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OFFICE OF THE BISHOP
DIOCESE OF MANCHESTER

July 1, 1999

Reverend Gordon J. MacRae
c/o Eileen A. Nevins, Esquire
Unit 3-2, One Park Avenue
Hampton, NH 03842

PERSONAL/CONFIDENTIAL

Dear Gordon:

Thank you for your letter of June 8th in which you outlined your concern about the new claim brought forth in a civil law suit by [REDACTED] and also your concerns about how the accusations have been and are being handled by the Diocese.

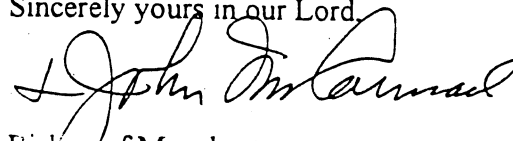
When we met a few months ago, I sensed you were not pleased with how these matters had been handled and that this bothered you. I also understood that you had sent information to the Congregation of the Clergy about your concerns. I must say to you, though, that I did not know that you expected me to be doing something about this as well. I knew that you wanted to inform me about this, and so you sent me a copy of the information you sent to the Congregation of the Clergy. You offer to send me additional materials regarding your case history and I will be pleased to receive them for review.

I must also say that when I heard from Father David Deibel I understood his offer of talking to me as an offer and not a request. Up to now, I have not turned to him for assistance.

In view of your letter, what I plan to do is sit down with the persons in the Diocese who are familiar with these matters and to review the information you have provided as well as their knowledge. After that, I will be back in contact with you.

I have a clear sense now that you definitely would like some intervention to be made regarding your concerns and the outcome of the deliberations that took place in this regard. I am not sure what I can do. Once I have a sense, I will be in conversation with you. I know that your incarceration and the outcome of the litigation have to be painful and difficult in many ways. I hope you find consolation and strength through your faith in God's love for you. I will keep you in prayer.

Sincerely yours in our Lord,



Bishop of Manchester

Rev. Gordon J. MacRae
c/o Eileen A. Nevins, Esquire
Attorney at Law
Unit 3-2, One Park Avenue
Hampton, NH 03842-1011

June 8, 1999

Most Rev. John B. McCormack, D.D., M.S.W.
Bishop of Manchester
657 River Road
Manchester, NH 03104

Dear Bishop McCormack,

I pray that this letter finds you well, and hope that the summer months will afford you some much deserved "R & R". I imagine that the first nine months of your ministry in the Diocese of Manchester has been eventful, and, if the degree of press coverage is an accurate indicator, has also been highly effective.

The reason I am writing to you at this time is two-fold. First, I assume that you have been made aware of a new claim, brought forth in a civil lawsuit naming me and the Diocese as defendants, by [REDACTED]. [REDACTED] is 35 years of age and, according to the claim, lives in [REDACTED]. As with the charges and lawsuits brought by other members of the [REDACTED] family, the claims of [REDACTED] are entirely fictitious, and, I assume, brought for the almost guaranteed financial settlement which will result from the claim as was the case in the claims brought by [REDACTED], [REDACTED] and [REDACTED]. I have great difficulty with this process, and with the fact that, from the very beginning of this case, no adequate investigation ever took place.

Bishop, you may recall that in October of 1998 I sent a 70-page Case History to the Congregation for Clergy along with approximately fifty pages of support documents. During our brief meeting at the State Prison on December 20, 1998 I discussed these documents with you and informed you of my decision to revoke my earlier approval to allow them to be publicized by several media entities who had expressed an interest. I also informed you during our December meeting that I sent the Case History to the Congregation for Clergy in October of 1998. At that time you expressed an interest in reading copies of these documents so I sent a complete set, along with a four-page cover letter, to your home address on December 21, 1998. I then received a letter from you dated January 5, 1999 indicating that you have indeed received the documents. I have had no further response from you regarding the Case History, its contents, or the other documents which I enclosed with it.

In early January of 1999 I received, through Attorney Nevins, a letter from the Congregation for Clergy indicating that the Congregation has received and decided to consider the materials I submitted. In February, 1999 I submitted an additional set of documents to the Congregation which included several affidavits of other individuals. In March of 1999 I wrote to Attorney Bradford Cook, legal counsel for the Diocese, requesting copies of pre-trial press releases issued by Diocesan officials as well as a copy of a document I signed at the behest of Attorney Cook as a condition of a partial payment from the Diocese to my trial attorney immediately prior to my trial in September of 1994. Attorney Cook has not responded to that request. I also understand that Father David Deibel, the attorney, canonist and friend who came forward to assist with my case before, during and after trial, wrote a letter to you in January asking for an opportunity to confer with you about his experiences in this matter, but he has not received a reply.

In late April I reviewed this case with Attorney Nevins, Father Deibel and a few other interested individuals, and we jointly decided that the account in the Case History was incomplete and needed to be expanded and further nuanced. On May 19 I completed work on a 37-page Addendum to the Case History, and, on June 1, re-edited and bound copies of the original 70-page affidavit (dated April 19, 1998) and the 37-page Addendum (dated May 19, 1999) were submitted to the Congregation for Clergy. The cover letter indicated that the Addendum contained information which was previously unpublished, and called the Congregation's attention to that particular document.


Hence, the reason I am writing to you at this time, Bishop. I am inclined to want to be forthright and responsible in this matter, but I also do not presume either your continued interest or your willingness to examine this matter further. I am writing, therefore, to inquire whether you wish to receive a copy of the newly published 37-page Addendum to the Case History which I have completed and submitted to the Congregation. If you do want a copy of the new document, please let me know and I will arrange to have it sent to you. The Addendum contains a Table of Contents listing all documents submitted to the Congregation to Date as well as the date sent.

Bishop, it is not now, nor was it ever, my intention to be a catalyst for either confrontation with Diocesan officials or scandal. I remain in prison for crimes I did not commit, and during this time I have repeatedly seen those who brought the false and contrived allegations profit from doing so. I continue to have grave misgivings about positions taken by officials of the Diocese throughout this matter, and I would very much prefer to be in dialogue with you about how best to address this. I feel strongly that if a fraction of the resources used to settle these false claims

was used to thoroughly investigate them, then we may not have arrived in our present situations in this regard.

