



DIOCESE OF MANCHESTER

February 19, 1999

Most Reverend Archbishop Csaba Ternyak
The Congregation of the Clergy
Piazza Pio XII
00193 Rome, Italy

PROT. NO. 98002758

Dear Archbishop Ternyak:

I write in response to your letter of January 8, 1999, in reference to Reverend Gordon MacRae.

Father MacRae is a priest of the Diocese of Manchester who was ordained on June 5, 1982. He served as an associate pastor in two different parishes of the Diocese until July 1st of 1987 when he took a voluntary leave of absence from priestly ministry. Father MacRae is currently serving a prison sentence at the State Penitentiary in Concord, New Hampshire. He was convicted by civil courts of several counts of sexual molestation of a minor in 1994. While I have been Bishop of this Diocese only for the past six months, I have discussed this unfortunate case with diocesan officials who were involved in it at the time, and I would offer you the following information in regard to it.

Beginning in the Fall of 1983, and up to and including the time of his conviction of the abovementioned felony, several different accusations were made against Father MacRae by different young men. They involved different levels of sexual activity, some more serious than others, but always they involved inappropriate sexual conduct. From the first of these accusations the Diocese required Father MacRae to undergo psychological counseling. The level of this counseling gradually increased and ended with long-term inpatient care with the Servants of the Paraclete in Jemez Springs, New Mexico, from March of 1989 to April of 1990. In 1988, during his leave of absence, he was formally suspended from priestly ministry as a result of the public nature of one of these charges.

Subsequent to the termination of treatment with the Servants of the Paraclete he had decided to stay in New Mexico, and was working for the Servants in a non-priestly role on various administrative duties at that treatment facility. It was at this time that formal civil legal charges were placed against him which ultimately resulted with his conviction.

The extent of the guilt or innocence of Gordon MacRae is difficult to establish, even though the civil court found him guilty. He did admit to diocesan officials inappropriate caressing and kissing of a young man in at least one situation. In his civil trial he denied the more serious events. The psychological treatment which he was required to undergo appeared to arrive at differing conclusions. The Servants of the Paraclete, where he spent the longest period of time, testified that, "We did not consider Gordon to be a sexual offender". The professionals at Jemez Springs indicated that he had had "limited sexual activity with adults before ordination, some sexual activity with adult prostitutes after ordination, as well as having a young man sit on his lap, hugging him and attempting to kiss him, and imprudent conversations with another young man who said he would do anything for money. We were aware of no other sexual offenses." As a result of this assessment, these experts concluded that Gordon was not someone who repeatedly abused others in an illegal fashion.

On the other hand, an evaluation that had been done in December of 1988 by the House of Affirmation in Whitinsville, Massachusetts, after a five-day testing period, arrived at a different conclusion. They believed that Father MacRae was a child offender with little conscience. In large part they based their conclusions on interviews with Father MacRae. One quote from that report is sufficient to indicate the basis of their conclusion: "Father MacRae reported several inappropriate sexual encounters with adolescents. Although he experienced intense shame and guilt for the behavior, he indicated that he does not feel in control of such behavior." It is important to note that this report indicates that Father MacRae admitted to these inappropriate encounters. The report also indicated that Father MacRae acknowledged that he was addicted to alcohol, sex, smoking, eating, and spending money. The professionals at Jemez Springs were critical of the conclusions of this report in their later treatment of Gordon MacRae. They apparently felt that the five-day assessment period was too short a time to arrive at the truth. They further indicated that Father MacRae denied, with them, the very things that he apparently admitted to in the previous assessment. The difficulty, then, of ascertaining the true clinical status of Gordon MacRae is apparent from the discrepancies noted above.

Whatever the truth is about his guilt or innocence, the Diocese of Manchester was in a difficult situation during his public trial. The Diocese supported him privately with funds while at the same time not defending or supporting him in a public way. For example, the Diocese helped to fund his defense. Gordon MacRae feels that some of the statements made by the Diocese at the time were condemnatory and not helpful to him. He feels that the diocese was not sufficiently supportive either publicly or privately. In my judgment the Diocese did its best within a highly inflamed environment.

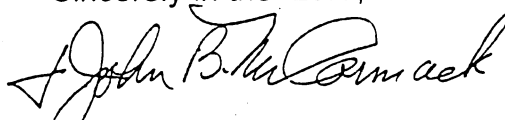
Once he was convicted and sentenced to prison, he made it clear to the Diocese that he did not want to receive visitors from the Church. We respected his wishes, only to be later criticized for not caring about him. Since he has been

in prison the Diocese has provided him a small monthly stipend to allow him to not be wanting in his personal needs. I visited Father MacRae in prison and he continues to be critical of the Diocese for not being more publicly supportive of him in his situation.

Some believe his prison sentence is unduly harsh and lengthy. This is due in part due to the way the law of New Hampshire is written, and also to the public sentiment about such crimes. There are people in prison who are serving much shorter sentences for very serious crimes. Furthermore, it is probable that at the time of his arrest and later conviction that he had his impulses under greater control and was no longer a serious threat to society. His lengthy jail sentence is even more inappropriate, given his rehabilitation. I am sympathetic with Gordon MacRae's concerns in this regard, but do not feel that the Diocese can publicly advocate on his behalf without risking grave public misunderstanding about the seriousness of its understanding with regard to sexual misconduct by clergymen. Furthermore, I believe that the Diocese supported Father MacRae and continues to support him in the most appropriate way possible. His receptivity to this form of care and support is minimal. Hopefully my visits to him will break through his resistance. While I understand his disappointment with his perception of what the Diocese did or could have done, I believe that his criticisms do not hold merit.

If I can provide you further information in this regard, please do not hesitate to call upon me.

Sincerely in the Lord,



John B. McCormack

Bishop of Manchester



CONGREGATIO
PRO CLERICIS

Vatican City, 8 January 1999

Prot. N. 98002758

Most Rev. **John B. Mac Cormack**
Bishop of Manchester
P.O. Box 310
Manchester, NH 03105-0310
U.S.A.

Your Excellency,

This Congregation has received extensive information about the situation of one of your priests, Rev. Gordon Mac Rae, and is writing to ask for information explaining his circumstances as well as Your Excellency's opinion in the matter.

I take this opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ,

+ *John Vennart*
Secr.

COPY

Addendum to Sworn Affidavit Of**Rev. Gordon J. MacRae****Post Office Box 14 Concord, N.H. 03302 / GJMacrae@juno.com**

The following addendum was written by Father Gordon J. Mac Rae, a prisoner in the New Hampshire State Prison and sworn and witnessed on May 19, 1999. The contents of this affidavit are legally privileged, and are written for the use of specific individuals. Any unauthorized use, photocopy and dissemination of this document is barred by federal law and the laws of the State of New Hampshire, which govern attorney client privilege. Any use of this document without the expressed permission of it's author or his attorneys is strictly forbidden.

The sworn, signed and notarized original of this affidavit is located at the Law Office of Eileen A. Nevins, Esq., unit 3-2, One Park Avenue, Hampton, New Hampshire 03342-1011 (603)926-1366.

Addendum to the April 22, 1998 Affidavit
of Rev. Gordon J. MacRae

Dated: May 19, 1999

Prot. No. 98002758

The herein Addendum to the Affidavit of Rev. Gordon J. MacRae is intended to complete the original Affidavit/Case History dated, signed and sworn before Hon. Cathy L. Dawson, Justice of the Peace, on April 22, 1998. The herein Addendum, dated, signed and sworn on May 19, 1999, is intended as legally privileged and confidential work product, and is therefore protected under federal and state law governing attorney-client privilege. Dissemination without the express permission, in writing, of the undersigned or a designated agent is forbidden.

