

STATE OF NEW HAMPSHIRE
HILLSBOROUGH COUNTY
NORTHERN DISTRICT

SUPERIOR COURT

93-C-1243

[REDACTED]

v.

GORDON J. MacRAE, THE ROMAN CATHOLIC BISHOP
OF MANCHESTER, INC. and FATHER GERARD BOUCHER

**DEFENDANTS THE ROMAN CATHOLIC BISHOP
OF MANCHESTER AND FATHER GERARD BOUCHER'S
PROPOSED FINDINGS OF FACT AND RULINGS OF LAW**

I. Findings of Fact

1. Plaintiff [REDACTED] was born

[REDACTED]. He reached the age of majority on [REDACTED]

2. [REDACTED] attended public school at Hampton Academy in Hampton, New Hampshire during 1982 and 1983. He attended religious classes at Sacred Heart School in Hampton.

3. During that period, [REDACTED] alleges that he came to know Defendant Gordon MacRae ("MacRae") who encouraged him to become a full-time student at Sacred Heart.

4. MacRae had only recently been ordained. He came to Hampton in July 1982 to become the assistant pastor at Miraculous Medal Parish.

5. MacRae was transferred to St. Bernard Parish in Keene, New Hampshire on or about June 15, 1983 where he stayed until June 1987.

6. During the period 1982-1983, [REDACTED] alleges that on several occasions he was sexually molested by MacRae. [REDACTED] claims that MacRae hugged and kissed him intimately, fondled his sexual organs and encouraged him to fondle MacRae's sexual organs.

7. [REDACTED] began seeing a clinical social worker for New Hampshire Catholic Charities, [REDACTED] for therapy in September 1983. On or about October 26, 1983, [REDACTED] asked her about whether sexual advances from MacRae were appropriate.

8. Paterson informed [REDACTED] that MacRae's sexual advances were not appropriate and that they were a violation of the law. She informed [REDACTED] that she had to report MacRae to the authorities and asked to tell his parents.

9. As part of her treatment of [REDACTED] Paterson validated that [REDACTED] was not to blame for the incident and that MacRae was at fault.

10. As a result of this disclosure, Ms. Paterson stated that she "took the necessary steps through [Catholic Charities] to have a report of sexual abuse by MacRae filed with the

appropriate authorities." She "discussed this filing with both [REDACTED] and his parents."

11. In November 1983, [REDACTED] disclosed to Paterson the he had a "hit list" of people he wanted to harm because he perceived that they had harmed him. MacRae was always at the top of his "hit list" in capital letters.

12. In December 1983, [REDACTED] was admitted into Hampstead Hospital for psychological treatment. [REDACTED] stated at that time that he thought his problems stemmed from the incident with MacRae.

14. [REDACTED] previously had told [REDACTED] (then [REDACTED] in the spring of 1983 about his relationship with MacRae. [REDACTED] was a teacher at Hampton Academy. She helped [REDACTED] draft a letter to MacRae which told MacRae that [REDACTED] was uncomfortable with some of the things MacRae did.

15. After starting at Sacred Heart in the fall of 1983, [REDACTED] told a teacher, [REDACTED] that MacRae had molested him.

16. After August 1983, [REDACTED] had no further contact with MacRae.

17. In 1986, [REDACTED] again informed a counselor at school that he had been molested by MacRae. As a result, the incident was reported to DCYS.

18. Elizabeth Davis of DCYS conducted an investigation of [REDACTED] claims. The investigation included discussions with [REDACTED] and his parents. [REDACTED] disclosed to Davis that he had been molested by MacRae.

19. [REDACTED] parents consulted a lawyer in 1986 about possibly bringing a civil lawsuit on behalf of [REDACTED]. They decided not to pursue such an action at that time.

20. [REDACTED] did not commence the instant action until September 22, 1993.

21. [REDACTED] understood in 1983 that his rights had possibly been violated by MacRae.

22. [REDACTED] understood by 1986 at the latest that his rights had possibly been violated by MacRae.

23. [REDACTED] suffered an injury sufficiently serious in 1983 to apprise him that a possible violation of his rights had occurred.

24. [REDACTED] had actual notice that MacRae had been reported to DCYS by Catholic Charities for the conduct [REDACTED] complained of.

25. [REDACTED] parents were fully apprised by Ms. Paterson and DCYS of MacRae's conduct against [REDACTED] in 1983.

26. Based on [REDACTED] allegations against MacRae, [REDACTED] parents could have commenced a civil action against MacRae by 1986 on [REDACTED] behalf.

27. [REDACTED] is not mentally incompetent within the meaning of RSA 508:8.

II. Rulings of Law

1. "Once the defendant has established that the statute of limitations would bar the action, the plaintiff bears the burden of raising and proving that the discovery rule is applicable to an action otherwise barred by the statute of limitations. Glines v. Bruk, 140 N.H. 180, 181 (1995).

2. The statute of limitations began to run on [REDACTED] action when he suffered an injury, even if "nominal", that "was sufficiently serious to apprise [him] that a possible violation of his rights had taken place." Rowe v. John Deere, 130 N.H. 18, 21-23 (1990).

3. The standard to be applied to whether an injury is sufficiently serious to apprise a person that a possible violation of his rights occurred is an objective one. Blackowiak v. Kemp, 546 N.W.2d 1 (Minn. 1996).

4. When [REDACTED] acknowledged or appreciated the nature and extent of the harm "is not relevant to the ultimate question of the time at which the complainant knew or should have known that he/she was sexually abused." Id.

5. As a matter of law, one is "injured" if one is sexually abused. Id.

6. "The standard of reasonable diligence is an objective or external one that is the same for all individuals." Dreischalick v. Dalkon Shield Claimants Trust, 845 F.Supp. 310, 314 (W.D.Pa. 1994).

7. An inability to comprehend that a situation had been abusive does not toll the statute of limitations. ABC v. Archdiocese of St. Paul, 513 N.W.2d 482, 486 (Minn.App. 1994).

8. ██████████ claimed ignorance of his legal rights in 1983 does not toll the statute of limitations. United States v. Kubrick, 100 S.Ct. 352, 359 (1979).

9. ██████████ had an affirmative duty to investigate the cause of his alleged injuries. Fries v. Chicago & Northwestern Transp. Corp., 909 F.2d 1092, 1095 (7th Cir. 1990)

10. ██████████ need not "have fully discovered the nature and extent of the [wrongdoing] before [he was] on notice that something may have been amiss. Inquiry notice is triggered by evidence of the possibility of [wrongdoing], not full exposition of the [wrongdoing] itself." Kennedy v. Josephthal & Co., 814 F.2d 798, 802 (1st Cir. 1987).

11. RSA 508:8 expressly provides a savings statute for minors to bring causes of action within two years after reaching the age of majority.

12. RSA 508:8 expressly provides a savings statute for persons who are mentally incapacitated to bring causes of action within two years after the mental incapacity was lifted.

13. ██████████ was not mentally incapacitated within the meaning of RSA 508:8.

14. [REDACTED] action against Defendants is time-barred.
RSA 508:4.

Respectfully submitted,

THE ROMAN CATHOLIC BISHOP OF
MANCHESTER, INC. AND FATHER
GERARD BOUCHER

By Their Attorneys:

SHEEHAN PHINNEY BASS + GREEN,
PROFESSIONAL ASSOCIATION

Dated: July __, 1996

By: _____
James E. Higgins
Robert R. Lucic
Post Office Box 3701
Manchester, NH 03105-3701
(603) 627-8136

I hereby certify that on the ____ day of July, 1996, copies of the within Defendants' Requests for Findings of Fact and Rulings of Law were hand delivered to William W. Cleary, Esquire, Peter A. Gleichman, Esquire, Mark A. Abramson, Esquire, Robert Upton II, Esquire and mailed by first class mail, postage prepaid to Gordon J. MacRae, pro se.

James E. Higgins

EXHIBIT E

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT
JANUARY TERM, 1994

v.

