

Following a conversation with his mother in 1992, [REDACTED] reported the sexual contacts to Keene Detective James McLaughlin. Here also, [REDACTED] denies that he used the words "sexual abuse." He told McLaughlin that he had suicidal thoughts, and also homicidal feelings toward MacRae. McLaughlin told him that it was not his fault and that MacRae had broken the law. [REDACTED] testified that before speaking with McLaughlin he did not know his "rights had been violated."

[REDACTED] was referred to Dr. Philip Kinsler for counseling, which commenced in October, 1992 and lasted into 1996. [REDACTED] states that it was during counseling with Dr. Kinsler when he understood that his problems stemmed in part from the MacRae abuse. [REDACTED] testified that he never forgot MacRae's conduct -- that it is "with him everyday." However, he also stated that he never understood that MacRae had harmed him until he was in counseling. Dr. Kinsler testified that [REDACTED] was filled with shame, that he hated and doubted himself. [REDACTED] felt he was "a complete screw-up, a piece of dirt." In Dr. Kinsler's opinion, [REDACTED] did not come to an appreciation that he had been harmed until he was in therapy.

On October 4, 1994, Gordon MacRae pleaded guilty in Cheshire County Superior Court to felonious sexual assault against [REDACTED].

[REDACTED] was born on [REDACTED]. His law suit was instituted on September 22, 1993 when he was age 24. He alleges sexual abuse at the hands of MacRae during the period of approximately 1982 through 1983, with the last sexual contact occurring no later than August, 1983, when he was age 13, nearly ten years prior to the institution of suit.

[REDACTED] has a brother and sister who are significantly older than he is, and there were out of the house when he "was coming of age." His parents were divorced when he was age two. After the divorce, he lived with his mother in [REDACTED] and saw his father, who was in the Air Force, in the summers. His parents remarried when he was age 9 and he lived with them in New Hampshire. He was not close to his father. He was a shy and withdrawn child.

[REDACTED] was raised in the family's religion -- Roman Catholicism. As a very young boy he was very devout. He served as an altar boy and wanted to be a priest. He testified that he had a great deal of respect for priests. As he put it, the priest "speaks for God." Prior to his contacts with Gordon MacRae, [REDACTED] was taught nothing about sex and had no sexual experience.

[REDACTED] attended Hampton Academy Junior High School in Hampton, New Hampshire. Although a very bright child, he

-18-

repeated the seventh grade. ██████ met MacRae in 1982 during this repeated seventh grade year when ██████ was age 13. MacRae was the Associate Pastor of Our Lady of the Miraculous Medal Church, and he taught religious education classes at Sacred Heart School. ██████ attended these classes.

MacRae soon developed a close relationship with ██████. ██████ talked to him about his desire to be a priest. They spent much time together at the Our Lady rectory. MacRae took ██████ to dinner, the movies, the mall, and St. Anselm's College. MacRae encouraged ██████ to enroll in Sacred Heart School. They saw each other four or five times a week. ██████ looked up to MacRae, and learned to love him. ██████ testified that he loved MacRae as if he were his father. ██████ told MacRae that he loved him; MacRae told ██████ that he loved him. ██████ felt privileged that MacRae spent so much time with him. He felt "special." ██████ described MacRae as "charming, charismatic."

MacRae told ██████ that he had been a police officer on some type of force which saved children who were abducted. He described to ██████ that he had saved one boy who had been tied up to a furnace, naked. He showed ██████ photographs of children he had "saved." MacRae showed him a police badge and a gun. Once, while ██████ was sitting on his lap, MacRae licked the gun and waved it over his head.

The physical contact started when MacRae had ██████ sit on his lap. This developed into kissing on the lips. MacRae had conversations with ██████ in the rectory, while MacRae was naked. MacRae talked to him about masturbation. He gave ██████ a book, a kind of guide to adolescence, and told him it was all right to masturbate.

MacRae began to touch ██████'s genitals in what MacRae called "the spider game." ██████ testified that MacRae would pretend his hand was a spider. He would make the spider first touch ██████'s left leg, then his right leg. Then the spider would "get" the middle leg. This would result in MacRae rubbing and massaging ██████'s penis from the outside of his clothing. The spider game was played approximately a dozen times -- at the rectory, and at ██████'s home. ██████ testified that when the spider game was played, he felt uncomfortable.

██████ also recalled MacRae lying on top of him in a recliner in the rectory. MacRae was kissing ██████ and rubbing his genitals. ██████ testified that he felt "claustrophobic" and wanted to tell MacRae to get off -- but he didn't say anything.