Contents to Date

The enclosed Addendum is the third and, presumably, final mailing by Rev. Gordon J. MacRae to the Sacred Congregation for Clergy unless further and specific information is requested. To date, the following documents have been submitted for consideration:

- I. First Mailing dated October 1998
 1. Cover Letter to His Eminence, Dario Castrillon Hoyos, Cardinal Prefect.
 2. Original Affidavit/Case History (67 pp).
 3. Two sets of Correspondence from Mr. John Downey representing Ms. Marcia Clark, Mark Phillips Productions, and the FOX Television Network.
 4. Unsigned memo from the Roman Rota.

- II. Second Mailing dated February, 1999
 1. Cover Letter to His Eminence, Dario Castrillon Hoyos, Cardinal Prefect.
 2. Affidavit of Very Rev. Liam Hoare, s.P.
 3. Affidavit of Rev. Peter Lechner, s.P., Ph.D.
 4. Affidavit of Mr. Dennis Fraser.
 5. Additional correspondence from Mr. Mark Phillips and Mr. John Downey.
 6. Copy of Correspondence from Fr. Gordon MacRae to Most Rev. John McCormack dated 21 Dec. 1998

- III. Third Mailing Dated May, 1999
 1. Cover Letter to His Eminence, Dario Castrillon Hoyos, Cardinal Prefect.
 2. Reformatted copy of 67-Page Affidavit of 22 April 1998.
 3. 32-Page Addendum dated 19 May 1999.

Addendum to the April 22, 1998
Affidavit of Rev. Gordon J. MacRae

1. The following information is intended to clarify and develop the original affidavit of Father Gordon J. MacRae which was sworn and notarized on 22 April 1998 and which serves as a Case History. Some of the following additional information was omitted from the original Case History and some of this information was developed after the Case History was prepared.

I. Re: Ms. Pauline Goupil:

2. ¶116 of the Case History makes the following statement: "A woman working with his attorney was also present, and several friends of mine complained to Attorney Koch that each time [REDACTED] ([REDACTED]) was unable to answer a question she would give him a signal to begin sobbing, at which point the judge would declare a break."

3. The woman referenced in the above excerpt from ¶116 is Ms. Pauline Goupil. Ms. Goupil is a masters degree level psychotherapist who claims to "specialize" in the identification and treatment of victims of sexual abuse. During his testimony [REDACTED] claimed that when he brought his charges to Attorney Robert Upton to file his civil lawsuit, Mr. Upton wanted [REDACTED] to begin seeing a therapist "to get his act together". When questioned by the defense attorney (Ron Koch) [REDACTED] testified that Ms. Goupil provided these therapy sessions at no charge, but through an arrangement with Robert Upton, [REDACTED] attorney, Ms. Goupil would be paid her full fee when the civil lawsuit was settled. This was a contradiction of [REDACTED] earlier testimony in which he claimed that he had no knowledge of a lawsuit filed against the Diocese on his behalf.

4. During the criminal trial in September of 1994, Ms. Goupil

first appeared in the courtroom when [REDACTED] began his testimony. My attorneys and I did not immediately identify her or take notice of her presence since she was merely one among several spectators and news reporters present. Some friends noted, however, that [REDACTED]'s testimony seemed to be influenced by Ms. Goupil. She occupied a seat near the aisle which afforded her a direct view of witness stand, and [REDACTED] seemed to hesitate and watch her before responding to questions. Some friends of mine who were present began to notice a connection between Ms. Goupil's postures and facial expressions and [REDACTED] testimony. When [REDACTED] could not answer a particular question from my attorney it was noticed that he looked to Ms. Goupil for a reaction. At some point it appeared that Ms. Goupil gave [REDACTED] a signal to begin sobbing when he was unable to answer a question about who he went to first, an attorney or the police. The sobbing caused the judge to declare a ten minute recess, and during these recesses - there were several of them - Ms. Goupil, and sometimes Robert Upton, [REDACTED] civil attorney, would approach the witness stand to confer with [REDACTED]. The friends who witnessed this behavior reported it to Eileen Nevins, a long time friend and attorney who was then still in law school and acted as a law clerk for Mr. Koch, my defense attorney. Mr. Koch then raised the issue with the prosecutor and judge in chambers, and Ms. Goupil was then barred from being present as a spectator in the courtroom.

5. It was while raising this issue that my attorney discovered Ms. Goupil's identity as the therapist [REDACTED] began seeing when he first brought forward his charges in a civil lawsuit. My attorney petitioned the court for a review of the notes and records of Ms. Goupil's treatment of [REDACTED]. Both the prosecutor and Ms. Goupil vehemently protested this and a hearing on the matter was scheduled during the trial, but outside of the presence of the jury. During this hearing, Ms. Goupil testified that the defense should not have access to

her records because her treatment of [REDACTED] was not related to the proceedings. She said that [REDACTED] attorney referred him to her for counseling because the attorney "was aware of [REDACTED] drug and alcohol problem and wanted him to stay sober until after the trial". Ms. Goupil said that she provided substance abuse counseling for [REDACTED], and that it was during this counseling that the subject of his claims of being a sexual abuse victim arose. The prosecutor cited federal confidentiality laws which limit the court's access to counseling records from drug treatment, and argued that by extension the defense should not have access to Ms. Goupil's records of her counseling of [REDACTED].

6. The judge ordered an "in camera" review of the records, and then finally ordered that they were not pertinent to the defense and the defense could not raise their contents before the jury. Mr. Koch was permitted to read through Ms. Goupil's file on one occasion, and he told me that it contained a series of letters written to [REDACTED] by Ms. Goupil when [REDACTED] failed to show up for appointments. Ms. Goupil's letters revealed that she and Attorney Upton were in regular contact, and were concerned that [REDACTED] didn't seem to want to go through with the trial. In the letters Ms. Goupil counseled [REDACTED] that going through with it will help the settlement of his lawsuit. In one note of a counseling session she wrote that she revealed to [REDACTED] that "MacRae is being offered a plea deal he won't be able to refuse." She used this piece of information to try to assure [REDACTED] that there would likely not be a criminal trial. These letters and notes were written during a period in which the prosecution had requested a six-month postponement of the trial because [REDACTED] could not be located and was not responding to phone calls and letters from the prosecutor. The letters revealed clear coaching on the part of Ms. Goupil, and also revealed that she clearly acted as an agent for his attorney, however the actual content of most of her individual counseling sessions with [REDACTED] had been carefully removed from the file or were never placed there at all.

7. Ms. Goupil's role in the false allegations brought by [REDACTED] remains a mystery. It was unclear at the time whether Ms. Goupil had been "taken in" by [REDACTED] and believed his tale or whether she was a co-conspirator. It seemed not to matter to her that there were multiple and extreme inconsistencies in [REDACTED] story, and it was suspected by everyone involved with my defense that Ms. Goupil's purpose was to act as an agent for [REDACTED] attorney by keeping [REDACTED] sober and coaching him through a trial in which reporting the "truth" was not contingent upon memory, but upon sticking with one story. The "deal" alluded to by [REDACTED] - that Ms. Goupil would recover her full fee for her services upon [REDACTED] settlement of his lawsuit - was a deal which, according to [REDACTED] testimony, was made between Ms. Goupil and Attorney Upton.

