

AFFIDAVIT OF FATHER JOSEPH McNAMARA

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

Father Joseph McNamara, being first duly sworn, states:

1. I am a priest of Servants of the Paraclete. I received a Bachelors Degree in Philosophy from St. Anselm College in Manchester, New Hampshire, in 1951. One of my college professors told me about a new work started in New Mexico by Father Gerald Fitzgerald. In June, 1951, I went to Via Coeli Monastery. There were a total of eight Servants of the Paraclete, and Servants of the Paraclete had one building in Jemez Springs and a house in Santa Fe. At that time, Servants of the Paraclete was a "pious community" under the Archdiocese of Santa Fe. Servants of the Paraclete had no other facilities anywhere else.

2. I was accepted as a postulant by Servants of the Paraclete. Servants of the Paraclete sent me to St. Thomas Seminary in Denver in the fall of 1951. I studied at the seminary in Denver for two years. In 1953, I served a one year novitiate in Jemez Springs with Servants of the Paraclete, then returned to Denver to complete the last two years of the seminary. In 1956, I was ordained as a priest by Servants of the Paraclete.

3. Servants of the Paraclete wanted its members to be knowledgeable as to the pressures and working conditions experienced by guest priests. Accordingly, I was assigned to a number of tasks for the first two years that I was a Servant of the Paraclete. I served as chaplain of a Boy Scout camp in Arizona for one summer; I studied in Rome for approximately four months; and I

served as an assistant pastor to a parish priest in a parish in northern Minnesota for almost one year.

4. I then received a variety of assignments from Father Gerald. I served at Servants of the Paraclete's facilities in Randolph, Vermont from 1958 to 1960; at Servants of the Paraclete's facility in England from 1960 to 1962; and as Superior of Servants of the Paraclete's house of studies in Rome from 1962 to 1964. In 1964, I returned to Via Coeli Monastery.

5. I've read the Affidavit of John Feit, and John Feit's description of Father Gerald, Servants of the Paraclete, and the spiritual programs conducted by Servants of the Paraclete at Via Coeli Monastery and Pius XII Villa are accurate. Both Via Coeli Monastery and Pius XII Villa were "retreat houses." They were not hospitals, treatment centers, or prisons. Guest priests at Via Coeli Monastery and Pius XII Villa were provided by Servants of the Paraclete with a place to stay, food to eat, and the opportunity to engage in prayer and traditional Roman Catholic religious exercises. While there, a guest priest remained subject to the control of his bishop or religious superior. Servants of the Paraclete did not have the right or power to in effect incarcerate guest priests. If a guest priest's bishop did not want a guest priest to leave the premises of a retreat house, it was within the province of the bishop to order his priest to remain on the premises. But Servants of the Paraclete could not keep guest priests there, as if it were a prison. Similarly, Servants of the Paraclete could not assign guest priests to duties in parishes or

dioceses, either temporarily or permanently. Whether a guest priest performed any priestly duties or activities in parishes was entirely up to others, as were questions about how, when, where, and under what circumstances such duties and activities would be performed.

6. Servants of the Paraclete is involved in lawsuits concerning what are now called "pedophile priests." Until Servants of the Paraclete adopted the graduated program of rehabilitation proposed and recommended by Dr. John Salazar, Servants of the Paraclete did not deal with priests who had molested children or priests who manifested any form of what we considered to be sexual aberration. [See attached Exhibit "A" and Exhibit "A" to John Feit's Affidavit.] We considered men who were attracted to male children, teenagers, or adults to be "homosexual priests."

7. I've read the March 10, 1993, deposition of Dr. John Salazar, and although he says that we described such priests as "priests with psycho-sexual difficulties," when talking among ourselves, we used the term "homosexual priests." We regarded homosexuality as an incomprehensible perversion. We did not think of sexual activity with a male, whether a child, a teenager, or an adult, to be the result of a biological or psychological condition. Rather, we thought it resulted from a strange and serious moral failure.

8. Prior to adoption of the graduated program of rehabilitation, if we learned that a resident who had been sent to Via Coeli Monastery for a different reason, such as alcoholism, was

"homosexual"--attracted to male children, teenagers, or adults, he would be told to leave immediately. The problem of what are now called "pedophile priests" was not a problem for Servants of the Paraclete before adoption of the graduated program of rehabilitation, as it was something that we did not deal with.

