



STATE OF NEW HAMPSHIRE
NH DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
CRIMINAL JUSTICE BUREAU
33 CAPITOL STREET, CONCORD, NH 03301
TELEPHONE: 603-271-3671 / FAX: 603-271-2110

FAX COVER SHEET

CONFIDENTIALFROM: Jim Rosenberg, AAGTO: Dave Vicinanza

PHONE NUMBER: _____

OF PAGES (including cover): 3DATE: 7/12/02 TIME: 5:37SPECIAL REMARKS: _____

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MEMORANDUM

TO: File

FROM: James D. Rosenberg *JDR*

DATE: July 10, 2002

RE: DIOCESE INVESTIGATION

On today's date, Ann Rice and I spoke with Mark Abramson, the attorney for approximately 50 plaintiffs in civil suits against the Diocese of Manchester. The purpose of our conversation with Attorney Abramson was to inform him of our ongoing investigation into the Diocese. Specifically, we told Attorney Abramson that we were at a stage in the investigation where we wanted to contact specific victims that had allegations of sexual abuse by priests. To that end, we wanted to give him the courtesy of a phone call prior to contacting victims that might be clients of his. The problem, we explained, was that we are not sure which victims he represents. Therefore, we requested that Attorney Abramson provide us with a list of his clients' names and contact information. In this way, we would be able to contact him prior to contacting any specific victim.

Attorney Abramson agreed to provide us with a list of names and contact information for plaintiffs that have been named in his civil suits against the Diocese. Further, Attorney Abramson explained that he had several suits filed in the name John Doe. Attorney Abramson indicated that he would contact his clients that have remained anonymous in order to secure their permission before giving their names to us.

Attorney Abramson requested that prior to contacting any victims, we contact him so that he can arrange for that meeting.

JDR/mmp

cc: Ann M. Rice, Esquire

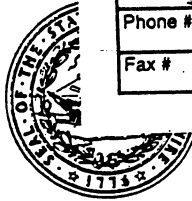
N. William Delker, Esquire

190792

STATE OF NEW HAMPSHIRE

33 CAPITAL
CONCORD, NEW HAMPSHIRE

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL



Post-It® Fax Note	7671	Date	# of pages ▶
To	From		
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Phone #	Phone # <i>7/11/02</i>		
Fax #	Fax # <i>9:45 AM</i>		

11221

July 11, 2002

VIA FACSIMILE (617) 720-4363

Wilson D. Rogers, III, Esquire
Rogers Law Firm
One Union Street
Boston, MA 02108

RE: Priests Investigation in New Hampshire

Dear Attorney Rogers:

This will confirm your recent conversation with Investigator Paul Brodeur. This office is currently investigating the Manchester Diocese and allegations of sexual abuse against minors by priests. That investigation has raised concerns that priests from Massachusetts engaged in criminal conduct in New Hampshire.

At this juncture, this office is interested in securing documents from the Archdiocese of Boston relating to this investigation. The purpose of this letter is to determine whether the Diocese will voluntarily provide information to us short of exhausting legal avenues. If so, will you provide me with any procedures the Diocese has established for making such a request?

Thank you in advance for your cooperation.

Very truly yours,

James D. Rosenberg
Assistant Attorney General
Criminal Justice Bureau
(603) 271-3671

JDR:mmp
190736

ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

11222

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL

STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL



July 10, 2002

Charles G. Douglas, III
6 Loudon Road
Concord, NH 03301

Re: Statute of limitations for sexual assaults involving minor victims

Dear Attorney Douglas:

Thank you for speaking with Ann Rice and me today regarding our investigation of the Diocese of Manchester. Enclosed please find a memorandum that was issued to law enforcement agencies following changes to the statute of limitations for sexual assaults involving minor victims. Determining the applicable statute of limitations is case specific. This memorandum sets out the steps to follow.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James D. Rosenberg".

James D. Rosenberg
Assistant Attorney General
Criminal Justice Bureau
33 Capitol Street
Concord, NH 03301
271-3671

Enclosure

JDR

190774 *

DEPARTMENT OF JUSTICE
STATE OF NEW HAMPSHIRE

11223

JOHN F. ARNOLD
ATTORNEY GENERAL

STATE HOUSE ANNEX
CON. BLDG.

MEMO TO: ALL LAW ENFORCEMENT AGENCIES

RE: Application of RSA 625:8, III (c)
(Effective April 27, 1990)

DATE: June 23, 1992

In a prior memorandum, dated January 7, 1991, this office established guidelines for the application of RSA 625:8, III (c), the amended statute of limitations for sexual assault against minor victims. Since then, the office has received numerous inquiries about the rationale for, and application of those guidelines. This memorandum is in response to those inquiries.

The guidelines were based on two underlying principles:

- 1) The application of an amended, extended statute of limitations (hereinafter "SOL") to a criminal case for which the original SOL has not yet expired does not violate the constitutional prohibition against ex-post facto legislation; and
- 2) It is unconstitutional to revive a criminal action for which the SOL has expired.