8. Ms. Goupil's role in this matter, and her influence over it, became much more mysterious after I was sent to prison. It was several months before I was permitted to have visitors at the prison. One of my first visits was on a Friday evening, and the visitors were my friends of many years, [REDACTED] - the same people who had noticed the signals through which Ms. Goupil appeared to be coaching [REDACTED] during his testimony at trial. During the evening Mr. and Mrs. [REDACTED] and I were shocked to see Ms. Goupil enter the visiting room and sit at the table next to us. She and I have seen each other in the prison's visiting area many times since then, but she carefully avoids eye contact with me or my visitors. Ms. Goupil comes to the prison to visit her son who was tried and convicted in 1990 and sentenced to life in prison as a serial rapist. According to news accounts of the time Mr. Goupil was in his early twenties and living with his mother when he was arrested and charged with being "the West Side Rapist" who had worn a disguise and assaulted a number of adolescent and young adult women in the City of Manchester over a period of several years in the 1980's while a teenager and young adult.

9. The above information about Ms. Goupil and her son was not known by my defense at the time of my trial. Though Ms. Goupil is not to be judged in the light of her son's criminal history, the fact remains that her credibility and motives during my trial would have been called into question by my defense since Ms. Goupil presented herself as an expert in recognizing victims of sexual abuse. The fact that Attorney Upton, to whom [REDACTED] went first with his claims, specifically chose Ms. Goupil as the therapist to work with [REDACTED] would also have been called into question.

10. A year after I came to the prison David Goupil approached me and asked to speak with me privately. His demeanor was courteous, but on this occasion he informed me that his mother told him of her involvement in my trial. Mr. Goupil asked me if I was fighting the case or had any plans to try to discredit his mother by divulging the charges against him. I told him that I did not think it would be appropriate to discuss this matter with him, and he has not brought it up again.

II: Re: Detective James McLaughlin

11. ¶100 through ¶104 of the Case History refers to Keene (N.H.) Police Detective James McLaughlin's investigation of me in 1988 following his reception of a letter from Ms. Sylvia Gayle a social worker and sexual abuse investigator with the New Hampshire Division of Children and Youth Services. The letter itself is referenced in ¶100 of the Case History. In this explosive letter Ms. Gayle stated that she has been given information from an unnamed employee of the Diocese of Manchester that I was a priest in Florida before coming to New Hampshire in 1982, that I molested two small boys in Florida, and that one of them was murdered and his body was found mutilated. Ms. Gayle's letter claimed that I was then sent by Church officials in Florida to New Hampshire to avoid the

investigation of this crime which remains unsolved. The letter indicated that this disturbing information was told to the unnamed diocesan employee by Msgr. John Quinn, the diocesan financial administrator, who was then Director of Catholic Social Services. Detective McLaughlin then proceeded to launch an exhaustive investigation of me in 1988 which is detailed in a seventy-two page report. Neither I nor legal counsel were aware of the existence of this investigation and report until 1994 while reviewing discovery following the charges brought by the [REDACTED] brothers. Near the end of his lengthy 1988 investigation report Detective McLaughlin wrote that he contacted Florida legal authorities and learned that the information about me being a priest in Florida was entirely false.

12. McLaughlin did report, however, that a Florida sheriff indicated that the rest of the information was true: i.e. that there was a priest in Florida in the 1980's who was being investigated for sexual abuse allegations and was transferred to New Hampshire. McLaughlin's report of his conversation with the Florida sheriff indicated that "the priest's name was not Gordon MacRae and (MacRae) is too young to be that individual." McLaughlin's report did not indicate the name of the priest alleged to have been transferred from Florida to New Hampshire.

13. During his investigation following Ms. Gayle's disturbing letter in 1988, Detective McLaughlin questioned a large number of individuals about me including [REDACTED], [REDACTED] and [REDACTED]. None of them claimed to have been a victim of abuse. One of the many individuals interviewed then by McLaughlin was a [REDACTED], a fifteen-year-old who had been a patient at the drug and alcohol treatment program I directed while on leave from diocesan ministry in 1987-1988. Almost three full pages of the written 1988 report details Detective McLaughlin's relentless questioning of [REDACTED] and his disbelief of [REDACTED] when the young man indicated that there was never anything of

which to accuse me. Of all the individuals questioned then by McLaughlin [REDACTED] had the most serious drug addiction problem and was an easy target of the kind of coercion McLaughlin put him through. Nevertheless, [REDACTED] maintained through the extensive interviews that I was never improper with him in any way.

14. In 1995 [REDACTED], who was then twenty-one years of age and who continued to have an active drug problem, was tried and convicted in a New Hampshire court of the crime of armed robbery. To obtain drug money [REDACTED] used a shot gun to commit a robbery at the same Keene retail business at which he was employed. [REDACTED] was sentenced to five years of imprisonment since this was his first violent offense, but because of ongoing involvement with drug traffic when he arrived at the New Hampshire State Prison [REDACTED] was transferred to a prison in Massachusetts to serve his sentence.

15. In early 1999 [REDACTED] was transferred again from a Massachusetts prison back to the New Hampshire State Prison where he was to prepare for his parole and return to society. In January, 1999, [REDACTED] was assigned, by coincidence, to the same prison unit in which I am assigned, and it was there that he approached me one day to talk with me. It was the first time he and I had spoken since prior to his interviews with Detective McLaughlin in 1988. [REDACTED] told me of McLaughlin's relentless repeated questioning of him in 1988 and of the fact that McLaughlin would not accept "no" as an answer. [REDACTED] then went on to say that he did not believe the charges brought in 1993/94 by the [REDACTED] brothers, and he said that he "knew" they had brought the allegations for money. I asked [REDACTED] how he knew this, and he said that for several years prior to his armed robbery charges which sent him to prison in 1995 he had repeated contacts with the Keene Police Department for a string of minor charges, most of which would land him for short stints in the county jail. [REDACTED]

said that most of these charges were drug related, and that he had been unable over the years to successfully treat his drug problem.

16. In early 1994, following the filing and publicity over the [REDACTED] lawsuits and criminal charges, [REDACTED] said that he was summoned to the Keene Police Department. He said that he was a regular "guest" of the Keene Police so he was not surprised to be summoned. [REDACTED] said that he was interviewed by Detective McLaughlin and another Keene officer whose name he could not recall. [REDACTED] said that McLaughlin asked him if he was aware of the charges brought against me by members of the [REDACTED] family and [REDACTED] reported that he answered that he had heard about the charges. [REDACTED] then told me that McLaughlin asked him if he also wanted to change his mind about accusing me of sexual misconduct. [REDACTED] again told McLaughlin that he had nothing to accuse me of. Following this [REDACTED] quoted McLaughlin as saying "That's kind of beside the point isn't it? The people who are accusing him are going to get a lot of money out of it so you might want to reconsider." [REDACTED] said that he asked "How much money?", and McLaughlin responded something to the effect of "A lot; and I thought you would do anything for money."

17. [REDACTED] told me (at the prison in early 1999) that at the time these comments were made he was deeply involved with a drug addiction and was desperate for money. He also said that because of his state of mind at the time he could not say with absolute certainty whether it was McLaughlin who made these comments or the other officer but he was certain that it was one of them, and that a veiled offer of money was being made. [REDACTED] said that he considered the offer and asked to be able to think about it more.

