

See RCAB 00737 (emphasis added). Father Shanley is currently awaiting trial on rape and indecent assault and battery charges involving Gregory Ford, Paul Busa, [REDACTED] and Anthony Driscoll.

B. Other Priests

Listed below is a sample and general summary of the evidence the Plaintiffs intend to present concerning how the RCAB, by and through the actions and inactions of Defendants and others, dealt with accusations against other priests over the years. The sample and summary below by no means is intended to be exhaustive and the Plaintiffs reserve the right to proffer additional evidence at trial.

1. JOSEPH BIRMINGHAM⁸

In February of 1960, Joseph Birmingham was ordained, along with Father Shanley, Bishop McCormack, John M. Cotter, Bernard J. Lane (“Father Lane”) and Eugene M. O’Sullivan (“Father O’Sullivan”). Father Birmingham’s first assignment was at Our Lady of Fatima in Sudbury, Massachusetts. See Birmingham 2.1. In a matter of only three short years, Father Birmingham molested more than one dozen young boys. Two of those boys, Michael McCabe and Peter Taylor, reported what had happened to them and confront Father

⁸ The documents referenced in each numbered subsection (i.e. 1. Joseph Birmingham) will be found behind the corresponding numbered tab in the Addendum attached to the brief. The documents are in the following order: Bates stamped documents; Affidavits; Deposition Transcripts; Complaints and Other Pleadings; Miscellaneous documents.

Birmingham about it. In November 1964, a meeting was called at the Chancery with the pastor of Our Lady, Robert Hurley, RCAB Chancellor, Monsignor Francis J. Sexton (“Monsignor Sexton”), Personnel Director, Monsignor Thomas J. Finnegan (“Monsignor Finnegan”), the two boys, their fathers, and Father Birmingham. Father Birmingham denied that he molested the young boys. See Birmingham 2.1. Nevertheless, the RCAB officials, including Monsignors Sexton and Finnegan, recommended that Father Birmingham seek treatment with Dr. Philip Quinn and in the words of Monsignor Finnegan, “in any event, Father B. is to be transferred.” Birmingham 2.1. About one year later, Michael McCabe saw Father Birmingham with a group of children on a ski trip in New Hampshire.

Almost immediately after the meeting at the Chancery, Father Birmingham was transferred to St. James parish in Salem. See Birmingham 2.33. It is unclear whether Father Birmingham ever received any therapy as recommended by the RCAB officials after the November 1964 meeting. In Salem, Father Birmingham molested more than 20 young boys. See Complaint of Hogan et al. v. RCAB et al. (“Hogan Complaint”).

In 1970, rumors circulated around Salem that Father Birmingham was molesting the altar boys. See Birmingham 2.5-2.6. Father Patrick Kelly, from Annunciation Rectory in Danvers telephoned and wrote to Personnel Director, John Jennings about these rumors. See Birmingham 2.5-2.6. He expressed his

concern about the children Father Birmingham was hurting and about Father Birmingham's health as well. Birmingham 2.5-2.6. He said he visited with the pastor of St. James and expected that the pastor had sent a letter to Jennings. Birmingham 2.5-2.6. Father Kelly noted that Father Matthias, OFM is also aware of the Birmingham problem. Birmingham 2.5-2.6.

Bishop McCormack served with Father Birmingham in Salem for a period of time in the late 1960's. Now Bishop McCormack of Manchester, New Hampshire, he testified that he saw "Damn Father Birmingham" scrawled on a fence in Salem in or about 1970. See Deposition of Bishop John McCormack, ("McCormack Depo."), dated August 15, 2002, p. 148-149. Shortly thereafter, a male parishioner, [REDACTED], knocked on the door of Catholic Charities where Bishop McCormack was assigned and reported to him that Father Birmingham had molested parish altar boys. See McCormack Depo., August 15, 2002, p. 148-149. Bishop McCormack testified that he believed this report. See McCormack Depo., August 15, 2002, p. 148-149.

In or about the end of 1969 or 1970, Father Birmingham was transferred from St. James to St. Michael's in Lowell. See Birmingham 2.33. Shortly after his transfer, a group of women learned that their sons too were being sexually molested by Father Birmingham. See Affidavit of Mary McGee ("McGee Aff."). One mother, Mary McGee spoke immediately with the Principal of the school,

Sister Grace Kenning. See McGee Aff.. Sister Grace already knew that Birmingham had been molesting children and said “don’t tell me they got Michael too.” See McGee Aff..