See Hopt v. Utah, 110 U.S. 574, 590 (1884); Weaver v. Graham, 450 U.S. 24 (1981); State v. Theodosopoulos, 123 N.H. 287 (1983) (A criminal law which, when applied retroactively, does not attach criminality to an act that was innocent when committed; does not aggravate any crime already committed; does not provide for greater punishment than was prescribed at the times of its commission; and does not change the degree, or lessen the amount or measure of the proof which was necessary for conviction is not ex-post facto); Falter v. United States, 23 F.2d 420 (1928) (Application of an amended SOL prior to the expiration of the original SOL is not unconstitutional, whereas application of an amended SOL after the original SOL has run would be unconstitutional); United States v. Elrod, 682 F.2d 688 (7th Cir. 1982), cert. denied 460 U.S. 1037 (Statutory amendment reclassifying a misdemeanor as a felony can not be applied

MEMORANDUM TO ALL LAW ENFORCEMENT AGENCIES
June 23, 1992
Page 2

retroactively but extension of the SOL can be applied where the original SOL had not yet expired.) See also United States v. Richardson, 512 F.2d 105 (1975); State v. Creekspaum, 753 P.2d 1139 (Alaska 1988); Commonwealth v. Barger, 524 N.E.2d 829 (Mass. 1988); State v. Traczyk, 421 N.W.2d 299 (Minn. 1988); State v. Hodgson, 740 P.2d 848 (Wash. 1987).

The 1990 amendment, as enacted, was to be applied to all sexual assault cases against minor victims, regardless of when the crime occurred. In some instances, the original SOL would have already run, thus making the law ex-post facto as applied to those particular cases. In order to distinguish the cases to which the new SOL can be applied constitutionally, it is necessary to determine whether the original SOL has expired or has been extended by a subsequent amendment. The SOL for sexual assault has gone through a number of changes:

- a) Beginning in 1973, the SOL was six years for a felony and one year for a misdemeanor. RSA 625:8 (Effective 11/1/73).
- b) In 1975, Chapter 632-A, Sexual Assault, was added to the criminal code. Included in that chapter was a provision that no prosecution could be maintained unless the offense was reported within six months of occurrence, except where the victim was under 18 years of age. RSA 632-A:7 (effective 8/6/75). There was no change in the SOL as applied to minor victims.
- c) In 1987, RSA 632-A:7 was amended to include a provision that where a victim was under 18 at the time of the assault, the SOL would not begin to run until the victim's 18th birthday. RSA 632-A:7 (I) (Effective 1/1/87).
- d) In 1988, RSA 632-A:7 (II), establishing the six month reporting prior for adult victims, was repealed.
- e) In 1990, RSA 632-A:7 (I) was repealed and, in its place, RSA 625:8, III (d) was enacted. (Effective 4/27/90). That is the current statute which provides for a 22 year SOL following the victim's 18th birthday.

Using that information, along with the date of the offense in question and the age of the victim, one can determine whether the 1990 amendment can be applied to a particular offense.

For example, consider an offense committed on 6/1/82 against a minor who turned 18 in 1986. At the time of the offense the SOL was 6 years and would thus expire on 6/1/88. However, in 1987, the statute was amended so that the SOL would not begin to run until the victim's 18th birthday. Since the

June 23, 1992

Page 3

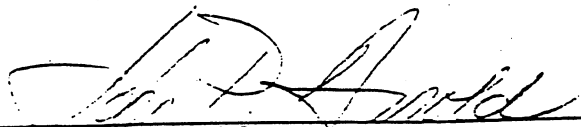
amendment became effective before the original SOL had expired, the amended SOL would apply, thus extending it to 1992, or 6 years after the victim's 18th birthday. In the meantime, the 1990 amendment was enacted, further extending the SOL. The SOL for the 1982 offense had not yet expired, given the subsequent amendment, and thus the 1990 amendment could be applied without violation to the offender's constitutional rights.

As another example, consider a felony offense committed on 6/1/80 against a minor victim who turned 18 in 1985. The SOL in effect at the time of the offense was 6 years so it would expire on 6/1/86. The statutory amendment which would have tolled the running of the SOL until the victim's 18th birthday did not become effective until 1987 - after the original SOL had run. In this case, it would be unconstitutional to apply any subsequent amendments extending the SOL because that would, in essence, revive an action that had already died.

Using this analysis, it was determined that in most cases, if a minor victim turned 18 after April 27, 1984, the SOL for a felony sexual assault would not have expired when the 1990 amendment became effective. Similarly, if a minor victim turned 18 after April 27, 1989, the SOL for a misdemeanor offense would not have expired on the effective date of the 1990 amendment. Therefore, in either situation, the newly extended SOL could be applied without violation of the offender's constitutional rights.

However, if the offense occurred prior to January 1, 1981, the intermediate amendment which tolled the running of the SOL would not have been applicable, and the SOL would have been 6 years from the date of the offense. Therefore, the guidelines established in the previous law enforcement memorandum should be modified to include a caution that even if the minor turns 18 on or after the specified date, the 1990 amendment may not be applicable if the offense occurred prior to January 1, 1981.

For further information, contact: Ann Rice, Assistant Attorney General, Criminal Justice Bureau, 271-3671.



