

PAUL AUBE

I. BACKGROUND

Paul Aube is a sixty-one-year-old priest who was placed on administrative leave by the Diocese in 1994. (B179; 181; 4796). He was ordained in 1970. The Diocese first assigned Aube to St. Mary's in Claremont, followed by assignments to the Guardian Angel in Berlin, St. Aloysius in Nashua, Holy Rosary in Rochester, Concord Hospital, and the Elliot Hospital in Manchester. (B963).

The Diocese has stated that it first learned that Aube engaged in sexual misconduct with a minor in August of 1981, when a Diocesan official received a report from a parent alleging that Aube had improper sexual contact with her minor son in Rochester, New Hampshire. (B963).

However, in December of 1975 the Nashua Police Department found Aube in his car on a secluded road in South Nashua engaged in sexual contact with John Doe LII.¹ It appears that Doe LII was 18 years old at the time. Doe LII had been a member of Aube's youth group at Saint Aloysius in Nashua. The Diocese was aware of this incident and referred Aube to Dr. Edward Connors for a psychological evaluation and a report. Dr. Connors provided the Diocese with a report based on his work with Aube. That report raises concerns with regard to Aube's continued contact with minors. In addition to Dr. Connors' report to the Diocese, Aube stated that he personally reported to Bishop Gendron that he no longer wanted to engage in parish ministry or conduct youth work. Despite Dr. Connors' report and Aube's request, the Diocese reassigned Aube, in September of 1976, to the Holy Rosary parish in Rochester to engage in youth ministry.

In the Summer of 1981, the Diocese received a report that Aube sexually assaulted John Doe LIII in Aube's rectory room at Holy Rosary. Doe LIII was 16 at the time of the assault. Thereafter, the Diocese referred Aube to Dr. Ernest Desjardins for counseling. It also transferred Aube to Concord Hospital to work as the hospital chaplain based on Dr. Desjardins' recommendation. Shortly after making this assignment, the Diocese learned that Aube was continuing to have contact with John Doe LIV, a minor from Rochester. The Task Force recently interviewed Doe LIV. Doe LIV stated that Aube engaged in sexual contact with him both before and after the Diocese transferred Aube from Rochester to Concord Hospital. Additionally, letters to the Diocese from families of patients at Concord Hospital establish that Aube was continuing to have contact with minors even after his assignment to hospital ministry.

¹ All victims and their family members have been identified by the pseudonym "John Doe" or "Jane Doe" followed by a roman number. There is no significance to the roman numeric designation assigned to a particular victim or witness. It is simply a mechanism to distinguish one individual from another.

In 1983, the Diocese assigned Aube to the Elliot Hospital in Manchester. Earlier this year, the Task Force received a report from John Doe LV, alleging that Aube assaulted him in the chapel at the Elliot Hospital, when he was 16 years old.

Separately, the Diocese and the Task Force have received numerous reports that Aube engaged in sexual contact with minors during his parish assignments in Berlin, Nashua, Rochester, and Manchester.

Father Aube participated in a tape-recorded interview with members the Task Force on August 14, 2002 pursuant to a grant of immunity -- that the State would not use information provided by Aube during the interview sessions against him. This grant of immunity does not prevent the State from prosecuting Aube based on any meritorious cases of sexual assault committed by Aube that fall within the applicable statute of limitations.

Based on the investigation conducted by the Task Force, the State was prepared to present one or more indictments to the Hillsborough County Grand Jury charging the Diocese of Manchester with Endangering the Welfare of Children.

This Memorandum addresses the following topics. Aube's history as a priest with the Diocese of Manchester beginning with his formation and continuing through his various Diocesan assignments, sexual assaults perpetrated by Aube against minors, sexual assaults that were reported to the Diocese, and the Diocesan response to allegations against Aube -- including his referrals for psychological evaluations and reassignments to new posts.

II. FATHER AUBE'S FORMATION

Diocesan concerns for Aube's mental health date back to his early days at the Queen of Peace Seminary in Jaffrey Center, New Hampshire. The seminary reported that "Mr. Aube seems to have psychological problems. He tries very hard, but seems always to be under strain to prove himself and be accepted." (B2836). On August 23, 1968, Thomas Hansberry, the Vicar General of the Manchester Diocese, drafted a letter to Doctor J. Edward Connors, a mental health treatment provider, stating: "The faculty feel that he [Aube] cannot stand up under duress and would probably crack under pressure . . . his ideas are somewhat confused, his self-control not the best . . . I personally fear that he is a poor risk but the Bishop wishes to have you check him before making a final decision concerning his advancement." (B4). After meeting with Aube, Dr. Connors concluded: "There are a number of distinctive personality characteristics, in that he attempts to create the impression of an extroverted, outgoing individual, but underneath is a person capable of strong emotional reactions, whose anxiety level is stimulated easily by objects and events in this environment. In other words, he is capable of strong emotional reactions and this may result or be manifested by occasional compulsive behavior." (B6).

Despite these general concerns with regard to Aube, this early psychological evaluation does not specifically state that Aube may be a risk for sexual misconduct with minors. According to Aube, his early referral to Dr. Connors was not due to any concern for

his sexual behavior. Aube speculated that the Diocese may have referred him to Dr. Conners because of his practice of isolating himself to his seminary room to conduct his studies and overly enjoying himself during times of recreation. (B4798). Alternatively, he speculated that the Diocese may have stated that he had a “control” issue because he was very opinionated during his days at the seminary. (B4806).

When the Diocese received this report relating to Aube, Father Hansberry forward it to the Queen of Peace Seminary along with a cover letter that cautioned: “I think we should remember that this young man had a very frustrating experience with the Servites in Canada.” (B8). It is not exactly clear what this letter is referring to. When asked, Aube stated that nothing of a sexual nature occurred when he was serving the Servites in Canada. However, he explained that he became frustrated in Canada because he was approached about becoming a permanent Deacon instead of a priest, and he objected to that career path. (B4808).

After completing his work at the seminary, Aube filled out a form stating his preferences with regard to his first assignment as a priest -- he was asked to identify the “specialized fields” in which he was interested in working. He stated his strongest preferences for being a college chaplain, military chaplain, and engaging in youth work. (B2898).

III. AUBE’S FIRST ASSIGNMENT TO ST. MARY’S PARISH IN CLAREMONT

Aube’s first assignment was to Saint Mary’s parish in Claremont, New Hampshire between June of 1970 and Fall of 1973. (B4809). His responsibilities included youth ministry. (B4809). During Aube’s interview, he admitted to engaging in sexual misconduct with at least three boys between the ages of 16 and 18 during his time at St. Mary’s -- John Doe LVI, John Doe LVII, and John Doe LVIII. (B4810-4812). Aube does not know whether any of these boys reported his abuse to the Diocese. Documents secured from the Diocese do not indicate that it received complaints from any of these three individuals. Additionally, the Task Force recently received a complaint from John Doe LIX, alleging that Aube sexually assaulted him when he was a parishioner at St. Mary’s, beginning when he was 12 years old. (B7289).

A. John Doe LVI -- Claremont, NH

Aube explained that he got to know John Doe LVI a few days after he was assigned to Saint Mary’s parish in Claremont in 1970. (B4813; 963). Doe LVI came to talk to Aube in his office at the church. Doe LVI confided in Aube that he had been molested. (B4813). He further admitted to Aube that he had been involved in “homosexual activities.” (B4813). Eventually, Aube became involved in a sexual relationship with Doe LVI. Shortly after John Doe LVI’s 18th birthday, they took a trip to Massachusetts, stayed overnight in the Town of Garner, and slept together. (B4811). Aube fondled Doe LVI’s genitals. (B4817-18). For the next two to three years, Aube and Doe LVI had several sexual encounters. They all

involved fondling. Their relationship extended for a short time after Aube was transferred to Berlin in 1973. (B4818; 963).

In late 1972 or early 1973, as his relationship with Doe LVI continued, Aube grew concerned about his own conduct and confided in Father Hector Lamontange, his pastor at Saint Mary's. (B4813; 4823-24). Father Lamontange is now deceased. (B4813). Aube explained to Father Lamontange that he had sexual contact with John Doe LVI and admitted that he was "affectionately and emotionally" attracted to Doe LVI. (B4814). According to Aube, Father Lamontange did not condemn his behavior and responded only by saying "[w]ell, Paul, we're all human you know. We all have weaknesses." (B4814). As far as Aube is aware, Father Lamontange never reported his behavior to Diocesan officials. (B4815).

Aube explained that Doe LVI later became a priest, but left the priesthood to get married. (B4842). Doe LVI invited Aube to his ordination ceremony. At one point, Doe LVI confronted Aube about their sexual contact in Claremont. (B4842).

B. John Doe LVII (John Doe LVI's younger brother) -- Vermont:

Aube described that at some point during his assignment in Claremont he engaged in sexual contact with John Doe LVII, Doe LVI's younger brother. Aube stated that when Doe LVII was approximately 18 years old, Aube took him on a trip to visit Doe LVI in Vermont. (B4818). During the trip, Aube stated that he engaged in sexual contact with John Doe LVII -- "fondling occurred" as well as "mutual masturbation." (B4820).²

C. John Doe LVIII -- Claremont, NH

Aube explained that he got to know John Doe LVIII through John Doe LVI and John Doe LVII. Doe LVIII was 16 or 17 when they began to have sexual contact. (B4819). According to Aube, Doe LVIII would visit him at the rectory, ask Aube if he could get "turned on" by Aube, and they would lie down together. (B4820). On a few occasions, they were naked together. (B4820). They would lie on top of each other. Aube stated that he may have reached "orgasm" when they "embrac[ed] each other very affectionately naked." (B4820).

Task Force investigators interviewed John Doe LVIII on October 30, 2002. (B9329; 9330). He explained that he became an altar boy at St. Mary's parish when he was in seventh or eighth grade, between approximately 1968 and 1970. (B9331-32). As an altar boy, he got to know Aube. (B9332). He was also involved in the Catholic Youth Organization ("CYO") and Aube was the leader of the organization. (B9333). When he was

² Task Force investigators spoke with John Doe LVII, but he stated that he did not want to participate in an interview with this Office. (B9323). John Doe LVII also contacted his brother, Doe LVI. Through his brother, Doe LVI also indicated that he did not want to speak with investigators. (B9323). However, John Doe LVII explained that neither he or his brother ever reported their sexual abuse. (B9323).

approximately twelve or thirteen years old, Aube had sexual contact with him. (B9333). Aube began by kissing him and the sexual contact progressed from there. (B9333). Aube touched his genitals and he touched Aube's genitals. (B9333). These encounters occurred on as many as twenty occasions over a period of three to four years. (B9334). This sexual contact occurred in Aube's living quarters in the church rectory, in Aube's car, and at Aube's parent's home in Berlin during trips with other adolescents. (B9335-36). Aube would bring other kids to his parent's home to spend the night. (B9335). Doe LVIII explained that his encounters with Aube began when Aube encouraged him to give "open confessions." (B9334). These discussions occurred during face-to-face meetings with Aube, rather than in a confessional. (B9335). During these conversations, Aube would ask him about any sexual encounters he had when he was a child. (B9334-35). Doe LVIII explained to investigators that he is homosexual and believes that Aube picked up on his homosexuality even before he did. (B9336). Doe LVIII believes that Aube "played on" this fact to take advantage of him. (B9336). Doe LVIII did not report this conduct until recently when he sent a letter to Bishop McCormack in light of articles he read in the paper relating to sexual abuse perpetrated by clergy. (B9340-43).

D. John Doe LIX -- Claremont, NH

On September 18, 2002, Task Force investigators interviewed John Doe LIX. (B7284). Doe LIX explained that he grew up in Claremont, NH and was a parishioner at St. Mary's parish. When he was 12 years old, he met Aube. (B7285). His father had died and his mother thought that he needed a male mentor. She invited Aube to their home and asked Aube to help her son. (B7285-86). Aube took Doe LIX fishing, the two began talking, and Aube promised that he would not leave him like his father had. (B7286). He began seeing Aube three to four times a week, plus Sundays. (B7286). After school, he would go to the rectory to see Aube. (B7286). They would play basketball and go for rides in Aube's car. (B7286).

About two to three weeks into their friendship, Aube asked Doe LIX if he wanted to wrestle. (B7287). Doe LIX agreed. Aube pinned him down and touched his "butt" and, ultimately, touched his "crotch." (B7287). On one occasion, Doe LIX joined Aube on a ride in Aube's Saab down to the Connecticut River. Aube asked him if he knew what masturbation was and explained that it was a way to "relieve a lot of stress." (B7288). Aube then began to masturbate Doe LIX. (B7288). Doe LIX was 12 years old at the time. (B7288). This type of contact occurred on several occasions and Aube explained that it was their "little secret." (B7289). These encounters occurred in the rectory, in Aube's car, and during a camping trip to a State Park in Ascutney, Vermont. (B7289). Aube also asked Doe LIX to masturbate him and Doe LIX complied. (B7289). During the camping trip in Vermont, Aube asked Doe LIX to perform oral sex on him. (B7290). Doe LIX was scared, but he complied. (B7290). On subsequent occasions, Doe LIX performed oral sex on Aube in Aube's car, in the church rectory, and in the locker room at the gym at St. Mary's. (B7290). These encounters occurred over the course of approximately one month during the summer of 1970. (B7291; 7295). Eventually, Doe LIX protested these encounters, but Aube would physically "hurt" him until he complied. (B7291). Specifically, Aube would bend

Doe LIX's finger and wrist back and put pressure on his fingernail. (B7291-92). On a couple of occasions, Aube performed oral sex on him. (B7292). On one occasion, when Aube bent his wrist back, Doe LIX threatened Aube that he would tell his mother. (B7292). Aube told Doe LIX that his mother would not believe him because Aube was a priest. (B7292). Ultimately, Doe LIX did tell his mother that he did not want to see Aube anymore, but he did not provide the details of Aube's assaults. (B7292-93). Doe LIX told his mother that Aube hurt him, but his mother slapped him and told him not to lie about the church. (B7293). Following Doe LIX's complaint, his mother met with Father Provost, but Doe LIX was not present for the conversation and does not know what was said. (B7293).³

During his freshman year in high school, Doe LIX attended boarding school in Enfield. (B7296). In the Spring of 1973, Doe LIX confided in Father Roger Plante at the school, explaining that there was a priest in Claremont that touched him and hurt him. (B7297; 7298). Doe LIX does not recall if he told Father Plante that he was referring to Aube. (B7297). Father Plante told Doe LIX that what he described was a tragedy, but that they shouldn't talk about the issue any further. (B7297).⁴

IV. FATHER AUBE'S TRANSFER TO THE GUARDIAN ANGEL IN BERLIN

The Diocese transferred Aube to the Guardian Angel Parish in Berlin in the Fall of 1973. (B4823-25; 963). As far as Aube was aware, his transfer was not related to his admissions to Father Lamontange regarding his sexual contact with John Doe LVI in Claremont. (B4824). Aube was responsible for organizing youth ministry in Berlin. (B4825). He served under the late Father Robert Simard. (B4824).

Aube apparently had some health problems in 1974, when he was in Berlin. Father Aube's treating physician, Dr. Alberto Miyara, examined Aube in October of 1974 and then wrote a letter of concern to Father Hansberry at the Diocese, stating: "I have today examined Father Paul Aube and found him in worse condition than last year at this time." (B9). Dr. Miyara recommended a change in "working milieu" and/or a two month leave of absence for "rest and recuperation." (B9). There is no mention in the letter of the nature of the problem from which Aube was suffering from at the time. On behalf of the Diocese, Father Hansberry responded to Dr. Miyara, stating: "He has a tendency to take on too many extra-curricular activities which are really not necessary." (B10). Aube recalls that he visited Dr. Miyara for ulcers, but that he did not talk about any of his sexual problems. (B4816).

Aube admitted to having inappropriate sexual contact with at least five parishioners between the ages of 16 and 18 during the years he was assigned to the parish in Berlin --

³ The Task Force confirmed that Father Ernest Provost was the pastor in Claremont in the 1970's. He is now deceased. (B7076).