Finally, Bishop, I must inform you that I have been very concerned with protecting the controversial nature of some of the documents I have written. As you may be aware, mail sent to and from me at the prison is opened and presumably read in the prison mail room. My situation has generated much attention and extraneous interest, and I have experienced a multitude of problems with mail as a result. Months ago a sensitive twenty-page document, a portion of the Case History I sent you in early January, was mailed to a canonist but was never received by him and has never surfaced since. I have received empty envelopes, and envelopes with portions of the enclosed mail missing. To protect the Diocese as well as me, I request that you address any future correspondence to me either through the Attorneys for the Diocese or through Attorney Nevins. If an envelope is marked "Privileged", and comes from an attorney's office, then I receive it unopened. Thank you for your understanding in this regard.

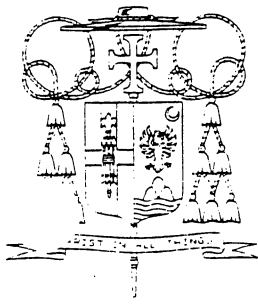
Fraternally,



(Rev.) Gordon J. MacRae

C: Eileen A. Nevins, Esquire
Attorney at Law
Unit 3-2 / One Park Avenue
Hampton, NH 03842-1011

Fr. David L. Deibel, J.D., J.C.L.
4403 Redwood Road
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OFFICE OF THE BISHOP

DIOCESE OF MANCHESTER

3513

PERSONAL AND CONFIDENTIAL M E M O R A N D U M

TO: File
FROM: Bishop McCormack
DATE: November 16, 1999
RE: Rev. Gordon MacRae

The following are observations made in the conversation with Bishop Christian on November 11, 1999.

Previous allegations were made by [REDACTED] of Hampton, NH, [REDACTED] of Keene, NH, another person while he was on leave of absence, and the [REDACTED] brothers, for which he was tried.

During a treatment residency at the House of Affirmation, he is reported as saying that he was out of control sexually and out of control with alcohol.

After the charges in Keene, he went to the Servants of the Paraclete for further treatment. They discounted the House of Affirmation report. He assisted in the work of the Servants of the Paraclete in New Mexico.

In terms of making a public statement about him, it was decided that it was difficult to take a public stance that implied or said that he was innocent. There was sufficient evidence to conclude he had a problem.

The sentencing in the [REDACTED] case was not proportionate to the sentencing for similar cases. He was convicted as a pedophile. The [REDACTED] children possibly lied.

Even though there may be some irregularities in the handling of his criminal trial because of the lying, based on the fact that he was criminally convicted, the Diocese did not think it could win a civil case or be able to defend, therefore, that they had supervised him appropriately and correctly.

In order to work with Attorney Nievens, it would be helpful if Gordon allowed us to talk about everything concerning him that is in the files. She should know his whole background.

RE: Rev. Gordon MacRae
Notes 11.11.99
November 16, 1999

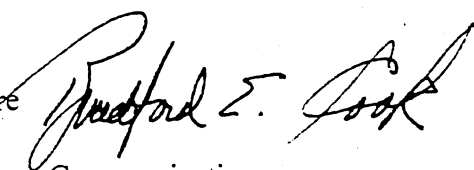
Secondly, Gordon should make a distinction between the canonical proceedings and the civil proceedings. It would be difficult for the Diocese to take a stand whether he is innocent or guilty.

SHEEHAN
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ASSOCIATION

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bcook@sheehan.comMEMORANDUM

TO Reverend John B. McCormack
Bishop of Manchester

FROM Bradford E. Cook, Esquire 

RE Gordon J. MacRae – Recent Communications

DATE November 14, 2001

I have reviewed the materials you had Father Arsenault fax to me constituting the communications you received from Gordon MacRae dated September 24 and a memorandum dated September 22 responding to your memorandum of August 29.

In reviewing these materials, I have also referred to the materials I previously submitted to you in bound form dated August 28, 2000 (authored by Bishop Francis Christian, the late Monsignor Norman Bolduc and me).

My comments are as follows:

1. I agree with MacRae's conclusion in his first paragraph that after all the time that has elapsed, it is unlikely that any proof of lying could be forthcoming, absent a change of heart by one of the [REDACTED] who would voluntarily come forward and admit to lying, a possibility that is unlikely. Throughout the process, it was obvious that all of the [REDACTED] were expansive in their testimony and it was aimed at getting a certain result and frankly, none of the attorneys involved in the criminal or civil cases trusted their testimony to be completely accurate. Whether it was all trumped up or totally manufactured is impossible to know, but unlikely. That is was embellished was clear.

The other matter addressed in paragraph 1 about the best use of funds is finding a legal error rather than new facts. I would agree with MacRae on that point. His

unlikely that the supreme court or the federal courts would review the conviction. However, there does seem to be some substance in this paragraph as to legal imperfections.

3. MacRae seems to have the procedural process and likelihood of success correct in his paragraph #3. The likelihood of any success in state courts is remote and the way to get into the federal system would be from an adverse final state decision. If there is any hope, it is in the federal system, although I cannot see much hope. If this can be done for \$40,000, only Rosenthal would have been able to estimate how much he would charge and I have no reason to dispute it. The number seems low, however, given the degree of research, paperwork and the like that would be involved. Interestingly, MacRae has the motivations of all of those possible funding sources other than the Diocese to whom he refers correctly analyzed. You can't trust the press not to take off after Church hierarchy or raise the discussion of celibacy, church law, "cover-up", other archdiocesan and diocesan problems in other parts of the country. Those with particular agendas, whether canonists or priests on a tear after the Church as a unified evil, are not helpful in an individual case. Therefore, in a somewhat clever fashion, he is stating he won't take the money unless the "Diocesan leadership agrees that the situation is unjust and warrants such investment" which puts the Diocese in the position of saying this looks unjust and therefore providing the money or implicitly saying they don't think the situation is unjust which may not be accurate, either. He has thus used rhetoric to somehow get you in a logical box on the payment issue. I think the matter set forth in this paragraph as to Attorney Rosenthal needs to be verified in a conversation with Rosenthal and possibly in a conversation with Rabinowitz, as well.

4. As to the strain in the relationship with the Diocese, it was more than a strain before, during and after the 1994 trial as MacRae had Deible call Bishop Christian and threaten him, and call me and threaten me. MacRae said he would only use Koch as his lawyer and not anyone who was suggested in New Hampshire. While it is sad that Mr. Koch has passed away, he made it clear that he wasn't going to listen to any advice from anybody else on how to handle the case which was his right and they did everything they could to implicate the Diocese. I do not believe that Attorney Koch was treated caustically and with disrespect by anyone and Father Deible was clearly in a situation where he was threatening the Diocesan leadership.