GORDON J. MACRAE,
THE ROMAN CATHOLIC BISHOP OF MANCHESTER, INC.
AND MONSIGNOR GERARD BOUCHER

Docket Number: 93-C-1243

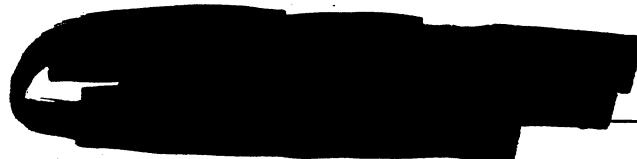
AFFIDAVIT

I, duly sworn under oath, do hereby depose and say as follows:

1. My name is [REDACTED] and I live in [REDACTED]
2. My date of birth is [REDACTED] and I am currently twenty-four (24) years old.
3. Through 1982 and 1983, Father Gordon J. MacRae sexually molested me on numerous occasions.
4. After I disclosed Father MacRae's sexual molestation of me in therapy in November 1983, I attempted to commit suicide and ended up being hospitalized at Hampstead Hospital in Hampstead, New Hampshire.
5. In 1986, I was hospitalized on two more occasions during the summer at Portsmouth Hospital in Portsmouth, New Hampshire after further attempts to commit suicide.
6. Even during my three (3) hospitalizations at Hampstead Hospital in 1983 and at Portsmouth Hospital in 1986, psychotherapy did not allow me to know or understand that my psychological and emotional problems were primarily the result of Father MacRae's sexual molestation of me in 1982 and 1983.
7. It was not until May 1993, when I began my current psychotherapy specifically to address issues related to Father MacRae's sexual abuse of me in 1982 and 1983, that I was able to discover that my psychological and emotional problems were primarily caused by Father MacRae's sexual molestation of me.

8. My lawsuit against Gordon J. MacRae, the Roman Catholic Bishop of Manchester, Inc. and Monsignor Gerard Boucher began on September 22, 1993.

Dated: February 23, 1994



STATE OF NEW HAMPSHIRE
ROCKINGHAM, SS.

February 23, 1994

Personally appeared before me the above-named [redacted] who gave oath that the foregoing statements subscribed by him are true to the best of his knowledge and belief.

Peter A. Gleason
Justice of the Peace/
~~Notary Public~~
My Commission Expires: 5/27/96

LETTER FROM SYLVIA GALE TO THE NEW HAMPSHIRE STATE POLICEOctober 27, 1988

This letter was written by Sylvia Gale, "Investigation Specialist" for the New Hampshire Division of Children and Youth Services, to Trooper James F. Kelly of the New Hampshire State Police.

In this letter Ms. Gale states that she has learned from an unnamed "contact in the Seacoast Region" that my arrival in Berlin, New Hampshire prior to 1983 may have been a transfer from a Florida Diocese "where two boys who father macrae had known there were found deceased, one badly mutilated." She states that the person who provided this information to her was told it by a former employee of Catholic Charities who alleged that she had been admonished by her superior, Rev. John Quinn, not to disclose this information.

This same information was given by Sylvia Gale to Det. McLaughlin and it is reported by him in several places in his report of his 1988 investigation. In fact, for much of the investigation, this is the only crime for which I am a suspect. Somehow the information is transformed from rumor to fact in McLaughlin's report. On page eight of his 1988 investigation he states "The Catholic Church back in 1983 had moved the suspect from a Florida church to Berlen(sp), New Hampshire. The reason was that the suspect was involved sexually with two boys. One of these two was murdered and his body mutilated. The case is supposed to be still unsolved. The jurisdiction of this crime has not been established at this time."

On page 34 of Mclaughlin's 1988 report he states that he was contacted by a Sgt. Smith of the Collier County Sheriff's Department in Florida. McLaughlin states "He wanted the name of the suspect because he had arrested a catholic priest who was in the parish school molesting little boys. He said after he left Florida he was sent by the church to New Hampshire. A check will be made to see if the name matches. Initially, he states, the name doesn't sound familiar and the date of birth makes our suspect to young."



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION FOR CHILDREN AND YOUTH SERVICES

6 Hazen Drive

Concord, NH 03301-6522

M. Mary Mongan, Commissioner

10463 Effie Malley, Director

603-271-4451

October 27, 1988

Trooper James F. Kelly
NH State Police
Troop C
Keene, NH 03431

RE: Gordon Macrae/ [REDACTED]

Dear Trooper Kelly:

I have recently been made aware of certain information regarding Father Macrae that might be of interest to you. There is speculation that Gordon Macrae has left the priesthood and confirmation that he is the President of the Monadnock Regional Substance Abuse Service, and working as a drug and alcohol counselor. (He is not currently certified to provide services to DCYS involved youths.)

Further, from a contact in the Seacoast region, I have learned that Mr. Macrae's arrival in Berlin, NH (prior to 1983) may have been a diocesan transfer from Florida, where two boys who Father Macrae had known there were found deceased, or badly mutilated. The contact who provided this information to me (regarding Florida) was told it by a former employee of Catholic Charities in New Hampshire, who alleged she had been admonished by her superior, Rev. John Quinn, not to disclose the information.

I am still willing and available to assist your investigation in any way it would seem appropriate, including a renewed effort to interview [REDACTED] of [REDACTED]

Sincerely yours,

Sylvia E. Gale
Sylvia E. Gale

Investigation Specialist

(phone: 271-4691)

SEG/jlh

DISTRICT COURT



RE: [REDACTED]

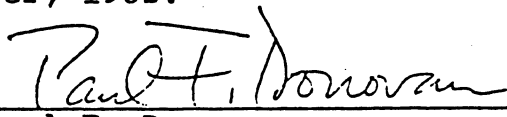
A hearing was held as a result of a petition against the above-named filed by the Northumberland Police Department, dated October 7, 1982, at 9:30 a.m. on Monday, October 18, 1982, at the Hinkley & Donovan Law Office in Groveton. The petition filed, alleged the offense of burglary. Prior to hearing, the Court had arranged for Raymond K. Clement, Esquire, of Groveton to act as appointed attorney for [REDACTED] previously having been before the Court on various matters and at the time of receipt of the present petition, was in the custody of the New Hampshire Division of Welfare, based on an order of this Court made on September 2, 1980. Present for the hearing were [REDACTED] and his Attorney, Raymond K. Clement, [REDACTED] the mother, Chief Rice, Mark Macdonald, New Hampshire Probation Department, Bruce Brofman, Division of Welfare, and Father Gordon MacRae, who had been assigned to the St. Francis Rectory in Groveton during the past Summer. Discussion ensued among the above-named in the absence of [REDACTED] and his mother from the hearing room. It was confirmed to the Court that Father MacRae was willing to assume a supervisory capacity with [REDACTED] and that he had arranged for an acceptable home placement of [REDACTED] in his area. Mr. Macdonald confirmed to the Court his awareness of [REDACTED] due to a number of prior contacts, and that his recommendation would be a placement of [REDACTED] under Father MacRae's supervision as indicated to the Court. The Court advised Attorney Clement that it was willing to contemplate an Order allowing [REDACTED] to go under the supervision of Father MacRae, but that if such were to be done, the Court felt it desirable to have a finding of delinquency exist and that [REDACTED] be on a probationary status so that if problems arose in the placement, the matter could be handled as a probation violation rather than having to go back to go, so to speak, and start proceedings under an entirely new petition. Attorney Clement left the room to confer with [REDACTED] regarding his willingness to accept the supervision and placement arranged through Father MacRae. Mr. Clement returned to the room to confirm that [REDACTED] fully understood the situation and that he looked forward to being under Father MacRae's supervision.

The Court reviewed with Attorney Clement and those present the general situation, which was slightly irregular as far as the normal form of Order that a Court might make. Specifically, the Court pointed out that with an adjudicatory finding, assuming a plea of true was entered, that a probation report within twenty-one (21) days was required and that a dispositional hearing should follow immediately thereafter. In the present situation, the Court inquired of Attorney Clement whether or not the Attorney, on behalf of his client, would waive the time limit for a dispositional hearing and that a dispositional hearing in view of the circumstances of this case be indefinitely postponed. Attorney Clement acknowledged total agreement to that on behalf of his client.

After considering all matters brought to the Court and the discussion involving all interested parties, it is hereby ordered:

1. That a plea of true having been entered on behalf of [REDACTED] it is found that the State did prove its case beyond a reasonable doubt and that the evidence does substantiate the petition;
2. Counsel for [REDACTED], having waived the time limit for dispositional hearing, it is hereby ordered that a dispositional hearing is indefinitely postponed;
3. That custody of [REDACTED] continue in the Division of Welfare, supervision of [REDACTED] to be by Father Gordon MacRae, 289 Lafayette Road, Hampton, NH and placement of [REDACTED] by the Division shall be with [REDACTED];
4. That [REDACTED] shall be on probation pending further Order of this Court, the Berlin office to transfer such probation to the appropriate office in the Seabrook area;
5. That parental visitation with the mother, [REDACTED] shall be arranged through Father Gordon MacRae;
6. If necessary, the Town of Northumberland is hereby designated the Legally Liable Unit;
7. That the Court stands ready to reconsider all or any part of the foregoing order on request of any interested party. The Court, however, would anticipate the normal request for review to be made by the Division of Welfare as technically [REDACTED] is in the custody of such Division.