John P. Arnold
Attorney General

MEMORANDUM

11220

TO: File

FROM: Anthony Fowler, Criminal Investigator

RE: DIOCESE OF MANCHESTER

DATE: July 2, 2002

Researched the Internet for the NATIONAL WEATHER SERVICE and located a page for KENNEBUNKPORT, MAINE-YORK COUNTY, which is very close to the YORK-CAPE NEDDICK area. The following is a list of the AVERAGE DAILY TEMPERATURES for the dates JUNE 14-JUNE 20, 2002:

- 1) JUNE 14, 2002-55 degrees
- 2) JUNE 15, 2002-49 degrees
- 3) JUNE 16, 2002-NOT AVAILABLE
- 4) JUNE 17, 2002-NOT AVAILABLE
- 5) JUNE 18, 2002-56 degrees
- 6) JUNE 19, 2002-56 degrees
- 7) JUNE 20, 2002-55 degrees

ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET
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11227

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL



STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL

July 1, 2002

Thomas D. Rath, Esquire
Rath, Young & Pignatelli, PA
One Capital Plaza
PO Box 1500
Concord, NH 03302

In Re: Bishop John McCormack

Dear Mr. Rath:

The Attorney General has asked me to reply to your letter of June 17, 2002.

This office's investigation pertains to Diocesan conduct associated with the sexual molestation of children by Diocesan personnel.

Bishop McCormack was appointed to Diocesan leadership after January 1, 1998. We have no reports of sexual crimes by Diocesan priests after January 1, 1998. For that reason, Bishop McCormack is not presently a target. However, we do have information that the Diocese received allegations of sexual abuse by clergy after Bishop McCormack was appointed to the Diocese of Manchester. We are in the process of gathering additional information in order to clarify his involvement with respect to these matters.

The representation contained in this letter is based upon current information. It is not binding in the event of subsequent discovery of potentially incriminating information and does not apply to investigations presently being managed by the Belknap County Attorney's Office with respect to reported offenses which occurred at or are associated with Camp Fatima.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. William Delker".

N. William Delker
Senior Assistant Attorney General

NWD/der



Office of the Sheriff

Rockingham County

James "Dan" Linehan, High Sheriff

Diocese

11228

June 27, 2002

N. William Delker
Senior Assistant Attorney General
Chief, Criminal Justice Bureau
33 Capitol Street
Concord, NH 03301-6397

RE: Investigative Assistance

Dear Assistant Attorney General Delker:

This is in response to your request dated June 25, 2002 wherein you requested an investigator from the Rockingham County Sheriff's Office to assist on a task force regarding allegations of wrong doing against members of the Dioceses of New Hampshire.

I have assigned Deputy Sergeant Brenda Blonigen to this task force. As you know, Sgt. Blonigen is widely recognized in her field as a sexual abuse investigator particularly in the areas dealing with the abuse of children. She is an outstanding investigator and I'm certain she will provide the task force with a high degree of professionalism and experience.

I understand that Sgt. Blonigen can expect to be released from this assignment on October 1, 2002. Good luck with your investigation. If this office can be of further assistance please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dan Linehan".

J. Daniel Linehan
High Sheriff

Cc: Captain Akerley
Lieutenant Peirce
Sergeant Blonigen

CONFIDENTIAL**MEMORANDUM**

TO: Diocese Task Force Investigators
File

FROM: NWDelker

CC: JDRosenberg

DATE: July 2, 2002

RE: Investigation of Diocese of Manchester: GRAND JURY DOCUMENTS

During the course of the investigation relating to manner in which the Diocese of Manchester handled allegations of child sexual abuse by clergy, you will receive documents gathered pursuant to grand jury subpoena. In New Hampshire, information gathered through the grand jury process is treated with the utmost secrecy. Rules promulgated by the NH Supreme Court restrict my authorization to disclose the contents of testimony gathered through the grand jury. Supreme Court Rule 52 states as follows:

without further authorization from the court, the Attorney General shall not exhibit the transcript or disclose its contents to anyone except a member of his office or law enforcement officers specifically assigned by him to perform duties to which the contents of the transcripts are relevant.

While documents gathered by the grand jury are not specifically covered by Rule 52, in an abundance of caution, you should treat those documents in the same manner as grand jury testimony. The documents provided by the Diocese in response to grand jury subpoenas provide the basis for further investigation. In accordance with Supreme Court Rule 52, you are authorized to review the contents of the grand jury testimony both as members of a task force assigned to the Attorney General's Office and as the officer specifically assigned to investigate the conduct of the Diocese that is the subject of the grand jury investigation. You are authorized to use the documents in furtherance of the investigation, including disclosing the content of the documents to witnesses as necessary to further the investigation or showing witnesses documents in order to authenticate the records. You are not authorized to copy the documents nor are you authorized to disseminate documents gathered pursuant to the grand jury process to anyone without approval from Will Delker or Jim Rosenberg.

SHEEHAN
PHINNEY
BASS +
GREEN

PROFESSIONAL
ASSOCIATION



ATTORNEYS AT LAW

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11230

June 20, 2002

N. William Delker, Esq.
Chief, Criminal Bureau
Office of the New Hampshire Attorney General
33 Capitol Street
Concord, New Hampshire 03301

Re: Diocese of Manchester Files under Subpoena issued April 8, 2002

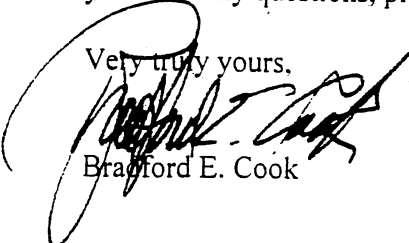
Dear Mr. Delker,

Accompanying this letter are the files of the Diocese of Manchester on complaints against priests covered by the above-captioned subpoena. We previously delivered to you "redacted" files and the enclosed are the unredacted files delivered in accordance with the order of the Hillsborough County Superior Court dated June 17, 2002.