MacRae is right that the public defender did not do a good job with his state appeal.

characterization as to whether he is asking the Diocese for funds or not seems to be somewhat academic or strained and I will not respond to it.

2. Detective McLaughlin has been the instigator of many cases in the Keene area and seems to be a crusader on sexual abuse cases, engaging in questionable activities which border on entrapment on occasion. It is more likely that [REDACTED] brought his charges to McLaughlin who arranged for him to go to a lawyer but that probably is inconsequential on the question of guilt or innocence. The basic problem from a legal perspective in the question is that on appeal, facts allowed and findings of fact made by the jury are binding on an appellate court and absent fraud on the court and the process, there is no reason to think it would have any effect on overturning the conviction. Inconsistencies between [REDACTED] recollection of the order of events and McLaughlin's would not overturn a conviction unless it could somehow show a conspiracy of which there is no evidence.

2b. MacRae's assertions in 2b are true in the fact that corroborating evidence outside of the [REDACTED] family was not forthcoming. I do not know what he is talking about in reference to evidence that money came from some other priest and was attributed to MacRae although there was evidence of money coming and the suggestion that it was from MacRae in order to buy silence. He is right that those assertions this far after trial would probably not have any effect on overturning the conviction since an appeal was already taken and these issues were not raised.

2c. He is right in his assertion that an appeal would be on legal matters and the sufficiency of evidence, not on the motivation of evidence unless a real conspiracy and fraud could be proven.

2d. I have no knowledge of the pretrial testimony by MacRae that he references in 2d(A) and have no reason to dispute what he says in that paragraph.

2d(B) His assertion as to why he did not take the stand in paragraph 2d(B) seems reasonable. There were procedural problems in how the judge handled the case and no judge should ever tell a jury to conclude anything from a defendant's exercising his constitutional right not to testify in a criminal trial. Nevertheless, whenever a defendant does not testify, for whatever reason, a jury is going to think he has something to hide. Therefore, while I have no reason to doubt MacRae's explanation as to why he did not testify, and while there were certainly imperfections in the judge's handling of the matter, those would be pure legal defenses which could be investigated and perhaps raised, although again, the fact that an appeal has already been taken and so much time has gone by makes it

The material about Marcia Clark and the National Justice Committee is all news to me and I cannot comment on it other than to say that I can understand why the prison commissioner and the governor did not want to get involved in a circus on television.

The only thing we can do to verify anything about the Rosenthal situation would be to contact him as I indicated above.

As to the involvement of Father Scruton or anyone else at St. Barnard's or elsewhere, clearly there were several members of the clergy located at that church who had problems and it is impossible to discount that one or more of them may have been involved with one or more of the [REDACTED]. However, it is somewhat convenient for MacRae with all of his background of problems and prior activities before the [REDACTED] situation, to try to put blame off on deceased priests. The truth or falsity of these matters is impossible to determine, however. Certainly the timing of the [REDACTED] cases and other highly publicized cases in the country, including Porter, was not helpful to the environment in which MacRae was tried. Whether Ms. Rabinowitz seeks to avoid certain publicity or not is impossible to determine from the MacRae memorandum and would have to be verified with her.

MacRae is right that there is no hope of the governor and council commuting his sentence.

5. Much of this is just speculation about what more money would have done or would have not done. However, regarding the assertions that no one at the Diocese ever answered his questions as to whether we thought he was guilty, all the Diocesan priests I know of who discussed situations with him said was they hoped he was not. There was an extensive effort to identify everyone referred to by the [REDACTED] including the two priests in Hudson and I believe Bishop Christian identified who they most probably were. We did investigate everything that was suggested.

6. I think he is right that the sentence will not be reconsidered by the court as we have previously indicated to you. The decision made in 1996 as to helping was considered and rejected since we had already provided everything that we agreed to provide and I assume his quote of Jim Higgins' letter is accurate. However, the background to that was that MacRae wanted to control how the appeal was going to go and use our money to do it and the Church did not believe that it would be successful. It is apparent that the public defender did not do a good job for MacRae, regardless of the outcome.

In conclusion, MacRae raises a lot of new detail in this matter but the issues remain the same. I think the time has come for us to contact Rabinowitz and Rosenthal and get an independent reading on the situation. Otherwise, MacRae will continue to have you in a logical and personal "box" from which it is necessary to extricate you and the Diocese as soon as possible.

/ppd

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CONFIDENTIAL

OFFICE OF THE CHANCELLOR
 FILE # JSM
 AUTHORIZED OFFICER

Memorandum of 29 August 2001 and MacRae response of 22 September 2001
Father Arsenault's comments

1. Gordon wants to focus on a legal appeal based on the legal procedures during his criminal trial. We ought to nail this down as "the issue." No more discussion of commutation, sentence reduction or other legal recourse should be entertained henceforth.
2. The re-hashing of any conspiracy among the [REDACTED] and Det. McLaughlin is identified as "unfruitful" by Gordon. We ought to admit to Gordon that we have no reason to doubt that the [REDACTED] may have embellished their testimony to suit their own purposes and that we have never supported Det. McLaughlin's tactics.

Gordon does raise issues here that leads Brad Cook to observe that the judge's imperfections may rise to the substance of legal imperfections.

3. The issue of the financial cost of supporting an initial study of the possible imperfections in the legal procedure need to be viewed in light of the credibility of Rabinowitz and Rosenthal (see #4).
4. We ought to eliminate Dorothy Rabinowitz and Attorney Rosenthal from this matter. All of the issues associated with the involvement of the media and their legal associates are self evident. They serve far different purposes than Gordon's or ours.

Gordon clearly wants the moral support of the Diocese of Manchester regarding the injustice of his treatment in criminal trial as well as monetary support towards resolution of these issues.

