

AFFIDAVIT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDOVAL)

Father Liam J. Hoare, being first duly sworn, states:

1. I am currently the head of Servants of the Paraclete. My formal title is "Servant General." I have held this position since I was elected by majority vote of the Servants of the Paraclete in 1987.

2. I was born in Dublin, Ireland, and after graduating from high school in Dublin, I worked as a bartender for one year, then as a bus conductor for another year, in London. I then took a job as a junior executive for Shell Oil Company in London. In 1963, through a friend and co-worker, I met Father Gerald, the founder of Servants of the Paraclete. I became interested in the work that he was doing and asked if I could join in it. I was accepted as a novice, moved to a Servant of the Paraclete facility in Rome, and pursued theological studies at Pontifical Beda College in Rome. I attended this seminary from 1964 until March, 1968, when I was ordained as a priest of Servants of the Paraclete. I served at several facilities of Servants of the Paraclete in England, Scotland, Italy, and Missouri.

3. In 1974 and 1975, I studied alcoholism and drug abuse counseling at Willmar State Mental Hospital in Willmar, Minnesota, and took four quarters of clinical pastoral education at Hazelden Foundation, which specialized in substance abuse counseling, in Hazelden, Minnesota. From 1975 to 1981, I was the religious superior at Servants of the Paraclete's extended care facility for

recovering alcoholic priests and brothers at St. Michael's retreat in St. Louis, Missouri. I began attending the Wright Institute in Berkeley, California in 1983. By 1987, I had received my M.A. in Clinical Psychology from the Wright Institute and had completed all requirements for my Ph.D. in Clinical Psychology except my dissertation. Since I was elected Servant General in 1987, my formal education has been interrupted and I've been unable to devote the time necessary to completion of my dissertation.

4. Servants of the Paraclete has been sued in lawsuits involving Jason Sigler, David Holley, and James Porter. I have no firsthand knowledge of any of those men or their treatment, but some of the allegations in the lawsuits, and some of the accusations printed in the media, caught me totally off guard. We have never perceived ourselves as the protectors of pedophile priests and the opponents of victims. Rather, we have always viewed ourselves as the pioneer group within the Catholic Church that has consistently, to this day, tried to remedy the problem. Although I don't have any firsthand knowledge about the particular priests involved in the lawsuits, I do have firsthand information concerning some of the issues in the lawsuits, and particularly the development of programs designed to deal with the problem of priests who molest children.

5. I lived in the Servants of the Paraclete's facility near Rome from 1964 through 1968. Father Gerald took up residence there in 1965, and I normally sat at the same dinner table with Father Gerald and the Vicar General of Servants of the Paraclete, Father

Edward Woeber. Father Gerald was an intensely spiritual man who was tremendously charismatic and energetic. I've read the Affidavits of John Feit and Father Joseph McNamara, and their descriptions of him are accurate. I recall numerous conversations at the dinner table between Father Gerald and Father Edward Woeber concerning events in the United States in late 1965 and 1966. Father Gerald was quite bitter, as he felt that what he had created had been taken from him. Both John Feit and Father McNamara mention in their Affidavits that Father Gerald's concern was the spiritual rehabilitation of priests, to be accomplished through religious devotion, rather than through psychotherapy or some other form of lay rehabilitation, and I recall Father Gerald frequently expressing this view. Attached to my Affidavit as Exhibit "A" is a copy of a letter from Father Gerald to Cardinal Cicogani, the Apostolic Delegate to the United States, concerning the dispute between Father Gerald and primarily Archbishop Davis concerning the introduction of lay therapy programs to Via Coeli Monastery in 1965. This letter expresses Father Gerald's view that each person is individually responsible for his own conduct, and his view that the theories of psychotherapists ultimately led to moral degeneracy and individual irresponsibility.

6. Father Gerald never sought to call Via Coeli Monastery a "rehabilitation center" or a "treatment center," and it was never called by either of those terms or anything similar in the days that it existed. It was called a "home for aged and infirm priests," and those words appeared on the Via Coeli Monastery

stationery. It was a place where priests could engage in spiritual and religious exercises and studies, and obtain salvation.

