

## GERALD R. CHALIFOUR

### **I. INTRODUCTION**

Father Gerald Chalifour is a 74-year-old priest who was ordained by the Diocese in 1952. The Diocese first learned of sexual misconduct by Chalifour with a minor in 1969. The Diocese took no steps to obtain a psychiatric evaluation for Chalifour and his ministry was not curtailed at that time. Subsequently, Chalifour abused two boys in the early and mid-1970s. This abuse was first revealed during the course of the State's investigation. However, the Diocese learned that Chalifour attempted to sexually assault another altar boy in the early 1980s. When that boy's parents confronted the Bishop about this misconduct, the Diocese sent Chalifour to the Diocesan therapist for a few months. Chalifour's ministry was not curtailed at that time and he continued to have contact with minors, although there is no evidence of another victim after 1982. In 1988, the Diocese learned that Chalifour had abused an altar boy at an earlier assignment in the 1960s. The Diocese accepted Chalifour's assurance that he had not reoffended and took no steps to curtail his ministry. Only in 1991, after the victim threatened to pursue legal action, did the Diocese send Chalifour for further psychiatric evaluation. That evaluation recommended that Chalifour's contact with minors be limited. Chalifour voluntarily retired from active ministry in 1992. However, he continued to fill-in as a priest at parishes around the state, including a 22-month assignment as the administrator of a parish in Goffstown. Despite the fact that the Diocese was aware of a number of instances of sexual misconduct by Chalifour with minors, his priestly faculties were not curtailed until February 15, 2002, when the Diocese released his name publicly.

### **II. ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHALIFOUR**

#### **A. Sexual Misconduct In Suncook**

Gerald Chalifour was interviewed by Task Force investigators on August 19 and 22, 2002, in connection with the investigation of the Diocese of Manchester. In connection with that interview, the State granted Chalifour limited use and derivative use immunity. That immunity precluded the State from using Chalifour's statements against him, but did not prevent the State from prosecuting Chalifour for his own misconduct based on independent evidence obtained by the State.

All available evidence indicates that Chalifour first engaged in sexual misconduct with a minor approximately 10 years after his ordination when he was a priest at St. John the Baptist in Suncook from 1962 until 1968.<sup>1</sup> Chalifour engaged in inappropriate sexual contact with at least 5 altar boys under the age of 18 while he was a priest in Suncook. (B368). As described below, Chalifour's description of the abuse differed markedly from that of the victims. In fact, Chalifour denied some of the allegations of sexual contact with some of the victims in Suncook.

Chalifour claimed that there was only one instance of inappropriate conduct with an altar boy named John Doe I. (B7167). Chalifour described how he asked Doe I to give him a backrub

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<sup>1</sup> According to Chalifour he did not engage in any sexual conduct at all prior to this. (B7163). He claims that he did not have any sexual contact with minors while he was assigned to an orphanage in Rochester with 125 children from 1959 to 1960. (B7164). The State has no evidence to the contrary.

because Chalifour had a bad back. (B7167). It was a hot day and there was a fan going in the room. According to Chalifour, Doe I took his clothes off and asked Chalifour if he could lie down next to him on the bed. Their bodies touched but Chalifour claims he never touched Doe I's genitals or buttocks. (B7167-68). According to Chalifour, the entire episode lasted no more than 10 minutes and ended when Chalifour told Doe I to get up and get dressed. (B7167).

Doe I, in contrast, claimed that Chalifour sexually abused him repeatedly from the ages of 12 to 16. (B367). Doe I first remembered giving Chalifour a backrub using rubbing alcohol starting when Doe I was between 11 and 12 years old in Chalifour's room in the rectory. (B2640). This occurred on a number of different occasions. Id. On at least one occasion, Chalifour pulled his pants down about a third of the way down his buttocks. Doe I does not recall any other sexual contact during this time. (B2641). According to Doe I, the first sexual contact occurred at a cabin on Northwood Lake when Doe I was 14 or 15 years old. (B2641). Chalifour had the use of a camp on Northwood Lake owned by a parishioner. Id. Doe I and Chalifour slept together in one bed and Chalifour had Doe I masturbate him until Chalifour ejaculated. Id. The last encounter that Doe I can remember occurred in 1968 when he was 16 years old. Id. Chalifour had moved to St. Kathryn's in Hudson and Doe I went to visit him. Id. Doe I slept in the same bed with Chalifour. Chalifour began french kissing Doe I. Id. When Doe I resisted, Chalifour told him not to resist but Doe I continued to fight back and Chalifour eventually stopped. (B2642). The sexual contact with Chalifour ceased altogether after that because in March of 1968 Doe I had a discussion with a friend who was several years older. (B2642). This friend told Doe I that Chalifour had also abused him and that Doe I had to stay away from Chalifour in order to protect himself. (B2643; B2647-48).

Despite Chalifour's claim that he did not engage in any sexual assault of Doe I, he paid him \$15,000 from his own personal assets to settle a claim brought by Doe I in 1993. (T-I at 11). Chalifour asserted that he wrote the check to Doe I without questioning his allegations because Msgr. Francis Christian instructed him to do so. (B7171).

Chalifour denied engaging in any sexual misconduct with a boy named John Doe II, although he did admit to sleeping in the same bed with Doe II on multiple occasions and embracing him while they slept beginning when Doe II was 16 years old. (B7181-87). Doe II has refused to be interviewed as part of this investigation. (B2245). Doe II informed the Diocese that he was sexually molested by Chalifour. (B321). It is unclear exactly what the nature of the sexual abuse was. Doe II alleged he was abused by two separate priests, one of whom fondled him and the other encounter involved "complete homosexual relations." (B5430). It is unclear which conduct Doe II attributed to Chalifour.

