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December 8, 1994

Wilson D. Rogers, Esq.  
Dunn and Rogers  
20 Beacon Street  
Boston, MA 02108

Re: [REDACTED] v. Archdiocese of Boston  
file: 7219

Dear Attorney Rogers:

Please note that this letter and enclosures serve as a formal demand upon the Archdiocese of Boston, Fr. James Wilson, and Fr. Redmond Raux regarding the claim for abuse that has been brought on behalf of [REDACTED]

A. PERSONAL HISTORY

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B. ACTIVITIES AT GATE OF HEAVEN

C. ALLEGATIONS OF MISCONDUCT

The allegations of misconduct involve two young priests formerly of Gate of Heaven Parish. They are:

- Fr. Redmond Raux
- Fr. James Wilson

Fr. Raux

Fr. Raux came to Gate of Heaven in 1986 or 1987 when [REDACTED] was in sixth grade. Fr. Raux been ordained approximately five years before coming to Gate of Heaven and had previously been at a parish in the Chelmsford area. During the 1987-88 school year, when [REDACTED] was in seventh grade, Fr. Raux engaged in inappropriate conduct towards [REDACTED]. One evening a few days after [REDACTED]'s thirteenth birthday, [REDACTED] was at the parish with his mother for a Christmas Bazaar organizational meeting. Fr. Raux invited [REDACTED] and a young female to his room in the rectory. Once there, he showed the two children a video with naked women. Fr. Raux acted surprised once the video played. There were no sexual acts in the video. The female left the room but [REDACTED] stayed. Fr. Raux stated to [REDACTED] that he was a man and he could watch. The young lady told both her mother and Kathleen. When Fr. Raux was confronted later that evening by the parents of both youths, he acted surprised and suggested that he did not know the content.

Later that evening after Fr. Raux had been confronted, the children were playing in the social hall of the church when Fr. Raux chased [REDACTED] with a bat. [REDACTED] found Fr. Raux's behavior aggressive and intimidating.

In [REDACTED]'s opinion, Fr. Raux was not well liked by the youth of the parish. He appeared effeminate and appealed to the older women in the parish more than to the youth. Fr. Raux often spoke of trips he took to Provincetown and of his friend Bruce. On occasion, he struck children for no apparent reason.

Within the week after the video incident, Fr. Raux struck [REDACTED] for no apparent reason. [REDACTED] recalls the contact being hard enough to connote a message of some type.

When in eighth grade at Gate of Heaven parish, [REDACTED] was an altar boy. He recalls that on more than one occasion, while he was fully clothed and was preparing for the Mass, Fr. Raux grabbed him in the crotch from behind. Eventually, [REDACTED] stopped his altar boy duties. He told no one of the encounters.

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Fr. Raux left the parish in June of 1989. [REDACTED] does not know why. He was next assigned to a parish in Lakeville where he remained until the Persian Gulf War at which time he served on active military duty as a chaplain.

Once the Archdiocese learned of [REDACTED]'s allegations in early 1993, I understand that Fr. Raux was returned to Boston and has since denied [REDACTED]'s allegations. Sister Catherine Mulkerrin told the family that, in light of the allegations, the Archdiocese has had Fr. Raux evaluated. Reportedly, the professionals involved found that he has propensities as alleged.

Before Fr. Raux left the parish in 1989, he contacted [REDACTED] on five or six occasions hoping to take him out for dinner. All these contacts were rebuffed. Fr. Raux even came by [REDACTED]'s home in his auto unannounced on several occasions and offered [REDACTED] rides which were also refused.

Between June of 1989 and June of 1990 there was no replacement of a young priest at Gate of Heaven. In addition to Fr. Phinn, Fr. Paul White was at the parish throughout the entire relevant time frame. He was an older priest with few responsibilities and duties involving the youth of the parish.

#### Fr. Wilson

In June of 1990, Fr. James Wilson came to Gate of Heaven Parish shortly after being ordained. It was his first assignment. I believe he grew up in East Boston and was one of four children whose parents divorced when he was three. He was raised by his mother, and attended Dom Savio High School. He worked for New England Telephone Co. as an operator before becoming a priest. He had been at a parish in Reading as a deacon.

When Fr. Wilson arrived at Gate of Heaven he was an instant hit with the youth of the parish. The local newspaper ran a three-part series on him extolling his virtues as a young, enthusiastic priest who would fit quite well with the youth of the parish (Exh. 7). He was an imposing young man, approximately 6' 3" tall and very personable.

