended greater openness from the clergy on subjects such as euthanasia, the marriage of priests and the acceptance of gays and lesbians within the Catholic Church. Why not a militant clergy for gays and lesbians? (our emphasis)*

230. During the conference on April 16, 2008, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of his Church, namely on the following subjects:

➤ Abortion;

- Marriage between persons of the same sex;
  - Marriage for priests;
  - Homosexuality;
  - Euthanasia.
231. The Defendants respectfully submit that in dealing with these questions at this conference, the Plaintiff RAYMOND GRAVEL:
- i) first of all, breached the obligation of confidentiality that he had undertaken concerning issues involving the moral doctrine of the Catholic Church during his engagement in federal political activities;
  - ii) secondly, broke the rule of his bishop *"to avoid all confusion among the faithful and to maintain the distinction between the political and religious functions"* (See "Press Release from Bishop Lussier," Exhibit D-54);
232. The Plaintiff failed to mention the speech he made on April 16, 2008 in his *Originating Motion*, either in its original form or in its many amended versions;
233. On April 18, 2008, the Defendant LSN published an article on the speech delivered by the Plaintiff RAYMOND GRAVEL, written by the Co-defendant HILARY WHITE, which article was produced as Exhibit P-29 by the Plaintiff, in which he alleges that he was defamed [§44p) OM] by the following two (2) passages, which he deems to be "lying remarks":
- i) *"Still a priest in good standing with his diocese of Joliette, Fr. Gravel has been allowed by his bishop to continue in pastoral work at his parish despite years of openly contradicting Catholic teaching on homosexuality and abortion."*
  - ii) *"But while Rev. Gravel's beliefs about accepting and loving persons with homosexual tendencies is in line with Church teaching, his presentation (...) is misleading at best.";*
- (§44p) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)
234. In May 2008, the Defendant CQV published the article produced as Exhibit P-30 by the Plaintiff;
235. Also in May 2008, the Defendant CQV published the article produced as Exhibit P-31 by the Plaintiff;
236. On May 20, 2008, the Defendant LSN published an article by journalist Thaddeus M. Baklinski, who has not been personally named in the present action, which article was produced as Exhibit P-32 by the Plaintiff, in which he alleges to have been defamed [§44s) OM] by the three (3) following passages, which he deems to be "lying remarks";

- i) *"In 2004, Fr. Gravel made his support for abortion and homosexuality a matter of the public record when he boasted to a radio interviewer, 'I am pro-choice and there is not a bishop on earth that will prevent me from receiving Communion, not even the Pope.'"*
- ii) *"and was later elected, which was in direct disobedience to a papal decree"*
- iii) *"despite his strong pro-homosexual and pro-abortion stance."*

(§44s) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

237. June 1, 2008, the Defendant CQV published the article produced as Exhibit P-33 by the Plaintiff;

**Episode 17 (July 2008): Gravel Publicly Supports Doctor Henry Morgentaler**

238. On July 1, 2008, it was announced that Doctor Henry Morgentaler, who *"declared that he had performed 100,000 abortions during his career and trained at least 100 doctors,"* would receive the Order of Canada, as appears from the home page of the Internet site of the Morgentaler Clinic and the article published on that occasion in *LE DEVOIR* newspaper, all of which are produced in consolidated Exhibit **D-92**;

239. On July 8, 2008, the Plaintiff RAYMOND GRAVEL expressed his reaction to this news in writing by publishing in *LE DEVOIR* and *LA PRESSE* newspapers the article produced as Exhibit P-49 in support of his *Originating Motion* and entitled:

***"HENRY MORGENTALER: HEROE OR CRIMINAL?"***

240. In article P-49, the Plaintiff RAYMOND GRAVEL again distanced himself from the Catholic Church with regards to abortion:

***"Whether we like it or not, this doctor worked tirelessly to make abortion a legal medical act (...) This is why I encourage the leaders of the Catholic Church to use more moderation in their comments."***

241. On July 8, 2008, the Defendant LSN published the article by the Co-Defendant JOHN-HENRY WESTEN, Exhibit P-34, in which the Plaintiff alleges that he has been defamed [§44u) OM] by the following eight (8) passages, which he deems to be "lying remarks":

- i) *"Quebec's most controversial Catholic priest, Raymond Gravel, has once again brought embarrassment to his superiors."*
- ii) *"has spoken out in support of the award of the Order of Canada to arch-abortionist Henry Morgentaler."*
- iii) *"he has opposed Church teaching openly on numerous occasions."*

- iv) *"Gravel praised Morgentaler"*
- v) (sic) *"I'm surprised he can still describe himself as a Catholic priest - someone who's come out publicly against the Church and here he goes again."*
- vi) *The two (2) quotations from Mr. Jim Hughes, President of Campaign Life Coalition, faithfully reported through the use of quotation marks by the journalist:*

*"I'm surprised he can still describe himself as a Catholic priest - someone who's come out publicly against the Church and here he goes again."*

*"We hope and pray that eventually church authorities will move to completely strip this man of his priestly status. He is creating scandal not only for Catholics but for all people of faith in the country."*

- vii) (sic) *"We hope and pray that eventually church authorities will move to completely strip this man of his priestly status."*
- viii) (sic) *"He is creating scandal not only for Catholics but for all people of faith in the country."*

(§44u) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

242. On July 9, 2008, a columnist from the *NATIONAL POST* news paper, Fr. RAYMOND DE SOUZA, published his reaction to the article P-49 written by the Plaintiff, in article Exhibit **D-93** entitled:

***"Fr. Raymond J. de Souza on Raymond Gravel:  
A CATHOLIC PRIEST WHO SLAGS HIS OWN CHURCH"***

243. In article D-93, Fr. RAYMOND DE SOUZA expressed his point of view on the repeated public dissent of the Plaintiff RAYMOND GRAVEL:

***"Gravel is a poseur who has made a very successful career for himself filling a niche that no publicist can resist, namely the Catholic priest who goes about slagging the Church. Of course, if he had the courage of his convictions and simply left the priesthood or the Church altogether, then he would just be another commentator who has problems with things Catholic. That's a very long queue, and he would not be at the head of it. So what is to be done about Raymond Gravel? He is already suspended, and dismissing him entirely from the clerical state requires a canonical trial with which he would no doubt refuse to co-operate. In addition, the process itself would no doubt generate precisely the publicity that Gravel covets for his scandalous behaviour. The only thing more deliciously attractive to editors than a Catholic priest who trashes the Church is one who faces***

*discipline for doing so.*

*A man who betrays both his faith and his office cannot be expected to do the honourable thing and cease presenting himself as a faithful Catholic and a priest. His bishop will have to see about further penalties. For the rest of us, it remains only for Catholics to say what Muslims must say about Mohamed Elmasry: He does not speak in our name.”*

244. Three days later, on July 12, 2008, a Roman *Congregation* sent to BISHOP LUSSIER lletter #20082033, produced *under seal* as Exhibit **D-94** (Undertaking GL-10, page 2);
245. On July 29, 2008, the Plaintiff RAYMOND GRAVEL met with his bishop, BISHOP GILLES LUSSIER;
246. It is in the context of this new controversy entirely created by the Plaintiff RAYMOND GRAVEL that the Defendant CQV published, in August 2008, the article produced by the Plaintiff as Exhibit P-35;
247. On August 2, 2008, the Plaintiff RAYMOND GRAVEL sent letter **Exhibit D-95** to his bishop, BISHOP LUSSIER, produced *under seal* (Undertaking GL-11, pages 9 to 13);
248. On August 4, 2008, BISHOP LUSSIER sent a written response to a Roman *Congregation*, produced *under seal* as Exhibit **D-96** (Undertaking GL-12, pages 6-7);

#### **Episode 18 (September 2008): Gravel Announces Retirement from Politics**

249. At the beginning of September 2008, the Plaintiff RAYMOND GRAVEL announced his retirement from political life;
250. This announvement received a great deal of media recoverage, as appears in the press review Exhibit **D-97** of September 3–8, 2008:

Date	Media	Title	Extracts (Our emphasis)
Sept. 3, 2008	CANADIAN PRESS	<b>Vatican forces Raymond Gravel to choose between politics and priesthood</b>	“The Member of Parliament for Repentigny who has been in the House of Commons for nearly two years confided to La Presse that the <b>the Vatican forced him to choose between politics and the priesthood</b> . He said he would willingly submit to the will of his hierarchical superiors in the Catholic Church. (...) <b>Raymond Gravel recognized that the “involvement of priests in politics is forbidden by Canon Law.”</b> (...) But some Catholics apparently complained to the Church about some of his positions. Among which: <b>his support for the Order of Canada awarded to Dr. Henry Morgentaler, and his opposition to Draft Bill C-484 on crimes directed</b>

			against pregnant women.”
Sept. 3, 2008	CBC	<b>Priest MP leaves politics after Vatican call to choose</b>	“Bloc Québécois MP Raymond Gravel has decided not to run in the next federal election after the Vatican forced him to choose between Parliament and the Church.”
Sept. 3, 2008	LA PRESSE	<b>MP Gravel will not run as candidate</b>	“My bishop received instructions from Rome: I have to choose between the priesthood and Parliament. There was a threat of my dismissal from the priesthood,” explained the Bloc MP yesterday evening. (...) Raymond Gravel, 55 years of age, is an <b>iconoclastic priest</b> . (...). He was well known before he became an MP for his public positions against the Church on gay marriage, for example. (...) But the positions taken by Gravel earned him the enmity of many English Canadian Catholics who, according to him, complained to Rome about his opposition to <b>Draft Bill C-484</b> (on unborn children victims of criminal acts, largely denounced as a threat to the right to abortion) and for his <b>support for Henry Morgentaler</b> , who was decorated with the Order of Canada. “There were complaints about my avant-garde positions,” he summarized, as he swore to submit in good grace to the will of his superiors. Raymond Gravel chose to comply with the <b>decision from cardinals Claudio Hummes (Prefect of the Congregation for the Clergy) and William Levada (Prefect of the Congregation for the Doctrine of the Faith)</b> . There is no question of him leaving the Church. “I respect the decision of the Vatican: being a priest is my life.”
Sept. 4, 2008	JOURNAL DE MONTRÉAL	<b>Raymond Gravel, Priest-MP defeated by the religious right</b>	“As he no longer has the approval of the Vatican to continue his political work, the Bloc MP for Repentigny had to make a choice on Tuesday between the priesthood and his work as an MP. <b>“Rome did not want me to run</b> (...) During his mandate, Raymond Gravel was opposed to the <b>Conservative Draft Bill C-484</b> (...). He also defended <b>Henry Morgentaler</b> who was awarded the Order of Canada. He was also <b>favourable to gay marriages</b> before he became an MP.”

251. It is in the context of this media coverage that the Defendant LSN published on September 3, 2008, under the pen of the Co-Defendant TIM WAGGONER, the article produced as Exhibit P-36 by the Plaintiff, in which he alleges to be defamed [§44w) OM] by the following three (3) passages, which he deems to be “lying remarks”:

- i) *"Controversial Catholic priest and MP, Raymond Gravel, an adamant supporter of abortion and same-sex "marriage" "*
- ii) *"Pro-life leaders say that a victory has been won today with the removal of the controversial priest from politics."*
- iii) *"I am thankful that the wayward priest can no longer further anti-life ideals on a Parliamentary level and hope that he will in the future align his beliefs with the church that he is supposed to represent"*

(§44w) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

- 252. Two (2) of the three (3) the passages that are alleged to be litigious by the Plaintiff in article P-36 are quotations that journalist Defendant TIM WAGGONER reported between quotation marks, namely statements made by the third party whom he interviewed in preparation for his article;
- 253. September 18, 2008, a Roman *Congregation* sent to BISHOP LUSSIER letter #20082586, produced *under seal* as Exhibit **D-98** (Undertaking GL-10, page 3);
- 254. On October 1, 2008, the Plaintiff RAYMOND GRAVEL granted an interview, Exhibit **D-99**, to the journalists from the French TV show "*Les Francs-tireurs*" (*The Sharp Shooters*), broadcast on *TÉLÉ-QUEBEC*, in which he made the following declaration:

*"And the cardinals, who were in charge of the clergy, as well as the cardinals for the doctrine of the faith, two cardinals, wrote to the bishop to say that now I had to make a choice between the priesthood and political life. Because I was accused of not being a good priest, of not being a good Christian, preaching against the doctrine of the Church."*
- 255. On October 2, 2008, BISHOP LUSSIER received a memorandum #9991-08 from the Nuncio, which will be produced *under seal* as Exhibit **D-100**;
- 256. On the same day, October 2, 2008, BISHOP LUSSIER sent:
  - i) his written response to the NUNCIO's memorandum #9991-08, which response will be produced *under seal* as Exhibit **D-101** (Undertaking GL-12, page 8);
  - ii) his response to the letter from the Roman authorities #20082586, which response will be produced *under seal* as Exhibit **D-102** (Undertaking GL-12, page 9);
- 257. On October 14, 2008, the date of the 2008 federal election in Canada, the term of the Plaintiff RAYMOND GRAVEL as MP ended;

258. On the same day, October 14, 2008, the Roman authorities sent to BISHOP LUSSIER letter #20082919, produced *under seal* as Exhibit **D-103** (Undertaking GL-10, page 4);
259. In October 2008, the Defendant CQV published the article entitled "*The Return to the Fold of Fr. Gravel*," produced as Exhibit P-37 by the Plaintiff, in which he alleges to be defamed [§44x) OM] by the following passage, which he deems to be "lying remarks":
- i) "Our Rebellious and Iconoclast Priest"

(§44x) from the *Originating Motion* of Plaintiff RAYMOND GRAVEL)

### **Episode 19 (October 2008): Gravel Strikes Out at Cardinal Ouellet on Abortion**

260. On October 16, 2008, two days after the expiry of his term as Member of Parliament, the Plaintiff RAYMOND GRAVEL struck out at the Primate of the Catholic Church in Canada, CARDINAL MARC OUELLET, in the article, Exhibit **D-104**, that appeared in the *JOURNAL DE MONTRÉAL*, for which he had become a columnist:

#### ***"Raymond Gravel's Column A CRISIS OF VALUES OR OF RELIGION?"***

261. The Plaintiff failed to produce this article D-104 in support of his *Originating Motion*, either in its original form or in its numerous amended versions;
262. In article D-104, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teachings of his Church on abortion and homosexuality, and admonished CARDINAL MARC OUELLET:

***"Contrary to the beliefs of Cardinal Marc Ouellet, the Québécois have not broken with the Church and its values; they only reject the attitude of certain members of the clergy who judge them, who condemn them and who would like to exercise over them a power, which fortunately they no longer possess.***

***If BISHOP Ouellet says that he is a victim of scorn from the Québécois, it is perhaps because he is the very incarnation of religious authoritarianism (...) In my opinion, there is no crisis of values but rather the challenge to a religion that is stifling, that imposes, that rejects, and that excludes in the name of a doctrine which it has been impossible to modernize.***

#### ***ABORTION***

***It is clear that not everything is perfect in Québec: suicide and abortion rates are far too high. What is to be done? First of all, it is necessary to seek the deep causes in order to find the remedy. Recent studies clearly show that young homosexuals are among those who have the highest rate of suicide. Is the Church's discourse on homosexuality adapted to restore confidence to young people who are living this hard reality?"***

263. This public dissent of the Plaintiff RAYMOND GRAVEL regarding the official position of the Church on abortion incited the Defendant CQV to publish the article entitled "*Fr. Gravel's recidivism on abortion*," produced as Exhibit P-38 by the Plaintiff;
264. Towards the end of October 2008, two Roman Congregations exchanged communications concerning the Plaintiff RAYMOND GRAVEL, as appears in document D-105;
265. On November 3, 2008, a Roman *Congregation* sent to BISHOP LUSSIER letter #20083211, produced *under seal* as Exhibit **D-105** (Undertaking GL-10, page 5);
266. On November 14, 2008, the magazine "360°," a "*gay, lesbien, bi and trans*" magazine, published in Switzerland, devoted article D-106 to the Plaintiff RAYMOND GRAVEL, which is entitled:

***"RAYMOND GRAVEL, THE FIGHTING PRIEST"***

267. During the interview for this article D-106, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of his Church on homosexual marriage, abortion and homo-parenthood:

*"His bluntness and his sincere commitment often irritate the dogmatic members of the Anglo-Saxon Church, especially his support for gay marriage and his clear position against any return to prohibitions against abortion. 'It was this final issue that ended my political career. The Vatican threatened to laicize me if I ran again' (...)*

*Another subject of debate, homo-parental adoption, which is already possible in some States such as Québec: 'I don't see a problem. Some people say that it is not healthy for the children. But what should we think about single-parent families or children adopted by priests or bishops?' (...)*

*And politics? 'I don't exclude the possibility of a return. I am open to all possibilities.'"*

(our emphasis)

**Episode 20 (April 2009): Gravel Makes a Public Appeal to stop LSN Funding (Development and Peace Affair)**

268. On April 20, 2009, the newspaper *LE DEVOIR* published article, Exhibit **D-107**, devoted to the investigation of "Development and Peace" being conducted by the Defendant LSN;
269. On the same day, April 20, 2009, the Plaintiff RAYMOND GRAVEL posted a comment on the *LE DEVOIR* Internet site, in the section "*Your Reactions*." The comment, entitled "*Catholic fanaticism*", appears on pages 4 and 5 of Exhibit D-107;

270. In this commentary, the Plaintiff RAYMOND GRAVEL publicly attacked the Defendant LSN using the words “*fundamentalists*,” “*extremists*,” “*fanatics*,” “*hypocrites*” to vilify the two Co-Defendants LSN and CQV:

- i) “*Mr. Leclerc, reading your article this morning reminds me of the painful events that I experienced as a federal Member of Parliament because of*
- ii) “*LifeSiteNews, a media outlet consisting of fundamentalists who call themselves Catholics, but whose comments are entirely contrary to the Gospel.*”
- iii) “*These **extremist** Catholics*”
- iv) “*This ultra-conservative media group who has no fear of lies or half-truths*”;
- v) “*This fanatical movement “Campaign Life Coalition,” created in Toronto, with branches in both Québec and the United-States.*”
- vi) “*Hypocritical tactics and erroneous information by **pro-life fanatics.***”
- vii) “*The LifeSiteNews editors are seeking to sow discord among the bishops themselves.*”
- viii) “*A large number of the faithful have been influenced by their defamation which has been subsidized by **these extremists** who claim to be defending Christian values.*”
- ix) “*These **fanatics** who claim to be Catholic*”  
Furthermore, in his commentary, Exhibit D-107, the Plaintiff RAYMOND GRAVEL launched a public appeal to stop funding for LSN (see D-107, page 5):

271. Furthermore, in his commentary, Exhibit D-107, the Plaintiff RAYMOND GRAVEL launched a public appeal to stop funding for LSN (see D-107, page 5):

***“LifeSiteNews must be denounced and its funding must be stopped.”***

272. The Plaintiff has failed to produce his commentary entitled “*Catholic fanaticism*” (Exhibit D-107, pages 4–5) in support of his *Originating Motion*, either in its original form or in its many amended versions;

273. On the next day, April 21, 2008, the Defendant LSN published, under the pen of the Co-Defendant JOHN-HENRY WESTEN, an article informing his readership of the attacks launched against LSN by the Plaintiff RAYMOND GRAVEL. This article has been produced as Exhibit P-39 by the Plaintiff, in which he alleges that he has been defamed [§44z) OM] by the following passage, which he deems to be “lying remarks”:

- i) “*Fr. Gravel, a priest in the Diocese of Joliette in Quebec is well known to LifeSiteNews readers. A homosexual prostitute prior to joining the priesthood, he*

*made a name for himself in 2003 when he openly slammed a Vatican document on homosexual unions";*

(§44z) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

274. On April 22, 2008, five (5) LSN readers reacted and posted their comments on the LSN Internet site to support LSN through comments posted as "*Letters to the Editor*." The Plaintiff has produced these emails as Exhibit P-40. The Plaintiff alleges that he has been defamed [§44aa) OM] by the following three (3) passages, which he deems to be "lying remarks":

- i) "a so-called Priest who supports Abortion, has in fact 'defrocked' himself and should no longer be referred to as a Priest, but, rather, 'a former Priest' and possibly even – 'a former Catholic' as he has openly defied the teachings of the Catholic Church."
- ii) "Fr. Gravel, I will again dedicate a donation in your honour to LSN."
- iii) "Raymond Gravel's remarks and witness to his god HAVE encouraged me to send you a donation! I will also pray for his conversion to the one, true God and for ail those he has led astray with his distortion of Truth."

(§44aa) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

275. On the same day, April 22, 2008, the Plaintiff RAYMOND GRAVEL posted a new comment entitled "S.O.S." again on the Internet site of *LE DEVOIR* newspaper in response to article D-107. 137, pages 6-7)

276. In his 2<sup>nd</sup> comment, entitled "S.O.S.," the Plaintiff RAYMOND GRAVEL again attacked the Defendant LSN publicly:

- i) "*The LifeSiteNews media outlet wasted no time in posting **shameful lies about me** on its site following my email to Le Devoir newspaper.*"
- ii) "*To the **insanity** of the editors of this **extremist website** who judge and condemn without pity*"
- iii) "*This **extremist site***"
- iv) "*I cannot believe that people write such **stupidity** based on **erroneous information.***"
- v) "*This is a lot about to the type of people who read **such integrist media.***"
- vi) "*As I read such **awful exaggerations and insults**, I remembered the words that Christ spoke in the Gospel of Luke: 'Father, forgive them, for they know not what they do! Raymond Gravel, priest.'*"

### **Episode 21 (2009): Gravel Speaks Publicly on Various Subjects**

277. In the following months, the Plaintiff RAYMOND GRAVEL continued to take public stands on various issues;
278. On May 17, 2009, he published an article in the newspaper *LA PRESSE*, Exhibit **D-108**, entitled:

***“SO THAT WE CAN ALL LIVE TOGETHER IN A BETTER WAY***

***We must be wary of fanatical fundamentalists of the opponents to the new ethics and religions culture course.”***

279. A few months later, on October 12, 2009, he granted an interview, Exhibit **D-109**, broadcast over the Internet portal, *HETERHOMO*, located in France, under the title:

***“THE CATHOLIC CHURCH AND HOMOSEXUALITY:  
A SURPRISING INTERVIEW WITH FR. GRAVEL”***

280. The Plaintiff omitted to produce this interview, D-109, in support of his *Originating Motion*, either in its original form or in its many amended versions;
281. In this interview, D-109, the Plaintiff RAYMOND GRAVEL publicly expresses his dissent from Church teaching on homosexual marriage and homosexual parenting:

***“Since the beginning of our interview, I have had a very burning question: what does this Catholic priest think about gay marriage? His response was clear and precise:***

***‘From the point of view of civil law, the Church has absolutely nothing to say against same-sex marriage. Homosexuals and heterosexuals have the right to fully live their love and to be socially recognized.’***

***Then, with a very long sigh, he added:***

***‘Fortunately the State has recognized gay dignity!’***

***I continued with a very sensitive question concerning homosexual parenting. Once again, good Fr. Gravel rejected the current dominant discourse in the Church. In his opinion, this is wonderful thing! Furthermore, he had no hesitation in declaring that:***

***‘Gays raise their children better than heterosexual parents. And contrary to what many people think, homosexuality cannot be transmitted by education.’”***

282. On January 28, 2010, the Defendant LSN published, under the name of the Co-Defendant HILARY WHITE, article P-50 by the Plaintiff. In this article, she

reported the comments that had been made the previous week by the Co-Defendant JOHN-HENRY WESTEN at a conference. The Plaintiff alleges that the following passage from article P-50 is defamation against him:

- i) "Such is the power of the use of this new medium, the Internet."

(§50 of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

- 283. The Plaintiff linked article P-50 to an essential part of his "theory of the case," as he has stated it in paragraphs 48 and 49 of his *Originating Motion*:

***"49. (...) The Plaintiff had to abandon his political career under order from the Vatican due to pressure from the readership of LifeSiteNews, who sent hundreds of emails and letters to the Vatican as it appears in an article dated January 28 (P-50)";***

(§49 of the *Originating Motion* of the Plaintiff RAYMOND GRAVEL)

- 284. In response to this allegation from the Plaintiff, the Defendants respectfully submit an important aspect of their **theory of the case**:

- i) The Plaintiff RAYMOND GRAVEL's decision to abandon his political career in October 2008, may be ascribed to the difficulties, dangers and inevitable contradictions **in which the Plaintiff placed himself**, thus becoming the author of his own misfortune by choosing to breach an internal rule of discipline of his Church, which prohibits priests from engaging in politics, which the Church deems to be incompatible with priestly ministry. Such dangers of contradictions had been clearly identified from the very beginning of his involvement in politics in 2006, by well-informed observers of the public forum, particularly by columnist Jean-Claude Leclerc of *LE DEVOIR*, in article D-52;
- ii) By supporting as a Member of Parliament positions that are contrary to the teachings of his Church, particularly concerning the legal status of the fetus and homosexual marriage, the Plaintiff failed to keep several of the undertakings which he himself had pledged:
  - i) His political commitment of November 20, 2006, in the présence of his leader, GILLES DUCEPPE, in which he pledged to abstain from voting in the House of Commons on social issues contrary to Roman Catholic teaching (see Exhibit D-58);
  - ii) His commitment to remain faithful in all his public positions to the teachings of the Church's Magisterium concerning faith and morals (see Exhibit D-64);
  - iii) His *Profession of Faith*, Exhibit D-8, and his *Oath of Fidelity*, Exhibit D-9;

- iii) By publicly denouncing the failed pledges of the Plaintiff RAYMOND GRAVEL in the political, electoral and religious domains, the Defendants acted as whistleblowers, in order to legitimately inform their fellow citizens and to incite them to vigilance, in the exercise of their
  - i) **“freedom of thought, belief, opinion and expression, including the *freedom of the press and other means of communication*”** which enjoys constitutional protection under section 2b) of the *Canadian Charter of Rights and Freedoms*;
  - ii)
- iv) Lastly, the threat of disciplinary sanctions against the Plaintiff RAYMOND GRAVEL by ecclesial authorities **was already well established before the Defendants published the allegedly litigious articles. As early as 2005**, the Plaintiff RAYMOND GRAVEL knew that he risked sanctions due to his frequent dissent, as he himself publicly expressed in the interview, Exhibit D-33, with the magazine *FUGUES*, in **June 2005**:

*“My positions on abortion and gay marriage were not well received by the Vatican. My bishop (Bishop Gilles Lussier, bishop de Joliette) even received a letter from the Holy See which stated that if I persisted in my failure to comply with Catholic teachings, I would have to suffer the consequences.” Raymond looked at me with his piercing gaze and added: “And guess who signed the letter in question?... Cardinal Ratzinger himself who before becoming Pope was Prefect of the Congregation for the Doctrine of the Faith,” the powerful organization that oversees the fidelity of theologians and Church authorities to the Magisterium.” (our emphasis)*

