

Sworn Affidavit Of**Rev. Gordon J. MacRae****Post Office Box 14 Concord, N.H. 03302 / GJMacrae@aol.com**

The following affidavit was written by Father Gordon J. Mac Rae, a prisoner in the New Hampshire State Prison and sworn and witnessed on April 22, 1998. The contents of this affidavit are legally privileged, and are written for the use of specific individuals. Any unauthorized use, photocopy and dissemination of this document is barred by federal law and the laws of the State of New Hampshire, which govern attorney client privilege. Any use of this document without the expressed permission of it's author or his attorneys is strictly forbidden.

The sworn, signed and notarized original of this affidavit is located at the Law Office of Eileen A. Nevins, Esq., unit 3-2, One Park Avenue, Hampton, New Hampshire 03842-1011 (603)926-1366.

AFFIDAVIT OF REV. GORDON J. MACRAE

3407

THE STATE OF NEW HAMPSHIRE)

)

)

MERRIMACK, S.S.)

I, Father Gordon J. MacRae, state that the following account is my own, is the truth, and is recalled and written to the best of my ability.

1. I was born on the 9th of April 1953 in Beverly, Massachusetts. I attended Lynn Public Schools through high school graduating in May of 1970. From 1970 until 1973 I was employed as a machinist at Glenmere Hub Die Co., Inc. in Lynn, MA. while participating in evening courses at North Shore Community College in Beverly, Massachusetts. In 1973, at the age of twenty, I was accepted as a postulant of the Order of Friars Minor, Capuchin, and in August of 1974 I entered the novitiate of the Capuchin Order in Milton, Massachusetts. Upon completion of the novitiate year in August of 1975, I professed simple vows as a Capuchin and commenced formation and academic studies for the Roman Catholic priesthood.

2. While residing with my Capuchin community at St. Anthony Friary in Hudson, New Hampshire from 1975 to 1978, I attended St. Anselm College in Manchester, New Hampshire with major courses of studies in Classics, Philosophy and Psychology. I earned a Bachelor of Arts degree in Psychology, with honors, in May of 1978. At that time I decided to leave the Capuchins and, upon strong and positive recommendations from my superiors and the formation staff of the Capuchins, I was accepted as a candidate for the diocesan priesthood by the Diocese of Manchester, New Hampshire.

3. From September, 1978 through December, 1981, I studied theology at St. Mary Seminary and University in Baltimore, Maryland where I was ordained to the diaconate on the 21st of November, 1981. In December of 1981 I was awarded the Bachelor of Sacred Theology and Master of Divinity Degrees, with honors, from St. Mary Seminary and University in Baltimore. From January to June of 1982 I was a deacon intern at

two parishes in Groveton and North Stratford in the far north of New Hampshire. On the 5th of June, 1982 I was ordained to the priesthood at St. John the Evangelist Church in Hudson, New Hampshire by The Most Reverend Odore Gendron, Bishop of Manchester. My first Sacrifice of the Mass was celebrated in the same church on the 6th of June, 1982. I was the only candidate for ordination in the Diocese of Manchester that year.

4. Three years prior to my priesthood ordination, in 1979, a tragedy which took place in the Diocese became a national news story. I was beginning my second year of theological studies in Baltimore at the time, and learned from a radio news broadcast that a priest in New Hampshire, Father Joseph Sands, was being held hostage by an armed man and woman in the rectory of St. Rose of Lima parish in Littleton, in the north of New Hampshire. Father Sands was a friend whom I had met during my years as a Capuchin when I spent the Summers of 1976 and 1977 in parochial ministry in the town of Groveton, New Hampshire. Father Sands was a Cistercian who was on leave from that Order, and he resided in the Town of Lancaster, New Hampshire, where he directed a residential home for troubled adolescents known as Alpha House. Father Sands and I became friends when he filled in for the vacationing pastor, Father Robert Simard (now deceased) for one of the Summers during which I ministered at the Groveton parish while a Capuchin. I therefore carefully followed the news accounts of Father Sands being held hostage at gun point. At the end of the day I learned that Father Sands was shot and killed in the rectory, and that the gunman then killed his woman companion, and, finally, himself.

5. In the weeks following this tragedy I traveled to Groveton, N.H., during a break from seminary studies to talk about the incident with the pastor, Father Simard, who was also a friend of Father Sands. Father Simard related to me that Father Sands had been replacing the pastor of St. Rose of Lima parish in Littleton, about fifteen miles south of Father Sands's home in the Town of Lancaster. I learned that on the morning of the tragedy a man and woman rang the doorbell of the Littleton rectory. When the parish secretary answered they asked to see the parish priest to discuss a baptism. When the secretary let them in and explained that the pastor, Father Stephen Scruton, was vacationing in Ireland, the man produced a gun and ordered the secretary to call another priest. The secretary's young son was in the rectory with her at the time. At gunpoint, she called Father Sands telling him that there was an emergency requiring

his immediate presence. Father Sands then drove the fifteen miles to the Littleton rectory and walked in on the armed gunman and woman. Shortly thereafter, Father Sands managed to throw the young boy out a first floor window from which the secretary also escaped. Father Sands was then tied up and beaten. The secretary went for the police who then surrounded the rectory and began a day long telephone negotiation with the gunman.

6. Ironically, that very morning the Pastor of the parish and intended target of the gunman, Father Stephen Scruton, left for a vacation in Ireland with his mother. Father Simard related to me that a year earlier the gunman had some sort of negative encounter with Father Scruton at the parish rectory, and was seeking revenge. The gunman was a transient who had recently been released from the state mental hospital following a brief commitment there. During the day long negotiations between the gunman and a State Police hostage unit, the Governor of the State, Hugh Gallen, flew by helicopter to Littleton to attempt to aid in the negotiation. Governor Gallen was a native of Littleton, a parishioner of that parish, and a friend of the pastor, Father Stephen Scruton. During the day long negotiation, which was tape recorded by the State Police, the gunman demanded Father Scruton's return. When this did not occur the gunman shot and killed Father Sands, his female companion, and himself. Father Scruton was returned immediately, and he remained in the parish for another year. The tape recordings of the negotiations had been sealed by Governor Gallen and never became public. Governor Gallen died of cancer while in office a year later, and Father Scruton was transferred as pastor to St. John the Evangelist parish in Hudson, N.H. on the state's southern border. It was there, shortly before my ordination, that I met Father Scruton for the first time.

7. The former pastor of St. John's in Hudson, Father Gerard Boucher, had been transferred to Miraculous Medal parish in Hampton when Father Scruton came to Hudson. Because the Capuchin Friary where I once studied was in the Hudson parish, I knew Father Boucher quite well from my years as a Capuchin. It was Father Boucher who sponsored my admission to the Diocese, and it was through my friendship with Father Boucher that I planned for my ordination ceremony to be held in the Hudson parish. Though I had never lived or been assigned there, I considered it to be my home parish since my family and parish of origin were in Massachusetts.

8. Early in 1982, about six months after Father Boucher transferred to Miraculous Medal Parish in Hampton, he and that parish were also thrust into a controversy which became a national news story. The Hampton parish had a small parochial school staffed by four Sisters of Mercy and three lay teachers. The four sisters, Honora Reardon, Mary Rita Furlong, and Justine and Kathryn Colliton (who were also blood sisters) had been there for eight years by then, but had a long standing dispute with the parish's pastoral staff. Father Boucher had the task of attempting to resolve this dispute, but experienced little success. In March of 1982 the Superintendent of Diocesan Schools, Brother Roger Lamoyne, FSC, visited the sisters and, without father Boucher's knowledge, presented them with an unsigned memo from Bishop Gendron which stated that their teaching contracts at the parochial school would not be renewed for the next school year. The memo was released to the statewide news media and publicized the next day. In the days which followed, the sisters, Father Boucher, the parish and the Diocese were thrust into the spotlight of local and national news attention as the four sisters obtained legal counsel and filed a precedent setting lawsuit against Bishop Gendron, the Diocese, the parish and Father Boucher. The parish divided evenly into supporters of the sisters, who created an activist organization known as SOS or Save Our Sisters, and a larger but less vocal group of parishioners who supported the pastor and the decision of the Diocese. The SOS group tended to also draw activists from outside the parish as the matter became transformed in the media from a parish dispute into a feminist cause in protest of what was portrayed as an oppressive, male dominated Church. The sisters barricaded themselves into the parish convent next to the rectory and refused to move. There were daily protests in front of the church organized by the SOS, and Sunday liturgies drew crowds of supporters of the sisters who conducted demonstrations both inside and outside the church. These protests became media events gradually resulting in ongoing television and press coverage of the dispute.

9. At the time I was ordained on June 5, 1982 I recall that there was some substantial concern that members of the SOS would use that event to demonstrate at the ordination Mass since the bishop and many priests of the Diocese were there, and the Hudson church in which the ordination took place was Father Boucher's former parish. There was, to everyone's relief, no demonstration. However, there was a very surprising announcement. Two days before my ordination I talked with Father Boucher,

who also served on the Diocesan Personnel Board which was responsible for recommending assignments to the bishop. Father Boucher told me that the Personnel Board had met to discuss my first assignment as a priest, and jokingly said that since I was the only ordination that year it was the shortest Personnel Board meeting he had ever attended. In our discussion he teased me saying that he is not permitted to divulge the assignment, but finally told me that the Board had assigned me to St. Catherine Parish in Manchester, one of the largest parishes in the diocese. Father Boucher told me to act surprised when the Bishop gave me the assignment.

10. A few days later, in the sacristy before the ordination Liturgy, Bishop Gendron handed me an envelop containing a letter instructing me that my first assignment as a priest is to Miraculous Medal parish in Hampton, assisting Father Boucher. The letter also indicated that I would be replacing the current two parochial vicars, Fathers Roger Fournier and George Robichaud, who were both reassigned. The bishop's letter said nothing about the public controversy and divisions in the parish which had become an expected part of the daily television news and front page press. At the end of the ordination Mass Bishop Gendron announced the assignment. I will always remember the collective gasp among the approximately 500 members of my family, friends and priests of the Diocese who were present. In the days which followed there was much controversy about the appropriateness of this situation as a first assignment for a priest, but in time the controversy diminished. In the middle of June, 1982 I began what was to be a painfully difficult ministry at Miraculous Medal Parish in Hampton.

11. It was my intention that the parish, and its programs, should continue to function despite the ongoing controversy and the attention it drew. At first, I was seen as somewhat of a neutral party in the parish dispute, but rumors about my presence there were rampant. Members of the SOS group went to extremes to disrupt the day to day life and administration of the parish, and even hired the services of a private investigator to investigate Father Boucher and I. It was an impossible situation in which to minister because of the depth of feeling of the Sisters' supporters. They attended every parish meeting, and every agenda was dominated by their accusations of a conspiracy by the bishop, the pastor and others to destroy the parish school, and accusations of gross injustice toward the Sisters. Parish Council and School Board meetings, which were ordinarily attended only by the dozen or so members, now had to

be held in the parish hall to accommodate the overflow crowd who came to demonstrate, disrupt the meetings, or voice their concerns.

12. There were constant demands for Father Boucher's resignation, and demands that I state my position taking either one side or the other. The removal of the two previous associate pastors was wrongly interpreted as a victory for the SOS group, and only served to fuel their sense that the parish could be governed by public outcry and popular demand. By my second month there, police officers had to be present at all parish meetings to prevent the threat of violent confrontations. I watched Father Boucher, over the next several months, gradually buckle under the immense pressure, and finally he erupted in anger at protesters following a Sunday Mass. His outburst and foul language at a woman who thrust a sign in his face was recorded by television cameras and newspaper photographers, and the outcry for his removal was renewed.

13. Perhaps the most difficult aspect of this situation was the fact that, as a newly ordained priest, I had certain expectations of the diocesan leadership which were never met. I was dismayed at the lack of contact and support from Diocesan officials throughout the process. At one point I finally called the Chancellor of the Diocese, Msgr. Francis Christian (now the Auxiliary Bishop). Msgr. Christian seemed to be the person making most of the public statements about the situation, and most of the policy decisions. I expressed my concerns to Msgr. Christian that the pastor, Father Boucher, needed more support from the diocese than he was receiving. I also related to him an accusation which was made to me by some members of the SOS group that Father Boucher was placing telephone calls to their homes in the middle of the night and then would hang up the phone, sometimes after making lewd comments. Msgr. Christian merely told me to confront Father Boucher about this myself. In the year which I spent in the Hampton parish throughout this dispute, I never once heard from any diocesan official.

14. In the Fall of 1982 the civil lawsuit filed by the Sisters and the SOS suffered a setback. The Rockingham County Superior Court judge who heard the motions ruled that the matter was internal to the Church and therefore the civil court did not have jurisdiction. The Court ordered that the lawsuit be dismissed on this basis. The attorney for the Sisters and the SOS appealed the matter to the New Hampshire Supreme Judicial Court, and for the following months the battle on behalf of the Sisters

gained momentum in the local area as the statewide newspaper, The Manchester Union Leader, joined their cause through frequent editorials deeply critical of the diocesan and parish leadership, the apparent lack of due process in unilaterally terminating the Sisters' positions, and the lack of response by diocesan and parish officials in the many calls for an explanation. Someone on the diocesan level leaked inaccurate and out of context information to the newspapers that the real reason the Sisters' were fired was that one of them had been "morally inappropriate" with a student while the others covered this up. This accusation, quoting an unknown source, drove the entire matter to the level of a frenzy.

15. On the afternoon of Christmas Eve, 1982 the New Hampshire Supreme Court, in a precedent setting decision, vacated the earlier decision of the Superior Court judge, and ordered that the matter was a contract dispute over which the Court had jurisdiction. The appellate court wrote in its decision that the Sisters' religious status did not preclude their civil rights, and therefore they were granted access to the Court to have their lawsuit heard. This was a major victory for their supporters in a case which, I believed from the very beginning, the Diocese should not have been involved. The Sisters were, in fact, dismissed without due process and without being given an opportunity to respond. On the night of Christmas Eve I was called to the home of one of the Parish Council members along with the police. Supporters of the Sisters organized a motorcade and drove to the homes of each of the Parish Council members who supported the decisions of the pastor and diocese blowing their horns in victory. In one case, a rock was thrown threw the window of one of the homes. The matter took on a vigilante tone. In the months to follow, the SOS gained broad support and momentum while both sides awaited a date to try the case in court. Other organizations, such as the National Association of Women Religious and the National Conference of American Nuns, issued statements in support of the Sisters' cause drawing further national attention to what at this point had become a cause celeb, for what was perceived as the hierarchical oppression of women religious.

16. In the months following Christmas of 1982 Father Boucher and I came under constant public attack. One woman who was a staunch and outspoken member of the SOS made a series of appointments with me to discuss how this matter has effected her faith. After three meetings she falsely accused me to other SOS members of making sexual advances toward her. Another woman told a newspaper reporter,

resulting in a headline story, that I had refused to give her the Eucharist at Christmas Mass, and had fiercely refused to offer her children the Sign of Peace at Mass when they approached me. None of this was true. One of the Sisters was quoted in the local press as claiming that she came to the rectory door on Christmas day to extend a greeting of peace to me, and that I then swore at her and slammed the door in her face. This, too, was untrue. Throughout all of this, the Diocese maintained absolute silence.

17. In May of 1983 my father died suddenly in Massachusetts at the age of 52. On the same day as his death the Diocese announced, a few days before a scheduled court trial, that it had reached a settlement with the Sisters and their attorneys, and that the matter would not have to go to trial. The announced settlement was that the Sisters and the SOS would withdraw their lawsuit, and in exchange the Diocese and parish agreed to allow the Sisters to remain in residence in the parish convent for another year, would pay each of the Sisters two year's salary, and would pay all their legal expenses in bringing the lawsuit. The legal expenses alone reportedly amounted to over \$100,000.00. Father Boucher and I both learned of this for the first time by hearing it on the television news. Quickly the news of the settlement spread, and now those parishioners who had remained supportive of the pastoral staff accused us of selling out. No one believed that we were not a party to, or even aware of, the settlement. On May 17, 1983 I celebrated my father's funeral Mass in Massachusetts at 10:00 AM, and attended a hearing at Rockingham county Superior Court to finalize the settlement at 2:00 PM.

18. Following that hearing Father Boucher and I met. I told Father Boucher of my intention to resign from the parish and urged him to do the same. I felt that the wounds of the parish were deeply felt, and could only be healed with an entirely new pastoral staff. Father Boucher agreed, and said that he would address this with the Bishop. The next day Father Boucher informed me that the bishop accepted his resignation but did not want to accept mine since he feared that it would appear that our leaving was a part of the deal, and would be interpreted negatively. I then contacted the bishop for an appointment which I obtained for the following afternoon.

