

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT

Suffolk County Civil Action No. **02-04551-T1**

(Consolidated with C.A. 02-1296)

(Originally entered in Middlesex County as

C.A. No. 02 626)

GREGORY FORD, *et al.*,

Plaintiffs,

v.

BERNARD CARDINAL LAW, *et al.*,

Defendants.

**PLAINTIFFS' MEMORANDUM OF LAW**  
**IN SUPPORT OF MOTION IN LIMINE**  
**TO ADMIT EVIDENCE OF PRACTICES**  
**AND POLICIES OF THE ROMAN**  
**CATHOLIC ARCHBISHOP OF BOSTON,**  
**A CORPORATION SOLE,**  
**CONCERNING SEXUALLY ABUSIVE**  
**PRIESTS OTHER THAN PAUL R.**  
**SHANLEY**

**INTRODUCTION**

Plaintiffs Gregory Ford ("Greg"), Paula Ford, and Rodney Ford (together, the "Plaintiffs") brought this action against defendants the Roman Catholic Archbishop of Boston, a Corporation Sole (the "RCAB"), Bernard Cardinal Law ("Cardinal Law"), John B. McCormack ("Bishop McCormack"), and Thomas V. Daily ("Bishop Daily") (collectively, the "Defendants") for failing to protect Greg from Paul R. Shanley's ("Father Shanley") sexual abuse. Father Shanley is not a party to this action. Rather, the Plaintiffs have brought negligence claims against the Defendants, who were Father Shanley's supervisors.

Generally, the Plaintiffs claim that the Defendants' negligence was the proximate cause of their harm and, more specifically, fostered an environment which allowed Father Shanley to abuse Greg. As shown below, the irrefutable evidence existing within the RCAB's own files, shows that the Defendants clearly knew or should have known that Father Shanley was a threat to children well before he abused Greg. In addition, the Plaintiffs assert that the Defendants had the duty to take reasonable action to alert the Plaintiffs that Greg had been exposed to Father Shanley to alleviate his continuing harm once they learned definitively that Father Shanley had molested other children.<sup>1</sup> Discovery in this action establishes that, consistent with the RCAB's practices and policies with other sexually abusive priests, the Defendants not only failed to take appropriate action to curtail Father Shanley's conduct by removing him from ministry, they also took actions that fostered his conduct and purposefully concealed their own misdeeds. Those policies and practices are the subject of the Plaintiffs' motion.

The Court already has stated that evidence of what the RCAB did with respect to other priests is relevant to the Plaintiffs' negligence claims. The Court's view is consistent with decisions of other courts, which have admitted similar evidence when addressing sexual abuse cases, particularly with regard to

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<sup>1</sup> See Martinelli v. Bridgeport Roman Catholic Diocesan Corp. 196 F.3d 409, 430 (1999) (agreeing that a jury could find "a duty of care including a duty to investigate and warn or inform so as to prevent or alleviate harm to additional victims" that may have been sexually abused by Diocesan priest).

proving proximate cause and analyzing the statute of limitations.<sup>2</sup> The evidence will reveal the existence of the following RCAB practices, policies, and procedures, which existed from the time of Father Shanley's ordination (1960) through the time that Cardinal Law resigned his position as Archbishop of Boston (2002):

1. retention and reassignment of priests known to have abused minors;
2. failing to inform parishioners that priests assigned to their parishes were a threat to their children;
3. ignoring warnings from medical professionals retained by the Archdiocese that certain priests were potentially dangerous to children and others;
4. lying to victims who requested information about priests who abused them;
5. failing to provide those medical professionals evaluating abusive priests with the necessary facts and, in some cases, lying to them about the priest's background or concealing material facts;
6. ignoring warnings from others within the RCAB who believed that certain priests were a threat to children;
7. failing to report the crimes committed by certain priests to law enforcement and obstructing or interfering with law enforcement investigations concerning abusive priests;
8. failing to alert parishioners at previous parishes where abusive

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<sup>2</sup> See generally, Armstrong v. Lamy, 938 F. Supp 1018, 1033 (D. Mass. 1996); Doe v. Board of Educ. of Hononegah Community High School Dist. No. 207, 833 F. Supp. 1366 (N.D.Ill. 1993); Doe v. Paukstat, 863 F. Supp. 884 (E.D.Wis. 1994); Sowers v. Bradford Area School Dist., 694 F. Supp. 125 (W.D.Pa. 1988), aff'd, 869 F.2d 591 (3rd Cir. 1989), judgment vacated on other grounds, sub nom Smith v. Sowers, 490 U.S. 1002 (1989).

priests had served that their children were exposed to known or suspected child molesters;

9. making decisions which reflected that the interests of abusive priests and the desire to avoid scandal to the Church were vastly superior and more important than the interests of children who had been abused by priests;
10. using Church influence to alter the outcome of the criminal legal process relating to priests who had been engaging in illegal sexual acts; and
11. fostering an environment and culture where abuse of children could flourish and in which it was clear that there was no accountability for criminal acts towards children.