⁴ On October 8, 2002, Task Force investigators interviewed Father Roger Plante. Father Plante confirmed that he was the headmaster of the boarding school between 1965 and 1974. (B7311). He recalled Doe LIX's name, but could not remember whether Doe LIX ever disclosed to him that he had been sexually assaulted by a priest in Claremont. (B7311). Father Plante also explained that he did not report to the Diocese of Manchester when he was associated with LaSalette School. (B7311).

John Doe LX, John Doe LXI, John Doe LXII, John Doe LXIII, and Doe LXIII's cousin. The documents from the Diocese do not reflect that it was aware of this abuse at the time that it occurred. To Aube's knowledge, Father Simard never learned of his sexual encounters with minors from Berlin. (B4829).

On July 31, 2002, Task Force Investigators interviewed John Doe LX (born in February of 1956). (B2439; 2440). Doe LX explained the following. He grew up in Berlin, went to Catholic schools, and was an active member of the Guardian Angel parish. (B2440). He served as an altar boy. (B2440). He met Aube through the parish. (B2440). Doe LX served as an altar boy when Aube arrived at the Guardian Angel in approximately 1972 or 1973. (B2441). Aube would profess to be able to read people's minds and then use private information that he learned through confession to prove that he could. (B2441). Aube's focus was youth ministry. (B2449). Doe LX described that he did not have much parental supervision, Aube knew this situation, and spent a lot of time gaining Doe LX's trust. (B2442). Aube would give him money, let him use Aube's car, and provide him with beer. (B2442).

Doe LX believes that his sexual contact with Aube began in the rectory. (B2443). Doe LX was 15 or 16 when his sexual contact with Aube began, and 19 when it ended. (B2443; 2461). Typically, his sexual encounters with Aube occurred in Aube's private quarters in the rectory. (B2444). Aube would begin by "doing things" to Doe LX, then Aube would request that Doe LX "do things" to Aube. (B2444). Over the course of their relationship, their sexual contact involved touching both on top of clothes and against skin. (B2463). Aube stressed the psychological benefits of not having any barriers, such as clothes. (B2463). They performed oral sex on each other. (B2463). On one occasion, in Aube's rectory room, Aube tried to sodomize Doe LX, but Doe LX got upset, began "yelling and screaming," and avoided the situation. (B2444). One sexual incident occurred in the basement of the church, Aube was there with Doe LX and one other boy. (B2450-51). Aube explained that he had direct contact with God and knew how to get closer to God. (B2451). Aube instructed the two boys to touch each other. (B2451). Doe LX believes that Aube was masturbating as he looked on. (B2451).

Doe LX's most painful memory was of taking a road trip with Aube and three other boys to Indiana for four to six weeks. (B2443). Doe LX described the trip as a "rape fest" -- Aube engaged in sexual contact with one boy after the other, in the same "session." (B2443). After Aube was transferred from Berlin, he continued to have some contact with Doe LX. Aube called on the phone and they would get together. (B2445). By approximately 1976, Doe LX's contact with Aube stopped. When Aube was at the Holy Rosary parish in Rochester, Doe LX traveled to Rochester and confronted him in the rectory. (B2445). Doe LX told Aube that what he was doing was "wrong" and "inappropriate." Aube began to break down and then, to Doe LX's surprise, Aube tried to have sex with him. (B2446).

During his interview, Doe LX confirmed that Aube told him about being caught having sex with a boy in his car in Nashua by the police. (B2446). Aube also told him about

his counseling. (B2446). Doe LX stated that he had personal knowledge that Aube sexually assaulted at least 10 other boys, but he was unwilling to provide their names to the Task Force without their consent. (B2464). His knowledge of these victims stemmed from his own observations and statements that Aube made to him. He explained that if you were a “special member” of Aube’s “inner circle,” Aube provided you with a special cross to wear. (B2465). Anyone wearing a cross was one of Aube’s victims. (B2465). To Doe LX, the cross given by Aube was “a right of passage” to demonstrate that they had the “favor of a priest.” (B2465-66).

During his interview, Aube admitted that he had sexual contact with Doe LX, who was a minor, during his time in Berlin. (B4826). Later, he claimed that Doe LX might have been as old as 19 or 20. (B4829).⁵ Aube explained that he began by giving Doe LX “rub downs,” it progressed to “fondling” Doe LX’s genitals, they engaged in “mutual masturbation,” and performed “oral sex” or “blow jobs” on each other on two occasions. (B4826-27; 4828). He further stated that he went on a camping trip with Doe LX in Unity, New Hampshire and “was naked” with Doe LX. (B4828). On another occasion, during the winter of 1973-1974, Aube confirmed that he went on a trip half way across the country with Doe LX and another boy, John Doe LXIII. (B4833). During the trip, Aube engaged in sexual contact with Doe LX. (B4833). After Aube was transferred to Nashua, he continued to keep in touch with Doe LX as well as some of the other boys that he had inappropriate contact with in Berlin. (B4860-61). Aube stated that he had developed a “very, very close friendship with [Doe LX].” (B4861). Aube also confirmed that he “confided” in John Doe LX that the Nashua Police Department discovered him engaged in sexual contact with John Doe LII. (B4860).

In January of 1985, the Diocese received a report from John Doe LX, alleging that Aube sexually assaulted him in the church rectory when he was a teenager and a parishioner at the Guardian Angel parish in Berlin.⁶ (B80). By the time that the Diocese received Doe LX’s report, Aube was assigned as the Chaplain at the Elliot Hospital in Manchester.

V. AUBE’S TRANSFER TO ST. ALOYISIUS IN NASHUA AND HIS CONTACT WITH JOHN DOE LII AND THE NASHUA POLICE DEPARTMENT

According to Father Aube, he was transferred to Saint Aloysius in Nashua in August or September of 1974. (B4837). Diocesan records indicate that this transfer occurred on June 11, 1975. (B963; 2736). When news of his transfer reached Berlin, several parishioners drafted letters to the Bishop requesting that Aube remain. Several of these letters specifically referenced Aube’s success with youth ministry in the City.

⁵Doe LX’s explanation that he was 15 when Aube’s assaults began does not square with Aube’s claim that Doe LX was as old as 19 or 20 at the time. This discrepancy raises the possibility that Aube was not entirely forthright in reporting the ages of his victims during his interview.

⁶ Doe LX’s allegation and the Diocesan response to his claim is explained in greater detail in the section of this memorandum dealing with allegations of sexual assaults that were reported to the Diocese after Aube’s assignment to the Elliot Hospital.

During his interview, Aube admitted to engaging in sexual contact with John Doe LXIV and John Doe LXV, both minors, during his assignment to Saint Aloysius in Nashua. It appears that the Diocese had no knowledge that Aube engaged in this conduct.

Aube explained that he had sexual contact with John Doe LXIV when Doe LXIV was 17 or 18. (B4840). Aube began by giving Doe LXIV rub-downs, it lead to fondling of the genitals and “mutual masturbation,” and went as far as “mutual blow jobs.” (B4844; 6478). Aube’s contact with Doe LXIV occurred over a three-year period. (B6478). Aube also admitted that he began having sexual contact with John Doe LXV when Doe LXV was 16 or 17 years old. (B4840). It began with “rub downs” and lead to “mutual fondling of the genital area.” (B4841). Later, Doe LXV became a paratrooper in the Army. At one point, they reestablished communication and got together. On that occasion, Doe LXV masturbated in Aube’s presence. (B4841). Aube could not provide specific dates for when these assaults occurred.

In addition to these assaults, the Nashua Police Department discovered Aube in his car on December 27, 1975 engaging in sexual acts with John Doe LII. Doe LII appears to have been 18 years old at the time. Aube became acquainted with Doe LII through the parish youth group at Saint Aloysius. Both Aube and Father Desjardins reported this encounter to the Diocese.

During his interview, Aube explained the following with regard to his sexual contact with Doe LII as well as his meetings with the Diocese after the incident:

John Doe LII was a senior in high school at the time of their sexual contact and a member of Aube’s youth group. (B4843-44). In confidential conversations with Doe LII, Aube learned that Doe LII was preoccupied with his own sexual identity. (B6487). At the time, Aube wanted to convince Doe LII that he was not homosexual -- they talked extensively about the topic. (B6469).

One evening, Aube and Doe LII met up at a church gathering and Aube offered to give Doe LII a haircut. (B6471). They met later at Doe LII’s home -- his parents were not home. (B4844). Aube believed that this occurred during the spring or summer months. (B4853). At some point, they decided to go for a ride in Aube’s car. (B4843-44). Doe LII drove. (B4845). Aube was dressed as a priest, in his collar. (B4845). They pulled over in South Nashua near the parish boy scout camp, and Aube began to fondle Doe LII. (B4843-44). They unzipped their pants and Aube touched Doe LII’s genitals. (B4844). Soon, a car pulled up behind them with blue lights flashing. (B4844). Two detectives in plain clothes approached and introduced themselves. Aube does not recall their names. (B4845). The officers knew that Aube was a priest because he was dressed that way. (B4845). They

asked Doe LII to get out of the car. (B4845). When Doe LII exited the vehicle, he had to tie his pants. (B4846). The officers spoke to Doe LII at the back of the car -- Aube could not hear the conversation from where he was sitting. (B4846). Then, the officers asked Aube to get out of the car and he did. (B4846). They asked Aube what was going on. (B4846). Aube told the officers that he was trying to show Doe LII that he was not homosexual. (B4846). Aube believes that he admitted to the officers that he and Doe LII were fondling each other. (B4847). The officers stated that they were disgusted to see that a priest would be engaged in such conduct. (B4847). The officers took both Aube and Doe LII's names and addresses. (B4847). According to Aube, the police officers left, without incident. (B4847). Neither Aube nor Doe LII were taken into custody by the police. (B4847). The officers stated that they wanted to think about how they were going to handle the situation. (B4848). Aube apologized to Doe LII and asked him to keep the incident between them and he agreed to do so. (B4848). According to Aube, he drove Doe LII home. (B4848).⁷

The next morning, Aube called the Nashua Police Department to speak with one of the detectives that approached them the night before. (B4849). Aube did not reach the officer at the Nashua Police Department, but located the officer's home number and contacted him there. (B4849). Aube does not recall the name of the officer. (B4849). Aube asked the officer not to make an incident report and stated that he realized he had a problem and planned on seeking help. (B4849). The officer again told Aube that he would think about how best to respond to the situation. (B4849). Aube believes that there was a police report generated about the incident, although he never actually saw such a report. (B4849-51).

The morning after the incident, Aube approached his pastor, Father Raymond Desjardins, to report the events from the evening before with Doe LII and the Nashua Police. (B4851). Aube explained to Father Desjardins about his sexual contact with Doe LII, his contact with the Nashua Police, and his effort to contact one of the officers the following morning. (B4851). Father Desjardins was aware of the fact that Doe LII was one of the boys from Aube's church youth group. (B4851). Aube and Father Desjardins agreed that Aube should contact the Bishop to report the incident. (B4851).

Aube contacted Bishop Odore Gendron the following Monday morning. (B4852). Bishop Gendron agreed to meet with Aube that day. (B4852). Aube met with Bishop Gendron and reported "exactly"

⁷ John Doe LII recalls being driven home by police officers.

what happened with Doe LII and the Nashua Police, including the fact that Aube had sexual contact that involved fondling Doe LII's genitals and that Doe LII had fondled his genitals. (B4853; 4855; 4856). Aube informed the Bishop that Doe LII was a boy from his youth group at Saint Aloysius, about his conversation with the police officers that discovered them, and that Aube contacted one of the officers the following morning. (B4853-54; 4855). Aube did not admit to his prior sexual contacts with other boys at that time. (B4853). Aube explained to the Bishop that he believed that he needed help and asked for the name of the doctor that had evaluated him prior to his ordination. (B4854; 4863). The Bishop agreed to review Aube's file and provide the name of the doctor that had previously evaluated Aube. (B4854). Bishop Gendron provided Aube with Dr. Connors' name.

Aube had a couple of meetings with Dr. Connors over the course of the next couple of weeks. (B4856-57). Aube discussed the sexual contact that occurred with Doe LII during his meetings with Dr. Connors. (B4866). In general, Aube spoke with Dr. Connors about the fact that similar incidents had occurred in the past. (B4867). Aube gave Dr. Connors permission to share their discussions with the Diocese. (B4867). Dr. Connors told Aube that he would be getting in touch with Bishop Gendron to make a recommendation to the Bishop about Aube. (B4857).

Soon thereafter, Aube met again with Bishop Gendron in his office. (B4857). Bishop Gendron explained to Aube that he had talked to Dr. Connors. Bishop Gendron also stated that he had contacted the Nashua Police Chief and asked him for a favor by making sure that there was no record of the incident in the files at the Nashua Police Department. Bishop Gendron explained that the Chief agreed that there would be no report generated. (B4857-58). During the meeting, Aube asked the Bishop for permission to leave parish work and pursue a Doctoral degree in scripture. (B4858). Aube did not want to continue in parish work. (B4858). Aube was concerned that he could not cope with his "problem" and wanted to make sure that he did not have any contact with youth. (B4858). At that meeting or a subsequent meeting with Bishop Gendron, Aube told the Bishop that he did not want to return to youth work and requested a transfer. (B4859; 4869). Aube believes that he told Bishop Gendron that the reason that he did not want to continue with youth work was for fear that he would re-offend with other youths. (B4859). These meetings with Bishop Gendron were in the context of responding to the encounter with Doe LII and the Nashua Police. (B4859; 4869). The Bishop refused Aube's request for him to return to academics and told Aube that he wanted Aube to use

his talents in the best way possible. (B4860).⁸ Bishop Gendron told Aube that he was going to discuss the matter with Father Christian who was the Bishop's secretary at that time.⁹ (B4862). After speaking with Dr. Conners, Bishop Gendron told Aube that he should make an effort not to engage in that type of conduct again. (B4869).

Following these meetings, the Diocese did not place any restrictions on Aube's ministry. (B4862; 4865). Aube does not know if Doe LII's family was ever told about the incident. (B4865). In the weeks following Aube's meetings with the Bishop, Bishop Gendron informed Aube that he would be transferred out of the Nashua parish to Rochester. (B4870). Bishop Gendron had a separate meeting with Aube in his office to discuss Aube's new assignment to Rochester. This meeting occurred approximately three weeks after the Nashua incident. (B4873). By this time, the Bishop had been in contact with Dr. Conners. (B4876). Bishop Gendron told Aube that he wanted him to continue his youth work at his new parish assignment because the youth program in Rochester was in disarray. (B4872-73; 4876; 4877; 6482). Aube protested his reassignment to parish work because he did not want to engage in youth work. (B4875; 6481; 6482). He specifically asked to pursue academic work rather than return to parish work. (B6482). Bishop Gendron told Aube that the Diocese needed his talents. (B6482). The Bishop did not place any restrictions on Aube's ministry at his new assignment in Rochester. (B4877; 6483). He worked with children of all ages. (B6482). Prior to his assignment to the Holy Rosary parish in Rochester, the Bishop arranged a meeting between Father Aube and Monsignor Simard, the pastor at Holy Rosary in Rochester. (B4871). During this meeting, the Nashua incident was not discussed. (B4871).

Following Aube's discussions with Bishop Gendron about the Nashua incident, but before his reassignment to Rochester, the parish in Nashua caught fire. (B4874). Aube was assigned by Father Desjardins to assist with the clean up effort at the church. (B4874; 6480). Aube worked with parish teenagers from his youth group to clean up the

⁸ In addition to confiding in the Bishop, Aube also spoke with John Doe LX about the Nashua incident. (B4861). Doe LX was one of the boys that Aube had sexual contact with during his parish assignment in Berlin. (B4861). Aube continued to have contact with Doe LX as well as other boys that he had sexual contact with in Berlin during his subsequent assignment in Nashua. (B4861).