Dated this eighteenth day of October, 1982.



Paul F. Donovan
Special Justice

cc: Father Gordon MacRae
Mark Macdonald
[REDACTED]
Chief Rice
Bruce Brofman
Raymond K. Clement, Esquire

LANCASTER DISTRICT COURT 10466

POST OFFICE BOX 433

LANCASTER, N. H. 03534



Re: [REDACTED]

The court was contacted by Father Gordon MacRae on Friday, November 26, 1982, requesting an informal conference re the above. Judge Donovan met with Father MacRae at the Hinkley & Donovan office in Groveton on Monday, November 29, 1982 at 10:00 a.m..

Father MacRae reported to the Court that [REDACTED] appears to be doing very well in the placement site with [REDACTED]. He was sorry to report that as yet there had been no contact made with [REDACTED] by the Division of Welfare. The Berlin Welfare office had sent [REDACTED]'s file to Portsmouth - the Portsmouth office had made contact with a different [REDACTED] family in another town and as of today had not been to see the correct [REDACTED]. Father MacRae reported his almost daily contacts with [REDACTED] and the [REDACTED] family as well as [REDACTED] pending weekends with him. One problem factor was that [REDACTED] did not want to have dealings with the Division of Welfare and that, to date, monies for [REDACTED] benefit had come to [REDACTED] out of Father MacRae's pocket. Father MacRae did not mind this except for the fact that he could not continue to bear this expense. He requested that the Court confirm the placement situation and his continuing supervision of [REDACTED], as well as making an order that the Town of Northumberland, as Legally Liable Unit, reimburse him, commencing immediately, for costs for [REDACTED] at the rate of \$100.00 per month (this would not be for the preceding 7 weeks but would apply prospectively). Further, if [REDACTED] requires medical and dental care and treatment, that the Town be ordered to pay for such.

After considering the information given to the Court by Father MacRae, and reviewing [REDACTED] file, it is hereby ORDERED:

1. That the prior order of the Court placing [REDACTED] in the custody of the Division of Welfare is rescinded;
2. That [REDACTED] is hereby ordered to be in the care and supervision of Father Gordon MacRae, 289 Lafayette Road, Hampton, N.H., with placement, as arranged by Father MacRae, at the home of [REDACTED];
3. That the Town of Northumberland, as Legally Liable Unit, shall, forthwith, commence payment to Father MacRae at the rate of \$100.00 per month and shall further bear [REDACTED] necessary medical and dental expenses as incurred, the Town to have its usual right of recovery as stated in the statute;

Re: [REDACTED] on

(Page 2)

10467

4. That the Court has this date advised the Town Manager of Northumberland of the foregoing order'

5. That a review hearing, if not sooner held on request of any interested party, shall be held at the close of the current school year, the precise time to be set after request for same from the N.H. Probation Department; and

6. That prior orders of the Court made on October 18, 1982, not changed or amended by the foregoing shall remain in full force and effect.

Dated this 29th day of November, 1982.

Paul T. Donovan
Special Justice

cc: Mark Macdonald
Bruce Brofman
Father Gordon MacRae
Raymond K. Clement, Esq.



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF WELFARE
PORTSMOUTH DISTRICT OFFICE
30 Maplewood Avenue
Portsmouth, NH 03801

10468
Edgar J. Helms, Jr., Commissioner
Richard A. Chevrefils, Director
George M. Kester, District Director
603-431-6180

February 9, 1983

Mr. Ronald J. Gilbert
Town Manager
Town of Northumberland
Town Office
Groveton, NH 03582

Dear Mr. Gilbert:

On February 3, 1983, I spoke with Father Gordon MacRae regarding [REDACTED] who is currently residing at the home of [REDACTED]

During our conversation, I discussed with Father MacRae [REDACTED] placement in an unlicensed home and how this prevented him from being eligible for financial/medical assistance through the Division of Welfare. Father MacRae advised me that he was aware of this, however, it was the expressed wish of [REDACTED] at they not have dealings with the Division of Welfare.

On November 29, 1982, the Lancaster District Court issued the following Court Order:

1. That the prior order of the Court placing [REDACTED] in the custody of the Division of Welfare is rescinded;
2. That [REDACTED] is hereby ordered to be in the care and supervision of Father Gordon MacRae, 289 Lafayette Road, Hampton, NH, with placement, as arranged by Father MacRae, at the home of [REDACTED]
3. That the Town of Northumberland, as Legally Liable Unit, shall, forthwith, commence payment to Father MacRae at the rate of \$100.00 per month and shall further bear [REDACTED] necessary medical and dental expenses as incurred, the Town to have its usual right of recovery as stated in the statute;
4. That the Court has this date advised the Town Manager of Northumberland of the foregoing order;
5. That a review hearing, if not sooner held on request of any interested party, shall be held at the close of the current school year, and the precise time to be set after request for same from the N.H. Probation Department; and

6. That prior orders of the Court made on October 18, 1982, not changed or amended by the foregoing shall remain in full force and effect.

In view of the current Court Order, it would appear that the concerns you expressed regarding [REDACTED] financial/medical expenses during our telephone conversation on 2/3/83 are court appropriate and would need to be addressed at a Court Hearing from any interested party if a conflict of interest exists.

The Division of Welfare has extended it's full cooperation to Father MacRae and would also be happy to assist you in any way deemed necessary.

Please do not hesitate to call me at 431-6180 if you have any questions.

Thank you for your cooperation.

Yours very truly

Priscilla G. Casimiro
Social Worker II
Child and Family Services

PGC/11

cc: Father Gordon MacRae

July 7, 1978

Rev. Leonard Foisy, S.S.
Rector
St. Mary's Seminary & University
5400 Roland Ave.
Baltimore, Maryland 21210

Dear Len,

Enclosed you will find the complete Psychological report we received from Dr. St.Clair on behalf of Gordon MacRae. I understand that this report will be seen by the very few people who will be involved with Gordon's growth process. I am also sending it at Gordon's request and with permission of our psychologist.

I believe that Gordon is a very promising candidate. We are also in the process of screening another candidate that might be choosing Baltimore and the Special Pre-Theology year. I will be able to let you know a lot more on this by the end of next week.

I have also encouraged two men to inquire on their own about the possibilities of being accepted in the Older Student Program. Both do not come across as strong candidates but it is unfair for me to really say this since I only met with them briefly. They came to us too late for our screening process and because of my many doubts I suggested that they apply somewhere on their own and see how things go. If you want or need more information, please feel free to let me know.

Hope you are having a good summer.

Peace,

Rev. Paul E. Groleau
Vocation Director

PEG:ed
Enc.

SHEEHAN, PHINNEY, BASS & GREEN, PROF. ASS'N - 10473

1000 ELM STREET

P. O. BOX 3701

MANCHESTER, NEW HAMPSHIRE 03105-3701

603-668-0300

WILLIAM L. PHINNEY
(1909-1977)

JOHN J. SHEEHAN
PERKINS BASS
JOSEPH F. DEVAN
COUNSEL

SEACOAST OFFICE

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH, N.H. 03801
(603) 433-2111

EXETER (603) 778-0566

AUG 9, 1988

WM. S. GREEN
RICHARD A. MORSE
RIMON S. ZACHOS
ROBERT E. DASTIN
ALAN L. REISCHE
JAMES E. HIGGINS
THOMAS H. RICHARDS
JON S. RICHARDSON
W. MICHAEL DUNN
PETER F. KEARNS
JAMES O. SHIRLEY
ROBERT B. FIELD, JR.
WILLIAM J. DONOVAN
BRADFORD E. COOK
JOHN D. COLLIANDER
ALAN P. CLEVELAND
CLAUDIA C. DAMON
EDWARD A. HAFFER
MICHAEL C. HARVELL
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SUSAN A. GALVIN
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DAVID S. BROWN
MARCIA A. BRANDER
DANIEL N. GREGOIRE
DANIEL S. COOLIDGE
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F. ANNE ROSS
DANIEL P. SCHWARZ
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PAULA M. NOONAN
STEWART PALEY
CAROLYN D. ROSENTHAL

*ADMITTED IN MAINE
AND MASSACHUSETTS ONLY

DIRECT DIAL
603-627-8110

Mr. Ray Dumont
Gallagher Bassett Insurance
P.O. Box 148
Bedford, NH 03102

RE: ROMAN CATHOLIC BISHOP OF MANCHESTER/FATHER GORDON
MACRAE

Dear Ray:

The above-captioned individual, Father Gordon MacRae, is a priest on leave from the Diocese. He has been working in Keene as a drug abuse counselor and requested the right to say mass at Spofford Hall. He was granted that permission and that permission alone. Apparently, after mass, he was counseling a young patient at the center who has now made accusations that he sexually molested that person. Father MacRae denies it.