The RCAB's policies, practices, and procedures also are relevant to Defendants' statute of limitations and charitable limitation of liability affirmative defenses. In particular, prior to the wide-spread publicity during the beginning of 2002 concerning sexual abuse of minors by RCAB priests, which triggered Greg's memories of Father Shanley's abuse, the Plaintiffs did not know and could not have known that the Defendants' wrongful conduct was the proximate cause of their harm. The RCAB's policies, practices, and procedures also represent the only practical way the Plaintiffs may show what actions the Defendants took or failed to take with regard to Father Shanley, where the Defendants cannot recall what they did or did not do based on the passage of time or failed memories.

Furthermore, the RCAB's policies and practices rebut key defenses raised by the Defendants, such as the lack of institutional memory and poor record

keeping. The fact that sexual abuse was so pervasive and that virtually every other priest who came to the attention of the Defendants for molesting children (during the time that Greg was abused) was returned to ministry without restriction undercuts the Defendants' claims that they would have done something about Father Shanley, had they had access to all of the relevant information. The Defendants' pattern of conduct also undermines the defense asserted by the Defendants that there was no institutional memory about abusive priests and that there was "inadequate record keeping" with respect to abusive priests. As shown below, the record keeping was hardly inadequate. For all of these reasons the Court should grant the Plaintiffs' motion in limine.

#### **RELEVANT FACTS**

In addition to the extensive discovery taken by deposition, the Plaintiffs obtained more than forty-five (45,000) thousand documentary pages pertaining to one hundred and forty-one (141) priests who are alleged to have sexually abused minors. In order to illustrate the patterns of conduct that have characterized the actions of the Defendants, what follows represents a factual sampling and summary of 25 priests, in which those patterns of conduct become apparent.

#### **A. Father Paul R. Shanley**

The following represents a general summary of the evidence the Plaintiffs

intend to present concerning how the RCAB, by and through the actions and inactions of the Defendants and others, dealt with accusations against Father Shanley over the years. The summary below by no means is intended to be exhaustive and the Plaintiffs reserve the right to proffer additional evidence at trial.

On February 2, 1960, Father Shanley was ordained following his graduation from St. John's Seminary. See II-0144.<sup>3</sup> Father Shanley's classmates at seminary included, among others, Bishop McCormack, Joseph Birmingham, Bernard Lane, and Eugene O'Sullivan (all of whom have been accused publicly of sexual abuse with the exception of Bishop McCormack). See Relevant Facts, infra. Father Shanley entered the priesthood following work in other areas, including work with youth activities. See RCAB 00326-00329. On February 16, 1960, Father Shanley was assigned to St. Patrick's Parish in Stoneham, Massachusetts ("St. Patrick's"), see II-0144, where he replaced Father Coughlin, who had molested children at the parish.<sup>4</sup>

While at St. Patrick's, the RCAB received notice that Father Shanley had molested a child. Specifically, in or about 1960 or 1961, Father Shanley asked a

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<sup>3</sup> The documents referenced in this section "A. Father Paul Shanley" will be found behind the tab "A" in the Addendum which is attached to the brief. The documents are in the following order: Bates stamped documents; Affidavits; Deposition Transcripts; Complaints and Other Pleadings; Miscellaneous documents.

<sup>4</sup> See infra. Father Coughlin was later sent to California where he was accused of molesting choir boys in Orange County. See infra.

teacher at the St Patrick's elementary school, Mary Corcoran, to arrange for Thomas Peter Devlin, Jr., then a twelve or thirteen year old boy, to go to the Rectory to speak with Father Shanley. See Affidavit of Thomas Peter Devlin, Jr., dated July 16, 2003 ("Devlin Aff."), ¶¶ 1-3. At the time, Mr. Devlin was the son of a well-known physician in Stoneham. See Devlin Aff. ¶ 1. When Mr. Devlin entered the Rectory office, Father Shanley offered him a cigarette and told Mr. Devlin that he was a psychologist. See Devlin Aff. ¶¶ 4-5. He also told Mr. Devlin that he had been to Mr. Devlin's house looking for pornographic material and he knew Mr. Devlin was a "known bisexual" and leader of a "sex ring." See Devlin Aff. ¶ 6. Father Shanley then proceeded to sexually molest Mr. Devlin. See Devlin Aff. ¶¶ 7-9.