19. The next day I met briefly with Bishop Gendron at his office in Manchester. Bishop Gendron was unhappy about my decision to leave the Hampton parish, but said

that he would permit it. He told me that he had some misgivings about my being assigned there as a first assignment, but that the Personnel Board recommended it and he acceded to their recommendation. He then instructed me to meet with Auxiliary Bishop Robert Mulvee (now Bishop of Providence, Rhode Island), who chaired the Personnel Board, to discuss an assignment. Bishop Mulvee met with me on the same day, and told me that I had really messed things up by my insistence on resigning. He said that he and the Personnel Board had strong misgivings about Hampton as my first assignment, but that Bishop Gendron overruled the Board and assigned me there against their recommendation. I did not confront him on the divergent accounts of the two bishops. Bishop Mulvee then said that I had earned a better assignment and said that he would assign me to St. Bernard Parish in Keene effective June 15, 1983. Bishop Mulvee then asked me to return to Hampton, and to ask Father Boucher to agree that we would both keep our resignations confidential to give the Diocese an opportunity to announce that it was our own decision. That evening, Father Boucher and I were watching the 11:00 P.M. news on a local television station, and were surprised to hear the news anchor say that officials of the Roman Catholic Diocese of Manchester have announced their decision to remove the two parish priests in the wake of an out-of-court settlement of the Sisters' lawsuit. Father Boucher and I both protested this to the Bishop, but he insisted that he had no idea how this account was released to the media. On June 15, 1983 father Boucher and I said good-bye. Father Boucher left for the city of Laconia as pastor, and I left for St. Bernard Parish in Keene as associate pastor.

20. I arrived at St. Bernard Parish in Keene on the same day, June 15, 1983. When I arrived I learned that there were three other priests living in the rectory. These were the Pastor, Father Gabriel Houle (now deceased), who had been there for seven years; Father Wilfrid Bombardier, an elderly priest who was semi-retired; and Father Daniel Dupuis (who is now laicized and married). Father Dupuis informed me that he had made a decision to leave ministry after three years there, and that Father Houle had recently relapsed after two attempts at residential treatment for alcoholism. The Diocese, I then learned, had arranged for Father Houle to again be admitted for residential alcoholism treatment at Guest House, a facility for priests in Minnesota. Father Houle was to be admitted upon my arrival, and Father Dupuis had agreed with the Bishop that he would remain at the parish for most of that Summer to assist me

until Father Houle returned. Neither bishop had related any of this information to me when I was assigned there. Father Houle's elderly mother also resided in the rectory and was the cook and housekeeper for her son. Because the living quarters were all in use, I spent that first Summer in a guest room on the rectory's second floor.

21. Later in that same Summer I learned from news accounts that Father Stephen Scruton, the pastor of St. John Parish in Hudson where I was ordained, had been arrested and charged with indecent exposure and lewd conduct for allegedly making sexual advances to a young adult male at a highway rest area near his parish. This was one of the first highly publicized scandals involving a priest of the Diocese so it received much press coverage. Following the arrest, Father Scruton was placed on paid sick leave by the diocese for the next two years. Also during that Summer I learned that the associate pastor in Hudson, Father Mark Flemming, who was working with Father Scruton, was accused of the sexual abuse of a minor male in the Hudson rectory, and was quietly removed from the parish. Father Scruton was investigated for having witnessed the behaviors of Father Fleming, but neither was charged with a crime, and the matter quietly dissipated. Father Fleming left the Diocese at that time. I also then learned that Father Fleming had been assigned to St. Bernard Parish in Keene as a deacon just prior to his ordination and first assignment in Hudson, and that he had also been accused of sexual abuse in Keene.

22. At the end of the Summer of 1983, Father Houle returned from his stay at Guest House, and Father Dupuis left the parish and the priesthood. Within days of his return, however, Father Houle began drinking alcohol again. I was dismayed at the atmosphere and tension of the rectory situation following a difficult year in Hampton. This only became worse, however, when in November of 1983 I too was accused of sexual misconduct in a claim from my previous parish in Hampton alleged to have occurred sometime before I left there. The claim was baseless, but disturbing. The claim was brought by a young man who told a counselor that I had hugged him inappropriately when he came to me for counseling in the months before I left the parish. The claim was passed onto investigators for the state's Division of Children and Youth Services who were responsible for the investigation of all claims of suspected child abuse.

23. At first I thought that the claim was simply more of what I had been experiencing in Hampton' in terms of the constant barrage of false accusations attempting to discredit me and Father Boucher. In the weeks following the claim, however, I learned that it was something much more. The young man making the claim, [REDACTED] was a fourteen year old boy who had come to see me three times when I was in Hampton. Each time I met with him in a first floor office after he was allowed in by the secretary. When I left Hampton, the young man was angry about the entire situation and accused me of abandoning him and the parish. He continued to call me collect at my new assignment, but after a few months I ceased accepting his calls. I learned of the accusation from Msgr. Christian who also told me that the young man claimed that Father Boucher walked in on the alleged inappropriate behavior and witnessed it. He also claimed that he had complained to Father Boucher that I made inappropriate advances to him. I called Father Boucher to ask about this. Father Boucher told me that none of this was true, but also added that no one from either the Diocese or the Division for Children and Youth had contacted him about it. I later learned that the Diocese told the investigators that I had admitted to this, and it was then dismissed as a founded but minor incident. I had admitted to nothing,¹ but it seemed that Diocesan officials were fearful of resurrecting the entire Hampton affair again so they took "the path of least resistance" to adjudicate the matter. Two years went by before I learned anything further about this allegation.

24. Sometime in early 1984 I received a telephone call from a woman who lived in the town of Salem, Father Houle's former parish. She asked for me specifically, and told me that Father Houle had been "stalking" her. She said that a year earlier her husband had died, and that Father Houle, as their former pastor, concelebrated the funeral Mass. The woman said that at the cemetery Father Houle consoled her and offered to drive her home. A week later, she reported, Father Houle began showing up at her home with alcohol, and they began to drink together. This relationship eventually led to a sexual relationship which the woman had made a decision to terminate. She complained that Father Houle was not allowing her to terminate the relationship, and began showing up at her home and place of employment, and to follow her. She was concerned that Father Houle was again drinking heavily, and was worried for his safety. With her permission I contacted Msgr. Christian, the Diocesan Chancellor and Bishop's Secretary. I related the woman's account to Msgr. Christian, and he merely told me

1. [REDACTED] original complaint in November of 1983 was that I hugged and attempted to kiss him when he came to talk with me. I did, in fact, admit to hugging [REDACTED] and acknowledged this was not appropriate behavior.

that I should be the one to confront Father Houle directly since the woman called me and not the Diocese. I did not feel that I had the authority to do so, but agreed that I would try. I then confronted Father Houle with the information, and he agreed that he would cease calling and trying to see the woman. From that point on, however, Father Houle became highly secretive and ceased all interaction with me in the parish and rectory. When it became clear that he was again drinking heavily his mother blamed me for it saying that I had alienated her son.

25. In the Spring of 1985, I again learned that [REDACTED], the Hampton youth who had accused me of inappropriate behavior two years earlier, had made yet another claim. This time he had been expelled from a Catholic high school (for which I learned that the Diocese had been paying his tuition) for bringing a knife to school and threatening another student whom, he claimed, had been stalking him. At the time of his expulsion [REDACTED] accused a male teacher at the school of making sexual advances to him, and then claimed that two years earlier he was unable to tell the entire story of his accusation against me and added that I also fondled him. This time the matter was investigated by a Hampton Police Detective, Arthur Wardel. Detective Wardel then wrote a report (which I did not see until many years later) which stated his strong conviction that this was a young man who basked in the attention which such accusations brought him, and that there was no basis to the charge. The matter was then officially dismissed as "unfounded" by state officials. In both 1983 and 1985 when these allegations surfaced I was never questioned by any official involved in investigating them. The only person who ever spoke with me in any official capacity about [REDACTED] claim was Msgr. Christian. I again, in 1985, contacted Father Boucher, and again he told me that no one from either the state or the diocese had ever contacted him about [REDACTED] claim that Father Boucher had walked in on and witnessed an inappropriate incident. Father Boucher also again denied [REDACTED] claim that he had complained to Father Boucher about my behavior. (In 1993 [REDACTED] added yet another claim that he also brought his complaint in 1983 to the new pastor at the Hampton parish, Father James Watson. Father Watson also indicated that there was no truth to this claim). The matter now seemed over, but I was troubled by the seeming lack of interest on the part of both state and diocesan officials in ascertaining the truth. I would not hear of this matter again until two years later, in 1988.

26. Later in the Spring of 1985 I received a telephone call from a New Hampshire State Police officer who told me that the night before he had arrested Father Houle for driving while intoxicated. The officer was very concerned that Father Houle had a drinking problem which was not being addressed. I told the officer that I had discussed Father Houle's drinking problem with diocesan officials in the past, but got no where. I gave the officer the name and telephone number of Msgr. Christian and asked the officer to contact the Diocese himself. A week later, in late April of 1985, Father Houle announced that he was being transferred immediately to a small parish in the town of Ashland in the north of New Hampshire. I was very concerned about the isolation of this area, and expressed that concern to Msgr. Christian, but again he did not seem very interested in my input. Father Houle left quickly after a hastily organized farewell party in the parish which was well attended. Father Houle's mother was placed in a diocesan' nursing home in Manchester. Father Bombardier, the elderly priest who lived in the rectory and assisted in the parish, was also moved to the northern town of Berlin. I was appointed administrator of the parish and remained there alone for two months until the appointment of another pastor. A year later Father Houle died in the rectory in Ashland.

27. In early June of 1985 I received a telephone call from Msgr. Christian who informed me that the bishop had named Father Stephen Scruton, formerly pastor of St. Rose of Lima Parish in Littleton and St. John's Parish in Hudson, as pastor of St. Bernard Parish in Keene. Msgr. Christian did not mention Father Scruton's arrest in Hudson eighteen months earlier and the publicity which ensued from that incident. Msgr. Christian also indicated that another priest, Father Michael Barrett who had been ordained the year before, would also be assigned to the parish with Father Scruton and me.

28. Fathers Stephen Scruton and Michael Barrett arrived at the parish in mid-June, 1985. Immediately there was much rumor and gossip in the parish and the Keene community over the fact that Father Scruton had been arrested on a morals charge a year and a half earlier. Most of the comments and concerns were directed to me since I had, by this point, been assigned at the parish for two years. Father Scruton did not help matters since his attitude and leadership style were somewhat caustic. He immediately invested large sums of parish money into the renovation and re-furnishing of his rectory office and living quarters. In a huge city parish in which money was tight

this caused much controversy. At the same time he fired the parish religious education director, Sr. Theresa Bolduc, who had been employed there for many years, and in her place he hired a part time coordinator who had far less training and experience. Most of the savings on the salary difference were then spent on the rectory renovations. Father Scruton also brought a full time secretary with him to the parish, a young single mother named Gina, and she and her five-year-old daughter moved into the rectory living quarters formerly occupied by Father Houle's mother. These, too, were renovated. Rumors abounded about the relationship between father Scruton and Gina, but I believed this to be some sort of "smoke screen" in that these rumors were preferable to Father Scruton than the previous set of rumors about his arrest for homosexual activity. Gina was an attractive woman of about thirty years of age, but she had no secretarial skills or training, could not type, and was terribly disorganized.

29. The most obvious and immediate crisis in the rectory surrounded the fact that Father Scruton and Father Barrett could not get along. Michael Barrett was a young priest with a handicap; he had extremely poor vision and was considered legally blind. As a result, he could not drive and depended on Father Scruton and me to cooperate in providing him with transportation. I had no difficulty with this, but Father Scruton constantly complained about it. At times he would humiliate Father Barrett in public with statements about his handicap. There was also a sort of competition between them. A male high school student, [REDACTED], moved to Keene at about the same time father Scruton did. [REDACTED] formerly lived with his parents in Hudson where Father Scruton was pastor at the time of his arrest, but [REDACTED] was originally from Keene and his grandparents lived there. At the time Father Scruton came to Keene, [REDACTED] moved in with his grandparents and visited Father Scruton on a daily basis. Father Barrett also seemed to have known [REDACTED] and there was a strange competition between the two priests over this young man.

30. There were many complaints about Father Scruton which came to me from parishioners and parish employees. His obvious arrogance was chief among these, but after a few months I began to receive repeated complaints about Father Scruton's constant use of sexual innuendo and inappropriate language. The parish was next to Keene State College, and a number of college students attended Mass there or came to pray in the Church on occasion. Two years earlier I had begun the practice of opening the parish hall until late in the evening on weekdays to give students living in

the dorms a quiet place to study. Father Scruton halted this practice, but then invited a number of male students to come to the rectory to study. One of these students then complained to me of his belief that Father Scruton made a sexual advance to him. I asked the student to permit me to bring this complaint to diocesan authorities, but the student would not allow me to use his name. I also received an anonymous note from a student who claimed that Father Scruton made a sexual advance to him in the confessional. I finally did contact Msgr. Christian about my concerns, but was told that I had to find a way to work with Father Scruton and that I should confront Father Scruton myself. I then attempted to do so. Following a weekly staff meeting (which was attended by all parish employees) I asked Father Scruton and Father Barrett to remain. I then told Father Scruton of the complaint, the anonymous note, and of the other complaints I had been receiving about his constant sexual innuendo. He was very defensive, and denied that any of this was true. I then asked Father Barrett if he shared this concern, and he agreed that he had also heard complaints. Father Scruton then told me that I was "sexually anorexic" and "repressed" and needed therapy to "get in touch with myself". He claimed that his behavior was normal and healthy. On another occasion I brought my concern to him again, and he then retaliated by saying that he had heard several complaints about "my drinking problem". The reality was that I did not use alcohol at all and hadn't for several years. Father Scruton knew this, and also knew that my abstinence was a personal choice and not based on any problem I had with alcohol.

31. By the Summer of 1986 the rectory situation had become unbearable. Father Scruton was incommunicative and would leave the rectory almost every evening, stay out all night, and then sleep for most of the day. The relationship between he and Father Michael Barrett had deteriorated to the point at which they would not speak to each other. Finally, near the end of the Summer of 1986, Father Barrett resigned and suddenly left the parish. This was precipitated by an incident in which he had exercised poor judgment. I had been away from the rectory over night, and while Father Scruton was also away for most nights Michael invited a thirteen-year-old boy to spend the night in his room at the rectory. When I returned to the parish Fathers Scruton and Barrett were arguing about this. Father Scruton accused Michael of a sexual involvement with the boy. Michael denied this vehemently, but defended himself by saying that the boy was having problems at home and Michael merely wanted to intervene by offering a

cooling off period. I felt that Michael's decision was a poor one, but there was also no evidence that he had been in any way sexually inappropriate. Finally, at a staff meeting, Scruton brought this up and again accused Michael. I had talked at length about this with Michael, and took his side. I said that I felt that his judgment was poor, but that Father Scruton's accusation had more to do with his issues than Michael's. Father Scruton was furious, walked out of the meeting, and did not speak with me for days. Father Barrett called the Diocese and requested an immediate transfer. He left the next day.

32. A few days later I called Father Barrett at his new parish assignment in the City of Nashua, N.H.. He expressed his dismay at his experience with Father Scruton, and he told me at that time that he had reason to believe that it was Father Scruton who had been sexually involved with minors. Father Barrett told me that he, himself, was gay and had been attending a weekly gay support group near Keene in the town of Brattleboro, Vermont. He said that at one of those meetings a young man told him that Father Scruton had been sexually involved with [REDACTED] in both Hudson and Keene. [REDACTED] was the high school student who often came to the rectory often to see Father Scruton. I then told Father Barrett of the earlier complaint I had received from a college student, and of the anonymous letter by another student who claimed that Father Scruton made a sexual advance to him in the confessional. I told Father Barrett that I attempted to bring these concerns to Msgr. Christian, but that he would not act on an anonymous complaint. I urged Father Barrett to call Msgr. Christian at the diocesan chancery office, and to be very clear with him about the accusation, and about his experience with Father Scruton. Father Barrett assured me that he would do so. Nothing happened. Five years later in 1991, however, [REDACTED] filed a lawsuit against Father Scruton and the Diocese claiming that Father Scruton had sexually molested him on several occasions including in the spa at the Keene YMCA where Scruton was a member. Father Scruton was brought back to Keene, charged with sexual assault, entered a guilty plea, and was given a suspended sentence. The lawsuit was settled out of court by the Diocese in 1993 for an undisclosed sum.