18. Prior to trial on the [REDACTED] charges, [REDACTED] said, he received a subpoena from Bruce Reynolds, the Assistant Cheshire

County Attorney who prosecuted my case. [REDACTED] said that he believed this was a few weeks before my trial, and he said that he brought the subpoena to ~~the~~ Mr. Reynold's office at the Court and told a secretary that this was a game and he didn't want to play it. He said that he had nothing to testify about and did not want any part of this trial. The secretary, he then said, took the subpoena into an office, and then returned and said "Mr. Reynolds said that we will not be needing your testimony after all." [REDACTED] said that he thought of trying to contact my attorneys to tell them about this at the time, but that he was afraid of McLaughlin and the police. [REDACTED] was paroled in April of 1999 and has returned to the Keene area. He told me that he believes others may have had similar interviews with McLaughlin and offered to send their names to Attorney Nevins if he becomes aware of any specific information. He was also, however, fearful that Detective McLaughlin would find a reason to violate [REDACTED] parole and return him to prison if he became aware of this.

19. In March, 1999 Detective McLaughlin was the subject of several Boston area and New Hampshire newspaper reports after he was severely reprimanded by a federal judge for attempting to entrap suspects by posing as a fictitious fourteen-year-old boy searching for sexual encounters with adults on the Internet. He was also reprimanded by a federal judge for being in violation of federal law by transmitting child pornography over the Internet in attempts to entrap other individuals. Several of the cases he brought for prosecution were dismissed when it was discovered the possession of child pornography for which an individual was charged actually originated with Detective McLaughlin himself. Other news accounts cited him with failures to obtain warrants before searching and confiscating computer equipment in other cases, and for failure to observe laws regarding the rights of suspects to confer with legal counsel.

III: Rev. Mark Gauthier, Rev. Mark Fleming, Rev. Stephen Scruton

20. ¶97 through ¶99 of the Case History describes my acquaintance with members of the [REDACTED] family having first met them when I was a seminarian intern at Sacred Heart Parish in Marlborough, NH in the Summer months of 1979 following my first year of theology at St. Mary's Seminary in Baltimore. The Case History makes some limited reference to this family's relationships with other priests of the Diocese of Manchester. One such relationship was with Father Mark Gauthier, who is now deceased. I excluded this information at the time the history was written because I was unaware of many details and connections, however information which has surfaced since the Case History was written requires a description of the Grover family's relationship with Father Gauthier.

21. I was twenty-six years of age when I first met the [REDACTED] family during the Summer of 1979. The family member with whom I was closest then was [REDACTED] who was 19 years of age and only seven years younger than me. [REDACTED] joined the army in the Fall of 1979 and by 1980 he became a military police officer. When he was home on leave we often spent time together, and he and I vacationed in Montreal and Quebec City in 1980 and in the Summer of 1981. Another close friend, Father Maurice Rochefort, accompanied us in 1981 on a trip to Montreal. My friendship with the rest of this family became more prominent in the Summer of 1980, and following a near drowning and rescue incident during which I revived [REDACTED] [REDACTED] then age five and the [REDACTED] family's youngest child. He was found unconscious in a swimming pool (as described in the Case History, ¶98). In the Summer of 1980, the year after I first met the [REDACTED] family, I was assigned to parish ministry as a seminarian intern at St. Margaret Mary Parish in Keene, five miles from Marlborough where the [REDACTED] lived. I had to drive through Marlborough on my way to or from Manchester, the Diocesan See, which was the case on the day I stopped at the

[REDACTED] home and discovered their youngest child, [REDACTED], unconscious next to the back yard pool. He had been discovered unconscious in the pool by [REDACTED] and [REDACTED] and pulled from the pool. At the time I was driving by [REDACTED] [REDACTED] was in the street in front of his house trying to flag down a car. I stopped, went to the yard, and performed CPR on [REDACTED] for nearly fifteen minutes before he was revived. [REDACTED] survived, but with some minimal brain damage.

22. Following this incident I spent time with [REDACTED] on occasion. [REDACTED]

For several years [REDACTED] had been very involved in the Church on the parish, deanery and diocesan levels. [REDACTED] had served on the Deanery Pastoral Council, the Diocesan School Board, and the School Board for St. Joseph Regional Catholic School (where her children attended) which was on the grounds of St. Bernard Parish in Keene, the deanery's largest parish. Our conversations were memorable because of the anger [REDACTED] often expressed about Diocesan politics, the Church in general, and especially many of the priests of the Diocese and the life of privilege which she seemed to feel many of them were living. Given the degree to which she was involved in the life of the Church I always considered this to be a dramatic contradiction.

23. [REDACTED] was especially hostile toward Father Denis Horan who had been pastor of the deanery's largest parish, St. Bernard in Keene, and became her pastor at Sacred Heart Parish in Marlborough around 1978. She spoke of Marlborough as being a political punishment for Father Horan since it was much smaller and poorer than his previous parish, and she attributed the move to his inability to work with other priests who had been assigned over the years as associates. [REDACTED] also often spoke of what she perceived to be Father Horan's [REDACTED]

[REDACTED] She

often spoke bitterly about her conviction that Father Horan looked down on her and her family and treated them with disrespect on occasion. She gave many examples, and yet my perception of Father Horan at the time was that he welcomed her family's presence and felt close to [REDACTED] and her family.

24. Much of [REDACTED] animosity toward Father Horan seemed to stem from her relationship with another priest, Father Mark Gauthier who had served for several years as associate pastor of St. Bernard Parish with Father Horan when several of [REDACTED] children attended St. Joseph Regional Catholic School in Keene. In the Summer of 1980, following [REDACTED] near drowning incident, [REDACTED] conversed with me at length about her relationship with Father Gauthier who was then on leave of absence.

25. I recall [REDACTED] asking me if I knew Father Gauthier, and I told her that he and I had never met. She told me that she and Mark had become close friends during the years he was at St. Bernard Parish, and she seemed to blame Father Horan for his taking a leave from the priesthood. She said that when Father Gauthier was Father Horan's "curate" he found the pastor to be impossible to work with. [REDACTED] and her children always referred to Father Gauthier as "Mark" and she said that he remained in close contact with her and her family during his leave from ministry.

26. [REDACTED] called me often in the Summer of 1980 though I was then assigned as a seminarian intern at a neighboring parish (St. Margaret Mary's in West Keene) a few miles away. Often in the evening [REDACTED] invited me for coffee. She was a highly intelligent person and I enjoyed my discussions with her. She often challenged my studies for priesthood and seemed to spend a lot of time trying to talk me out of being a priest, yet at the same time she seemed to give me the impression that I was "saving her faith". [REDACTED] knew many priests of the diocese, but

said that she did not know any who were happy. One evening [REDACTED] asked me if I was "gay". I was shocked at the question, and at the openness with which she asked it, and I told her that I was not. I then inquired why she would ask such a question and she said that many of the priests she knew were "either drunks, or gay, or both" and she stated her belief that the priesthood served to shelter men with such proclivities. I often challenged [REDACTED]'s views, but on a few occasions I suspected that [REDACTED] had developed sexual or romantic feelings for me and this was behind her rather dismal view of priesthood. [REDACTED] was about fifteen years older than I and I dismissed my instinct then as questionable at best.

27. [REDACTED] seemed to speak of Mark with an odd mixture of great fondness and anger and at one point she told me that she had developed very strong feelings for Father Mark, and was very disturbed to learn that he was gay. I asked [REDACTED] then how she knew this and she struggled with whether or not to tell me. Finally she confided this story to me: [REDACTED] said that two years earlier there was an incident involving one of her sons and Father Gauthier. She said that she had taken in an older foster child, a fifteen year old boy, who then repeatedly sexually molested one of her adopted sons who was then about ten or eleven years old. She did not indicate which of her sons was involved. She said that she discovered this behavior by walking in on it one day, and she was so shocked by it that she called Father Mark to discuss what she should do. Father Mark, she said, then offered to talk with both boys. She said that this turned out to be "a disaster" because several months later she learned that Father Mark had also engaged the older boy in a sexual relationship, and, she suspected then, one of her older sons, [REDACTED], who was then seventeen and who she also thought to be gay. [REDACTED] said that she confronted Father Mark about this and this was what eventually led Mark to take a leave of absence.