Gordon is clearly offended and angry over his perception of his treatment by the Diocese of Manchester prior to the arrival of Bishop McCormack. It might be helpful to acknowledge his anger, specifically,

- At best, there was a lack of good communication from 1994-1999. The diocese thought that it had extended offers of support, but Gordon clearly didn't receive them or perceive communication as supportive.
- Gordon intimates that the Diocese of Manchester "cooperated" with the civil authorities, the media and perhaps even the [REDACTED] at a level that violated his privacy. Gordon needs to be told that we have always done what was required of us by civil law.
- Gordon has always been insistent on selecting his own advocates, despite diocesan efforts to assist him in this regard. This has only

contributed to an adversarial dimension to his relationship with the Diocese of Manchester.

Steve Scruton, Mark Fleming and Mark Gauthier, if guilty of what Gordon alleges, need to defend their own actions. Neither Gordon nor the Diocese of Manchester should assume moral responsibility for what they did or did not do. The glaring open question here is whether Gordon's alleged misconduct and theirs are mutually exclusive?

5. Gordon will not answer the question regarding the adequacy of his economic sustenance. This ought to be borne in mind and, perhaps, communicated with the *Congregation for the Clergy*. He posits no affirmative case for inadequacy here. Nonetheless, Gordon spirals back down into who else might have committed misconduct in Hudson, NH. We ought to tell Gordon that we have always investigated and pursued every claim of sexual misconduct in the Diocese of Manchester. Sometimes we are able to prove allegations and others times we are not able to do so.

Gordon deserves an answer to the looming question regarding the opinion of the Diocese of Manchester regarding his sexual misconduct. In fact, given the evidence in these matters, it is clear that there Gordon did act inappropriately with adults and minors in a sexual manner. Gordon views his involvement with the [REDACTED] in isolation from the other instances in his ministry where he violated sexual boundaries with adults and minors. I do not understand whether Gordon has integrated any of his actions in his image of himself. He has not availed himself of any treatment protocol, ostensibly because of his concern for the implications of his participation in treatment vis-à-vis his guilt of the crimes for which he incarcerated.

6. The decision not to support Gordon's request for legal counsel for appeal in 1996 was based upon his unwillingness to cooperate in any reasonable discussion to that point regarding his guilt or innocence. In hindsight, his dependence upon the public defender for what would essentially be his last reasonable appeal of his sentence was unfair.



MEMORANDUM

TO: File

FROM: Bishop McCormack

DATE: August 31, 2001

RE: Gordon MacRae – Visit August 30, 2001

1. Gordon first expressed concern that the diocese did not think that he was involved in promoting the compensation Mr. [REDACTED] sought for the sexual misconduct of a priest with him. The man had sought assistance for counseling through the office of Brad Cook. I assured him that this had never been mentioned to me.
2. He then reviewed, for want of a better word, the highlights of his life as a priest of the Diocese of Manchester.

He came from a family that suffered great dysfunction. Both parents were alcoholics.

His first assignment was to the parish in Hampton where there was litigation by several nuns of the diocese. He remembers people standing up and turning around with their backs toward him during his homilies. It was a difficult assignment. He and the pastor resigned after the first year.

He admits that during this year he crossed boundaries with a youth of the parish named [REDACTED]. He admits to hugging and kissing him. Gordon was drinking that first time. Yet the other two times it was the youth who came and hugged him. He said there was no genital contact.

His next assignment was with a pastor who continually drank. He was encouraged by Msgr. Christian to intervene. He found this difficult. During this assignment a local detective thought that he had first been assigned in Florida where he has sexually molested two young men, one of whom later died. He does not know where he got this information. It was during this time also that the detective sent a young boy to entice him. The young boy said that he would do anything for money. On this occasion after about the third visit Gordon asked him what he meant. He said he would do anything, even sex. Gordon told him he shouldn't talk like that because he might ask for sex. He told the boy it was improper conversation. This led

to him being brought to court for a misdemeanor. He was told by Msgr. Christian to find his own lawyer.

Following this he went to the House of Affirmation for four days for an evaluation. And after that he decided to take a leave. He went to Jemenez Springs where after a period of treatment he remained to become part of the staff. It was during the period that the [REDACTED] allegations were made.

[REDACTED] first made an allegation that proved to be untenable since he was not even in the parish at the time. That followed with an allegation by [REDACTED], which also ended up being untenable. That followed with an allegation by [REDACTED], which eventually ended up in court. He is convinced that the [REDACTED] were looking for money and were encouraged by McLaughlin to bring these allegations. [REDACTED] never thought that the criminal charges would lead to a trial or that the diocese and Gordon would settle before the trial. As a matter of fact, [REDACTED] could not be found for six months when the motion for trial was made.

Gordon feels that the diocese was not at all sensitive to his background as a person when they were making his assignments and that he was marginalized when the allegations were made.

We also discussed someone else taking my place to be handling the movement around this possibility of an appeal. He felt that it took a long time for me to come to listen to him and to know him. He thinks that he would not want to go through that with someone else. He would like me to continue. I agreed. But said it had to be one would not move as fast as if someone else was doing it. We also talked about his spiritual life in the prison and he wondered what my reservations were about moving ahead with the lawsuit. I told him that we did not have time to discuss it because it was time to leave but that I would try to make a visit with him in the near future.



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Gordon J. MacRae
 P.O. Box 14 - #22448
 Concord, NH 03302-0014

January 2, 2002

Most Rev. John B. McCormack
 Bishop of Manchester
 657 N. River Road
 Manchester, NH 03104

OFFICE OF THE CHANCELLOR
 FILE: *Confidential*
 AUTHORIZED: *J.D. M.S.W.*

Personal & Confidential

Dear Bishop McCormack,

Thank you for sending me your revised comments dated December 3, 2001. I have taken some time to review these carefully, and I have enclosed some reflections about these, and about our meeting of December 7th.

As usual, I feel a need to cushion some of my enclosed reflections in a more personal letter to you. I wish to make a few additional points here which are intended for you alone. I have sent copies of the enclosed reflections to Father Deibel and Eileen Nevins (no one else), but I am sending this letter only to you.

First of all, I deeply appreciate the time and effort you have put into understanding my position, especially over the last year. I want you to know that I have great difficulty in conscience with the fact that you have had to become so personally involved with this matter. Also, your personal involvement causes me to perhaps place too much emphasis on only one of my priorities, i.e. not to put you "on the spot," or escalate the alienation I have felt from the Diocese. When we meet, I become far too concerned about how conflicted this situation is for you personally. I agree with your thoughts about possibly turning the handling of this case over to someone else who can act as your representative. You mentioned Father Arsenault, and that will be fine with me, but I would also agree to meet with Brad Cook. I will even be nice to him!