We appreciate your cooperation in allowing Fr. Edward Arsenault, Chancellor of the Diocese, to participate in the conference call yesterday in lieu of an appearance at the Grand Jury today. In that connection, I believe there was some confusion in at least one of the answers he gave. While the enclosed files contain all of the materials relating to sexual abuse claims with minors, there are other materials in the so-called "Secret Archives" on certain of the priests which have nothing to do with the matters covered by the subpoena. (As Fr. Arsenault explained, the Canonical term, "Secret Archives" refers to the restricted access to the contents within the Diocese.) As stated in the phone call, although some of the medical records on priests are for other than sexual abuse with minors matters, they are included. Finally, as much time has passed since the redacted files were delivered to you, the Diocese has conducted another review of the files to make sure all relevant materials are included and several additional items are included as a result of that search. Items in the envelopes are those not provided at all in the redacted production.

As in the past, I want to thank you for your cooperation in these matters. Should you have any questions, please contact me.

Very truly yours,


Bradford E. Cook

AG mumm on church sex abuse grand jury

■ Prosecution of church higher-ups for "aiding and abetting" is still being studied.

By NANCY MEERSMAN
Union Leader Staff *CLM/2/10/2020*

McLaughlin remained determinedly silent yesterday when asked if he has called a grand jury to investigate whether Roman Catholic Church leaders knowingly endangered children by placing priests in New Hampshire parishes who were known sexual abusers.

McLaughlin said he would not respond to speculation about the possibility of a grand jury probe into how the Manchester Diocese dealt with priests accused of preying sexually on children.

Boston newspapers yesterday quoted unnamed law enforcement sources as saying a Massachusetts grand jury is gathering evidence against Cardinal Bernard Law and other Boston Archdiocese leaders with an eye toward prosecuting them for placing known predators in positions where they could harm children.

Manchester Bishop John B. McCormack, who at one time was responsible for managing sex abuse complaints for the Boston Archdiocese, has been named as a defendant in some of the Massachusetts civil cases.

Patrick McGee, spokesman for the Manchester Diocese, said Massachusetts authorities have not contacted any church officials here.

Regarding reports that Massachusetts Attorney General Thomas F. Reilly had convened a grand jury, McGee said, "We have not been notified there is a grand jury, or that anyone in the diocese, including the bishop, is the subject of any inquiry by a grand jury."

McLaughlin said he could not comment one way or the other on whether such a proceeding was under way in this state. He had no comment "on any Massachusetts proceeding — if there is one."

The Massachusetts attorney general would not confirm or deny whether a grand jury had been convened.

The Boston Globe quoted sources that said the grand jury was concentrating on "building a paper trail" to chart abuse by priests and how Law and his designees responded to it.

McLaughlin stated last weekend that he was "absolutely convinced" that New Hampshire Catholic church leaders had committed crimes.

He said his office was looking into whether church higher-ups could be prosecuted for transferring sexual offenders to new par-

ishes and "aiding and abetting" sexual crimes against children.

All that is known at this time about the investigation is that state attorneys and the Manchester Diocese have been discussing the opening of confidential church files to investigators.

"The church and the state continue to engage in dialogue with respect to document production," McLaughlin said.

Asked if the church had produced all of the documents requested, he replied, "Not as yet, but we're in a very active dialogue and we are optimistic that we will, in fact, get the documents we're seeking."

He said no subpoenas have been issued.

McLaughlin believes the church is less secretive and self-protective than in the past. "I think the contemporary church takes a very different attitude toward cooperating in this matter than church did 10 to 20 years ago," he said. "That our dialogue will continue in a positive way is my hope and expectation."

As the result of court orders in civil lawsuits, vast amounts of documentation have been released in Massachusetts detailing how Boston church officials moved sexual abuser-priests from parish to parish with tragic consequences.

In New Hampshire, some 90

plaintiffs are alleging the church was negligent in exposing them to pedophiles, but these cases are in the early stages. How the church responded to the complaints in the past has not yet come to light.

As to whether the New Hampshire public would ever get an intimate look into how church leaders here responded to abuse victims, McLaughlin said, "It's too early to speculate on that."

He said he has three primary objectives at this stage: to continue the dialogue with the Manchester Diocese; to examine available documentation, and to make assessments about the "existence or non-existence of particular crimes."

McLaughlin said if it is determined criminal acts occurred, the decision will then be made as to whether the events occurred within the statute of limitations and could be prosecuted.

"What the public expects of us is a vigorous investigation that is two-fold," he said. "First, we are looking into the particular conduct of the individual priests. Then, we are looking into the practices and policies of the organization."

"I believe this is the general expectation the public has. I think it's a reasonable expectation and that is exactly what we are doing," McLaughlin said.

A grand jury is said to weigh case against Law

By Kevin Cullen and Michael Rezendes

GLOBE STAFF

By William J. A. Attorney General Thomas F.

Reilly has convened a grand jury to consider whether there is enough evidence to bring criminal charges against Cardinal Bernard F. Law and other leaders of the Archdiocese of Boston for putting priests in position to sexually abuse minors, according to law enforcement sources.

Those sources said the grand jury, which has been collecting evidence for weeks, has focused on building a paper trail on the abuse committed by priests and the response of Law and his deputies.

They suggested the chances of criminal charges arising from the grand jury appear remote, but said the prospect of new evidence turned up, and the huge amount of church documentation, would lead to a grand jury probe.

Citing state law that makes it illegal for prosecutors to discuss secret grand jury proceedings, Reilly declined to confirm or deny the existence of the grand jury.