#### **Episode 22 (May 2010): Gravel Strikes Out at Cardinal Ouellet on Abortion**

##### **(Second Time)**

285. On May 17, 2010, the Canadian Broadcasting Corporation (French Division) broadcast a report on the position of the Primate of the Catholic Church of Canada, Cardinal MARC OUELLET, on abortion. The response by the Plaintiff RAYMOND GRAVEL to comments from the Cardinal were included in the report, Exhibit **D-110**, entitled:

***“ABORTION – THE COMMENTS BY BISHOP OUELLET  
DENOUNCED”***

286. In this article D-110, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of his Church on abortion, and repudiated the comments of CARDINAL MARC OUELLET:

*"I cannot endorse such comments. I found it deplorable that this person, who is the Cardinal and Archbishop of Québec, should hold such opinions. It is as though women were nothing and that the most important thing is to save their fetus, however this thing came about. This is a question of rape."*

287. The Plaintiff failed to produce the article D-110 in support of his *Originating Motion*, either in its original form or in its many amended versions;
288. On May 18, 2010, the Defendant LSN published, under the names of journalists and Co-Defendants PATRICK CRAINE and JOHN-HENRY WESTEN, the article produced as Exhibit P-41 by the Plaintiff, in which he alleges to have been defamed [§44bb) OM] by the following four (4) passages, which he deems to be "lying remarks":
- i) *"Pro-Gay Priest Condemns Canadian Cardinal for Remarks on Abortion/Rape Pro-Life Leader: "Enough is enough. It's time for this dissenting priest to be turfed."*
  - ii) *"Fr. Raymond Gravel, a priest and former federal politician well known for publicly criticizing the Vatican over the Church's teachings against homosexuality."*
  - iii) (sic) *"It's time for this dissenting priest to be turfed."*
  - iv) *"About Gravel he said, 'Hasn't this fellow done enough damage to the Church?'"*

(§44bb) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

289. Three of the four passages which the Plaintiff alleges to be litigious in article P-41 are quotations that the journalists Defendants have reported using quotation marks, namely declarations made by third parties who had been interviewed by the journalists as part of their article;
290. On May 24, 2010, a Roman *Congregation* sent to BISHOP LUSSIER letter #20101490, produced *under seal* as Exhibit **D-111** (Undertaking GL-10, page 6);
291. On May 28, 2010, the Defendant LSN published, under the name of journalist Co-Defendant PATRICK CRAINE, the article produced by the Plaintiff as Exhibit P-42, in which he alleges to have been defamed [§44cc) OM] by the following passage, which he claims to be "lying remarks":

- i) *"Fr. Raymond Gravel, a prominent dissident priest and former homosexual prostitute based in the Diocese of Joliette."*

(§44cc) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

292. On May 29, 2010, the Plaintiff RAYMOND GRAVEL published an article in two (2) regional newspapers for which he is a columnist, which article has been produced as Exhibit **D-112**, entitled:

***"ABORTION: BETWEEN CRIMINALIZATION AND BANALIZATION"***

293. The Plaintiff failed to produce this article D-112 in support of his *Originating Motion*, either in its original form or in its many amended versions;
294. In this article D-112, the Plaintiff RAYMOND GRAVEL publicly reiterated his dissent from the position of the Primate of the Catholic Church in Canada, Cardinal Marc Ouellet, on the issue of abortion:

*"The infortunate comments by Cardinal Marc Ouellet on the recriminalization of abortion provoked strong reactions in Québec, both among Catholics and among the general population. (...) and as this is not the first time that BISHOP Ouellet has provoked almost unanimous opposition against himself, should we not remind him that his role as bishop and pastor is to assemble and to unite, it is not the role of a judge who condemns, who divides and who excludes?"*

295. This new expression of public dissent from RAYMOND GRAVEL concerning the official teaching of his Church on abortion, led to the publication by the Defendant LSN of an article on the very next day, June 1, 2010, under the name of journalist Co-Defendant PATRICK CRAINE, which was produced as Exhibit P-43 by the Plaintiff, in which he alleges to have been defamed [§44dd) OM] by the following eight (8) passages, which he deems to be "lying remarks":

- i) *"Notoriously dissident Catholic priest Fr. Raymond Gravel"*
- ii) *"These attacks on Cardinal Ouellet by Fr. Gravel are only the latest in a series of public statements and actions he has made in direct disobedience to the Church and her teachings on life and family."*
- iii) *"There are growing concerns among Canadian Catholics regarding the fact that Gravel, who has so often publicly opposed essential Catholic teachings, somehow still manages to retain his priestly faculties;"*
- iv) *"In 2003, Fr. Gravel wrote an article criticizing the Vatican's stance on homosexuality."*

- v) *"In 2004, he told Radio-Canada that he would not stop receiving Communion despite his support for abortion."*
- vi) *"In 2006, he led a group of 19 Québécois priests in signing a letter condemning the Church's teachings on homosexuality."*
- vii) *"Again in 2006, he defied Vatican directives by taking up a position as Member of Parliament for Repentigny, Québec."*
- viii) *"Finally, in 2008, he backed the decision to award infamous abortionist Henry Morgentaler the Order of Canada, and criticized the Canadian bishops for their opposition";*

(§44dd) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

296. On June 6, 2010, the Plaintiff RAYMOND GRAVEL published an article in his column "*Comments and Reflections from Our Pastors*," which he maintains on the Internet site of the Diocese of Joliette, Exhibit **D-113**, entitled:

***"BREAD TO SHARE AND NOT TO ADORE!"***

297. In this text D-113, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of the Catholic Church regarding the sacrificial nature of the Mass:

*"1. The Eucharist: a feast and not a sacrifice: I always wondered what kind of deviation leads the Church to celebrate the Eucharist as a sacrifice, the sacrifice of the Cross that we should repeat incessantly at every one of your Masses? (...)*

*2. Eucharist: bread to be shared and not to be adored (...)*  
*One thing is certain: the Eucharist bread is not meant to be adored, but to be distributed and shared."*

298. On June 17, 2010, the Plaintiff RAYMOND GRAVEL sent the following letter, **Exhibit D-114**, to his bishop, BISHOP LUSSIER, produced *under seal* (Undertaking GL-11, pages 14-15);

299. On June 21, 2010, BISHOP LUSSIER sent:

- i) to the Nuncio a written response to letter #374/10, which response has been produced *under seal* as Exhibit **D-115** (Undertaking GL-12, page 12);
- ii) to a Roman *Congregation* his response to letter #20101490, which response has been produced *under seal* as Exhibit **D-116** (Undertaking GL-12, page 11);

**Episode 23 (July 2010): Gravel Appointed "Sponsor for the Biblical Pastoral Portfolio" in the Diocese of Joliette**

300. On June 22, 2010, one day after sending his letters to the Nuncio and to Rome, D-115 and D-116, BISHOP GILLES LUSSIER announced the appointment of the Plaintiff RAYMOND GRAVEL as “*Sponsor for the Biblical Pastoral Portfolio*” in the Diocese of Joliette, as appears in the list of “*2010 Nominations*” produced as Exhibit **D-117**;
301. On July 2, 2010, a Roman *Congregation* sent to BISHOP LUSSIER letter #20101764, produced *under seal* as Exhibit **D-118** (Undertaking GL-10, page 7);
302. On July 6, 2010, the Defendant LSN published, under the name of journalist Co-Defendant PATRICK CRAINE, the article produced as Exhibit P-44, which reported the recent appointment of the Plaintiff RAYMOND GRAVEL, in the following terms:

*“The Diocese of Joliette in the southwest of Quebec has announced that they will be hosting catechetical formation in the Cathedral next month, under the tutelage of the controversial and famously-dissident former Member of Parliament Fr. Raymond Gravel.*

*The training session is being held over two days, August 28 and September 25, and is meant for catechetical leaders, teachers, and parents. Fr. Gravel will be joined by Fr. Rémi Bourdon in leading the sessions.*

*The announcement comes as a growing wave of Catholics are calling for the priest to be censured due to his continuing public attacks on the Catholic Church, its teachings, and its leaders. In May of this year Fr. Gravel lashed out against Cardinal Marc Ouellet, then-Archbishop of Quebec City, slamming the prelate for having insisted that the unborn's right to life should be protected in all circumstances, even when a child is conceived in rape.*

*Fr. Gravel has been a vocal critic of the Church's teachings, particularly those regarding homosexuality and abortion. (...) LifeSiteNews (LSN) was unable to reach the Diocese of Joliette's spokesman after repeated calls.”*  
(our emphasis)

303. The Plaintiff RAYMOND GRAVEL alleged that he was defamed [§44ee) OM] by the three (3) following passages in article P-44, which he deems to be “lying remarks”:
- i) *“under the tutelage of the controversial and famously-dissident former Member of Parliament Fr. Raymond Gravel.”*