Here is my second point: My eight years of dealing with this case have been filled with formed and broken reasons to hope. The present is no exception. Two days after receiving your memo about wanting to hire a more local lawyer, I received a letter from an acquaintance informing me that he has decided, contingent upon my permission, to fund Attorney Rosenthal's retainer of \$6,000 so that he can proceed to review the case. The suggestion was that made that I not tell you about this. I cannot operate in this way. The enclosed memo addresses this, but I want you to know directly that I must consider this offer. I am supposed to give an answer on January 9th, but my answer at this point is that I am not sure of what to do. I ask you to read carefully this section of the enclosed reflections so that you or a representative can discuss this with me. I am open to finding a "next step" that we can all live with.

Here is my third point: I am painfully aware of the suspicions about my past conduct alluded to in your December 3rd memorandum. Of interest, for the last seven years I have lived in quite close quarters in a prison filled with needy 18-to-20-something-year-olds with little in the way of a moral center or familial support. There are young men here who routinely seek out older inmates for support in a form of mutual exploitation. In my over seven years of living in this situation, not a single, even remote, suspicion of inappropriate conduct has ever been raised - not even by other inmates who are constantly searching for information to exploit. In seven years, prison officials have four times placed eighteen or nineteen-year-old inmates in my cell because they have been exploited by others. I have been propositioned for the price of a pack of cigarettes or instant coffee. If one incident had arisen, then others would see this as "proof" that the concerns of my past must all be true. The lack of any form of incident or suspicion is, however, proof of absolutely nothing.

In regard to the other past concerns raised about me, you once told Eileen Nevins of your belief that "where there is smoke there is fire." Sometimes, Bishop, where there is smoke there is only smoke. Sometimes the smoke around me was because of someone else's fire. Regardless, you have not yet asked me for direct details about the matters from which I am responsible. I presented the most egregious of these situations to you in detail at our last meeting, but I have not been clear on the extent to which you have wanted direct information about the past. I have hidden these details from no one.

Final point: I am guilty of none of the criminal behavior claimed by the [REDACTED] - the sole matter for which I am in prison, but I am also aware that in the background of this case exists a nebulous, and potentially deeply scandalous, situation for this Diocese.

I have raised this point privately with you before. If you tell me that my imprisonment is unjust, but that pursuing my freedom places the Church at a risk for scandal and ridicule which outweighs my loss of freedom, then I will cease my efforts without anyone else (other than you) knowing why. I have always known that one possible outcome of this situation is that I might have to live with what has transpired. This may be difficult for you to believe at this point, but as a priest I am capable of putting my interests aside.

I hope you read this letter and the enclosed document in the spirit of openness in which they are written, and I hope you do not take offense at my directness. I wish you health, happiness and peace in the new year.

Respectfully Yours in Christ,

G. MacRae

(Rev.) Gordon J. MacRae

Enc. 1

Confidential

TO: Most Rev. John B. McCormack

FROM: Fr. Gordon J. MacRae

DATE: January 2, 2002

RE: Reflections on Memorandum dated December

OFFICE OF THE CHANCELLOR
Confidential

FILE: 2001

AUTHORIZED: *GJM*

N.B. Please refer to the ~~attached~~ Memorandum dated 12/3/01 to review the questions and comments which are responded to below.

1. I think there is agreement that it would be unproductive to attempt to investigate the [REDACTED] in terms of the time period in which their claims were alleged to have taken place. There is little hope of obtaining reliable evidence about the events of some 19 - 20 years ago.

The evolution of the various claims in police reports, depositions and sworn testimony, however, should be carefully examined. [REDACTED] testified under oath on three occasions: 1) during a pre-trial deposition with my attorney; 2) during my criminal trial; and 3) during evidentiary hearings in the lawsuits against the diocese. I have transcripts from the first two, but have never reviewed the latter. I was not represented during the evidentiary hearings, and I have not been able to obtain transcripts of [REDACTED] lengthy testimony. Eileen Nevins was told by Diocesan counsel after a settlement was reached that [REDACTED] testimony at the evidentiary hearings has not been transcribed. Diocesan counsel never requested a transcription, and the cost of requesting an original transcription has been prohibitive for me while in prison. The other [REDACTED] brothers also offered testimony during evidentiary hearings, but there is no other sworn testimony with which to impeach this as they did not testify during my criminal trial.

2. Re-examination of the criminal conviction in the case of [REDACTED] - for which I am in prison - is not my only recourse, but it appears to be my most efficacious recourse when one considers that I have been disinclined to defend myself by implicating others through an open investigation of the history, merits, and background of all of the [REDACTED] claims, including those involving other priests, and the other claims choreographed by Detective McLaughlin. I have had very conflicting advice in this matter, but I have always presumed that the [REDACTED] have lied in the entirety of their claims. I have therefore shunned any suggestion that others should be publicly implicated. Even if there exists evidence that all or part of their claims about other priests were true or partially true (i.e. [REDACTED] original claims about Father Scruton and [REDACTED] s claims about two Hudson priests) the [REDACTED] clearly have demonstrated a pattern of deceit in this matter.

3. In regard to the demeanor of Diocesan officials, I had hoped to obtain a consensus that the [REDACTED] claims, and my resultant trial, conviction and imprisonment, were unjust and should be overturned. I have been unable to elicit a view of the [REDACTED] accusations that is seen in its own light, and not through a lens clouded by other vague and highly dissimilar allegations which have been revisited and "enhanced" by Detective McLaughlin to facilitate lawsuits, and to support the [REDACTED] charges.

I agree that much remains unclear, but I feel that there has also been a lack of clarity on the part of Diocesan officials on multiple levels. I have never doubted that the [REDACTED] accusations were (are?) seen in the light of other allegations received by the diocese directly or by way of rumor and innuendo. Though brought much later, the [REDACTED] claims, when viewed chronologically, actually precede any other claim of misconduct. One must remember that the [REDACTED] accused me - and other priests - of forced, and even violent, sexual assaults. There is nothing in my history to lend credence to these claims. I must point out that many details of the multiple accusations remain shrouded in mystery and a backdrop of deceit, and have produced questions about the behaviors of others for which I have never received clear answers. All of these claims were choreographed by Detective McLaughlin and changed radically over time.