9. Father Gerald thought that such priests -- meaning priests attracted to male children, teenagers, or adults -- should be completely segregated from society, and consequently wanted a remote "island refuge" far from civilization where a traditional monastery could be established and such men could live and try to save their souls. This was not an idle pipe dream, but was a goal which Father Gerald pursued. In the late 1950s, Father Gerald wrote to a number of bishops, asking if there were an island in their dioceses which would serve this purpose. One bishop, James Davis, then the Bishop of San Juan, Puerto Rico, offered the island of Tortola to Servants of the Paraclete. In 1960, two Servants of the Paraclete went to Tortola, but found that it had several thousand inhabitants. Servants of the Paraclete briefly established a parish ministry on Tortola (meaning that the Servants of the Paraclete served as parish priests), but no facility for receiving guest priests was ever established on Tortola. Servants of the Paraclete left Tortola at the end of 1960.

10. Later, in the early 1960s, Servants of the Paraclete established a facility on an island named Carriacou in the Diocese of Grenada. Carriacou was also inhabited, and although a small facility for receiving guest priests was established there (in

addition, Servants of the Paraclete provided parish ministry to Carriacou), the retreat on Carriacou did not accept priests with sexual problems.

11. In 1965, Father Gerald purchased an island in Barbados, near Carriacou, which had an abandoned hotel, damaged by fire, on it. This hotel was entirely removed from any civilization. If I recall correctly, the total purchase price was \$50,000.00. A payment of \$5,000.00 earnest money was made, with a promise of a further \$28,000.00 as partial payment to be paid promptly. This was to be Father Gerald's long sought after "island refuge," but it did not come to be. As is described below, Archbishop Davis ordered Father Gerald to sell the island. A wide variety of factors led up to the events of 1965 and 1966. Until then, even though the Constitution of Servants of the Paraclete provided for government by a General Council, in reality and in practice, Father Gerald had sole control of Servants of the Paraclete. Father Gerald distrusted lay therapy programs and psychologists and psychiatrists in general, and insisted that Servants of the Paraclete be entirely spiritual, with emphasis upon devotion to the Eucharist. The events of 1965 and 1966 led to Father Gerald being stripped of power, and lay therapy programs and treatment by independent lay psychologists and psychiatrists were emphasized for some of the guest priests at Via Coeli Monastery.

12. Servants of the Paraclete was subject to the control of the Archdiocese of Santa Fe because Servants of the Paraclete was a diocesan congregation under the Archdiocese of Santa Fe.

Archbishop Byrne, who was referred to as the "co-founder" of Servants of the Paraclete, and Father Gerald were close friends and shared similar spiritual ideals. Archbishop Byrne exercised little active involvement in the day to day activities of Servants of the Paraclete. Archbishop Byrne agreed with Father Gerald's view that Servants of the Paraclete's facilities should be retreat houses with purely spiritual activities. "Supply ministry" (a guest priest saying a Mass or doing other work in a parish for the Archdiocese) happened on occasion, when needed by the Archdiocese, but was not frequent or part of any program.

13. James Davis was appointed Archbishop of Santa Fe in 1964. His relationship with Servants of the Paraclete in general and Father Gerald in particular was quite different than Archbishop Byrne's had been. Archbishop Davis was considerably more business oriented than Archbishop Byrne had been. Attached hereto as Exhibit "B" are copies of letters Archbishop Davis, soon after his appointment as Archbishop, sent to Father Gerald establishing a more formal relationship between the Archdiocese and Servants of the Paraclete and requesting detailed information about the guest priests staying at Via Coeli Monastery and the finances of Servants of the Paraclete.

14. The finances of Servants of the Paraclete were tangled. Father Gerald was by no means an acute financial planner. Due to requests from bishops across the United States and in other countries, Servants of the Paraclete had expanded dramatically in the early and mid-1960s, spreading both personnel and finances

thin. Since Servants of the Paraclete was a congregation of diocesan right existing by virtue of the Archdiocese of Santa Fe, Archbishop Davis was justifiably concerned about these developments.