- ii) *"The announcement comes as a growing wave of Catholics is calling for the priest to be censured due to his continuing public attacks on the Catholic Church, its teachings, and its leaders."*
- iii) *"Fr. Gravel has been a vocal critic of the Church's teachings, particularly those regarding homosexuality and abortion."*

(§44ee) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

304. Starting on the same day, July 6, 2010, until July 16, 2010, the Plaintiff alleged that Catholics who were concerned by his appointment as "*Sponsor for the Biblical Pastoral Portfolio*" in the Diocese of Joliette sent emails to BISHOP GILLES LUSSIER, which are listed in Exhibit P-17 and identified in the following table, should Exhibit P-17 be admissible as evidence, for the same reasons set out in paragraph 198 of this defence:

DATE	Page of P-17	LANGUAGE	ADDRESSEE	ADDRESSOR
06-07-2010	83-84	English	:cdf@cfaith.va ; <a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Elizabeth and Pn Loch
06-07-2010	85-86	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Henry Potrykus
06-07-2010	87	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Bette Turnbull
06-07-2010	89	French	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Suzanne Fortin
07-07-2010	69	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Philip J. Pilgrim <a href="mailto:pj.pilgrim@ns.sympatico.ca">pj.pilgrim@ns.sympatico.ca</a>
07-07-2010	70	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Rosé Marie MacMullen
07-07-2010	71	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Noeila Gravaï
07-07-2010	72	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	V. Marlene Gillis
07-07-2010	73	French	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Denis Laplante (former resident of Joliette)
07-07-2010	74	French	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Marie Jutras
07-07-2010	75	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	andy rnoore
07-07-2010	76	French	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	JEAN-NIL CHABOT
07-07-2010	77	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Roberta Trew <a href="mailto:TREWANDREW@aol.com">TREWANDREW@aol.com</a>
07-07-2010	78	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	camillagunnarson
07-07-2010	79	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	murray hayes
07-07-2010	82	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Paul Kokoski
08-07-2010	58	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Judith Hébert
08-07-2010	59-60	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Leeda Crawford < <a href="mailto:leedac@sympatico.ca">leedac@sympatico.ca</a> >
08-07-2010	62	English	:cdf@cfaith.va ; <a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Rgrace522@cs.com
08-07-2010	63	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Jeannette Zipes
08-07-2010	64	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Phyllis Pascual L <a href="mailto:ppascual@rogers.com">ppascual@rogers.com</a>
08-07-2010	65	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Judith Hébert
08-07-2010	66-67	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Leeda Crawford < <a href="mailto:leedac@sympatico.ca">leedac@sympatico.ca</a> >
08-07-2010	89-93	English	Mgr Lussier	Maureen Sullivan ( <a href="mailto:proiife70@citytei.net">proiife70@citytei.net</a> )
09-07-2010	54-55	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Kevin McDonald
10-07-2010	35-36	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Rappai J. Nedumpara <a href="mailto:rappainj@sympatico.ca">rappainj@sympatico.ca</a>
10-07-2010	38	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Ron Mariveau

10-07-2010	39	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Wayne Sheldon
10-07-2010	40	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Anne Elphick <aelphick@shaw.ca>
10-07-2010	41	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Patty Artuso
10-07-2010	43	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	margaret puejlette
12-07-2010	30	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Neil Lefebvre (neii.lefebvre@gmail.com)
14-07-2010	9	English	<a href="mailto:raygravel@hotmail.com">raygravel@hotmail.com</a>	
14-07-2010	12	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Angie Marquez
14-07-2010	13	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Megan Çonw.ay
16-07-2010	4	English	<a href="mailto:raygravel@hotmail.com">raygravel@hotmail.com</a>	<a href="mailto:laithgeorgie@yahoo.com">laithgeorgie@yahoo.com</a>
16-07-2010	5	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Paul Cortese
16-07-2010	6	English	<a href="mailto:chancel@diocesedejoliette.org">chancel@diocesedejoliette.org</a>	Bunny Brinck-Lund" <blbunny@verizon.net>

305. The Plaintiff RAYMOND GRAVEL alleges in paragraph 64 b) that the actions of the Defendants caused him to lose his job as “*Sponsor for the Biblical Pastoral Portfolio*” in the Diocese of Joliette:

***“deprived him of his great source of pride as a Catholic priest  
by preventing him from teaching pastoral courses”;***

(§64 b) of the *Originating Motion* from Plaintiff RAYMOND GRAVEL, our emphasis)

306. However, both documentary evidence and testimony indicate that the Plaintiff RAYMOND GRAVEL continues to occupy the position of “*Sponsor for the Biblical Pastoral Portfolio*” in the Diocese of Joliette, as appears in his “*New Testament Course Plan – January to April 2012,*” produced as Exhibit **D-119**, which also sets out future dates for these courses:

***“Dates: January 9 and 23, 2012  
February 13 and 27, 2012  
March 12 and 26, 2012  
April 9 and 23, 2012***

***Time: From 7:00 PM to 9:30 PM***

***Professor: Raymond Gravel, priest, Biblical Scholar***

***Location: Salle Emmaüs (in the basement of the Diocese  
Chancellery Office; rear entrance) 2, rue St-Charles-Borromée  
Nord, Joliette***

***Cost: 50 \$ for 8 courses (payable at registration).***

***Deadline for registration: Wednesday January 4, 2012”***

307. BISHOP GILLES LUSSIER confirmed in the examination of November 23, 2011 that the Plaintiff RAMYOND GRAVEL still holds the position of “*Sponsor for the Biblical Pastoral Portfolio*” in the Diocese of Joliette, which position was entrusted to him in June 2010 as appears in the list of nominations D-117. In response to questions from Counsel JEAN-PIERRE BÉLISLE, Counsel for the

Defendant LSN, concerning paragraph 62 of the *Originating Motion*, BISHOP GILLES LUSSIER responded as follows:

“COUNSEL JEAN-PIERRE BÉLISLE:

*Therefore, 62, and we will finish with paragraph 62 of the motion (...)*

(page 172)

BISHOP GILLES LUSSIER:

*This is because, in the list of nominations that was circulated in two thousand and ten (2010), he stated that Fr. Raymond Gravel would be in charge of a teaching assignment... which is the biblical portfolio.*

(page 173)

(...)

BISHOP GILLES LUSSIER:

*Not only was he not removed...*

COUNSEL JEAN-PIERRE BÉLISLE:

*No?*

BISHOP GILLES LUSSIER:

*... but he has remained in his position.*

COUNSEL JEAN-PIERRE BÉLISLE:

*He has remained in his position?*

BISHOP GILLES LUSSIER:

*Yes.*

COUNSEL JEAN-PIERRE BÉLISLE:

*O.K. And at the present time?*

BISHOP GILLES LUSSIER:

*Still at the present time*” (page 176)

(our emphasis)

308. BISHOP GILLES LUSSIER reiterated the same thing in the examination on November 23, 2011, that the Plaintiff RAYMOND GRAVEL continues to occupy the position of “*Sponsor for the Biblical Pastoral Portfolio*,” in response to questions from Counsel for the Defendant CQV, Counsel JACQUES MARQUIS:

“COUNSEL JACQUES MARQUIS:

*BISHOP, just to complete...*

BISHOP GILLES LUSSIER:

*Yes.*

COUNSEL JACQUES MARQUIS:  
*... to help us, as laypeople to understand...*

BISHOP GILLES LUSSIER:  
*Yes, yes, pardon me...*

COUNSEL JACQUES MARQUIS:  
*... just to make sure that there is no misunderstanding and that I have not misunderstood, Fr. Gravel was teaching biblical courses and continues to do so. Is this so?*

BISHOP GILLES LUSSIER:  
*Yes.*

COUNSEL JACQUES MARQUIS:  
*Was he teaching catechesis?*

BISHOP GILLES LUSSIER:  
*No.*

COUNSEL JACQUES MARQUIS:  
*And he is not doing so today?*

BISHOP GILLES LUSSIER:  
*No, no.*

COUNSEL JACQUES MARQUIS:  
*Therefore, if I can summarize in another way, there has been no change in the quote-unquote teaching status. Is that correct?*

BISHOP GILLES LUSSIER:  
*It is, it is in the field of biblical studies.*  
(pages 178–179, our emphasis)

309. The Plaintiff thus however alleged, and rightly so, in paragraph 62 of his *Originating Motion*, that:

*“62. Sometime around of the end of the month of November 2010, the Vatican urged the Bishop of the Diocèse de Joliette to withdraw from the Plaintiff the responsibility of biblical teaching in the Diocese;”*

(§62 of the *Originating Motion* from Plaintiff RAYMOND GRAVEL)

as it appears in Exhibit D-133;

**Episode 24 (July 2010): Gravel Responds Violently to an LSN Reader**

310. On July 8, 2010, during a series of email exchanges, Exhibit **D-120**, with an LSN reader, the Plaintiff RAYMOND GRAVEL bluntly lectured the latter correspondent with the following words:

*“I do not accept being judged by imbeciles like you. Therefore, keep your stupidities to yourself!”*

The reader responded to him:

*“Thank you, Fr. Gravel. I shall continue to pray for you.”*

The Plaintiff RAYMOND GRAVEL then responded:

*“Keep your prayers for yourself... Pray for yourself; you need prayers more than anyone..I pity you! Raymond Gravel, priest.”*

311. The reader sent a copy of this email exchange to journalist and Defendant PATRICK CRAINE of LSN;
312. On July 9, 2010, the Defendant PATRICK CRAINE sent an email, Exhibit **D-121**, to the reader involved to request permission to publish extracts of the email exchange:

*“I'm wondering if you would be willing for us to use this for publication. We can withhold your name if you'd like.”*

313. On the same day, July 9, 2010, the reader sent an email. Exhibit **D-122**, to journalist and Defendant PATRICK CRAINE to consent to the publication:

*“My correspondence with Fr. Gravel may be used for publication.”*

314. These three exhibits, D-120, D-121 and D-122, have been produced *under seal* in order to preserve the identity of the reader in question;
315. On the same day, July 9, 2010, journalist and Defendant PATRICK CRAINE published article P-45 on the Internet site of the Defendant LSN in which he reported the email exchange, and in which he produced an English translation of the comments from Raymond Gravel:

Original text in French D-120	Translation in English by LSN in P-45
« <i>Je n'accepte pas de me faire juger par des imbéciles de votre trempe.</i>	<i>“I do not accept being judged by idiots of your temper.”</i>
« <i>Donc, gardez vos sottises pour vous!</i> »	<i>“Keep your nonsense to yourself!”</i>

316. The Plaintiff alleges that he has been defamed [§44ff) OM] by the following passage in article P-45, which he deems to contain “lying remarks”:

- i) *"Fr. Gravel has been a vocal critic of Church teaching on abortion and homosexuality"*

(§44ff) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

317. Starting the following day, July 10, 2010, the Plaintiff alleges that five (5) Catholics who were scandalized by the comments reported in article P-45 sent the emails which are shown in Exhibit P-17, identified in the following table, should P-17 be admissible as evidence, for the same reasons stated in paragraph 198 of this Defence:

DATE	PAGE of P-17	LANGUAGE	ADDRESSEE	ADDRESSOR
10-07-2010	42	English	chancel@diocesedejoliette.org	Carolyn Cole (colecaryolymae@gmail.com)
10-07-2010	51-52	English	raygravel@hotmail.com	David Anthony Dotnet (david.domet(g)sympatico.ca)
12-07-2010	28	English	raygravel@hotmail.com	George Chrunik gcdesign@telusplanet.net
13-07-2010	26	English	raygravel@hotmail.com	(billmccarthy_1944@yahoo.com)
21-07-2010	1	English	raygravel@hotmail.com	yawneyi@mts.net

### **Episode 25 (July 2010): Gravel Publicly Attacks LSN**

318. On July 12, 2010, the Plaintiff RAYMOND GRAVEL responded in writing to article P-43 written by the Defendant PATRICK CRAINE by publishing an article in *LE DEVOIR*, Exhibit **D-123**, entitled:

***“LIFESITENEWS.COM – AN ORGANIZED WITH HUNT”***

319. The Plaintiff failed to produce article D-123 in support of his *Originating Motion*, either in its original form or in its many amended versions;

320. In this article D-123, the Plaintiff RAYMOND GRAVEL attacked the Defendant PATRICK CRAINE and the Defendant LSN, which he accused of organizing a “*witch hunt*” against him:

***“For several years, I have been the target of LifeSiteNews.com (...)***

***The last article signed Patrick B. Craine, written on last June 1, comments on my column published in the newspaper, Le Trait d'union, a week earlier, which was entitled ‘Abortion: between criminalization and banalization.’ It goes without saying that Craine’s analysis is biased. Based on a few sentences taken out of context, he uses every effort possible to discredit me and to stir up controversy among the readers. (...)***

***What I find most hurtful, is the fact that this site is managed by people who call themselves Catholics.”***

321. On the same day, July 12, 2010, the Defendant LSN published an article by its President and Co-Defendant JOHN-HENRY WESTEN, entitled "*Pro-Choice Quebec Priest Slams LifeSiteNews in Major Media Outlets*," produced as Exhibit P-46 by the Plaintiff, in which the Defendant WESTEN was responding to article D-123 by the Plaintiff RAYMOND GRAVEL, which appeared the same day in *LE DEVOIR*:

*"Fr. Raymond Gravel, Canada's infamous priest/politician who was ordered out of politics by Vatican pressure, has issued an open letter in Quebec's daily Le Devoir in which he accuses LifeSiteNews of embarking on 'an organized witch hunt' against him. Today CBC French television interviewed me on the matter (...)*

*So yes, LSN has followed closely the ecclesiastical career of Fr. Gravel. Most bishops would have long ago taken action to silence a publicly dissenting priest, particularly one who publicly denounces the nation's leading prelate, as well as the Vatican itself. But there has never been a public correction of Fr. Gravel. Even after he was forced out of politics by direct Vatican pressure, he continued to hold prominence in his diocese. Just recently he was appointed to train teachers of the faith (catechists) at the Cathedral. That session begins August 28. This is concerning and inexplicable."*

322. The Plaintiff RAYMOND GRAVEL alleges that he has been defamed [§44gg) OM] by the four (4) following passages in article P-46, which he alleges to be "lying remarks":

- i) *"I explained that at LifeSiteNews we have indeed been concerned with Fr. Gravel's actions and statements, and that we care enough about him to voice objections to the harm he is causing, most seriously the harm to himself."*
- ii) *"In pointing out these irregularities LifeSiteNews hoped and still hopes that Fr. Gravel may be corrected for his own good and for the good of the faithful who are scandalized and, more grievously, misled by his false teachings."*
- iii) *"So yes, LSN has followed closely the ecclesiastical career of Fr. Gravel. Most bishops would have long ago taken action to silence a publicly dissenting priest, particularly one who publicly denounces the nation's leading prelate, as well as the Vatican itself."*
- iv) *"For Bishop Gilles Lussier of the Diocese of Joliette, it would be an act of love to correct the priest, and if he does not listen, then to remove him from office."*

(§44gg) of the *Originating Motion* from the Plaintiff RAYMOND GRAVEL)

323. On July 13, 2010, the Plaintiff RAYMOND GRAVEL repeated his attacks in a *RADIO-CANADA* broadcast against the Defendant LSN in the context of the

article and the television news report, Exhibit **D-124**, produced as a consolidated exhibit and entitled:

***“FR. GRAVEL DENOUNCES THE ‘CALUMNY’ ”***

324. The Plaintiff has failed to produce the Radio-Canada report D-124 in support of his “*Originating Motion*,” either in its original form or in its many amended versions;
325. In this same report D-124, the Plaintiff RAYMOND GRAVEL made the following accusations against the Defendant LSN:

***“These people are extremists. These people are fanatics. They are people who are incapable of bringing any nuance to things.”***

326. Article D-124 furthermore makes explicit the Plaintiff RAYMOND GRAVEL’s intention to launch these proceedings:

***“With the intention of silencing LifeSiteNews, Fr. Gravel wants to initiate legal measures to put an end to what he is calling ‘calumny.’”*** (our emphasis)

327. The Defendants respectfully submit that article D-124, on the one hand, and the entire behaviour of the Plaintiff RAYMOND GRAVEL as described in this Defence, on the other hand, demonstrate that the Plaintiff launched these proceedings with the goal of:

***“limiting the freedom of expression of another party in the context of a public debate”***

which is contrary to the provisions of **article 54.1** of the *Code of Civil Procedure* which prohibits strategic lawsuits against public participation (SLAPP);

328. On July 15, 2010, the President of Defendant LSN, Co-Defendant JOHN-HENRY WESTEN, responded to the Plaintiff’s text D-123 by publishing in *LE DEVOIR* an article, Exhibit **D-125**, in which he set out in French LSN’s position:

***“We wish to respond to a letter published last July 12 in Le Devoir and signed by Fr. Raymond Gravel. (...)***

***Fr. Gravel is a Roman Catholic priest, and is obliged to teach and incarnate the religious beliefs which he professes. However, throughout his priesthood, he chose to publicly criticize the teachings of the Catholic Church regarding homosexuality and abortion. (...)***

***What does it mean to profess a religion and to be its representative, while above all calling its teachings outdated? In other words, deciding that this Church should be different,***

*more to his liking (...)?*

*It would better to be true to himself and to reject the hypocrisy which consists of affirming one thing (his faithfulness to the Church) and teaching another thing. Either one is Catholic and one demonstrates faithfulness to the teachings of the Catholic Church, or one endorses another religion and then respect its beliefs. It is completely to his honour to respect his conscience in such a way.”*

329. On the same day, July 15, 2010, a Roman Congregation sent to BISHOP LUSSIER letter #20101870, produced *under seal* as Exhibit **D-126** (Undertaking GL-10, page 8);

331. On July 16, 210, Defendant JOHN-HENRY WESTON personally sent to Plaintiff RAYMOND GRAVEL email **D-127**:

*“I sincerely ask you for forgiveness Reverend Johannes-Henrikus!  
I am contrite and repentant now that I can see the immensity of my sins!  
Thank you, Johannes-Henrikus, for showing me the light of the Truth!  
Thank you ever so much!”*

332. On August 7, 2010, the Plaintiff RAYMOND GRAVEL launched a new attack against the Defendant LSN in an article, Exhibit **D-128**, published in the newspaper *L’HEBDO RIVE-NORD*, and entitled:

*“THE WITCH HUNT: TAKE 2”*

333. The Plaintiff failed to produce the article D-128 in support of his *Originating Motion*, either in its original form or in its many amended versions;
334. In article D-128, the Plaintiff RAYMOND GRAVEL again sought to settle his accounts with the Defendant LSN and its editor JOHN-HENRY WESTEN, using such words as “zealots” and “unscrupulous people”.