28. What I found bewildering, however, was that [REDACTED] and Father Mark Gauthier continued to be close friends, and [REDACTED] continued to blame Father Horan for Mark's leave from ministry, but for reasons I never understood. Mark often visited her home, even while on leave, and on several occasions had spent the night there. I asked [REDACTED] if any form of report was made when the events involving her son and foster child transpired, but she never gave a complete answer. She then sternly cautioned me that she intended to tell me this in confidence and I was not to repeat it. [REDACTED] told me that Father Gauthier had purchased an empty convent building in Manchester, had converted it into apartments, and had no intention of returning to active ministry so she did not want to cause problems for him. She said that she was well aware of his homosexual lifestyle, and though she did not approve of it they remained close friends.

29. Several years later, in 1987, [REDACTED] completed her degree in social work and was employed by the NH Department of Children and Youth Services as a child abuse investigator in the [REDACTED] area. I did not hear of Father Mark Gauthier again until several years later when I was working for the Servants of the Paraclete program in Jemez Springs, New Mexico. Auxiliary Bishop (then Msgr.) Christian, while making a referral to the center in 1992 or 1993, told me in a telephone conversation that Father Mark Gauthier had advanced symptoms of AIDS, and Bishop O'Neil (now deceased) had decided to reinstate Father Gauthier so that he would be eligible for the diocesan health insurance plan for priests.

30. At the time of my trial in 1994 I did not have access to many documents including discovery between the accusers and Diocesan officials which took place in answer to the civil lawsuits which were filed against the Diocese of Manchester before my criminal trial. One document, which I did not know existed at the time of trial, was a series of interrogatories

to [REDACTED] propounded by Attorneys Bradford Cook and James Higgins, the attorneys for the Diocese of Manchester. In one set of these interrogatories [REDACTED] responded to a question asking him to list the professionals from whom he had received counseling as a child and adult. Though he accused me of sexually assaulting him during five consecutive counseling sessions at St. Bernard Rectory in 1983, he did not put my name on the list in answer to the question.

31. In fact, I did not have five counseling appointments with [REDACTED] in 1983, nor at any other time. I did intervene in 1985 when [REDACTED] was seventeen and his drug and behavior problems were out of control. At [REDACTED] pleading, I arranged a scholarship for [REDACTED] to be treated at Beech Hill Hospital, a local private alcohol and drug addictions treatment center. I scheduled an "intervention" which included other members of his family, but I never had a series of private counseling appointments with [REDACTED]. In his answer to the interrogatories posed to him by the diocesan attorneys, however, [REDACTED] included in the list several drug treatment centers at which he was a patient as a young adult and adult. He also listed Dr. John Raasoch, a Marlborough psychiatrist he saw as a child because of a compulsive stealing problem, and he listed "a priest at St. Bernard's who was there with Father Horan." Attorney Koch, my defense counsel, sent several questionnaires to Father Mark Gauthier before my trial, but, like those sent to Father Scruton as detailed in the Case History, Father Gauthier would not respond to them and declined to be interviewed by my attorney. Father Gauthier died in 1998 of complications secondary to HIV infection.

32. The above account about Father Mark Gauthier brings to three the number of priests who served in St. Bernard Parish in Keene at the time the [REDACTED] family was involved there, and whom I now know to have been suspected or accused of sexual misconduct with adolescent males. All three were well known to

the [REDACTED] family, and [REDACTED] received counseling from at least one of the three (Father Gauthier) and knew all three quite well. I do not present this information because I believe that one or more of these three priests engaged in sexual misconduct with members of the [REDACTED] family. In fact, I continue to believe that [REDACTED], [REDACTED] and [REDACTED] fabricated their claims of being victims of sexual abuse, and I believe that they did so for money. The demeanor of each of these three priests prior to my trial, however, is suspect in that each refused any form of cooperation with my attorneys' requests for an interview. Each also had a history of sexual misconduct which was either known to [REDACTED] [REDACTED] and Detective McLaughlin or was available to them through access to the files of prior DCYS investigations. One of the three priests is Father Mark Gauthier as described above. The following is a summary of the history of the other two, Father Mark Fleming and Father Stephen Scruton.

33. Father Mark Fleming had been a seminarian and transitional deacon at St. Bernard Parish between 1979 and 1981. He was well known to the [REDACTED] family because a part of his ministry was involvement in the Regional Catholic School on the grounds of St. Bernard Parish. Several of the [REDACTED] children attended school there. [REDACTED] also served on the school board at that time and was a volunteer at the school. Father Fleming was ordained in 1981 and his first assignment as a priest was with Father Stephen Scruton at St. John the Evangelist Parish in Hudson. While there Father Fleming was investigated by the Division of Children and Youth Services for the repeated sexual abuse of an eleven-year-old boy (see Case History ¶21, ¶46, and ¶108). There were no charges or publicity involved with this investigation, but Father Fleming quietly left ministry in the Diocese at that time and a financial settlement was arranged between the Diocese and the boy's family. The purpose of the settlement was to pay for the boy's counseling expenses.

34. In 1994 when Attorney Koch and I were reviewing documents and police reports in preparation for trial, we noted that in Detective McLaughlin's first reports of an interview with one of the [REDACTED] brothers McLaughlin mistakenly wrote the name [REDACTED] instead of [REDACTED]' at the heading of a page of the report. [REDACTED] was the name of the boy who had allegedly been abused by Father Fleming in the Hudson rectory. The mistaken use of the name [REDACTED] on the [REDACTED] report demonstrated Detective McLaughlin's awareness of the accusations against Father Fleming at the time McLaughlin began interviewing members of the [REDACTED] family. Since the [REDACTED] case involving Father Fleming never resulted in charges or a public lawsuit, it is presumed that McLaughlin's awareness of the matter could have come from only one place: the files of the Division of Children and Youth Services where [REDACTED] was employed.

35. Father Paul Groleau, who had been Diocesan Director of Vocations and was also an associate pastor at St. John's in Hudson at the same time as Father Fleming, wrote in response to a questionnaire from Attorney Ron Koch that Father Fleming had previously been accused of sexual misconduct prior to his priesthood ordination. It was also during Father Fleming's assignment in Hudson that [REDACTED], at the age of sixteen, claimed to have been forcibly raped in the Hudson rectory by two unnamed priests fitting the descriptions of Fathers Scruton and Fleming. [REDACTED] claimed in the lawsuit that this was arranged by me. Again, I do not believe that these assaults ever took place, but rather believe that members of the [REDACTED] family, perhaps with the assistance of Detective McLaughlin and [REDACTED] access to DCYF files, carefully chose locations and scenarios in which other priests had in fact been accused. During Attorney Koch's investigation in preparation for my trial, Father Fleming refused to be interviewed and refused to respond to multiple questionnaires issued by Attorney Koch. When threatened with a subpoena, Fleming wrote that he had no

knowledge of any priest at St. John's Church in Hudson ever being accused of sexual misconduct.