Chalifour also denied any sexual misconduct with a boy named John Doe III. (B7189-92). Doe III, however, described how Chalifour fondled him on 3 to 4 occasions from age 12 to 16. (B352; B386; B4735; B4735A; B4748). Doe III also described how Chalifour made Doe III give him a massage with oil while Chalifour was completely naked. (B352; B386; B4735A).

Chalifour's claim that he did not sexually abuse Doe I or the other victims is simply not credible. According to Lance Messinger, who the State has retained to offer expert opinions regarding the manner in which the Diocese handled sexual offenders, it is common for sexual

offenders to minimize or deny their conduct.<sup>2</sup> In fact, when the matter was first reported to the Diocese in 1988, even Msgr. Christian did not believe Chalifour's claim of innocence and credited the statement of John Doe I that the abuse actually occurred. (B368). Moreover, although Chalifour denied sexually assaulting John Doe II and John Doe III in Suncook, in each case the Diocese settled claims brought by the victims and Chalifour reimbursed the Diocese for the settlement costs -- \$7,000 for Doe II and \$45,000 for Doe III. (B7188, B7190).

Chalifour did admit to fondling the genitals and kissing an altar boy named John Doe IV 3 to 4 times in Suncook. (B7196). Chalifour claimed he befriended Doe IV and the other altar boys through their activities at church and that the friendship progressed to sexual contact. (B7196-97). The sexual contact with Doe IV continued even after Chalifour left Suncook. (B7196). According to Chalifour, Doe IV was 15 or 16 at the time of the sexual contact. (B7196). Chalifour stated that the first sexual contact with Doe IV occurred while the boy was giving Chalifour a backrub in his bedroom in the rectory. (B7197).

Chalifour also engaged in similar conduct during an overnight trip to New York with another altar boy from Suncook named John Doe V. (B7203-04). Doe V was 14 to 16 years old at the time. (B7203-04).

According to Chalifour, the Diocese did not learn of his misconduct in Suncook until 1988, when John Doe I first brought information about his abuse to the attention of the Diocese. (B7165). The Diocese first learned about Chalifour's conduct with respect to John Doe II and John Doe III in the early 1990s. There is no evidence that anyone was aware of Chalifour's abuse of John Doe IV and V until the present investigation by the State.

## **B. Sexual Misconduct in Hudson**

Chalifour was transferred from Suncook to St. Kathryn's in Hudson on October 4, 1968. (B7208; B3016). During the year that Chalifour was pastor at St. Kathryn's he engaged in sexual contact with one minor named John Doe VI. As in the other instances of sexual assaults described above, Chalifour's description of the abuse differed markedly from the victim's account of what happened between them.

According to Chalifour, in the Spring of 1969, John Doe VI's mother came to Chalifour for help with her son because she could not control him. (B7208; B7211). Doe VI, who was sixteen years old during the summer of 1969, visited Chalifour in the context of a counseling relationship. (B7209; B6258). After their first session, Doe VI and Chalifour "hit it off" and Doe VI agreed to continue to see Chalifour. (B7209). They would meet at the rectory. (B7210). After several sessions together, Chalifour asked Doe VI to give him a backrub because his back was bothering him. (B7208; B7211). According to Chalifour, Doe VI told him that he had to go to the bathroom. (B7211). When he returned from the bathroom, Doe VI was completely naked. (B7211). According to Chalifour, Doe VI got into bed with him and they mutually masturbated each other for about ten minutes. (B7208; B7210). Doe VI then got up, got dressed, and went

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<sup>2</sup> Lance Messinger is a licensed psychologist who has treated sexual offenders for nearly 30 years. He was the director of the Sexual Offender Treatment Program of the New Hampshire Department of Corrections until his retirement in 2001. He is currently in private practice.

home. (B7211). By Chalifour's account, this was the only incident between him and Doe VI. (B7211).

John Doe VI told investigators that he was a troubled youth. (B6259). His mother was a staunch Catholic, who was very active in the new parish in Hudson. (B6259; B7393). Chalifour was St. Kathryn's first priest. (B6259-60). One day, Doe VI's mother brought him over to the rectory to help tear down horsehair plaster. (B6260-61; B7393). After working all day with Chalifour, Doe VI took a shower at the rectory. (B6261). When he came out of the bathroom, Chalifour called him into his bedroom. Id. Chalifour had a towel on and asked Doe VI to rub his shoulders with witch hazel. Id. After Doe VI rubbed Chalifour's shoulders, Chalifour began rubbing Doe VI's shoulders. Id. Chalifour then began rubbing Doe VI's legs and telling him that he wasn't "queer." Id. Chalifour then asked Doe VI to perform fellatio on him and Doe VI refused. Id. Chalifour kept rubbing Doe VI and then began to perform oral sex on him. Id. Chalifour kept saying that "this doesn't make you queer." Id. Eventually the contact ended and Doe VI left the rectory without discussing the matter with Chalifour. Id.

Doe VI was expected to work on the rectory again the next day but he refused. (B6262; B7393). Eventually several days later, Doe VI's mother made him get in the car and she drove him over to the rectory. (B6262; B7393). Doe VI again worked all day and at the end of the day Chalifour performed oral sex on him. (B6262).

At some point after the second incident with Chalifour, Doe VI had been thrown out of his home by his mother. (B6263). He needed to talk with someone so he went to the rectory to see Chalifour. Id. Chalifour was sitting on the screen porch and invited Doe VI in. Id. When Doe VI entered the porch, he saw that Chalifour was sitting there completely naked. Id. Doe VI got very upset, swore at Chalifour and ran away. Id. He never went back to Chalifour again. Id. Chalifour adamantly denies that this encounter took place. (B7211-13).