15. Independently of Archbishop Davis' assertion of greater control over Servants of the Paraclete, a few Servants of the Paraclete felt that Servants of the Paraclete was not adequately addressing the problem of alcoholism. The guest priests at Servants of the Paraclete's facility in England had attended Alcoholics Anonymous meetings conducted in town, and these proved to be beneficial. Father Gerald was adamantly opposed to Alcoholics Anonymous or any lay program for priests. He steadfastly insisted upon a purely spiritual regimen. Servants of the Paraclete held a "chapter" every six years. A chapter was a meeting at which the Servant General, General Council, and officers were elected. As the 1964 chapter drew near, Father Bill Tobin, who was at Servants of the Paraclete's facility in Scotland, let it be known that he intended to bring up the subject of programs for the guest priests, and Alcoholics Anonymous in particular. Upon hearing of this development, Father Gerald obtained permission to hold the 1964 chapter by mail, rather than by meeting, which is how the chapter was conducted. Father Gerald was re-elected as Servant General.

16. Archbishop Davis favored greater treatment of guest priests with psychotherapy and psychiatric counseling, and made suggestions to Father Gerald that greater use be made of

independent, lay psychiatrists. One example is a letter from Archbishop Davis to Father Gerald, a copy of which is attached hereto as Exhibit "C". As is explained in John Feit's Affidavit, Father Gerald distrusted lay programs, psychologists, and psychiatrists. If a guest priest wished to see a psychologist or a psychiatrist, or the guest priest's bishop or major superior wanted the guest priest to see a psychologist or a psychiatrist, Father Gerald would not interfere. But he also would not require or even encourage a guest priest to see a psychologist or a psychiatrist. (As a practical matter, we could not require a guest priest to see a psychologist or a psychiatrist, as seeing these independent professionals cost a significant amount of money. It was up to a guest priest's bishop or religious superior to decide whether or not he would be responsible for payment of the fees of such professionals, and if he would not, we really had no choice in the matter.)

17. By August, 1965, Archbishop Davis had become frustrated by Father Gerald and Father Gerald had become frustrated by Archbishop Davis. Attached hereto as Exhibit "D" is a letter dated August 23, 1965, from Archbishop Davis to Father Gerald which for all practical purposes marked the end of the regime established and operated under the sole control of Father Gerald. Among other things, Archbishop Davis ordered Father Gerald to sell the island ~~that had been purchased to serve as the "island retreat,"~~ ordered Father Gerald to appoint those Servants of the Paraclete most interested in implementing Alcoholics Anonymous and other lay

therapy programs for guest priests at Via Coeli Monastery to positions of authority at Via Coeli Monastery, and ordering Father Gerald to go to Rome with Archbishop Davis. Father Gerald never again resided at Via Coeli Monastery, nor did he ever regain the power he had once had.

18. In his letter to Father Gerald, Archbishop Davis ordered Father Gerald to appoint Father Bill Tobin the Superior of Via Coeli Monastery. Father Tobin was the priest who'd let it be known that he intended to bring up the subject of programs for the guest priests, particularly Alcoholics Anonymous, at the 1964 chapter, which led Father Gerald to conduct the chapter by mail. Father Gerald managed to persuade the Bishop McGee of Scotland to keep Father Bill Tobin in Scotland, so he could not be appointed Superior of Via Coeli Monastery. Father Gerald, upon the "recommendation" of and with the approval of Archbishop Davis, then appointed me Superior of Via Coeli Monastery in August, 1965.

19. At this point, there were disputes between Archbishop Davis and Father Gerald about the finances of Servants of the Paraclete, who was to be in charge of Servants of the Paraclete, what Servants of the Paraclete would do with regard to lay therapy programs for guest priests, and other matters. Father Gerald requested intervention by the Sacred Congregation of Religious. The Sacred Congregation of Religious is an agency of the Holy See which oversees the affairs of all Religious Communities in the Catholic Church. Accordingly, both the Archdiocese of Santa Fe and Servants of the Paraclete, a part of the Archdiocese of Santa Fe,

were subject to the control of the Sacred Congregation of Religious. The Sacred Congregation of Religious sent a visitor, Father David Temple, to investigate the disputes.