36. In addition to Father Mark Gauthier and Father Mark Fleming, Father Stephen Scruton (Case History ¶4-6; ¶25ff) was also well known to the [REDACTED] family. Father Scruton was the pastor of St. Bernard Parish in Keene from 1985 until his arrest in 1987. He is the author of a series of checks discovered by my attorneys which he wrote to [REDACTED] and [REDACTED] [REDACTED] between 1985 and 1987, and he was initially accused of sexual abuse by [REDACTED] and Detective McLaughlin in the first police report of the case written by McLaughlin in 1993. [REDACTED] accusation in that report was that Father Scruton performed oral sex on [REDACTED] in my presence in the St. Bernard Rectory office when [REDACTED] was twelve or thirteen years of age. The report also indicated that [REDACTED] had been sexually assaulted by Father Scruton "on numerous other occasions". It was later learned that Father Scruton did not arrive in Keene until June of 1985 when [REDACTED] was over sixteen years of age. All future reports then omitted Father Scruton's name and any accusations against him by [REDACTED].

37. Also in McLaughlin's first report of the case, [REDACTED] [REDACTED] claimed that he was fondled by both Father Scruton and me in the spa of the Keene YMCA fitness center. [REDACTED] claimed that both Father Scruton and I simultaneously fondled him with our feet while all three of us were unclothed and sitting in the YMCA spa. Such an event, of course, never took place however this accusation is identical, verbatim, to an accusation brought against Father Scruton in a civil lawsuit and criminal charge in 1990 by [REDACTED], a high school classmate of [REDACTED]. Father Scruton pleaded guilty to the misdemeanor charge (brought by Detective McLaughlin) and the lawsuit was concluded with a financial settlement from the Diocese. Subsequent reports written by McLaughlin about [REDACTED] [REDACTED] claims make no further reference to this incident

because, again, it was learned that Father Scruton was not present in Keene until [REDACTED] was sixteen years of age in 1985. All subsequent police reports and the re-drafted civil lawsuits then listed me as the sole perpetrator of abuse.

38. Father Scruton was also the pastor of St. John Parish in Hudson with Father Fleming as the associate pastor during the incidents described above in ¶33-35. Both were present at the Hudson parish at the time [REDACTED], the oldest of the three accusers, claimed to have been forcibly raped by two unnamed priests there prior to my ordination in 1982 when he was sixteen years of age. Though I do not believe these assaults actually took place, both Father Scruton and Father Fleming were investigated for sexual abuse in Hudson in the early 1980's. The investigations were conducted by the Division of Children and Youth Services, and [REDACTED] would have had access to these files when she became a DCYS social worker in 1987.

39. The accusation against Father Fleming involved Father Scruton because it was alleged that Scruton walked in on one or more incidents of sexual abuse of the [REDACTED] boy by Father Fleming, and then participated in a cover-up. This was identical to yet another accusation against me brought by [REDACTED] (see Case History ¶22-25). After reading of the [REDACTED] charges in 1993, [REDACTED] filed an immediate lawsuit and criminal charges asserting that everything the [REDACTED] brothers claimed I did to them I also did to him. His claims seemed to be taken less seriously, however, in that he continually added new and more bizarre information and changed the nature of his accusation ten times in eleven years.

40. Having first claimed in 1983 that I hugged and kissed him during a counseling session, [REDACTED] now claimed that I held a gun to his head, raped and fondled him, orally fondled the gun while forcing him to masturbate in my presence, and other

bizarre reports. [REDACTED] also claimed, in a police report written by McLaughlin, that Father Gerard Boucher, the Hampton pastor in 1983, walked in on and witnessed these assaults and then participated in a cover-up. This was identical to an earlier accusation against Father Scruton and Father Fleming. [REDACTED] had previously accused me four times of either sexually harassing, molesting or stalking him. In 1985, following two years of investigation, [REDACTED] reports were investigated and ruled "unfounded" by the Hampton police and the Division of Children and Youth Services. The Hampton Police also generated reports in which [REDACTED] claimed to have been sexually assaulted by a male teacher at St. Thomas Aquinas High School, and stalked by a male student. Previously he claimed to have been the victim of sexual advances by another male teacher in a public school and by a coach. When he first came to see me in 1983 he claimed that another priest had made a sexual advance to him in the confessional, and he once wrote me a letter claiming that his own father was sexually abusing him. [REDACTED] lawsuit was dismissed by the courts in 1996 and [REDACTED] has not been heard from again. The most bizarre aspect of this matter, however, is that Father Boucher reported to me at the prison in 1996 that no one, other than my attorneys, ever asked him whether the allegation that he walked in on and witnessed such behavior by me was true or untrue.

41. Father Boucher responded to a questionnaire from Attorney Koch in 1994 that [REDACTED] claim was entirely untrue, and that there was never an incident in which Father Boucher had observed inappropriate behavior by me. The fact that the claim is identical to an earlier claim involving two other priests (Father Scruton and Father Fleming) is again indicative of the fact that McLaughlin used elements of previous unpublicized cases and insinuated those elements into his case against me. My only defense against the criminal charges, and the Diocese's only defense against the lawsuits, would have been to expose

all those other cases, a step which the attorneys for the Diocese were not about to take.

42. I believe that Detective McLaughlin's inclusion of elements of other claims against priests of the Diocese by weaving these elements into his police reports in the [REDACTED] case was deeply intimidating to both diocesan officials and the priests involved, and I believe that it was for this reason that both withheld cooperation from my defense of these accusations. Father Scruton, for example, was an easy target for such intimidation. He was involved in the Littleton affair (reported in my Case History in ¶ 4-6)* during which Father Joseph Sands was killed while replacing Father Scruton. .

43. Father Scruton was moved one year later, in 1981, to St. John the Evangelist Parish in Hudson. He was investigated there in 1983 by DCYS when Father Fleming was removed, and Father Scruton was arrested there in 1984 following a highly publicized incident of sexual misconduct at a highway rest area. Father Scruton took a leave for eighteen months, and in January of 1985 he was assigned to St. Patrick Parish in Bennington as administrator while the pastor was on sick leave. In June of 1985 Father Scruton left Bennington. While there Father Scruton was arrested again for sexual misconduct at a highway rest area in Massachusetts. There was no publicity. He had been accused of embezzlement by the returning pastor and left St. Patrick's in Bennington in June of 1985. It was then that he was assigned with me at St. Bernard Parish in Keene. Following several incidents of sexual misconduct at the Keene rectory (described in the Case History in ¶29-47) Father Scruton was arrested again on sex charges at a highway rest area just outside of Keene. In 1990 he was arrested and charged by Detective McLaughlin for the sexual abuse of [REDACTED] alleged to have occurred in 1986-87. A resultant civil lawsuit was settled between the Diocese and [REDACTED]. When the charges against me

surfaced in 1993, and the police reports made multiple allegations against Father Scruton as well, he refused to be interviewed by my attorneys, refused to respond to a series of questionnaires, and fled the state just prior to being subpoenaed for my trial.

44. Attorney Joseph McKittrick, who had represented Father Scruton on previous occasions, contacted my attorneys prior to trial and said that we were to have no further contact with Father Scruton. Attorney McKittrick added that Father Scruton would not cooperate with my defense on the advice of counsel, and would assert his Fifth Amendment rights against self-incrimination if we attempted to force the issue by subpoena. No one involved in my defense has ever had a conversation with Father Scruton. Though I do not believe he sexually assaulted members of the [REDACTED] family, his was not the behavior of a man with nothing to hide.