After Chalifour sexually assaulted John Doe VI, Doe VI's behavior worsened: he was kicked out of school and was thrown out of the house. (B6263). Doe VI moved out of state for several months to live with his uncle. Id. Eventually Doe VI returned home. At that time, Doe VI's mother asked him whether something had happened between him and Chalifour. Id. Doe VI acknowledged that something had happened. Id. He revealed that he had given Chalifour a back massage. (B7393). He also told her that on another occasion Chalifour was completely naked lying in bed and pulled Doe VI down onto him. (B7393). Doe VI did not get into a lot of details with his mother at that time. (B7393).

Chalifour developed health problems and took a leave of absence from St. Kathryn's for health reasons on October 8, 1969. (B7214-16; B2996). According to him, the stress of starting a new parish and the state of his physical health required him to request the leave. (B7214-16).

Doe VI's mother tells a different account of Chalifour's ailment. She said that after she learned that Chalifour had engaged in inappropriate activity with her son, she spoke with one of the members of the parish council who recommended that she meet with the chancery. (B7393). She and her family also sat in the front row of the church the following Sunday and stared Chalifour down throughout the mass. (B7394). Doe VI's mother remembers Chalifour's hands

shaking. Id. A few days later she received a letter from Chalifour apologizing for his conduct. Id.

Chalifour wrote the following undated letter to Doe VI's mother on St. Kathryn's stationery: "Being human beings, we are weak....oftentimes we make mistakes, occasionally serious ones. I regret that I did not live up to your expectations of me. I am sorry for the hurt that I caused both you and [Doe VI]. I beg for your understanding, compassion and prayers that someday I may make amends and with time regain your confidence, trust and friendship. I hope and pray that we may continue working together for mutual help and for the good of the parish. This letter is not meant as an excuse for my behavior, but merely as an expression of the sorrow which I feel very acutely." (B366).

The following Sunday, the family again sat in the front row and stared Chalifour down. (B7394). Chalifour was again very nervous and announced that he was not well and would be taking a leave of absence. Id. Richard Dolbec, who was parish council president at the time, believed that it was understood that Chalifour took a leave of absence because he had a nervous breakdown. (B7400)

After learning what Chalifour had done to her son, Doe VI's mother brought him to the parish council to tell them what happened with Chalifour. (B6265; B7394). Fr. Aime Boiselle was present at the meeting. (B6265). Fr. Boiselle was appointed interim administrator of St. Kathryn's in Chalifour's absence. (T-I at 55-56; B2996).<sup>3</sup> Doe VI characterized this episode as the worst experience of his life – worse than the sexual assaults themselves. (B6265). Fr. Boiselle eventually ended the meeting by saying that he was not going to let this ruin a good man's life. (B6265; B7395). Doe VI did not tell anyone at that meeting what happened between him and Chalifour. (B6265). Several days later, Doe VI's mother brought him back to speak with Fr. Boiselle alone. (B6266). Boiselle was very comforting, but they never talked about what happened between Chalifour and Doe VI. Id.

Richard Dolbec was St. Kathryn's parish council president in 1969 when the allegations regarding Doe VI first surfaced. (B7397). After hearing from another member of the council that there was a problem with Chalifour, Dolbec called an emergency council meeting at which Doe VI attended with his mother. Id. Dolbec estimated that Doe VI was between 13 and 15 years old. Id. Doe VI's mother told the members that Chalifour had "gone to bed" with her son on several occasions. Id. Doe VI looked nervous. Fr. Boiselle, who had replaced Chalifour, said to Doe VI, "you're going to spare us the gory details, aren't you?" Id. Doe VI did not speak after this. Doe VI's mother was very upset and left the meeting. Id. The meeting continued and it was decided that Fr. Boiselle would contact the Bishop regarding this information. Id. at 3. Fr. Boiselle refused to be involved in the incident and Dolbec was appointed to meet with the Bishop on behalf of the council. Id. Fr. Boiselle arranged the meeting at the Bishop's residence. Id.

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<sup>3</sup> Chalifour claimed that he stayed over one night at the rectory while Boiselle was there. During this stay, John Doe II, one of the altar boys from Suncook who accused Chalifour of sexually assaulting him, stayed at the rectory with Chalifour. Chalifour and Doe II slept in the same bed together. It appears that by this time Doe II was over 18 years of age. (B7216-17). Chalifour denied engaging in sexual contact with Doe II at any time beyond embracing each other while they slept in bed together. (B7182-84). Doe II has refused to be interviewed in this investigation.

On October 14, 1969, Fr. Boiselle wrote to Bishop Primeau and informed him that Doe VI and his mother attended an emergency parish council meeting. (B362). During that meeting, they told the council that Chalifour had engaged in a “sexual act” with Doe VI. There is a handwritten note next to this line in the letter with the number “17” written in the margin. Id. This letter was written 2 days before Doe VI’s 17th birthday. The parish council requested that Chalifour not return to St. Kathryn’s after his sick leave was over. Id.

On October 15, 1969, Fr. Boiselle wrote a more detailed letter to Bishop Primeau. Boiselle explained to Primeau that following the council meeting, Doe VI’s mother explained in more detail the events leading up to the incident with her son and Chalifour. He informed Primeau that “the boy” was friendly with Chalifour since last winter when he became involved in the church through Chalifour. (B363). The letter does not detail the nature of the sexual assaults but concludes: “If what is reported is true (and it seems to be), I feel convinced that Father Chalifour is sick and needs help.” (B363). The letter also references a meeting between the Bishop and Richard Dolbec, the president of the parish council, who was familiar with the facts of the case. (B364).