⁹ Francis Christian has held various positions in the Diocese over time. On May 14, 1996, Christian was elevated to Auxiliary Bishop. He was a monsignor from May 10, 1986 until 1996. Prior to that he is referred to by the title "Father." Throughout the report he will be referred to by the title that he held at the time of the events in question.

mess left by the fire. (B4874; 6480). The clean up project lasted all summer. (B6480).¹⁰

The Task Force interviewed John Doe LII on September 9, 2002. (B6289). He further confirmed his sexual contact with Aube in Nashua in 1975. Growing up, he explained that he and his family were members of Saint Aloysius in Nashua. In 1974, he got to know Father Aube. (B6290). Doe LII is certain that he met Aube in 1974 because he was still in high school and he graduated in 1975. (B6291). He met Aube through the church -- Doe LII was a Boy Scout, played CYO basketball, and was involved with the church youth group. (B6291). Aube was assigned to youth work. (B6291). Doe LII was impressed with Aube -- he thought Aube was a "cool" guy. (B6291). At one point, Aube was making a trip to Lebanon or Claremont in his Saab and asked Doe LII if he wanted to come along for the ride. (B6291; 6305). Doe LII agreed and Aube let him drive. (B6292). Doe LII trusted Aube as his parish priest and considered him a mentor. (B6293).

Doe LII recalled that the incident involving the Nashua police occurred when he was a freshman at New Hampshire Technical College in Concord. (B6292; 6294). It appears that Doe LII was 18 at the time. (B6294). He was born in November of 1957. (B6298). Therefore, if the incident occurred in December of 1975, Doe LII had just turned 18. (B6294). However, Doe LII remembered that the weather was nice at the time and believed that the incident may have occurred as early as September or October, which would have actually placed the incident prior to his 18th birthday.¹¹ Doe LII returned nearly every weekend from college because he had a job pumping gas and had a girlfriend at home. (B6294-95). One weekend, Doe LII approached Aube to discuss problems with his girlfriend. (B6296). They ended up taking a ride in Aube's car at around 11 PM and pulling over on Old Ridge Road in Nashua. (B6296). Aube was wearing his clergy clothes. (B6298). Doe LII does not remember exactly how the sexual contact began, but does recall that his pants were unzipped and that Aube fondled his penis. He also touched Aube's penis. (B6297). The fondling occurred for less than a half of an hour before the police arrived. (B6297). Two detectives in plain clothes walked up to the car. (B6298). Doe LII was in the driver's seat and the police asked him to get out of the car and sit in their cruiser while they talked to Aube. (B6299). The police drove Doe LII home. (B6299). Although the police appeared upset with Aube, Doe LII does not remember that he was arrested. (B6300). The police did not speak to Doe LII's parents when they dropped him off. (B6300). No one ever talked to Doe LII about the incident. (B6301). He never heard from the church or the police. (B6301-02). Looking back on the incident, Doe LII explained that he felt coerced by Aube. At first, they were "buddies" and Aube took advantage of their relationship. (B6301).

¹⁰ Aube drafted a letter to Bishop Gendron in June of 1977 requesting a vacation in light of the fact that his previous vacation plans had been cancelled because of a fire that occurred at St. Aloysius during the Summer or Fall of 1976. (B2891).

¹¹ Dr. Connors' report of the incident specifically states that it occurred on December 27, 1975. However, both Aube and Doe LII indicate that the weather was warm. Aube stated that he thought it was during either the Spring or the Summer. Doe LII stated that the weather was good and he did not wear a coat, possibly in the fall. (B6295). Officer Leblanc seems to confirm the December date. He remembered that the incident occurred in either November or December. (B4881).

Task Force Investigators have contacted numerous current and former members of the Nashua Police Department in an effort to learn more about their contact with Aube, Doe LII, and the Diocese in 1975. Lionel “Lee” LeBlanc, a former Police Officer with the Nashua Police Department confirmed that in November or December of 1975, he and his partner, Dick Gagnon, were patrolling in an unmarked Nashua police cruiser in the area of Ridge Road. They were members of the narcotics unit at the time. At around midnight, they approached a vehicle, stopped, and walked up to the driver’s side of the suspect car. (B4881). LeBlanc observed a priest, later identified as Paul Aube, involved in sexual contact with a boy. (B4881). LeBlanc estimated that the boy was as young as 12 or 13 and as old as 16. (B4881). When police asked Aube what he was doing, Aube responded that he was “trying to relate to the boy” and that he was trying to help the boy with some problems. (B4881). LeBlanc believes that a supervisor from the Nashua Police Department was called to the scene and he was instructed to take the boy home. (B4881). He was also told that a juvenile officer would be in contact with him to follow up, but he is not certain whether there was any additional investigation. (B4881). When he returned to the police station, he did not see Aube and he did not know whether Aube was taken into custody. (B4881).

Nashua Police Department Investigator Richard Gagnon (Ret.) confirmed that he was with Officer LeBlanc when they discovered a priest with a “kid” somewhere off Ridge Road in Nashua. (B4665). Gagnon explained that when they approached the car, the priest was “going down” on the boy. The priest was wearing his clergy clothing and was a small man. (B4665). The priest stated that the boy was having some problems and he was helping him. (B4665). He believed the boy was around 15 or 16 years old. (B4666). They did not arrest the priest, he thought that the priest and the boy left together, and recalled that the priest was transferred out of Nashua following the incident. (B4665). He recalled hearing that the Bishop contacted the Nashua Police, but did not who the Bishop talked to about the incident. (B4666).

Detective Bill Burns (Ret.) of the Nashua Police Department stated that he was working the night that a priest was caught with a boy. He recalled the Desk Captain instructing detectives to disregard the incident because the boy was not a minor. (B4726).¹² Former Chief of Police Craig Sandler denied knowledge of the incident with Aube, contact with Bishop Gendron, or any request for him not to generate a police report. (B2701). Investigator Fowler contacted Detective Donald Boyer (Ret.) on August 23, 2002. (B4661). When asked about the incident involving Father Aube, Boyer hung up. (B4661). Investigator Fowler called back. Again, Boyer hung up the phone. (B4661).

Task Force Investigator Brook Lemoine, of the Nashua Police Department, searched the Nashua Police Department for any documents relating to Aube’s contact with police in

¹² Initially, Burns believed that the Desk Captain was Armand Roussell. However, the Task Force learned that Roussell died in the line of duty in October of 1971. (B9531). As such, Rousell could not have been the Desk Captain on the date that Nashua Police discovered Aube in his car with Doe LII.

1975. There was no documentation available at the Nashua Police Department relating to this incident. (B2428).

On October 1, 2002, Task Force Investigators met with Laurent “Larry” Noel. (B7309). Noel confirmed that he was involved with St. Aloysious parish in the 1970’s and met Aube through the parish. (B7309). Noel also explained that he had been a bail bondsman in Nashua for thirty years and was friendly with many of the Nashua police officers through the years. (B7309). He recalled that, at some point, Lt. Paul Gagnon shared concerns with him about Aube. (B7309). In response, Noel approached Father Desjardins. Father Desjardins already knew about the incident involving Aube. Noel did not discuss the specifics of Aube’s sexual misconduct with Father Desjardins, but did request that the church remove Aube from Nashua. (B7309). Father Desjardins told Noel that Aube would be moved in September when the other transfers were announced. Noel responded by telling Father Desjardins that September was not soon enough. (B7310). Noel could not remember exactly when this conversation occurred. (B7310).

Documents secured from the Diocese reference the Nashua incident, Aube’s subsequent treatment, and reassignment to the Holy Rosary parish in Rochester. On December 29, 1975, Vice Chancellor George E. Ham drafted a letter to Aube to provide him with Dr. Connors’ name and contact information. (B11). Father Ham also stated: “I mentioned your call to the Bishop, and he agreed with what I told you about the policy of the person involved making his own appointment with a psychologist or psychiatrist.” (B11).¹³ When asked, Aube did not specifically remember being criticized for making his own appointment with a mental health provider. (B4863). Father Raymond Desjardins -- Aube's superior in Nashua -- sent a letter to Bishop Gendron regarding the Nashua incident on January 4, 1976. Desjardins wrote: “We had a long conversation, Paul [Aube] and myself. I was firm; but I tried to show compassion. The doctor’s appointment is scheduled for this Wednesday morning. The healing process is on the way, lets’ hope. An interview with you should be requested within the week.” (B12). Aube stated that he recalled a conversation with Father Desjardins in the wake of the Nashua incident during which Father Desjardins told him to make “damn sure this doesn’t happen again.” (B6486). Aube stated that this conversation occurred the morning after the Nashua Police discovered him and Doe LII in the car. (B6487).

Bishop Gendron responded in a January 15, 1976 letter to Father Desjardins: “This is just a brief note to thank you for discussing with Father Aube the matter about which we recently talked . . . If there is anything you feel I should be aware of in the days ahead, please do not hesitate to bring it to my attention.” (B13).

¹³ The Task Force recently interviewed Father Ham. (B9640). He stated that during his years in the Chancery Office, he never heard of any allegation of child sexual abuse perpetrated by a priest. (B9641). With respect to Father Aube, he stated that he was not familiar with any allegation of sexual misconduct involving Father Aube. (B9650). During the interview, Father Ham reviewed the letter that he drafted in December of 1975 to Father Aube, but stated that he “never heard of” Dr. Connors and had no knowledge of an incident in December of 1975 where Nashua Police confronted Aube in his car with Doe LII. (B9648).

On June 15, 1976, Dr. Edward Connors provided a written report to Bishop Gendron regarding his meetings with Father Aube and the Nashua incident. (B14-15). Dr. Connors stated that he had three meetings with Father Aube. (B14). Dr. Connors related the following to Bishop Gendron:

I have carefully reviewed my notes of Paul's previous psychological testing which I administered to him as a candidate for the priesthood back in August of 1968. I have likewise given considerable thought to this young man and the "incident" involving a college student on the evening of December 27, 1975 in which both of them were apprehended by the police and questioned regarding an alleged homosexual relationship on a secluded back road in the vicinity of the community in which he is assigned.

In my interviews which were in depth with Fr. Aube concerning the incident and his prior priestly background and history since ordination I have attempted to establish whether or not there is a serious degree of underlying pathology and the need for ongoing psychiatric treatment.

I am not convinced that he is a homosexual as much as I was concerned about his imprudent behavior and impaired judgment for which he is deeply regretful especially since it has rather successfully prevented him from following his chosen religious goal of being involved in a youth ministry.

To my knowledge, from Father's statement, this is the only such incident involving potential homosexual behavior.

I have discussed with him his somewhat unconscious masochistic tendencies that get him into situations where he is going to be punished by authority and he seems to have developed some insight into this as a result of our sessions but I have some question as to whether he will continue to behave as such due to his admitted outspokenness in being "very direct in my approach," as he views his priestly role...

I believe that Father is always going to be somewhat difficult to control irrespective of whatever assignment he is in since he finds it somewhat difficult to lead a disciplined life.

We discussed at great length his future assignment which I believe is more in your hands than mine but I believe he is in a difficult position in his present assignment as long as the police report is hanging over his head and there is some indication that local police have implied difficulty in his relationships with young people and have

gone so far as to advise a couple of teenagers to stay away from him since he could be a “serious threat” to them.

I do not have any clear cut view as to whether he should continue with youth ministry work although he informs that he had a successful experience with a confirmation program involving 88 children and that the majority of the parents as well as the pastor thought he performed exceptionally well. We have also talked about military service, however, with his unconscious need I think to run into difficulty with authority I am ambivalent about encouraging this as a future objective. Whether he is eligible or not for advanced academic training is perhaps another consideration as well as the possibility of taking on a teaching assignment. However, I do not think he has many options open to him in the archdiocese under your pastoral control.

There is some question in the mind of Father Desjardins whether this man has a double personality which again is difficult to delineate but I would think that those who have seen him over the past six years would be in a better position to evaluate this as a possibility. Fr. Aube in his dealing with me appeared to be extremely honest, forthright, candid and deeply regretful over the incident. He also states he is having family pressures with a sister who I believe has domestic problems and I feel his reassignment from Berlin, N.H. was disturbing to him since he perceived himself as being very successful. On the other hand, he had some difficulty there with his pastor.

Objectively speaking, his past and present history seems to predict episodic difficulties and there may be deep defects in the basic personality structure which are not amenable to psychiatric treatment with any great hope for change. This would require great motivation on the part of Fr. Aube and I do not see this as a realistic goal at this time.

As you can see from the tone of this letter, I have some reservations as well as ambivalency but unfortunately he is not disturbed enough to recommend psychiatric intervention at this time...

(B14-15) (Emphasis added).

In a return letter to Dr. Connors on June 22, 1976, Bishop Gendron acknowledged the receipt this report and thanked Dr. Connors for his evaluation of Aube. (B16). Bishop Gendron also stated: “You may be sure that I shall give the contents of your report serious consideration as I endeavor to assign Father Aube to exercise his priestly ministry in a manner which will be for his own benefit, as well as for the benefit of those he serves.” (B16).

The Task Force interviewed Dr. Conners on October 16, 2002. (B8934). During the meeting, Dr. Conners reviewed the report that he provided to the Diocese based on his meeting with Aube. He explained that any factual information in the report came from Aube and not from the Diocese. (B8945-46). He stated that the Diocese never contacted him to ask whether it would be appropriate to assign Aube to a ministry that involved contact with children after he provided the report to the Diocese. (B8955). Dr. Conners stated that an assignment involving youth ministry would have been inappropriate in light of the report he generated, but acknowledged that he did not get involved with assignments. (B8953; 8956). Dr. Conners also explained his ultimate conclusion that Aube had “deep defects in his basic personality structure” that were “not amenable to psychiatric treatment with any great hope for change.” Dr. Conners stated that this conclusion indicated that the Diocese had “problems with this guy” that were “coming to the surface” and that “[i]n the future, you can have problems with this guy.” (B8957-58). Dr. Conners stated that he “even went so far as to say I don’t think [Aube] could profit from psychiatric care.” (B8958). After reviewing the report of his meeting with Aube that he provided to the Diocese, Dr. Conners stated that he was not surprised to learn that Aube engaged in subsequent sexual misconduct with minors. (B8954).

Diocesan documents indicate that there were no restrictions placed on Aube’s ministry while he remained in Nashua. (B2893). On June 25, 1976, Bishop Gendron wrote to Aube:

As a follow-up to our recent conversation, I wish to inform you that I have presented your situation to the Diocesan Personnel Board. It is the feeling of the Board that you should continue your parish ministry at St. Aloysius Parish, at least for the Summer.

During this time, we shall continue to evaluate a new assignment for you. However, the members of the Personnel Board are not willing for you to seek ministries outside of the Diocese of Manchester, since your ministry is too valuable to the Diocese at this time.

(B2893).

VI. AUBE’S ASSIGNMENT TO THE HOLY ROSARY PARISH IN ROCHESTER

According to Diocesan records, Aube was transferred to the Holy Rosary parish in Rochester on September 15, 1976. (B963; 2794). Early correspondence from parishioners in Rochester to the Diocese confirms that Aube was working with youth at his new assignment and compliment Aube for his efforts. (B2757) (Letter from Judge Richard Cooper of the Rochester District Court, stating “I would especially commend to you the interest and unselfish devotion of time and energies given by Father Paul Aube of the Holy Rosary parish

to some of the problems of young people in our community.”). Aube wrote to Bishop Gendron on June 14, 1977 requesting a vacation in light of his workload in Rochester -- work which included being “asked to organize a religious education program for all levels, especially high school level since there was nothing there.” (B2891).¹⁴

Aube served at the Holy Rosary parish in Rochester between September 15, 1976 and October 9, 1981 when he was assigned to be the Chaplain at the Concord Hospital and area nursing homes. (B963). During his interview, Aube explained that he was assigned to the youth program and to organize the CCD education program in Rochester. (B6489). Through Father Simard, Aube also began to work with the Rochester District Court, consulting on juvenile matters. (B6790). On at least one occasion, Judge Cooper placed two or three children in Aube’s custody. (B6491; 6492).