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I feel that, at this point, one step which might be helpful is a review of the pre-trial investigation conducted by (the late) Ron Koch. Mr. Koch sent some eighty informal questionnaires to potential witnesses in regard to the multiple and varying accusations made against me. I agreed with Mr. Koch that I would neither see these questionnaires nor the responses until he had reviewed them, and I had no contact with any of the respondents. Many of these questionnaires were sent to current and former parish employees, Diocesan personnel, and acquaintances of the [REDACTED], [REDACTED], and [REDACTED]. Mr. Koch's goal in issuing these Questionnaires, which were based on details of all of the claims "handled" by Detective McLaughlin, was to attempt to find one person to corroborate the details supplied by the complainants. I believe that Attorney Koch may have sent copies of the completed documents to Brad Cook at some point prior to my trial, but I am unsure of this. Eileen Nevins has copies of all these documents and would be able to provide them.

The responses to these Questionnaires are informative both in terms of who responded and who did not respond. I feel that a review of these documents in the light of what I have consistently presented as "my side of the story" may be a positive step at this point. My long enduring sense, however, is that some Diocesan personnel have been highly selective in what information is reviewed in my regard, and have avoided exculpatory information.

4. Re: Attorney Rosenthal - I have no reason to believe that Atty. Rosenthal is a "media legal expert." I also have no reason to expect that, if he examines my case, he would be obligated, or even permitted, to divulge information to any third party.

I must be blunt on this point. I have been told for years that the legal interests of the Diocese and my legal interests are quite different, and that, by Diocesan policy, I am on my own in addressing my legal interests. Most prisoners who maintain their innocence of a charged crime would quickly embrace the opportunity to gain the attention and assistance of Dorothy Rabinowitz and Robert Rosenthal. It was only because of the repeated citing of a Diocesan policy not to be involved in a criminal defense that I sought the interest of others.

?? I have been attempting to address this case for over eight years, and have been in prison for over seven years. Current discussions with the Diocese have been ongoing for three years. Mrs. Rabinowitz and Atty. Rosenthal became interested in my case only slightly over one year ago. Certainly one can understand my impression that Diocesan interest in examining the possibility of injustice in my case was minimal, at best, until the interest of others surfaced. I am reluctant to now sever these ties without a clearer sense of where this case stands and what should now be done.

5. Re: Retaining Legal Counsel - In the last two weeks, I have once again been presented with an offer to fund Mr. Rosenthal's retainer fee so that he can examine the case. At this point, I feel that I should accept this offer which appears to be presented with no strings, conditions or expectations. I do not feel that viable alternatives have been presented, and I am essentially "running in place." It has taken a full year for the Diocese just to decide to recommend that I find a lawyer other than the one who is now interested.

I may be open to seek a more local legal expert that is "mutually acceptable," to proceed with the case. However, I am inclined to want to retain Attorney Rosenthal to at least conduct an initial examination of the case history, and trial/sentencing transcripts as well as any other testimony presented by [REDACTED]. I believe this to be well worth the investment of \$5,000 to \$6,000 estimated by Mr. Rosenthal as a retainer. At this point I think that it is important that I have some sense of whether there is any reason to hope for the success of a habeas corpus motion through the federal courts. It would help if I knew whether concerns about Rosenthal are the Bishop's or those of the Diocesan legal counsel.

There are other reasons why I prefer an attorney outside of New Hampshire. The already complex issues in my case are complicated further by the fact that two of the personal injury lawyers who profited from Diocesan settlements in this case are now the sitting Cheshire County Attorney and Assistant Cheshire County Attorney. The people who will be arguing to keep me in prison are the same people who profited from the accusations in the first place. Also, [REDACTED] is an official with DCYF and it was her supervisor who wrote the mysterious "Florida" letter which spawned this case. Finally, the attorney who represented [REDACTED] has historical ties to the State Supreme Court and its Judicial Conduct Committee. At the risk of sounding paranoid, I am concerned about fairness, and with good reason.

The legal system in New Hampshire has not exactly distinguished itself in the last few years. The independence of "local" counsel is an issue.

6. I would certainly agree to sharing the persons with whom we are working in regard to this case, but I am unclear about the point being made here. Am I being asked to sever ties with the people who offered to help when the no one else would? I agree that part of the issue involved in this case is "fallout and containment." At the same time, I must point out that this list is now awfully short because I would not accept most of the "advice" I have been offered. If requested, however, I will provide a list of these people and where each now stands vis-a-vis the situation.

7. I agree that some issues ought to be brought to greater conclusion on my part because they may unreasonably interfere with current decision-making. I personally struggle with a need to both forgive and seek forgiveness without also capitulating to a revisionist history of the matter.

I am probably not going to be able to sum up the history of my relationship with a past Diocesan administration as "Attempts by the Diocese to support (me) were not perceived as supportive." Is this statement really the conclusion of three years of examining this matter? Were the pre-trial press releases, statements made to Fr. Deibel, Eileen Nevins and Ron Koch, and the lack of responses to inquiries, all misinterpreted by me? I do fully agree that the Bishop "cannot change what has already happened," and he bears no personal responsibility for the positions of others.

I fully understand the Bishop's concern that his responsibilities to the Diocese make his direct involvement in this matter somewhat cumbersome in terms of timely decisions and responses. I also have much concern and anxiety that Bishop McCormack has had to deal with this case so personally. I have no objection to pursuing this matter with Brad Cook or Father Arsenault or both.

Some open questions:

If I accept the offer to retain Attorney Rosenthal to review the case, then what? Will retaining Attorney Rosenthal on my own preclude further Diocesan involvement? If an alternative to Rosenthal is considered, who will find this person?

Is there a way for the Diocese to help address this matter, and maintain some control, without directly funding legal expenses?

Are there other factors influencing decision-making in this case (eg., the current Boston situation)?

Are there any alternatives to a public examination of this matter?