At the time arranged by Fr. Boiselle, Dolbec went to the Bishop’s residence but did not meet directly with the Bishop. (B7397). Instead, he met with a Monsignor, whose name Dolbec does not remember. Id. This person appeared to be aware of the facts already but listened to Dolbec’s story. Id. Dolbec told the Monsignor that Chalifour had engaged in sexual relations with a boy in the parish and he had taken the boy to bed. (B7401). The Monsignor asked how many people in the parish knew about the allegations. Dolbec told him that many knew. Id. The Monsignor told Dolbec that Chalifour would not be returning to St. Kathryn’s and that they would be assigned a new pastor. Id.

Chalifour explained that when he was released from the hospital for his health-related ailments, he received a call from the chancery to meet with the Bishop. (B7214; B7217). Chalifour met with Bishop Primeau the following day at the Bishop’s residence. (B7217-18). Primeau told him that he had received a letter from the parish regarding a complaint and asked Chalifour what had happened. (B7217). Primeau also mentioned that the parish council president had met with him or spoken to him. (B7219).

Chalifour told Primeau the same story that he related to the Task Force investigators about the incident with Doe VI. (B7217). Chalifour is unclear how specific he was with Primeau about what had happened. (B7220). He does not believe that he told Primeau exact details like “who did what, when where, well how’d it start” or “anything like that.” (B7220).

During the meeting Chalifour became very emotional. (B7214). According to Chalifour, Primeau said to him “look if you find that you’ve, ah, you can’t cope with this, you can’t, um, you know if it bothers you, ah, so much that, that you can’t get on with your life, let me know and I have . . . a psychiatrist/psychologist, I can refer you to. If you find that you now that this is still, ah, bothering you a great deal . . .” (B7214). Primeau, however, did not require Chalifour to see a therapist or impose any other conditions or restrictions on Chalifour’s continued ministry. (B7218-19; B7224).

At the time Chalifour originally took his leave of absence from St. Kathryn's for health reasons, Bishop Primeau contemplated Chalifour's return to Hudson. (B2996). However, according to Chalifour, after the revelations by Doe VI's mother that her son was abused, he understood that he could not return to St. Kathryn's. (B7214; B7219).<sup>4</sup> Richard Dolbec, the parish council president, was also told that Chalifour would not be returning to St. Kathryn's because his misconduct was too widely known among parishioners. (B7398).

Chalifour took a month leave and went to Florida. (B7218). When he returned he was assigned to Franklin to cover for a sick priest and then to Gorham for several months where a priest had died of a heart attack. (B7218; B3014-15). There is no evidence that Primeau informed any of the pastors or parishioners about Chalifour's sexual misconduct at Chalifour's subsequent assignments. (B7225; B3014).

Following his abuse by Chalifour and the subsequent revelations, Doe VI's behavior spiraled further out of control. He became heavily involved with drugs and alcohol and was in and out of several rehab programs. (6268-69). After 22 years as an addict, he finally was able to overcome his problems and has been in recovery for 13 years.

### **C. Sexual Misconduct in Farmington**

As mentioned above, Chalifour had two short-term assignments in Franklin and Gorham immediately following his transfer from Hudson. During those assignments, there is no evidence that he engaged in sexual misconduct with minors. However, John Doe II, the altar boy from Suncook, visited him in Gorham. (B7228).

Following his time in Hudson and the subsequent temporary assignments, the Diocese permanently assigned Chalifour to St. Peter's in Farmington, beginning on February 20, 1970. (B7228). Chalifour acknowledged inappropriate behavior with a youth from Farmington, but, again, his account of what happened differed markedly from the victim's account.

According to Chalifour, he had the use of a summer cottage on Northwood Lake. (B7228; B7230). During the summer of 1972, John Doe VII was the only boy who was available to go over to the cottage with Chalifour. One night, they went to the lake to go swimming. Afterwards, Chalifour asked Doe VII to rub his shoulders and lower back. Both Chalifour and Doe VII were naked because they had just come in from the lake. (T-I at 69). At one point, Chalifour rolled over from his stomach onto his back. According to Chalifour: "[F]irst thing I knew after I turned over on, on my back, he was on top of me. I did not pull him down on me, I did not hold him down on me. Ah, but he was on top of me. He was there for a very brief time. Ten, fifteen seconds. He says, I don't like this." Doe VII then got up and went to bed. According to Chalifour, there was no genital touching. (T-I at 68).

John Doe VII related that he first met Chalifour at St. Peter's in Farmington in 1971 while Doe VII was an altar boy. (B1017, B2619). Doe VII was 12 years old at the time. Id.

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<sup>4</sup> Chalifour also stated that he had discussed a transfer with the Bishop even before the matter with Doe VI came up because of the work load imposed as a result of starting up a new parish like St. Kathryn's. (B7214; B7219).

During 1972, he and Chalifour became much closer. Doe VII described how, during the summer of 1972, he went with Chalifour to a cabin on a lake in Manchester that was owned by friends of Chalifour. (B1017; B2624). He went alone with Chalifour because his parents were very involved in the church and trusted Chalifour absolutely. (B1017).

Nothing eventful happened during the first day at the cabin. (B2625). However, in the evening, Chalifour asked Doe VII to go skinny dipping. (B1017; B2625). Doe VII felt that the request was odd but reasoned that “I guess it’s okay with a priest or whatever. It’s, you know, it’s certainly should be okay with God, I guess.” (B2625). While he and Chalifour were in the water, Chalifour came up behind him and began fondling his genitals. Id. They got out of the water and prepared for bed. Doe VII vividly described the cabin. (B2633). He said that he and Chalifour slept in the same room but in different cots. (B2626). Sometime during the night, Doe VII awoke when Chalifour got into bed with him and pulled down his underwear. Id. Chalifour was rubbing up against Doe VII with his penis “inside [Doe VII’s] anus area.” (B2626). Doe VII is not sure if he was penetrated but remembers lying on his side facing the wall while Chalifour engaged in this conduct. (B2626-27). He was very confused during the incident and remembered waking up the next morning on the couch. When he tried to get up, he passed out. (B2628). When he came to, he asked Chalifour to take him home. They were supposed to spend three days together, but Chalifour took him home after the second day. Id. On the car ride home, Chalifour apologized and begged Doe VII not to tell anyone what happened. (B2629).