On June 1, 1981, Bishop Gendron conducted a personal interview with Aube regarding his status at Holy Rosary in Rochester. (B2888). Aube stated during the interview that if he left Rochester, he wanted to leave the Diocese. (B2888). In a note to Aube’s file, Bishop Gendron wrote: “His main problem at this point seems to say that he is tired working with people. He thinks he has gifts that we have not recognized . . . But I think his main thrust is that he wants to do his thing, which is electronics, work with the media, and evangelize through that kind of means. He feels that he would like to have an opportunity to do this and he doesn’t think we’re going to give him that opportunity in New Hampshire.” (B2888). As for Aube’s continued work with youth, Bishop Gendron stated: “He [Aube] did say at one time that he was tired working with the youth, but still is, I think, quite effective with them.” (B2888) (emphasis added).

A. Aube’s Sexual Assaults In Rochester

Aube sexually assaulted at least seven minors during the time that he was assigned to Holy Rosary in Rochester. It appears that the first report made to the Diocese regarding Aube’s sexual misconduct in Rochester was in 1981 after Aube sexually assaulted John Doe LIII in his rectory room. Following this allegation, the Diocese reassigned Aube to hospital ministry. Thereafter, John Doe LXVII and John Doe LXVIII made reports to the Diocese alleging that Aube sexually assaulted each of them during his time in Rochester.¹⁵

¹⁴ There is a letter in the Diocesan records from Jane Doe LXVI on October 26, 1977 to Bishop Gendron, intimating that Aube had inappropriate contact with her daughter who was studying to be a nun. (B76). The letter suggests, but does not specifically state, that Jane Doe LXVI’s daughter may be pregnant with Aube’s child. (B76). The Bishop responded to this complaint with a letter to Jane Doe LXVI requesting more specific information. (B77). There is a handwritten note in the bottom corner of the copy of this letter in the Diocesan file from “G.E. Ham” on June 30, 1978 stating that “no evidence was produced that these allegations were true.” (B77). The Task Force recently interviewed Father Ham. Although the interview did not focus on this particular handwritten note, Father Ham stated that he did not have any familiarity with any allegations of sexual misconduct involving Father Aube. (B9650).

¹⁵ John Doe LXVII and John Doe LXVIII’s reports as well as the Diocesan response to their allegations are described in greater detail in the section of this Memorandum relating to allegations of sexual abuse reported to the Diocese after Aube’s assignment to the Elliot Hospital.

1. John Doe LXVIII

John Doe LXVIII alleged that Aube hugged and kissed him inappropriately between approximately 1975 and 1977, beginning when he was 14 years old. Doe LXVIII reported Aube's conduct to the Diocese in 1988 and again in 1993. In these reports, Doe LXVIII explained that his mother began inviting Aube over for dinner at their home soon after they moved to Rochester. (B95). During his freshman year of high school, Doe LXVIII began visiting frequently with Aube -- over time their conversations involved physical contact. This began with "bear hugs" and "playful wrestling" and progressed to kisses on the cheek and then the lips. Soon, Aube's hugs involved him running his hand through Doe LXVIII's hair. (B95). These encounters involved intense conversation -- Aube told Doe LXVIII that he had a "Christ like" love for him and that God loved him so much that he would send Jesus down to die for him. Aube also told Doe LXVIII that he would die for him. (B95). In 1977, LXVIII's family moved out of state, but Doe LXVIII kept in touch with Aube. (B96). Doe LXVIII became active in a Catholic teen organization where his family settled after leaving New Hampshire. They had a retreat and raised money so that Aube could attend. (B96).¹⁶

During his interview, Aube explained that Doe LXVIII and John Doe LXIX (John Doe LXVIII's younger brother) were members of Aube's youth group at Holy Rosary in Rochester. (B6518). He got to know the Doe LXVIII's family when they moved to Rochester because Doe LXVIII's father secured a job in the area. (B6518). He would have dinner with the Doe LXVIII's family at their home. (B6518). Doe LXVIII's mother sought out Aube for counseling because she was having problems in her marriage. (B6518). Aube denied that anything sexual ever occurred with John Doe LXVIII. (B6518). However, he admitted that he probably gave Doe LXVIII kisses on the cheek and affectionate hugs. (B6518). This could have involved running his fingers through Doe LXVIII's hair. (B6519). Aube also confirmed that the Doe LXVIII's family raised money for him to travel to a Teens Encountering Christ retreat in 1978 or 1979. (B6521).

2. John Doe LXIX (John Doe LXVIII's younger Brother)

On August 13, 2002, the Task Force received a call from John Doe LXIX. (B2713). He was born in October of 1962. (B2713). Doe LXIX met Aube as a pre-teen when his family was living in Rochester and were parishioners of the Holy Rosary parish. (B2713). In the late seventies, he moved with his family out of state. (B2713). Doe LXIX was 15 or

¹⁶ Doe LXVIII also reported that in the Spring of 1981, he visited Aube in Rochester when Doe LXVIII was in New Hampshire on a break from college. (B98). Doe LXVIII was approximately 20 years old at the time. (B98). They got together one evening, Aube talked to Doe LXVIII about homosexuality and asked Doe LXVIII if he understood his love for him. (B99). Doe LXVIII explained that the "familiar physical contact" was taking place -- kisses on the lips and long hugs. (B99). Aube revealed that a family in the parish accused him of sexually abusing his son. (B99). Aube pulled the shades and stated that he could not risk having someone misinterpret his embraces. (B99). Aube requested that Doe LXVIII pull down his pants, Doe LXVIII was reluctant and stated that he would rather not, but finally agreed and pulled down his pants. (B99). Aube then instructed Doe LXVIII to pull down his underpants and Doe LXVIII complied. (B99). Aube kneeled down in front of Doe LXVIII, began to fondle Doe LXVIII's penis, and stated: "See, it's just a penis." When Doe LXVIII did not become aroused, Aube asked what was wrong. (B99). Aube stopped abruptly and then offered to give Doe LXVIII a ride to where he was staying. (B99).

16 at the time. (B2713). They raised money in order so that Aube could participate in a retreat with their church youth organization. Aube stayed at their home. (B2713). Aube slept in Doe LXIX's bedroom. One night during the visit when they were getting ready for bed, Aube told Doe LXIX that it would be an expression of their love and trust together, if they could get naked together. (B2713). Aube pulled his underwear down and so did Doe LXIX. (B2713). They talked about trust and love and Aube bent over and kissed Doe LXIX's penis and then hugged him. (B2713). Doe LXIX then bent down and kissed Aube's penis. (B2713). They remained naked for about fifteen more minutes, until they fell asleep in Doe LXIX's bed. (B2714). Doe LXIX woke up later that night with Aube's arm around him, they both got up and put their underwear back on, and Aube returned to the other bed in the room. (B2714). Aube stated words to the effect of "I feel bad about myself and my life." (B2714).¹⁷

During his interview, Aube admitted that while he was staying at the Doe LXIX's home, Doe LXIX sat on the corner of his bed, and Aube touched Doe LXIX's genitals through his underwear, but he did not admit to any further sexual contact. (B6522-23).

There is no evidence that the Diocese was aware that Aube sexually assaulted Doe LXIX at or near the time that the assault occurred.

3. John Doe LXXI

John Doe LXXI contacted the Attorney General's Office on February 27, 2002 and provided the following information. (B976). From 1976 to 1978, he lived with his parents in Rochester and attended the Holy Rosary parish. Between the ages of 16 and 18, he was an active member of the church youth group. Aube fondled him and kissed him when he was 17 and 18. One incident occurred in Aube's rectory room where Aube "masturbated" Doe LXXI. Doe LXXI also reported that a friend of his, John Doe LXXII was also a victim of Aube's -- Doe LXXII told Doe LXXI that Aube had "masturbated" him as well. (B976).¹⁸

During his interview, Aube admitted that one night, after a trip to Manchester, he convinced Doe LXXI to return to his private quarters in the rectory at Holy Rosary. (B6501). Aube stated that "I convinced him to masturbate in front of me." (B6501).

There is no evidence that the Diocese is aware that Aube assaulted Doe LXXI.

4. John Doe LV

Detective Paul Callaghan of the Rochester Police Department recently investigated allegations that Aube sexually assaulted John Doe LV in the 1970's at the Holy Rosary

¹⁷ Task Force investigators forwarded information relating to John Doe LXIX's report of Aube's sexual contact with him to the authorities in the locality where the assault occurred. (B9348).

¹⁸ Task Force Investigators interviewed John Doe LXXII on August 7, 2002. Doe LXXII confirmed that he was a parishioner at Holy Rosary in Rochester, was friends with John Doe LXXI, and played on Aube's CYO basketball team. However, Doe LXXII denied that Aube ever engaged in inappropriate sexual contact with him. (B2691).

parish and that Aube sexually assaulted Doe LV in the chapel at the Elliot Hospital in 1982.¹⁹ Doe LV was born in April of 1966 and graduated from high school in 1985. (B2176; 2193). There is no evidence that the Diocese is aware of these assaults.

Callaghan interviewed Doe LV on March 15, 2002, 2150-2154, and Nancy Harris of the Strafford County Attorney's Office conducted a videotaped interview with Doe LV on March 20, 2002. (B2176). During these interviews, Doe LV reported that Aube's assaults began when he was 12 or 13 and ended when he was 16. Doe LV was certain that the assaults began around his 13th birthday because he sought counseling from Aube after he had been arrested for burglary around that time. (B2151). His case was heard by Judge Cooper of the Rochester District Court. (B2182). Thereafter, Doe LV got involved with the church youth group. (B2151; 2178). He estimated that Aube sexually assaulted him in the rectory at Holy Rosary 25 different times. (B2194). He got to know Aube when Aube was assigned to the Holy Rosary parish in Rochester. While he was not a member of the church, Aube counseled him personally and he was involved with the church youth group at Holy Rosary. (B2193-94; 2195). Aube's assaults involved hugging, kissing, and fellatio. (B2150). Doe LV recalled one incident in Aube's rectory room when Aube rubbed Doe LV's penis with his hands outside of his pants. (B2152). Aube also rubbed his "crotch area" against Doe LV's "crotch area." (B2152; 2187). Other times, Aube would unzip Doe LV's pants, place his hand inside of Doe LV's underwear, and fondle Doe LV's penis. (B2189). This happened on several occasions. (B2189-90). At least once, Aube held Doe LV's hand, placed it on Aube's penis, gestured for him to move it, and he complied. (B2196-97). At least once, Aube had penis-to-penis contact with Doe LV -- Aube rubbed his penis against Doe LV's penis. (B2198). On 8-10 occasions in Aube's rectory room, Aube performed oral sex on Doe LV. (B2152; 2205). Twice, Doe LV performed oral sex on Aube in the rectory. (B2206).

Doe LV explained that Aube was in a position of authority over him when the assaults occurred, stating: "Definitely a position of authority. Ah, and respected. I mean, he was somebody that brought change to the community as far as really reputable program options. Um, he was in charge of that." (B2209).

During his interview, Aube denied that he had sexual contact with Doe LV. (B6514; 6565). However, he admitted that he kissed and hugged Doe LV. (B6514; 6565). He explained that he got to know Doe LV through the youth group at Holy Rosary. He stated that he began counseling Doe LV for substance abuse issues.

¹⁹ Following Aube's treatment for sexually assaulting John Doe LIII, the Diocese transferred him to Concord Hospital to serve as the Chaplain and later to the Elliot Hospital. John Doe LV also accused Aube of sexually assaulting him in the Chapel at the Elliot Hospital when Doe LV was 16 years old. This accusation will be explained in greater detail in the section of this memorandum that relates to Aube's assignment to the Elliot Hospital.

5. John Doe LXXIV

Detective Paul Callaghan of the Rochester Police Department recently received a call from John Doe LXXIII, reporting that Aube sexually assaulted his son, John Doe LXXIV, in the late 1970's. (B2153). Doe LXXIII reported that in the late 1970's he had custody of his two sons and was a parishioner at Holy Rosary. He was befriended by Aube -- Aube asked him if he could take Doe LXXIV on weekend trips to introduce him to the Catholic religion. Doe LXXIII agreed to let his son join Aube for the trips. Aube started spending a lot of time with Doe LXXIV. Doe LXXIII noted that when his son would return from his visits with Aube, he would shower because he complained that he "felt dirty." (B2153). When Doe LXXIV was approximately 20, he revealed to his father that he was gay and told him: "do you remember when I went on all those trips with Father Aube, well he would blow me." (B2153). Doe LXXIII reported that his son, Doe LXXIV, died from AIDS approximately 13 years ago. (B2153).

There is no evidence that the Diocese is aware of these assaults.

6. John Doe LXVII

John Doe LXVII alleged that Aube fondled his genitals and kissed him in the rectory at Holy Rosary in 1977 or 1978 when Doe LXVII was 15 or 16 years old. (B123). Doe LXVII reported this to the Diocese in January of 1993. Doe LXVII's report to the Diocese led to a civil settlement of his claims against the Diocese, including a confidentiality agreement.²⁰

The Task Force recently interviewed John Doe LXVII (born in March of 1962). (B10847-48). He explained that he grew up in Rochester and was introduced to Aube through a friend. (B10849). Doe LXVII was 15 when he first met Aube in approximately 1977. (B10850). Doe LXVII was sports oriented growing up and participated in "pick up" basketball and football games with other neighborhood kids. (B10849). Aube often took part in these games. One day, during the Summer of 1978, Doe LXVII and a friend joined Aube for ice cream at Friendly's. (B10850; 10852). Aube invited Doe LXVII to the rectory the next day. (B10850). Aube explained that he was picking up on "vibes" from Doe LXVII, he was concerned about Doe LXVII, and thought that they should get together. (B10850). The next day, Doe LXVII went to the rectory. (B10851). Aube met him and they sat in a private room with the doors closed. Aube engaged him in a conversation of a "sexual nature." (B10851). Aube indicated that he felt Doe LXVII was confused about his sexual identity. (B10851; 10853). Aube opened a bible and pointed to passages in an effort to convince Doe LXVII that it was permissible for him to join Aube in a sexual relationship. (B10851-52). Aube had his arm around Doe LXVII's waist as he was reading from the Bible. (B10852). Doe LXVII was overwhelmed and surprised. (B10852). Aube then

²⁰ This allegation and the Diocesan response to this claim is described in detail below in the section of this Memorandum dealing with allegations of sexual abuse reported to the Diocese after Aube's assignment to the Elliot Hospital.

fondled Doe LXVII's genitals over his clothing and kissed him on the mouth. (B10852-53). Aube brought the encounter to a close by asking Doe LXVII if they could set up a meeting to get together again. (B10854). Thereafter, Doe LXVII saw Aube in the neighborhood and got together with Aube for ice cream at Friendly's. (B10854). On two occasions, Aube drove Doe LXVII and some friends to Friendly's. Aube dropped the other boys off and sat in his car talking to Doe LXVII. (B108554). On these occasions, Aube attempted to fondle Doe LXVII's genitals. (B10854). This conduct ended in the Fall of 1978. (B10855).

B. Aube's Sexual Assault Of John Doe LIII And The Report Of That Assault To The Diocese In 1981

In the Summer of 1981, the Diocese learned that Aube had sexual contact in the Holy Rosary rectory with a 15 year old boy named John Doe LIII. During Aube's interview, he explained the following with regard to his relationship with Doe LIII.