Enclosed find a letter from Charles A. Donahue, attorney for Father MacRae who is asking for a copy of the policy which might cover Father MacRae. Before we respond, I think several things should be considered.

1. Is there any coverage for accusations against an individual priest and/or the Diocese on account of child abuse?

2. What should our position be vis-a-vis Father MacRae since I think we believe he was acting outside of the scope

Mr. Ray Dumont
AUG 9, 1988
Page 2

10474

of his authority in doing anything other than saying mass. He has made the claim that he thought he was in a confessional but that is clearly not the case according to Diocesan officials.

Please call me concerning this matter so we can discuss strategy.

Very truly yours,

Bradford E. Cook

BEC:dl

Enclosures

CHARLES A. DONAHUE
Attorney and Counselor at Law
275 COURT STREET
KEENE, NEW HAMPSHIRE 03431

- 10475

ALSO ADMITTED IN MASSACHUSETTS

TELEPHONES: 357-2363
357-2019
AREA CODE 603

August 1, 1988

Bradford Cook, Esq.
1000 Elm Street
Box 808
Manchester, NH 03105

Re: Father Gordon MacRae

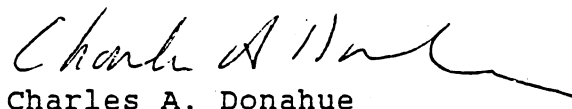
Dear Mr. Cook:

I understand from talking with Father Quinn that you are involved with the pending matter involving Father Gordon MacRae that took place at Spofford Hall. Please be advised that I represent Father MacRae.

I understand from talking with Father Quinn that the Dioceses has some liability insurance which does not cover my client. Would you kindly send me a copy of any and all liability policies so that I can make a judgment as to potential coverage.

If you have any questions or comments feel free to get in touch with me.

Very truly yours,


Charles A. Donahue

CAD/plr
cc: Gordon MacRae

[REDACTED]

Attached are the following, related to reports by [REDACTED] in 1983 and 1986. This summary is followed by my response to the materials which includes statements made by [REDACTED] to Det. McLaughlin in 1988. The final document in this packet is Det. McLaughlin's report of his interview with [REDACTED] dated July 30, 1993. From this material it is evident that this same case has been investigated in 1983/84, 1986, 1988, and 1993.

1. 11/23/83 - (2 pages) Notes by [REDACTED] re: meeting with Rev. John Quinn who reported the incident. The report refers to this as a single incident and states that I admitted to the incident to my superiors. I did not - I admitted to the incident to my therapist, Dr. Henry Guertin-Ouellette. I had no contact with my superiors regarding this incident until early December, 1983. The incident is here described accurately as "allegedly had the fifteen year old male child sitting on his lap and was kissing the boy (however i did not actually kiss the boy on the lips as later alleged).

This report also states "The original presenting problem requiring treatment was not related to the alleged incident with Rev. MacRae (cf "Treatment:").

This report indicates [REDACTED] as fifteen at the time of the incident, another indicates he was fourteen, another thirteen and another twelve.

2. 12/28/83 - (3 pages) Note from Susan Saggiotes, Office of Legal Affairs to Attorney Peter Foley, Assistant Attorney General re Child Sexual Abuse Reports [REDACTED] (?) and [REDACTED]. This is followed by a 2 page report. The reference to [REDACTED] has nothing to do with me. I believe this to be the name of the minor involved in the complaint against Fr. Mark Fleming in Hudson after my ordination there. I did not know the [REDACTED] child but I believe I met his father on one occasion. I do not know why this memo contains a reference to [REDACTED]

The attached report also refers to this as a single incident/act which occurred in the early summer, 1983. This is accurate, however I left Hampton on June 15, 1983 so the incident had to be prior to this. For reasons I do not know that counselor reporting the incident requests that [REDACTED] not be made aware that the incident has been reported.

3. 1/6/84 - (1 page) Letter from Peter W. Mosseau, Deputy Attorney General to Edward J. O'Brien, Cheshire County Attorney re: Dec. 30, 1983 report on [REDACTED] sent for further investigation and/or prosecution.
4. 1/13/84 - (1 page) Response to letter #3 above.
5. 3/31/86 - (2 pages) Report to Stephen J.C. Woods re-reporting the 1983 incident. This report states that [REDACTED] told a school psychologist that he was "molested by a priest" three years earlier. A later report will indicate that [REDACTED] told the school psychologist this at Winnacunnet High School in Hampton. He apparently said this in retaliation for being expelled from St. Thomas Aquinas High School in Dover, NH, for carrying a knife to school.
6. 4/3/86 - (1 page) Letter from Stephen J.C. Woods, Rockingham County Attorney to the Hampton Police Department re: the new report.
7. 4/10/86 - (2 pages) Notes from "E. Davis" re-investigating 1983 incident. In this report [REDACTED] now alleges that "something happened" in his home in addition to the incident he reported in 1983, and he makes reference to a "spider game" (which is fabricated by [REDACTED]). He alleges here that I attempted to touch him between the legs but he did not allow me to. He then indicated that he spoke to his father, his teacher, and Father Watson, pastor of the Hampton parish (beginning in 1984). [REDACTED] also says "he is upset

that Fr. Gordon never got back in touch with him again..." He then repeats the allegation of the fictitious "spider game". (In [redacted] 1993 interview with Det. McLaughlin [redacted] states that "spider game" was his own name for what happened and not mine. I do not know what [redacted] referring to."

8. 4/10/86 ff - (3 pages) Further notes from "E. Davis" re-investigating the 1983 incident. This report states that the incident originally reported happened in the summer of 1982. The 1983 report states that it happened in the early summer of 1983. At the end of page one and beginning of page two [redacted] expressed anger and emotions regarding the fact that this priest did not get in touch with him again after their last meeting in the summer of 1982." I arrived in Hampton in July of 1982 and left there in June of 1983. When I left [redacted] was calling me in Keene collect nearly every day. I stopped accepting the charges on these calls a few weeks before [redacted] made the original allegation.

[redacted] continues in this report with his new allegation that I also attempted to touch him between the legs but he would not allow me to.

[redacted] also alleges "he would let me play with his gun." I had a small collection of handguns and rifles which belonged to my father and which he left to me when he died in May, 1983. [redacted] neither saw nor touched any of these guns. I sold them shortly after my arrival in Keene in June of 1983 to a Winchester, NH gun dealer. This report concludes with [redacted] again expressing that he was upset "that Father Gordon had never got in touch with him again."

9. 4/16/86 - (1 page) Letter from Elizabeth Davis to [redacted] requesting signed release for records from Catholic Social Services.

10. 4/18/86 to 5/1/86 - (1 page) Notes apparently from Marilyn Fraser investigating the 1983 incident. It is indicated here that this is the same incident investigated in 1983 with no new information.
11. 4/18/86 - (1 page) Letter from Geraldine O'Connor, Supervisor for DCYS to Elizabeth Davis, Social Worker stating that Roger Desrosiers, Administrator, ordering "an immediate halt" on any further investigation of above.
12. 4/22/86 - (1 page) Letter from Elizabeth Davis, Social Worker, to Roger Desrosiers, DCYS Administrator confirming that a meeting had been held on 4/18/86 to review the above re-investigation.
13. 4/24/86 - (1 page) Memo from David Bundy, DCYS Director to Geraldine O'Connor, Portsmouth Office Supervisor critical of the re-investigation.
14. 4/29/86 - (1 page) Letter from Marilyn Fraser, Social Worker, to Det. Arthur Wardle, Hampton Police Department, stating that "no new or additional data was obtained" in the 1986 re-investigation of the 1983 report.
15. 5/7/86 to 5/12/86 - (3 pages) Notes from Marilyn Fraser, Social Worker, regarding further interviews with [REDACTED] Dr. Brown and Rev. John Quinn. Ms. Fraser raises the possibility that [REDACTED] rediscovery may be related to his discharge from St. Thomas Aquinas High School. [REDACTED] again states that he was angry that I did not contact him again. He also states that the pastor of the Hampton parish, Fr. Watson, ridiculed him and this angered him.