Doe VII did not report the assault until he read Chalifour’s name in the paper on February 15, 2002, because it would have devastated his parents who were active in the church. (B1016, 1018; B2619). Doe VII told his wife about the assaults in 1984 and his mother in the early 1990s. (B1018). He came forward to the County Attorney’s Office to prevent other victims from getting hurt. Id. Doe VII told investigators: “[B]ack in the early 1970s, I think people believed in their priests and their clergy. Um, and, you know, a priest was the last person that [you] would have thought to be molesting kids.” (B2634).

While Chalifour was pastor in Farmington he also engaged in sexual contact with a boy named Doe VIII. (B7230). Doe VIII was not a parishioner but worked around the church during summer vacations. (B7230-31). Doe VIII was 15 or 16 years old when he began working for St. Peter’s in 1972. Id. He worked at the church every summer for 4 to 5 years. (B7230). Chalifour asked Doe VIII to rub his back initially. Id. Eventually the conduct escalated to mutual masturbation according to Chalifour. Id. The investigation has been unable to locate Doe VIII to determine whether Chalifour’s description of the abuse is accurate. According to Chalifour, no one from the Diocese learned about the abuse with Doe VIII. (B7232).

Following his incident with Doe VI in Hudson, no one from the Diocese ever followed-up with Chalifour to determine whether he was reoffending or having any inappropriate contact with children while he was in Farmington. (B7233). Other than the one meeting with Bishop Primeau in 1969, Chalifour had no contact with the Diocese about his sexual misconduct toward minors. (B7233).



#### **D. Sexual Misconduct in Manchester**

After his assignment in Farmington, Chalifour was transferred to St. Theresa's in Manchester from 1976 to 1985. (B7234). In 1982, Chalifour took an altar boy named John Doe IX on a trip to Cape Cod. Id. Doe IX was 15 years old at the time of the trip. (B7236; B7244). According to Chalifour, he asked Doe IX to rub his back. Doe IX told Chalifour he would rub Chalifour's back only if Chalifour rubbed his back first. Id. Chalifour rubbed Doe IX's back and also his lower legs and calves. Doe IX then gave Chalifour a back rub and they both went to sleep. (B7236; B7244). Chalifour told a therapist some time later that he and Doe IX were either naked or wearing only their underwear when Chalifour suggested that they hug. (B310). Chalifour also told the therapist: "it wasn't my idea to have sex with him . . . I'm not saying it wouldn't have happened but . . . I respected that boy." (B310).

According to Chalifour, sometime during the night Doe IX got up and went to the front desk to call his father. Doe IX was so upset that the front desk called the police department, who talked with Chalifour. (B7236; B7244). According to Chalifour, when he told the police his story, they decided it was just a misunderstanding and did not pursue it further. (B7235).

According to Chalifour, the following day Chalifour met with Doe IX's father and explained his actions with Doe IX. (B7247). Chalifour told his therapist that when he went to visit Doe IX's parents, he cried. (B310). According to Chalifour, Doe IX's father said that he was satisfied with the explanation and did not intend to take it further. (B7247).

Doe IX was interviewed on October 17, 2002, together with his parents. (B8916) Doe IX's parents indicated that they were devout Catholics that regularly attended church at St. Theresa's in Manchester in the early 1980s. (B8917). They had no concerns about his conduct and trusted him absolutely because he was a priest. Id. Doe IX was one of Chalifour's favorite altar boys. Id.

One evening, Chalifour came over to Doe IX's home for dinner. He asked if it would be okay to take Doe IX on a trip out-of-state for a weekend. Id. Doe IX described the purpose of the trip as a religious retreat to "get closer to God." Id. Doe IX was 15 years old at the time.

Chalifour picked Doe IX up from his parents' home and they drove to their destination where they rented a room at a hotel on the first night. Id. They decided to go swimming. (B8917-18). Doe IX wanted to go into the bathroom to change into his bathing suit but Chalifour insisted that he was a grown-up and could change in front of Chalifour. (B8918). They then went swimming in the pool and played a game where they would hold hands and see how long they could stay under water. Id.

After they were finished in the pool, they went back to the room. Id. Doe IX went into the bathroom and when he came out, Chalifour was lying on the bed naked. Id. He asked Doe IX to give him a backrub. Id. Doe IX began giving Chalifour a backrub at the top of the back and worked his way down. Id. Chalifour then rolled over onto his back. Id. He had an erection. Id. Doe IX began by rubbing Chalifour's chest. Id. As he worked his way down, Chalifour grabbed Doe IX's hands and pulled them toward his genitals. Id. Doe IX pulled away and

quickly rubbed Chalifour's thighs. Id. Chalifour then grabbed Doe IX's hand and pulled Doe IX toward him. Id. Chalifour reached over with his other arm and gave Doe IX a bear hug and pulled Doe IX on top of him. Id. Chalifour was still naked. Doe IX pushed himself off of Chalifour. Id. Chalifour said to Doe IX, "stop being a little boy, don't you love me?" Id. Doe IX continued to struggle with Chalifour, eventually grabbing the hair on Chalifour's chest and grabbing him by the neck to escape. Id. Chalifour responded: "Are you happy now?" Id. Doe IX does not remember all of the dialogue that was taking place during the incident but remembers feeling the awkwardness of Chalifour wanting him to touch his genitals. Id.