Later that day, after Mr. Devlin arrived home, he learned from his parents that Father Shanley had indeed been to his home on the pretense of looking for pornography. See Devlin Aff. ¶ 11. When confronted by his parents, Mr. Devlin told them the full story, including the fact that he had been abused. See Devlin Aff. ¶ 16. Shortly after, Mr. Devlin's mother wrote a letter to the Chancery and the pastor of the St. Patrick's, Monsignor Sexton. See Devlin Aff. ¶ 16. Mr. Devlin read the letter and it described the abuse and named Father Shanley as the perpetrator. See Devlin Aff. ¶ 16. Mr. Devlin's mother asked him to mail the

letter, which he clearly remembers mailing, and that “it was addressed to the Chancery in Brighton, Massachusetts.” See Devlin Aff. ¶ 16.

In 1967, Father Shanley was transferred from St. Patrick’s to St. Francis of Assisi Parish in Braintree, Massachusetts (“St. Francis”). See II-0144. Prior to the transfer, the RCAB had received a second claim that Father Shanley had molested a child and perhaps children. See RCAB 00001-00003. Specifically, Arthur Chabot (“Father Chabot”), a priest with the Our Lady of LaSalette order in Attleboro, wrote to the RCAB concerning Father Shanley reportedly masturbating a boy at a cabin in the Blue Hills, Milton, Massachusetts. See RCAB 00001-00003; Affidavit of John Doe 1 ( [REDACTED] ), dated July 15, 2003 (“Doe 1 Aff.”), ¶ 9.<sup>5</sup> Father Chabot told John Doe 1 that he would be contacting the Chancery about Father Shanley. See Doe 1 Aff. ¶ 11. Father Chabot did that by sending a letter to the Chancery, a copy of which was produced by the RCAB in April of 2002. See RCAB 00001-00003. In addition, two other potential victims of Father Shanley were identified by name by John Doe 1 and those names were contained in Father Chabot’s letter to the Chancery. See RCAB 00001-00003.

The letter was reviewed at the Chancery by Msgr. Francis Sexton, the Chancellor of the Archdiocese (no relationship to the pastor of St. Patrick’s,

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<sup>5</sup> John Doe 1’s name has been provided to defense counsel and the Court in this action.



Stoneham). Notwithstanding the fact that, in Father Shanley's mind, Msgr. Sexton thought "the accusations against me [Father Shanley] must have seemed just[,]" and without interviewing John Doe 1 or Father Chabot, Msgr. Sexton "accepted as true" Father Shanley's explanation of the situation and denial that he "did not masturbate this boy. . . ." See RCAB 00046-00048. There is no indication that Msgr. Sexton conducted any investigation apart from accepting Father Shanley's version of the story. See RCAB 00001-00003 and 00046-00048.

In 1967, Father Shanley was transferred to St. Francis of Assisi in Braintree. There, he continued to molest children. See Affidavit of [REDACTED] [REDACTED] (" [REDACTED] Aff."). In 1970, Father Shanley was reassigned as a "street priest" and was eventually appointed as Minister of Alienated Youth, a position he held until 1979.

Despite the specific allegation of sexual abuse, Father Shanley operated with impunity and to say or do anything without consequence. For example, Bishop Daily continuously failed to investigate various complaints that Father Shanley was making public statements contrary to Church teaching, including, without limitation:

1. a report made by Charles Lerrigo in May of 1973;
2. two letters from Thomas J. Flatley in March of 1974, and May of 1975;

3. an article in the Brockton Enterprise in March of 1974;
4. a letter from Dianne M. Adams in March of 1974;
5. a letter from Reverend Arthur L. Reardon in April of 1974;
6. a letter from Joseph J. Reilly in April of 1974; and
7. a letter from Mr. and Mrs. Joseph A. Melia in May of 1974.