33. Father Barrett was not replaced in the parish so, for the first time in many years, St. Bernard's had only two assigned priests. In the months after Father Barrett's departure, Father Scruton's behavior became increasingly dysfunctional. I gave serious thought to requesting a transfer, but I had resigned from my last parish in

Hampton. This was well known throughout the Diocese, and Father Scruton once commented when I threatened to resign, that I am going to have a "reputation" in the Diocese if I resign from every assignment. Finally, in the late Winter and early Spring of 1987 a series of incidents took place which, I had hoped, would force Father Scruton into some form of professional treatment. I had been away from the parish for two consecutive days. When I returned late in the evening I was surprised to see Father Scruton's car in his garage since he was seldom in the rectory at night. I went to my office on the first floor and began to read my mail and look at telephone messages. After a few minutes, Father Scruton came into the office. He looked frightened, and closed the office door. He said that he needed my help and that there was an intruder in the rectory with what he believed was a gun. I asked him to explain and he said that on the previous evening he met a young man in a park in Manchester. He said that he and the man had spent some time together but he did not elaborate.

34. Scruton then said that this man was upstairs in Scruton's bedroom and threatened to kill him. I asked Father Scruton how the man came to be here in the rectory the day after they met, and Scruton said he didn't know. I asked Scruton how he got out of the room and he said that he heard my Garage door close, and then pretended to use the bathroom which had doors on both sides between Father Scruton's bedroom and study. I told Scruton that I would have to call the Keene police, but he begged me not to. I then said that after the incident years earlier in Littleton during which Father Joe Sands was killed while replacing Scruton I was not willing to risk not involving the police. I then called them and told them that there was an intruder in the rectory who may be armed. I asked them to come to the rectory and to just wait outside for now. They agreed that they would do so. I then opened the office door and the man was standing there listening at the door. He was about nineteen or twenty years of age, and was wearing an overcoat. He had his hand in one pocket as if he had a weapon there. I quickly tackled him, knocked him down, and restrained his arms. The weapon turned out to be a plastic toy gun. The young man was very frightened, and said to Father Scruton "I thought you said you were alone." I then let him up. The young man said that he had a sexual encounter the night before with Father Scruton at a park in Manchester. He said that they had met there before, but that he did not know Scruton was a priest. He said that they met again earlier on this day, and that he followed Scruton back to the rectory with the intention of asking him for more money. I

then told him that I had called the Keene police, and that they were waiting outside. Both the young man and Scruton begged me to send them away. The young man said that if I let him go we would never see him again. Scruton said that he was "on probation" with the Diocese and if there was an incident like this involving the police he would be suspended. I did not think that this was necessarily a bad thing, but the young man cried that this was a terrible mistake and he didn't intend to hurt anyone. I finally agreed to send the police away, and went out and told them that the "intruder", it turned out, was known to Father Scruton. The two officers looked skeptical, but they agreed to leave. They offered to come in and talk to the man, but I said this wasn't necessary. They were well aware of Father Scruton's history, as was most of the parish, and I knew the police officers were very suspicious of what was going on.

35. After they left, the young man thanked me and he also left saying that neither Father Scruton nor I would ever see him again. I then told Father Scruton that I wanted him to call Msgr. Christian the next day and relate what had happened. I said that if he failed to do so I would do it myself. Scruton said that he would, and also said that he would begin seeing Dr. Guertin-Ouellette, a psychologist who worked with priests of the Diocese. Scruton also agreed that I could go with him to talk with Dr. Guertin-Ouellette once he made the appointment.

36. Weeks went by with no word of whether Father Scruton had followed through. I asked him repeatedly about it and he always said that he and Dr. Guertin-Ouellette kept missing each other. Then in the early Spring of 1987 another disturbing incident occurred. Scruton kept avoiding any discussion of whether he had talked with either Msgr. Christian or Dr. Guertin-Ouellette, and he had fallen into his old pattern of cryptic behavior leaving the rectory at night and sleeping for most of the day. One evening when I was there alone a young man of about 19 or 20 years of age came to the door. He said that he was a college student at Franciscan University in Steubenville, Ohio, and that during a break from school he was riding his motorcycle through New England. He had skidded the cycle on wet pavement and injured himself. The young man said he did not have enough cash to stay at a motel, but that his parents were going to wire him money the next day. I offered to pay for his stay at a local motel, but there were no vacancies. He then asked to call a close friend who was a priest at his campus. I permitted him to make the call, and the priest asked to speak with me. The priest said that he had known this young man and his family for many years and asked me to help.

He also said that he and the young man's family would reimburse us for any expenses incurred. I told the priest that this was not necessary and that the young man could spend the night in a rectory guest room. I also offered to take the him to the hospital emergency room, but he said he only had some scrapes and bruises. I then fed him and showed him to his room. I also wrote a note to Father Scruton in case he came in the next morning and met the young man in the rectory.

37. My quarters were on the third floor of the rectory, and at about 3:00 A.M. I heard a lot of noise on the first floor. I dressed and went down the stairs to find Father Scruton in the kitchen enraged and smashing things. I had never seen him like this. I tried to stop him but he pushed me. The note I wrote was on the table, and Scruton was screaming that I was "judging him for his problems while I was 'having sex' in the rectory behind his back". I then shouted at him that this was untrue and he threw something at me. I then hit him, hard in the face and Father Scruton fell down. I could no longer tolerate this man. He got up and I hit him again. I then walked out of the kitchen and left him there. As I went up the stairs I could hear Father Scruton crying in the kitchen.

38. I intended for my next day to be my last at that parish. I attempted to call Msgr. Christian and ask for an immediate transfer, but he was not available. In mid afternoon Father Scruton came down to my office. He had a black eye, and was obviously distraught. He began to cry, apologized for what had happened and said he was sick and needed help. Father Scruton said he was afraid that I was either going to leave or call the Diocese to move him. I told him that I had placed a call to ask for a transfer, and was waiting for Msgr. Christian to call me back. Father Scruton begged me not to do this, and asked me to have a meeting with him, and with a friend of his whom he had called to meet with us later that afternoon.

39. Father Scruton's friend showed up that same day at about 5:00 P.M.. His name was "Dave" but I knew nothing else about him other than that he lived in Manchester. Over the next two hours Father Scruton, in Dave's presence, related to me the most incredible story I had ever heard. Father Scruton said that for a number of years he had been sexually acting out uncontrollably. He said that years earlier in Littleton the behavior began on an occasional basis, but when he moved to the Southern part of the state it evolved into a daily activity. Father Scruton said that he

was a "sexual addict" and that on some days he had as many as five or six sexual partners. All of these were males and most were anonymous encounters whom he would meet at city parks, highway rest areas, the city library men's room and other places. Father Scruton said that when he would leave the rectory each day he would drive to Manchester, Worcester or Boston seeking to pick up young males. He said that he had spent thousands of dollars of his own and parish money on male prostitutes and pomography. Father Scruton also said that he had dozens of sexual encounters in the rectory at night, and this was why he always wanted to know in advance if I was going to be away. He said he also had some of these encounters when I was there, but would arrange these meetings for after I went to my quarters. Most of these, he said, involved money. Father Scruton then told me that on many occasions he would cruise for sexual encounters late at night in Manchester, and would make a decision to return to Keene, but sometimes would drive halfway back and then turn and go back to the cruising area believing that perhaps someone was there now who wasn't there before. Father Scruton said that in addition to his arrest in Hudson over two years earlier he had also been arrested for lewd conduct in Massachusetts, but that there was no publicity because the officers did not learn that he was a priest. This was a sad and pathetic story, and I felt quite pained for him. I was also very angry. I asked Father Scruton if the incident in Littleton in 1979 (during which my friend Father Sands was killed by a gunman looking for Scruton) began with a sexual incident. Scruton said that he had reasons why he could not discuss this incident. I then asked if he had sexual encounters with minors in the parish or elsewhere in the state. He said that he could not answer due to the legal implications involved, and due to the state law which would require me to report such knowledge.

40. At this point Dave intervened and said that a few months earlier Father Scruton had begun attending meetings of a Twelve Step self help group known as "SLAA" (Sex and Love Addicts Anonymous) which was based on the principles of Alcoholics Anonymous. Dave said that he was Father Scruton's sponsor in this program, and that a month earlier Father Scruton and he began traveling to daily meetings. Father Scruton then interjected that this, too, was a difficulty because he would inevitably leave the meeting and act out sexually somewhere. He said that he could no longer travel to these meetings alone so weeks earlier the parish cemetery and business manager, [REDACTED] began attending meetings daily. I had noticed that

Scruton and [REDACTED] were both away a lot, and spent a great deal of time talking behind closed doors when they were in the rectory.

41. At this point I asked Father Scruton how much of this was known to diocesan officials, and he said that they were aware of very little of the story. I asked him if he thought it would be best at this point for him to be treated professionally at a residential facility, but he said that he was not ready for such a step. Father Scruton told me then that he had begun seeing Dr. Guertin-Ouellette, the psychologist who counseled priests of the diocese, and that he was in the process of relating this entire account to Dr. Guertin-Ouellette. He said that he would like to work out the details of whether to go for residential treatment with Dr. Guertin-Ouellette. I then asked him if I could talk with the psychologist to be certain that Father Scruton was telling him everything, and Scruton said he would try to arrange this. Scruton and Dave then asked me if I would be willing to attend an "SLAA" meeting with Father Scruton to learn more about this illness. I agreed that I would do so. I felt that Father Scruton was being honest with me for the very first time, and perhaps he was sincere in his stated desire to change his life.

42. The next afternoon I drove Father Scruton to Boston for the meeting at a mental health clinic. The meeting lasted ninety minutes, and was attended by about twenty men and a few women. Father Scruton introduced me as his business partner and said I was there to learn more about his recovery. It struck me that Father Scruton was highly narcissistic, and believed that I should now be as committed to his recovery as he was. On the way back, Father Scruton said that he had more to tell me. I could not believe that there could be more to tell. Scruton had a friend, a priest, who occasionally came to the rectory. His name was Father Bill....., and they had met many years earlier as seminarians (Both Father Scruton and Bill were about 50 years of age at this point). I had known Bill superficially in that he used to visit the pastor in Groveton, Father Robert Simard, many years earlier when I was working with Father Simard in the Groveton parish during the Summers when I was a Capuchin. I was in my early twenties then. I had a negative encounter with Father Bill back then when he came to the Groveton rectory unannounced when Father Simard was away one day. When I let Bill in he became very aggressive and made sexual advances toward me. I pushed him away, but he persisted, and I ordered him out of the rectory. I complained to Father Simard about Bill, and Simard told him not to come to the Groveton rectory

any more. When Bill showed up to visit Father Scruton at the Keene rectory and met me again some ten years later, he pretended not to remember this incident. Father Scruton told me that Bill was very dangerous to him, and described him as his "CO-addict". He said that Bill had a condominium in Florida, and that he and Father Scruton often went there. Scruton said that Bill was highly promiscuous, and conducted sexual orgies and engaged in a lot of dangerous behavior. He added that Bill had a lot of inherited money, and "used boys and young men and discarded them." Father Scruton tried to relate to me that Bill had some mysterious hold over him, and that if he came around Scruton felt he would be powerless to deal with him. He asked me to help insulate him from Bill and not to allow him into the rectory. This was bizarre to me, but I had not seen Bill there in several months and just dismissed it. The sense I had, however, was that Bill had been holding something very heavy over Father Scruton's head, and knew something very damaging.

43. There was more still. Father Scruton also said that he had amassed a collection of pornography which he kept in trunks in his room, and that he wanted to make a clean sweep of his life. He asked me to assist him in disposing of it all. I told Father Scruton that I would help him, but that I did not want to see any of what he had. When we returned to the rectory late at night I gave Father Scruton some large green trash bags, and he headed to his room. At about 1:00 A.M. he called me to his room where he had six large, heavy trash bags filled with material. As I carried them downstairs to my car the bags felt like they contained a number of videotapes, books, magazines, and some small metal vials. I asked about these, and Father Scruton said that they were "poppers" which he described as "sexual enhancers". He said that the substance in them was amyl nitrate, and that he would inhale them during orgasm. I felt sickened by the depth of Father Scruton's hedonistic lifestyle. He seemed very anxious to remove this material from the rectory as soon as possible, and I was suspicious about it, but it was very late and I just wanted to get this over with. I knew someone who owned a busy restaurant outside of town which closed at midnight, and I knew that the restaurant dumpsters were emptied each morning and the trash trucked to a landfill. I felt that this would be the best place to dump Father Scruton's trash bags.

44. Sometime after 1:00 AM we loaded the bags into the trunk and back seat of my car and I drove to the restaurant parking lot. Father Scruton was very nervous. As I pulled into the lot a police cruiser pulled in behind me. The officer recognized me and

pulled up next to me. He asked if everything was okay, and I said that I was headed in the wrong direction and pulled in there to turn around. Father Scruton was frantic, and the officer seemed suspicious but did not get out of his car. If he had, he would have seen the trash bags on my back seat. The officer left, but Father Scruton was in an obvious panic. I then became more suspicious about the contents of the bags and asked him what exactly was in them. Father Scruton said "I thought you didn't want to know." I then asked if they contained child pornography, and Scruton said that he did not want to say. I asked if there was anything in the bags which could identify him, and he said "yes". I then told Father Scruton that I did not want to be further involved in this, and it would be better if he found a way to dispose of the bags without my knowledge. We returned to the rectory and transferred the bags to Father Scruton's car. By morning I learned that Father Scruton and Fred Laffond, his friend and the parish cemetery director, had disposed of the bags.

45. I continued to suspect that there was more to the trash bag story than Father Scruton's stated desire to make a clean sweep of his life. A few days later, early in May of 1987, my suspicion proved accurate. Father Scruton and Fred Laffond asked to meet with me. Father Scruton then informed me that three weeks earlier, on the afternoon of Easter Sunday, he had been arrested at a park in Keene and charged with indecent exposure and lewd conduct. This was about two weeks before his rampage in the rectory, our meeting with Dave, his "SLAA" sponsor, and the trash bag incident. Father Scruton said that he did not tell me about the arrest because he had hoped that it would be dismissed, but it was scheduled for a hearing at which he agreed to plead guilty in exchange for a suspended sentence and a substantial fine. He also said that he was being persecuted by a Keene police detective, Detective James McLaughlin, whose primary job is the investigation of sex crimes. This was the first time I had ever heard of Detective McLaughlin. Father Scruton said that he learned that the officer had been investigating him for a long time. He also said that this was the reason he was so anxious to remove his pornography collection from the rectory. He feared that Detective McLaughlin was going to show up at the rectory with a search warrant and find the pornography. Father Scruton told me that the court hearing on the current charge was scheduled for the next day, and that he knew there would be some publicity and did not want me to learn of it from the newspapers.

46. Father Scruton then told me that he was being investigated since before his arrest in Hudson in 1983. He said that when he was pastor in Hudson his associate pastor, Father Mark Fleming, had repeatedly sexually abused an eleven year old boy in the rectory. He said that he walked into Father Fleming's bedroom one night and saw them together, and shortly after this it was reported and both he and Father Fleming were investigated. Father Scruton said that the suspicion was that he was permitting this to go on while he watched. No charges or publicity ensued, but Father Fleming was quietly removed from the parish and agreed to leave ministry. He also said that there was a quiet financial settlement between the diocese and the boy's family. Father Scruton then said that this was why he became so angry when Father Michael Barrett permitted a thirteen-year-old boy to sleep in the rectory. Father Scruton also said that he was aware that Father Fleming had been a deacon at St. Bernard Parish in Keene, and was accused of sexual abuse there before I was ordained. I did recall that Father Fleming was held up for ordination for some reason, and spent nearly two years as a deacon. St. John's parish in Hudson with Father Scruton was his first assignment as a priest.

47. The day after this conversation with Father Scruton in early May, 1987, he and [REDACTED] attended the hearing at which Father Scruton was given a suspended sentence and a \$500.00 fine. That afternoon Father Scruton gave an interview in the rectory for the local press during which he stated his intention to remain as pastor of the parish. He told the reporter that he was a sexual addict, and that he wanted to use his charges as an opportunity for people to learn about sexual addiction. The next day the story of his arrest, and the account of his bizarre interview with the reporters was front page news in The Keene Sentinel newspaper. I then told Father Scruton that I and the parish council members had been receiving calls from many parishioners and others in the community who felt that he should resign as pastor of the parish. He refused, and said he was planning to speak at all the Masses the following Sunday and tell the people to "grow up and accept him as he is." The next evening the parish celebrated its annual Confirmation ceremony. The Bishop did not attend as scheduled, but sent a retired Maryknoll bishop who knew nothing of what had transpired in the parish. Father Scruton insisted on concelebrating the Confirmation Mass and introducing each of the high school students who were being confirmed. The parishioners were incredulous that he was still there, and at the reception after

Confirmation I was confronted by an angry mob of parishioners demanding Father Scruton's immediate removal. Throughout this entire matter, which received statewide publicity, I heard nothing from Msgr. Christian or other diocesan officials.