20. Having been appointed Superior of Via Coeli Monastery with instructions from Archbishop Davis to begin implementing lay therapy programs for guest priests, I immediately set about investigating the types of alcoholics rehabilitation programs existing in the United States. I became convinced that we should use a full Alcoholics Anonymous program, supplemented by both physiological and psychological programs. By letter dated October 1, 1965, a copy of which is attached hereto as Exhibit "E", I informed Archbishop Davis of my conclusions and recommendations. A few days before sending the letter to Archbishop Davis, I sent a copy of the letter to Father Gerald in Rome. I labored over this letter intently, as I felt at the time that this was something I would have to live with for years, since it proposed a marked departure from Father Gerald's steadfast policy of limiting activities at Via Coeli Monastery to strictly spiritual matters. I knew that Father Gerald would feel that I had betrayed him and I subsequently, in October, 1965, wrote Father Gerald another letter, a copy of which I cannot locate, in which I told him that I had not betrayed him, since he had always told me to honor and obey the Archbishop of Santa Fe and I had only been following Father Gerald's admonition to be obedient to the Archbishop.

21. I wrote another letter to Archbishop Davis subsequent to my letter dated October 1, 1965. In my letter dated October 1,

1965, I had recommended that Servants of the Paraclete hire a lay director for the alcoholics rehabilitation program I proposed and that Servants of the Paraclete pay him \$10,000.00 per year. We didn't have \$10,000.00, so I wrote a second letter to Archbishop Davis specifically asking him for permission to offer the layman the \$10,000.00 per year.

22. I received a letter from Archbishop Davis dated October 12, 1965, a copy of which is attached as Exhibit "F", telling me to proceed with the organization of an alcoholic clinic and to hire the layman I had recommended.

23. As shown by Exhibit "G" attached hereto, Father Gerald apparently communicated to Archbishop Davis that Father Gerald wished to have me removed as Superior of Via Coeli Monastery. Archbishop Davis refused to accede to Father Gerald's request at that time. As shown by Exhibit "H", Father Gerald presented this dispute to present the dispute to the authorities in Rome.

24. By letter dated October 20, 1965, from Father Gerald to Cardinal Antoniutti, the prefect of the Sacred Congregation of Religious, Father Gerald proposed a solution to the dispute between himself and Archbishop Davis. Attached as Exhibit "I" is a copy of this letter. Father Gerald proposed giving the Archdiocese of Santa Fe all of Servants of the Paraclete's property in New Mexico, and Servants of the Paraclete would leave New Mexico.

25. The Archdiocese of Santa Fe did not have the personnel to staff Via Coeli Monastery, nor did the Archdiocese have the funds necessary to continue the operations of Via Coeli Monastery. For

these and other reasons, the withdrawal of Servants of the Paraclete from the Archdiocese of Santa Fe would have been harmful to the Archdiocese. I believe that Father Gerald knew this when he wrote the letter to Cardinal Antoniutti, and that Father Gerald viewed his threat to withdraw Servants of the Paraclete from the Archdiocese of Santa Fe as a means of forcing Archbishop Davis to back down.

26. Attached hereto as Exhibit "J" is a "Statement of Agreement" dated October 24, 1965, between Archbishop Davis and Father Gerald which was meant to resolve the dispute. On its face, it appeared that Father Gerald had won the battle. In fact, he had lost. Archbishop Davis secured the support of the Sacred Congregation of Religious for implementation of Alcoholics Anonymous and other lay therapy programs, including reliance upon psychologists and psychiatrists. Father Gerald was never again permitted to reside at Via Coeli Monastery or to act as its Superior.

27. Although the "Statement of Agreement" states that I was "to retire from active duty in the Paracletes," I did not. I went to Servants of the Paraclete's facility in England, then served as a parish priest at a parish in England. Archbishop Davis appointed Father Joseph Moylan to replace me as superior of Via Coeli Monastery.

28. In March, 1966, the Sacred Congregation of Religious appointed Father David Temple as "Religious Assistant" to Servants of the Paraclete. In essence, he was to serve as a brake on Father

Gerald attempting to regain power in the United States. By letter dated March 23, 1966, from Cardinal Antoniutti to Father Temple, a copy of which was provided to Servants of the Paraclete, among other things, Cardinal Antoniutti said:

Insofar as you can, please see what can be done in regard to the methods of rehabilitation of the guests, retaining, by all means, the primacy of the spiritual renewal, but striving also to effect a wise selection of those mental and physical means which help the workings of grace.

