

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

wrong, but nonetheless agreed to stay away from the rest area. See O'LEARY, ARTHUR P. 1-0044. In February, 1986, Bishop McCormack received a letter from Fred Murphy, the Dean of St. John's Seminary in Brighton, reporting that one of his students learned from the State Police that a priest [identified by separate letter as Father O'Leary] had been frequently observed by police stake-outs at certain rest areas, and that police were soon to "move in on for involvement with boys." See O'LEARY, ARTHUR P. 1-0046-0047. The Dean wrote in his letter to Banks that he hoped that with this early notification by letter, the RCAB could intervene with the priest and presumably, avoid any scandal for the church. See O'LEARY, ARTHUR P. 1-0048-0050. In a subsequent meeting with Bishop Banks, the allegations of homosexual activity were vehemently denied by O'Leary. See O'LEARY, ARTHUR P. 1-0052. However, Banks believed that Father O'Leary was an active homosexual and warned him to stay away from rest areas, which O'Leary agreed to do. See O'LEARY, ARTHUR P. 1-0052. When Cardinal Law was asked at his deposition on February 3, 2003 if he knew the policy regarding notification to the RCAB by the police in advance of an arrest for the sexual molestation of a minor [a criminal act], and how it would have been handled by Bishop McCormack, he stated:

He [McCormack] would have investigated this, and at some point this would have needed to have been brought to my attention because some action would need to have been taken.

See Law Depo., February 3, 2003, p. 132. When Cardinal Law was questioned about the action of the RCAB at that time, he admitted that despite the allegation and the investigation by Bishop McCormack, Father O'Leary remained in his parish assignment until 1994. Moreover, in December, 1993, Father O'Leary admitted, despite his prior protestations of innocence, that he had engaged in anonymous sex in 1985 and 1986. Father O'Leary made this admission while undergoing an inpatient psychiatric assessment. See O'LEARY, ARTHUR P. 1-0076-0078.

Father O'Leary was assigned as a parochial vicar at St. Mary of Sacred Heart, Hanover, MA in May 1991. See O'LEARY, ARTHUR P. 1-0055. In September, 1992, a mother [REDACTED] contacted the Chancery to report that her 12 year-old son, who served as an altar boy at the parish, told her that Father O'Leary's sexually inappropriate language and shoulder massages made him very uncomfortable. See O'LEARY, ARTHUR P. 1-0057. A meeting was subsequently held with Father Congdon of St. Patrick's Stoneham, a relative of [REDACTED], Father O'Leary and the parents. Father Congdon noted that O'Leary's response was not normal in that he offered no apology and his manner was very calculated. See O'LEARY, ARTHUR P. 1-0058.

In October, 1993, a memorandum, presumably by Bishop McCormack, outlined the history of the sexual allegations against Father O'Leary in 1985, 1986

and in 1992. See O'LEARY, ARTHUR P. 1-0062-63. Shortly thereafter, Father O'Leary reluctantly agreed to go to St. Luke Institute for an inpatient assessment. See O'LEARY, ARTHUR P. 1-0060-61. Father O'Leary's discharge diagnosis from St. Luke's Institute was the following: "1. Diagnosis with sexual disorder not otherwise specified, compulsive sexuality, unintegrated sexuality, and 2. Dependent and compulsive traits." See O'LEARY, ARTHUR P. 1-0076-077. Long-term outpatient psychotherapy was recommended, as well as a follow-up visit at St. Luke's Institute in one year. See O'LEARY, ARTHUR P. 1-0076-077. Although Father O'Leary consistently denied interest in minors, he did admit that he used sexually inappropriate speech around some people, including the group of altar boys. See O'LEARY, ARTHUR P. 1-0076-077.

In spite of the admissions by Father O'Leary and the abnormal diagnosis of his personality by the psychiatrists at St. Luke's Institute, Father O'Leary was allowed to continue in his assignment at St. Mary of Sacred Heart parish. See O'LEARY, ARTHUR P. 1-0076-077. The only condition to his continuing as pastoral vicar at his parish was that the pastor should be informed of his history, and this caveat was contained in the recommendation to the Review Board by the Delegate in February, 1994. See O'LEARY, ARTHUR P. 1-0076-077. The recommendation of the Delegate was endorsed by the Review Board in April, 1994. See O'LEARY, ARTHUR P. 1-0079. Cardinal Law was informed of the

Review Board's decision by memo from McCormack shortly thereafter See O'LEARY, ARTHUR P. 1-0080. Although Cardinal Law requested to speak to McCormack about O'Leary's case in May, 1994, and Father Deeley's notes in the records indicate that they did speak, Cardinal Law did accept the Review Board's recommendation that O'Leary continue to serve in his parish. See O'LEARY, ARTHUR P. 1-0084.