[REDACTED]'s early contacts with Fr. Wilson were uneventful. Their first meeting was at a funeral in July, 1990.

[REDACTED] recalls one CYO event in August, 1990 where a group of youths went for a walk to Castle Island in South Boston. Fr. Wilson commented to [REDACTED] that he thought there was something weird about [REDACTED] and suggested that he give him a call. A few weeks later [REDACTED] made an appointment to see Fr. Wilson.

In the fall of 1990, [REDACTED], now in tenth grade, saw Fr. Wilson a few times a week. They spoke of Fr. Raux's contacts with [REDACTED] (including the touchings), the death of [REDACTED]'s grandfather [REDACTED] was very close to his grandfather, [REDACTED]'s father, and the death was very difficult for him), and the priesthood.

As Fr. Wilson gained [REDACTED]'s trust, their relationship started to change. In fact, Fr. Wilson told [REDACTED] that he had spoken to his spiritual advisor at the seminary about the incident with Fr. Raux and informed [REDACTED] that his spiritual advisor had said it was not a major concern and that nothing further on the subject should be discussed.

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Because of CYO duties, [REDACTED] was spending more and more time with Fr. Wilson. That fall [REDACTED] accompanied Fr. Wilson to a dinner for the sisters of Gate of Heaven at the convent. [REDACTED] was invited to the rectory after the dinner and the two went to Fr. Wilson's room in the rectory. Fr. Wilson and [REDACTED] spoke that evening and [REDACTED] left when Fr. Wilson started to take off his shirt. [REDACTED] found even partial disrobing by a priest to be unusual and it made him very uncomfortable.

In January of 1991 on one occasion Fr. Wilson told [REDACTED] of his plans to attend a dinner at the home of a parishioner and told [REDACTED] to stay in his room at the rectory. Fr. Wilson brought [REDACTED] a sandwich and then proceeded to lock him in his room at the rectory. [REDACTED] was in the room alone from approximately 3:00 p.m. to 8:00 p.m. The fact that a young man would be in a priest's room in the rectory is, I understand, very unusual and generally prohibited. Upon Fr. Wilson's return that evening, he had [REDACTED] lay down on the bed, got on top of him with his clothes on, and moved about while moaning. This lasted for approximately thirty minutes although it seemed longer to [REDACTED]. This occurred with the door to the room closed. [REDACTED] asked Fr. Wilson what would happen if Fr. Phinn entered the room. Fr. Wilson responded that he would probably go to jail.

When [REDACTED] left the rectory that evening, he felt very strange. He knew something was wrong but was unable to either express himself to others (i.e. his family) or understand what had happened.

The next day [REDACTED] told Fr. Wilson that he thought something was very wrong. Fr. Wilson told [REDACTED] that the rules of the Archdiocese prohibit minors from being in the private quarters of the rectory. Therefore, Fr. Wilson stated that future visits would be downstairs in a rectory office.

A few weeks later, in March, 1991 [REDACTED] attended [REDACTED] meeting of the CYO. Fr. Wilson asked [REDACTED] to meet him after the meeting in the rectory office. Once there, Fr. Wilson took off all of his clothes and told [REDACTED] to touch his penis. [REDACTED] complied.

By the end of June, 1991 Fr. Wilson was becoming verbally abusive to [REDACTED], making disparaging remarks when alone with him and with others present. Fr. Wilson struck him several times.

As far as sexual contact, repeatedly, between March and June of 1991, Fr. Wilson would disrobe and get on top of [REDACTED]. There were instances where Fr. Wilson told [REDACTED] to take his clothes off as well. [REDACTED] complied. These encounters all occurred in the office in the rectory. Fr. Wilson would touch [REDACTED]'s penis although there was no masturbation. On one occasion, Fr. Wilson attempted to have oral sex with [REDACTED] but was not successful as [REDACTED] did not comply. There was no intercourse at this time nor at any other time. These encounters were frequent, at least once a week.

In July, 1991 [REDACTED] expressed to Fr. Wilson his doubts about Fr. Wilson's credibility. These doubts were in response to Fr. Wilson's frequent statements to [REDACTED] that these encounters would help [REDACTED] learn to trust him. Fr. Wilson became enraged by [REDACTED]'s comments. He grabbed [REDACTED] by the neck and verbally and physically abused him. He stated that [REDACTED] had to overcome demons that prevented him from trusting and accepting Fr. Wilson and his advances. On occasion, Fr. Wilson would hold the top of [REDACTED]'s head, speak a foreign (or at least unintelligible) tongue to [REDACTED], and state that he was healing him. Holy water was thrown on him at times. [REDACTED] was told he was possessed by Satan and that Fr. Wilson had special powers from God.