This was read as a mandate to implement lay programs and place greater reliance upon lay psychologists and psychiatrists.

29. None of the disputes described above had anything to do with what are now called "pedophile priests" and what we called "homosexual priests" in the 1960's, as we simply did not deal with them at the time. But, as a result of all of the disputes and turmoil in the mid 1960's, we felt that we were under instructions, both from Archbishop Davis and from the Sacred Congregation of Religious, to rely upon lay psychiatrists and psychologists in the rehabilitation of guest priests.

30. John Feit's Affidavit describes the development of lay therapy programs in 1966 and 1967. I knew Dr. John Salazar, and had retained him to serve as the psychological advisor for the alcoholism program I'd proposed in my letter to Archbishop Davis dated October 1, 1965. I was impressed by him, and was impressed by his view that problems could be cured.

31. As I was in England from the end of 1965 through the spring of 1967, I was not involved in any of the meetings described

in John Feit's Affidavit, although I heard about them and the establishment of the graduated program of rehabilitation proposed by Dr. Salazar. I returned to New Mexico, arriving at Via Coeli Monastery at the end of March, 1967, and took up residence at Villa Madre de Dios, the house that Servants of the Paraclete had in Santa Fe. I found all of the programs described in John Feit's affidavit to be under way, and Dr. John Salazar was acting as the de facto director of the lay rehabilitation efforts for the guest priests at Via Coeli Monastery.

32. The mid to late 1960s was a time of tremendous change in society in general, particularly with regard to sexuality. During this time, Servants of the Paraclete received a number of inquiries about accepting priests who had been accused of molesting children, teenagers, or having heterosexual or homosexual relationships with adults. (Servants of the Paraclete also received number of inquiries about accepting priests who were considering leaving the priesthood to marry.) The term "psychosexual difficulties," as described in Dr. Salazar's deposition, applied to child molestation, as well as homosexuality with adults, exhibitionism, voyeurism, and any number of sexual aberrations. It was a catch-all phrase having to do with any form of sexuality other than adult heterosexual sex. As described above, the view of Servants of the Paraclete was that priests with "psychosexual difficulties" should be segregated, preferably on an island.

33. I've read the March 10, 1993, deposition of Dr. John Salazar. Dr. Salazar acknowledges that he advised Servants of the

Paraclete that it was not only unnecessary to segregate individuals with "psychosexual difficulties" from others, but that in fact such segregation would be counterproductive to rehabilitation. Dr. Salazar further acknowledges in the deposition that he was brought in as an alternative to "the island." Although Dr. Salazar suggests in that deposition that he told Servants of the Paraclete that what are now called "pedophile priests" should not be sent out to do supply ministry work in parishes, that was the view of Servants of the Paraclete to begin with. It was psychologists and psychiatrists, including Dr. Salazar, who told us that such men could be treated and cured of their problem. The notion of sending a priest with a "psychosexual difficulty" to do parish work following and during therapy did not come from Servants of the Paraclete. It came from the psychologists and psychiatrists who treated the priests and recommended "supply ministry" as part of the priests' rehabilitation.

34. At that time, complaints of child molestation by a priest were very rare--virtually unheard of. Child molestation was a problem that society in general did not seem to have any mechanism for dealing with. We didn't realize that a large number of child molestations by priests went unreported--the few priests who were sent to Via Coeli Monastery because of accusations of child molestation were sent there because they had been reported. We undertook to receive such priests because we thought they could be treated and cured, based upon the advice the experts had given us, which would be a service to the Church and certainly to its

parishioners. We did not intend to be a "recycling center" for "pedophile priests." Had that been our intent, such priests could have been sent to Via Coeli Monastery or Pius XII Villa, then assigned by the Archdiocese or other dioceses to permanent parish ministry without any intervention by a psychologist or psychiatrist, group therapy and participation Recovery, Inc., programs, and the spiritual program operated by Servants of the Paraclete. To the extent we accepted such priests, the intent was that they would be treated and cured of their sexual aberration so they would no longer pose a threat to anyone.