MEMORANDUM

TO: File – GORDON JAMES MACCRAE

FROM: Brenda M. Blonigen, ^{bmb/3} Sergeant

RE: DIOCESES OF MANCHESTER – Follow-up

DATE: September 6, 2002

On Thursday, September 05, 2002 I spoke with DCYF worker GAIL RICHARDS, who is currently assigned to the Rochester District Office. I received information that RICHARDS may know a victim of MACRAE. RICHARDS told me that she used to work as a counselor at the Dover Children's Home, which is located on Locust Street in Dover, New Hampshire. She said that she couldn't remember if it was during 1982 to 1983 or 1983 to 1984 but she was the supervisor of the boy's dorm. RICHARDS told me that there was a resident there named [REDACTED] who was in her charge. She said that at that time [REDACTED] would have been either 14 or 15 years old. RICHARDS told me that she used to talk with [REDACTED] a lot and she was sort of concerned with his relationship with a priest who used to pick him up all of the time. RICHARDS told me that the priest was GORDON MACRAE. RICHARDS told me that she didn't know how MACRAE and [REDACTED] got connected because [REDACTED] was from Groveton, New Hampshire. RICHARDS told me that [REDACTED] would go with MACRAE for weekend trips all of the time. She said that MACRAE would come and pick [REDACTED] up on Friday and bring him back on Sunday. RICHARDS told me that [REDACTED] would always say to her "there's something I want to tell you but I have to wait until I get of age". RICHARDS said that she would always question him about this but he would never elaborate. She said that he said this to her many times and it really concerned her. RICHARDS said that he left the Dover Children's Home and she never had contact with him again.

RICHARDS told me that when children are in placement they have permanent records in archive at DCYF. She said that although the Children's Home does keep records they probably don't have them back that far. I asked RICHARDS if she would have any way of identifying [REDACTED] birth date or where he is possibly located. She told me that she did not know, but there was some connection with [REDACTED] and the [REDACTED] who own [REDACTED]. She said that he used to visit that family some times also.

On Friday, September 06, 2002 I called and spoke with CHIEF WILLIAM WRENN of the Hampton Police Department. CHIEF WRENN told me that he was in charge of Detectives at the Hampton Police Department when MACRAE was a priest in Hampton. He told me that MACRAE was a very well liked person who had come to the police department and had talked about how he had been a police officer in Baltimore, Maryland for a while before he became a priest. CHIEF WRENN told me that this was

later found to be false. CHIEF WRENN told me that MACRAE had helped the police department out a couple of times, once being when they were investigating the death of an infant. MACRAE came in and offered spiritual assistance for the family and others. CHIEF WRENN told me that they were very disappointed when MACRAE came to him and told him that he was being transferred to Keene. CHIEF WRENN said that at one point they were going to appoint him as the Chaplain for the Police Department. CHIEF WRENN told me that it was years later that he received a call from a Keene Detective who said that he needed reports from the sexual assault that took place in Hampton. CHIEF WRENN told me that he informed the Detective that he must have been mistaken on MACRAE because there were no reports of that nature made to the Hampton Police Department. CHIEF WRENN told me that he then spoke with DETECTIVE ARTHUR WARDELL who then informed him (WRENN) that it had happened in Hampton, however the family and the church were working together and wanted to keep it that way. CHIEF WRENN told me that his department never conducted any investigation of allegations that occurred in Hampton. He told me that the case in Rockingham County was all investigated by the Keene Police Department. CHIEF WRENN told me that the Keene Detective came to Hampton with a search warrant for the rectory.

CHIEF WRENN told me that he (WRENN) was actually subpoenaed by the Defense of MACRAE to testify about his character. CHIEF WRENN told me that he did testify, however the prosecution asked him the important question and that was what he would think of MACRAE if he knew about the allegations and CHIEF WRENN stated that he should be in jail with the rest of them.

MEMORANDUM OF INTERVIEW

Person Interviewed: ARTHUR WARDLE

Place of Interview: 61 Mill Road
Hampton, NH

Date of Interview: September 09, 2002

Person Interviewing: ^{BMB/83} Brenda M. Blonigen, Sergeant
Brooke Lemoine, Detective

RE: GORDON JAMES MACRAE

On Monday, September 09, 2002 Detective Brooke Lemoine and I went to 61 Mill Road, Hampton, New Hampshire to interview ARTHUR WARDLE, DOB: [REDACTED] who was the police officer in Hampton who was notified of a possible sexual assault with [REDACTED].

WARDLE told us that he did remember it being reported to him that [REDACTED] had been sexually assaulted by GORDON MACRAE. WARDLE told us that he didn't remember doing any type of report at the because to the best that he could remember it was all completed by the time that he was notified. WARDLE told us that he remembered that the assault consisted of touching and fondling and not an actual sexual act or oral sex.

WARDLE did remember speaking with [REDACTED] parents and he also did remember that the [REDACTED] had spoke with church official at the Diocese. WARDLE said that by the time he had been notified all of this had been done. For further details of WARDLE's interview refer to transcript.

MEMORANDUM

TO: File - GORDON JAMES MACCRAE
FROM: Brenda M. Blonigen, Sergeant
RE: DIOCESE OF MANCHESTER - Follow-up
DATE: September 10, 2002

On Tuesday, September 10, 2002 I called and spoke with

[REDACTED]

[REDACTED] who was
victimized by MACCRAE in 1983, which was reported to the Diocese. [REDACTED]
[REDACTED] told me that her son had just moved back into the area and had just gotten
his life situated. [REDACTED] told me that she wasn't really sure whether
or not she wanted to talk with us about this because things were now going well for
[REDACTED]

[REDACTED] told me that they have talked with so many people about this
that they are starting to blend in together. She told me that her and her husband found out
about [REDACTED] abuse through his ([REDACTED]) counselor.
[REDACTED] told me that the counselor actually worked for the church at
the time. She told me that she ([REDACTED]) was under the impression, at the time, that
the matter had been reported to the police, however she found out later that it had not.
[REDACTED] told me that it wasn't until later when [REDACTED] was
talking with a counselor at Winnacunnet High School, when [REDACTED] the
counselor of the abuse, that it was reported to the police.

[REDACTED] told me that her son [REDACTED] also talked with another
priest, JIM WATSON, who said to [REDACTED] that this was a pretty
strong allegation and that he should be careful whom he tells things like that to. She said
that it seems that everyone at Hampton knew what was going on.

[REDACTED] told me that she had talked with the Diocese and she had also
talked with GORDON MACCRAE also. [REDACTED] told me that she
would talk with her husband and [REDACTED] to see if they wanted to speak with me
further on this.