On page three of this report Det. Wardle of the Hampton Police Department commented on [REDACTED] emotional needs and the attention he is receiving from these discussions." he also states that [REDACTED] was discharged from St. Thomas Aquinas High School for carrying a knife.

16. 5/12/86 - (1 page) Letter from Marilyn Fraser, Social Worker, to Ms. Joan Welch, Hampstead Hospital, requesting psychiatric records of [REDACTED] release signed on 4/11/86 is attached.
17. 5/12/86 - (1 page) Letter from Marilyn Fraser, Social Worker, to [REDACTED]
18. 5/13/86 - (1 page) Letter from Marilyn Fraser, Social Worker, to Rev. John Quinn, Diocese of Manchester, requesting written reports from 1983.
19. 5/15/86 to 6/11/86 - (2 pages) Notes from Marilyn Fraser, Social Worker, re: conversations with Dr. Brown, [REDACTED] Det. Wardle, Rev. Quinn. This concludes with a hand written note dated 6/11/86 that no additional data has been discovered in this new investigation.

In this report Dr. Brown states that he "knows of no other abuses at this time" and states that he will report further abuses if [REDACTED] brings them up. There is no further report made by Dr. Brown in the course of his treatment of [REDACTED].

Det. Wardle of the Hampton Police Department states here that there is no basis for his office to pursue the matter further.

20. 6/9/86 - (1 page) Letter from Marilyn Fraser to [REDACTED] stating that the new investigation "found no evidence of additional mistreatment". Copy sent to Dr. Robert Brown, [REDACTED] counselor.

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21. 12/10/86 - (1 page) Written report of the 1986 re-investigation with a finding of "unfounded".
22. 11/2/88 - (11 pages) Letter from Det. Wardle, Hampton Police Department to Officer McLaughlin, Keene Police Department followed by ten pages of hand written investigation notes dated from 4/86 to 5/87.

Page one describes a complaint from [REDACTED] mother that [REDACTED] receiving "crank phone calls" from a 15 to 16 year old girl in Hampton. This was prior to [REDACTED] expulsion from St. Thomas High School.

Page two (dated April 10, 1986) deals with the complaint against me stating that I have been transferred to Rochester, NH and the alleged incident took place in 1984.

Page three refers to [REDACTED] nger at being discharged from St. Thomas High School as the reason this has come up again.

On page four Det. Wardle makes a note that "Gordon was best friend" and "upset because Gordon not kept in touch".

Page six makes reference that "most everything occurred at rectory office (age 12)". [REDACTED] was 14 when I met him. His 1993 interview with Det. McLaughlin indicates that the alleged incident(s) occurred on the second floor of the rectory in the living quarters. Det. Wardle also makes note here that "witnessed by Father Jerry (referring to Fr. Gerard Boucher). [REDACTED] also alleges this to Det. McLaughlin in 1993.

Page eight indicates that Det. Wardle taped an interview with [REDACTED] and his father.

NB: I was never interviewed by any person in law enforcement or in the Division of Children and Youth Services in 1983 or in 1986. I was never interviewed by Msgr. Quinn at the time

of either report or at any other time involving this matter. I was questioned on one occasion by Msgr. Christian in early December, 1983.

23. 10/28/88 - 11/14/88 - Notes containing quotes from Det. McLaughlin's 1988 report of his investigation of me. these quotes are limited to references made to [REDACTED]

page 8: "On 28 Oct 88 I called Sylvia Gale and spoke about the suspect... We then spoke about the Hampton incident. Gale states the incident involved the suspect being sexually involved with a young male. The actual incident took place in 1983, but wasn't seriously investigated by the Hampton Police until 1986."(NB: I found the following to be incredibly disturbing): "Gale then told me about some information she developed third hand about the suspect. The Catholic Church back in 1983 had moved the suspect from a Florida Church to Berlan(sp) New Hampshire. The reason was that the suspect was involved sexually with two boys. One of these two was murdered and his body mutilated. The case is supposed to be still unsolved. The jurisdiction of this crime has not been established at this time.

Response: I learned recently that Sylvia Gale makes the same comments in a letter to McLaughlin stating that the information underlined above was given to her by a former employee of Catholic Social Services who was told it by Rev. John Quinn with the instruction that she is not to reveal it to anyone. That letter is attached and noted in another document in this Discovery. None of the above is true. I have never been to the State of Florida. I did not come to New Hampshire from another Diocese. I was never stationed in Berlin, New Hampshire. I was ordained for the Diocese of Manchester in June of 1982 after spending four years as a seminary student in Baltimore, Maryland.

8

page 12: ".....I asked Gale about the 1983 incident which the suspect was accused of. She told me that the male victim was an altar boy at the same church with the suspect. The victim at a young age had aspirations of becoming a priest. A relationship developed between the suspect and the victim as a result. The victim disclosed the sexual relations between himself and the suspect as a result of some type of mental breakdown. This breakdown being either the result or in part the result of the sexual abuse suffered by the victim. Gale is unsure if a law enforcement agency took part in the investigation. She did know that the suspect admitted to the abuse to a high church official. That the church paid for all the medical needs of the victim and possibly his schooling as well. The suspect as a result was transferred to Keene. No criminal charge is believed to have resulted from this incident. Gale has other information on the suspect which I will follow up on."

Response: It seems that Ms. Gale and Det. McLaughlin take great pains here to show that the Church is somehow responsible for the actual incident. [REDACTED] was never an altar boy at the church, never talked with me about becoming a priest and his aspirations in that regard did not result in a relationship developing. [REDACTED] and his family did not attend Mass at the parish in Hampton. They did not attend at all. [REDACTED] began to attend on his own sporadically as a result of knowing me. The only profession I ever remember him talking about wanting to be was an undertaker. Further, I never admitted the allegation "to a high church official" and I have no knowledge of the church paying for [REDACTED] schooling and/or medical needs. It is not true that I was transferred to Keene as a result. I resigned the Hampton parish because of the lawsuit with the Sisters of Mercy - the same reason and at the same time that the pastor, Fr. Gerard Boucher resigned. I had been in Keene five months when this allegation

from Hampton first surfaced. I disclosed this allegation to Fr. Gabriel Houle, pastor of St. Bernard's, when it first surfaced in November of 1983. I told Fr. Houle that I did not want to do any form of youth ministry as a result of this allegation.

page 34: Det. Waudell, Hampton NH Police Department, 1-929-4444 "He responded back to our call regarding a record check. He will forward a copy of the case file on the suspect.

page 35: "On 2 Nov 88 I received a call from Det. Waudell of the Hampton Police Department. He researched the files and found a case report of the incident involving our suspect in his town. He said the incident occurred in 1983 and was dealt with at that time by DCYS worker Marilyn Frazier. At that time the incident was found to be founded. The victim at the time of the sexual assault was 14 years old. He later disclosed the abuse again in 1986 to a psychologist who thought the abuse was recent and who reported the matter back to DCYS. The parents contacted the Hampton Police Department and spoke with Det. Waudell. They wanted him to reinvestigate the case because they were very disturbed over the way the catholic church handled the manner (sic) and wanted to sue them. DCYS sent a letter to Waudell at the time telling him no fresh investigation was needed. The matter was resolved in 1983 with the suspect having a treatment plan approved by the Attourney (sp) Generals Office. The Cheshire County Attorneys Office was then notified since the treatment and residency of the suspect would be in the Keene area. A copy of the case report will be sent by Hampton PD."

Response: The above quote by Det. McLaughlin demonstrates that [REDACTED] motive in re-reporting the 1983 incident in 1986 was that they wanted to sue the Diocese of

Manchester.