Doe LIII was referred to him by other children in his youth group because they were concerned about Doe LIII's depression. Aube spoke with him a few times and Doe LIII shared with Aube that he had homosexual experiences. Subsequently, Aube engaged in fondling with Doe LIII which included "mutual masturbation." (B6493). The fondling occurred in Aube's car -- a blue Saab. (B6494; 6495). On a couple of occasions, they embraced "in the nude" together in Aube's rectory room. (B6493; 6494). Doe LIII wanted to be Aube's lover. Doe LIII asked to have "penetration," but Aube refused. (B6493). Doe LIII had Aube's private phone number and would call frequently. He would often visit Aube at the rectory. (B6493). Eventually, in January of 1981, Doe LIII threatened to tell his psychologist that Aube raped him because Aube refused to have a deeper relationship with him. (B6495). Aube believes that his sexual contact with Doe LIII occurred in 1979 and 1980. (B6495). Doe LIII's psychologist called Aube to set up a meeting in the beginning of September 1981. (B6495). Aube declined to take part in the meeting. (B6495).

In the Summer of 1981, Aube approached Bishop Gendron to ask for help because he was concerned about his relationship with Doe LIII and he was scared of Doe LIII's threats. (B6497; 6505).²¹ Bishop Gendron met with Aube in his office. (B6497; 6532). Aube reported to Bishop Gendron that he was out of control, had a problem, and wanted to see a psychologist. (B6498; 6503; 6532). Aube explained his sexual contact with Doe LIII and the threats that Doe LIII made. (B6498). The Bishop assured Aube that their meeting would remain confidential. (B6533). Aube believes that he told the Bishop that he

²¹ Documents secured from the Diocese confirm that Aube initiated a meeting with the Bishop to discuss this issue. (B22-26; 52; 150).

became acquainted with Doe LIII through the children in his youth group. (B6506). He stated to the Bishop that he had problems with sexual boundaries and that he wanted help. (B6505). Aube told the Bishop to anticipate that there could be a complaint with regard to Doe LIII. (B6505; 6532). Bishop Gendron recommended that Aube see Dr. Desjardins -- a person that the Bishop had success with in the past. (B6498; 6508). At the meeting, Bishop Gendron picked up the phone and called Dr. Desjardins to make an appointment for Aube and the Bishop arranged an appointment for the following day. (B6498; 6499; 6508). Aube overheard Bishop Gendron tell Dr. Desjardins that he had a priest with a problem that had to be addressed immediately. (B6509). At the time, the Bishop did not take any further action with regard to Aube. (B6499). The Doe LIII family had not yet made a complaint to the Diocese. (B6499).

Following his meeting with the Bishop, Aube returned to Rochester and continued with his duties for approximately a month, at which time the Diocese received a complaint from Doe LIII's mother. (B6499). Initially, Bishop Gendron did not place any limitations on his ministry after Aube reported his own conduct to the Diocese. (B6507). Within a few weeks after his meeting with the Bishop, Father Christian confronted Aube at Holy Rosary with a report he received from Doe LIII's mother. (B6496; 6508; 6533). Aube confirmed his sexual contact with Doe LIII when he was asked by Father Christian. (B6496).

Documents secured from the Diocese confirm that, by at least August 20, 1981, Doe LIII's mother contacted the Diocese to report that Aube engaged in sexual contact with her son over a two year period, beginning when Doe LIII was 15 and 16 years old. (B17-19). Specifically, Doe LIII's mother alleged that Aube engaged in acts of fellatio in his rectory room with Doe LIII. (B19). In response to this allegation, the Diocese drafted a letter to Dr. Ernest C. Desjardins, Ph.D. referring Aube for psychological testing. (B17). Father Francis Christian, the Chancellor at the time, wrote to Dr. Desjardins on August 27, 1981 to confirm his conversations with Dr. Desjardins on August 24th and 26th as well a conversation that Dr. Desjardins had with Bishop Gendron on August 20, 1981 about the allegation. (B17). Father Christian's letter to Dr. Desjardins states that the Diocese wanted to investigate the matter, referred Aube to Dr. Desjardins for "a complete series of psychological tests," and set out a number of restrictions that the Diocese placed on Aube in light of the allegation.²² (B17).

²² After Doe LIII's mother made this allegation, the Diocese ordered Aube not to have any further contact with John Doe LIII, requested that he take an extended vacation beginning on August 28, 1981, and asked him to undergo psychological testing. (B17). The Diocese requested that Aube sign a waiver so that Dr. Desjardins could share his testing and recommendations with Bishop Gendron and Aube agreed to this waiver. (B17).

In making this referral, Father Christian asked Dr. Desjardins for a report addressing the following topics: 1) Whether any serious psychological problems are part of Father Aube's lifestyle and if so, what they are; 2) If such problems exist, whether Father Aube can remain in the active ministry at this time; 3) If he can continue to function as a priest, whether he should remain at Holy Rosary in Rochester or be assigned to another priestly assignment; 4) What conditions would be placed on him in the future ministry he may undertake; 5) What sort of ongoing psychological therapy is required, if any, in regard to whatever problems may be uncovered. (B18).

Father Christian drafted a follow-up letter to Dr. Desjardins on August 31, 1981, with more specific information regarding the allegations involving Doe LIII. (B19-20). Father Christian stated that on Sunday, August 31, 1981, he met with Doe LIII's mother. (B19). She reported that her son was assaulted by Aube at the Holy Rosary Parish in the late winter of 1980, when he was 15 or 16. (B19). She told Father Christian that it was important to her that someone in the Diocesan Administration be informed of the details of the allegation against Father Aube. (B19).

According to Father Christian's letter, Doe LIII's mother reported the following to the Diocese. Doe LIII was asked by his girlfriend to play the piano for her and her confirmation classmates at the Holy Rosary parish as part of a musical program that the group was presenting to area nursing homes. At the time, Doe LIII was having some problems for which he was seeing a psychologist. (B19). When Doe LIII's mother would pick Doe LIII up at the parish, Father Aube told her that Doe LIII was a nice young man and that Aube was interested in helping him. Doe LIII began to see Aube on a regular basis -- at least once a week. (B19). Doe LIII would often return from these sessions late in the evening. (B19). Thereafter, Doe LIII stopped dating his girlfriend. Doe LIII's mother asked the girl what happened and she stated that Father Aube told Doe LIII that she was not good enough for him. (B19). Thereafter, Doe LIII's mother found some papers on Doe LIII's bedroom floor indicating that he missed Father Aube and that he could not live without him. (B19). Doe LIII's mother then learned from Doe LIII's psychologist (Dr. Seeman) as well as from her brother in law that Doe LIII confided in them that he had engaged in "homosexual activities" with Father Aube. (B19). This began with hugs and "a French kiss." Subsequently, Doe LIII was in a recliner in Father Aube's rectory room when Father Aube opened Doe LIII's pants and performed fellatio on him. (B19). Aube engaged in acts of fellatio with Doe LIII on at least two occasions. (B20). On another occasion, Doe LIII and Aube were naked in bed together in Aube's rectory quarters. Doe LIII told Father Aube that he had talked about their relationship with his psychologist. (B20). Aube then broke off the relationship. Doe LIII's mother stated that she was concerned that Father Aube receive the help he needs so that no other young men would be subjected to similar conduct. (B20). She requested that Father Aube be transferred from the parish in Rochester. (B20). After describing this allegation, Father Christian requested Dr. Desjardins' assistance in the matter and conveyed Bishop Gendron's gratefulness for his help. (B20).

On September 13, 2002, John Doe LIII (born in July of 1964) agreed to be interviewed with regard to his contact with Aube. (B6772). Doe LIII stated the following:

He met Aube at the Holy Rosary parish in Rochester. (B6774). His mother was a member of the parish, he had his first communion there, and attended Holy Rosary Catholic school for a time. He got to know Aube between 1979 and 1982. (B6775). He was 15 or 16 years old when he began associating with Aube. (B6775). His relationship with Aube began when he was a freshman in high school at the same time that his parents were getting a divorce. (B6775). He was confused and depressed so he sought out Aube for counseling. (B6775). At the same time, he was participating in a musical program with other youth -- they rehearsed at Holy Rosary. (B6798). Doe LIII played the piano. (B6798). He began to meet with Aube at the office in the Rectory. As their meetings progressed, Aube would pick him up at his house. (B6776). He approached Aube because he was a priest and was taught in Catholic school that his priest was the appropriate person to see for such problems. (B6776).

He began to see Aube on a weekly, and sometimes daily, basis. (B6777). He often called Aube. (B6777). Additionally, he was having questions about his own sexuality at the time and thought that he might be gay. (B6777). He confided his concerns about his sexuality in Aube and the topic became the focus of their discussions. (B6778). Aube tried to persuade him that he was not gay. (B6778). Aube told him that it was not unusual to become aroused when someone showed affection for him, whether it be a man or a woman. (B6778). Aube would then hug him, Aube would get aroused, and tell Doe LIII that he was not gay, but that he was aroused by their contact. (B6778). Aube would place Doe LIII's hand on Aube's "crotch" so he could see that Aube was aroused. (B6778). Aube would explain that he was not gay, but that he was still aroused. (B6779). Their physical contact progressed from there. (B6779).

They hugged, kissed, and on several occasions Aube removed Doe LIII's clothes and they went to Aube's bedroom. (B6779). On one occasion, Doe LIII was in Aube's recliner, Aube held Doe LIII's hands behind his head, undressed Doe LIII, and placed his mouth on Doe LIII's penis. (B6779). Aube held Doe LIII's hands down. Doe LIII told him "no" several times and tried to get his hands free, but could not. (B6779). This was the most "intense" encounter that he had with Aube. (B6784). This happened more than once. At one time, a similar incident occurred on Aube's bed. (B6779). These encounters would end abruptly and Aube would rush him out of his rectory room. (B6780). Aube was concerned that Doe LIII would tell someone. (B6787). On one occasion, he was naked in bed with Aube and Aube was fondling him. Aube got up fast, told Doe LIII to get dressed, and

started watching to see if the housekeeper was there. Doe LIII cannot recall the name of the housekeeper. (B6787).

This contact ended prior to Doe LIII's high school graduation in June of 1982. (B6781). At one point, Doe LIII called Aube and told Aube that Aube really "screwed" him up. (B6781; 6787). Doe LIII told Aube that he wanted to come over to talk to him about it, but Aube told him not to do so. (B6782). At some point, Doe LIII started to see Dr. Seeman, but he does not recall exactly when. (B6782). He was very confused, depressed, and suicidal at the time. (B6782). Doe LIII confided in Dr. Seeman and told Dr. Seeman about his sexual experiences with Aube. (B6786). Doe LIII is not sure whether his meetings with Dr. Seeman ever overlapped in time with when he was seeing Aube. (B6786). He stopped having contact with Aube because Aube would no longer answer his phone or make appointments to see him. (B6786). At the same time, Doe LIII began drinking and doing drugs. (B6790). Aube's conduct contributed to Doe LIII's substance abuse. (B6790). Eventually, Aube just "vanished" from Rochester. (B6790).

Doe LIII's sexual contact with Aube began in 1980, during his sophomore year and continued through 1981. (B6783). Aube had sexual contact with him on at least eight occasions during that time period. (B6783). These encounters occurred in the rectory and in Aube's car -- always in the City of Rochester. (B6783). Looking back on these incidents, Doe LIII is certain that Aube "used his position as, as a priest, as [his] priest, as the family priest, to get a sexual [] things from [him]." (B6792). To this day, Doe LIII is in therapy due, in part, to his encounters with Aube. (B6793).

There is no indication from Diocesan files that the Diocese complied with mandatory reporting requirements after it learned about Aube's sexual contact with John Doe LIII. However, DCYF indicated that any record would have been kept for only one year since a report would have been made against an "out of home" perpetrator. (B2218). According to Aube, Bishop Gendron never told him that the matter was reported to law enforcement. (B6506). As far as Aube is aware, Bishop Gendron never made a report to law enforcement regarding Doe LIII. (B6506). Indeed, law enforcement never contacted Aube after the Doe LIII allegation came to light. (B6506). Likewise, according to John Doe LIII, he was never contacted by either law enforcement or the Diocese regarding his sexual contact with Aube. (B6793). Doe LIII's mother also confirmed that she never had any follow up contact with the Diocese and that she never had any contact with law enforcement in the wake of her complaint to the Diocese. (B6437; 6439). In her dealings with Father Christian, he never mentioned making a report to law enforcement. (B6440).

On September 5, 1981, Dr. Desjardins provided Bishop Gendron with a report based on his evaluations of Aube following Doe LIII mother's allegation. (B21). The report specifically states that it was generated in response to "recent allegations of sexual misconduct between Father Aube and a 17 year old male in the parish." (B22). Dr. Desjardins' report states the following.

Aube admitted that his last "sexual experience" took place at the parish rectory with [John Doe LIII], who was 16 at that particular time. Aube explained that the youth came in unannounced requesting to see him. The "young man" came on to Aube during the meeting by caressing him. Aube responded to the advance. Aube stated, however, that "no complete homosexual experiences took place." The boy claimed that he needed Aube physically and sexually. The boy became "very upset" and "somewhat threatening" when Aube refused to have a sexual relationship with him. For the next two months, the boy visited the rectory "demanding Father Aube's time and attention." Aube explained that the youth threatened that if Aube did not have a sexual relationship with him, he would tell his psychologist, Dr. Steven Seeman. In February of 1981, the youth called Aube to tell him that he did make a report to his psychologist. The boy also stated that he had begun to take drugs and was contemplating suicide. Dr. Seeman contacted Aube and the boy's mother to have a meeting, but Aube voluntarily contacted the Bishop" and discussed the "entire incident with him" and Bishop Gendron referred for a psychological assessment.

Aube admitted that he had approximately six previous physical experiences with John Doe LIII "which included physical caressing in the nude, and some hugging and kissing, but no full sexual experiences resulting in orgasm." These encounters took place in the parish rectory between June and October of 1980.²³

Aube also admitted to having sexual experiences with five other males between the ages of 20 and 23 over an 11 year period. He had more than one sexual encounter with some of these individuals. One relationship lasted two years and involved "approximately six sexual experiences." Aube typically engaged in sexual contact with these individuals in his rectory rooms in Nashua, Claremont and Berlin. Aube's sexual contact with these individuals included "caressing, necking, some oral sex, and a few orgasms..."

Aube stated that he "would not be able to handle another typical parish assignment at the present time." Aube reported feeling "burned

²³ John Doe LIII was 15 years old in June of 1980.

out” for parish ministry, and “particularly for parish youth work.” However, Aube indicated that he may be able to handle other assignments such as hospital ministry.

Aube exhibited some sexual responses to testing, indicating some “preoccupation with sexual themes.” The resulting “Rorschach protocol indicates mild to moderate problems with anger and anxiety management, and some problems with impulse control, particularly when he becomes overwhelmed and/or tired. The problems with impulse control focus on sexual themes . . . There is evidence of a mild to moderate problem with psychosexual identification, and a problem with sexual orientation confusion and conflict.”

“The overall results of the present assessment indicate that this good priest is very much in need of appropriate psychotherapy, particularly if he is to continue in some kind of social ministry. In my opinion, long term psychotherapy is indicated which would be geared towards self esteem building, cognitive restriction, anxiety and anger management, and a clarification of his sexual orientation.” “I would also suggest, that in the present case, Father Aube be immediately transferred from his present parish in Rochester.” Aube is “quite open” to an assignment as a hospital chaplain.

Dr. Dejardins’ ended his report with the following recommendation to the Bishop:

I would suggest that [Aube] be transferred to some kind of hospital ministry, with the opportunity to take one or two courses on a part-time basis. I would strongly recommend that that the Bishop impose the following additional conditions: It will be expected that Father Aube will acquire and demonstrate appropriate impulse control of all his behaviors and drives consistent with his ministry, and within a reasonable period of time. I would suggest that the threat of suspension of his priestly functions be imposed as a condition under which he must avoid additional sexual contacts firstly with minors and secondly at a parish rectory or other religious dwelling. Finally, it would be most important for this priest to develop more effective contacts with other brother priests, who can support him and encourage him in his efforts to be a good priest. The Bishop may also wish to impose some conditions requiring contact with a regular spiritual director. Finally, it should be firmly pointed out to Father Aube, that sexual intimacies of any type with a minor in the State of New Hampshire, is considered a felony, and can result in a significant prison term.