Law enforcement sources said Reilly is wary of raising expectations about criminal charges against Law or other church supervisors, but also said that the attorney general's office wanted to explore all prosecutorial avenues before deciding whether the actions, or inactions, of church supervisors amounted to criminal conduct.

One law enforcement official familiar with the grand jury investigation said prosecutors would "really need a fresh case" before there could be criminal charges, because statutes of limitations in the cases already revealed would make charges impossible.

Law's spokeswoman, Donna M. Morrissey, last night said she was not aware of the existence of a grand jury.

In previous interviews, Reilly

and various district attorneys have said that state laws on conspiracy, obstruction of justice, and being an accessory to a crime make it difficult to charge someone whose actions simply put someone in a position to commit a crime.

But in an interview in April, Reilly said his office had not ruled out bringing criminal charges against Law and other church supervisors, and said his office had an obligation to conduct an extensive review, based in part on the continuous release of archdiocese documents about priests who are the subjects of civil lawsuits.

"We have an obligation to look at this closely criminally, and we've been doing that," Reilly said in April. "There may in fact not be a criminal solution other than the priests who abused children. We haven't ruled anything in, but we haven't ruled anything out."

It could not be determined when the grand jury began sitting.

Law enforcement sources said convening a grand jury was a logical step in a paper-heavy case. Wendy Murphy, a former prosecutor who now represents victims of sexual abuse and is a professor at New England School of Law, agrees.

"Convening a grand jury makes sense because it protects against the practice that the church can make discretionary decisions on disclosure" of documents about abusive priests, said Murphy. "To make sure that all the paper gets produced, unredacted, the grand jury is a solution."

Murphy said convening a grand jury creates a stronger incentive for the archdiocese to turn over all its records on abusive priests.

"The rules are much tougher with a criminal grand jury, and the sanctions for noncompliance much more severe," she said. "In a civil case, you can do a lot of fancy footwork on disclosure that you can't get away with criminally."

She said that after prosecutors are satisfied that they have secured all of the documents related to sexually abusive priests and their supervisors' efforts to keep the allegations against them quiet, a next logical step would be to begin calling witnesses, possibly including Law, other supervisors, priests, and archdiocese employees. She said discrepancies could arise, and a "smoking gun" could be found.

In early April, the Globe reported that Kurt N. Schwartz, chief of the criminal division under Reilly, and state troopers assigned to his office were miffed when they found out that they had not received from the archdiocese all of the documents about the Rev. Paul R. Shanley, who is awaiting trial on charges that he raped a Newton boy.

In late April, prosecutors were even more disturbed to learn that the archdiocese had discovered additional records about Shanley showing that church officials knew he had advocated sex between men and boys yet allowed him to continue working as a parish priest. At the time, the Rev. Christopher J. Coyne, a spokesman for Law, said the archdiocese was embarrassed by the late discovery of documents, but insisted it was an oversight.

Attorneys assigned to the civil rights unit of Reilly's office are carrying out a separate investigation to determine whether they can use the state's civil rights law to seek an injunction against the archdiocese on the grounds that it is not doing enough to protect children. Sources familiar with that investigation say that it is still in the preliminary stages and that Reilly's office does not have enough evidence to show that children are currently at risk to warrant intervention.

Investigators from Reilly's criminal and civil rights divisions have been conducting interviews since at least early April, according to those interviewed.

Philip Saviano, New England director of the Survivors Network of those Abused by Priests, said he met with investigators from both divisions for more than two hours on April 5. A. W. Richard Sipe, a therapist and former priest who has written several books about

clergy sexual abuse, said he too spoke by telephone with criminal and civil investigators for more than two hours later that month.

Saviano and Sipe said the investigators asked about the manner in which church officials treated allegations of clergy sexual abuse. They also asked about treatment centers that have evaluated and counseled accused priests at the request of the church, and about legal settlements.

One attorney who was interviewed said investigators told him they were reviewing possible criminal charges against Law. But those who were interviewed said that, for the most part, investigators appeared to be building a knowledge base on the church hierarchy and its procedures for handling sexual abuse allegations.

"It seemed that they were in the initial stages of trying to understand the issues and procedures, but at the same time very serious," Saviano said.

Sipe, who has served as an expert witness for alleged victims in dozens of sexual abuse lawsuits, said the investigators asked questions in a similar vein.

"They were interested in church structure and how information is passed along," he said.

Sipe said the investigators also asked about a \$5.2 million settlement of a California clergy sexual abuse lawsuit.

"They were interested in that settlement, particularly in the nonfinancial requirements, including the apology and the establishment of a 1-800 number for alleged victims and others who wish to report abuse allegations."

STATE OF NEW HAMPSHIRE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

11233

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL



STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL

April 25, 2002

Bradford Cook, Esq.
Sheehan, Phinney, Bass + Green, P.A.
1000 Elm Street
Manchester, NH 03101

Re: Diocese of Manchester

Dear Brad:

Thank you for your prompt attention to the subpoena duces tecum issued on April 8, 2002. I understand from our discussions and your correspondence dated April 12, 2002, that there is certain information contained in the records that the Diocese felt it had a legal obligation to withhold or redact. We feel that the State has an obligation to thoroughly investigate all of the allegations of sexual misconduct by clergy. In order to effectively and accurately complete this obligation, the State needs the information that has been withheld by the Diocese. I appreciate the fact that the Diocese has fully and voluntarily cooperated with the investigation to date. I also recognize that the Diocese's position with respect to the documents that were withheld or redacted is not an indication of its unwillingness to continue to cooperate in the investigations. While I disagree with the Diocese's legal assessment, I recognize that the Diocese believes in good faith it has certain legal obligations to maintain the confidentiality of these records.