*“Following the publication of my column last July 10 on LifeSiteNews.com, in which I expressed my dismay and my disgust at all the harassment of which I have been the victim for the last six years, I received hundreds of letters and emails of support, in this tough fight that I have been waging against the religious right (...)*

*The newspaper Le Devoir and the Canadian Broadcasting Corporation are interested in my case; with the result that, all over Québec, there has been a reaction to the television report and the article that appeared in Le Devoir. (...)*

*In his response to my column published in Le Devoir last July 15, , John-Henry Westen, the Editor of LifeSiteNews.com, in a paternalist tone in ambiguous French writes just about anything: 'After having been designated as Catechist at the Cathedral, is it really a surprise to see that Fr. Gravel remains a confused man?' 'I was never appointed as a Catechist in the Cathedral and I am certainly not a confused man. I have the impression that he is really talking about himself.'"*

(our emphasis)

**Episode 26 (August 2010): Gravel Celebrates “Gay Pride Mass” on the Feast of the Assumption**

335. On August 15, 2010, the Plaintiff RAYMOND GRAVEL celebrated the “MASS OF (gay) PRIDE (gaie),” as it appears in the press release, Exhibit **D-129**, published by the “Network for Inclusive Believers” (RECI), defined as follows in press release D-129:

*“An ecumenical and interreligious network open to LGBT (lesbian, gay, bisexual, transgendered) believers as well as people who support the cause of inclusion in Churches and in religions with respect to LGBT people.”*

336. August 15 is a very important feast day for Catholics, namely, the Assumption of the Virgin Mary;
337. On August 17, 2010, the Plaintiff RAYMOND GRAVEL published an article in his column for L’ACTION newspaper produced as Exhibit **D-130** and entitled:

*“WHAT IS TRUTH?”*

338. The Plaintiff failed to produce this article D-130 in support of his *Originating Motion*, either in its original form or in its many amended versions;
339. In article D-130, the Plaintiff RAYMOND GRAVEL again attacked Cardinal MARC OUELLET and publicly expressed his dissent from the teaching of his Church on homosexuality:

*“By personally assigning to himself the title of Primate of the Canadian Church (sic) (...), he acted most often as a lone ranger and in a haughty manner in his crusade against abortion, homosexuality, laicization and the deconfessionalization of schools. (...)*

*For example, how does the recognition of homosexual rights make sexual difference insignificant? Is it not rather a question of progress, when a person is allowed to live his life in respect and dignity? Rather than taking umbrage, we should rejoice!”*

340. On August 19, 2010, the Defendant LSN published, under the name of the Co-Defendant PATRICK CRAINE, the article produced as Exhibit P-47, with the title:

*“Renegade Priest: Gravel Celebrates Gay Pride Mass, Bashes Cardinal Ouellet Again.”*

341. The Plaintiff alleges that he has been defamed [§44hh) OM] by the following two (2) passages in article P-47, which he deems to contain “lying remarks”:
- i) *“Renegade Priest: Gravel Celebrates Gay Pride Mass, Bashes Cardinal Ouellet Again”*
  - ii) *“The infamous dissident priest Fr. Raymond Gravel”;*
- (§44hh) of the *Originating Motion* of the Plaintiff RAYMOND GRAVEL)

**Episode 27 (September 2010): Gravel Issues Notice of Legal Intention to LSN, but Not to CQV**

342. On September 21, 2010, the Plaintiff RAYMOND GRAVEL, acting through a law firm, sent a registered letter of his legal intention, Exhibit **D-131**, to the Defendant LSN, addressed to the attention of the Co-Defendant STEPHEN JALSEVAC, whom he erroneously identified as the “President” of LSN;
343. The Plaintiff failed to produce his letter of legal intent D-131 in support of his *Originating Motion*, either in its original form or in its many amended versions;
344. The Plaintiff sent no letter of legal intent to the Defendant CQV;
345. The letter of legal intent D-131 contains, on pages 4 and 5, the text that the Plaintiff RAYMOND GRAVEL wanted the Defendant LSN to publish;
346. Paradoxically, the same letter of legal intent, D-131, issued a prohibition to the Defendant LSN from publishing this letter in any form whatsoever, as mentioned at the top of page 3:

***“Please be aware that you are not authorized to republish this letter in any manner. Use of this letter in a posting, in full or in part, will subject you to further legal causes of action.***  
***PLEASE GOVERN YOURSELF ACCORDINGLY.”***

347. Given such contradictory instructions, the Defendant LSN judged that there was more prudence in not publishing any of the extracts contained in the five (5) pages of the legal letter of intent, D-131;

**Episode 28 (October 2010): Gravel in Favour of Euthanasia**

348. On October 15, 2010, the Plaintiff RAYMOND GRAVEL took a position on euthanasia, in an article, Exhibit **D-132**, published in the newspaper *COURRIER LAVAL*, and entitled:

***“EUTHANASIA AND ASSISTED SUICIDE:  
A QUESTION THAT HAS DIVIDED THE EXPERTS”***

349. The Plaintiff failed to produce this article D-132 in support of his *Originating Motion*, either in its original form or in its many amended versions;

350. In article D-132, the Plaintiff RAYMOND GRAVEL publicly expressed his dissent from the teaching of his Church on euthanasia:

***“ ‘Not everyone believes that God wants us to live right up to natural death. I think that these people have the right to choose their death.’  
(...)***

***‘If a law is to be adopted, I think it has to be carefully regulated. It might be possible to include palliative care with medical attention.’ (...)***

***Fr. Gravel added that in addition to the consent of the patient and a notice from the physician, another health professional should be present during this procedure.”***

351. This public dissent of the Plaintiff RAYMOND GRAVEL regarding the official position of his Church on euthanasia was revealed by the Defendant CQV in an article of his 2010 issue, produced by the Plaintiff as Exhibit P-48;
352. The article P-48 completes the chronological presentation of the twenty-eight (28) Episodes;
353. We respectfully submit that this chronological presentation demonstrates that the *Originating Motion* has remained almost systematically silent about **the declarations and the acts triggered by the Plaintiff RAYMOND GRAVEL**, which the Plaintiff considers to be legitimate provocations to which the Defendants only reacted in their articles, in a process of **ACTION-REACTION**, as illustrated in the previous twenty-eight (28) Episodes;

**Interventions from the Nuncio’s Office**

354. On November 19, 2010, THE NUNCIO sent to BISHOP LUSSIER letter #800/10, produced *under seal* as Exhibit **D-133** (Undertaking GL-10, page 9);

355. Upon receipt of this letter, BISHOP LUSSIER met with the PLAINTIFF RAYMOND GRAVEL on two (2) occasions in November 2010;
356. On December 5, 2010, the Plaintiff RAYMOND GRAVEL sent a letter, Exhibit **D-134**, to his bishop, BISHOP LUSSIER, produced *under seal* (Undertaking GL-11, page 16);
357. On December 9, 2010, BISHOP LUSSIER sent to the Nuncio his written response to letter D-133, which response has been produced *under seal* as Exhibit **D-135** (Undertaking GL-12, page 1);
358. On December 21, 2010, the Plaintiff RAYMOND GRAVEL prepared to launch his action à lancer son recours against the Defendants, as shown in/by the date appearing on the initial *Originating Motion*;

### **BEHAVIOUR OF PLAINTIFF DURING PROCEEDINGS**

359. Since January 2011, the Plaintiff RAYMOND GRAVEL has acted **himself** as the main propagandist for the defamation of which he claims to be a victim;
360. In January 2011, the Plaintiff RAYMOND GRAVEL launched his own Internet site, "*Reflections from Raymond Gravel*," at the following address:

["http://www.lesreflexionsderaymondgravel.org"](http://www.lesreflexionsderaymondgravel.org)

as appears in the press review, Exhibit **D-136**, from January 5 to January 9, 2011;

361. From his Internet site, the Plaintiff RAYMOND GRAVEL has been publicly soliciting donations to fund his proceedings against the Defendant LSN, as shown on the page "*To support the cause, Send a donation*" quoted from his Internet site and produced under Exhibit **D-137**;
362. Towards the end of February 2011, the Plaintiff RAYMOND GRAVEL began to publicize on his own website the text, Exhibit **D-138**, entitled:

***"WHY IS RAYMOND GRAVEL SUING LIFESITENEWS.COM?"***

363. In article D-138, the Plaintiff RAYMOND GRAVEL explained the reasons why he is suing the Defendant LSN, with no mention of the other Defendant, CQV:

***"Many people do not understand why a priest who preaches the Gospel is suing a Catholic movement. For nearly eight years, many articles full of defamation have been published on the site and have provided disinformation about me to the public. (...)"***

*If you wish to make a donation, please click on the 'Donate' button or send a cheque to the following address: (...)*

*If I win my lawsuit, the donations received will be used to fund all organizations that are victims of injustice."*

364. On February 18, 2011, the *JOURNAL DE MONTRÉAL* published an article, Exhibit **D-139**, entitled:

*"For defamation and damage to his reputation  
RAYMOND GRAVEL IS SUING THE RELIGIOUS RIGHT"*

365. The Plaintiff RAYMOND GRAVEL made the following declarations to the journalist Charles-Antoine Gagnon:

*"They say that I am in favour of abortion. I have always been against it, but because I am not fighting abortion on their side, they allege that I am therefore in favour."*

*"As soon as one does not think like they do or one does not do as they wish, one is then Satan. It is truly right-wing Catholic fundamentalism."*

366. On the same day, February 18, 2011, the Plaintiff RAYMOND GRAVEL granted a fifteen (15) minute radio interview concerning this case to radio host Benoît Dutrizac on radio station 98.5 *FM*, of which an MP3 file of the interview has been produced as Exhibit **D-140**;

367. On February 19, 2011, the newspaper *LA PRESSE* published an article, Exhibit **D-141**, entitled:

*"Lawsuit against pro-life groups  
FR. GRAVEL IS DEMANDING \$500,000"*

368. By conducting such interviews and by himself repeating their remarks, which he alleges to be defamatory towards him, the Plaintiff RAYMOND GRAVEL has been contributing to his own "damage" by the fact that:

- i) he is providing far greater dissemination for such comments than the original context of their dissemination, since the *JOURNAL DE MONTRÉAL* and radio station 98.5 *FM* have a far greater broadcasting range than that of the Defendants;
- ii) he has failed in his duty to minimize such "damage," which is contrary to requirements set out in article 1479 of the *Civil Code of Québec*;
- iii) he is attempting himself to execute justice by condemning the Defendants in a public place without waiting for judgment from this Honourable Court;

369. Furthermore, in such interviews, the Plaintiff RAYMOND GRAVEL made certain remarks against the Defendants which the latter have never made against him;
370. On February 19, 2011, *LE POINT* published an article, Exhibit **D-142**, on its Internet site entitled:

***“RAYMOND GRAVEL IS ATTACKING FOR ACTIONS HE HIMSELF IS COMMITTING”***

**Plaintiff Called to Rome**

371. On April 16, 2011, *LE DEVOIR* newspaper published an article, Exhibit **D-143**, entitled:

***“Controversy about anti abortion website  
FR. GRAVEL TO EXPLAIN HIMSELF IN ROME”***

372. This article reports the notice received by the Plaintiff RAYMOND GRAVEL to appear in Rome and several of the statements made by the latter:

*“Rome has sent at least one letter to the Bishop of Joliette, according to Fr. Gravel, expressing a ‘desire’ to see the priest who has been relieved of certain functions, a request to which Bishop Gilles Lussier did not yield. (...)*

*‘Sometimes Rome can go over the head of the Bishop; we saw this when I had to leave politics’ (...)*

*The priest from Lanaudière hopes to explain his side of the story to the Secretary of Cardinal Levada, Prefect for the Congregation for the Doctrine of the Faith, with whom he has an appointment on Thursday. (...)*

***According to Raymond Gravel, it is in the Church’s interest to accept his positions on homosexuality and abortion, because they represent Québécois values. “Otherwise, the Church will die here.”***  
(our emphasis)

373. On or about April 21, 2011, the Plaintiff RAYMOND GRAVEL met with the Secretary of the Prefect for the Congregation for the Doctrine of the Faith in Rome;

**ABSENCE OF EVIDENCE OF DAMAGE**

374. The Plaintiff has not proved the damages alleged in paragraph 64 of his Originating Motion;
375. In paragraph 64 b) of this *Claim*, RAYMOND GRAVEL alleges that through their actions the Defendants “are preventing him from **teaching pastoral courses.**” However:

- i) The Plaintiff RAYMOND GRAVEL is still teaching these courses, as evidenced in his “*New Testament Course Plan – January to April 2012*”, produced as Exhibit **D-119**;
  - ii) The hierarchical superior of the Plaintiff BISHOP GILLES LUSSIER confirmed during examination that “***not only has he not been withdrawn, but he continues in the same functions***” (page 176 of the November 23, 2011 examination of Bishop GILLES LUSSIER);
376. In paragraph 64 b) of his Claim, RAYMOND GRAVEL alleges that “he has been deprived of his great pride as a **politician**, a dream which was achieved as a late vocation and which was a great source of satisfaction for him.” However:
- i) The Plaintiff chose by his own decision to abide by the internal disciplinary rules of his Church, which prohibits priests from engaging in active politics, which decision cannot be attributed to the Defendants;
  - ii) by complying, however slowly, with the disciplinary rules of his Church, the Plaintiff chose the same solution that other priest-politicians had to make, confronted with such a situation in the past, particularly Québec Jesuit priest Jacques Couture, and Fr. Robert Ogle from Saskatchewan, and American Jesuit priest Robert Drinan (see §30 of this defence).
377. With respect to the reputation of the Plaintiff, the examination of press reviews D-21, D-25, D-42, D-46, D-48, D-51, D-55, D-58, D-59 and D-62 produced in this defence demonstrate that the Plaintiff RAYMOND GRAVEL:
- i) over the course of years, developed his own reputation as a **polemicist**;
  - ii) has stirred up, maintained and cultivated this reputation carefully, especially by the use of **provocation**, as he himself confided to a journalist in interview D-39:  
  

***“We must demonstrate, make demands, PROVOKE AND EVEN SHOCK, so that the pockets of resistance may dwindle and disappear.”***
  - iii) has been a controversial personality, independent of actions by the Defendants;
378. In a nutshell, and to summarize the entire case, the Plaintiff RAYMOND GRAVEL sows the controversy of which he claims to be a victim.

AND IN COUNTERCLAIM, THE DEFENDANTS ALLEGE AS FOLLOWS:

379. The Defendants are conscientious and professional journalists;
380. The Defendants are entitled in the performance of their professional work to the full exercise of freedoms which are constitutionally protected by section 2b) of the *Canadian Charter of Rights and Freedoms*, namely:

*“Freedom of thought, belief, opinion and expression, including freedom of the press and of other means of communication”* (Section 2b),  
Canadian Charter)

381. The claim of the Plaintiff RAYMOND GRAVEL against the Defendants is **abusive**, because:

- i) it clearly has no foundation in law, especially because almost all the articles alleged to be litigious are **barred** by limitation;
- ii) the Plaintiff is using the courts in a frivolous and unreasonable manner in order to settle his accounts with his political adversaries;
- iii) its main purpose is to limit the freedom of expression of the Defendants in the context of highly controversial subjects such as:

- Abortion
- Gay marriage
- Euthanasia

thus seeking to deprive them of their constitutional right to basic freedom such as the exercise of their profession as journalist, which is also their livelihood;

382. Hence, due to the abusive nature of the present proceedings, the Defendants request that the Court exercise the powers which have been bestowed upon it by Article 54.4 of the *Code of Civil procedure*, and that it condemn the Plaintiff to pay the costs of the claim as well as damages for the prejudice caused to the Defendants, namely:

- i) to offset fees and disbursements incurred by the Defendants (\$30,000, subject to correction);
- ii) Five thousand dollars (\$5,000) in punitive damages to each of the Defendants, as a reprimand to the Plaintiff's conduct, who has been seeking through this claim to gag the Defendants, to deprive them of their constitutionally protected freedoms as set out in Section 2b) of the Canadian Charter and to limit their freedom of expression in the context of a public debate.

FOR THESE REASONS, PLEASE THE COURT TO:

REJECT the *clarified, reclarified and amended Originating Motion of the Plaintiff*;

GRANT the defence by the Defendant **HILARY WHITE** and the Defendant **PATRICK B. CRAINE**;

GRANT this counterclaim;

CONDEMN the Plaintiff to pay the following costs to the Defendants:

5 000 \$	Five thousand dollars in punitive damages to the Defendant <b>HILARY WHITE</b> ;
5 000 \$	Five thousand dollars in punitive damages to the Defendant <b>PATRICK B. CRAINE</b> ;
30 000 \$	Thirty thousand dollars, subject to review, to compensate for fees and extra-judiciary disbursements;

at the legal rate of interest from the date of service of the defence in counterclaim dated January 20, 2011, plus the additional indemnity set out in Article 1619 of the *Civil Code of Québec*.

WITH ALL costs and expenses

RESERVE all other rights and remedies available to the Defendants HILARY WHITE and PATRICK B. CRAINE, including the right to provide additional conclusions, where applicable.

Sainte-Julie, le 23 janvier 2012



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CÔTÉ AVOCATS INC.  
Counsel for Defendants HILARY WHITE and  
PATRICK B. CRAINE