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Fr. Wilson made negative comments about the member of [REDACTED]'s family that were [REDACTED] and made similar remarks about other ethnic groups. He also made negative comments about both of [REDACTED]'s parents which were confusing and disheartening to [REDACTED]. Perhaps this was caused by the fact that both [REDACTED] and [REDACTED] had approached Fr. Phinn about Fr. Wilson and his apparent closeness to [REDACTED] (both were suspicious but had no basis for alarm).

[REDACTED] had severed his relationship with his girlfriend by early 1991. [REDACTED] felt that he was odd and not normal, especially based upon all that Fr. Wilson was telling him about himself. He, therefore, stopped dating due to self-doubt and a feeling of insecurity and worthlessness.

In August, 1991 there was one occasion where [REDACTED] in front of his peers, had questioned Fr. Wilson's authority as a priest. At the rectory a few days later, Fr. Wilson brought down a box (which [REDACTED] believed he used when visiting the dying at hospitals) and used Chrism oil to make crosses on [REDACTED]'s forehead and eyelids. [REDACTED] viewed this as the last rites. Later, Fr. Wilson made [REDACTED] get into his ear and they travelled to Black Falcon Pier in South Boston. The area was quiet as it was a Sunday evening. [REDACTED] was struck several times and was pushed out of the moving auto. Fr. Wilson drove off and [REDACTED] started to walk home. A municipal police officer stopped [REDACTED] but he assured him he was okay. Fr. Wilson then came back and picked [REDACTED] up. [REDACTED] got no medical treatment that evening although he had several bruises. Later that evening, [REDACTED] got a phone call at home from Fr. Wilson in which Fr. Wilson stated that he shouldn't do anything stupid (i.e. report the incident). [REDACTED] was in a panic and was extremely distraught.

[REDACTED] confronted Fr. Wilson over the incident some weeks later. Fr. Wilson's response was unintelligible and repetitive; he appeared irrational to [REDACTED]. When [REDACTED] left the rectory Fr. Wilson was pacing in the office and appeared strange and out of control.

For the remainder of 1991 the physical and emotional abuse continued. [REDACTED] was in the rectory office with Fr. Wilson at least once a week. The sexual incidents would usually last for hours with both disrobed (similar in nature to what has already been described).

In January, 1992 Fr. Wilson told [REDACTED] that [REDACTED] was growing away from him. [REDACTED] had attempted (or at least in his own mind was determined) to do so but still felt vulnerable and unable to do so. In February 1992 [REDACTED] died. Although she was [REDACTED], Fr. Wilson came to perform the service. [REDACTED] found this conduct as manipulative and an attempt by Fr. Wilson to gain favor with the [REDACTED] family especially considering his prior negative comments about [REDACTED]. [REDACTED] found this duplicity infuriating.

In March, 1992 Fr. Wilson, during one of the sexual encounters, ejaculated on [REDACTED]. Both were naked at the time.

In early spring, 1992 [REDACTED]'s father was in poor and failing health. He died on [REDACTED]. [REDACTED] was asked by the family to approach the priests regarding the funeral mass details. [REDACTED] spoke with Fr. Wilson and, notwithstanding his grief over the death of his grandfather, [REDACTED] was sexually abused by Fr. Wilson.

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█████'s observations of Fr. Wilson during the funeral mass and at the cemetery brought home to him the duplicity and sham of Fr. Wilson. For him to see Fr. Wilson being the caring priest to █████'s family knowing of his transgressions, had a profound effect on █████. In fact, █████ spent most of his free time in the summer of 1992 on Cape Cod, at █████'s home, to escape the parish and Fr. Wilson. He visited his home as few times as possible and did not visit the parish. Fr. Wilson did call him a few times while he was home in █████.

When █████ came back to school as a senior in the fall of 1992 he actively sought other friends and social situations to help make the separation from the parish and more particularly, Fr. Wilson. He thought he could accomplish this by having friends other than those through CYO.

In November, 1992 two events occurred that had an impact on █████. One was the death of his █████ father and the second was █████ friend. █████ and others were deeply affected by the youth's death. Within a few days █████ finally spoke of the abuse by Fr. Wilson to Ms. Barbara O'Brien-Miller, one of his teachers at B.C. High. She offered herself to the students hoping to counsel them on the effects of the death. For █████ this was the opportunity to go beyond those feelings and to reach out regarding the parish and Fr. Wilson.