See Defendant, Most Rev. Thomas V. Daily's Responses to Request for Admissions, dated January 21, 2003 ("Daily Admissions"), Response Nos. 8-41 and 46-50. Remarkably, Bishop Daily asserts he did not even review the RCAB's files on Father Shanley in response to those complaints, see Daily Admissions, Response Nos. 8-41 and 46-50, which would have contained the report by Father Chabot. Likewise, even considering the fact that, as of May of 1974, Bishop Daily considered Father Shanley to be a "troubled" priest, i.e., "a priest who is disturbed in one sort or another," Bishop Daily alleges that he did not review the RCAB's files on Father Shanley or ask anyone to review those files. Daily Admissions, Response Nos. 43-44.

The Plaintiffs expect that the evidence will show that, in 1974, while Father Shanley was speaking publicly against RCAB teachings, John Doe 2 (██████████)<sup>6</sup> was walking his dog and encountered Thomas Reaves, who later became one of the outspoken founders of The North American Man-Boy

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<sup>6</sup> John Doe 2's name has been provided to defense counsel.

Love Association (“NAMBLA”). At the time, John Doe 2 was a 15 year old high school student. Mr. Reaves referred John Doe 2 to Father Shanley. Father Shanley used strip poker, the very same technique he would later use with Greg in the 1980s, to entice John Doe 2 into having sex.

John Doe 2 kept a journal of his encounters with Father Shanley and his mother discovered his journal. Outraged that her son had reported sexual conduct with a Catholic priest, John Doe 2’s mother complained to then Cardinal Humberto Medeiros (“Cardinal Medeiros”). Father Shanley later reprimanded John Doe 2, indicating that he had been brought into meet with Cardinal Medeiros concerning John Doe 2’s mother’s allegations. Nothing, however, was done to curtail Father Shanley’s behavior and Father Shanley promptly resumed his sexual abuse of John Doe 2 and began sending him out to have sex with other men. This was at least the third time that senior officials at the RCAB were notified that Father Shanley had sexually molested a child.

In November of 1977, Cardinal Medeiros and Bishop Daily received further notice about Father Shanley’s deviant behavior and beliefs. See Daily Admissions, Response No. 51; RCAB 00013-00014 and 00020. Specifically, in a letter that was sent to Cardinal Medeiros, a woman (Jeanne Sweeney) from Rochester, New York described remarks that were heard by another woman (Dolores Stevens), who had attended a lecture given by Father Shanley. See

Daily Admissions, Response Nos. 51-53; RCAB 00013-00014 and 00020. Ms. Stevens' eyewitness account was enclosed. Ms. Stevens reported that Father Shanley publicly:

Spoke of pedophilia (which is a non coerced sexual manipulation of sex organs including oral-genital sex between an adult and child) . . . [and that Father Shanley stated] the adult is not he seducer – the "kid" is the seducer . and further the kid is not traumatized by the act per se, the kid is traumatized when the police and authorities 'drag' the kid in for questioning . . . [and that Father Shanley stated] he can think of no sexual act that causes psychic damage – 'not even incest or bestiality'.

See RCAB 00013-00014; Daily Admissions, Response Nos. 51-53. Bishop Daily did not speak with Ms. Sweeney or Ms. Stevens about their accusations against Father Shanley. See Daily Admissions, Response Nos. 54-55. In addition, Bishop Daily asserts that he did not review the RCAB's files on Father Shanley, speak with Father Shanley, or even investigate whether Father Shanley made the deviant statements reported by Ms. Stevens. See Daily Admissions, Response Nos. 56-59.

Then, in late 1977 or early 1978, Cardinal Medeiros and Bishop Daily received a complaint that Father Shanley gave a "scandalous" talk at a college in New York, but Bishop Daily did not review the RCAB's files on Father Shanley, speak with Father Shanley, or investigate whether or not Father Shanley gave such a scandalous talk. See Daily Admissions, Response Nos. 59-63. Nonetheless, by the end of 1978, Bishop Daily believed Father Shanley needed

psychological help and mental health treatment. See Daily Admissions, Response Nos. 64-65. Father Shanley, however, simply was allowed to continue his work as a street priest ministering to alienated youth without any known restriction.