48. I called Msgr. Christian at the chancery several times, and finally, the day after the publicity of Father Scruton's latest arrest, Msgr. Christian returned my call. I asked if he was aware of what had transpired, and he said that he was. I asked what his plans were for Father Scruton, and he said that something was going to be worked out, but it would take time and Father Scruton was to remain there until decisions were made. I then informed Msgr. Christian of Father Scruton's plan to speak at all the Sunday Masses and "tell the people to grow up". Msgr. Christian just said "don't let him", and he asked that I confront him myself. Finally, I did something I should have done much sooner. I told Msgr. Christian that by the following Sunday either Father Scruton or I would be gone from the parish, and it did not really matter to me which. He then said, "Have Father Scruton call me". That afternoon Father Scruton was ordered to Manchester, and he never returned. In the days which followed, I learned that there had been no intervention, and that he merely moved in with his mother. Two days after he left, I received a letter from the bishop again appointing me administrator of the parish. This was in the middle of May, 1987, and transfers took place in mid-June so I knew I would be alone there for a month.

49. The next weekend at the parish Masses I addressed the issue of Father Scruton's arrest and removal from the parish. I said that this was an issue of illness and not evil, and I asked for prayers and compassion for him. The next day I received a telephone call from an official at the bank where the parish kept its accounts. He told me that before Father Scruton left he removed some \$20,000 from parish accounts. The bank official said he is obliged to report the discrepancy to the police, but wanted to spare us another scandal and said he could give me two days to look into it. I then called Msgr. Christian and, typically, he told me to call Father Scruton at his mother's home in Dover, N.H. and confront him myself.. I called Father Scruton, and told him of the bank official's concern. Father Scruton accused me of "trying to ruin his life" and hung up on me. Two days later Fred Laffond, the parish business manager and cemetery director gave me two checks replacing most of what was taken, and asked that I permit Father Scruton to keep the remainder for his expenses. Mr. Laffond was angry with me because he saw no reason why Father Scruton had to leave the parish.

He expressed concern for Father Scruton, and asked if I could get the Diocese to place Father Scruton in a sexual addictions treatment facility in Minnesota known as Golden Valley. I told Mr. Laffond to obtain the necessary information, and said that if Father Scruton wanted to go there, he could. I then called Msgr. Christian again, but he balked at the idea of residential treatment for Father Scruton. I then told Msgr. Christian the story which Father Scruton had told me weeks earlier. Father Christian approved of the program, and I told Mr. Laffond to purchase airline tickets for himself and Father Scruton, and to fly out there with him. Father Scruton remained in the Golden valley program for thirty days, and then left.

50. The following weeks were the busiest, but the most peaceful, of my priesthood. I knew that I was emotionally and physically exhausted, but I also felt that I had survived an immense ordeal, and was intact. This was short lived, however. Three weeks after Father Scruton left, near the end of May, 1987 I was approached by a parishioner after an early morning weekday Mass. The man's name was [REDACTED]

[REDACTED] He was friends with both Father Houle, and, subsequently, with Father Scruton, and he resented what he perceived as my "getting rid of them". Mr. [REDACTED] sarcastically told me that he will be sorry to see me leave. I asked what he meant and he said, "Oh, you don't know?" he then told me that a few days earlier he had been at a party and an unnamed official of the Diocese was there. The official told him that I would be transferred from Keene within a few weeks. I attempted to call Bishop Gendron but he was unavailable so (then) Auxiliary Bishop Joseph Gerry (now Bishop of Portland in Maine) took the call. I told Bishop Gerry of the conversation with Mr. [REDACTED] and expressed my concern that moving a year later would be no problem, but that if I was forcibly moved at that time many people in the parish and Diocese would interpret it as somehow related to Father Scruton's problems. Bishop Gerry said that he understood this, but knew nothing about the plan to move me. He said he would check with the Personnel Board and get back to me. I then called Father Gerard Boucher (my friend and former pastor in Hampton) who was still on the Diocesan Personnel Board. Father Boucher said that a week earlier the Bishop attended a Personnel board meeting and said "we have to move Father MacRae out of Keene". Father Boucher said that the Bishop offered no explanation, but left him with the impression that there was something wrong. Father Boucher said he would do some checking and get back to

me. The next day Bishop Gendron called me and said that Auxiliary Bishop Gerry and he had spoken, and he understood my concerns, but that the Personnel board was insistent on moving me. He said that their reason had to do with a situation at a parish in Nashua between the pastor and some parishioners, and the Board felt that I had 'gained some experience in dealing with difficult situations'. I asked Bishop Gendron to reconsider this, and to allow me to wait a few months in order to at least give the appearance that I was asking for a transfer. Bishop Gendron then gave me a week to consider the assignment, but whatever my choice was, I was leaving Keene. Later Father Boucher called me again, and said that he learned that after what took place in the parish the bishop could not find a pastor with any seniority who wanted to go here. Finally, Father Boucher said, the Bishop found one man who would accept, but would do so only on the condition that I move. I had a week to decide whether to accept a new assignment. Recalling what I was feeling then is difficult because I was clearly unhappy as a priest, and frightened of getting into another troubled situation in the Diocese.

51. The following week, in early June, was a mandatory annual clergy convocation required of all priests of the Diocese. The conference was to be held for four days at a resort hotel in North Conway, about three hours from Keene. I left for the conference, and looked forward to the time out, but not to being with brother priests. True to form, on my arrival I discovered that I was at the center of a lot of gossip and controversy over what had transpired in Keene. One priest joked, quoting the Gospel to me saying, "whenever two or more disasters are happening in the diocese, there's MacRae in the midst of them". For the first time, I hated being a priest. I remained isolated for most of the conference, and experienced a great deal of anxiety. Finally, near the end of the conference, something inexplicable occurred. The Diocese hosted a banquet at the conference each year to honor those who were celebrating their 25th, 40th and 50th anniversaries of ordination. I went to my hotel room and changed into my black suit and Roman collar for the banquet. I was feeling dismal, and seriously depressed, but did not know why. When I arrived at the banquet hall I was a little late, and everyone was standing while Bishop Gendron recited a prayer before the meal. As he concluded the prayer, and the other priests were seated, I realized that I was going to have to go from table to table to find an empty seat. I had many friends among priests of the Diocese, but I could not see any at first, and when I did their tables were full. I remained in the

doorway of the banquet hall, and was paralyzed with anxiety. I did not understand what was wrong, and intellectually told myself that it was ridiculous, but I could not walk into that hall. I felt that my priesthood was irreparably ruined. Finally, I walked back to my hotel room, burst into tears, and remained there crying for over an hour. I then changed and left to return to Keene. I sobbed for most of the three hour drive back to Keene, but I was not certain of what was wrong. I feared that perhaps I was having some sort of breakdown.

52. When I returned to Keene I learned that the rectory had been broken into and my office was ransacked, but I just could not deal with it. I went to my room, and became ill. I had a fever, and experienced something terribly discouraging which I had not experienced since childhood. I had an epileptic seizure and lost consciousness. I remained in bed and slept for almost two days after this. I had grand mal or generalized seizures as a child, but they ceased when I was thirteen years of age and were never diagnosed. Now, at the age of thirty-five, I was horrified that I had a reoccurrence of seizures. It was after two days in bed that I decided that I also needed help and could not accept the new assignment. I made an appointment with Bishop Gendron and went to see him later that week.

53. The meeting with Bishop Gendron was one of the most difficult encounters of my life. He said nothing about my experience in Hampton and that in Keene with Father Houle and Father Scruton, except to inform me that Father Scruton told him that he thought I was a repressed homosexual. I denied this, and Bishop Gendron then asked me, somewhat mysteriously, if Father Scruton had ever made sexual advances to me. I informed Bishop Gendron that when Father Scruton first arrived in the parish he did make some covert sexual gestures, but I was not responsive. Bishop Gendron also asked me why I did not come forward sooner with my concerns about Father Scruton's behavior. He said "We can not act on what we do not know." I then informed the Bishop that I had in fact attempted to communicate with Msgr. Christian on several occasions about Father Scruton. I then told Bishop Gendron what had happened at the clergy conference, and when I returned to Keene. I said that I did not feel that I could accept a new assignment in the Diocese at that time. I then requested to be placed on sick leave for six months, but Bishop Gendron refused. The Bishop asked me again if I would accept a new assignment in the Diocese, and I again told him that I did not feel that I could. He then instructed me to return to Keene and write him a letter requesting

an immediate leave of absence from ministry without faculties. He said that I would not be permitted to function as a priest until I was ready to accept an assignment, and said that if I wrote the letter he would review this with me again in one year.

54. I drove back to St. Bernard Rectory and did as instructed. A week later I was living in an unfurnished apartment in West Keene about four miles from the parish. I had no income, and had exhausted my small savings on a deposit and the first two months rent. I had no idea what I was going to do or where I was going to go, and for the first week in the apartment I just sat and stared out a window. I could not have explained what had happened in my priesthood. The news spread around the Diocese that I had a meeting with the Bishop and was suspended, and again this rumor became somehow associated with the affair surrounding Father Scruton. My family and closest friends were completely bewildered about what had happened to me. Within a few weeks, I was offered a position as director of an outpatient clinic in the community which provided counseling and monitoring services for recovering alcoholics and drug addicts. It had a staff of eight and had many problems. The agency had been through three directors in three years, and was about to lose its state and federal funding. I accepted the position with a one year commitment, but I was in no position mentally or emotionally to take on this responsibility. Still, the agency turned around and flourished over the next year, but I was very unhappy. From the day I left Bishop Gendron's office, I had no contact with or from any official of the Diocese.

55. By the Fall of 1988, I thought that my life could not possibly get worse. I had experienced epileptic seizures with increasing frequency, and became increasingly depressed. At one point I was hospitalized for two days following a seizure. I had become completely isolated from the Church, and from my family and most friends, and found myself contemplating suicide. There was a single parent family whom I had known for several years, and who had moved into the apartment building next to mine. In many ways they had counted on me for strength and support, and they became the only reason why I did not feel I could succumb to my depression and feelings of despair. I also kept these feelings well hidden even from them. I was about to learn that my life was going to become even more complicated, and in ways I could not have imagined.

56. In November of 1988 I learned that I was being investigated by a Keene Police officer, Detective James McLaughlin, who specializes in sexual abuse investigations. I learned this when I received a telephone call from a young man who was a patient at the drug abuse agency where I worked. He told me that McLaughlin approached him with questions about whether I had ever attempted to engage him in sexual behaviors. I then contacted Detective McLaughlin to ascertain what this was about. He invited me to the Keene Police station for an interview on November 14, 1988. Keene has a population of about 22,000 with a police force of approximately 25 so McLaughlin is its only sex crimes investigator. I met with McLaughlin for two hours in an interview which he tape recorded. During this time McLaughlin informed me that he had a complaint about me from a teenage male in the Keene area whom he would not name. He said that I had offered this boy money in exchange for sex. McLaughlin also made several references to Father Scruton's lengthy history and said that he had information which led him to believe that Scruton and I were accomplices in the sexual abuse of several Keene area youths. McLaughlin would not name any of these youths, nor would he divulge his source for this information.

57. After an hour of denying the allegations, McLaughlin then named the complainant as being [REDACTED], a fourteen year old Keene youth. I knew [REDACTED] in that a year earlier he came to the alcohol and drug facility in which I worked and claimed that he had been sexually molested by his employer in a Keene Summer job corps program. At that time I referred his complaint to police who investigated it. [REDACTED] periodically visited me at the agency. On one occasion, weeks before my November interview with Detective McLaughlin, [REDACTED] showed up at my Keene apartment asking to speak with me. It was an odd conversation in that [REDACTED] was very anxious and asked me for a loan of \$75 claiming that he had to raise it immediately and could not tell me why. I told [REDACTED] that I would not give him money without knowing why he needed it. He then made the comment, "I will do anything for it...I mean ANYTHING!" I then asked him what he meant by "anything". He replied something to the effect of "Anything means anything...well, anything but sex . .well maybe even that but I would only do it with someone I knew." He then spoke of having a friend "who goes both ways", and said he was curious about what this was like. I ended the conversation by telling [REDACTED] that I would not give him the money, and he left. Days later he showed up again asking me if I had thought about our previous

conversation. I told [REDACTED] to stop asking the question because I was not sure what my answer would be. At this point I asked him to leave.

58. At my November 14, 1988 interview, Detective McLaughlin said that [REDACTED] had come forward with an allegation that I attempted to solicit him with an offer of money in exchange for sex. I continued to deny this, and told McLaughlin the truth, as I have described it above, over the course of the two hour interview which was tape recorded. At one point during this interview McLaughlin turned off his tape recorder. He then informed me that he intended to bring felony charges against me in Superior Court for attempted aggravated felonious sexual assault. He said that no matter what my defense was no one would believe me because of my prior "association" with Father Scruton who he referred to as a "known sex offender", and because of the fact that I had previously been accused by [REDACTED] even though that case did not go anywhere. McLaughlin then offered me a deal: If I plead guilty to a single misdemeanor count of endangering a minor he will guarantee me a year probation and will keep the case out of the media. I then told him that I wanted to talk with an attorney. McLaughlin responded that if I did there would be no deal. He said that even if I was not convicted of the charges I would be destroyed in the press. He also brought up the fact that he was investigating the son of a family I was very close to for a three year old burglary charge. The son was sixteen years of age and I had helped him through a long recovery process. McLaughlin insinuated that this would destroy this young man, "but I have a feeling this can just go away if you cooperate here". I then agreed to the guilty plea to the misdemeanor with McLaughlin's conditions that I not consult with legal counsel, and that the case will be kept out of the media. Needless to say, McLaughlin personally invited the local newspaper to be present at the plea hearing and sentencing. I entered the plea on November 17, 1988 and resigned my position as director of the alcohol and drug facility.

59. Prior to the misdemeanor charge and hearing I contacted Msgr. Christian at the Diocese of Manchester and explained what was happening. I told Msgr. Christian that Detective McLaughlin was the same police detective who had been investigating Father Scruton in 1987, and that I felt that this charge was somehow related to that. I explained to Msgr. Christian what I was actually accused of, and what had actually taken place. Msgr. Christian then informed me that it was the policy of the Diocese that I be suspended, and that I am entirely on my own from this point forward. He said that

the diocese could not assist me with obtaining legal counsel. He also said that, mysteriously, he had received a telephone call from the mother of [REDACTED] even before I was aware that I was being investigated. [REDACTED] had alluded to Msgr. Christian that Detective McLaughlin was going to charge me with attempting to solicit her son, and that a lawsuit could be avoided with a settlement. [REDACTED] was, at the time, an employee of the Keene Police Department. I asked Msgr. Christian if the attorney for the Diocese could at least recommend a local attorney with whom I could consult, but Msgr. Christian merely responded that it is not the policy to help any accused priest who is dealing with a legal situation.

60. Since the initiation of my leave of absence from ministry, however, I had periodically seen a therapist, Dr. Henry Guertin-Ouellette, Ph.D. (now retired) who was then employed by the Diocese as the director of Consultation Services for Clergy and Religious. I was clear with Dr. Guertin-Ouellette about everything that had transpired during and after my assignment with Father Scruton. Dr. Guertin-Ouellette was also the therapist that Father Scruton had seen during and following several incidents in the Keene rectory, however it became clear that Father Scruton had not told him everything.

61. Dr. Guertin-Ouellette had asked for my permission to use my name and the account I gave him to confront Father Scruton, and I gave that permission. Following the misdemeanor charge against me, and my telephone discussion with Msgr. Christian, I met with Dr. Guertin-Ouellette. He was quite concerned about the stance of the diocese, and about the fact that I would agree to enter into a guilty plea without ever consulting with legal counsel - especially so when the circumstances surrounding whether or not I was actually guilty of what I was accused were sketchy at best. I tried to explain that I just did not have the emotional resources at the time to fight the case. Dr. Guertin-Ouellette recommended to me that I undergo a residential evaluation. When I explained that I was on probation and a condition of the probation was that I not leave the State, Dr. Guertin-Ouellette said that he would talk with the Keene probation Department and make the recommendation. I had still been living in my apartment in Keene, but was no longer employed and was not receiving any salary from the Diocese. Dr. Guertin-Ouellette assured me that, on his recommendation, the Diocese would pay for any evaluation or treatment I received. I again requested to be

placed on sick leave with the Diocese instead of a leave of absence so that I could receive a sick-leave salary, but this was again refused.

