

of sex crimes. See Doe 4 Aff.. On some occasions, he would invite the boy in and have him stay overnight at Our Lady's Hall. See 000779.

Cardinal Law ended Father Paquin's Health Leave in July 1998 and assigned him as a part-time Chaplain to Youville Healthcare in Cambridge. See 000685. Cardinal Law wrote: **"I am confident of your ability to minister competently and compassionately to the community at Youville...I trust that your own continued vigilance and the support of competent professionals will allow you to begin a new phase of ministry in the Archdiocese."** See 000685 (emphasis added). Laicization was finally requested by the Archbishop in December 2000, thirty years after Paquin began molesting scores of children at various parishes. See 00006.

#### 17. JOHN PICARDI

Father John Picardi was ordained as a priest of the Archdiocese of Boston on June 11, 1983. See Picardi, John M. 1.0003. He was assigned to St. Ann's Parish in Gloucester and was there during the same time when Father Birmingham (who had been molesting children in the RCAB for two decades) was elevated to pastor by Cardinal Law in 1986. See Picardi, John M. 1.0003; Birmingham 2.33. In May of 1988, Cardinal Law reassigned Father Picardi to St. Michael's Parish in Bedford, Massachusetts. See Picardi, John M. 1.0022.

In February of 1992, Bishop McCormack reported to Cardinal Law that the pastor at St. Michael's had reported Father Picardi to be feisty, angry, argumentative, sad and troubled. See Picardi, John M. 1.0030. Cardinal Law was informed by Bishop McCormack that, according to Monsignor Andrew Cusack, Father Picardi might be "acting out privately [or]...he is on the brink of doing so." See Picardi, John M. 1.0033-00-34. Father Picardi was therefore placed on sick leave by Cardinal Law effective March 2, 1992. See Picardi, John M. 1.0037

In March of 1992, it was reported to Bishop Alfred C. Hughes that during a trip to Florida Father Picardi had **raped** a 29 year-old youth minister and that Father Picardi admitted to the rape. See Picardi, John M. 1.00343-50. He was sent by the RCAB to a doctor who reported back to Bishop McCormack that Father Picardi had "sexual identity confusion" and had an "acute emotional stress reaction." See Picardi, John M. 1.0069. In an April 1992 memorandum, Bishop McCormack raised questions about whether Father Picardi's Florida victim was still "angry" and whether he was "in a litigious stance." See Picardi, John M. 1.0069. Despite the doctor's assessment and despite the fact that Father Picardi had **admitted** to rape only one month earlier, Bishop McCormack wondered further whether an immediate assignment might not be appropriate. See Picardi, John M. 1.0069. As he posited it in his memorandum: "would the archdiocese want Father Picardi to serve temporarily in a diocese such as

Orlando or Venice, California?” See Picardi, John M. 1.0069. In another memorandum written around the same time, Bishop Hughes (ACH) noted that Father Picardi’s victim wanted to pursue charges against Father Picardi. See Picardi, John M. 1.0073. The file of Father Picardi produced by the RCAB reveals nothing but concern that the matter could become public and create scandal; there is no evidence in the file that any member of the supervisory hierarchy considered reporting Father Picardi to the police or encouraging his victim to do so. See, e.g. Picardi, John M. 1.0069. When the Florida victim approached Bishop Hughes to ask that Father Picardi be tested for AIDS, Bishop Hughes wrote that he wanted to “bring issues to a closure.” See Picardi, John M. 1.0093. Cardinal Law testified that when he learned of the rape in 1995, “it did not enter his mind” that law enforcement should be contacted. See Law Depo., February 3, 2003, p. 63-64.

Father Picardi was sent to the Institute of Living in Connecticut for an assessment in September 1992. See Picardi, John M. 1.0099. Bishop McCormack spoke with Father Picardi’s doctors and noted that Father Picardi admitted to being the aggressor in the Florida incident and that the doctors believed that Father Picardi was “immature, impulsive [and] hedonistic.” See Picardi, John M. 1.0101.

Father Picardi’s behavior did not prevent the RCAB from returning Father Picardi to ministry. In October 1992, Bishop McCormack noted that Cardinal

Law agreed that Father Picardi could serve in priestly ministry in the Diocese of Paterson, New Jersey for a period of one year. See Picardi, John M. 1.0115. On October 26, 1992, Cardinal Law wrote to Bishop Rodimer, of the Diocese of Patterson, indicating that he had given permission to have Father Picardi serve in the Diocese of Patterson for one year. See Picardi, John M. 1.0135. There is reference in that letter to certain conversations that Bishop McCormack had with a representative of the Patterson Diocese, but no mention of the rape. See Picardi, John M. 1.0135. Bishop McCormack disclosed only to the Diocese or Patterson that there was a “sexual incident with an adult in Florida”. See Picardi, John M. 1.0115.