Page 49: "On 8 Nov 88 Hampton Police Department sent a copy of what they had on file concerning the suspects 1983 sexual contact with a minor. The report is one of the worst. It simply looks like notes. From these notes bits and pieces of the incident can be put together. References to sitting in the suspects lap, kissing and hugging, and fondling can be learned from some of the writings. A letter from a DCYS worker (letter dated 29APR86) to the Hampton Police Detective was included. The incident was described as founded and that a protective investigation ensued. It then tells that a treatment program was formulated with the Attourney (sp) Generals office approval. The letter also states the Cheshire County Attourneys (sp) office was also notified."

Response: At the time of my interview with Det. McLaughlin dated 11/14/88, which was taped by Det. McLaughlin, he told me that in his opinion the Diocese of Manchester, the Attorney General's Office and DCYS conspired to cover up this incident in 1983 and again in 1986. He told me that he has interviewed [REDACTED] though there is no mention of this in his report) and he can still charge me with this crime, but "I have a feeling this would just go away" insinuating that if I entered a guilty plea to the [REDACTED] case there is no need to charge me with this case. This conversation was before Det. McLaughlin turned off the tape recording.

Page 67: "Sgt. Brown (of the Keene Police Department) told the suspect that if the problem which came up in 1983 had resurfaced then lets get it controlled. The suspect was also told that we were concerned about how this was going to effect the agency (referring to the chemical dependency agency of which I was then director). Brown stated he wanted to have this situation taken care of as quickly and quiet

as possible. The suspect then requested that we go off tape for a moment. We agreed to do so and I logged off at 1458 HRS."

Response: The tape recording was not, to the best of my knowledge, turned on again for the remainder of the interview. On page 70 Det. McLaughlin makes reference to "our conversation which lasted off tape from 1700 till 1925." I will discuss this conversation in a response to the 1988 investigation report. There was no further mention of the 1983 incident by McLaughlin except a statement that [REDACTED] told him he would come to Keene to testify if I allow a trial (by not pleading guilty to the [REDACTED] charge). Again, there is no mention in the written report of a conversation between McLaughlin and [REDACTED]

24. 7/30/93 - (12 pages) - Det. McLaughlin's interview with [REDACTED] which resulted in the current indictments and my responses to that interview.

11/23/83

Rev. Gordon MacRae
St. Bernards Church
173 Main Street
Keene, N.H.

On this date, I met with Rev. John Quinn, Director of Catholic Charities. At this time Rev. Quinn reported an incident of suspected child abuse involving Rev. Gordon MacRae. During this meeting Rev. Quinn described the circumstances related to the alledged incident of child abuse:

(1) Perpetrator: Rev. Gordon MacRae
St. Bernards Church
-173 Main Street
Keene, N.H.

(2) Victim: Fifteen year old male child
name of child and family unknown, but information can be acquired. The child comes from the Hampton area.

(3) Incident/Act: Rev. MacRae alledgedly had the fifteen year old male child sitting on his lap and was kissing the boy. The alledged incident was discovered by the child's counselor. The child had been referred for counseling for matters other then the alledged incident of child abuse.

(4) Founded/Unfounded: Rev. MacRae has admitted the incident to his superiors.

(5) Treatment:
• perpetrator: Rev. MacRae is currently in therapy with Dr. Henry Guertin-Ouellette. Apparently therapy is positive at this time.
• victim: The child is currently in counseling at Catholic Charities in the Exeter office. The original presenting problem requiring treatment was not related to the alledged incident with Rev. MacRae.

The child's situation was complicated three weeks ago when he attempted suicide. The child attempted to slash his wrist. He is currently being evaluated for treatment and admittance to Hampstead Hospital.

The child's family is also involved in therapy related to a number of difficult issues. The child's family is aware of the incident between their son and Rev. MacRae.

PLEASE NOTE

For therapeutic purposes the child's therapist feels that he is vulnerable and requests that no information be shared with or discussed with the child regarding the referral of Rev. MacRae to the Division of Welfare.

- (6) Perpetrator's History: In the course of the child's therapy he advised his therapist that Rev. MacRae had also been involved with another male child in a similar situation. There is no knowledge of this other child.

Rev. MacRae has a history of involvement with other children, not necessarily deviant behavior. Previously he had supervision of [REDACTED] was in the custody of the Division of Welfare. The child moved from Lancaster to Hampton with Rev. MacRae. Subsequent placements of the child failed and Rev. MacRae requested that the child live in the Hampton Rectory. The child is apparently not in supervision of Father MacRae at this time, but this must be verified.

- (7) Resources: Lois Webb at Catholic Charities office in Exeter is a potential resource on this situation.

- (8) Recommendations:

- (a) Jeannette Gagnon further discuss situation with Rev. Quinn.
- (b) Referral to Attorney General's office
- (c) Follow-up on therapeutic care of child and family with Lois Webb.
- (d) Review the [REDACTED] situation.

Richard A. Chevrefils
Director
11/29/83

R154

STATE OF NEW HAMPSHIRE

INTER-DEPARTMENT COMMUNICATION

10489

DATE

December 28, 1983

AT (OFFICE)

Division of Welfare

FROM

Susan Saggiotes,
Office of Legal Affairs

SUBJECT

Child Sexual Abuse Reports [REDACTED]

TO

Attorney Peter Foley
Assistant Attorney General

The attached reports of child sexual abuse are being reported to your office pursuant to RSA 169-C:38 and Division of Welfare policy.

Due to the sensitive nature of the information and the individuals involved, we would appreciate it if every precaution could be taken to ensure that this information remains confidential.

SS/slc

CHILD SEXUAL ABUSE REPORT TO ATTORNEY GENERAL

10490

(CONFIDENTIAL)

Name of Victim: [REDACTED]

Child of [REDACTED]

Name of Perpetrator: Rev. Gordon MacRae
St. Bernards Church
173 Main Street
Keene, N.H.

Report of the Incident

On November 23, 1983, Division of Welfare Director Richard Chevrefils received a report of suspected child sexual abuse of fifteen-year-old [REDACTED]. The alleged perpetrator was Rev. Gordon MacRae previously of Hampton, N.H. now of Keene, N.H.

Director Chevrefils assigned the investigation and report to law enforcement official to Jeannette Gagnon, Administrator of the Office of Social Services, N.H. Division of Welfare.

Incident of Sexual Abuse

The incident/act occurred in the early summer, 1983. Rev. MacRae allegedly had [REDACTED] sitting on his lap and was kissing the adolescent.

The incident of abuse was made known to the child's counselor Judy Patterson of Catholic Social Services during a counselling session. The child had been referred for counselling by Rev. MacRae for matters other than the alleged incident of sexual abuse.

Founded Abuse: Rev. MacRae has admitted the incident to his superiors.

Victim/Family: [REDACTED] are aware of the incident and that the report has been made to the Division.

The victim [REDACTED] is currently an in-patient at Hampstead Hospital in New Hampshire.

The adolescent's parents are also involved in therapy related to a number of difficult problems.

NOTE: For therapeutic purposes, the child's therapist feels he is vulnerable and requests that no information be shared with or discussed with the child regarding the referral of Rev. MacRae to the Division of Welfare.

R18

Treatment/Outcome: Rev. MacRae is currently in active, regular therapy with Dr. Henry Guertin-Ouellette. Dr. Ouellette feels very confident that therapy is positive and that Rev. MacRae is now self-controlled enough to give some meaningful assurance that he is not likely to engage in deviant behavior.

Rev. MacRae is aware of the report to the Division of Welfare.

Report to Legal Authority: This report is made in accordance with RSA 169-6:38. The Division's Administrator, Jeannette Gagnon and the reporter of the sexual abuse Father John Quinn of Catholic Social Services, Inc., are available to discuss this matter.

Report by:

Jeannette Gagnon
Jeannette Gagnon, Administrator
Office of Social Services
Division of Welfare
Hazen Drive
Concord, N.H. 03301

Dated: December 27, 1983

THE STATE OF NEW HAMPSHIRE

ATTORNEY GENERAL
GREGORY H. SMITH

10492

DEPUTY ATTORNEY GENERAL
PETER W. MOSSEAU



ASSISTANT ATTORNEYS GENERAL
LESLIE J. LUDTKE
ANDREW L. ISAAC
RONALD F. RODGERS
G. DANA BISBEE
PETER T. FOLEY
STEVEN M. HOURAN
JEFFREY R. HOWARD
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BRIAN T. TUCKER
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BRUCE E. MOHL
JOHN A. MALMBERG
DOUGLAS L. PATCH
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ROBERT P. CHENEY, JR.