By 1979, Cardinal Medeiros shared Bishop Daily's assessment of Father Shanley and wrote to the Vatican that he thought Father Shanley was a "troubled priest. . . ." See RCAB 00027-00034. Cardinal Medeiros proffered that explanation in response to concerns raised by the Vatican about some of Father Shanley's public activities. See RCAB 00027-00034. In addition, on April 2, 1979, an attorney from New York (Joseph McGeady, Esq.) wrote a letter to Cardinal Medeiros, which enclosed articles from "Gay Community News" and "Gaysweek." See RCAB 00813, 00763, and 00816-00817 (received on April 6, 1979); Daily Admissions, Response Nos. 66-68. The articles reported that Father Shanley was among various persons attending a conference organized by Mr. Reaves (the individual who introduced John Doe 2 to Father Shanley and a later founder of NAMBLA), during which views were aired in support of man-boy love and sex between men and boys. See RCAB 00813, 00763, and 00816-00817. Indeed, Father Shanley reportedly supported the concept of man-boy love and sex by telling a story of a boy who reported his male adult lover to the police and that the child was harmed not by the sex, but by the police involvement. See

RCAB 00813, 00763, and 00816-00817. Attorney McGeady's enclosures mirrored the theme already presented to Cardinal Medeiros and Bishop Daily by Mses. Sweeney and Stevens, i.e., that Father Shanley believed in the propriety of sex between men and boys. Compare RCAB 00813, 00763, and 00816-00817 with RCAB 00013-00014 and 00020.

Although disturbed by the statements attributed to Father Shanley in the articles, Bishop Daily (1) did nothing to get the facts as to what Father Shanley actually said at the conference; (2) did not speak with the authors of the articles to determine if the statements attributed to Father Shanley were accurate; (3) did not speak with Attorney McGeady; and (4) did not verify whether Father Shanley actually attended the conference referred to in the articles. See Daily Admissions, Response Nos. 70-74. Similarly, although Bishop Daily was aware it was reported that at the end of the conference the participants "caucused" to form the Man Boy Lovers of North America organization (later known as NAMBLA), Bishop Daily (1) did nothing to verify if Father Shanley actually participated in the caucus; (2) did not review the RCAB's files on Father Shanley; and (3) did not speak with Father Shanley. See Daily Admissions, Response Nos. 75-78.

On April 12, 1979, approximately six (6) days after receiving the letter from Attorney McGeady and with knowledge of the information set forth above,

Cardinal Medeiros appointed Father Shanley as Associate Pastor at St. Jean's Parish in Newton. See RCAB 00352; Daily Admissions, Response Nos. 79 and 81. At the time Cardinal Medeiros appointed Father Shanley as Associate Pastor, Bishop Daily knew that Father Shanley had access to children at St. Jean's. See Daily Admissions, Response Nos. 80. At the time, Greg was not yet two (2) years old and his parents were unaware that there was a serial pedophile in their midst posing as a priest. Yet, Bishop Daily did not place any restrictions on, did not recommend that any restrictions be placed on, and was not aware of any restrictions being placed on Father Shanley by anyone that would have prevented him from having access to children at St. Jean's. See Daily Admissions, Response Nos. 85-88.

Father Shanley's predatory behavior continued at St. Jean's and, in March of 1980, Father Shanley raped a sixteen year old boy who had been sent to him for counseling. See generally, Affidavit of Andrew Magni, dated July 17, 2003 ("Magni Aff."). Specifically, one night after speaking with Father Shanley, Father Shanley advised Mr. Magni that it was too late for him to return home and that Mr. Magni should stay at the St. Jean's Rectory. See Magni Aff. ¶ 10. In fact, Father Shanley persuaded Mr. Magni to stay in his room, and Mr. Magni awoke in the middle of the night to find Father Shanley penetrating him anally with his penis. See Magni Aff. ¶¶ 10-16. In addition, starting in or around 1980 (and

continuing through in or around 1984), Father Shanley molested [REDACTED] [REDACTED] who has never met Gregory Ford. See generally, Affidavit of [REDACTED] [REDACTED] dated July 15, 2003 (“[REDACTED] Aff.”).

Notwithstanding that the RCAB and Bishop Daily already knew about Father Shanley, in 1981 or 1982, a parishioner at St. Jean’s (Jacquelyn Gauvreau) learned that Father Shanley had molested a boy he was transporting back to a DYS facility. See Deposition of Jacquelyn Gauvreau (“Gauvreau Depo.”), dated October 25, 2003, pp. 14-25; Affidavit of Daniel Quinn, dated July 16, 2003 (“Quinn Aff.”), ¶¶ 9-11. Ms. Gauvreau reported the molestation to many officials within the RCAB, see Gauvreau Depo., October 25, 2002, pp. 25-30; Quinn Aff., ¶ 13, and a current RCAB priest will testify that he indeed recalls Ms. Gauvreau reporting to him her claims against Father Shanley in the early 1980s. In addition, Ms. Gauvreau twice spoke to Cardinal Law about Father Shanley’s molestation, once at a televised Mass at which Cardinal Law appeared and during which Ms. Gauvreau sang in the choir and once at a Mass at Our Lady Help of Christians parish in Newton. See Gauvreau Depo., October 25, 2002, pp. 44-60. Cardinal Law was not able to contradict Ms. Gauvreau’s allegations at his deposition, although he said he could not recall speaking with her. See Deposition of Bernard Cardinal Law (“Law Depo.”), dated August 14, 2002, pp. 138-39.