Dr. Ned Cassem served as the Chairman of the Psychiatry Department at Massachusetts General Hospital between 1988 and 2000. See Cassem Depo., May 20, 2003 , p.8. The RCAB consulted with Dr. Cassem in the late 1980s and into the 1990s concerning priests who were accused of sexual misconduct with minors. See Cassem Depo., May 20, 2003, p.16. Dr Cassem’s opinion was sought by Bishop McCormack concerning Father Picardi in 1993 following the rape and during the period when Picardi was serving in Patterson, see Picardi, John M. 1.0168, but Dr. Cassem was **never** informed that Father Picardi had admitted to rape. See Cassem Depo., May 20, 2003, p. 187-188.

On April 6, 1994, Bishop McCormack recommended to Cardinal Law that Father Picardi, an admitted rapist, be allowed to be incardinated into the Diocese of Patterson. See Picardi, John M. 1.0202. On June 6, 1994, Cardinal Law granted a continued “lend lease” for Father Picardi to remain in the Patterson Diocese. See Picardi, John M. 1.0003 and 1.0213. There was no explanation advanced as to why Father Picardi was suitable to serve in the Diocese of Patterson, but not the Archdiocese of Boston. See Picardi, John M. 1.0213.

Father Picardi’s tenure in New Jersey was not a long one. In January of 1995, a fifth grade girl reported to the New Jersey Department of Youth and Family Services (DYFS) that she had been inappropriately touched by Father Picardi. See Picardi, John M. 1.0245-02-46. On March 23, 1995 Father Flatley, the new delegate to the Cardinal on sexual abuse matters, advised Cardinal Law that the RCAB would be subject to “tremendous liability” if Father Picardi was found to be working around children. See Picardi, John M. 1.0246. On March 29, 1995, Bishop Rodimer of the Diocese of Patterson, advised Cardinal Law that Picardi’s decision to take a leave of absence was a “good one.” See Picardi, John M. 1.0247.

The New Jersey DYFS investigation of Father Picardi resulted in finding that sexual abuse was unsubstantiated with concerns. See Picardi, John M. 1.0299-300. However, DYFS found that:

The actions of Father Picardo (sic) were determined to be unjustified/inappropriate, placing [the victim] at some unnecessary and undue risk of harm. Specifically, the credible evidence indicates **Father Picardo (sic) placed his hand on [the victim's] buttocks area over her skirt for one or two seconds and then lifted the child's skirt below the level of her buttocks.**

See Picardi, John M. 1.0299 (emphasis added). It was the position of DYFS that Father Picardi should “never be assigned by the Church to any position in the State of New Jersey where he would have any contact with children.” See Picardi, John M. 1.0284-285; 1.0307. The need for this remedy was reaffirmed in the final DYFS report of June 6, 1995 where Father Picardi's actions were deemed to be “non-accidental in nature.” See Picardi, John M. 1.0307. At his deposition, Cardinal Law testified that he understood that Father Picardi had been found to be guilty of unjustified and inappropriate actions that involved sexual misconduct with a minor. See Law Depo., February 3, 2003, p. 29.

On October 11, 1995, Cardinal Law wrote to Bishop Rodimer urging him not to conduct an investigation concerning Father Picardi. See Picardi, John M. 1.0374 (the reasons for this request are unclear since Bishop Rodimer would have had access to first hand information regarding Father Picardi's actions in New Jersey.) However, in urging Bishop Rodimer not to conduct an investigation, Cardinal Law did not reveal in his letter that Father Richard Lennon, in response to Cardinal Law's request, had urged that Patterson not conduct an investigation because **“opening such an investigation runs the real risk of negative fall-out**

**for both Father Picardi and for the Church.”** See Picardi, John M. 1.0364 (emphasis added); See Law Depo., February 3, 2003, p. 34. No mention was made by Cardinal Law of the needs of the victim or other possible but yet unidentified victims. See Picardi, John M. 1.0374.

In February of 1996, a chronology of the events concerning Father Picardi was prepared in anticipation of a possible canonical appeal by Father Picardi concerning restrictions on his ministry. See Picardi, John M. 1.0546-53. On May 31, 1996, Cardinal Law accepted the recommendations of the RCAB Review Board on Father Picardi. See Picardi, John M. 1.0475. The Review Board found that there was reasonable probability that sexual misconduct with a minor had occurred and that Father Picardi should not return to parish ministry or ministry that involves minors. See Picardi, John M. 1.0478. The Review Board also recommended that Father Picardi be encouraged to accept laicization. See Picardi, John M. 1.0477. In July of 1996, Father Picardi filed an appeal to Rome. See Picardi, John M. 1.0491.