In late October, 1994, Father Deeley was notified by Pastor Henry Doherty that a father in St. Mary's parish, [REDACTED], reported that both his sons had made complaints about Father O'Leary's inappropriate behavior towards them during their service to the parish as altar boys. See O'LEARY, ARTHUR P. 1-0118-0119. His older son, who was a freshman at Harvard at that time, had been recently hospitalized for a panic attack. See O'LEARY, ARTHUR P. 1-0118-0119. In subsequent therapy, the boy expressed concern about the safety of his younger brother in O'Leary's presence. Although the older boy was concerned about his brother, during his six-day inpatient hospital stay he was not able to discuss what had happened to him with Father O'Leary. See O'LEARY, ARTHUR P. 1-0155-0156. When confronted about O'Leary by his parents, the younger son related that Father O'Leary gave him the choice of a shoulder rub or a "wedgie" while he was counting the collection on Sunday, and he was advised by the other boys to choose the shoulder rub. See O'LEARY, ARTHUR P. 1-0118-0119. As a

consequence of the shoulder rub by Father O'Leary, the boy's shoulder was sufficiently injured to cause him to miss an athletic event the following week. See O'LEARY, ARTHUR P. 1-0118-0119. By the boy's report, Father O'Leary also pulled down his pants in front of the boy to show him a new pair of boxer shorts. See O'LEARY, ARTHUR P. 1-118; 1-155-156. The boy also received a Christmas present of boxer shorts from O'Leary. See O'LEARY, ARTHUR P. 1-118; 1-155-156. The boy's father asked that Father O'Leary be removed from the parish. During a follow-up meeting with Father Flatley and Father Deeley, Father O'Leary denied and minimized his inappropriate involvement with any of the boys, but nonetheless, agreed that his parish assignment would end and that he would be placed on Administrative Leave. See O'LEARY, ARTHUR P. 1-122-0123. Several days later, Father O'Leary called the father of the boys and attempted to explain his behavior as "fooling" around. See O'LEARY, ARTHUR P. 1-129. When this contact was reported to Father Deeley, he assured the father that Father O'Leary would be instructed not to have further contact with him or his family. See O'LEARY, ARTHUR P. 1-129. On October 31, 1994, Cardinal Law wrote a letter to O'Leary ending his assignment at St. Mary of the Sacred Heart parish in Hanover, and officially placed him on Administrative Leave. See O'LEARY, ARTHUR P. 1-132.

Father O'Leary asked for a meeting with Cardinal Law on December 23, 1994. See O'LEARY, ARTHUR P. 1-151-152. As a consequence of the recent allegations and in accordance with the recommendations of St. Luke Institute in November, 1993, a re-evaluation of O'Leary was scheduled for January, 1995. See O'LEARY, ARTHUR P. 1-151-152. In preparation for O'Leary's meeting with Cardinal Law, a background memo containing the history of the allegations was prepared by Father Deeley for the meeting with Cardinal Law. See O'LEARY, ARTHUR P. 1-151-152.

In February, 1995, Father Deeley reported to Father Flatley regarding a meeting he had with Father O'Leary regarding his re-evaluation at St. Luke Institute. See O'LEARY, ARTHUR P. 1-169. Although the assessment is not available, from the memo it is clear that a long-term inpatient assessment was recommended. See O'LEARY, ARTHUR P. 1-169. Father O'Leary wanted assurances that if he got a positive report after his inpatient stay that he would be restored to ministry, and wondered what the consequences would ensue if he did not comply with the recommendations. See O'LEARY, ARTHUR P. 1-169. He was informed by Father Deeley that his lack of cooperation would be reported to Cardinal Law. See O'LEARY, ARTHUR P. 1-169.

On March 13, 1995, the Delegate's staff met and decided that the verbal communication of the Review Board in April 7, 1994 was sufficient, and no

written follow-up was necessary in Father O'Leary's case because "There are current issues in this case that make a written communication inappropriate at this time." See O'LEARY, ARTHUR P. 1-179. The document was signed by Father Flatley on April 19, 1995. See O'LEARY, ARTHUR P. 1-179. This statement by the Review Board clearly did not reflect the history of abuse that Father O'Leary had inflicted on his victims, and Father O'Leary's continuing refusal to confront his sexual pathology. While the [REDACTED] reported the debilitating effects of Father O'Leary's actions on their boys and their family. See O'LEARY, ARTHUR P. 1-180; 0184. Father O'Leary continued to lobby the church to get back into ministry while refusing to undergo a long-term psychiatric assessment and neglecting to contact his Monitor. See O'LEARY, ARTHUR P. 1-182. Father O'Leary also engaged in hospice work against the orders of the RCAB. See O'LEARY, ARTHUR P. 1-182; 1-189. Despite the intransigence of Father O'Leary in acceding to the recommendations of the RCAB, Father O'Leary was given permission to concelebrate a Mass with Cardinal Law at a parish in Marshfield, MA in September, 1995. Cardinal Law was apprised of his status by memorandum from Father Flatley. See O'LEARY, ARTHUR P. 1-186. Both Father Flatley and the office of the Delegate stated their concerns about O'Leary. See O'LEARY, ARTHUR P. 1-186.