THE ATTORNEY GENERAL
STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

ATTORNEYS
EDNA M. CONWAY
AMY L. IGNATIUS
DAVID K. MULHERN
JAMES A. SWEENEY
ROBERT B. MUH

January 6, 1984

Edward J. O'Brien, Esquire
Cheshire County Attorney
P. O. Box 612
Keene, New Hampshire 03431

Re: Child Sexual Abuse

Dear Ed:

I have enclosed a copy of a child sexual abuse report this office received on December 30, 1983 regarding [REDACTED].

This report was forwarded to us by the Division of Welfare pursuant to RSA 169-C:38. I am not aware of any police investigation that has been conducted regarding this incident.

I am sending this report to you for whatever further investigation and/or prosecution you believe is appropriate.

Sincerely yours,

Peter W. Mosseau
Deputy Attorney General

Attorney General

PWM/der

Encl.

cc: Ms. Jeannette Gagnon

JAN 11 1984





State of New Hampshire

County Attorney

Cheshire County

10493

EDWARD J. O'BRIEN
COUNTY ATTORNEY

January 13, 1984

TEL. 603-352-4110
P. O. BOX 612
KEENE, NEW HAMPSHIRE 03431

MARTHA R. CROCKER
ASST. COUNTY ATTORNEY

Peter W. Mosseau, Deputy Attorney General
Office of Attorney General
State House Annex
25 Capitol Street
Concord, New Hampshire 03301-6397

Re: Child Sexual Abuse
In Re: [REDACTED]

Dear Peter:

This is to acknowledge receipt of your letter of January 6, 1984 concerning the above child sexual abuse report.

Ms. Jeannette Gagnon, Administrator of the Office of Social Services, Division of Welfare, called me today to discuss your letter.

The incident occurred in Hampton, New Hampshire, Rockingham County, and subsequently, Father MacRae transferred to Keene. Ms. Gagnon informs me that she has been in touch with Rev. Quinn, Father MacRae's superior, and the incident has been admitted to by Father MacRae.

Apparently, appropriate counselling and other actions are being taken to monitor Father MacRae and in the event that there are any other incidents of child sexual abuse reported, appropriate action would be taken and reports would be filed with this office and/or the appropriate County Attorney's office.

Since this incident occurred in Rockingham County and not in Cheshire County and since Father MacRae is receiving counselling and is being strictly monitored, I do not plan to take any further action at this time unless I hear further from Ms. Gagnon or Rev. Quinn.

Very truly yours,

Edward J. O'Brien,
County Attorney
O'B/dw

CC: Ms. Jeannette Gagnon, Administrator
Office of Social Services
Division of Welfare



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND WELFARE
DIVISION FOR CHILDREN AND YOUTH SERVICES
PORTSMOUTH DISTRICT OFFICE
30 Maplewood Avenue
Portsmouth, NH 03801

Sylvio L. Dupuis, O.D., Commissione
David A. Bundy, Directo

603-431-618

Date: March 31, 1986

JUVENILE

APR 2 1986

Stephen J. C. Woods
Rockingham County Attorney
Hampton Road
Exeter, NH 03833

Dear Attorney Woods:

As per RSA 169-C:38, the Portsmouth District Office's Division for Children and Youth Services is referring said child abuse/neglect case to your office.

A. Name(s) of victim(s) and legal status, if known Date of Birth

- 1)
- 2)
- 3)

Address of Victim at time of incident:
Current location (foster care or at home): At home

B. Telephone Number:

C. Name of Parent(s):

D. Address of Parent(s):

Telephone Number:

E. Alleged Perpetrator's (Name): Unidentified priest
Relationship to Victim, if any: None

F. Address of Alleged perpetrator, if different: Unknown

CONFIDENTIAL

G. Summary of Allegations in Report:

[REDACTED]
yold school psychologist that a priest had sexual molested him three years.

JUVENILE

If you have any questions, please call the Supervisor assigned to this case for further information.

Sincerely,

Michael Bowski

Social Worker
Division for Children and Youth Service

Emcella Casimiro

Supervisor
Division for Children and Youth Service

10 apr 86

9:45 called Dr. Brown, W.H.S. school psychologist

CONFIDENTIAL



Rockingham County State of New Hampshire

Deputy County Attorney
BRIAN R. GRAF
Assistant County Attorneys
JAMES P. LORING
JAMES I. PEALE
THOMAS M. CUNNINGHAM
Administrative Assistant
M. SHIRLEY DeSALVO

STEPHEN J. C. WOODS
County Attorney

ROCKINGHAM COUNTY JUSTICE BUILDING
HAMPTON ROAD EXETER, NH 03833
April 3, 1986

TEL. (603) 778-8567

JUVENILE

Hampton Police Department
Hampton, NH 03842

Re: [Redacted] leged Victim
Unidentified Priest (no relation) - Alleged Perpetrator

Dear Gentlemen:

This office has received a report of child abuse from the Division of Children and Youth Services, a copy of which is enclosed herein. In the event that your department has not already been contacted by the Division concerning this matter, could you please contact them on my behalf for the purpose of coordinating a joint law enforcement/social service investigation of this allegation. I would appreciate your filing a report of your investigation with this office upon its completion.

In the event that you are of the opinion that felony charges are appropriate, please accompany your report with a specific notification of this fact. Such reports should be submitted in accordance with the procedures previously set forth for Grand Jury presentation.

If you should have any questions or concerns relative to this matter, please do not hesitate to contact me personally at once. Please permit me to thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

THE STATE OF NEW HAMPSHIRE
by:

Stephen J. C. Woods
Rockingham County Attorney

SJCW/aap
Encl.

CONFIDENTIAL

7 (2 pages)

10497

Alleged 606 [REDACTED]

Dr. Brown, School Psychologist, Winnacunnet High School, reports that a new student, [REDACTED] told him that he was molested by a priest and is concerned that this man is still in contact with other teenagers.

4/10/86 (see detailed notes on interview)

Interviewed child with Dr. Brown at Winnacunnet. [REDACTED] First met Father Gordon McCrag when taking CCD classes at Sacred Heart School in Hampton (in Spring/Summer of 1982 after 7th grade per [REDACTED]). After school Father Gordon invited [REDACTED] and 2 other boys to help with work at the school. [REDACTED] attended 7th grade at Hampton Academy 1982-83 - first year with Father Gordon. He attended Sacred Heart 8th grade 1983-84 school year.

Molestation - He first asked him to sit on his lap at the Rectory of Our Lady of Miraculous Medal, Hampton. (Father Gordon had room - office bedroom and bath.) He then asked him to kiss him on the cheek, then to kiss him on the mouth. Father told him "real friends kiss on the mouth and asked him to give him "big kisses" and hugs.

Father Gordon took [REDACTED] to lunch, to shopping malls and to movie. He visited with [REDACTED] at the rectory and came to pick him up for activities at [REDACTED] home. When he arrived, [REDACTED] parents were not at home and on two occasions "something happened" at [REDACTED] home, at [REDACTED] Spider game occurred at this location. Father Gordon's hand was the spider, first touched one leg and then the other and then the middle leg. [REDACTED] explained that he "hadn't let him do what he wanted". Also that Father Gordon talked about sex a lot.

[REDACTED] spoke to his Dad, his teacher, Irene Brigham and Father Jim Wat [REDACTED] angry about all that he and his family have been through. He was upset that Father Gordon never got back in touch with him again after the Spider Game incident at his home in which [REDACTED] refused to let him "do what he wanted" and just got up and left the room.

After; in December 1983, [REDACTED] was hospitalized at Hampstead for a month after story came out in counseling with J. Patterson. He had torn his room apart "that is not like me" and had suicidal thoughts. [REDACTED] was very angry. He also related that he had had thoughts of killing Father Gordon.

4/11/86

In person with [REDACTED] E. Davis and Art Wardel. [REDACTED] related that he had not known the extent of what happened 2 weeks ago when [REDACTED] told him - [REDACTED] story to him was consistent with social worker's interview).

In counseling, [REDACTED] told Judy Patterson about molestation. [REDACTED] met with parents off and on during [REDACTED] counseling, told the parents in November 1983, that [REDACTED] was very upset about his relationship with Father Gordon - that he had told her some things about hugging and kissing. (NOV 1983)

[REDACTED] (cont.)