Doe IX lay down in one bed and Chalifour lay in the other bed, closest to the door. Id. Doe IX listened to Chalifour's breathing patterns until he felt that Chalifour was sleeping. Id. He then got up and went to the hotel lobby to call his parents. Id. He told his father that Chalifour is "gay and he's after me." Id. Doe IX's father contacted the local police department. Id.

The police arrived and met Doe IX in the lobby. Id. They took him back to the hotel room to get some of his belongings. Id. They asked Chalifour to identify himself. Id. Chalifour identified himself as a priest. Id.

Doe IX was taken to the police station and gave a statement to the police. (B8916A-8916C). He then lay down in a jail cell to wait for his parents. (B8918). The police provided Doe IX's parents with a copy of the police report. (B8919). The police urged them to pursue the matter. Id.

The next day, Chalifour arrived at Doe IX's residence to drop off the rest of Doe IX's belongings. Id. He was crying and apologized for his actions. Id. He asked for forgiveness and offered to pay for Doe IX's education. Id. Doe IX's mother said that she felt that Chalifour was looking for sympathy for himself. Id. She told him to leave. Id.

Doe IX's father made an appointment to discuss the matter with Bishop Gendron. Id. Doe IX's parents met with the Bishop approximately a week after the incident. Id. They gave him what Doe IX's mother described as the "original" police report. Id. Notably, despite a thorough search, this police report was not included in the files obtained by the State from the Diocese during the investigation.

The police report that Doe IX's parents gave to Bishop Gendron describes the events with Chalifour. (B8916A-8916C). Although Doe IX's statement to the police does not reference Chalifour's erection, it is clear that the assault was sexual in nature. The report clearly states that Chalifour was completely naked. (B8916B). He and Doe IX engaged in mutual backrubs with cream. Id. Chalifour then pulled Doe IX down on top of him while Chalifour was still naked. Id. He said to Doe IX: "[H]ug me." "I get so lonely." Doe IX told police: "He was trying to pull me closer to him and he said I get so lonely." (B8916C). Doe IX told Chalifour "no, Father" and pushed him away. Id. Finally, he was able to get away and went to bed. Id. When the police spoke with Chalifour, he denied that anything sexual had taken place, but admitted that he hugged Doe IX and "told him that he did so out of love for him." (B8916A). Chalifour also admitted to the police that they had engaged in mutual backrubs with cream. Id.

When Doe IX's parents provided this information to Bishop Gendron, he seemed unfazed. (B8919). Doe IX clearly remembers Bishop Gendron telling him: "[S]o what, what do you want me to do about it?" Id.

Doe IX also remembers meeting with the Bishop. Id. His father brought him. Doe IX knelt before the Bishop and kissed his ring. Id. While Doe IX does not remember anything particular that was said in the meeting, he clearly remembers thinking that everything would be alright because the Bishop knew what had happened. Id.

Bishop Gendron contacted Chalifour and asked him to come into the office. (B7234; B7247). Gendron ordered Chalifour to see a therapist named Dr. Henry Guertin-Ouellette for four months. (B7234; B7237). Dr. Guertin-Ouellette was the official Diocesan psychologist at the time. (B7238). Dr. Guertin-Ouellette is a former priest who subsequently married and left the priesthood shortly before he became the Diocesan therapist. (B7239; B10738). Chalifour understood that Dr. Guertin-Ouellette would report the results of their sessions back to the Bishop and that the therapist's recommendations could affect Chalifour's future assignments. (B7239).

The therapy consisted of between four and twelve sessions. (B7239; B310; B10816). The therapy concluded with a letter from Dr. Guertin-Ouellette that reads, in relevant part, as follows: "By mutual agreement it seems that Father had benefited from the sessions and he seems more confident that he will be able to render the level of service for which he is known." (B307). Bishop Gendron acknowledged this letter: "I am pleased to learn that you [Dr. Guertin-Ouellette] feel that Father Chalifour has benefited from these sessions . . . ." (B308).

Chalifour told investigators that Bishop Gendron had told him he needed to see the therapist because the police were involved. (B7237). According to Chalifour, because of the police involvement, Gendron wanted to "take it one step further" or "cover his bases." (B7237; B7248). Chalifour felt that he was referred to a therapist "because if charges were ever brought, ah, [the Bishop] could claim that he had done the right thing by sending me to a doctor." (B7238). At no point during the meeting with the Bishop or subsequently did Chalifour's misconduct toward Doe VI Hudson in 1969 come up. (B7238).

According to Chalifour, he covered all of his past sexual misconduct with minors with Dr. Guertin-Ouellette during his therapy sessions. (B7240). Chalifour was "very open" with the therapist and "didn't hide anything" from him. Id. Chalifour was also aware that Dr. Guertin-Ouellette would report back to the Bishop but was unaware of what Dr. Guertin-Ouellette actually reported to the Bishop. Id. There was no evidence that the therapist reported any of the prior abuse to the Bishop.

During the course of the investigation, Dr. Guertin-Ouellette was questioned about his treatment of Chalifour. (B10776). His ability to discuss the particulars of his treatment of Chalifour was limited by his memory and the privilege that applies between a therapist and his patient. Nonetheless, Dr. Guertin-Ouellette was able to tell investigators that he did not receive the police report that Doe IX's parents provided to the Bishop. (B10804). He did not remember

whether the Diocese informed him orally that Chalifour had been involved with the police regarding the Doe IX incident. (B10810). While his memory of the events surrounding Chalifour was limited, after reviewing his correspondence to the Bishop, Dr. Guertin-Ouellette stated that his letter to the Bishop “doesn’t express seriousness in what I’m dealing with.” (B10812). Although Dr. Guertin-Ouellette could not remember whether a report had been made to DCYS as required by law, he stated: “If I had, for instance, suspected in any way that it was, that I was dealing with a reportable crime, that letter would not sound this way, it would not be this way.” (B10812). Dr. Guertin-Ouellette stated further that if he had information that Chalifour’s situation was serious the therapy would not have been limited to four months. (B10817).