*(The Case History in ¶4 erroneously states that the murder of Father Sands in Littleton occurred in 1979. I now believe that it occurred in 1980 during Governor Hugh Gallen's first and only term of office which commenced in January of 1980. The Case History in ¶6 also erroneously indicates that Governor Gallen died of cancer while in office. He died months after an unsuccessful bid for re-election)

IV: Mr. Fred Laffond

45. There was another incident in 1987 which may explain some of [REDACTED] anger toward me and other priests of the Diocese. In June of 1987 I began a leave of absence from diocesan ministry. The circumstances of this leave are described in detail in the Case History (¶50 - ¶51). While on leave I served as Executive Director of Monadnock Region Substance Abuse Services, a drug and alcohol treatment agency. During this time I lived in West Keene which was in St. Margaret Mary Parish several miles from St. Bernard's in downtown Keene. The agency I worked for maintained a pager service which was

managed by the same company which provided pager services for St. Bernard Parish which were maintained because the pastoral staff provided care at the Cheshire Medical Center and its trauma unit. Late one night I received a call on my pager from the service manager. He told me that he received an emergency call for a priest from the trauma unit, but no one at St. Bernard Rectory was answering the pager. I called the rectory but there was no answer so I tried calling two other area priests with no response. Despite the fact that I was on leave, I drove to the hospital's emergency room because I could not find another priest.

46. Since I had provided pastoral care at the Trauma Unit for four years the nursing staff knew me. A nurse prepared me for a terrible sight. A woman had been brought in with severe burns over her face, head and eighty percent of her body. Her eyelids had been burned away and her face was severely disfigured, but she was conscious though in shock. The staff felt that she would not live long, but the woman had a scapular which was burned right into her chest. This was why they called for a priest. When I went to anoint her the sight and smell was abhorrent. Her eyes were bulging because the lids were burned away, and she seemed to glare at me and then grabbed my arm in recognition, but I did not then know who she was. To my horror a nurse then told me that she has been identified as [REDACTED] [REDACTED] [REDACTED] seventy-four year old mother. It seemed that during the night [REDACTED] spilled a glass of water on her bed, and then plugged in a blow drier to dry the water. [REDACTED] fell asleep with the blow drier running and the bed caught fire. By the time the fire department had arrived, the bedroom and much of the house was fully involved, and [REDACTED] was found crawling from the flames and fully engulfed herself. Once [REDACTED] was medicated with morphine at the hospital she slipped into a coma and never awoke again.

47. I called [redacted] [redacted] to the hospital, but she could not even recognize her mother. [redacted] father had died shortly before, and [redacted] did not adjust well to being alone. [redacted] seemed grateful that I was on the scene, but she was also angry to learn from some hospital staff that no one at St. Bernard's could be located or would answer the hospital's page. [redacted] and I stayed at the hospital through the night. [redacted] lived for another month, but never awoke from the coma. She was transferred to a burn center in Springfield, Massachusetts where she died a few weeks later. The day after I answered the call at Cheshire Medical Center I received a telephone call from Father Biron, the pastor of St. Bernard Parish, instructing me that I should not have gone to the hospital and was not to do so again regardless of whether another priest could be found. Father Biron said that he planned to report the incident to the Diocese, and he denied that no one from St. Bernard's would answer the page. Later the same day, Father Raymond Ball, the associate pastor, called me and apologized. He said that he was responsible for answering the page, but he had left overnight and failed to bring the pager with him. Father Ball thanked me for taking the call and said that Father Biron planned to call me to apologize for his earlier comments. He never did call.

48. This matter further strained feelings between [redacted] [redacted], the Diocese, and me. [redacted] wanted me to celebrate her mother's funeral, but Father Robert Biron refused to permit it because I was on leave of absence - though he knew nothing of the circumstances. [redacted] reported to me that Father Biron argued with her and told her that he was very offended that I remained in Keene while on leave. He also accused me to her of interfering in the parish, though I had no contact with anyone outside of the one incident in which I answered that call to the hospital. I was even very careful to attend Sunday liturgy twenty-five miles away in Winchendon, Massachusetts, where I was not known to anyone.

49. [REDACTED] then asked Father Biron if he would permit it if [REDACTED] or I received the approval of the Bishop for me to preside at her mother's funeral Mass. Father Biron invited [REDACTED] to try, but before she could do so he talked with Bishop Gendron (who is now retired) who ultimately told [REDACTED] through the Chancellor that he would leave the matter up to Father Biron. Father Biron continued his refusal. [REDACTED] wanted me to fight this decision by meeting with the Bishop before the funeral, but I declined. I felt that Father Biron was acting unprofessionally and with little pastoral sensitivity toward this family and toward me, but I did not want to exacerbate the matter. I attended the funeral with [REDACTED] and her family, but after the funeral Mass [REDACTED] asked me not to accompany her to the parish cemetery. Our conversation on the steps of St. Bernard Church after that funeral was the last time she had ever spoken to me.

50. Months later in 1988 Detective McLaughlin received the "Florida Letter" from Sylvia Gayle and then began investigating me. McLaughlin spoke extensively then to [REDACTED] and other members of her family. His lengthy 1988 report, which I did not see until preparing for trial in 1994, includes a statement from [REDACTED] that she was approached the St. Bernard Parish cemetery after her mother's funeral by Fred Laffond, the parish cemetery director and business manager. She and Laffond had known each other for many years, and she claimed in the report that Fred Laffond told her that he did not understand why she wanted me to preside at her mother's funeral. She said that Fred told her I had made "a lot of trouble" for the parish, and that she should "watch her sons around me." She claimed that she asked Laffond then what he meant by this and he responded "You'll see. He's going down and you don't want to be standing anywhere near him when it happens." In several questionnaires sent by Ron Koch, my trial attorney, to Fred Laffond, Fred consistently denied making these statements to [REDACTED]. I believe, however, that such statements were made by Laffond and

are typical of him. His relationship with Father Scruton was described in the Case History (¶40, ¶47, ¶49), and Laffond was quite angry and hostile when I demanded of diocesan authorities that they remove Father Scruton from St. Bernard Parish after his third arrest in 1987 for sexual misconduct. Fred Laffond lied throughout his answers to the multiple questionnaires sent to him by Ron Koch, my attorney, and claimed that he knew nothing of Father Scruton's sexual problems. He also lied by stating that he only barely knew me and Father Scruton, and that he was entirely unaware of anything which had transpired in St. Bernard Rectory.

V: The Diocesan Legal Counsel

51. During my preparation for trial, I had multiple direct and indirect dealings with Attorney's Bradford Cook, James Higgins, and Robert Lucic, all of the Manchester Law Firm of Sheehan, Phinney, Bass and Green which represents the Diocese of Manchester. From the moment the charges were first brought the diocesan legal representatives sought to ridicule and undermine my attempts to defend myself. A friend and canonist, Father David L. Deibel, J.D., J.C.L., who is also a civil attorney, contacted Attorney Cook after reviewing the case and told Mr. Cook of his belief that I was innocent of these charges. Attorney Cook's immediate and caustic reply was "Of which of the seventeen indictments of aggravated felonious sexual assault do you think he is innocent?" Father Deibel and Attorney Koch were countered at every turn in their efforts to gain the cooperation of diocesan officials in reviewing my side of this matter. Letters from Father Deibel and Attorney Koch to diocesan officials went unanswered, and requests for information were responded to begrudgingly and with as minimal information as possible. At one point Attorney Koch received a letter from the diocesan attorney instructing us to have no further contact with officials of the Diocese of Manchester.

without first going through his law firm. The demeanor of diocesan officials and the diocesan legal counsel throughout this case seemed to support my conviction that there was much to remain hidden, and that efforts to defend myself with the truth were perceived of as a potential threat. From the moment the charges were brought I was referred to in letters and press reports by Diocesan officials as "Mr. MacRae" and distance from the accused was the only response the Diocese could muster. It seemed much easier and more convenient for the diocesan legal counsel that I be found guilty despite the fact that earlier in the case Attorney Cook commented to my attorney that he no longer believed the claims made by the [REDACTED] and would recommend that the Diocese assist with funding a defense and a thorough investigation.