Sister Grace told Mary that she had gone to the Archdiocese of Boston as soon as she became aware of the situation with Father Birmingham. See McGee Aff.. Sr. Grace spoke with Father John Jennings, the Personnel Director. See McGee Aff.. She told Father Jennings that as long as she was Principal of St. James, Father Birmingham would no longer be allowed near any of her students. See McGee Aff.. She told Mary that Father Jennings dismissed her as a meddling female. See McGee Aff.. She suggested that Mary go to the Archdiocese with a group of the parents. See McGee Aff.; Birmingham 2.42-2.43.

Mrs. McGee called a meeting where concerned family members and parishioners got together. See McGee Aff.. It was decided that a group of women, including Mary McGee, Winnie Morton, Judy Fairbank, Ann McDaid and Tony Abraham would go to Brighton to speak with Father Jennings. See McGee Aff.. At the meeting with Father Jennings, these women made three requests: (1) that Father Birmingham receive professional help; (2) that his access to children be restricted; and (3) that the pastor at his new parish, St. Michael’s in Lowell, be told about Father Birmingham’s past in order for him to keep an eye on Father Birmingham. See McGee Aff.. Father Jennings refused to agree to any

of these requests. See McGee Aff.. In fact, he warned them of the penalties of slander. See McGee Aff.. He excused the women and told them to go back to Salem and let the Archdiocese of Boston handle this matter. See McGee Aff..

Father Birmingham served at St. Michael's in Lowell from 1970-1977. See Birmingham 2.33. There, he was head of the Catholic Youth Organization and ran the altar boy program. He established a club house in the church basement where young children would gather to play games and study. During this seven year period, he molested another 20 boys. See Hogan Complaint. It is clear that either Father Jennings did not warn the pastor at St. Michael's or the pastor did not heed Father Jennings' advice.

In 1977, Father Birmingham was transferred to St. Columbkille's parish in Brighton. See Birmingham 2.33. There are at least three known victims of Father Birmingham's sexual abuse from St. Columbkille's. See Hogan Complaint. One young boy could not swim and therefore relied on Father Birmingham to hold him while the two of them were in the pool together. See Affidavit of John Doe 3 ("Doe 3 Aff.") (██████████).⁹ Father Birmingham took advantage of this child's vulnerability and sexually molested him in the swimming pool. See Doe 3 Aff.. On another occasion, Father Birmingham tried to sexually molest this

⁹ John Doe 3's name has been provided to defense counsel.

same child in the church but the boy ran away so fast that he ran into oncoming traffic and was hit by a car. See Doe 3 Aff..

In 1985, the RCAB sought a recommendation from Dr. Philip Quinn. See Birmingham 2.10. Dr. Quinn wrote “at the present time there is no evidence of any significant sexual preoccupation. . . . Consequently I can see no reason why he could not be made a pastor. ” See Birmingham 2.10. Father Birmingham remained at St. Columbkille’s until he was transferred to St. Ann’s in Gloucester in 1986. See Birmingham 2.33. Father Birmingham molested at least three boys while at St. Ann’s. See Hogan Complaint. Interestingly, by this time, Bishop McCormack was now the Secretary for Ministerial Personnel, a high level position within the Archdiocese of Boston. “As secretary for ministerial personnel, [McCormack] had administrative oversight over those offices and departments within the RCAB that dealt with ministerial personnel. So it was planning, budgeting, problem solving.” See McCormack Depo., June 3, 2002, p. 31. It was under Bishop McCormack’s watch that Father Birmingham was promoted to pastor by Cardinal Law in 1985. See McCormack Depo., dated June 3, 2002, p. 238-240; Law Depo., October 11, 2002, p. 201. Bishop McCormack testified that he spoke to someone about whether or not Father Birmingham was fit to be pastor. See McCormack Depo., June 3, 2002, pp. 238-240. Bishop McCormack wondered at the time whether he ought to be made pastor, in light

of his past sexual abuse of children. See McCormack Depo., June 3, 2002, p. 238-240. He also testified that he knew it was Bishop Banks and Cardinal Law who were responsible for assigning priests to their parishes. See McCormack Depo., August 15, 2002, p. 166-168. But Bishop McCormack did not do anything to stop the appointment of Father Birmingham to pastor of a family parish.