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and that they were "unbecoming to a priest". Judy told the [REDACTED] that this would have to be reported to Welfare in accordance with State law. She later told them that there was not enough to report to the police. When [REDACTED] requested information regarding referral, Judy said "believe me [REDACTED] it has been taken care of".

(Parents would like to know if a referral was made 2½ years ago).

Mother relates that after [REDACTED] hospitalization in Hampstead for one month in 12/83, parents did not pursue matter out of concern for [REDACTED] mental health.

[REDACTED] continued in counseling with Judy Patterson until Spring 1985, when she left the agency - he has had no counseling since, except in school

[REDACTED] know of 3 other possible victims (no names given):

- friend of family whose male child was gotten drunk at a camping trip.
- transient kid - Father's "adopted son".
- a child that [REDACTED] knew that he told Mother Father ^{GORDON} had done the same things to him.

Telephoned Judy Patterson, North Essex. Judy stated she had not shared much with parents as it was "confidential". Judy went to Father Quinn who dealt at top level with ⁴Commissioner and ⁴decision ³made not to involve ⁴local District Office. She thinks that Bishop Gendron and ⁴Commissioner worked an agreement out that ^{FATHER GORDON} he would not work with children and that there would be counseling.

ED/11

E. Davis

PROTECTIVE INVESTIGATION - [REDACTED] 10499

Parents: [REDACTED]

Child: [REDACTED] 69

Siblings: [REDACTED]

Grandmother - [REDACTED]

4/10/86

Interview at Winnacunnet High. Present were [REDACTED] Dr. Robert Brown and Elizabeth Davis, social worker, Division for Children and Youth Services.

[REDACTED] had talked to Father Jim Watson who had not believed his story. Whether he might have been "protecting his own". He had talked to Irene Brigham, a teacher, who was kind and had tried to help. He had talked to Judy Patterson in counseling and believed she had made a report.

[REDACTED] said that the first person in the world he told about this was his Dad and his Dad's response was to say for [REDACTED] not to let this happen not to be around him.

Interview with child and Dr. Brown.

Background: [REDACTED] enrolled in Winnacunnet High 2 weeks ago. He is attending the 10th grade. He formerly attended Hampton Academy and Sacred Heart in Hampton. (St. Thomas Aquinas? when attended?)
UNTIL NOV 1985

The incidents of possible sexual abuse occurred during 7th and 8th grade (2 1/2 - 3 years ago) when [REDACTED] was attending Hampton Academy 7th and Sacred Heart 8th. In the summer of 1982, [REDACTED] was 12, after 7th grade and while [REDACTED] was taking CCD classes at Sacred Heart School on Sunday.

- Q. Why don't you start by telling me what happened to you? . . .
- A. You mean when this priest molested me? . . .
- Q. When did you first meet this priest? . . .
- A. In 7th grade - he invited myself and 2 other boys to help with work after school. . . .
- A. What was the first upsetting thing that happened?
- A. He first asked me to sit on his lap, then he would say "give me a kiss" and I would kiss him on the cheek. Then he asked me to kiss him on the mouth - "real friends kiss on the mouth" . . . "big kisses" and hugs.

[REDACTED] visited this priest at the Rectory of Our Lady of Miraculous Medals in Hampton, where he had an office and a bedroom and bathroom next to the office. The priest sometimes visited at the home at [REDACTED] and the family's present residence at [REDACTED]. The priest was [REDACTED] "best friend". They went to lunch, or to a mall or to the movies and they "had a lot of fun together" [REDACTED]

[REDACTED] ont.)
 expressed anger and emotions regarding the fact that this priest did not get in touch with him again after their last meeting in the summer of 1982- per [REDACTED]

Q. What else happened?

A. Once when he was at my house he played this game where his hand was the spider and he would say first it touched your right leg and then your left leg and then your third leg.

Q. What is your third leg?

A. Well, that's obvious.

Q. Yes, but I need to hear it from you. Is that what you call your pen

A. Yes.

(Child becoming upset and confused by questioning).

A. I got up then, I wouldn't let him do what he wanted to. That was right, wasn't it? (assured him that he was right, that priest was wrong to have put child in this position).

A. What did he want to do?

A. That's obvious, isn't it?

(child becoming angered, upset by questioning).

Dr. Brown supportive - told child that worker wanted to know if his genitals had been fondled. Worker elaborated that she needed to know exactly what happened and was the priest wearing clothes - was [REDACTED] clothed?

A. [REDACTED] stated that he was always wearing clothes and so was the priest Father Gordon.

Q. What else happened that was upsetting?

A. The things that he said. He talked about sex a lot. "He was a police officer before and carried a gun...he would let me play with his gun"

Q. Was his first name Gordon?

A. Gordon McCray that was his name - he would say "call me Gordon".

Q. Is there anything else you would like to tell me?

Interview wrapped up by answering [REDACTED] questions regarding "what happens next?" Social worker briefly reviewed legal process, emphasizing that the police would want a statement from [REDACTED] before they would be able to pursue allegations. In response to question regarding court process - answered that if case went to court [REDACTED] would probably be asked to testify - stated that he would have support and protection and that he could stop process at any time.

[REDACTED] asked "will they be mean to me?" (meaning the police).

Child ended interview by venting anger that he and his family had been through so much and that he was upset that Father Gordon had never got in touch with him again. He said that Father Gordon "shouldn't be allowed to be a priest". [REDACTED] a devout Catholic has concerns about being excommunicated from the church, never being confirmed, etc.

[REDACTED] cont.)

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He related that he has had suicidal thoughts. That was what was going on when he was admitted to Hampstead. (He tore up his room before that) "That was not like me". He also related that he had had thoughts of killing Father Gordon.

[REDACTED] also talked about being angry that the school and church had allowed this to go on.

E. Davis
ED/11



9
STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND WELFARE
DIVISION FOR CHILDREN AND YOUTH SERVICES
PORTSMOUTH DISTRICT OFFICE

30 Maplewood Avenue

Portsmouth, NH 03801

10502

Sylvio L. Dupuis, O.D., Commission

David A. Bundy, Director

603-431-6111

April 16, 1986

[REDACTED]

Dear [REDACTED]

Please sign and return the enclosed release form to obtain records from Catholic Social Services.

Please get in touch with me if you have any new information or concerns regarding your son.

Sincerely

Elizabeth Davis
Social Worker
Division for Children and Youth Services

ED/11

enclosure

Rita 9

Protective Investigation
Victim: [REDACTED]
Perpetrator: Fr. Gordon Macrae

4/18/86:

Case consultatoin held this date at State Office. Attending were Geraldine O'Connor, Supervisor; Elizabeth Davis, Social Worker; Roger Desrosier, Administrator; and Marilyn Fraser, Area Administrator. Case details and case activities were reviewed. It was agreed that the protective report received on 3/28/86 by the Portsmouth D.O. dealt with the same allegations of 1983 that were previously reported and investigated. Please refer to tape for details.

Director David Bundy reviewed the situation (and tape), and he requested that the Area Administrator bring closure by contacting and providing results of the prior investigation to the current reporter, the Hampton Police Department, [REDACTED] and his parents. Please refer to attached letter by Director, Dated 4/24/86.

4/25/86

I had a telephone conversation with Dr. Robert Brown, reporter. I informed him of the prior report in 1983 and the resultant investigation/finding. He felt strongly that [REDACTED] needs direct contact in order to hear this information, as child and parents seem unaware of any prior investigation and child is quite enry. Child is reportedly "quite emotionally conflicted." I told Dr. Brown that I would be contacting the family.

Dr. Brown had no additional or new information. However, I told him to contact Roger Desrosier if any new concerns develop, as I will be leaving the agency.

4/25/86

I had a telephone conversation with Detective Art Wardle, Hampton Police Dept. 926-3334. I shared results of the prior investigation. Det. Wardle has no new information or other concerns, and he plans to terminate his activities, given the prior history. A letter of confirmation, dated 4/29/86 was sent to Det. Wardle.

4/25/86

I telephoned the [REDACTED] residence. There was no answer.

4/29/86

I telephoned the [REDACTED] residence end spoke to [REDACTED] She is most interested in discussing the situation, and she would like me to talk to her son. I'll call her later in week to confirm appointment.

5/1/86

Spoke to [REDACTED] I will meet all family members at their home on 5/7/86 at 5:00 PM.

MF/mg

R172