On October 4, 1995, Father O'Leary agreed to release his records to Southdown in Ontario and go there for a second opinion after a meeting with Father Flatley. See O'LEARY, ARTHUR P. 1-189. On December 6, 1995, Father Flatley met with Father O'Leary to discuss the second opinion from Southdown, which concurred with the recommendations from St. Luke Institute in recommending long-term inpatient treatment. See O'LEARY, ARTHUR P. 1-202-203. Father O'Leary stated that he was healthy and did not need residential treatment, but would discuss it with Dr. Purcell, his long-term therapist and contact Father Flatley. On January 23, 1996, Cardinal Law granted him sick leave status as of February 1, 1996 and Father O'Leary went to Southdown on February 3, 1996 and remained there through the end of May, 1996. See O'LEARY, ARTHUR P. 1-208. The departure covenant and the evaluations by Southdown personnel fit the characterization of "sexual misconduct with a minor" and therefore, according to the RCAB policies on Sexual Misconduct of a Priest, Father O'Leary could not be returned to ministry. See O'LEARY, ARTHUR P. 1-245-246. Father O'Leary was angry and devastated by this decision, angry at the Archdiocesan personnel, angry about the sexual policies of the Church, and continued to lobby for permission to carry out hospice work. See O'LEARY, ARTHUR P. 1-245-246. Cardinal Law was informed of the status of Father O'Leary's case before a meeting in June, 1996. Although Father Flatley clearly

states that Father O'Leary had violated the sexual abuse policy with minors, and therefore, could not return to parish ministry, the apologist tone of the memorandum clearly shows that the RCAB's concern lies more with Father O'Leary and returning him to service than with the welfare of minor children:

There was no clear-cut acting out, no sexual contact. Certainly this case was different from some of our more celebrated abuse cases. I struggled with the idea that perhaps there was something akin to sexual harassment here rather than abuse or misconduct. However, I was not able to find anyone with expertise in this area to agree that this was a valid distinction where minors are concerned. So the policy stands.

See O'LEARY, ARTHUR P. 1-254-256. On July 1, 1996, Cardinal Law wrote to Father O'Leary to inform him officially that his status was Senior Priest/Retirement.

Father O'Leary continued in follow-up treatment at Southdown as required during the next few years, and to treat with Dr. Purcell, but he never gave up his crusade to return to priestly ministry. In June, 1997, Father O'Leary made a request to help his parish by doing weekend work; this proposal was passed on by Msgr. Coleman to Bishop Sean O'Malley, who denied the request. See O'LEARY, ARTHUR P. 1-289. This decision was formalized by a letter from Cardinal Law on June 9, 1997. See O'LEARY, ARTHUR P. 1-289.

Father O'Leary continued to ask to perform weekend and limited ministry, as the letter to Cardinal Law notes with regard to funeral masses of

hospice clients, and to perform weekend ministry in his parish. See O'LEARY, ARTHUR P. 1-289. The Delegate's recommendation to the Review Board considered his request to perform weekend ministry within the RCAB, and the request was not recommended by the Delegate. See O'LEARY, ARTHUR P. 1-315-316. The Delegate's Assessment of the Priest's Response in the September, 1998 Review Board memo aptly summarized the character of Father O'Leary: "..The priest's response [to the allegations] indicates a desire to conceal information which could damage his standing or reputation. He has admitted only to that at which he has been caught, and reluctantly." See O'LEARY, ARTHUR P. 1-315-316.

Subsequently the Review Board recommended, in September, 1998, the following: "That the behavior of the priest, partly by his own admission, qualifies as sexual misconduct. In light of this, the Policy applies to the priest and he is prohibited from the weekend celebration of parish masses, which is at his request." See O'LEARY, ARTHUR P. 1-319. Finally, in February, 2001, the new Delegate, Father Charles J. Higgins, gave Father O'Leary the final refusal of the RCAB to his request to perform weekend parish ministry, citing a letter from Cardinal Law in June, 1997 stating the same policy. See O'LEARY, ARTHUR P. 1-328.