MEMORANDUM

TO: File - GORDON MACRAE
FROM: DET BROOKE LEMOINE *BL*
RE: DIOCESE OF MANCHESTER - Follow-up
DATE: September 10, 2002

On the above listed date at approximately 1300hrs, this Detective and Sergeant Brenda Blonigen responded to [REDACTED] and made contact with [REDACTED] tel ([REDACTED]). The last known address of victim [REDACTED] was at this address. [REDACTED] who indicated he is the Landlord/ Owner of [REDACTED] advised that he did rent an apartment to [REDACTED] and his wife approximately two years ago however they have since moved leaving in 1999. [REDACTED] did not have a forwarding address for him. [REDACTED] was thanked for his time and contact ended.

MEMORANDUM

TO: File - GORDON JAMES MACRAE
FROM: Brenda M. Blomgett, Sergeant *BMB/S3*
RE: DIOCESE OF MANCHESTER - Follow-up
DATE: September 16, 2002

On Monday, September 16, 2002 I was able to identify and speak with by phone

[REDACTED]

who was referred to in one confidential letter as a person who MACRAE needed to break off the relationship with. [REDACTED] told me that he met MACRAE when MACRAE was a Brother in Groveton, New Hampshire, where he ([REDACTED]) lived.

[REDACTED] said that his ([REDACTED]) mother divorced his father and MACRAE sort of stepped in and took over as a father figure for him. [REDACTED] said that he ([REDACTED]) started to give his mother a hard time and he was going to go to YDC, however MACRAE took him ([REDACTED]) to live with him (MACRAE) in the Rectory of the church that he was a priest at in Hampton, New Hampshire.

[REDACTED] told me that he lived there with MACRAE for over a year and nothing inappropriate happened to him at the hands of MACRAE. [REDACTED] told me that he lived at the Rectory in Hampton for about a year and then the church told MACRAE that he was going to have to find him somewhere else to live and MACRAE found a family in Seabrook, New Hampshire for him to live with. [REDACTED] told me that he [REDACTED] then got into more trouble and he then went to the Dover Children's Home. He said that MACRAE still kept in touch with him [REDACTED] while he was there.

[REDACTED] told me that he certainly didn't see anything happen while he was living with MACRAE in the rectory, however he also could not say for certain that nothing happened. [REDACTED] told me that MACRAE never inappropriately hugged him, caressed him or anything like that. [REDACTED] told me that MACRAE did tell him [REDACTED] that he (MACRAE) had been addicted to Heroine at one time. He said that MACRAE said one day, "well it's been a whole year since I've had any Heroine". [REDACTED] said that the only thing that he saw MACRAE do was drink. [REDACTED] told me that MACRAE had told him [REDACTED] that he had cancer at one time. [REDACTED] said that MACRAE said that he needed to go to York, Maine for treatment and he ([REDACTED]) asked if he could go with MACRAE.

[REDACTED] said that MACRAE dropped him [REDACTED] off at the beach and then picked him up about an hour later.

[REDACTED] told me that he really couldn't understand why MACRAE took such a liking to him. He also said that he couldn't understand that if MACRAE did abuse children why he did not abuse him ([REDACTED]). [REDACTED] told me that MACRAE had told him ([REDACTED]) that he had been a police officer in Baltimore, Maryland and he also had a child there named [REDACTED] who [REDACTED] reminded him (MACRAE) of. [REDACTED] told me that MACRAE had told him that [REDACTED] had committed suicide. [REDACTED] told me that since so much that MACRAE told him was possibly a lie, maybe this was also.

I asked [REDACTED] if he remembered a counselor at the Dover Children's home by the name of GAIL RICHARDS and he told me that he really didn't remember her and certainly would remember any conversations that he had with her. [REDACTED] told me that MACRAE was very trusted by him ([REDACTED]) and was sort of a hero to him ([REDACTED]). He told me that he would buy him clothes and things like that and was always there for him to talk to. [REDACTED] told me that he spoke with the police a while ago about MACRAE, but couldn't remember what the name of the officer was. [REDACTED] told me that it was hard to believe that MACRAE could do something like that but he ([REDACTED]) doesn't want to become a witness for the defense if he really did it.

MEMORANDUM OF INTERVIEW

PERSON INTERVIEWED: [REDACTED]

PLACE OF INTERVIEW: [REDACTED]

INTERVIEWED BY: [REDACTED]

Brenda M. Blomigen, Sergeant
Brooke Lemoine, Detective

DATE OF INTERVIEW: September 20, 2002

RE: GORDON JAMES MACRAE

On Friday, September 20, 2002 Detective Lemoine and I went to the residence of [REDACTED]. Because of existing interviews with [REDACTED] we did not go into lengthy detail of the abuse that occurred. The purpose of our interview was to clarify whether there were people around when he went to the rectory and other details. [REDACTED] stated that he was extensively abused by MACRAE until he went into the military at age 18.

[REDACTED] told us that there were many people that saw him go into the rectory. He said that when the case went to trial all of the priests and workers at the church and rectory testified that they never saw the [REDACTED] children come into the rectory on the second floor, which is where the bedroom area was located. [REDACTED] stated that he was able to give a detailed description as to what the rectory looked like.

[REDACTED] stated that when he [REDACTED] returned from the military he called up MACRAE and MACRAE convinced him [REDACTED] that his mother did not want him staying with her, therefore he stayed with MACRAE. [REDACTED] told us that while he was staying with MACRAE at MACRAE's apartment, there was a boy named [REDACTED] who he [REDACTED] has come to realize that there should have been a concern for. [REDACTED] stated that [REDACTED] was always at MACRAE's house and was always going places with MACRAE. [REDACTED] stated that MACRAE lived just next door to [REDACTED]

[REDACTED] told us that he had never been told that he should stay away from MACRAE. He said that FATHER HORAN once told his mother that she shouldn't let her children hang around with FATHER MACRAE so much. [REDACTED] told us that his mother told this to him, long after the abuse occurred. [REDACTED] told us that the first time that he ever told anyone of the abuse that he went through was when his mother confronted him. This was just before the Keene Police were doing their investigation.

[REDACTED] received multiple papers from his attorney that represented him during the civil case. That attorney is Attorney Mark Abramson. [REDACTED] maintained all of the papers that were given to him by Attorney Abramson. He allowed us to take these papers to see if there were any papers that we did not receive. We went through these papers, made copies of what was not already in our possession and they are attached to this report.

The interview was tape-recorded, for further information regarding this interview refer to transcription