By 1995, Cardinal Law clearly understood that Father Picardi had admitted to the 1992 rape. See Law Depo., February 3, 2003, p. 38. Yet despite the admission of the rape and despite the fact that Father Picardi had been found to have endangered the welfare of a minor in the State of New Jersey, the Vatican plainly expressed a desire for the matter to be resolved by the RCAB with Father

Picardi in lieu of the Vatican having to address Picardi's appeal. See Picardi, John M. 1.0604. In a letter of January 28, 1997, Cardinal Castrillon, the Pro Prefect for the Congregation of the Clergy for the Vatican, made clear his sentiments when he sent Cardinal Law a letter in which he stated as follows: **"Were Your Eminence to resolve this matter before this time with Father Picardi, we would be extremely happy to learn of this outcome."** See Picardi, John M. 1.0604 (emphasis added). Extensive documentation concerning both the rape and the molestation were prepared by the RCAB. See Picardi, John M. 1.0586-0592.

Upon receipt of the Vatican letter, events moved quickly to reinstate Father Picardi. On April 8, 1997, Father Murphy reported to Cardinal Law that the Review Board, which had been so unequivocal in its ruling a year earlier, voted to rescind its finding and now found that there was inadequate evidence to find sexual misconduct with a minor. See Picardi, John M. 1.0649. The rape that had been admitted by Father Picardi in 1992 was not referenced by the Review Board. See Picardi, John M. 1.0646. Instead, Father Picardi was moved to serve as a parish priest in the Diocese of Phoenix. In a letter to Bishop O'Brien of that Diocese on April 24, 1997, which was sent in support of Father Picardi's desire to relocate to Phoenix, Cardinal Law euphemistically stated that Father Picardi had been involved in "an incident of homosexual behavior" and that there had been



an allegation that Father Picardi had brushed up against a girl while they were both part of a moving crowd and that the state authorities had stated that “it was impossible to say if the event constituted sexual abuse.” See Picardi, John M. 1.0656-57. The admission of a rape was not set forth in the letter and the details of the New Jersey incident were minimized and described in a way that de-emphasized their significance (for example, no reference was made to the finding of sexual contact or the fact that Father Picardi was not allowed to have contact with minors). See Picardi, John M. 1.0656-57.

Cardinal Law provided the following testimony when asked why he described the admitted rape to Bishop O’Brien as a “incident of homosexual behavior:”

Question: Does the term “homosexual behavior,” as you include it in your letter of April 24, 1997, to the Bishop of Phoenix, encompass nonconsensual rape of another person?

Answer: In this instance, it’s a generic term which becomes more specific with the second sentence.

**Question: All right. So does “homosexual behavior” encompass rape, Cardinal Law, as you understood that term in 1997, used it?**

**Answer: You know, that’s a question that I’ve never really thought of before and I don’t know that have a - -**

Question: Can’t answer it?

Answer: Yeah.

See Law Depo., February 3, 2003, p. 76-77. Father Picardi was accepted into the Diocese of Phoenix as a priest. See Picardi, John M. 1.0674-1.0675.

**18. ARTHUR O'LEARY**

Arthur O'Leary was ordained at St. Eulalia Church, Winchester, MA in May, 1975 at the age of 44. See O'LEARY, ARTHUR P. 1-0004. For seventeen years before his ordination, he was a school teacher in Hingham, MA and served as a Boy Scout leader. See O'LEARY, ARTHUR P. 1-052. From 1975 to 1981, Father O'Leary served as Associate Pastor of Our Lady of the Rosary, Stoughton, followed by an assignment at St. Christine, Marshfield. See O'LEARY, ARTHUR P. 1-004. In June, 1991, he was assigned as parochial vicar at St. Mary of Sacred Heart, Hanover, MA where he remained until October 28, 1994. See O'LEARY, ARTHUR P. 1-004. Father O'Leary was placed on Administrative Leave in October, 1994, and on August 1, 1996, he was granted Senior Priest/Retirement Status. He presently lives in Yarmouth, MA in his own home. See O'LEARY, ARTHUR P. 1-004; 1-253.

In early November, 1985, Bishop Robert Banks was told by a Chaplain of the State Police that Father O'Leary was often seen at a rest area on Cape Cod frequented by homosexuals. See O'LEARY, ARTHUR P. 1-0044. When confronted by Bishop Banks, Father O'Leary denied that he had done anything