(B22-26). According to Aube, Dr. Desjardins advised him to see an attorney. He went to Paul McEachern in Portsmouth and was candid with him about his sexual contact with Doe

LIII. (B6533-34). Attorney McEachern advised him to stay away from the Rochester area. (B6534). Thereafter, Dr. Desjardins instructed him that he was not to return to Rochester. (B6534).

VII. AUBE'S ASSIGNMENT AS THE CONCORD HOSPITAL CHAPLAIN

After the Diocese received Dr. Desjardins evaluation of Aube with regard to Aube's sexual contact with John Doe LIII, the Diocese appointed Aube as Chaplain of the Concord Hospital and the nursing homes in the Concord area, effective as of October 9, 1981. (B2790; 963). Aube was also responsible for providing mass on a daily basis to the Sisters at the Carmelite Monastery in Concord. (B2790). When Dr. Desjardins learned of Aube's hospital assignment, he indicated that it was well suited for Aube, but cautioned the Diocese not to place too many demands on Aube in light of his tendency to be a workaholic. (B27-29). While Dr. Desjardins recommended that Aube have light duty, he did not recommend that he have no contact with youth. (B27-29). Aube resided at Saint Peters parish in Concord and was supervised by Father John P. Quinn, the Vicar for Community Affairs. (B2790; 6537).

According to Aube, Bishop Gendron contacted him to inform him that he would be the Chaplain at Concord Hospital and at the Carmelite Monastery, three area nursing homes, and the senior apartment building on Main Street. (B6537). Father Christian also contacted Aube to tell him that the Diocese had an agreement with the Doe LIII's family that prohibited Aube from returning to parish work. (B6549).

The Diocese did not place any stated restrictions on Aube's hospital ministry. (B2790). When the Bishop wrote to Richard Warner, the Concord Hospital Administrator, to introduce Aube as the new hospital chaplain, the Bishop stated: "It is my hope that his work with the sick people of your institution will prove fruitful." (B2792). There is no indication that the Diocese warned hospital administration that Aube had engaged in sexual conduct with minors in the past.

In his new role at the hospital, Aube had contact with youth. For instance, the Diocese received letters of praise from those that came in contact with Father Aube at Concord Hospital. (B2756). One man wrote to Bishop Gendron in January of 1983 to thank Aube for responding to his wife's bedside after she suffered a heart attack. (B2756). That person stated: "Father Paul went beyond the call of his duties to assist my young 15 year old son cope with this heart breaking event . . . Father Aube [sic] took my family under his wing even though we were not members of his or any church, although my wife was a Roman Catholic at one time in her life." (B2756). Bishop Gendron responded to this letter, stating "I am most happy that the Diocese has been able to provide the people of the Concord area with the care that Father Aube has so generously extended to the sick and their families." (B2755).

Aube confirmed that there were no restrictions placed on his ministry when he was transferred to Concord Hospital. The only restriction was that he was not to return to

Rochester. (B6532). He was not confined to adult hospital floors. (B6541). In fact, he ministered to children when he worked at Concord Hospital. (B6541). No one from the Diocese checked in with him to determine the extent of his contact with children. (B6541). By his own choice, Aube tried to stay away from adolescents unless it was absolutely necessary to administer sacraments. (B6541-42). Occasionally, Aube would fill in at St. Peter's parish when the regular priest was on vacation, offering mass to parishioners on the weekend. (B6546). He would have contact with parishioners before and after mass, greeting them on the way out. (B6546).

A. Aube's Contact With John Doe LIV In Concord

Soon after his transfer to Concord Hospital, the Diocese received a report from a representative of Catholic Charities in Portsmouth regarding contact between Aube and John Doe LIV, a 17 year old boy, following Aube's reassignment to Concord. (B78). Father Christian generated a memorandum on May 11, 1982 describing the report. According to Father Christian's memo, the head of information and referral for the Strafford County Welfare Department contacted a Catholic Charities representative and reported that Aube had been counseling John Doe LIV, who was 17, with regard to family problems and his own drinking and drug abuse. (B78). Doe LIV was from Barrington, NH. (B78). After Aube moved to Concord, Doe LIV's mother contacted Aube to ask for advice and Aube provided advice to her, over the phone. (B78). In Late April or early May of 1982, John Doe LIV hitch hiked to Concord and spent the night with Aube. (B78). On a subsequent occasion, Aube took Doe LIV and two friends to the beach in Maine. He picked them up outside of Rochester, explaining that he was not allowed in town. (B78). Father Christian explained in his memo that he told the Catholic Charities representative that made the report that he "could not confront Father Aube with this situation unless [he] had a source of information..." (B78). Christian also asked the Catholic Charities representative²⁴ to contact the Strafford County Welfare Department to secure more information.²⁵ (B78). Christian concluded the memo by stating:

I feel it would be important to confront him [Aube] for two reasons: (a) So that we could share this information with his psychologist from whom he may be hiding these sorts of incidents. (b) To make sure he knows that we are aware that he is obeying only the letter of the law but not its spirit in regard to his appearance in the Rochester area.

²⁴ Task Force investigators spoke with the Catholic Charities representative referenced in Christian's memo on October 22, 2002. (B7700). She stated that she did not recall John Doe LIV and denied that she ever spoke with officials from the Diocese about him. (B7701).

²⁵ Task Force investigators spoke with the Strafford County Welfare Department employee referenced in Christian's letter on October 22, 2002. She confirmed that she contacted the Catholic Charities representative referred to in Christian's memo to provide her with information that she received that Doe LIV visited Aube and joined him on a trip to Maine with friends. (B7699). However, the Welfare Department employee could not remember how she learned about these incidents. She speculated that she received this information from either Doe LIV or his mother. (B7699). She did not have specific information that Aube had sexual contact with Doe LIV, but stated that she always suspected that Aube "sexually abused Doe LIV." (B7698).

(B78).²⁶

There is no indication from the documents secured by the Diocese that it conducted any follow-up investigation after receiving this report, informed Dr. Desjardins of the report, or confronted Aube with the concern.

When asked about his contact with Doe LIV, Aube stated that he continued to keep in touch with Doe LIV, a Rochester parishioner, once he was assigned to Concord, but did not have any sexual contact with him. (B6537). Aube confirmed that Doe LIV ran away from home and came to Concord Hospital to see Aube, but he denied that any sexual contact occurred. (B6538). According to Aube, he has not had sexual contact with anyone after 1981. (B6541).

Task Force investigators interviewed John Doe LIV (born in September of 1964) on October 31, 2002. (B9351-52). He explained that he got to know Aube when he was 15 years old. (B9352-53). Doe LIV stated that he had significant drug abuse problems at the time and often ran away from home. (B9353). Because of these problems, he met Aube for counseling. (B9354). He also attended church functions at the Holy Rosary parish. (B9353). When he was approximately 16, he began to have sexual contact with Aube. (B9355). Aube would touch his penis both over and under his clothing. (B9355). Aube told him that it was a method of hypnosis. (B9355). Aube's sexual contact with Doe LIV occurred in the rectory, in Aube's car, at a camp in Barrington, NH, and during a ride in Aube's car to Aube's parent's house in Berlin. (B9356-59). Doe LIV explained that he continued to see Aube several times after Aube was transferred from Rochester. (B9363). Doe LIV recalled spending nights with Aube in either Manchester or Concord. (B9364; 9370). He recalled making trips with John Doe LXXV, another Rochester parishioner, to visit Aube. (B9364). Doe LIV recalled that "inappropriate touching" occurred between he and Aube during these visits. (B9367). Doe LIV stayed with Aube in his living quarters. (B9367). He believed that Aube lived near or on the hospital grounds. (B9367). He also recalled a time when he ran away to either Connecticut or New York and Aube came to pick him up. (B9370-71). However, he did not recall joining Aube on a trip to the beach. (B9365). Doe LIV stated that the Diocese never contacted him with regard to concerns that he was having continued contact with Aube after Aube left Rochester. (B9373).

B. Aube's Contact With John Doe LXVIII In Concord

Aube explained that John Doe LXVIII visited him when he was working at Concord Hospital. (B6526).²⁷ Aube joined Doe LXVIII and his friends for a ride up to the White Mountains. (B6526). At one point, he and Doe LXVIII were in Aube's rectory quarters at St. Peter's in Concord and Doe LXVIII told him that he was considering the priesthood.

²⁶ Diocesan documents contain a handwritten note listing six of Aube's victims. (B63). John Doe LIV is on the list. The year 1982 appears to indicate the approximate date of the offense. The year 1965 appears to indicate Doe LIV's approximate date of birth. (B63). John Doe LXVII, John Doe LXVIII, John Doe LXX, John Doe LX, and John Doe LIII also appear on this list. (B63).

²⁷ As stated above, John Doe LXVIII was one of Aube's victims from his time at Holy Rosary in Rochester.

(B6526). However, Doe LXVIII told Aube that he was concerned that he was uncircumcised because the Old Testament states that we all must be circumcised. (B6526). Doe LXVIII then showed Aube his genitals. (B6526). Aube stated that he sat on the other side of the room during this incident. (B6526). Doe LXVIII would have been in his early 20's at the time of this encounter.

VIII. AUBE'S ASSIGNMENT TO MANCHESTER'S ELLIOT HOSPITAL

On January 27, 1983, the Diocese transferred Aube to the Elliot Hospital in Manchester. (B963). Aube explained that the Diocese assigned him to the Elliot because the previous chaplain, Father Vayette, died. (B6542). Members of the Concord Hospital nursing staff wrote to the Diocese when Aube left, extolling his work at the hospital and presenting a petition to the Diocese requesting that he stay. Nurse Katherine Simonton wrote: "He has been a tremendous asset to patients, families and the Nursing Staff." (B2752). Aube worked at the Elliot until August 27, 1993, when the hospital eliminated his position as Director of Pastoral Care. (B2879; 2883).²⁸ Scott Goodspeed, the President and CEO of the Elliot wrote a letter to Bishop O'Neil praising Aube's efforts in the area of pastoral care during the ten and a half years that he served at the Elliot. (B2883). There is no indication that the Diocese warned administrators at the Elliot Hospital about Aube's previous sexual assaults against minors.

According to Aube, he lived at the Sisters of the Holy Cross retirement home in Manchester while he was working at the Elliot. (B6546). During his time in Manchester, Aube was also responsible for administering mass at Saint Patrick's in Manchester. Thereafter, he also gave mass in Candia for a stretch of three to four years. However, he was not involved in the day-to-day operations of the parish. (B6547). Between the late 1980's and 1993, Aube stated that he was asked by Father Billadeau and Father Christian to hear confessions in Hampstead, N.H. (B6547). On these occasions, Aube took confessions from children. (B6548). However, he did not establish any relationships with these children. (B6548).

During his interview, Aube explained that he continued therapy with Dr. Desjardins during his placement at the Elliot. (B6548). Aube stated that although he was tempted, he never re-offended. (B6548). Aube's treatment records indicate that he stopped seeing Dr. Desjardins in 1989 and began seeing him again in 1993, following an allegation of sexual misconduct reported to the Diocese against Aube stemming from an incident that occurred in Rochester in 1979 or 1980 with a 15 or 16 year old boy named John Doe LXVII. (B42).

Aube explained that while he did not have continued sexual contact with any of his previous victims, he did keep in touch with John Doe LXIV through his years in Manchester.

²⁸ After he left the Elliot, Aube stated that he learned from Father John Quinn that there were rumors spreading among hospital administration that Aube "liked little boys." (B6543; 6544). Aube now believes that his departure from the Elliot had something to do with these rumors. (B6545).

(B6545). Aube had a “wonderful friendship” with Doe LXIV and his wife. (B6545). He also kept in touch with John Doe LX. (B6545).

**A. Aube’s Sexual Assault Of John Doe LV
At The Chapel Located In The Elliot Hospital**

The Task Force recently received a report from John Doe LV (born in April of 1966) that he was sexually assaulted by Aube in the chapel of the Elliot Hospital, when Doe LV was 16 years old. As described above, Doe LV also alleged that Aube sexually assaulted him when he was involved with the Aube’s church youth group at the Holy Rosary parish in Rochester.

Doe LV explained that he kept in touch with Aube after Aube left Holy Rosary “all of the sudden.” (B2191; 2194). In approximately 1982, when Doe LV was 16 years old, he drove to Manchester to watch a Spaulding High football game, (B2190-91), and met Aube at the Elliot Hospital when the game was over. (B2152; 2191). Doe LV drove a 1976 Ford Pinto Wagon. (B2193). Aube gave him a tour of the Elliot trauma center and then led him to a room that Aube maintained in the hospital for church services -- there was also an office in the area. (B2152; 2191; 2192). There were wooden seats, enough room for approximately 30 people, and curtains in the room. (B2191; 2192). Aube started hugging and kissing him. (B2152; 2191). At some point, another person walked in, turned around, and left. (B2191; 2193). Aube stopped for a moment then continued. (B2191; 2193). Aube pushed Doe LV to the floor and continued to kiss him. (B2191). Aube placed his hands down Doe LV’s pants. (B2265). Doe LV felt like he was no longer in control. (B2191).

On a subsequent occasion, Doe LV explained that he went to Aube’s home in Candia, N.H. During one interview, Doe LV stated that he was an adult. (B2152). During a subsequent meeting, Doe LV recalled that he was approximately 17 and he drove to Aube’s home in his Ford Pinto Wagon. (B2169). They had a spaghetti dinner together, showered, and went to bed. They were both naked and Aube was touching him all over. (B2152; 2201). They were totally nude under the covers of the bed. (B2201). Aube performed oral sex on him. (B2208). Aube asked Doe LV to stay the night, but Doe LV felt uncomfortable and left. (B2152; 2201).

Years later, when Doe LV got engaged, he brought his fiancé to Aube’s home in Candia to introduce her to Aube. (B2207).

Aube confirmed that he saw Doe LV once during the time that he was working at the Elliot hospital. (B6517). On this occasion, Doe LV visited Aube at Aube’s home in Candia. According to Aube, Doe LV propositioned him to have anal sex and he refused. (B6514). This occurred in 1989 or 1990. (B6515). Aube did not state that he encountered Doe LV at the Elliot Hospital.

B. Aube's Contact With John Doe LXIX In 1982 In Manchester

In August of 2002, the Task Force received a report from John Doe LXIX regarding his contact with Aube, when Aube was assigned to the Elliot Hospital. As described above, John Doe LXIX was a parishioner at the Holy Rosary parish in Rochester in the late 1970's. After his family moved from Rochester, Aube visited them during a trip to be a guest priest at a youth retreat. During the trip, Aube had sexual contact with Doe LXIX. In 1982, Doe LXIX was in college and traveled to New Hampshire during the spring break of his Freshman year. (B2714). Doe LXIX was 19 at the time. (B2714). He visited Aube in Manchester and stayed with him for 3-4 days. (B2714). He believed that Aube lived in a rectory. (B2714). One night, Aube came to his room and hugged him and kissed him. (B2714). They were both wearing their underwear at the time. (B2714).

IX. ALLEGATIONS OF SEXUAL ABUSE REPORTED TO THE DIOCESE AFTER AUBE WAS ASSIGNED TO THE ELLIOT HOSPITAL

As indicated above, after Aube was working as the hospital chaplain at the Elliot in Manchester, Diocese received a complaints about Aube's conduct through the years. The Diocese received complaints from John Doe LX in 1985, describing Aube's sexual assaults in Berlin; John Doe LXVIII in 1988 and 1993 relating to Aube's sexual assaults in Rochester; and a complaint from John Doe LXVII in 1992 regarding sexual assaults in Rochester. The Diocese responded to each of these complaints. In various correspondence to these victims, the Diocese stated that it was not aware of any allegation relating to Aube before the Summer of 1981. The Diocese also claimed that Aube successfully received treatment for his problem, had been moved to a hospital assignment where he was supervised and did not have contact with minors, and that Aube had not re-offended since the 1981 report.