62. Dr. Guertin-Ouellette arranged for me to be evaluated by the House of Affirmation, a residential facility for priests and religious in Whitinsville, MA. At the end of November, 1988, I went to the House of Affirmation and commenced a four-day psychological evaluation. It became clear shortly after my arrival that Detective McLaughlin in Keene had already talked with the evaluators. They were harsh, and repeatedly accused me of a number of vague and ill defined accusations involving unnamed accusers. Oddly, they did not at all seem interested in talking about the accusation for which I had just plead guilty. One of the assessors, Father George Brennan, D.Min., expressed his bias to me that he had never met an accused priest who was not also guilty of the accusations. He also added that in every case he has encountered the accused priest is guilty of much more than what the authorities already know. For the next four days Father Brennan tried to get me to admit to being "Father Scruton's co-defendant", and accused me of receiving child pornography from Father Scruton and hiding it for him. I thought that, perhaps, he was referring to the night that Father Scruton had asked me to dispose of his pornography, and so I related this account. Father Brennan was not interested, and seemed to have prior information from someone that I was somehow involved with Father Scruton's sexual exploits. He also accused me of "sharing victims" with Father Scruton. (And, in fact, Detective McLaughlin later made this identical accusation). Finally, and mysteriously to me at the time, Father Brennan repeatedly interrogated me about having been a priest in Florida before coming to New Hampshire, and about a claim that I was involved in a heinous crime there. (This latter accusation was a complete bewilderment to me at the time, but as described further on I eventually became aware of its source).

63. I completed the evaluation at the House of Affirmation in four days, and then returned to my apartment in Keene. I was very concerned that I had no income, and no way to continue to pay my rent. My utilities and phone service were discontinued after a week, so I remained in the apartment with no contact outside of there.

64. The week I remained at the apartment in Keene following the evaluation at the House of Affirmation was a very confusing week. When I returned from the House of Affirmation I had to meet with Keene Probation Department officials, specifically a Mr..

Sherwood Vacchs who was in charge of the Keene probation office. (I later learned that Mr. Vacchs is the brother of Andrew Vacchs, a notorious New York attorney who has written several books advocating the death penalty for convicted child abusers). Mr. Vacchs seemed to bear a very personal hostility toward me. On the day that I returned from the House of Affirmation Mr. Vacchs confronted me with his impression that I was in deep denial, and had denied everything to the evaluation interviewer at the House of Affirmation. He told me that he was placing me on the highest level of supervision and that I was an extremely dangerous man. When I asked what, specifically, he meant by this he became incensed and said "Florida, among other things." Some allegation that I had been a priest in Florida repeatedly surfaced in both my interviews at the House of Affirmation, and my interaction with Mr. Vacchs, the probation officer, but this was a total mystery to me. Mr. Vacchs also came to my apartment the same night I returned there and spent hours searching it. Finally, he, too, accused me of "trafficking in child pornography with Father Scruton" and of being a co-defendant in his crimes. Mr. Vacchs seemed very disturbed that he found nothing after spending hours searching my apartment and car.

65. The day after the search of my apartment, Mr. Vacchs did something which I found to be very strange. He seemed to be largely operating for the sole purpose of getting my case into the newspaper. I am not certain of whether he expected that this would generate other accusations, or whether it was for the sole purpose of embarrassing the Church and Diocese, but both Mr. Vacchs and Detective McLaughlin seemed to manipulate the media substantially. Whenever, for example, I was scheduled to visit the Keene probation office the local reporters seemed to always be aware of it ahead of time, and would be there to question me on my way out. One of the reporters also asked me about being a priest in Florida, but no one would tell me what this was all about.

66. On the day after my apartment was searched, Mr. Vacchs ordered me to report to the local hospital emergency room, state that I am going to commit suicide, and ask to be admitted to the psychiatric ward. I was aware, having been director of a chemical dependency program, that state law would then require the hospital to admit me for observation. "Suicidal Priest Hospitalized" would have made a great local newspaper headline. Mr. Vacchs was not aware that the Chief of Psychiatry at the hospital, Dr. Joel Gamer, was also an acquaintance whom I had met on several occasions. When I

arrived at the hospital I went to the lobby instead of to the emergency room, and from a pay phone there I called Dr. Gamer and told him what I had just been instructed to do. He was quite angry, and said that he had just received a call from a reporter asking whether I had been admitted. Dr. Gamer angrily said that he was well aware of what Mr. Vacchs was attempting to do, and that he "refuses to play this ridiculous game". He said that he was going to file a complaint against Mr. Vacchs and asked me to return to the probation office. I asked Dr. Gamer what I should tell them, and he only said that he would take care of it.

67. When I returned to the probation office I was surprised to learn that Mr. Vacchs was no longer my probation officer, and I was told to report the next day to Ms. Karen Grovier, another probation officer. Ms. Grovier was equally hostile, but not for the same reasons. She accused me of "using my contacts to circumvent and manipulate the system." I asked her what she meant by this, and she referred to the incident the previous day at the hospital. Ms. Grovier also told me that she had prior dealing with a priest, and that Diocesan officials pulled strings and sheltered him from the system. I asked her if she was referring to Father Scruton, but she refused to acknowledge this.

68. At my next appointment with Dr. Guertin-Ouellette, he expressed that he was unhappy with the House of Affirmation evaluation, and he asked me to repeat it at another facility, the St. Luke Institute in Suitland, Maryland. I requested that I also be able to plan to remain there for a program. (A few months later the House of Affirmation was closed, and its records have since been destroyed).

69. The next evening I received a surprise visit at my apartment from Father Maurice Rochefort, a friend who was pastor of a parish in Exeter about 100 miles away from Keene. He could not have called first since I did not have a telephone. Father Rochefort said that he would like for me to come with him to his rectory in Exeter and remain there until my situation was straightened out. I told Father Rochefort that I very much appreciated this since I had no income and no place to go, but that I felt that the Keene probation officials were playing some sort of game and would not permit this move. Oddly, Mr. Vacchs, Ms. Grovier, and another unidentified man showed up at my apartment that same evening. Vacchs was the only one who spoke, but his demeanor and tone were entirely different from any past contact I had with him. I told him about Father Rochefort's offer, and Vacchs then told me, rather politely, that I was free to go

anywhere I wanted, and that he would transfer supervision for the remainder of my probation anywhere I wanted him to. I asked if this could be transferred out of state since I wanted to attend a program in Maryland, and he said that this would be no problem. I then asked Mr. Vacchs what, exactly, all these references to Florida were about, and he told me to "just forget about it." For some reason, which I would not learn for several years, some accusation from Florida seemed to be the source of most of the contention I had experienced with the Keene probation officials and others.

70. The next day, Ms. Grovier informed me that supervision of my probation would be transferred to the Exeter probation office, and that I would be free to arrange an out-of-state program once I completed an required outpatient evaluation. For some reason, Ms. Grovier was not satisfied with the assessment of the House of Affirmation. A few days later, on December 10, 1988, I left Keene and moved into a rectory with Father Rochefort in the town of Exeter, New Hampshire. Since I had no way to support myself, I obtained employment for about thirty hours per week as a repairman in a new apartment complex which had recently been constructed.

71. Over the next two months I participated in an evaluation with a Mr. Adam Stern, M.A., an outpatient therapist at the Strafford Guidance Center in Dover, New Hampshire. The evaluation consisted of an MMPI, and three forty-five minute interviews conducted over the course of about two months. During these interviews Mr. Stern referred to the evaluation at the House of Affirmation saying that it was poorly written and "not worth the paper it was written on". He also asked me repeatedly to discuss the time I spent in Florida. When I told him that I had never even visited the State of Florida he seemed confused and asked if I would be willing to take a polygraph examination to determine that. I said that I would be willing to do so, but that I had no idea why allegations that I had once been a priest in Florida kept surfacing during this process. Mr. Stern did not follow through on the polygraph, and did not bring it up again.

72. During this time, Dr. Guertin-Ouellette, the psychologist who counseled priests for the Diocese, was also working to arrange for an evaluation and program at St. Luke Institute in Suitland, Maryland. Mr. Stern, however, made an alternate suggestion. He said that the probation office only required my evaluation, but did not require that I enter a residential program. He advised me to continue in an outpatient program with

him, but I told him that the residential program was something I wanted to do. Mr. Stern then suggested that I not go to St. Luke Institute, but he did not state why. He said that he made some inquiries and felt that a less intense program may be better for me.

73. The program he recommended was at the Servants of the Paraclete Center in Jemez Springs, New Mexico. I discussed this with Dr. GuertinOuellette who then talked with diocesan officials about it.

74. The program was approved, and on March 10, 1989 I flew to New Mexico and began a program at Villa Louis Martin, a six month residential psychiatric program for priests in Jemez Springs. My primary therapist was Dr. Jack Ellis, M.D., a psychiatrist with a specialty in neuropsychiatric disorders. In addition to individual therapy with him I also attended daily group therapy sessions and weekly spiritual direction. I liked the program, progressed quickly, and dealt directly with many issues which, I believed, the staff work diligently to understand and to help me to understand. The primary diagnosis was Dysthymia, manifested in chronic depression. I was prescribed a tricyclic antidepressant drug, Pamelor, and proceeded to make rapid progress in therapy. The staff seemed to focus a great deal on my experience as a diocesan priest, my troubled assignments and rectory situations, and my upbringing and family of origin history.

75. Without my being aware of it, however, Detective McLaughlin in Keene continued to attempt to disrupt my situation. One of the conditions of my two years of probation was that I could have no contact with anyone under the age of 18. I agreed to this, and signed a contract stating that I would not do so. At the time of my hearing, however, and to my surprise, Detective McLaughlin himself requested an exception to this. During the hearing in November of 1988, at the time I entered a plea of guilty to a misdemeanor, Detective McLaughlin explained to the judge that I was close to a single parent family with two teenage sons who were then seventeen and nineteen years of age. I had known this family for several years, and was very close to them. Detective McLaughlin, to my great surprise, told the judge that he had talked at length with all three members of this family, and that they insisted on maintaining contact with me. McLaughlin stated that he believed it would be destructive of them to sever this tie. At the time I felt that this was a very humane gesture on McLaughlin's part. The judge agreed to this. I did not see them before leaving for New Mexico, however, since I could make and receive telephone calls at the New Mexico treatment facility, my contacts

were through phone calls and not letters. I also allowed these friends to initiate the calls so I never called them. All three members of this family called me several times in my first month in treatment, then, understandably, the calls became less frequent. I also discussed these relationships thoroughly with the staff of Villa Louis Martin.

76. With the exception of this family I abided by the rule that I have no contact with anyone under the age of 18 during the two years of probation. I received several friendly and supportive letters from teenagers whom I had known, some of whom had been former parishioners and some former patients at the chemical dependency facility, but I did not respond to these letters.

77. Two months after enrolling in the Servants of the Paraclete program, however, I received a letter signed [REDACTED], the individual whom Detective McLaughlin said had accused me of attempting to solicit him, the matter for which I was on probation. The letter was a single-paged typewritten letter indicating a Keene post office box as the return address. The letter, which I believed then was in fact from [REDACTED], said that he wanted to apologize for accusing me, that he knew that what he claimed never really happened, but that the police put him up to making the claim. The letter also said, "I know you are not supposed to write to me, but can you write at this post office address and no one will ever know? I have some information for you and want to ask you a question." I did not respond to that letter. Years later, while reviewing pre-trial discovery in the [REDACTED] case, I learned that Detective McLaughlin actually wrote that letter and signed [REDACTED]'s name to it without [REDACTED]'s knowledge. McLaughlin's stated purpose in referring to this incident was to see if he could get me to respond, and then force me back to Keene on a probation violation.

78. In June of 1990, three months into the Paraclete program in New Mexico, I received a telephone call from one of the two brothers, [REDACTED] whom Detective McLaughlin had asked be exempted from my agreement not to have unsupervised contact with anyone under 18 while on probation. [REDACTED] who was then 19 years of age, told me that his brother, [REDACTED] (then 17) was in trouble and had been sent to a juvenile facility for evaluation after being involved in a burglary. [REDACTED] asked me to write to his brother. I told [REDACTED] that it would be best if [REDACTED] wrote to me first. Up to that point my only contact with them since I moved to New Mexico was an occasional telephone call from them.

79. A week later, near the end of June, 1990 I received a handwritten letter from [REDACTED] written from the Philbrook Center, a secure diagnostic center in Concord, NH. [REDACTED] told me that he had been involved in a burglary with two friends, and that he had been sent there for assessment. He asked that I write him back since he was concerned about how I was. I brought [REDACTED]'s letter to the Sandoval County, New Mexico probation office to which Keene, N.H. officials had transferred supervision of my probation. The probation officer assigned to supervise was Mr. Michael Padilla. After allowing Mr. Padilla to read the letter I explained the situation, the fact that [REDACTED] was going to turn 18 in a few weeks, and the fact that his family and he both requested that I contact him by mail. Mr. Padilla approved of this on the condition that I show [REDACTED]'s letter and my response to Father Peter Lechner, Ph.D. the Program Director of the Paraclete program.

80. Mr. Padilla said that if Father Lechner read both letters and approved of my response, then I could go ahead and mail the letter to [REDACTED] in New Hampshire. I did so. [REDACTED] then wrote back to me immediately and asked me to come back to New Hampshire. Again, with Father Lechner's approval, I explained to [REDACTED] that this was just not possible at this time. [REDACTED] then wrote a third letter asking me if I would return when the program I was in was completed.

81. Before I could respond to the third letter, I received a registered letter from Karen Grovier, the Keene probation officer, ordering me to return to Keene to face a charge of violation of the terms of probation; specifically, for writing unauthorized and unsupervised letters to [REDACTED] at the center. Before returning to New Hampshire for this hearing in August of 1990, I obtained signed letters from Michael Padilla, the New Mexico probation officer, and Father Lechner, the program director, both stating that I sought and obtained their approval prior to corresponding with [REDACTED]. I then called Detective McLaughlin at the Keene Police Department and reminded him that it was he who requested in court that this contact be permitted. McLaughlin said that there are no transcripts of district court hearings in New Hampshire, that I had no proof that he ever made that suggestion, and that he would deny it at the hearing. He also said that he would be asking the court to impose its suspended sentence of one year in the county jail. Before the scheduled hearing I met with Ms. Grovier and produced the letters from Michael Padilla and Father Lechner. She seemed quite angry about them. She then postponed the hearing for a week. I spent that week in a Keene motel. Finally, Ms.

Grovier met with me again. In the second meeting she offered me a "deal". She said that if I plead guilty to the probation violation the next morning then I could serve 48 hours in custody and then return to the program in New Mexico. If I do not, she said, then I can produce the letters at a hearing, and I will probably be cleared of the violation, but that she would postpone the hearing for up to a month and require me to remain either in a Keene motel or in the county jail awaiting the hearing. For the second time I entered a guilty plea in Keene without legal counsel. McLaughlin was present at the plea hearing, but did not say anything. I then spent 48 hours in jail, and flew back to New Mexico to resume residence at the Paraclete program. I swore that I would never again return to new Hampshire.

82. When I had been in the Servants of the Paraclete program for six months, the staff met to consider my plans for discharge. Dr. Ellis had a report of someone on the staff witnessing what was believed to be a mild seizure, and he recommended a neurological evaluation. In October of 1989 I underwent an MRI and EEG at a neurology clinic in Albuquerque, and was then diagnosed as having complex-partial seizure disorder and bi-polar temporal lobe epilepsy. The EEG revealed a series of what the neurological report described as "spike and slow wave activity" in both the left and right temporal lobes which indicated a diagnosis of Temporal Lobe Epilepsy. It appeared that this was of long duration, but there was no explanation for the fact that seizure episodes resumed after some twenty years of being seizure free. The MRI, and neuropsychological testing, revealed some damage in the temporal lobes, but the MRI ruled out any tumor or specific seizure foci.

83. It was at this point that the staff and I together determined that I should remain in the residential program to explore the implications for this diagnosis, and to adjust to medications. I remained at the Villa Louis Martin facility from March of 1989 until March of 1990. Upon completion of the program I decided to remain in New Mexico and continue outpatient treatment at the neurology clinic. Because of local publicity over the guilty plea to the soliciting charge, I did not want to return to ministry in my Diocese. Several months after leaving Villa Louis Martin the Servants of the Paraclete offered me a temporary solution to the issue of my future as a priest. The Minister General of the Servants presented me with an opportunity to work in their ministry as his administrative assistant while continuing in treatment at the Albuquerque neurology clinic. My diocese still would not place me on sick leave so I had no salary or benefits

such as health insurance. The Servants' offer seemed to be my only option, and I embraced it as both an opportunity to remain in ministry, and as a chance for continued psychological and spiritual growth. At that point, both the Servants and I seemed to feel that formally joining their community and ministry would be the likely outcome of our mutual decision that I remain with them.