A few days before speaking to his teacher, █████ confronted Fr. Wilson, told him he was about to turn 18 and wanted to make this "right of passage" without him. This, to █████, was the termination of any further contact with Fr. Wilson. Later attempts by Fr. Wilson to call █████ on the phone were all unanswered.

#### D. COMMUNICATIONS WITH OTHERS:

█████ did not speak to anyone (other than Fr. Wilson) about the events with either priest for a substantial period of time. Finally, in November of 1992 he confided in Ms. O'Brien-Miller who teaches psychology and religion at B.C. High. He told her of Fr. Raux's conduct and Fr. Wilson's emotional abuse (although not his physical or sexual abuse). The teacher notified the Archdiocese and assisted █████ in starting therapy in January, 1993 with Stephen Durant, Ph.D. at Massachusetts General Hospital. Ms. O'Brien-Miller also encouraged █████ to tell his parents of the events.

The Review Board of the Archdiocese sent Sister Catherine Mulkerrin to meet with █████ and Ms. O'Brien-Miller on January 20, 1993 (Exh. 4). The next day Ms. O'Brien-Miller met with █████'s parents who then confronted Fr. Phinn with the allegations. Fr. Wilson left the parish the next morning. █████ has also spoken with Fr. Phinn of the charges. On the evening of January 20, █████ had spoken of the matter to his parents for the first time. He told them only that he had met with Sister Catherine that day, that there had been sexual abuse by Fr. Wilson and that Ms. O'Brien Miller would be talking to them the next day.

Sister Catherine, along with Fr. John B. McCormack, met with █████ and his parents on June 4, 1993 to discuss the church's investigation and pastoral response of the church to the matter. █████ read a prepared statement to them (Exh. 5). The █████ were told that both Fr. Raux and Fr. Wilson had been confronted with the charges.

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They were told that Fr. Raux denied any such abuse charges although Fr. Wilson either admitted the charges or did not deny them. In the family's meeting with Sr. Catherine on May 17, 1994 I understand that Sr. Catherine stated that Fr. Wilson was non-responsive to the allegations of abuse.

Throughout the period that [REDACTED] had contact with Fr. Wilson, his parents became increasingly uncomfortable with the amount of time the two had spent together. On occasion they spoke with Fr. Phinn regarding their concerns. Fr. Phinn recently told them that he had approached and spoken with Bishop Alfred Hughes at the Archdiocese and had communicated the parents' concerns.

#### E. LEGAL ANALYSIS

There are several theories of recovery that can be asserted against the Archdiocese and certain individuals in its employ. Although respondeat superior may have limitations as a potential theory of recovery, some jurisdictions have expanded their analyses of traditional recovery principles for the liability of employers for the acts of their employees.

In Ericson v. Christenson, 781 P.2d 383 (Or. App. 1989), the plaintiff, a parishioner at Luther Memorial Church, sued both the church and the pastor, Christenson, alleging injuries sustained after Christenson manipulated and seduced her during a counseling relationship. She alleged that the priest established a confidential relationship with her when she was only thirteen years old, "acting as her pastor, counselor, confessor, advisor, friend, teacher and surrogate father." Id. at 385. She further alleged that he abused the relationship by "mentally manipulating" her to become dependent upon him. This eventually led to sexual relations from 1970 until seventeen years later in May of 1987. She further alleged that the defendants' failure to advise her that the relationship was improper prevented her from seeking professional help.

The church contended that it could not be liable under the doctrine of respondeat superior for the acts committed by Christenson because his seduction of the plaintiff was not an act that he was hired to perform, nor motivated by a desire to serve the church. Id. at 386. In allowing the claim, the court first noted that Christenson had established a confidential relationship with the plaintiff and caused her harm by abusing that relationship. Id. Thus, "[b]ecause the alleged wrongful act was improper performance of pastoral counseling duties, whether it occurred within the scope of employment is a factual issue." Id. at n.3. The court concluded that the plaintiff's complaint sufficiently alleged that she sustained harm from the acts that Christenson performed within his scope of employment.

In the instant case a factual issue would be presented on this theory. Not only were there instances of physical abuse with [REDACTED] but there were numerous instances where Fr. Wilson stressed the importance of the plaintiff's faith as a deviant method by which he coerced [REDACTED]'s involvement. Hence, questions would be presented whether Fr. Wilson's conduct leading to emotional abuse was in furtherance of the church and was improper performance of pastoral counseling duties.