Furthermore, in 1982, Bishop Daily received a letter from Father Shanley reporting that a Brockton woman was making calls to Father Shanley and complaining about Father Shanley. See Daily Admissions, Response No. 91. Despite Bishop Daily's knowledge of Father Shanley's history and belief that Father Shanley was a troubled priest in need of mental health treatment, Bishop Daily did not ask Father Shanley what the woman was complaining about and, in fact, made no effort to contact the woman whatsoever. See Daily Admissions, Response Nos. 92-93. Indeed, Bishop Daily did not even investigate whether the woman had credible complaints against Father Shanley. See Daily Admissions, Response No. 94.

Continuing in 1982 and 1983, Cardinal Medeiros and Bishop Daily received letters (addressed to Cardinal Medeiros) from Pastor Hugh W. Weston and Joseph H. Moynihan, respectively, questioning whether Father Shanley was representing the RCAB at the founding conference of NAMBLA, as reported in a book entitled "The Homosexual Network," and claiming that Father Shanley had personally endorsed the propriety of sex between men and boys. See II-0669; II-0686, II-0687, and II-0689; Daily Admissions, Response Nos. 95-96 and 103-04. Although in June of 1983, Bishop Daily knew that NAMBLA was an organization of people supporting sexual relations between men and boys, Bishop Daily asserts he did not (1) review the RCAB's files on Father Shanley, (2) speak with

Father Shanley, (3) verify whether Father Shanley had attended the founding conference of NAMBLA and endorsed the sexual relations between men and boys at the conference, or (4) otherwise investigate the questions raised by Pastor Weston and Mr. Moynihan. See Daily Admissions, Response Nos. 97-101 and 103-08.

In November of 1983, despite all that he knew about Father Shanley's history, Bishop Daily appointed Father Shanley as Administrator and acting pastor of St. Jean's. See RCAB 00366; Daily Admissions, Response Nos. 109 and 111. Prior to appointing Father Shanley as Administrator, Bishop Daily did not ask Father Shanley about his views on sexual relations between men and boys, although he knew that Father Shanley had been associated with endorsing the views of NAMBLA. See Daily Admissions, Response Nos. 112 and 113. In addition, Bishop Daily did not place any restrictions and was not aware of any restrictions placed on Father Shanley that would have prevented him from having unsupervised access to children at St. Jean's. See Daily Admissions, Response Nos. 117 and 118.

In December of 1984, Cardinal Law appointed Father Shanley as Pastor of St. Jean's. See II-0692. Prior to leaving the RCAB in or around 1984, Bishop Daily neither relayed to Cardinal Law the institutional memory he had concerning Father Shanley or as contained in documents that were in the RCAB's files

concerning claims against Father Shanley, nor did Bishop Daily tell Cardinal Law that he believed Father Shanley was a potential threat to children. See Daily Admissions, Response Nos. 121 and 139.

Then, in 1985, Cardinal Law was sent written notice that Father Shanley harbored deviant beliefs about the propriety of sex between adults and children. See RCAB 00058. Specifically, in April of 1985, another resident of Rochester, New York, Wilma M. Higgs, wrote a letter to Cardinal Law and complained about a speech that Father Shanley had given the previous November. See RCAB 00058. In particular, Mrs. Higgs complained about that which was now familiar to the RCAB: that Father Shanley had stated again that when adults have sex with children, it is the fault of the child. Compare RCAB 00058 (“When adults have sex with children, the children seduce them. Children may later regret having caused someone to go to prison, knowing that they are the guilty ones.”) with RCAB 00013-00014, 00020, 00813, 00763, 00816, and 00817. Mrs. Higgs made it clear that her complaint was not just about Father Shanley’s remarks on homosexuality and that she also had a tape of some portions of Father Shanley’s speech. See RCAB 00058.