7. I've read the letters written by Father Gerald attached as Exhibit "A" to the Affidavit of Father McNamara and Exhibit "A" attached to the Affidavit of John Feit. One letter was written in 1948, another in 1957, and another in 1960. All state that it is the policy of Via Coeli Monastery not to accept as guest priests individuals who had been accused of molesting children. Based upon my conversations with Father Gerald, and the language of the letters themselves, the policy established by Father Gerald was not based upon any medical or scientific view that such individuals, having molested a child or children, were destined to continue doing so. Father Gerald generally viewed molestation of a child by a priest as an isolated incident, and as his letters indicate, he felt that if it happened once, it was necessary for the priest to spend the rest of his life, preferably as a layman, trying to obtain salvation. Father Gerald's view of priests or anyone who molested children stemmed from his spiritual values, and religious writings. For example, the Bible says:

At that time the disciples came to Jesus and asked, 'Who is the greatest in the Kingdom of Heaven?'

He called a little child and had him stand among them. And he said: 'I tell you the truth, unless you change and become like little children, you will never enter the Kingdom of Heaven. Therefore, whoever humbles himself like this child is the greatest in the Kingdom of Heaven.'

And whoever welcomes a little child like this in my name welcomes me. But if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depths of the sea.

Matt. 18: 1-6 (Life Application Bible, New International Version, 1991). (These verses were quoted in a letter that Pope John Paul II sent to all bishops in the United States on June 11, 1993. The letter has been quoted extensively in the media. I gave our attorney the reference to these verses months ago, when I was asked what the basis for some of the statements made in Father Gerald's letters was.)

8. Of the three letters Father Gerald wrote, copies of which are attached to John Feit's Affidavit and Father McNamara's Affidavit, the 1948 letter attached as Exhibit "A" to Father McNamara's Affidavit most particularly describes Father Gerald's views of a priest who had molested a child. In that letter, Father Gerald states that what caused the priest to do whatever he had done was not lust, but pride. "Because you are a proud priest, God permitted you to learn the bitter way the truth of your own nothingness." Father Gerald then states that "all I can suggest for you would be to go somewhere you will not be known, and there achieve by God's grace your salvation, in the humble honest labor of a man of the world." Father Gerald envisaged an island retreat as a place where such men could devote the rest of their lives to the salvation of their souls. Father Gerald viewed the problem entirely as one of sin and moral failure, not in behavioral or psychological terms.

9. I can understand how the Servants of the Paraclete of the late 1960s came to accept the opinions of psychiatrists and psychologists that a man who had molested a child or children could

be cured of his affliction. Redemption is a fundamental aspect of the Catholic faith. In his letter to all bishops in the United States dated June 11, 1993, Pope John Paul II, after describing Christ's view that scandal "of the little ones" is the worst of all scandals, and that we must be concerned for the victims of sexual abuse by clergy, admonishes the bishops as follows:

Every sinner who follows the way of repentance, conversion and pardon can call on the mercy of God, and you in particular must encourage and assist those who stand to be reconciled and find peace of conscience.

I knew most of the Servants of the Paraclete of the era of the mid to late 1960s. I think that they intended in good faith, through therapy programs, including intensive spiritual programs and psychiatric therapy at the major hospitals in Albuquerque, to change the way the Church dealt with priests who had molested children. This was at a time when it was a common occurrence within the Church to transfer a priest who had molested a child or children in one parish to another parish, without any intervention of any sort, spiritual or psychological, relying on nothing more than the priest's vow that he would not sin again. The goal of the Servants of this era was not to keep in the priesthood priests who would otherwise have been removed from the priesthood for molesting children. That happened rarely, if at all, in that era. Instead, their goal was to rehabilitate the individual, both psychologically in terms of curing the affliction and spiritually in terms of saving his soul. They believed that by doing so, they would benefit the Church, its parishioners, and would fulfil the

obligation of a priest to "encourage and insist those who stray to be reconciled and find peace of conscience."

10. Servants of the Paraclete had never espoused the position that a priest who abused or sexually molested a child should receive special treatment because he is a priest. We do believe that the spiritual programs conducted by Servants of the Paraclete are of assistance in changing the behavior of such priests and preventing relapses, which is our ultimate goal. Many lay programs, including the tremendously successful Alcoholics Anonymous, have a spiritual component which aids the effectiveness of the overall program. We believe, and the independent professionals with whom we work agree, that the substantial spiritual aspect of the program of Servants of the Paraclete is of particular assistance to priests.