I recognize the efforts made by the Diocese to date to turn over the records and information that it feels it can without a court order. At this juncture, however, I do not feel that it would be fruitful to continue to obtain information in a piecemeal fashion. In order to bring these matters to a close and resolve our disagreement over the status of the remaining records, we need to seek a court order to compel the production of the documents if the Diocese is unwillingly to produce all of the requested documents in an unredacted form by May 16, 2002. This is the next date on which the grand jury is sitting in Hillsborough County.

Bradford Cook, Esq.
Page 2
April 25, 2002

11234

In addition to the records subpoenaed on April 8, 2002, I have enclosed a subpoena duces tecum for records relating to George Robichaud. Any issues related to this subpoena must be resolved prior to May 30, 2002, which is the next date on which the Belknap County Grand Jury is sitting.

Thank you for your prompt attention to this matter. Do not hesitate to contact me if you have any questions.

Sincerely,



N. William Delker
Senior Assistant Attorney General
Chief, Criminal Justice Bureau
(603) 271-3671

SHEEHAN
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PROFESSIONAL
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ATTORNEYS AT LAW

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11236

April 12, 2002

N. William Delker, Esq.
Assistant Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, New Hampshire 03301

Re: Roman Catholic Bishop of Manchester

Dear Mr. Delker,

In response to the Subpoena Duces Tecum addressed to the Keeper of Records of the Diocese of Manchester, and the terms of your letter dated April 8, 2002, I am herewith delivering to you files of the Roman Catholic Bishop of Manchester concerning complaints of child sexual abuse by individuals named in the subpoena. In explanation thereof, I offer the following:

1. Attached to this letter as Exhibit A is a list of the currently known addresses for those individuals for whom we have addresses. Also, phone numbers we have are listed.
2. The materials delivered to you are photocopies of the files which have been copied by this office from the original materials.
3. The names of victims and other names which would clearly identify victims have been removed. As you discussed with W. Michael Dunn of this office and me, you will see from the contents of the materials that many of these individuals clearly do not want to be identified, many are the subject of confidentiality agreements, and we believe all had the expectation of privacy when contacting the Diocese. Should your review make identifying such persons of further interest to you, we shall endeavor to get their permission to identify them.
4. No medical reports on the individuals are included since we believe the permission of the patient would be required before disclosing such confidential information. In the event you still seek such information after your review of the materials being delivered, we shall endeavor to get the permission of the individual to disclose them to you.
5. Intra-Church communications and recommendations which we believe to be protected by the First Amendment have been redacted.
6. Civil settlement documents we believe to be confidential are not included.

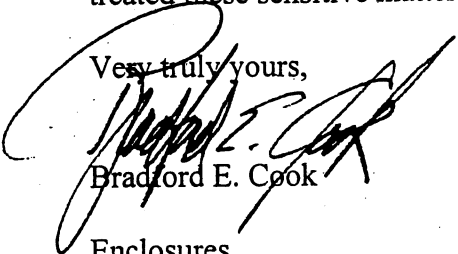
7. As we agreed, information on Philip Petit is included, although he was not on the faxed subpoena list, although it is my understanding his name will appear on the subpoena which I shall accept on behalf of the Diocese.
8. The Diocese has no such files for Ronald Corriveau, Paul Groleau, or Alfred Janetta.
9. The Diocese has no knowledge of a John Voglio and obviously has no such file for him.

As you, Mike Dunn and I also discussed, further information you may seek from these files which we have not produced for the reasons set forth above will be the subject of further discussions between us and if we are unable to comply because we cannot get consent to produce materials or cannot agree to turn over such materials, we shall jointly seek a judicial determination of whether we are required to produce such materials.

In providing these materials, as in providing summaries of the files previously, it is not the intent of the Diocese to waive any of its rights or those of any of the individuals who are the subject of the files.

On behalf of the Diocese and its officials, I thank you and Attorney General McLaughlin for the professional and courteous manner in which you have treated these sensitive matters.

Very truly yours,



Bradford E. Cook

Enclosures

ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

11238

LIP T. MCLAUGHLIN
ATTORNEY GENERAL



STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL

April 8, 2002

Bradford Cook, Esq.
Sheehan, Phinney, Bass + Green, P.A.
1000 Elm Street
Manchester, NH 03701

RE: Diocese of Manchester

Dear Attorney Cook:

Attached please find a grand jury subpoena duces tecum. At our meeting on Friday, you indicated that you would accept service of the subpoena on behalf of the Diocese of Manchester. As you are aware, the issuance of grand jury subpoenas, any documents produced in response to the subpoena, and any testimony given to a grand jury are not subject to the public disclosure. However, information and documents gathered through the grand jury process may be used in connection with any criminal investigation and may be disclosed in court if there is ultimately a criminal prosecution.

Do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "N. William Delker".

N. William Delker
Senior Assistant Attorney General
Chief of the Criminal Justice Bureau
(603) 271-3671

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May 3, 2002

N. William Delker, Esquire
Senior Assistant Attorney General
Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

Re: Diocese of Manchester

Dear Wil:

Thank you for your letter of April 25, 2002.