35. In August, 1967, Father Joseph Moylan left as Superior of Via Coeli Monastery, and Father William Swanson was appointed Superior. By this time there had been a number of criticisms and complaints about Dr. John Salazar. Most related to money. We thought he was trying to build his practice entirely from guest priests at Servants of the Paraclete, and, as he interviewed incoming guest priests at Via Coeli Monastery, was trying to steer guest priests to his office for individual therapy. I recall in particular conversations with other Servants of the Paraclete that we seemed to be acting as a "collection agency" for Dr. Salazar, as we would forward his bills to the bishops and major superiors of the guest priests who were receiving psychotherapy from him. Father Swanson decided that he preferred sending guest priests with more serious difficulties, and this included any priest who had been accused of molesting a child, to major hospitals in Albuquerque for treatment by psychiatrists. He accordingly stopped

the practice of Dr. Salazar coming to Via Coeli Monastery once a week to interview every incoming guest priest, since it seemed to us that he was using these interviews to steer guest priests solely to his office and away from psychiatrists and other providers at major hospitals who might be better suited to treat the individual guest priests. Dr. Salazar continued to treat individual guest priest with other difficulties.

36. In late 1967, I moved to Servants of the Paraclete's house in Ohio. Father Gerald died in 1969, and I was elected Servant General of Servants of the Paraclete in 1970. I returned to Via Coeli Monastery in September, 1970.

37. I had no dealings with James Porter. When I returned to Via Coeli Monastery in September, 1970, Jason Sigler was a guest priest there. He was receiving psychiatric treatment at Lovelace Hospital. Attached hereto as Exhibit "K" is a letter I sent to the Archbishop of the Diocese of Winnipeg, reporting that "according to the report of the psychiatrist, Father Jason Sigler should be ready to return to active duty at the end of February of this year." Servants of the Paraclete would not make a decision on its own as to when or whether a priest who had been accused of molesting a child should or should not return to active ministry. We were not competent to make such a decision, and knew that we were not competent to make such a decision. We relied upon the professionals to make such determinations.

38. Jason Sigler returned to Via Coeli Monastery seven years later, in April, 1978. The reason given to Servants for his return

in April, 1978, had nothing to do with sex or molestation, but rather had to do with his impatience and irritability with parishioners. We thought that he was one of the priests who had had a sexual problem, but had been treated and cured back in 1970. Attached hereto as Exhibit "L" are copies of letters concerning Jason Sigler's stay at Via Coeli Monastery from April, 1978 through early 1979, when Archbishop Sanchez assigned him to duty at St. Therese Parish.

39. In 1981, Jason Sigler was again returned to Via Coeli Monastery. He received psychiatric treatment from Dr. Jay Feierman. He did no "supply ministry" while at Via Coeli Monastery. He never again served as a priest. He left Via Coeli Monastery and the priesthood in January, 1982, without satisfying any of the formalities. He simply left, moved to Texas, and married.

40. Going back to the 1960s, I believe that Servants of the Paraclete and the psychologists and psychiatrists who treated guest priests who had been accused of molesting children all acted in good faith in an honest attempt to solve the problem. Servants of the Paraclete did not claim to have any expert knowledge concerning child molestation, and I am told by experts today that psychologists and psychiatrists in the 60s and 70s had views and opinions on treatment and cure of pedophiles which are no longer held by the experts, as tremendously more knowledge about pedophilia has been developed, beginning in the 1980s. Servants of the Paraclete has changed considerably. Several Servants of the

Paraclete have received advanced degrees in psychology, and, beginning in 1977, our programs integrated intensive psychological and psychiatric treatment with spiritual and other therapies. Servants of the Paraclete has not for years recommended that a priest who molested a single child ever return to parish ministry or any other form of ministry which might bring him into contact with children. To this day, I don't know of a single case in which a priest who participated in the program called "the module" which began in 1977 was recommended for a return to ministry involving children, and later had a complaint made against him. Servants of the Paraclete has recommended that many individuals not return to any form of active duty in the priesthood, and that others return only to duty which would not bring them into contact with children and which would involve supervision and aftercare.

Father Joseph McNamara
FATHER JOSEPH McNAMARA

The foregoing instrument was acknowledged before me this 17th day of November, 1993, by FATHER JOSEPH McNAMARA.

Joan C. Thorn
NOTARY PUBLIC

My commission expires:
JOAN C. THORN, NOTARY PUBLIC
Jefferson County, State of Missouri
My Commission Expires March 8, 1996