On May 15, 1985, Bishop McCormack (who had replaced Bishop Daily) wrote to Ms. Higgs and stated that: **“Archbishop Law received a letter April 29, 1985. He is sorry to hear** you were disturbed about the talk given by Father Paul

Shanley last November regarding homosexuals **and asked that I respond on his behalf.**" See RCAB 00056 (emphasis added). Notwithstanding the fact that Bishop McCormack (1) received and read the letter from Ms. Higgs, (2) by 1985, knew there was a potential for RCAB priests to sexually abuse children, (3) believed the statements reportedly made by Father Shanley were terrible and was shocked about the alleged statements concerning sex between adults and children, and (4) had concerns about Father Shanley as a result of what was reported by Ms. Higgs, Bishop McCormack did not speak to or instruct anybody to speak to Ms. Higgs to verify whether Father Shanley had made the statements reported in the letter or request a copy of the tape referenced in the letter. See Responses of Defendant, Most Rev. John B. McCormack, to Plaintiffs' Requests for Admissions, dated January 6, 2003 ("McCormack Admissions"), Response Nos. 11, 16-24. In addition, Bishop McCormack did not review the RCAB's files on Father Shanley. See McCormack Admissions, Response No. 25.

The only action Bishop McCormack took to verify whether Father Shanley made the statements reported by Ms. Higgs was to speak with Father Shanley and accept his explanation of the matter. See RCAB 00059; Response No. 26. In addition, notwithstanding the fact that Bishop McCormack wrote to Ms. Higgs on May 15, 1985, and stated that had already "been in contact with Father Shanley and will be speaking with him about this matter soon[,]" see RCAB

00056, Bishop McCormack in reality only first informed Father Shanley about the letter from Ms. Higgs and the “**note**” he “**received**” from Cardinal Law on June 4, 1985, a couple of weeks later. See RCAB 00053. Bishop McCormack admitted that, prior to sending his response to Ms. Higgs, he had not spoken to Cardinal Law or Father Shanley about Ms. Higgs’s letter. See McCormack Admissions, Response Nos. 27-30. Moreover, when Bishop McCormack finally informed Father Shanley of the letter, he merely questioned whether Father Shanley “would care to comment” on the letter and asked him to put his comments (seemingly if he chose to comment at all) in writing or they could “get together some day about it.” See RCAB 00053. Finally, although Bishop McCormack knew that Father Shanley had unsupervised access to children as Pastor at St. Jean’s, he did not place any restrictions and he was not aware of any restrictions placed on Father Shanley from 1985 through 1990 that would have prevented him from having such access to children, including Greg. See McCormack Admissions, Response Nos. 36 and 38.

On May 31, 2002, Cardinal Law answered, under the pains and penalties of perjury, Plaintiffs’ Request for Admissions. See Responses of the Defendant, Bernard Cardinal Law, to Plaintiffs’ Requests for Admissions (“Law Admissions”). In response to the first request, Cardinal Law responded that he “does not believe he read the ‘Higgs Letter’ in 1985. . . .” See Law Admissions,

Response No. 1. On the first day of his deposition, however, Cardinal Law admitted that it was more probable than not that he did receive the letter from Ms. Higgs and wrote a “note” to Bishop McCormack asking him to respond to Ms. Higgs, as Bishop McCormack explained in his letter to Ms. Higgs. See Law Depo., June 5, 2002, pp. 222-25. In fact, Cardinal Law indicated that he wanted to amend his sworn answer to the Plaintiffs’ request for admissions on that very same subject to: **“the defendant believes that he did read the Higgs letter in 1985.”** See Law Depo., June 5, 2002, pp. 222-25. Two days later, after admitting that he had discussed the subject with his counsel, Cardinal Law again changed his sworn answer and stated that: “The defendant does not believe he read the ‘Higgs Letter’ in 1985.” See Law Depo., June 7, 2002, pp. 55-66. Father Helmick, personal secretary to Cardinal Medeiros and Cardinal Law, however, testified that he would have expected under the policies at the time that Bishop Robert J. Banks (“Bishop Banks”) would have spoken to Cardinal Law about the letter sent by Ms. Higgs. See Deposition of William Helmick (“Helmick Depo.”), dated May 22, 2002, pp. 211-212. As a result, it is clear that Bishop McCormack received and, at the very least, Cardinal Law likely knew about the letter from Ms. Higgs in 1985, yet neither did anything about it -- not even look at the RCAB’s files on Father Shanley, which contained various allegations of sexual

molestation and deviant beliefs about the propriety of sex between men and boys.