██████ recalled another incident when ██████ was sitting on MacRae's lap in the rectory. They were sitting in a recliner, watching television, and MacRae was kissing ██████. Father Gerard

Boucher came into the room, saw them kissing, and immediately left without saying anything.

At some point in 1983, ██████ told Mrs. Irene Brigham, a teacher at Hampton Academy Junior High School, that there were things which MacRae did that made him feel uncomfortable, but that he was afraid to confront him. Mrs. Brigham helped ██████ compose a letter to MacRae. ██████ said that the letter did not contain any "detail," but its purpose was to get MacRae "to stop." ██████ left the letter in MacRae's mailbox. Later, MacRae laughingly told ██████ that he got his "dirty letter."

██████ also told Father Boucher that "physical things" were going on with MacRae at the rectory that made him feel uncomfortable. He did not know whether MacRae's conduct was right or appropriate. He gave Boucher no details. Boucher responded by telling him that he had nothing to worry about, that MacRae would be leaving soon. Meanwhile, the kissing and spider game continued.

MacRae eventually left Hampton and went to St. Bernard's parish in Keene. ██████ told MacRae he felt he was losing a good friend. After MacRae went to Keene, he and ██████ continued to have contact. ██████ recalls that the last time he saw MacRae he sat on his lap. MacRae was "fooling" with him, and ██████ told him to stop. ██████ testified that he felt very badly about telling MacRae to stop.

In the fall of 1983, ██████ went with his mother to see Father James Watson, the new pastor, who replaced Father Boucher. He told Watson that he had had a physical relationship with MacRae. Watson responded by saying that ██████ was making a very serious allegation, that he should "go home and reconsider" what he was saying. ██████ thought that Watson did not believe him; he felt "stupid." At time ██████ was a student at Sacred Heart. He felt bad and thought "he might have upset the Church." He didn't want to be a priest anymore.

In the fall of 1983, ██████ started counseling with Judith Patterson, a certified clinical social worker with Catholic Charities. He felt badly about the things that had gone on. He had terrible thoughts about getting even-- including thoughts of murder. ██████ mother had initiated the counseling because ██████ was behaving in a defiant, rebellious manner, which was unusual for him. ██████ received therapy from Patterson until April, 1995.

In October, 1983, after he had just turned 14, ██████ disclosed MacRae's conduct to Patterson. Patterson stated the he was asking for her opinion: He wanted to know if such conduct was "O.K." Patterson was shocked. She told him that what had happened to him was illegal, and that the authorities had to be

-20-

told. She told him that it was MacRae, and not him, who was wrong. ██████ showed a mixed reaction. On the one hand, he was angry, hurt, and felt a sense of betrayal. MacRae was Number 1 on ██████'s "hit list" --people he wanted to see harm come to. On the other hand, he still cared greatly for MacRae and didn't want to see MacRae hurt. He wanted to write or call MacRae.

Patterson immediately called her supervisor, Janet O'Connell, and met with her. They agreed that the matter had to be reported to State authorities. O'Connell called Father Quinn, Director of Catholic Charities, and Patterson spoke with Quinn. Patterson told Quinn that she felt the allegations were "absolutely credible." She explained to Quinn the normal reporting and investigation procedures. Patterson also told ██████ parents about the disclosure and they wanted to go to the police. She explained the normal procedures to them, and told them that if, after investigation by the welfare department the allegations were determined to be founded, the police would get involved. Patterson testified that in ██████ case, the normal procedure was not followed. Instead, Quinn spoke with Bishop Gendron, who in turn spoke with the Commissioner of Welfare. Patterson was advised that MacRae would not be permitted to have any further contact with children.

Because ██████ was suffering severe psychological problems, he was hospitalized at Hampstead Hospital in December, 1983. The hospital discharge summary of Dr. Daniel Jackson states, in part, as follows:

Apparently the patient had a strong wish to be a priest since his First Communion at age 6. When he was 12, the patient felt that he had a vision of Christ (which might have been a dream) on two occasions, who personally asked him to help build his kingdom. The patient has always been highly involved with the church and this led to his developing a close relationship with a particular priest. The patient participated in many recreational activities with this priest. The patient became extremely upset when this priest made an overt sexual advance towards him.

* * *

Initially, the patient claimed that his total problem stemmed from strong pent up feelings related to the incident with the priest that he trusted. He felt that with hospitalization, he has come to recognize a significance of this, and felt that his problems would all be behind him.