A. Complaint of John Doe LX to The Diocese In January 1985 -- Aube's Sexual Assault in the 1970's at the Guardian Angel Parish, Berlin

In January of 1985, Bishop Gendron received a letter from John Doe LX alleging that Aube sexually assaulted him in the parish rectory when he was a teenager and a parishioner of the Guardian Angel parish in Berlin in the 1970's. (B80). Doe LX indicated that he was writing so that Aube would be stopped from molesting others. (B80). Doe LX explained that he had personal knowledge that Aube "sexually molested" other boys:

It is with personal knowledge that Paul L. Aube has sexually molested several boys throughout the state, and that none of the boys, now men, to my knowledge have ever brought it out, and that his actions were even covered up by policemen of Nashua, NH police department when they caught him having sex with a boy in his car, that I am writing you. (B80).

After the Diocese received this complaint from Doe LX, Father Christian confronted Aube on January 3, 1985, and drafted a memorandum based on their meeting. (B79). Christian provided Aube with Doe LX's letter alleging that Aube sexually molested him. (B79). Aube "admitted that the attached letter was accurate in regard to his relationship with John Doe LX," but explained to Father Christian that it was all part of the past and that he was continuing with counseling with Dr. Desjardins. (B79). In his memo, Father Christian stated:

I explained to Father Aube that our main concern at this point was how to persuade John Doe LX, who seems somewhat unstable, that Father Aube was under care and he did not have any further concern. Father Aube was appreciative of my efforts on his behalf in this regard, and I agreed to notify him after I had spoken with [John Doe LX].

(B79). Thereafter, Father Christian called Doe LX directly and informed him that Aube had "voluntarily revealed his problem to the Bishop three years ago, Aube had been removed from parish ministry, required to undergo a complete psychological evaluation as well as therapy." (B79). Father Christian also told Doe LX that "the diocese carefully monitors the whole situation, and with the reports of the psychologist, we are satisfied that the problem is under control." (B79) (emphasis added). Father Christian copied this memo to Bishop Mulvey. (B79).

B. Complaint Of John Doe LXVIII 1988 And 1993 -- Aube Sexual Assaults Between 1975-1977 At The Holy Rosary Parish

On September 19, 1988, John Doe LXVIII contacted the Diocese to report that between the ages of 14 and 18, Aube made various sexual advances toward him when he was a parishioner at the Holy Rosary parish in Rochester. (B91).²⁹ The final incident occurred in approximately 1980 or 1981 when Aube tried to fondle Doe LXVIII's genitals. (B91). During the years, Aube hugged him, kissed him on the mouth, and massaged him while talking about love. (B91). Doe LXVIII stated that he wanted to bring Aube's conduct to the attention of the Diocese so Aube would not victimize others. (B91).

According to a memo in the Diocesan file, the Diocese told Doe LXVIII that it learned of Aube's problem at approximately the same time that Doe LXVIII reported his final sexual contact with Aube -- in 1981 or 1982. (B91). Aube "willingly admitted the problem" and cooperated in psychological testing. (B91). The psychiatrist that treated Aube recommended a hospital assignment "where he would not come into contact with youth in a familiar fashion." (B91). There had been no difficulties with Aube since the Rochester incident. (B91). Separately, the memo stated that following Doe LXVIII's report, a Diocesan official contacted Aube, Aube was "distracted" with regard to the allegation, and

²⁹ There was a memorandum generated by the Diocesan official that had the conversation with Doe LXVIII. However, unlike similar memorandums, it is unsigned. (B92). Father Christian generated a similar memorandum when John Doe LX forwarded his complaint regarding Aube to the Diocese in 1985. (B79).

claimed that nothing happened with Doe LXVIII. (B91). The memo states: “I reminded him [Aube] how important it was for him to return to counseling if there was any weakening of his resolve in regard to the control of his problem.” (B92).

Doe LXVIII contacted the Diocese again on December 15, 1993 to report Aube’s conduct. Monsignor Christian took the call and generated a memorandum based on their conversation. (B131). Christian noted that he spoke with Doe LXVIII “approximately two years ago about this issue.”³⁰ Christian’s memo indicates that over a period of 2 or 3 years “when Father Aube was a trusted spiritual advisor,” Aube hugged and kissed Doe LXVIII inappropriately. (B131). Later, in the Spring of 1980, when Doe LXVIII was visiting from college, Aube convinced him to permit Aube to fondle his genitals. Soon thereafter, Aube was removed from Holy Rosary in Rochester. (B131). Christian again emphasized in his conversation with Doe LXVIII that Aube was removed from Holy Rosary in the wake of a similar incident, had undergone “long-term” psychiatric care, was permitted to serve only in the capacity of a hospital chaplain, and was closely monitored by the Diocese. (B131).

After reporting Aube for the second time in 1993, Doe LXVIII provided lengthy written materials to the Diocese detailing his allegations against Aube, his spiritual life following his contact with Aube, and his struggles in adulthood. (B93-130). In his letter to the Diocese, Doe LXVIII explained that he attended a seminar in the Spring of 1990 relating to sexual abuse by Clergy. He realized much about Aube’s contact and grew concerned that Aube may also have abused his brother, John Doe LXIX. (B104). After the 1990 seminar, Doe LXVIII stated that he contacted the Diocese and spoke with Monsignor Christian, but Christian would not provide him with any information about Aube. (B104). Doe LXVIII also called Monsignor Simard at the Holy Rosary Parish. Monsignor Simard denied any knowledge of Aube’s sexual misconduct. (B104).

At the conclusion of his letter, Doe LXVIII made specific requests of the Diocese relating to Aube. Doe LXVIII asked for information from the Diocese relating to Aube’s conduct “prior to and during” Aube’s assignment at Holy Rosary, that the Diocese acknowledge Aube’s conduct and provide a written response from Aube, and that the Diocese provide him with specific information about its efforts to protect the vulnerable from Aube. (B107-08). Doe LXVIII pointed out that when the Diocese learned about allegations in 1981 regarding Aube, it did nothing to invite other victims to come forward and stated: “Had the diocese acted immediately in suspending Aube pending an investigation, the abuse with me would have never occurred.” (B108). Doe LXVIII asked the Diocese to seek out other of Aube’s victims and inform the parishioners where he was assigned of Aube’s conduct. (B108). Doe LXVIII also stated his concern that Aube was currently working at the Elliot Hospital as a Chaplain and requested that they remove him from active ministry. Doe LXVIII criticized Diocesan supervision of Aube pointing out that “[y]our supervision

³⁰ Had Monsignor Christian discussed this matter with Doe LXVIII two years prior, their conversation would have occurred in December of 1991. There are no documents in the Diocesan files referencing a conversation in that time period. It is more likely that Monsignor Christian was remembering his contact with Doe LXVIII on September 19, 1988 and was the one that generated the unsigned memorandum based on that conversation. (B91).

did not notice my brother's visit in the Spring of 1982." (B108). At the very least, Doe LXVIII requested the Diocese inform the hospital of Aube's past. (B109). Doe LXVIII also asked for restitution of his expenses in researching and presenting his story to the Diocese -- \$4,000 for 80 hours of his time. (B109). Doe LXVIII noted, however, that compensation was the "least of [his] concerns." (B110). Doe LXVIII also asked for financial assistance to pursue therapy. (B110).

Doe LXVIII's letter to the Diocese and his specific request for a Diocesan response prompted a series of correspondence between the Diocese and Doe LXVIII. The Diocese informed Aube on January 31, 1994 that Doe LXVIII had provided them with a "rather voluminous case history." (B141). Monsignor Christian stated: "While I do not think that he is any sort of legal threat at this time, I believe it would be important for us to get together as soon as possible to discuss this situation." (B141).

Also on January 31, 1994, Monsignor Christian responded to Doe LXVIII, in a letter. (B142). Christian acknowledged that he had shared Doe LXVIII's concerns with Bishop O'Neil who was recuperating from surgery at the time. (B142). Christian also acknowledged that when Doe LXVIII called in 1988, he shared his complaint with Bishop Gendron. (B142). He explained that "[w]hen Bishop O'Neil was named Bishop in June, 1990, he obviously was brought up-to-date on all the concerns regarding Father Aube." (B142).

In his January 31, 1994 letter, Monsignor Christian further stated to Doe LXVIII that he believed Doe LXVIII's account of his relationship with Aube. He acknowledged a "pattern of grooming" that Doe LXVIII described "consistent with people who have this sort of addictive sexual problem." He recognized that this pattern was consistent with "3 other instances of similar activity which had been reported to us by other victims of Father Aube." He apologized that "a priest of the Church in whom you placed such great trust was responsible for terribly wrong behavior in your regard." (B142). He also offered an account of the Diocese's knowledge of Aube's sexual misconduct over the years, stating:

1. The Diocese had absolutely no knowledge or suspicion of Father Aube's problem prior to his ordination as a priest. I can assure that such knowledge would have precluded his ordination.
2. In August of 1981, when the Diocese received the first complaint of sexual abuse, the following steps were taken.
 - a. Father Aube was relieved of his duties at Holy Rosary Church in Rochester, and was required to undertake extensive psychological testing and follow-up counseling. The victim in the case and his family were approached by the Diocese and assured of the

willingness of the Diocese to be of whatever assistance possible.

- b. The young man in question was already in counseling for other matters, and continued in that counseling situation.
 - c. The pastor of Holy Rosary Church in Rochester was made aware of the whole situation, and was encouraged to report to us any other suspected cases of abuse. Nothing was forthcoming at the time.
3. Father Aube remained in counseling (and does so up to the present), and subsequently, at the recommendation of the psychologist, was assigned to hospital ministry. That ministry was closely monitored by the Diocese, his psychologist, and his spiritual director. It did not put him into a situation where he could develop relationships with young people. In fact, since his position called for him to coordinate the hospital visitations of local priests, he rarely visited the general population of the hospital, and concentrated on his pastoral ministry in the oncology and critical care units.
 4. Since 1981, up to the present, three other victims, including yourself, have identified themselves to the Diocese.³¹ All these allegations of abuse had occurred prior to 1981. In each instance those victims were assisted, according to their needs and desires, to obtain the appropriate counseling. In each instance Father Aube was confronted with the allegation and the fact of the allegation was made known to his counselor, so that it could serve as a reminder and reinforcement in his ongoing need to control his behavior.
 5. Since the Diocesan intervention in 1981, and Father Aube's testing and counseling, there has been no further complaint raised against him.³² In other words, all the complaints and victims of which we know predated 1981. It appears that his counseling has proved effective in enabling him to control the sexual addiction from which he suffers. I also believe, however, that the warning given to him in 1981 by the Diocese that any further complaints of abuse subsequent to that date would result

³¹ Monsignor Christian was likely referring to John Doe LIII, John Doe LXVII and John Doe LX.

³² Monsignor Christian's claim does not account for the report that the Diocese received in May of 1982 that John Doe LIV spent the night with Aube in Concord. Based on records secured from the Diocese, it does not appear that the Diocese investigated this complaint or confronted Aube. However, Doe LIV's name appears on a handwritten note in Diocesan files with the name of other of Aube's victims.

in his loss of the priesthood has served as a negative constraint in this regard.

6. Recently Father Aube's position as head of pastoral care at the Elliot Hospital was phased out, along with some thirty or forty other administrative positions in a hospital reorganization. Father Aube is currently without assignment, and is very much aware of the fact that the Diocese will assign him only some kind of appropriate chaplaincy situation. We do not currently have such a position available. Any such new assignment would obviously be under the same sort of constraint that was true of his previous hospital ministry.

In closing, Monsignor Christian stated that "from what I have previously said . . . to the best of our knowledge our actions have already prevented there being any further victims since 1981. We will continue to safeguard potential victims in this way." (B144) (emphasis added).

Doe LXVIII responded to Monsignor Christian's letter in a letter of his own on February 23, 1994. (B148). Doe LXVIII pointed out that the claim of the Diocese that it was unaware of any allegation relating to Aube until the Summer of 1981 was specious in light of the fact that "Aube himself spoke of accusations as early as April of 1981." (B149). Monsignor Christian responded to this concern in a letter to Doe LXVIII on February 24, 1994 stating "that while Father Aube may have had suspicions in April that a case would be raised against him, in fact those complaints were brought to the Diocese by the victim only in August. (You may be interested to know -- and something which I had not thought to share with you until now -- Fr. Aube actually turned himself in to the Bishop a day or two prior to our receiving the formal complaint. I believe his actions were in large part due to the remorse and guilt he was feeling)." (B150) (emphasis added).

Once Bishop O'Neil recovered from his surgery, he promised Doe LXVIII that he would also respond to his letters regarding Aube. (B166). Prior to responding, Bishop O'Neil provided drafts of his letters to Doe LXVIII to Attorney John Broderick for his comments. (B167). Attorney Broderick was representing Aube at the time. (B6531). Attorney Broderick suggested adding language "which demonstrably acknowledges Fr. Aube's personal recognition of his problem and his forthrightness in discussing it with Church hierarchy. I would also request that the intensive nature of his treatment with Dr. Desjardins be referenced as well as his success over the last 13 years . . . In my judgment, the letters should not only acknowledge Fr. Aube's past problems but should focus constructively and redemptively on his efforts and success over a considerable period of time." (B51). Attorney Broderick pointed out that Aube was in counseling once a week with Dr. Desjardins between 1981 and 1986 and then once a month between 1986 and 1988 as well as that "in 1981 Fr. Aube initiated discussions with the Diocese concerning his need for help and counseling." (B52). Attorney Broderick concluded by stating: "I think it is important that [] Doe LXVIII understand that the Church, although not approving of Fr.

Aube's conduct, is considerate not only of the pain caused to John Doe LXVIII but of its own priest." (B52).

On May 17, 1994, Bishop O'Neil drafted a letter to John Doe LXVIII. (B169). Bishop O'Neil restated assurances made to Doe LXVIII that "the Diocese had no knowledge of real or imagined problems prior to the matters which arose at the Holy Rosary and of which we became aware in the Fall of 1981. Had the Diocese had any reason to believe there were problems prior to Father Aube's ordination or at any other time, his assignments would not have been made."³³ (B169) (emphasis added). He also confirmed that Father Aube did not have a full-time assignment following his departure from the Elliot Hospital. (B169). He explained that the past 13 years were painful for Aube, he has "successfully come to understand and control his previous activity," and there has been no known instance of any repetition of this behavior since 1981. (B170). Bishop O'Neil promised Doe LXVIII that he would require that Aube undergo an "additional independent evaluation" at a facility of the Bishop's choosing prior to any future assignment. (B170). He also offered Doe LXVIII up to \$4,000 in counseling costs. (B170).

C. John Doe LXVII's Complaint To The Diocese On November 25, 1992 -- Aube Sexual Assault At Holy Rosary In Rochester

On November 30, 1992, Monsignor Christian received a report over the phone from Dr. Frank Thompson from Maine, alleging that Aube sexually fondled one of his patients, John Doe LXVII, at the rectory of Holy Rosary in Rochester in the summer of 1977 or 1978, when he was approximately 15. (B123).³⁴ Monsignor Christian drafted a memorandum of the phone call. He explained that he told Dr. Thompson that they became aware of Aube's "problem" a number of years ago and took the following steps: 1) we immediately removed him from Holy Rosary, Rochester; 2) we required a complete psychological evaluation and ongoing therapy for Fr. Aube; 3) we reassigned him to hospital ministry only at the suggestion of his therapist, who was convinced that this type of ministry with ongoing therapy would not place other minors at risk. (B123).

John Doe LXVII called the Diocese and spoke with Monsignor Christian on January 20, 1993. (B128; 10857). Doe LXVII reported that when he was 15 or 16, Aube fondled his genitals and kissed him in the rectory at Holy Rosary Parish. (B128). According to his memo, Monsignor Christian told Doe LXVII that Aube was treated for his problem and "was now in a ministry where he was not in contact with youth." (B128) (emphasis added). Christian further stated: "I told Doe LXVII we were confident that Father Aube had his previous impulsive behavior well in hand, and that there were no recent victims of any sort of abuse." (B128). When Task Force investigators recently spoke with Doe LXVII, he

³³ Bishop O'Neil's statement that the Diocese was not aware of real or imagined problems relating to Aube prior to Fall of 1981 does not account for concerns about Aube's relationships with young people that came to the attention of the Diocese in December of 1975, following the Nashua incident.