52. At the time I was on leave from my administrative position at the Servants of the Paraclete residential center for priests in Jemez Springs, New Mexico. When the [REDACTED] charges were brought and I was forced to leave my ministerial position with the Servants, the Community graciously invited me to remain in residence with them while preparing for trial. An Albuquerque Journal newspaper reporter, Mr. Bruce Daniels, had been reporting on the multiple lawsuits in the "Father Porter Case" brought against the Servants of the Paraclete and the Archdiocese of Santa Fe. He had also been reporting on the exposure of Archbishop Sanchez's case on the television program "60 Minutes", and when my case first surfaced it was Mr. Daniels who informed my attorneys that Detective McLaughlin in Keene, NH had faxed forty pages of police reports in the [REDACTED] case directly to The Albuquerque Journal because the Journal had up to this point ignored the charges against me.

53. Following his receipt of McLaughlin's police reports Bruce Daniels wrote a front page story in The Albuquerque Journal with the devastating headline, "Paraclete Official Charged with Rape". Later, however, Mr. Daniels began to feel

that something was wrong with this case and he began to report on it much differently. Repeated articles by Mr. Daniels were "spun" in my favor and called into question many of the inconsistencies and sudden changes in the [REDACTED] story. Daniels also reported that he attempted to interview the [REDACTED] and Detective McLaughlin by telephone, but that none of them would speak with him because of his bent in my favor. In a telephone call to my office one evening, Mr. Daniels asked to talk with me "off the record". He said that someone had anonymously sent him a press release from the Diocese of Manchester and he wanted to know if I had seen it. I told him that I did not even know it existed, and Mr. Daniels said he would fax it to me along with an Associated Press report out of New Hampshire about the Diocesan press release which was to be publicized in the New England area the next day. Mr. Daniels faxed the press release and media reports to me while we remained on the telephone. He also faxed copies to Attorney Koch in Albuquerque and to Father Deibel in Sacramento at the same time. I was devastated by the contents of this press release which essentially served to negate any attempt I had thus made to defend myself against these charges. The diocesan release said that "the Church too is a victim of the actions of Gordon MacRae just as are these individuals. It is clear that he will never again function as a priest.....etc."

54. It was days later that Attorney Koch received a letter from the Diocesan attorney instructing us to have no further contact with his client, the Diocese of Manchester. Father Deibel, the canonist, reported that he was able to reach (then) Msgr. Christian (now Auxiliary Bishop) who defended the press release to Father Deibel as "carefully crafted" to respond to the public record and concerns about MacRae raised by the media". (Bp.) Christian said that he did not think that I would have even seen the press release in New Mexico. Attorney Bradford Cook would no longer return phone calls and refused any comment on the diocesan press release.

55. In 1997 the lawsuits brought by [REDACTED], [REDACTED] and [REDACTED] and [REDACTED] (Case History #86 and #126) were settled out of court by the Diocese and its legal counsel and insurers. Prior to the settlement the court hearing the matter held evidentiary hearings to respond to challenges to the statutes of limitations and other matters. I was excluded from these hearings and have never seen the transcripts of the hearings. Court pleadings from attorneys for the Diocese seemed to indicate that [REDACTED] who appeared at these evidentiary hearings for his civil lawsuit three years after testifying at my criminal trial, told a much different story with contradictory details. Attorney Eileen Nevins has been attempting to obtain a copy of the transcripts of these hearings, but Attorney Cook has informed her that no transcript exists because the Diocese never requested that the evidentiary hearings be transcribed. Since I was dropped as a party to the lawsuit I am not entitled to request the transcripts on my own, and even if I could the cost of transcription is estimated to be approximately \$3,000. Attorney Eileen Nevins pointed out that [REDACTED] post-trial testimony in these transcripts may be an important tool for seeking new evidence of fabrication on his part, however the attorneys for the Diocese have indicated that they will not request the transcription of these proceedings.

56. A new Ordinary for the Diocese of Manchester, Bishop John McCormack was installed in September, 1998. Bishop McCormack visited me at the New Hampshire State Prison on 20 December 1998. This was my first contact with any official of the Diocese since I began my imprisonment in September, 1994. The visit was not specific to me, but Bishop McCormack celebrated Christmas Mass at the prison on that day, and, on his own initiative, met with me for approximately thirty minutes prior to Mass. During this meeting Bishop McCormack and I discussed this case and my continued assertion that I am not guilty of the [REDACTED] and [REDACTED] charges. I informed Bishop

McCormack of local and national television and print media attempts to obtain the Case History I had written and of my refusals to allow the many details of the case to be made public at this time. I also informed Bishop McCormack that I had sent the written Case History and other related documents to the Cardinal Prefect of the Sacred Congregation for Clergy requesting a review of the matter in October of 1998. During our meeting of 20 December 1998 Bishop McCormack requested a copy of the Case History and this was sent, accompanied by a four page cover letter, in late December. I received a letter from Bishop McCormack acknowledging receipt of the cover letter and Case History on 5 January 1999. As of this writing (17 May 1999) Bishop McCormack has not responded to the content of my cover letter of 21 December 1998 nor to the Case History. In late January of 1999 Father David Deibel, J.D., J.C.L. sent a letter to Bishop McCormack requesting an opportunity to discuss his impressions of this matter and to advise Bishop McCormack of his own experience with diocesan officials during the development of my case before, during and after trial. Father Deibel has not received an acknowledgment or reply to his letter. In March, 1999 I wrote to Attorney Bradford Cook, legal counsel for the Diocese, requesting copies of three documents including the pre-trial press releases so that I could attach these copies to this addendum. I have received no response from Attorney Cook.

57. In April of 1999 a newspaper photograph in New Hampshire's statewide daily newspaper caught my eye in the prison library. It was a photograph of three men and a woman, none of whom were known to me, but I proceeded to read the caption and accompanying story. It was a report about a benefit and award ceremony conducted by the daily newspaper for the benefit of the New Hampshire Coalition to Prevent Child Abuse. The Master of Ceremonies for the evening was a partner from the Manchester Law Firm of Sheehan, Phinney, Bass and Green, the legal counsel for the Diocese of Manchester. The

woman in the photograph and the recipient of the award was Ms. Sylvia Gayle, a social worker for the State Division of Children and Youth Services and the author of the mysterious letter to Detective McLaughlin in 1988 claiming that a diocesan employee informed her that I had raped and murdered a child in Florida before being sent by the Church to New Hampshire. When an explanation of this information was requested from diocesan authorities by Attorney Ron Koch before my trial their position was that they had no knowledge of the origins of this letter or of the information contained with in, and no avenue through which to learn more about it.

Notarization of Signature

I, the undersigned Rev. Gordon J. MacRae, do hereby certify that the herein affidavit is true, is recalled and written to the best of my ability, and is signed in the presence of a Notary Public.

Signed: G. MacRae
Rev. Gordon J. MacRae

Date: 19 May 1999

Notary: E. A. Nevins
Eileen A. Nevins, Esquire
Attorney / Notary Public **EILEEN A. NEVINS, Notary Public**
My Commission Expires December 17, 2002

The signed and notarized original of this document is in the
custody of: Eileen A. Nevins, Esquire
Attorney at Law
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