84. In September of 1989 my sister in the Boston area received a telephone call from Detective McLaughlin. He told her that he was investigating me for creating child pornography of youths in the Keene area, and asked her if there was any property of mine in her possession which he could search. She told McLaughlin that everything I owned was in storage in New Hampshire and that he was welcomed to search it if he first obtain a warrant. My sister then called me in New Mexico and told me about the conversation. I then called Detective McLaughlin. In this telephone conversation McLaughlin informed me that [REDACTED] now accused me of taking nude photographs of him and paying him money for posing for these. There was no truth to this. I told McLaughlin that everything I owned was in storage in New Hampshire while I was in New Mexico, and I invited him to search my possessions if he wanted to. His response was that this wasn't necessary since he knew that he wouldn't find anything. He then said that [REDACTED] new allegation was going to be the basis for a civil lawsuit against me and the Diocese of Manchester. When I asked McLaughlin why he wasn't interested in even attempting to determine whether this was true or not he responded, "It doesn't matter; you don't need evidence for a lawsuit; if you took pictures like that you probably gave them to another priest anyway". (When I reviewed discovery in the 1993 case I learned that McLaughlin wrote in a police report about this conversation that I admitted to taking these photographs. He also wrote that he secretly tape recorded this conversation and made a written transcript of it and then played the conversation for [REDACTED] and his lawyer. When my attorney attempted to obtain this tape and transcript, McLaughlin claimed that both were inexplicably lost).

85. In 1990 some friends in New Hampshire sent me newspaper clippings from the Keene Sentinel describing new charges against Fr. Stephen Scruton. Scruton was investigated by Detective McLaughlin and then forced to returned to Keene to face misdemeanor charges in Keene District Court for allegedly fondling a fifteen year old male at the Keene YMCA back in 1987. Scruton pled guilty to the charge and was placed on probation. The young man, [REDACTED], filed an immediate lawsuit against

the Diocese of Manchester which was settled out of court. [REDACTED] claim in the criminal charge and lawsuit was that Scruton repeatedly invited him to work out at the Keene Family YMCA and then fondled him each time with his foot while the two were in the facility's hot tub.

86. A few months later I was also served with a lawsuit against me and the Diocese of Manchester brought by [REDACTED]. This lawsuit was also settled out of court by the Diocese and I was then dropped as a defendant. I have never learned the amount of the settlement. I suspected at that time that Detective McLaughlin's role in these lawsuits was suspicious. In convincing me in 1988 to plead guilty to misdemeanor charges, and then repeating this same process with Scruton, I suspected that his real motive was to set the stage for lawsuits against the Diocese of Manchester. Such lawsuits are a nearly guaranteed income for a plaintiff since they are almost guaranteed to be settled out of court without any in-depth discovery process.

87. Late in 1991 I became full time Admissions Director for the Paraclete's three New Mexico treatment facilities. I excelled in this ministry and knew the first happiness and peace I had experienced as a priest. For the first time in my ministry I was not at the center of a public controversy. I developed an excellent rapport with referring personnel from dioceses and religious communities throughout the United States and Canada, and the programs and I both flourished. This peace was to be short lived, however.

88. In early 1992 the Paraclete facility in Jemez Springs was thrust into the national media spotlight over their facility's treatment of Father James Porter in the late 1960's and early 1970's. The Paraclete Order and the facility were then served with dozens of lawsuits brought by adults from New Mexico, Massachusetts and Minnesota who all claimed to have been sexually abused by Porter after he completed treatment at the facility 25 years earlier and then was returned to ministry as a priest. For the third time I was thrust into the middle of a media nightmare. Over the course of 1992 and into 1993 "The Porter Case" became a cause celebre for several contingency lawyers and a scandal hungry media. "60 Minutes", CNN, "Time" and "Newsweek" all converged on the facility as it faced millions in liability lawsuits from some 80 alleged victims of Father Porter and some twenty other subsequent lawsuits generated by alleged victims of other former patients. My sense was that the entire process was an attempt to apply

insight retroactively, i.e., the media, lawyers and victims were all applying 1990's cognizance and awareness of the issues of sexual abuse to a 1960's case. Thus, those who treated Father Porter in 1968 were deemed to have exercised gross negligence in doing so. For the first time that anyone knew of a psychiatric treatment facility was being held liable for the future behavior of its former patients. As a result, insurers all over the United States began to cease liability coverage for residential centers treating sexual disorders.

89. Despite the huge number of lawsuits faced by the Paracletes, the facility continued to thrive in its current form. It had an excellent reputation as a treatment facility, however this gradually eroded with the coverage of its treatment of Porter 25 years earlier. While all this was going on, and unbeknownst to me, I continued to be investigated by Detective McLaughlin in Keene, New Hampshire where I had not set foot since 1989.

90. In October of 1992, my family in the Boston area received a telephone call from an individual identifying himself as [REDACTED]. He said that he was an old friend of mine and wanted to get in touch with me so my family gave him my address in New Mexico and then mentioned this to me the next time we spoke. Weeks later I received a brief note in the mail from [REDACTED]. It was a friendly letter in which he said that he had not heard from me since prior to his joining the navy in 1987, but that he had heard about my guilty plea in Keene. [REDACTED] was one of [REDACTED] children adopted into a family in Keene and the family were members of the Keene parish when I served there. After adopting [REDACTED] [REDACTED]. This was an extremely needy family, and I remembered them well. I responded to [REDACTED] letter because I had no reason not to. My response was simply a friendly letter in which I stated that I was unaware that he was out of the Navy, and that I was glad that he and his family were well. Early in 1993 I received a second letter from [REDACTED] which confused me greatly. In this letter, [REDACTED] said that he wanted to ask me some questions. He wrote that "the sex between us was very special to me", and he stated that he would be interested in resuming this relationship. I had no clue what [REDACTED] was talking about. He also made reference to a time in which he claimed to have visited me in my office at the parish in Keene, and stated that I then left and came back with Father Scruton who performed oral sex on [REDACTED] in my office while I watched. He said that he didn't really

mind this, but felt that I "was doing a favor for my boss at his expense". He closed the letter by asking if I indeed cared for him. Both letters were sent from a Keene post office box number. I was shocked at the content of this letter, and I responded with a terse statement that I did not believe that the letter was really from [REDACTED] since he would know that the incidents alleged in the letter never took place. I sent copies of the letters and my responses to an attorney who was advising the Paracletes since I wanted his advice. He felt, and I agreed, that [REDACTED] or someone pretending to be [REDACTED] may be capitalizing on the current publicity about priests to attempt to extort money from me. The attorney advised me to do nothing for now, and not to respond to any further letters from [REDACTED]. There were none, however. (I later learned in discovery that it was Detective McLaughlin, and not [REDACTED], who wrote these letters).

91. In March of 1993 a series of strange events began to occur. The Paracletes began receiving calls from individuals who would not identify themselves, but asked questions about my employment there and my status as a priest. In April of 1993, I received a message from my secretary that an individual named [REDACTED] was trying to reach me by telephone, but would not leave a number to call back. [REDACTED] was another member of the same family, two Years older than [REDACTED] and also of [REDACTED] descent. Many years earlier I had admitted [REDACTED] to a drug and alcohol facility on a scholarship since his family could not afford his treatment. [REDACTED], I was then told, was one of 13 children to an impoverished family in the mid-west and was born with fetal alcohol syndrome then placed for adoption. [REDACTED] is now 31 years of age and [REDACTED] is 29.

92. After the letters from [REDACTED] I was suspicious of [REDACTED] calls. I maintained a "Personal '800'" number with MCI so that my family could call me and the charges would appear on my bill instead of theirs. I gave this number to my secretary and asked her to inform [REDACTED] should he call again, that I can only be reached at this number. I knew that even if my answering machine answered and they left no message the charges would still appear on my monthly bill along with the number the call was originating from. Days later my secretary informed me that [REDACTED] called and she gave him the "800" number as I requested. At the end of the month there were four calls on two dates from a New Hampshire number on my phone bill. I called the number, and it was answered by the Law Offices of Upton, Sanders and Smith in Concord, New Hampshire. (This later was to become an important piece of information.

In discovery McLaughlin wrote in his police report that he obtained approval for a "one-party intercept" to tape a telephone call between me and [REDACTED]. He wrote that on specific dates and times he arranged to have [REDACTED] call me from McLaughlin's office at the Keene Police Department. He wrote that he placed four calls, but that he only received an answering machine. The dates and times in McLaughlin's report coincided with those on my telephone bill, however the number of origin on the bill was not the Keene Police Department, but the personal injury law firm of Upton, Sanders and Smith in Concord, 60 miles from Keene).

93. On May 3, 1993, a few days after I learned of the calls on my phone bill, the local police arrived at my home in New Mexico with a warrant for my arrest from the state of New Hampshire. The warrant said that I had been indicted in New Hampshire on charges of aggravated felonious sexual assault against [REDACTED] and [REDACTED] sometime between June of 1982 and November of 1983. I was taken to the Sandoval County Jail where I spent two days, and then was released at a court hearing in New Mexico on a \$10,000 signature bond which my employers at the Paraclete center signed for. This was arranged by attorney Ron Koch, a friend and prominent New Mexico criminal attorney. Ron advised me not to waive extradition to New Hampshire since doing so would require that I remain in jail in New Mexico until New Hampshire transported me. If I did not waive extradition then I was entitled to a bond hearing within 48 hours under New Mexico law. Ron informed me that this infuriated McLaughlin who protested my being able to remain in New Mexico pending arraignment in New Hampshire. McLaughlin then informed the New Hampshire press that I was fighting extradition. attorney Koch arranged with the Cheshire County prosecutor's office in New Hampshire to accompany me to Keene for arraignment sometime in June of 1993.

94. In the days following my release from the New Mexico jail the Paracletes and I agreed that I would be placed on administrative leave pending the outcome of the case. I continued to live with them, and they were uniformly deeply supportive of me. they also had their own nightmare to contend with, however, due to the continued publicity over developments in the "Father Porter case" and resultant scores of lawsuits. On May 14, 1993, Attorney Koch called me. He said that he received a call from a friend at one of the two major Albuquerque newspapers who told me that Detective McLaughlin in New Hampshire had faxed to the paper some forty pages of police reports about the [REDACTED] case, and the [REDACTED] case from five years earlier.

Attorney Koch and I had not yet even received any of this information in discovery when it all appeared on the front pages of The Albuquerque Journal and Albuquerque Tribune. It appeared that McLaughlin did this for no other reason than to embarrass the Paracletes who were supporting me. The next morning the front page headline of the Journal was "Paraclete Official Indicted for Rape". This was devastating to both me and my employers, and because of the link with the Paracletes, who were receiving national news coverage, the news of my arrest circulated on the AP wire all over the country.

95. I could do nothing to combat the vast circulation of news reports about this case which had no basis in reality. I became deeply depressed and made a terrible mistake. I had been taking a large daily dose of a drug, Tegretol, to control epileptic seizures, and I stopped taking the drug. On a Friday evening in mid-May, 1993, while alone in my office, I had an epileptic seizure. When I regained consciousness I was disoriented and panicked. I consumed some 30,000 milligrams of Tegretol and eventually lost consciousness. I have no idea what transpired after that, but I was found three days later, in my truck in the garage of my former apartment near Albuquerque with the engine running. My next memory after taking the drug was awakening in a hyperbaric chamber at an Albuquerque hospital. I spent the next four days in intensive care, then was transferred to the psychiatric ward of another hospital for two weeks, then to a facility in Hartford, Connecticut, the Institute of Living, which the Paracletes had arranged. The Institute's diagnosis was that I suffered a major depression induced by a seizure. I do not recall ever consciously wanting to, or making a decision to, take my own life. I do recall that I was devastated by the feeling that I had unjustly lost everything, and seemed to have no recourse to address it.

96. I was released from the Institute of Living in Hartford near the end of August, 1993, and returned to New Mexico to begin reviewing discovery in the [REDACTED] case with Attorney Ron Koch. I continued to live with the Paraclete community, but I had no money, no job, and no way to fund a defense. I had exhausted my savings on a retainer for attorney Koch and the many medical bills which were not covered by my health insurance. Attorney Koch agreed to continue working on the case and deal with the issue of funding a defense later. While I was hospitalized he received discovery in the case from the Cheshire county attorney's office, and we began to review this discovery. It consisted of police reports of Detective McLaughlin's interviews with each of the [REDACTED] brothers, and his police reports from the 1988 [REDACTED] case which I had

never before seen. The current accusers were [REDACTED] (then age 25), [REDACTED] (then age 27), and [REDACTED] (then age 30). All three had by this time already filed civil lawsuits for monetary damages against me and the Diocese of Manchester. Criminal charges were brought in the allegations by [REDACTED] and [REDACTED], but not [REDACTED] was claiming in a civil suit that when he was 12 Years of age I sexually assaulted him when I invited him to spend a weekend with me at the rectory in Keene. I arrived in Keene in 1983, two weeks before [REDACTED] 18th birthday and a month before he joined the U.S. army. [REDACTED] also alleged that when he was 16 in 1982 I brought him to another rectory in Hudson, NH where he claimed to have been raped by two unknown priests with my knowledge. McLaughlin's reports consisted of two or three separate interviews with each of the three [REDACTED] brothers, and with their mother, [REDACTED]

97. As background information, I had first met the [REDACTED] family when I was a ministerial intern at a parish in Marlborough, NH, during two months in the Summer of 1979. [REDACTED] their mother, kept in contact with me by writing and an occasional phone call. I visited them in Marlborough once or twice for dinner when I was back in New Hampshire during a Summer break from school in Baltimore. I never stayed overnight at their home, nor did any of them ever accompany me overnight to any other place.

98. I became close to this family because of an incident in the Summer of 1979 when I was at their parish in Marlborough for the Summer. One afternoon I was driving to Manchester some fifty miles away and the drive took me past the [REDACTED] residence. [REDACTED] was in front of the house and visibly upset. He flagged me down and I pulled into their driveway. The [REDACTED] had an above ground swimming pool in their yard which was about four feet deep. [REDACTED] explained that the youngest of them, [REDACTED] who was then 5 years old, was found unconscious in the pool by one of his older brothers. [REDACTED] said that his mother was not home, and that [REDACTED] was on the ground in the yard and was still unconscious. When I went into the yard, [REDACTED] who was about 14 then, was shaking [REDACTED] and was panicked. Some of the other [REDACTED] children and some neighbor children were there, but no adults. I instructed them to call the ambulance and to go to the home of a neighbor and bring them out to the yard. [REDACTED] was not breathing and I detected no pulse so I began CPR. [REDACTED] had been at a neighbor's home so she showed up and she, too, was frantic. Marlborough had a volunteer fire

department and ambulance so it took a long time for them to arrive. It also took a long time to revive [REDACTED]. At one point a neighbor who was a nurse took over but could not get a response. I then proceeded to work on [REDACTED] and I finally revived him minutes before the ambulance arrived. [REDACTED] survived and recovered, however he had damaged his sight in one eye from lack of oxygen, and he sustained some minimal brain damage.

99. [REDACTED] husband left this family about a year later and they became severely financially strapped. I recall sending [REDACTED] a small amount of money on two occasions. [REDACTED]

[REDACTED] family attended my ordination on June 5, 1982 at a parish in Hudson, NH. They moved from Marlborough to Keene in early 1983 so when I arrived at the Keene parish in 1983 they had already become members of the parish. In 1986, [REDACTED]

100. Having given this background information to Attorney Koch, we proceeded to read through this discovery I attempted to ascertain why Detective McLaughlin first began investigating me in 1988. At first I believed that his investigation was initiated solely because I had been living and working in the same church rectory as Stephen Scruton, however I was shocked to discover otherwise. In the discovery was a copy of a letter dated September of 1988 to Detective McLaughlin from a social worker with New Hampshire CPS. This shocking letter appeared to have either initiated McLaughlin's investigation of me, or at least elevated it to a priority level for McLaughlin. The letter was on stationery from the NH Division of Children and Youth Services (CPS) and read as follows:

"Dear Det. McLaughlin:

I have disturbing information of interest to you regarding a man living in your area. He is a Catholic priest by the name of Gordon MacRae, and my information is that he is now working as director of Monadnock Region Substance Abuse Services. A contact from the Seacoast region has revealed to me that MacRae was a priest in Florida before coming to Berlin, N.H. in 1983. He molested two boys in Florida one of whom was murdered and his body mutilated. The case is supposed to be still unsolved. My information is that MacRae was moved by the church to New Hampshire to avoid the investigation in Florida. This information was given to me by a former employee of Catholic Social Services in the Diocese of Manchester. She was told this information by

Msgr. Quinn, an official of the Diocese, and warned not to divulge this or she would lose her job."