³⁴ Diocesan files indicate that Dr. Thompson reported the matter to the Maine Department of Human Resources as well as to a New Hampshire agency, although the memo states that the New Hampshire agency refused the report. (B122).

stated that he recalled Christian telling him that Aube was working in hospital ministry and that he no longer had contact with children. (B10858). Over time, Christian's statement troubled Doe LXVII. Doe LXVII called the hospital and learned that they treated children. (B10858).

Diocesan Attorney Brad Cook drafted a memorandum to Aube's file on August 3, 2001, relating to Doe LXVII's complaint which he termed "inappropriate" hugging by Aube. (B46). Attorney Alan Cronheim had contacted the Diocese regarding Doe LXVII to discuss Doe LXVII's potential claims against the Diocese. (B46). Cook stated in his memorandum that "Aube has had treatment and was removed from any ministry which would involve contact with children." He further stated: "The events allegedly occurred either in Rochester or Dover and were some years ago, perhaps raising a statute of limitations issue..." (B46).

According to Monsignor Christian's memo, he met with Aube on January 21st to discuss Doe LXVII's complaint. (B129). Aube did not recall John Doe LXVII. (B129).³⁵ Christian speculated that Aube may be lying. (B129). Christian stated in his memo:

I explained to Father Aube that in my experience where there is in fact a history of such a problem it is better to be honest from the very beginning [sic] about the knowledge of the Diocese and the treatment we had assisted the priest to obtain. Hopefully, this prevents the people in question from pursuing civil or criminal action.

(B129) (emphasis added). Christian also wrote in his memo that Aube told him that he had not been in counseling for some time based on a mutual agreement with Dr. Desjardins that it was no longer necessary. (B129). Aube agreed, however, to a further appointment with Dr. Desjardins to make sure that he was facing the new allegation appropriately. (B129).

Although Christian wrote in his memo that Aube had no memory of Doe LXVII, Christian told Doe LXVII that Aube remembered him and that Aube had admitted to sexually assaulting him. During a recent interview, Doe LXVII explained that he spoke to Christian twice on the phone regarding his complaint against Aube. Doe LXVII explained that Christian initiated the second call to him after Christian met with Aube. (B10859). Christian told Doe LXVII that he explained Doe LXVII's allegations to Aube, Aube was forthright, Aube told Christian that he remembered Doe LXVII, and Aube admitted to molesting Doe LXVII. (B10859).

Apparently, in response to Doe LXVII's allegation, in March of 1993, Monsignor Christian requested that Dr. Desjardins provide a summary of his assessment and opinion "concerning whether or not Fr. Aube continues to be in a good place emotionally, and whether or not I conclude that his hospital ministry continues to be an appropriate pastoral placement for him at this time." Dr. Dejarbins provided a report to Monsignor Christian based on several sessions with Aube. Dr. Dejarbins stated that he had not visited with Aube

³⁵ During Aube's interview with the Task Force, he reaffirmed that he did not know John Doe LXVIII. (B6502).

in approximately four years (since March of 1989). (B42). Dr. Dejardins concluded that “I am pleased to report, that based on my updated evaluation, and on the basis of the historical data reported to me, that he continues to be quite happy, and well placed in his present hospital ministry.” (B42). “[T]here is no clinical and/or historical evidence available to this neuropsychologist, to indicate any significant problems, and/or inappropriate behavior, which would negatively impact his present pastoral placement.” (B42).³⁶ Dr. Dejardins noted that “[t]he major stressor and concern in his life at this time is related to the allegations, which recently surfaced, and particularly, the way, that he perceives, that these allegations have been handled. I believe that he has discussed his concerns with you on one or more occasions.” (B42). He further stated that Aube was experiencing “a moderate degree of mistrust, concerning the way, that he perceives, that these allegations, apparently, have been handled.” (B43).³⁷

On August 4, 1994, Attorney Cook sent a letter to Cronheim stating “we are saddened by what we heard and believe Doe LXVII is sincere.” (B59). From a legal perspective, Cook stated that the statute of limitations as well as liability problems in connection with the Diocese as a target would make any suit against the Diocese difficult for Doe LXVII. However, Cook conceded that from a pastoral perspective, the “Church wants to assure him of its concern and regret for any effect on his life which the matters discussed may have had.” (B59). Accordingly, Cook offered Doe LXVII a \$20,000 settlement. (B59). Cook also stated:

Obviously, there would be no admission by the Diocese of any liability nor is there any accompanying admission to be implied concerning any personnel of the Diocese. We would ask for a Confidentiality Agreement protecting both parties from disclosure of the terms of the settlement or existence of the claim. While this might be deemed to benefit the Diocese primarily, it also would obligate the Diocese to inform Doe LXVII if any inquiry or request were made concerning his

³⁶ There is no evidence that the Diocese provided Dr. Desjardins with the report it received in May of 1982 that Aube continued to have contact with a minor parishioner from Rochester even after his reassignment to hospital ministry.

³⁷ Additionally, Aube provided the Task Force with a Psychological Evaluation generated by Mark Blais, Psy. D., a Clinical Psychologist with Massachusetts General Hospital following testing on February 25, 1994. (B7472). This evaluation did not appear in the Diocesan file. However, it states that “[a]t the request of the Bishop, Fr. Paul is under going an independent psychological/psychiatric evaluation.” (B7472). The evaluation concludes that “Fr. Paul is prone to . . . be unaware of his emotional reactions. Yet he is drawn to emotionally arousing situations. This means that he will frequently find himself being (unconsciously) ‘pulled’ into situations where his judgment and reasoning are handicapped by his emotional arousal. Unchecked this process puts him at risk for impulsive poorly planned actions.” (B7475). Despite this conclusion, the evaluation also states that “[t]he testing found no signs that Fr. Paul is sexual [sic] preoccupied, impulse ridden or generally prone to lose his psychological control.” (B7476). In the end, this evaluation recommended that “some safeguards should be instituted for his benefit and the safety of others. I believe he can continue in his ministry work with the following conditions: He should continue in his psychotherapy. . . I would also consider having Paul’s religious work be supervised to some limited extent. I feel that having someone to check in with would be enough to compensate for his, at times reduced problem solving skills.” (B7476).

claim, its settlement or the like, allowing him the opportunity to seek to have any disclosure prohibited or limited.

(B59-60).

On December 5, 1994, the Diocese provided Doe LXVII with a \$25,000 check to settle Doe LXVII's claims. (B67; 68; 74). The settlement included a General Release, signed by Doe LXVII, discharging The Roman Catholic Bishop of Manchester, as a corporate entity, of any causes of action. (B69-70). As part of this release, Doe LXVII agreed to forgo "any and all claims for breach of fiduciary duty, breach of obligation to supervise or select clergy, breach of duty of loyalty..." (B69). This document further states: "This release may and shall be pleaded as a full and complete defense to, and may be used as the basis for an injunction against, any action, suit or other proceeding which may be instituted, prosecuted or maintained in breach hereof anywhere in the world." (B70). Further, as part of the release, the Diocese refused to admit liability regarding Doe LXVII's claims. (B70).

The Diocese also entered into a Confidentiality Agreement with Doe LXVII stating that both parties agreed to the following:

- a) not to disclose any information concerning the other obtained in the process of settling this matter to any person or entity whatsoever.
- b) not to disclose the terms of this Settlement Agreement to any person or entity. Each party understands that the other or others may be compelled to disclose documents or give testimony in response to legal process and agrees to give the other notice of any such request in order that the other may contest such request.

(B72-73). Christian signed this release on behalf of the Diocese. (B73; 75).

During Aube's interview with the Task Force, he stated that he did not know John Doe LXVII. (B6502).

X. THE REMOVAL OF AUBE'S PRIESTLY FACULTIES ON AUGUST 16, 1994

On August 30, 1993, when his position was eliminated at the Elliot, Aube wrote to Bishop O'Neil requesting a sabbatical to settle his late mother's affairs, take a vacation, and undertake research related to providing pastoral care in a clinical setting. (B2880-81). According to Aube, he was told to meet with the Bishop the day after he provided this letter. (B6552). The next day, Aube attended a meeting at Bishop O'Neil's house. Father Quinn was also present. (B6553). It appeared to Aube that Father Quinn had a better understanding of Aube's background than Bishop O'Neil. (B6553). Bishop O'Neil told him that the

Diocese wanted him to go to a center in New Mexico for an in-house psychological evaluation. (B6553). Aube believed that this request was in response to a Bishop's Conference where it was decided that any priest with allegations against them should receive an evaluation. (B6553). During the meeting, Bishop O'Neil and Father Quinn had a disagreement over which facility to send Aube. (B6554). Father Quinn wanted Aube to go to a facility in St. Louis. Bishop O'Neil stated that he had "good results" sending people to New Mexico. (B6554). Aube refused to go. (B6554). Aube's refusal sparked a series of letters between the Diocese and Aube regarding his treatment and his future in the Diocese. (B6555).

Diocesan documents evidence a heated back and forth between the Diocese and Aube regarding his continued psychological treatment in the wake of new allegations received by the Diocese in 1993 and 1994 relating to sexual contact that Aube had with boys during his assignment in Rochester. On August 4, 1994, Aube sent a letter to Bishop O'Neil responding to a letter he had received on July 12, 1994. (B57). Aube reasserted his desire to do research relating to clinical pastoral care. (B57). With regard to recent allegations of sexual misconduct against him, Aube stated that "[a]t this point, though I am innocent of the allegations against me, I am willing to undergo a comprehensive, extensive and independent out-patient psychological evaluation from a psychologist of my choice who specializes in your areas of concern. Obviously, the details of this evaluation and the confidentiality surrounding it are issues I will need to discuss with you." (B58). Aube requested that, if the results of the evaluation were acceptable to the Diocese, he be permitted to retain his priestly faculties and continue to minister in the area of health care. (B58). He also asked that if the results were unacceptable to the Diocese, that he be placed on "indefinite sabbatical leave for academic research" relating to areas of health care and still retain his priestly faculties with some restrictions. (B58). Aube pressed, that under either scenario, "I would need financial support from the Church..." (B58).

Bishop O'Neil responded to Aube in an August 9, 1994 letter stressing that a psychological evaluation was "absolutely necessary before I will assign you to a new ministry in the Diocese." (B61). The Bishop offered to allow Aube to go to Villa St. John Vianney Hospital in Downingtown, Pennsylvania for such an evaluation. (B61). The Bishop warned that if Aube failed to respond, he would "be forced, as indicated in [his] previous correspondence to [Aube], to place [Aube] on administrative leave, without priestly faculties, until such time as you comply with my request." (B62).

In an August 17, 1994 letter, Aube responded to Bishop O'Neil. The letter referenced a meeting that Aube had with Bishop O'Neil at the Bishop's home on August 9, 1994. (B64). Aube concluded by stating that "your options and mine are quite limited." He explained:

I cannot return to parish ministry because that would place the Diocese at risk based on an agreement the Diocese, through Msgr. Christian, chose to agree to with a family back in August of 1981. Unfortunately, I was not given an opportunity to have any input into that agreement, nor do I know the details of its terms. However, because of

that agreement, an assignment to full time parish ministry would certainly put the Diocese and me at an unreasonable risk. That I am not willing to do. I cannot return to chaplaincy work without satisfying your need of disclosure regarding allegations against me.

(B64). Aube asked the Bishop to clarify what ministries would be available to him should he receive a positive evaluation from Villa St. John Vianney Hospital. (B64). Alternatively, Aube again requested that he approve his sabbatical proposal. (B65).

Bishop O'Neil drafted a letter on August 17, 1994 withdrawing Aube's priestly faculties and placing him on "administrative leave" effective as of August 16, 1994, at noon. (B66). Bishop O'Neil explained that "[t]his means that you may not celebrate any of the sacraments of the Church, nor exercise any preaching or teaching function as a Catholic priest in public and/or with any members of the Catholic Faith Community." Bishop O'Neil also chastised Aube for failing to respond to his previous efforts to resolve the matter in a timely fashion and warned Aube that "[s]erious charges have been made against you and until this time you have not shown good faith in helping me find a just resolution this situation." (B66). The Bishop provided, however, that he would be "pleased" to restore Aube's priestly faculties if Aube agreed to an evaluation at one of the facilities that they had discussed. (B66).³⁸

On January 22, 2002, Vice Chancellor Arsenault, reviewed Aube's file and generated a memorandum for Bishop McCormack. (B181). He noted that "[t]here are six (6) known victims in the file from his time at Guardian Angel in Berlin, NH and Holy Rosary in Rochester, NH. Each of these matters have been settled."³⁹ Arsenault confirmed that Aube

³⁸ Apparently, Dr. Desjardins intervened in this dispute between Aube and Bishop O'Neil. Aube provided the Task Force with a "Summary of Psychological Services" generated on July 22, 1994 by Dr. Desjardins. This report was not in the Diocesan file. The report states Dr. Desjardins' belief that in-patient treatment was not necessary or appropriate in Aube's case because he had succeeded through his years of treatment with Dr. Desjardins without new incidents. The report also states that Dr. Desjardins had a meeting with Bishop O'Neil on May 6, 1994 during which the Bishop challenged Dr. Desjardins' conclusions with regard to Aube's need for continued in-patient treatment. The summary also indicates that Dr. Desjardins was bullish in his recommendation to the Bishop that further in-patient counseling was not necessary. (B7481). Aube also provided the Task Force with a letter to him from Bishop O'Neil dated September 7, 1994, after the Bishop had removed Aube's priestly faculties. (B7486). The Bishop's letter responded to Aube's concern that an outside evaluation was not necessary and apparently responded to Dr. Desjardins' recommendation that such an evaluation was not called for. Bishop O'Neil stated: "While your therapist must be your advocate, I must be concerned for all the people involved in this matter and I intend to do so as compassionately and as fairly as I can. Simply put, as Bishop of Manchester, I request the right to a second opinion and ask you to comply. Otherwise, I cannot allow you to live alone, minister publicly, or grant you a sabbatical leave." (B7486).

³⁹ The Diocese provided the Task Force with settlement documents relating to one victim -- John Doe LXVII. We recently requested any other legal documents from the Diocese relating to any other of Aube's victims through the years. It is not entirely clear which six victims Father Arsenault is referring to in his January 2002 memo. There is a cryptic handwritten note in the Diocesan documents listing six names: John Doe LXVII, John Doe LXVIII, John Doe LXX, John Doe LX, John Doe LIV, and John Doe LIII. (B63). Possibly, Father Arsenault's memo refers to these six individuals. However, in the documentation that we received from the Diocese, there is no information relating to John Doe LXX. With regard to John Doe LIV, there is only a one-page memorandum generated by Monsignor Christian in May of 1982 after he received a report that Doe LIV spent the night with Aube at St. Peter's rectory in Concord. That report indicated that there was not enough information to confront Aube. (B78).

was placed on administrative leave in August of 1994, and recommended that Bishop McCormack have a meeting with Aube to clarify his canonical status and verify that he is not functioning as a priest. (B181). There is a subsequent memo to Aube's file setting a meeting up between Aube and the Bishop on January 31, 2002. (B2866).

XI. CONCLUSION

The Diocese had knowledge that Aube was a sexual threat to minors following the Nashua incident in December of 1975 and the 1981 allegation that Aube engaged in sexual misconduct with a minor in Rochester. Despite its knowledge that Aube was a threat to minors, the Diocese transferred him to subsequent assignments without effective limitations on his ministry. In these subsequent assignments, both at Holy Rosary parish in Rochester and the Elliot Hospital in Manchester, Aube sexually assaulted other minor victims.

Based on these facts, the State was prepared to present one or more indictments to the Hillsborough County Grand Jury, charging the Diocese with Endangering the Welfare of Children.