In 1987, Paul Ciaramitaro, who was only 15 years old, told his mother about the sexual abuse he had suffered at the hands of Father Birmingham. See Hogan Complaint.. Mrs. Beatrice Ciaramitaro, his mother, immediately called the Chancery and was told to call her local bishop, Bishop John J. Mulcahy. See Affidavit of Beatrice Ciaramitaro (“Ciaramitaro Aff.”). Mrs. Ciaramitaro did just that and Father Birmingham was transferred from St. Ann’s the very next day. See Ciaramitaro Aff.; Birmingham 2.11. Bishop Mulcahy agreed to provide Mr. Ciaramitaro with therapy. Mrs. Ciaramitaro received counseling from Bishop Mulcahy himself. See Ciaramitaro Aff.

Over the next few years, Mr. Ciaramitaro became increasingly emotionally unstable. His illness, tuberous sclerosis made him more vulnerable to pressure from home. See Hogan Complaint. He was completely reliant on the shelter, food and care his parents provided. See Hogan Complaint. In 1990, Mr. Ciaramitaro decided, with the help of a friend, to consult a lawyer. See JB 0014-0015. In or about 1991, Bishop Mulcahy called Mrs. Ciaramitaro screaming at

her. See Ciaramitaro Aff.. He was very angry that Mr. Ciaramitaro had decided to bring a claim against the church. Mrs. Ciaramitaro did not know what Bishop Mulcahy was talking about. See Ciaramitaro Aff.. Paul had not told her about contacting the lawyer for fear that it would greatly upset her. Bishop Mulcahy told her that if Mr. Ciaramitaro continued to bring a claim against the church, Bishop Mulcahy would withhold counseling from Mr. Ciaramitaro. Counseling was very important to Mrs. Ciaramitaro. See Ciaramitaro Aff.. She felt intimidated into convincing Mr. Ciaramitaro to drop his claims against the church. See Ciaramitaro Aff.. She told him that if he continued to sue the church, he would be kicked out of the family. See Ciaramitaro Aff.. Shortly thereafter, Mr. Ciaramitaro went to his attorney and told him to “settle the matter.” See Birmingham 2.50-2.53; Birmingham 2.88. Mr. Ciaramitaro’s attorney in fact settled the matter for a “meager settlement.” See Birmingham 2.91; 2.92

Bishop Banks, then Vicar for Administration, spoke with Father Birmingham who admitted “there had been some difficulty.” See Birmingham 2.12-2.14. Father Birmingham agreed to resign from his position as pastor of St. Ann’s and seek assessment and therapy. See Birmingham 2.11. In March 1987, Father Birmingham was sent to the Institute of Living for a psychiatric assessment. See Birmingham 2.20-2.22. The Institute doctors expressed concern

over “what is the risk of his acting out in this manner again.” See Birmingham 2.20-2.22.

Nevertheless, Father Birmingham was transferred to St. Brigid’s in Lexington. See Birmingham 2.33; Law Depo., October 11, 2002, p. 201, 204. According to Cardinal Law, see Affidavit of Tom Blanchette (“Blanchette Aff.”), Father Birmingham’s ministry was restricted and he was to have no contact with children. See Blanchette Affidavit. However, according to Sister Marie Labolitta, a nun assigned to St. Brigid’s with Father Birmingham, none of the staff at St. Brigid’s were told that Father Birmingham had any restrictions, particularly with respect to children.

In April 1987, a man by the name of William Connelly wrote specifically to Cardinal Law to ask him about “Father Joe Birmingham who was taken out of St. James’ Parish in Salem during the last 1960’s to early 1970’s.. . . Birmingham had been removed because he had molested boys in the parish.” See Birmingham 2.22-2.23. Mr. Connelly demanded that Cardinal Law tell him whether the Joe Birmingham, pastor in Gloucester was the same Joe Birmingham that was assigned to St. James. .” See Birmingham 2.22-2.23. He raised a concern about whether his son, an altar boy, had been abused by Father Birmingham and also that there were rumors that Father Birmingham had AIDS. See Birmingham 2.22-2.23. The RCAB’s response came from Bishop McCormack who wrote “I