After the 1982 incident with Doe IX, there was no interruption in Chalifour’s ministry. (B7241; B7249). There were also no restrictions placed on Chalifour’s ministry at that time. (B7249). Doe IX and his parents never received any apology from the Diocese and were never informed of any action. (B8919). In fact, Doe IX remembers driving by St. Theresa’s for the next two years and seeing Chalifour’s name on the sign posted outside the church. (B8919).

Neither Doe IX, nor his parents, had any idea that the Diocese had knowledge of Chalifour’s prior problems of sexual misconduct with minors before the incident with Doe IX. (B8917). They did not know, until investigators met with them on October 17, 2002, that the Diocese was aware of Chalifour’s sexual misconduct prior to the 1982 incident. (B8917).

Chalifour informed investigators that he chose his victims because he was close to them. (B7254). In all but two instances, they were altar boys. (B7254). According to Chalifour, they would be alone together and then spontaneously he would engage in the inappropriate conduct with the boys. (B7254). There is no evidence that Chalifour engaged in any sexual misconduct with anyone after his counseling in 1982. (B7253-54). However, Chalifour told one of the counselors that he had several opportunities to engage in sexual encounters with youth but avoided these situations. (B310). Moreover, Doe IX has specific knowledge that Chalifour continued to have close contact with minors even after he and his family met with the Bishop. (B8919-20). His friend and his friend’s brother continued to be altar boys for Chalifour. (B8919).

### **III. THE DIOCESE’S RESPONSE TO SUBSEQUENT ALLEGATIONS OF ABUSE**

As discussed above, John Doe I first made a claim of sexual abuse against Chalifour in 1988. (B367) At that time, Msgr. Christian met with Chalifour, who admitted to fondling 2 or 3 “young men” over the years, but denied abusing Doe I at the time. (B368; B7259). In 1988, Christian knew that these “young men” were actually minors. (B367; B5430). Moreover, Christian informed Doe I that he was the first person to report Chalifour’s abuse, despite the fact that the Diocese knew about Chalifour’s misconduct in 1969 and in 1982.<sup>5</sup> (B375).

When Christian confronted Chalifour with Doe I’s accusations, he denied abusing Doe I. Nonetheless, Christian stated that he believed the abuse occurred. (B368). Despite this knowledge, Christian took no action other than to warn Chalifour that if he “weakened” he

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<sup>5</sup> Christian did disclose to Doe I that Chalifour had been in counseling in the early 1980s. (B374).

should return to therapy “both out of concern for future victims as well as the fear of what the law would do if he in fact did slip in this regard.” (B368). Moreover, while Christian told Doe I that Chalifour admitted to having sexual problems, Christian did not tell Doe I that Chalifour “absolutely denied” any contact with Doe I. (B368).

Only in 1991, when John Doe I brought a formal claim for monetary recovery against the Diocese -- three years after Doe I first brought the matter to the Diocese’s attention -- did the Diocese require Chalifour to attend in-patient counseling with the Servants of the Paraclete in Jemez Springs, New Mexico. (B309; B7260-61). Following Chalifour’s therapy in New Mexico, the Diocese sent the report from the New Mexico treatment center to Dr. Guertin-Ouellette for his assessment. (B324). Christian noted that the therapist in the New Mexico program voiced concern about Chalifour because he had not attained a valid score on one of the psychological tests. (B333). As a result, Christian requested a second opinion from Dr. Guertin-Ouellette. (B333).

After Dr. Guertin-Ouellette retested Chalifour, Chalifour received a valid result on the test. (B333). Dr. Guertin-Ouellette noted that Chalifour was not a high risk of reoffending at that time but recommended several conditions, including that Chalifour “not be given any ministry with young people in any way.” (B328). In response to this letter from Dr. Guertin-Ouellette, the Diocese allowed Chalifour to continue in ministry “primarily with the elderly and infirm.” (B370). Notably, however, there is no explicit condition that Chalifour not have contact with children, despite this requirement in Dr. Guertin-Ouellette’s letter. According to Chalifour, he did not have direct involvement with children in any of his ministry work at that time. (B7262-63). This does not appear to be accurate. He filled in on a temporary basis for various pastors at different parishes. (B7262-63). Between 1992 and 2000, Chalifour filled in “in at least half of the parishes in Manchester, parishes in Nashua, Laconia, Hampstead, Sandown, [and] 22 months in Goffstown.” (B2957). It is impossible to believe that Chalifour had no contact with children during this time through his parish work. Chalifour’s ministry was not formally suspended until February of 2002. (B7263-64).

More importantly, Dr. Guertin-Ouellette informed investigators that based on his recommendations in his 1992 evaluation it would only be appropriate to assign Chalifour to ministry “if there were a position in that parish where there was no contact with children but with monitoring. You don’t let him go on his own . . . [w]here he could on the sly have contact.” (B10828). Dr. Guertin-Ouellette stated that “if he’s dealing with families, you’ve got kids. Then I’d say whoa beware. That kind of a, general, I, I mean you know, ah, ah, some parishes have one priest he’s the pastor of it and that I would say no. Because by the very nature of the work indirectly he might come in contact, even with monitoring or anything else. But in a larger if you notice I said a larger, where the work can be secluded or segregated, in a certain way with monitoring, I would say yes.” (B10829).

While the exact nature of Chalifour’s temporary assignments is unclear, he stated that he was acting “kinda full time” in Goffstown. (B7262). He would perform weddings, funerals, say mass, meet with CCD parents, and conduct other duties. (B7262). There is absolutely no record in the Diocese files that Chalifour’s ministry was limited in any way or that he was monitored at all.