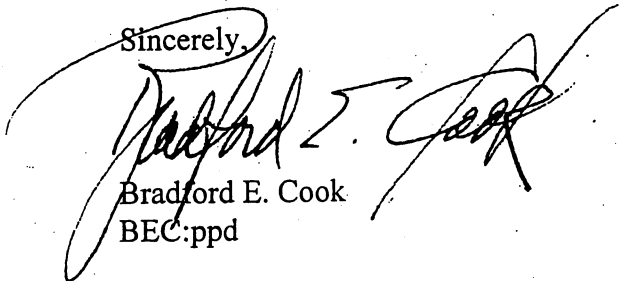
At this juncture, I think we should undertake the procedure we have discussed previously. You indicated that the Attorney General's Office would not deem it to be a failure of cooperation if we work out a process to seek court review of your requests for additional information which has been withheld in our responses for the reasons set forth in my letter accompanying the files delivered to you. Specifically, you would bring a motion to compel to which we would object and we would jointly seek review of those things you wish to have produced by a Superior Court judge. You understand that prior to that review, we would be compelled to inform the priests and/or their attorneys of the fact that you have sought these materials and give those attorneys an opportunity to interpose the objections of their clients (or, conversely, the consent of their clients) to the production of any such materials.

If this procedure accurately reflects your understanding of our agreement on how to proceed, I would appreciate the opportunity to discuss its implementation with you so that we could proceed in an orderly fashion.

[REDACTED]

I appreciate your acknowledgement of the cooperation we have tried to provide in these matters and look forward to continuing our discussions and dialog so that these difficult matters can be resolved in an orderly fashion. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradford E. Cook". The signature is written in a cursive style with a large, sweeping initial "B".

Bradford E. Cook
BEC:ppd

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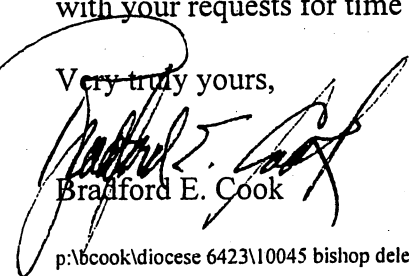
April 26, 2002

N. William Delker, Esq.
Assistant Attorney General
New Hampshire Department of Justice
33 Capitol Street
Concord, New Hampshire 03301

Dear Mr. Delker,

This will confirm our conversations this week and last concerning the timing of personnel actions concerning certain priests. After discussions between us, and at your request for more time, we delayed discussing status with Rev. Edward Richards and Rev. George Robichaud until this week. We also agreed to delay contacting Rev. Roland Cote until next week. All of this was done to comply with your requests for time to inquire into certain activities we have discussed.

Very truly yours,


Bradford E. Cook

p:\bcook\diocese 6423\10045 bishop delegate\delker re timing of actions--april 26.doc

MEMORANDUM

11242

To: File
PTMcLaughlin

From: NWDelker

Date: April 18, 2002
6:15 p.m.

Re: Meeting With Diocese Regarding Removal Of Active Priests

In the interest of public safety, the Diocese was contacted to inform them that we had credible accusations against three priests who were in active ministries.

Today from approximately 4:45 p.m. until approximately 6:00 p.m., I met with Father Ed Arsenault and Attorney Brad Cook in my office to discuss the Diocese's response to the concerns that we had regarding three priest, who are currently in active ministries: Father Edward Richard, Father Roland Cote, and Father George Robichaud. Prior to the meeting, I provided Brad Cook with reports attached hereto regarding the allegations against these priests. With respect to Richard, I provided Cook and Arsenault the following additional information: there were multiple victims, the police was unable to complete interviews on all of the victims, and the victim they did interview was 14 or 15 years old at the time. With respect to Robichaud, I provided the Diocese with the following additional information: [REDACTED]

[REDACTED] With respect to Cote, I did not provide the Diocese any additional information. Paul Brodeur confirmed that with respect to the victims, [REDACTED] and [REDACTED] each victim consented to releasing information to the Diocese. With respect to [REDACTED] he informed me that he consented to the information being disclosed to the Diocese.

Father Arsenault stated that the Diocese intended to remove the three priests before the weekend. He stated he would call Richard and Cote sometime after 8:00 a.m. on Friday, April 19, in order to arrange a meeting with them. He would not discuss the nature of the meeting with them at that time. He would arrange to meet with Richard and Cote sometime after noon tomorrow. He agreed not to contact Robichaud until we had a further conversation regarding the timing so that I could contact the County Attorney's Office to let them know that the Diocese intended to remove Robichaud. Cook and Arsenault stated that they would not contact the victims or conduct any independent investigation in order to avoid the appearance that the Diocese was attempting to interfere with the criminal investigations.

Following the meeting, with Cook and Arsenault, I contacted PTM and discussed the Diocese's response with him. I informed him that I would contact the county attorneys to notify them of the situation. I then contacted Lauren Noether at home. She requested that

she be provided 24 hours to conduct further investigation before anyone contacts Robichaud. I immediately spoke with Brad Cook by telephone and requested that no one contact Robichaud until after 8:00 a.m. on Saturday, April 20, 2002. He returned my call and assured me that no one would contact Robichaud prior to that time. I left a message on Lauren Noether's home machine with that information.

TO: FILE
FROM: Paul E. Brodeur, Inv.
RE: DIOCESE OF MANCHESTER
Complaints re: Priest
DATE: 15 APRIL 02 1214 hrs.