When ██████ was discharged, he continued in therapy with Patterson. Patterson testified that he did not blame MacRae;

instead, he thought there was something wrong with himself. ██████ felt he was a bad person and repeatedly wondered why MacRae had left him. In Patterson's opinion, in 1983 ██████ knew intellectually that a law had been broken and that MacRae's conduct was wrong. He also had some understanding that his problems were related to MacRae. She commented that ██████ is a bright person and that he had no problem understanding intellectually what was being told to him. But in her opinion, ██████ could not know that a violation of his rights had occurred and could not make the connection between the sexual abuse and the emotional problems he was suffering. Patterson also testified that ██████'s mother believed that all of ██████'s problems were the result of MacRae's conduct.

████████ attended St. Thomas Aquinas High School, but was expelled. He then attended Winnicunnet High School, but did not graduate.

In March 1986, while a 10th grader at Winnicunnet High School, ██████ spoke with Dr. Brown, the school psychologist. He told Dr. Brown that "he had been molested by a priest and [was] concerned that this man [was] still in contact with other teenagers." Dr. Brown reported this to Elizabeth Davis of the Division of Children and Youth Services (DCYS), who conducted an investigation in April, 1986. During Ms. Davis' interview of ██████, he told her about MacRae's sexual contacts with him, including the spider game. Ms. Davis reviewed the legal process with ██████, "emphasizing that the police would want a statement from ██████ before they would be able to pursue allegations." He was told that if the case went to court, he would probably be asked to testify, that he would have support and protection, and that he could stop the process at any time.

In 1985 or 1986, ██████ parents contacted an attorney concerning MacRae's sexual abuse of ██████. The ██████ were advised that any legal action would require ██████ to testify. Because of ██████'s vulnerable state, the ██████ decided to take no further action at that time and decided that they would not tell ██████ at that time that they had contacted an attorney.

████████ was hospitalized again in June, 1986, and August, 1986, at the Portsmouth Pavillion, for severe depression. He was treated by Dr. Leonard Korn.

In 1993, ██████ commenced therapy with Dr. Derek Stern, a clinical psychologist. Treatment with Dr. Stern lasted until 1995. ██████ testified that it was not until his therapy with Dr. Stern that he understood the causal connection between his problems and MacRae's conduct. Dr. Stern diagnosed ██████ as suffering from post traumatic stress disorder, which was "exclusively caused by" the MacRae abuse, and atypical

-22-

depression. [REDACTED] was experiencing flashbacks of the sexual abuse, hallucinations, sleep disturbances, rage, difficulty with relationships, difficulty trusting people, and great ambivalence regarding MacRae. Stern testified that:

I saw him to be rageful, murderously rageful at times, and at other times he was like a child who was absolutely destroyed that his father wouldn't love him, and he feared that the priest would hate him. He feared that God would punish him, and he had very vivid fantasies of going to hell.

In Dr. Stern's opinion, [REDACTED] "became aware of his rights being violated probably just prior to seeing me, and got flushed out in the course of treatment with me." Dr. Stern stated that [REDACTED] was and is a very intelligent individual who never repressed the actual events of the abuse. On cross-examination, Dr. Stern agreed that in the fall of 1983, [REDACTED] "understood he had been abused by Gordon MacRae; that he had been injured by Gordon MacRae; and had been informed that his rights had been violated...." He also agreed that the 1986 DCYS investigation "indicate[s] knowledge on [REDACTED] part and an understanding that he had been injured and his rights violated."

In October, 1994, MacRae pleaded guilty in the Rockingham County Superior Court to felonious sexual assault based on his contact with [REDACTED] during the period June to November, 1992.

ANALYSIS

Expert Testimony

In addition to the testimony of the treating therapists, [REDACTED] offered Dr. Anna Carol Salter's testimony on child sexual abuse. Dr. Salter, a clinical psychologist, received her PhD from Harvard University in 1977. She specializes in child sexual abuse trauma. In addition to treating patients, she has written extensively on the subject and has conducted training for professionals nationally and internationally. Part of her work has involved interviewing perpetrators of child sexual abuse.

Dr. Salter testified at great length on the subject of "grooming." She described grooming as the process by which a perpetrator targets a child for the purpose of manipulating the child into unresisted sexual contact. The purpose of grooming is to mask the violation of the child's rights. Perpetrators frequently exploit their positions as authority figures to gain instant credibility with targets and their families.... Dr. Salter stated that one technique used by perpetrators to gain access to a child is to have the child ask his parent for permission to