contacted Father Birmingham and asked him specifically about the matter you expressed in your letter. He assured me there is absolutely no factual basis to your concern regarding your son and him. From my knowledge of Father Birmingham and my relationship with him, I feel he would tell me the truth and I believe he is speaking the truth in this matter.” See Birmingham 2.25-2.26. Despite the grave concerns Mr. Connelly raised in his letter and the assertions Bishop McCormack made in his deposition that he would have encouraged Mr. Connelly to speak with his son, Bishop McCormack actually told Mr. Connelly “I see no need of your raising this question with your son.” See Birmingham 2.25-2.26; McCormack Depo., June 3, 2002, p. 243. Bishop McCormack testified, however, that at the time he received this letter, he knew that the Father Birmingham referenced in Mr. [REDACTED]’s letter was the **same** Birmingham that was removed from St. James’ parish in 1970. See McCormack Depo., June 3, 2002, p. 241. Father Birmingham remained at St. Brigid’s until his death in 1989, at the age of 55. See Birmingham 2.33.

Thirty years after being abused, Thomas Blanchette decided after years of not speaking about Father Birmingham that he wanted to visit Father Birmingham at St. Brigid’s. See Blanchette Aff.. Mr. Blanchette gave Father Birmingham a brief description of the effect of Father Birmingham’s abuse on him and his brothers. See Blanchette Aff.. Father Birmingham tried to explain to

him that he had personal difficulties all of his life, his parents were both dead and he was an only child. See Blanchette Aff.. He also explained to Mr. Blanchette that he now suffered from a “mysterious illness.” See Blanchette Aff.. Mr. Blanchette said to Father Birmingham, “I have come here tonight to ask you to forgive me for the hatred and resentment I have held against you for 25 years.” See Blanchette Aff.. Father Birmingham stood up, raised his fists and said, “Why are you asking me to forgive you?” See Blanchette Aff.. Father Birmingham then fell back in his chair and sobbed. See Blanchette Aff..

A few days before Father Birmingham died, Tom Blanchette went back to visit Father Birmingham at Symmes Hospital. See Blanchette Aff.. Father Birmingham was gravely ill and he had a friend with him in the hospital room, Military Chaplain Lawrence Kelly. Father Birmingham died a few short hours after Mr. Blanchette left the hospital. See Blanchette Aff..

Tom Blanchette attended Father Birmingham’s funeral in February 1989. See Blanchette Aff.. There, he approached Cardinal Law to tell him about his relationship with Father Birmingham. See Blanchette Aff.. Cardinal Law promised Mr. Blanchette that once he learned of Father Birmingham’s sexual abuse of children, he had placed him in a restricted parish setting where he had no access to children, presumably St. Brigid’s in Lexington. See Blanchette Aff.. Cardinal Law told Mr. Blanchette to speak with Bishop Banks about the matter,

as he was the Bishop handling these matters. See Blanchette Aff.. Mr. Blanchette told Cardinal Law that there were many young men who needed the church's help and the church has an obligation to reach out to them. See Blanchette Aff.. Cardinal Law continued to urge Mr. Blanchette to speak with Bishop Banks about the matter. See Blanchette Aff.. Furthermore, in an attempt to silence Mr. Blanchette, Cardinal Law blessed him and stated "I bind you by the power of the confessional not to speak to anyone else about this. We don't want to destroy the reputation of this good man's ministry." See Blanchette Aff..

2. **RICHARD BUNTEL**

Father Richard Buntel ("Father Buntel") was ordained in 1971 and incardinated into the Archdiocese of Boston. See Buntel-2 003. From 1977 to 1983, Father Buntel served as part of Team Ministry at St. Joseph's parish in Malden, from which he resigned following "personality clashes and tensions." See Buntel-2 036. Around this time, Bishop Daily took a very active role in overseeing Father Buntel. See Buntel-2 041. In fact, Father Buntel was "sent away for a month" to Our Lady's Hall for alcohol abuse treatment. See Buntel-2 041. An August 1, 1983 memorandum from Bishop Daily to Father McCarthy memorializes a conversation the two of them had on July 30, 1983 regarding Father Buntel's alcohol and drug abuse and "personal problems." See Buntel -2-