This date received call from: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

employed at the [REDACTED] late afternoon and evening.

[REDACTED] advised he lived in [REDACTED] as a child. In 1981 or 1982 when he was 15 or 16 years old he was hitchhiking from Claremont to Newport and was picked up by a Fr. ROLAND COTE. COTE asked [REDACTED] if he wanted to do some work.

COTE took [REDACTED] to a cottage in Unity, NH and he picked up brush and fallen trees from the wooded area. [REDACTED] advised that his father had recently died and each time he went to the cottage he would receive \$40. [REDACTED] advised "the money was good for the family and me."

[REDACTED] advised that the second time he went to do work COTE began by rubbing his leg and gave him a rum and coke to drink. This progressed to COTE "sucking my ([REDACTED] dink." [REDACTED] advised that COTE also ejaculated while sucking his dink. [REDACTED] his progressed to they smoking marijuana together. [REDACTED] advised that these acts took place on the couch, the bed or in the Jacuzzi. They would also watch dirty movies that only had men in them. [REDACTED] advised that this took place until he was arrested and incarcerated at the Sullivan County Jail pending bail. He believes this was in 1986 when he was 19 or 20 years old.

[REDACTED] advised that there was one occasion when COTE brought him home and while returned to the cottage COTE went off the road and crashed his car on Unity Rd., Newport, NH. He advised that COTE was under the influence of marijuana at the time.

[REDACTED] advised there were two other priests there that he saw only 2 or 3 times. He did observe them kissing but nothing else.

[REDACTED] advised that the cottage is on a dead end road and the way it curves he is not sure if the cottage is in Newport or Unity, NH.

[REDACTED] advised that he believes Fr. ROLAND COTE was assigned to a St. John's or something near the Canadian Border. He knows that COTE was moved a number of times but did not think anything of it at the time.

[REDACTED] advised that he had reported the incident to the officials at the State Prison but they merely gave him medication. He expected to receive mental health counseling. [REDACTED] advised that he still has nightmares and feels COTE's whiskers scrapping on his balls. [REDACTED] advised that he is currently in treatment.

[REDACTED] advised that his Attorney has a complete chronology that was developed and other information. Requested [REDACTED] contact McGrath and forward a copy to our attention.

11246

From: Paul Brodeur
To: Delker, Will
Date: 4/11/02 3:22PM
Subject: Re: Priest

[REDACTED]

>>> Will Delker 04/11/02 03:16PM >>>

[REDACTED]

Attorney General Philip McLaughlin
55 Pleasant Street
Concord, NH 03301

Dear Attorney General:

Enclosed is a letter I sent along with copies of letters to the Diocese of Manchester on March 12, 2002 regarding my son. With the recent events of the Church not being totally forthcoming with information, I was concerned my letter may not have been acknowledged because I did not sign it.

The fact that my son will not talk about his childhood or his experiences way back then has put me in the position of not being able to go forward but with the class action suit being filed, I just wondered where I would stand in that suit.

I will be visiting my son in California the last week of April and hope that maybe I can get him to speak about his youth in the 70's and 80's. We are not interested in the monetary aspects of this suit but in justice being done in the name of so many who lost their childhood and who today are still living troubled lives.

Thank you for what you are doing on behalf of all of us who have had to live with this for so many years and whose concerns fell on deaf ears within the church.

Sincerely,

[REDACTED]

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11254

February 28, 2002

Hon. Philip T. McLaughlin
Attorney General of New Hampshire
New Hampshire Department of Justice
33 Capitol Street
Concord, New Hampshire 03301

Re: Roman Catholic Bishop of Manchester/Sexual Abuse Complaint File
Summaries

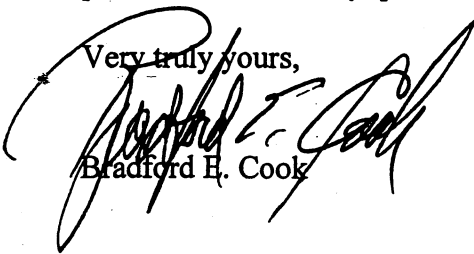
Dear Attorney General McLaughlin,

Pursuant to the conversations we have had about the matter, I enclose summaries of complaint files of the Diocese of Manchester concerning accusations of child abuse received against priests of the Diocese.

In providing these materials to your office voluntarily, the Diocese is mindful of its rights and the rights of the individuals, both accused and accusers, both to confidentiality and to Constitutional protection. The summaries are provided without waiving, and specifically reserving, the rights of the Church under the First Amendment to the United States Constitution, and the New Hampshire Constitution. The Church in no way intends to be the agent of any person alleged to have suffered abuse, or of the men accused, and does not intend by providing these summaries to assert the truthfulness of the allegations or the guilt of any of those against whom complaints have been received.

As Father Arsenault and I have expressed personally, we and Bishop McCormack respect your efforts around these matters and are grateful for the spirit of cooperation you and your office bring to our conversations. I shall be pleased to receive any questions you or your staff may have.

Very truly yours,


Bradford H. Cook

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February 28, 2002

Hon. Philip T. McLaughlin
Attorney General of New Hampshire
New Hampshire Department of Justice
33 Capitol Street
Concord, New Hampshire 03301

Re: Roman Catholic Bishop of Manchester/Sexual Abuse Complaint File
Summaries

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Very truly yours,


Bradford H. Cook