11. As noted above, we have always viewed ourselves as an entity within the Catholic Church which has encouraged and promoted changes which we believe will reduce child abuse by priests. We have never viewed ourselves as the protectors of pedophiles. Some of the reasons for our self-image includes the following:

A. As the psychological and psychiatric community and Servants of the Paraclete developed more information about the likelihood of relapse by a man who had molested a child or children, Servants of the Paraclete made recommendations accordingly. We have recommended to bishops and major superiors that a number of priests sent to us for evaluation and treatment not be returned to any

form of ministry at all. In cases in which there has been only one non-violent incident by an individual reported ("low risk individual"), depending upon the recommendations of the psychologists and psychiatrists who counsel the individual in therapy, we may recommend a return to ministry, but only under certain conditions, including that the ministry not involve any contact with children, that the people with whom the individual works be given full knowledge of the prior incident and prognosis; and that the individual participate in aftercare. Our goal is to prevent the sexual abuse of children. We believe that the best way to do so, in the cases of certain low risk individuals, is to have them remain in ministries not involving any contact with children, where the people with whom they work are aware of their problem and they are maintained through aftercare programs.

B. In the early 1980s, Servants of the Paraclete donated diagnostic equipment to be used in the Sex Offenders Program to the UNM Department of Psychology. The Sex Offenders Program, established by the UNM Department of Psychology in conjunction with the courts in Albuquerque, provided evaluation and treatment of criminal sex offenders. As Servants of the Paraclete dealt with a relatively small number of priests who had molested children, the diagnostic equipment did not

receive a great deal of use. We felt that it would be more useful to society as a whole to donate the equipment to the UNM Department of Psychology. In return, the UNM Department of Psychology provided evaluations for residents of Servants of the Paraclete who had been accused of molesting children, and also was able to use the diagnostic equipment for use in connection with anyone ordered by the criminal courts in Albuquerque to undergo evaluation by the Sex Offenders Program. While the Constitution and charism of Servants of the Paraclete limits us to dealing directly with priests and other religious, we would like to assist society as a whole in dealing with the problem of the sexual abuse of children.

C. Servants of the Paraclete has cooperated with other institutions in exchanging information and research in the interest of developing the broadest possible base of experience to develop knowledge about the diagnosis and treatment of child molesters. In 1987, Servants of the Paraclete requested that Dr. Jay Feierman, an internationally recognized authority subject on the subject, to organize a conference with other experts on the subject of sexual abuse of children. We provided the funding, and hosted the conference in Jemez Springs. The authorities who attended, none of whom were religious officials, were the leading psychologists and psychiatrists in the world who specialized in human

sexuality. A lengthy book was published as a result of this conference. We hoped that this would promote a greater understanding and recognition of the scope of the problem and the difficulties in preventing relapse.

D. For many years, Servants of the Paraclete has recommended to bishops and major superiors that candidates for the priesthood be given a battery of psychological tests prior to ordination. I've personally given a number of speeches and talks to different groups of priests, bishops, and major superiors, and made such recommendations. While this would by no means be a "cure-all," it would be a step in the right direction.

E. I served on the "Think Tank" on Child Sexual Abuse by Priests which met in St. Louis in February, 1993. The "Think Tank" was organized by the Priestly Life and Ministry Committee of the National Conference of Catholic Bishops, and consisted of a diverse group of thirty people, including one bishop, two victims of former priest James Porter, two priests who had molested children, moral theologians, experts in the fields of human sexuality and sexual abuse issues, representatives of victims' groups (VOCAL and LINK), and others. This group met in St. Louis, Missouri, from February 21 through 23, 1993, to discuss constructive approaches to the problem of child sexual abuse by Catholic priests and religious. Following the meetings on February 21-23,

representatives of four residential treatment centers met in Philadelphia from March 19 through 21, 1993, to fashion specific recommendations to be made to the National Conference of Catholic Bishops. Attached as Exhibit "B" is a copy of the recommendations we made. I fully support each and every one of them.

12. Although Servants of the Paraclete and victims of sexual abuse by clergy are on different sides of the lawsuits that Mr. Pasternack filed, we have never viewed ourselves as being on the opposite side the issues from the victims. One of our members has publicly acknowledged that he was sexually abused by a priest when he was a child, and he is today a member of Victims of Clergy Abuse Linkup ("VOCAL") and he attended their national convention. Other members of Servants of the Paraclete, who wish to remain anonymous as do many of the plaintiffs in these lawsuits, were sexually abused by priests when they were children.