Signed: Sylvia Gayle

New Hampshire Division of Children and Youth Services

101. I was stunned by this letter. I was never a priest in Florida, had never been assigned there, and had never even visited the state of Florida. I was ordained a priest for the Diocese of Manchester, NH, in 1982, and spent the preceding eight years in college and graduate school in New Hampshire and Baltimore. I also had never been assigned in Berlin, New Hampshire as the letter indicated. Of course, Ms. Gayle enjoys absolute immunity from liability.

102. Attorney Koch and I then proceeded through McLaughlin's 1988 police report which resulted in my agreeing with McLaughlin, without legal counsel, to a guilty plea of a misdemeanor of endangering a minor following the [REDACTED] allegation of attempting to solicit him in November of 1988. The 1988 report, which I was seeing for the first time, was 72 pages long. It did not begin with McLaughlin's letter from Sylvia Gayle, but rather with a statement that [REDACTED] was working for McLaughlin in a "family business" during the Summer of 1988. McLaughlin wrote that [REDACTED] began to brag to him that [REDACTED] was a friend of mine, and that he could ask me for anything and I would give it to him. McLaughlin wrote that "This pointed to possible pedophilic behavior on the part of MacRae." With this suspicion, and with no facts to support it, McLaughlin launched his investigation. He had a suspect and was now in search of a crime.

103. McLaughlin's 72 page 1988 report was a nightmare to read following the [REDACTED] charges in 1993. After writing that he was suspicious of my relationship with his employee, [REDACTED], McLaughlin then wrote that he uncovered information that I had molested two children in Florida and was sent by the Church there to New Hampshire to avoid prosecution. McLaughlin did not, however, immediately contact Florida authorities. I had to read the first 50 pages of his report before there was any indication that he attempted to discover whether the Florida allegation which originated with Sylvia Gayle of CPS was true. Instead, McLaughlin, armed with Gayle's letter, proceeded to interview some 26 youths and their families from the Keene area. He could find no one to accuse me. For page after page McLaughlin wrote of his suspicions, and then concluded that each teenager he spoke to was lying when they

asserted that nothing improper ever occurred between us. In several places McLaughlin simply stated that "a subject" had given him information that MacRae was sexually involved with a specific youth, but that when he questioned the youth he said that he had never even met me. McLaughlin then concluded in his report that I must have been a drug supplier for this teenager so he is protecting me. I had, in fact, never met the boy. McLaughlin also wrote extensively in this report about Father Scruton, the fact that I had lived and worked in the same rectory as Scruton, and the guilt by association that this implied for McLaughlin.

104. McLaughlin also discussed the Florida allegation with [REDACTED] who was working for CPS by this time, and with members of her family. In 1988 [REDACTED] was living in California and [REDACTED] was in the Navy. McLaughlin wrote that he interviewed [REDACTED], but [REDACTED] no claim in 1988 that he was sexually abused by me. McLaughlin indicated that [REDACTED] was going to talk with [REDACTED] and [REDACTED] but she then reported that they made no claim in 1988 when she did talk with them. By the time attorney Koch and I finished reading this 1988 report it became clear that the conversation with [REDACTED] for which I agreed to plead guilty in 1988, took place long after McLaughlin began investigating me. I had no idea at the time that [REDACTED] was an employee of McLaughlin's, and I do not know what the "family business" was that McLaughlin referred to. I did learn that McLaughlin arrested and charged another individual in Keene, a church employee, with offering money in exchange for sex to a Keene youth, and creating child pornography of the same boy. I also learned that the youth bringing the complaint was [REDACTED]. This was [REDACTED] third accusation of sexual abuse, against three separate individuals, in less than two years. There may have been others, but I only became aware of his claim against me, his supervisor in a Keene Job Corps position, and a youth and choir director at a Keene church. Around page 50 of his 1988 report, Detective McLaughlin appeared to have finally contacted law enforcement authorities in Florida to discuss his information that I was implicated in a molestation/murder case there in the early 1980's. McLaughlin wrote that a Sheriff's office in Florida revealed to him that there indeed was a priest who molested two boys in Florida and then was moved by the Church to New Hampshire around 1982. The Sheriff's office then pointed out that the priest's name was not MacRae, and that "your suspect is much too young to be this individual anyway". If the Florida Sheriff named the priest, McLaughlin did not include this information in his report. There is no

indication that McLaughlin then went back to any of the several people he had interviewed about this information, including the [REDACTED] family, to reveal to them that I was not the person involved in the Florida case. This 1988 report concluded with McLaughlin's November, 1988 interview with me and my resultant plea agreement to a misdemeanor involving [REDACTED]. Attorney Koch and I were shocked by this report. The report also said that the interview, which included a confession, was taped in 1988 and that a transcript of the tape was made. When Attorney Koch attempted to obtain this tape and transcript in discovery the Court ordered that it be produced, however McLaughlin claimed that it was lost. He had no explanation for this. In fact, Detective McLaughlin's police reports made reference to a half dozen audio tapes and transcripts of tapes of interviews with me, telephone calls, interviews with the [REDACTED] brothers, and interviews with [REDACTED]. The Court ordered on Motion by the defense that all tapes and transcripts of tapes be turned over to the defense. We never saw or heard any of them. McLaughlin merely claimed, one by one, that each of the tapes and transcripts referred to in his reports could not be located. We also sought tapes and transcripts of any meetings between Detective McLaughlin and Father Stephen Scruton. McLaughlin claimed that in his entire investigation of Scruton not one audio tape was made.

105. Attorney Koch and I then proceeded to read through McLaughlin's 1993 police reports of his interviews with the [REDACTED] brothers beginning with [REDACTED] who was the first of the three to come forward. The report indicated that [REDACTED] went to a Keene personal injury lawyer, Attorney Bill Cleary, who was a friend of [REDACTED] mother, [REDACTED]. Cleary and [REDACTED] then went to Detective McLaughlin. There were police reports of three interviews with [REDACTED] all dated about a week apart. In the first interview, McLaughlin wrote that [REDACTED] claimed to have been sexually abused by me and Father Scruton in the Keene rectory in 1982. [REDACTED] claimed that Scruton performed oral sex on him in my presence, and also claimed that Scruton and I simultaneously fondled him in the hot tub of the Keene YMCA (a charge which is identical to one brought against Scruton in 1990 by another Keene youth, [REDACTED] [REDACTED] which resulted in a misdemeanor plea by Scruton and a lawsuit which was settled out of court). At some point between the first interview with [REDACTED] and subsequent interviews, [REDACTED], attorney Cleary or McLaughlin learned that Scruton was not present in the Keene parish until 1985 when [REDACTED] was over 16 years of age. In

reports of subsequent interviews, Steve Scruton's name was removed from the allegations and never mentioned again.

106. In reading through all of the 1993 reports it became clear that McLaughlin's entire "investigation" consisted of nothing more than his interviews with the [REDACTED]. He did nothing to corroborate or refute their claims, or to investigate them in any way. The reports indicated, for example, that [REDACTED] claimed that after these sexual encounters I paid him money in the form of several checks written in amounts of between \$40 and \$60. McLaughlin made no attempt to investigate my personal checking account from the time period in question, nor the parish checking accounts. Attorney Koch did investigate this. He found no checks written by me to [REDACTED] or [REDACTED] from either my personal account nor the parish account. He did find, however, a dozen checks written to both [REDACTED] and [REDACTED] in the amounts which they claimed, but these were dated between 1985 and 1987 and the checks were filled out and signed by Rev. Stephen Scruton. The reports of McLaughlin's interviews with [REDACTED] were dated in late 1992 and early 1993. The discovery contained a letter from Detective McLaughlin to [REDACTED] dated in late 1992. In this letter McLaughlin wrote that he has reviewed the case thus far with Attorney Cleary and that [REDACTED] may have difficulty bringing a lawsuit against the Church due to the statute of limitations and the nature of his claim. Two weeks after this letter was written, [REDACTED] came forward with his allegations.

107. The interviews with [REDACTED] were very much like those involving [REDACTED] but [REDACTED] was claiming much more serious and numerous assaults. He claimed that beginning in April of 1983 he began seeing me for counseling sessions in my office at the Keene rectory to discuss his substance abuse problems. [REDACTED] would have been 15 years old at that time. He said that I would berate him, make him cry, and then force him to submit to oral sex. [REDACTED] claimed that he had an "out of body experience" during these assaults and could not recall the assaults from week to week as he returned for subsequent sessions. By the time a second report was written, McLaughlin learned that I did not arrive in Keene until the middle of June, 1983, so without regard to the first report, the second one indicated that [REDACTED] had rethought this and the assaults occurred between June and November of 1983 and not April. [REDACTED] turned 16 in November of 1983. 16 is the age of consent in New Hampshire, and, by some coincidence, the assaults were alleged to have stopped the day before his 16th

birthday. Because [REDACTED] claimed abuse while in the context of counseling sessions, the charges were elevated to aggravated felonious sexual assault.

108. The police reports of McLaughlin's interviews with [REDACTED] were all over the map. In the first interview [REDACTED] claimed that he was sexually abused by me in the Keene rectory when he was 12 Years of age. This, however, was a year before I ever met the [REDACTED] and six years before I was ever inside the Keene rectory. A month later, in May or June of 1993, [REDACTED] had a second interview with McLaughlin in which he claimed that he wasn't able to tell the entire story at the last interview, and that he now recalls that he was also raped by two unknown priests at St. John Church in Hudson when he was visiting me there in the Spring of 1982 prior to my ordination. I was never assigned at St. John Church in Hudson, and I never lived there, but I was ordained there and the entire [REDACTED] family attended my ordination. The two priests assigned at St. John Church in Hudson in 1982 were Stephen Scruton and Mark Fleming. Both were known to [REDACTED] at the time he brought his accusation in 1993. Mark Fleming was assigned to [REDACTED] parish in Keene before I was. I learned much later that Mark Fleming was transferred to Hudson because of an allegation of sexual abuse of a minor while in Keene. Stephen Scruton was [REDACTED] pastor in Keene from 1985-87. [REDACTED] described both of his alleged assailants in police reports, but he did not name them. The descriptions he gave were those of Father Scruton and Father Fleming. His lawsuit against the Diocese simply named as defendants the Diocese, me, Father John Doe I and Father John Doe II. [REDACTED] mother, as an employee of CPS, would have had access to the fact that both Stephen Scruton and Mark Fleming were investigated by CPS in 1984 for the sexual abuse of a minor. I was not aware of this fact until many Years later. No criminal charges in the [REDACTED] allegations were ever brought, however his lawsuit was settled out of court by the Diocese of Manchester for an undisclosed sum. To this day, [REDACTED] has never named his alleged assailants. I do not believe that he was ever assaulted at all.

109. Under New Hampshire law, in a case of sexual abuse, and in the absence of evidence, the mere statement of the accuser can be considered evidence enough to convict. This seemed to provide Detective McLaughlin with a degree of comfort for his almost total lack of any investigation into this case was evident. He did not even attempt to interview even one of the many individuals who lived and worked in the Keene, Hampton and Hudson parishes at the time I was assigned to them. attorney

Koch, using the police reports, prepared over one hundred questionnaires which he sent to priests, former priests, parish employees and others in an attempt to either corroborate or refute the [REDACTED] claims. Not one of the respondents to these questionnaires was ever interviewed by Detective McLaughlin, and not one of them could corroborate even the slightest details about the [REDACTED] claims. [REDACTED] for example, claimed that he was raped in a first floor bedroom at the Hudson parish by the two unnamed priest assailants. Seventeen priests and former employees of that parish responded to attorney Koch that the rectory never had a first floor bedroom. Though they all recalled my ordination, and some even recalled seeing the [REDACTED] family there, not one of them ever saw [REDACTED] inside that rectory at any time. [REDACTED]

[REDACTED] no one seemed to ever remember seeing them in these rectories, with the exception of [REDACTED] and [REDACTED] in the Keene rectory. [REDACTED]

[REDACTED]

[REDACTED] There were several payroll checks written to both of them, but these were in addition to the checks written to them by Scruton for fixed amounts.

110. Questionnaires to officials of the Diocese of Manchester were not as successful. Attorney Koch had sent them copies of the "Florida Letter" by Sylvia Gayle of DCYS and also copies of sections of Mclaughlin's police reports which made reference to a priest being sent from Florida to New Hampshire. He also sent them questionnaires about the police report statements of [REDACTED] regarding father Scruton and he indicated his wish to interview Scruton. Suddenly the Diocese became very uncooperative. If questionnaires were responded to at all it was minimal, and only after threats of issuing subpoenas by Attorney Koch. At one point the attorney for the Diocese wrote to Koch instructing him to have no further contact with his client, the Diocese of Manchester. I responded to this myself with a statement that under canon law I was entitled to have access to my bishop and diocesan personnel and could ask

them whatever I wanted to ask them. In the weeks that followed, the diocese canceled my health insurance and auto insurance and ceased to have any further contact with me.

111. Questionnaires to Father Scruton were equally unsuccessful. He did not respond at all to the eight questionnaires Attorney Koch had sent him. Prior to trial, however, we did locate him and asked him if he would voluntarily cooperate. He stated that he would speak with his attorney and then get back to us. The next day he fled the state and we were unable to locate him before the trial. He is now living in Massachusetts just over the New Hampshire line. To this date no one, to the best of my knowledge, has ever questioned Father Scruton about the [REDACTED] claims against him or about his involvement in this case. He has successfully evaded any explanation, even a denial, of the fact that initially he was accused by the [REDACTED]s well. I have always presumed that he, too was falsely accused by them for monetary gain, but he has not even attempted to deny their claims.

112. At some point in our preparation for trial I approached Attorney Koch about taking voluntary polygraph examinations. New Mexico happens to be the only state that allows polygraph evidence in a criminal court so the technique is often used, and the state had several licensed polygraph examiners. Attorney Koch arranged for me to be tested by a polygraph examiner who was utilized in several state and local police departments in New Mexico. The examiner reviewed the discovery and then set up three separate polygraph sessions for each of the three [REDACTED] brothers' allegations. The result was that I was conclusively truthful in regard to my denial of the allegations brought by [REDACTED] and [REDACTED]. The outcome of the polygraph regarding [REDACTED] was inconclusive, but also was not an indication that I was lying. I had no idea why this was inclusive, and I made arrangements to repeat the examination. The second one was also inconclusive, but again leaned toward truthfulness on my part. Attorney Koch then contacted the Cheshire County prosecutor handling the case, Bruce Reynolds, to discuss the polygraph results. Reynolds merely stated that they are not admissible in New Hampshire and that he was not interested in the results. Attorney Koch offered to send the results, but Reynolds refused to look at them. Attorney Koch then asked that the [REDACTED] also take polygraphs, but they and their attorneys refused. At this point, however, the prosecution began to offer plea bargains.

113. Their first was an offer of 7.5 to 15 years which Ron Koch flatly rejected. A few months later they offered another of 3.5 to 7 years which was also rejected. It took 18 months from the time of the indictments until this case went to trial. A month before trial, the prosecution offered a final plea bargain of one to three years in exchange for a guilty plea to just one of the charges and the dismissal of all others. I rejected this as well. During the trial, immediately following the incredible testimony of [REDACTED], [REDACTED], Prosecutor Bruce Reynolds asked Attorney Koch if I would again consider a negotiated plea. He asked that we make a counter offer to his earlier plea offer of 1 to 3 years. Mr. Koch met with me about this, but I could not force myself to stand in that court room and admit to something I had not done. I rejected the fourth offer of a plea bargain. This seemed to infuriate Reynolds and Detective McLaughlin, and from this point forward in the trial they sought a conviction at any cost. I do not believe that they, themselves, believed [REDACTED] testimony.

114. Sometime prior to the trial, which was receiving a great deal of publicity, I became aware of a meeting between Detective McLaughlin, County Attorney Reynolds, and officials of the Diocese of Manchester. I do not know the substance of this meeting, but after it the Diocese issued an extremely damaging press release which was printed throughout New Hampshire. The release stated that "The Church, too, has been a victim of the actions of Gordon MacRae just as these individuals have been. It is clear that he will never again function as a priest. We support his victims in their courage in bringing these charges forth at this timeetc.". Attorney Koch vehemently protested this saying that after such a pronouncement prior to trial there was little left for a jury to do. McLaughlin and Reynolds also were castigated by the trial judge for attaching to a nonsense motion all of McLaughlin's police reports containing vast amounts of unfounded innuendo and uncharged allegations by unnamed "subjects". This served to thrust all of this into the public record, and into the press just prior to jury selection in the trial. Attorney Koch then sought a change of venue which was denied.