Chalifour also noted during his interview that the Diocese never had any formal training for priests about sexual abuse issues until the Fall of 2001, which was postponed until the Spring of 2002 as a result of the events of September 11th. (B7265). He was also unaware of any written policies that the Diocese had regarding sexual misconduct. (B7265). According to Chalifour, priests also never received any training on reporting cases of suspected child abuse. (B7266).

#### **IV. CIVIL SETTLEMENTS AND CONFIDENTIALITY AGREEMENTS**

Sometime in the Fall of 1991, after the issue was first raised in 1988, Chalifour's misconduct with John Doe I was brought to the Diocese attention again. (B309). As a result of Doe I's renewed accusations in 1991, the Diocese entered a civil settlement with Doe I for \$15,000. (B346). As part of the settlement agreement, the Diocese insisted that Doe I enter into a confidentiality agreement. (B341, 344). Doe I initially balked at the request to sign a confidentiality agreement. (B343). On December 1, 1992, he wrote a letter to Msgr. Christian requesting clarification of the confidentiality agreement. (B343).

Among the inquiries posed by Doe I to the Diocese was the question: "If Gerry is arrested in the future for sexual abuse charges, can I come forward?" (B343). Handwritten in the margin of Doe I's letter, in what appears to be Msgr. Christian's handwriting, is the note "not without me." In its formal response to Doe I's question, Christian responded: "If Gerry should be arrested in the future, you may come forward only after consulting with the Diocese. In other words, your testimony could very well be unnecessary if the facts of the case at hand are clear enough and/or if other witnesses have already come forward. If your testimony would not be necessary for justice to be done in the case at hand, then you would not need to come forward." (B344).

Another question posed by Doe I regarding the confidentiality agreement was: "Am I allowed to speak about being sexually abused (neither his name nor the amount of the agreement would be divulged) to family, close friends, or persons who were also sexually abused by priests? Furthermore, as part of my own healing process, can I write about the experience (if the situation arises)? Once more, no name nor amount would be given. One issue for me is that there has been much negative press about the Church. Part of my own healing has been the church and the offender's response. Can this be alluded to anonymously?" (B343). Christian responded to this question as follows: "Without being specific as to the person or the resolution of the issues, you may speak about your own situation to family and friends, or others in similar circumstances, insofar as that is truly necessary for your well-being or those of other parties. We would ask, however, that you not in any other fashion – speaking or writing – bring your situation to a wider public. Our reason for this request is simply that it would make you subject to subpoenas even in unrelated cases by prosecutors who are looking for information, and that subpoena would then unfairly require you to divulge privileged information." (B345). Christian did inform Doe I that if he was subpoenaed he would be allowed to testify truthfully without jeopardizing his settlement, "such subpoena not being the result of anything you have previously said or done." (B344).

On January 2, 1993, the Diocese and Doe I signed a “Release and Confidentiality Agreement.” (B346). Doe I received \$15,000 from the Diocese. In exchange, he agreed to “be foreclosed from bringing any further civil claim or criminal charges against Chalifour or the Diocese on account of any matters from the beginning of the world to the date hereof.” (B346) (emphasis added). In addition, the parties signed a mutual confidentiality agreement. Notably that agreement provided: “In the event that such Confidentiality Agreement is violated by John Doe I, any payments made hereunder shall be returned to Chalifour.” (B347). The confidentiality agreement contained no provision for remedy for Doe I if the Diocese breached the confidentiality agreement.

Shortly after John Doe I’s renewed accusation against Chalifour in the Fall of 1991, on December 6, 1991, John Doe II, a former altar boy of Chalifour, who has refused to be interviewed for this investigation, also sought money from the Diocese to cover the costs of counseling as a result of his sexual abuse by Chalifour and another priest named Fr. Eugene Belanger. (B321). In 1983, Doe II first disclosed in general terms that he had been sexually abused by two priests. (B5430). It is unclear whether the Diocese knew that these priests were Chalifour and Belanger.

On March 12, 1992, approximately 10 months before the Diocese entered into the settlement agreement described above with John Doe I, the Diocese settled with John Doe II for \$7,000. (B331). While Doe II’s settlement does contain a confidentiality agreement, it is not as comprehensive as Doe I’s agreement. Moreover, it does not explicitly reference criminal charges as Doe I’s does. (B331).

On March 26, 1992, just two weeks after Doe II’s settlement agreement, John Doe I formally presented his request for monetary damages against the Diocese. (B372). The very next day, Christian wrote a letter to Attorney Brad Cook expressing concern that John Doe II disclosed to John Doe I the fact that he got a settlement from the Diocese. (B333).

In 1995, John Doe III made a claim for counseling costs and damages to the Diocese. (B355). When Doe III’s lawyer drafted a civil lawsuit, sent a copy to the Diocese, and threatened to file it in court, the Diocese agreed to settle with Doe III for \$60,000. (B4751, 4753). As part of this settlement agreement, Doe III was also required to sign a confidentiality agreement. (B4747). Doe III felt that the Diocese really did not want Doe III to communicate with other victims and that the Diocese treated his complaint as “a PR problem,” that “they d[idn’t] want it publicized,” and they wanted to “keep it quiet.” (B4736).

## **V. CONCLUSION**

The State was prepared to prove that the Diocese knew of Chalifour’s sexual misconduct with a minor in 1969 when the conduct came to the attention of Bishop Primeau. At that point the Diocese took no action to restrict Chalifour’s ministry or protect minors. After the Diocese first learned that Chalifour posed a danger to children, Chalifour sexually assaulted two boys in the 1970s and attempted to sexually assault a third boy in the early 1980s. Based on these facts and the other information set forth above, the State was prepared to present one or more indictments to the grand jury for the crime of endangering the welfare of a minor.