13. The lawsuits filed by Mr. Pasternack are the only cases in which Servants of the Paraclete has been sued by victims of sexual abuse by priests. We have had one claim made against us by one claimant, concerning alleged sexual abuse by a former resident priest, which is not in litigation. There have been no other claims, in litigation or outside of litigation, against Servants of the Paraclete by victims of sexual abuse. There have been claims by resident priests against Servants of the Paraclete with regard to our recommendations that they either not return to ministry at all or return only to a very restricted ministry. For example, in

the 1980s, Servants of the Paraclete was sued by a priest who was accused of sexually molesting a victim. The parents of a fourteen year old boy had complained to the priest's bishop that the priest had fondled the boy. The priest, who steadfastly denied the accusation, was sent to Servants of the Paraclete for diagnosis and evaluation. Servants of the Paraclete recommended that he be removed from any ministry involving any contact with children, and the priest's bishop followed the recommendations. The priest then filed suit in federal district court against the parents who had complained to the bishop, the bishop, and Servants of the Paraclete, alleging a variety of theories, including conspiracy, wrongful termination, infliction of mental distress, and so forth. The lawsuit was dismissed by the trial court and the priest appealed to the circuit court. The circuit court affirmed the trial court's dismissal of the case.

14. The lawsuits filed by Mr. Pasternack are based upon priests who were initially sent to Servants of the Paraclete in 1967, 1970, and 1971. When the initial lawsuit -- involving James Porter -- was filed against Servants of the Paraclete in the late summer of 1992, we had a great deal of difficulty in formulating any response to it. None of the current Servants of the Paraclete had served at Via Coeli Monastery between 1967 and 1969, when James Porter was there. None of the current Servants of the Paraclete knew who James Porter was. We could not locate any file or documents concerning James Porter (we've since obtained copies of documents Servants of the Paraclete prepared when James Porter was

at Via Coeli Monastery from persons to whom those documents were sent, and they reveal that Porter was treated by psychiatrist John McCarthy, who was on the staff at Nazareth Hospital, the leading psychiatric hospital in New Mexico at the time). Most of the Servants of the Paraclete who served at Via Coeli Monastery in the late 1960s and early 1970s are dead. Dr. John McCarthy's records concerning James Porter have never been located. The other priests involved in the lawsuits filed by Mr. Pasternack, David Holley and Jason Sigler, were both treated at Lovelace Hospital, and Lovelace Hospital has advised that it has no records from that time period.

15. On the subject of lost documents, Servants of the Paraclete has been accused, apparently, of shredding its files on James Porter, David Holley, and Jason Sigler after the lawsuits were filed. This is absolute nonsense. I don't know what became of our original files, but I do know that different superiors have had different record retention policies over the years -- some retained files, while others did not. Even today, different Servants of the Paraclete's facilities have different policies concerning retention of records for residents. For example, at St. Michael's retreat in Missouri, files are maintained only for a period of five years. In 1987, an attorney from Santa Fe gave a half day seminar to us in Jemez Springs. He advised us that there was no requirement at all that we keep any files for any length of time. We've been able to retrieve a number of documents that Servants of the Paraclete prepared concerning James Porter, David Holley, and Jason Sigler, from other parties, and all of these

documents have been produced in litigation. They show that Servants of the Paraclete sent these men to the leading psychiatric practitioners in Albuquerque at the time, and relied upon their recommendations. The loss of the documents has harmed, not helped, Servants of the Paraclete. I should mention that we also have been unable to find any documents at all about insurance policies Servants of the Paraclete had during the time period that the three priests were here. This has harmed Servants of the Paraclete tremendously. An insurance agent in Santa Fe was able to identify some insurers who had issued policies to Servants of the Paraclete during the time that the three priests were at Servants of the Paraclete, but the insurers have taken the position that Servants of the Paraclete must provide them with copies of insurance policies to show that coverage exists, and have denied coverage since we can't produce any policies. These lawsuits go back over twenty-five years, and that is why we can't find documents, not because we have destroyed them after lawsuits were filed.

16. I've recently reviewed the Complaint filed against Servants of the Paraclete in March, 1993, in the Jason Sigler cases. The Complaint reflects a fundamental misunderstanding of what Servants of the Paraclete can and cannot do. Servants of the Paraclete can provide treatment and spiritual guidance to individuals, and it can make recommendations to an individual's bishop or major superior. But we cannot keep anyone in a Servant of the Paraclete facility against the will of either the person himself or his bishop or major superior. We cannot assign an

individual to duties in or out of a parish -- we can make no assignments at all. A priest, even while a resident at Servants of the Paraclete, remains at all times subject to the control and supervision of his bishop or major superior. Accordingly, many allegations of the Complaint allege that Servants of the Paraclete failed to do something which it could not have done.