115. Attorney Koch at some point filed a motion to sever the complaints. This may have been a mistake in hindsight. The motion was granted and a trial date was set in the allegations by [REDACTED] only. On the surface this was a victory for the defense, but a mixed one for it meant that we now had to try this case in a vacuum. Only the time period between June and November of 1983 could be addressed. The trial commenced on September 12, 1994, eleven years after [REDACTED] allegations. I

had no defense witnesses other than some members of my family who testified that [REDACTED] never spent a night at their home as he alleged in one of the police reports. [REDACTED] also testified that in 1983 at the time he claimed he was raped, he saw an expensive marble chess set and inlaid marble board in my office. I produced a witness, a priest, who testified that he and I vacationed together in Bar Harbor, Maine in the Spring of 1987 and that I purchased that chess set then when [REDACTED] was twenty years of age. [REDACTED] may have seen it when he was working for Scruton in the parish at that time. There were no other defense witnesses.

116. [REDACTED] testimony was simple, but it took days to elicit it as each time he could not answer a question he would begin crying. His attorney handling his civil lawsuit, Attorney Robert Upton from the Law Firm of Upton, Sanders and Smith, was present in the court room and was permitted to consult with [REDACTED] during breaks in his testimony. (Attorney Upton was allowed to be present despite the fact that he was on the list as a potential defense witness. Attorney Koch and I were prepared to call him for an explanation of why several calls to my home claimed in police reports to have been made from Detective McLaughlin's office during his investigation actually originated from Attorney Upton's lawfirm.)" A woman working with his attorney was also present, and several friends of mine complained to Attorney Koch that each time [REDACTED] was unable to answer a question she would give him a signal to begin sobbing, at which point the judge would declare a break. [REDACTED] eventually testified that in the Summer of 1983 he was sent to me for counseling by his mother. He stated that he had five appointments a week apart, and that at each one of the sessions he was forcibly raped in my office. When the fact that even at the age of 15 he was much larger than me was revealed by my attorney [REDACTED] just cried and spoke of some mysterious mental power I had over him because I was a priest. In answer to the question of why he returned for four subsequent sessions after each time he was raped, [REDACTED] answered that each time he repressed the memory of the rape and remembered only the counseling. He added that from week to week he was in a trance, and that he has no memory of how he came to be there, or how he left each time. [REDACTED] also testified that he has been in six alcohol and drug treatment programs since the age of 15. This fact was freely offered by the State as "proof" that he must have been sexually abused by someone. The State then produced an expert witness, Dr. Leonard Fleischer, a psychologist who never met either [REDACTED] or me. Dr. Fleischer testified that 80% of male patients in drug

treatment centers have been sexually abused as children. He also testified that [REDACTED] claims of repressed memory and out of body experiences during the abuse are typical. [REDACTED] then stated that he had no knowledge of any civil lawsuit brought against the Church, and that he went to Detective McLaughlin first, then to an attorney. McLaughlin testified, and wrote in police reports, that [REDACTED] went to a lawyer first. Finally, [REDACTED] expressed anger at having to have a trial. He said that McLaughlin assured him that I was being offered a plea bargain that I couldn't possibly refuse and there would never be a trial.

117. The judge then instructed me not to take the stand in my own defense. He warned that if I did so, he would be forced to "open the door" and allow [REDACTED] and [REDACTED] to testify about their claims of abuse. We were never able to make any mention of their relationship with Father Scruton, his history, the fact that they first accused him as well, and the checks which we found by Scruton. We could not have access to [REDACTED] treatment records, and we could not mention his extensive criminal record as a juvenile and as an adult. The jury never heard any reference to Father Scruton's presence in police reports, nor the fact that initially the first of the [REDACTED] brothers to come forward had simultaneously accused Father Scruton as well. Despite his presence in Detective McLaughlin's initial police reports on the [REDACTED] case, Father Scruton's name never surfaced in connection with this case in any public forum.

118. One of the defense witness was supposed to be a Ms. Debbie Collet, a former counselor at Derby Lodge, one of the six drug and alcoholism treatment facilities in which [REDACTED] had been a patient. In the 1993 police reports [REDACTED] reported that in 1987, when he was a patient at Derby Lodge, he told his counselor, Ms. Collet, that he was sexually abused and that he named me as his abuser. For [REDACTED] lawsuit against the Diocese of Manchester to be successful, he could not claim that he was unaware of the abuse from 1983 until 1993. He had to have claimed that he was aware of it and even revealed it to someone by 1987. Under the "Discovery Rule" in the New Hampshire Rules of Civil Procedure, [REDACTED] had to demonstrate that he discovered that he was injured within six years of the claimed abuse. Stating, therefore, that he revealed this to Ms. Collet at Derby Lodge in 1987 satisfied the Discovery Rule. I am certain, however, that those coaching [REDACTED] did not think that we would be able to find Ms. Collet and produce her as a witness.

119. In 1993 Ms. Collet was working as a school counselor in the State of Vermont, and attorney Koch located her. She remembered the case well, and she told attorney Koch that [REDACTED] did claim that he was sexually abused, told her that the abuser was a "clergyman", but did not name me as his abuser. In fact, she pointed out, [REDACTED] claim of having been abused came within the last few days of his treatment. Ms. Collet produced a document from [REDACTED] treatment file. The document was dated two days before [REDACTED] discharge. In this document [REDACTED] had to outline his discharge plan which required that he name a person to be his sponsor and contact person to monitor his attendance at A.A. and N.A. meetings, and to monitor his sobriety. In this document, [REDACTED] indicated that he planned to ask me to be his temporary sponsor until he could locate someone in A.A. and N.A. to sponsor him. Ms. Collet pointed out to Attorney Koch that it would seem very strange if [REDACTED] accused me to their staff of sexually abusing him, and then choosing me to be his sponsor. She said that it would also have been impossible that the staff would have approved this plan under such circumstances. Ms. Collet offered to testify for the defense and produce [REDACTED] treatment file, including this document, but that she could only do so if [REDACTED] signed a release. [REDACTED], who was being heavily coached throughout the trial by Reynolds, McLaughlin and the attorney representing him in his lawsuit, refused to sign the release. Attorney Koch then had to present in Court a justification for the Court's ordering these treatment files and Ms. Collet's testimony. Before the next day of trial, the prosecutor, Bruce Reynolds, contacted Ms. Collet, bullied her, threatened her with arrest, and ordered her to appear as a prosecution witness. Ms. Collet, it turned out, had been fired from the treatment facility for unknown reasons. Reynolds threatened her with media exposure of these reasons. By the time Ms. Collet appeared in court she was totally emotionally disabled. Her therapist contacted the Judge and said that testifying would be too threatening for Ms. Collet. She agreed to testify, but not in open court and not in the presence of reporters. By the time she actually did testify her emotional state was obviously extremely strained. She still testified that [REDACTED] did not name me as his abuser, and stated that the only time he did mention my name was when he said that he planned to ask me to be his sponsor while developing his discharge plan. She produced the document in which [REDACTED] wrote my name as his choice of sponsor and contact person at discharge. The document was signed by [REDACTED] and Ms. Collet. This document was then circulated for the jury to examine. At

the conclusion of her testimony, Judge Brennan discharged Ms. Collet as a witness due to her obviously strained emotional state.

120. [REDACTED] then took the stand again after a lengthy break. He now changed his story and said that he named me to Ms. Collet as his abuser but that she did not believe him. He also tearfully testified that she forced him to put my name on the discharge form as his choice of sponsor. Because Ms. Collet had been discharged as a witness the defense could not recall her to cross examiner her about this new account. Attorney Koch raised this issue with the Court, but the Court ruled that it had discharged Ms. Collet and had no plans to recall her.

121. In the middle of trial a surprise witness came forward who had been watching excerpts of the trial on the news. He told Attorney Koch that two years earlier he was in a drug treatment facility with [REDACTED] and that [REDACTED] was leaving AMA. He said that he confronted [REDACTED], and that [REDACTED] told him that he was leaving because he had an idea for an insurance scam. The judge would not allow this testimony because it was hearsay.

122. In his closing arguments, the prosecutor, Bruce Reynolds, made a dozen references to the notorious "Father Porter case" and other cases involving priests in New England. He invited the jury to send a message to the Catholic Church. The trial took place in the same week as the local elections, and the County Attorney position was being contested by one of the two Assistant County Attorneys. At one point the prosecutor, Reynolds, was reprimanded by the judge for wearing his campaign buttons during the trial, and thus in front of the local media and television cameras. Reynolds lost the race, and on the last day of trial he was fired for unknown reasons. Two years later Bruce Reynolds attempted to run for County Attorney again. His press releases cited his successful prosecution of me as one of his major accomplishments. During the race Reynolds was accused of income tax evasion and withdrew from the race.

123. At the close of trial, the judge then, Arthur Brennan, instructed the jury that this is a case without evidence and based entirely on credibility. He said that in New Hampshire, the statement of the accuser may be considered evidence enough to convict if the jury believes this testimony over that of the defendant. The defendant, he pointed out, never took the stand, however. In a case brought to trial eleven years after the claims of abuse, with no evidence or corroboration whatsoever, and with very dubious details about the claims presented, the jury convicted me on all counts in 90

minutes. The case had been successfully prosecuted in the media long before it went to trial. Sentencing was scheduled for six weeks later. In the interim, while I was in the county jail awaiting sentencing, the State offered Attorney Koch a new plea: one to two years concurrent with whatever I am sentenced to if I avoid trial in the other charges and plead guilty. Attorney Koch, my friend Attorney Eileen Nevins, and my family all urged me to accept. I had no choice. Pleading guilty to these charges was the worst day of my life.

124. Weeks later I was sentenced to the maximum possible sentence for the [REDACTED] conviction: 33 to 67 years in prison. New Hampshire has a "Truth in Sentencing Law". I am now 44 years of age. I will be 74 when I am first eligible for parole, and then only if I admit to all that I have been accused of. I cannot.

125. I had no funds for an appeal, and since Ron Koch was in New Mexico my appeal was turned over to the public defender. He used three issues for appeal: the inadmissibility of the State's expert witness testimony, the failure of the trial judge to provide us access to [REDACTED] juvenile and adult criminal records, and the judges instructions to the jury to ignore certain inconsistencies in [REDACTED] testimony. The State Supreme upheld my conviction on June 6, 1996. I am innocent of these charges.

126. The lawsuits by all three of the [REDACTED] brothers, which were brought prior to the criminal charges, have been settled out of court by the Diocese of Manchester and its insurers for an undisclosed sum.

127. Detective McLaughlin, the Keene Police Officer who brought the case, has frequently been the subject of news reports. He brought charges against two other New Hampshire priests, both of which resulted in "negotiated pleas" for light sentences. Both cases resulted in civil lawsuits against the Diocese of Manchester which were also settled out of court.

128. My last contact with officials in the Diocese of Manchester took place in March of 1994 while I was preparing for trial. (As indicated earlier in this document, and to again place this into chronological perspective, the charges against me surfaced in May of 1993 alleging that sexual assaults of the [REDACTED] brothers occurred sometime between 1978 and 1983 although this was later amended by them to claim that they all occurred in 1983). In March of 1994 I wrote a letter to Bishop Leo O'Neil of the Diocese of Manchester raising several areas of concern about the conduct of diocesan officials

regarding this case. A copy of this letter is attached. Bishop O'Neil did not respond, and a second letter was written by me, on the advice of canonical counsel, but neither Bishop O'Neil, nor any other diocesan official, responded to this letter. In April of 1994 I sent a second letter on the advice of a canonist, and again outlined the issues and requested a response. There was no response to this letter as well. A month prior to trial my attorney, thoroughly frustrated with the lack of cooperation and response from the diocese, prepared a civil action against the diocese. A copy of this was sent, unsigned and unfiled, to the Bishop in the hopes that it would finally prompt a response. The attorney for the Diocese, Mr. Bradford Cook, then telephoned me and apologized for the earlier diocesan press release in which I was declared guilty by diocesan officials prior to a trial. What Msgr. Christian (now Auxiliary Bishop Christian) earlier referred to as "a carefully crafted statement" was now being explained by Attorney Cook as hastily written by Msgr. Christian and sent to the local news media against his (Mr. Cook's) advice. The lawsuit prepared by my attorney was never filed and was withdrawn at my request because I did not want to take such a public stance against my bishop and diocese.

129. At the time I went to trial in September, 1994 no one from the Diocese was present during the trial. The local newspapers made mention of this fact. In the three and one half years of which I have been incarcerated in the New Hampshire State Prison, I have not seen nor heard from any member or official of the Diocese of Manchester. The prison is approximately fifteen miles from the Diocesan Office. The prison chaplain is a layman, a retired engineer, who will soon retire and is being replaced as chaplain by another layman. He meets with me weekly and brings me the Eucharist.

130. In 1996 Monsignor Francis Christian, who had been Diocesan Chancellor, Secretary to the Bishop, and Secretary for Administrative Affairs for the previous twenty-five years, and who figured prominently into the Diocese's decision making in this case, was elevated to the rank of Bishop and appointed Auxiliary Bishop of the Diocese of Manchester. At the end of 1997, Bishop Leo O'Neil announced in a publicly televised press conference that he had been diagnosed with bone cancer and leukemia, and would be forced to turn over administration of the Diocese to Bishop Christian. Ten days later, Bishop O'Neil died leaving the Diocese vacant. Bishop Christian continues as Administrator of the Diocese pending the naming of a new

Ordinary. The untimely death of Bishop O'Neil was a sad occasion for the Diocese, and for me, personally, since no contact or attempt at reconciliation had taken place between us. The Requiem Mass for Bishop O'Neil was televised live by a local television station, and I was able to join my brother priests in this Liturgy by viewing it from my prison cell.

131. I am now in the unenviable position of being unable to defend myself publicly without also disclosing an immense scandal for the Catholic Church in the Diocese of Manchester. In 1996, following the loss of my appeal, my case was accepted by a San Diego based organization known as The National Justice Committee which investigates and advocates in cases in which individuals are falsely accused and wrongly convicted of sexual abuse charges. This organization has been responsible for a reconsideration of other high profile cases such as that involving the Amirault family (The Fells Acres Day Care case) in Massachusetts. Late in 1997 the organization arranged for my case to be reviewed by former Los Angeles prosecutor Marcia Clark and officials of one of the major television networks. In January of 1998 I received correspondence from Ms. Clark urging me to allow the entire case to be aired in a nationally televised prime time format. After much soul searching, I have declined this invitation for now. It is simply not my wish to be the catalyst for the public airing of a major scandal for the Church. This position is difficult for most to accept and understand, and the most difficult aspect of this position is its inherent loneliness. Many of those who have stood by me and want the truth to be known - my family, close friends and a host of others who have developed interest in the case - have expressed their exasperation over what they perceive as my continued protection of those who have alienated me, scapegoated me, and vilified me. It is a difficult position to maintain.

132. Since my incarceration there have been many developments which have occurred, and which effect the outlook and prognosis of the situation in which I find myself. First among these is that the Servants of the Paraclete Community in New Mexico have continued to minister to me in profound and heroic ways which must be acknowledged. The minister General of the Servants, Very Rev. Liam Hoare, has traveled the 2,500 miles from New Mexico to visit me nearly every two to three months since I have been in prison. Other members of the Servants community have also visited, and correspond frequently. Given that the Servants have suffered their own crucifixion in the American news media I highly commend them for their public support and encouragement.

The preceding, though lengthy, is a true account.

Signed and Sworn in Concord, New Hampshire on April 11, 1998

Father Gordon J. MacRae

C/O Attorney Eileen A. Nevins, Esq.

Unit 3-2 One Park Avenue

Hampton, N.H. 03842-1011

Tele. (603) 926-1366

E-mail GJMacrae@aol.com

NB: Attorney Nevins maintains the signed, sworn, notarized original of the foregoing affidavit.

The following individuals are in receipt of a photocopy of this document, and have agreed not to photocopy or disseminate it without prior permission, in writing, of Fr. Gordon J. MacRae or his attorney.

1. Rev. David L. Deibel, J.D., J.C.D. (Canonical Mandate and Procurator)
Judicial Vicar
Diocese of Sacramento
2110 Broadway
Sacramento, CA 95818
2. Ms. Carol Hopkins, Director
The National Justice Committee
625 Broadway, Suite 1111
San Diego, CA 92101
3. His Excellency,
Most Rev.-----
(A friend who is a foreign Pro Nuncio and canonist and who had agreed to present the case in Rome. I have promised not to reveal his identity.)
4. His Excellency,
Mons. Dario Castrillon Hoyos
Prefect, Sacred Congregation for the Clergy
Piazza della Citta Leonina, 1
00193 ROMA
Italia
5. Very Rev. Liam J. Hoare, s.P.
Minister General
Servants of the Paraclete
13270 Maple Drive
St. Louis, MO 63127-1905
6. Mark L. Sisti, Esquire
Law Firm of Twomey & Sisti
387 Dover Road
Chichester, NH 03234
8. Deborah C. Karonis (Power of Attorney)
31 Madison Street
Lynn, MA 01902