The Complaint alleges that Servants of the Paraclete "negligently and recklessly failed to remove Sigler's faculties to operate as a Catholic priest" Servants of the Paraclete cannot remove, suspend, alter, or affect the faculties of a priest of a diocese or religious order other than Servants of the Paraclete.

The Complaint claims that Servants of the Paraclete failed "to warn the adherents of the Catholic Church and others" First, had Servants of the Paraclete thought that Sigler posed a risk to parishioners, Servants of the Paraclete would have recommended that he not be placed in a parish. As a practical matter, if Servants of the Paraclete felt there were a need for a warning, a warning would have been given -- to a priest's bishop or major superior not to place the priest around children. Servants of the Paraclete, by virtue of its Constitution and its charism, does not have the right to deal directly with the parishioners of a diocese. Servants of the Paraclete must deal with bishops, major superiors, and priests, and bishops and priests must deal with their parishioners. Thus, when we do recommend that a priest not be involved in a ministry having anything to do with children, the

recommendation is made to the priest's bishop or major superior. We cannot make recommendations or communicate directly to parishioners.

The Complaint alleges that Servants of the Paraclete "failed to report Sigler's sexual molestation of parish children to law enforcement authorities" If a priest of Servants of the Paraclete witnessed a priest molesting a child, he should try to protect the child immediately and should call the police as soon as possible. On the other hand, if a priest of Servants of the Paraclete learns by virtue of a counseling session or a communication from a resident priest that the resident priest molested a child, not only church law, but as I understand it, state law, prohibits the priest from revealing the information to any law enforcement authority or anyone else without the consent of the resident priest. The clergy privilege, I've been told, is recognized in New Mexico. Even in the child-abuse reporting statute, in which other privileges, such as psychotherapist-patient privilege, doctor-patient privilege, and so forth, are deemed waived, the clergy privilege remains inviolate. It is not deemed waived by the statute. Thus, to comply with both Church law and with state law, we are prohibited from revealing privileged information to the police or anyone else without the consent of the individual who holds the privilege.

The Complaint alleges that Servants of the Paraclete "failed to institute laicization proceedings against Sigler" Servants of the Paraclete has no authority to institute laicization

proceedings against any priest other than members of Servants of the Paraclete.

The Complaint alleges that Servants of the Paraclete "negligently and recklessly permitted Sigler to serve as a supply priest, administrator, and parish priest in the Santa Fe Archdiocese" Servants of the Paraclete cannot place priests to serve in the Archdiocese or any other diocese, and Servants of the Paraclete cannot remove priests from serving in any diocese, other than members of Servants of the Paraclete.

Servants of the Paraclete is limited in what it can and cannot do under Church Law and state law. Servants of the Paraclete can provide treatment to individuals, and Servants of the Paraclete can make recommendations to the individual's bishop or major superior. Any decision concerning the assignment of a priest to particular duties, the removal of a priest from particular duties, informing parishioners about a priest's past misdeeds, petitioning the Holy See to laicize a priest, and things of that nature, all are within the province of the priest's bishop or major superior, not Servants of the Paraclete.

17. I would like to note that I have a standing offer, which has been open for months, to meet with any of the plaintiffs, on or off the record, with or without attorneys present. I have met two victims of sexual abuse by James Porter -- at the conference in St. Louis previously mentioned in this Affidavit. One of the first things I did was to apologize to them for the abuse that they had suffered, and we subsequently talked, which I believe was helpful

to me and to them. I believe that communication by all concerned is essential. I would like to end this Affidavit by referring to a statement I prepared and have circulated within Church circles, a copy of which is attached hereto as Exhibit "C". Servants of the Paraclete has been urging the Church to change the way it deals with the problem of sexual abuse by clergy for years, and we will continue to do so.

Father Liam J. Hoare
FATHER LIAM J. HOARE

SUBSCRIBED AND SWORN to before me this 8th day of July,
1993, by Father Liam J. Hoare.

[Signature]
NOTARY PUBLIC

My Commission Expires:

3/17/95

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