Throughout this time, from around 1983 to 1989, Father Shanley was sexually molesting not only Greg, but also [REDACTED], Paul Busa, [REDACTED], [REDACTED], and Anthony Driscoll who were all parishioners at St. Jean's where Father Shanley had unsupervised access to children. See generally, "*Plaintiffs' Memorandum In Support Of Motion In Limine To Admit Evidence Of Paul R. Shanley's Sexual Molestation Of Others*," dated July 21, 2003, which was filed contemporaneously herewith ("*Plaintiffs' Other Molestation Memorandum*"). Father Shanley now faces criminal prosecution for rape and indecent assault and battery with respect to all four victims who contend that they were molested at St. Jean's. Father Shanley pled the Fifth Amendment at his deposition with respect to questions concerning whether he abused those persons and others. See generally, Deposition of Paul R. Shanley, dated December 29, 2002 ("*Shanley Depo.*").

In 1986, a social worker with the Department of Social Services ("*DSS*"), sent Cardinal Law a letter on official DSS stationary. See DG-0002; Affidavit of Bryan Schultz, dated July 15, 2003 ("*Schultz Aff.*"), ¶ 7. In that letter, Mr. Schultz stated that he had recently seen a television program concerning sexual abuse of minor children by parish priests and was concerned about the Catholic Church's

“lack of response” to the situation. See DG-0002. He also reported that he had been sexually abused by three priests and would be pleased to meet with Cardinal Law discuss the situation. See DG-0002. In response, Mr. Schultz received a letter from Father Helmick. Schultz Aff. ¶ 8. Father Helmick stated in the letter that he had been asked to respond on behalf of Cardinal Law and Mr. Schultz could be assured that if there was any abuse that occurred within the RCAB, it would be taken “most seriously. . . .” See Schultz Aff. ¶ 8. On August 25, 1986, Mr. Schultz responded to Father Helmick’s letter and conveyed his dissatisfaction with the response. See DG-0001. That letter also was sent on official DSS stationery. See DG-0001; Schultz Aff. ¶ 8. Mr. Schultz did not receive a response.

Had Cardinal Law held the requested meeting, he would have learned that Mr. Schultz had been sexually abused by three RCAB priests: Fathers Robert Gale (who has multiple allegations against him); Daniel Graham (who later admitted to abuse); and Shanley. See Schultz Aff. ¶ 9. At his deposition, Cardinal Law was unclear as to whether or not he had ever seen the letters from Mr. Schultz, **although both letters were addressed directly to him.** See Law Depo., October 11, 2002, pp 66-80; DG-0002 and 0202. In addition, Father Helmick testified that it was safe to say that Cardinal Law had asked him to respond to the letter of Cardinal Law’s behalf. See Helmick Depo., October 9,



2002, pp. 42-43. Nonetheless, when asked why there was never a meeting with Mr. Schultz, Cardinal Law attempted to minimize the letter and testified that Mr. Schultz had only reported that he was not sure he was sexually abused by a RCAB priest. See Law Depo., October 11, 2002, pp. 57-58.

In March of 1988, another complaint was presented to the RCAB about Father Shanley. See RCAB 00060. Specifically, a patient at McLean Hospital reported that Father Shanley had been speaking with him in detail about a specific sado-masochistic incident and was “coming on to him.” See RCAB 00060. The patient was interviewed by Bishop Banks, the Moderator of the Curiae and Auxiliary Bishop (second in command) of the RCAB, who also was personally familiar with the allegations in letter from Ms. Higgs. See Deposition of Robert J. Banks (“Banks Depo.”), dated November 7, 2002, pp. 177-78; 183-85. Indeed, as the second man in charge of the RCAB at the time, Bishop Banks had full access to the records of Father Shanley. See Banks Depo. pp. 68.

On March 18, 1988, Bishop Banks spoke with Father Shanley who “became irate at first, questioning why the matter should be brought up at all.” See RCAB 00060. After Father Shanley calmed down, “he indicated he remembered the person and the incident, **but did not remember anything in the conversation, especially on the subject that T. mentioned.**” See RCAB 00060 (emphasis added). Father Shanley, however, did not deny the allegation. See

RCAB 00060; Banks Depo. pp. 195-96. On March 19, 1988, Bishop Banks, however, telephoned the patient and “told him that Father S. **had denied the allegation, and that there really was nothing I [Bishop Banks] could do.**” See RCAB 00060; Banks Depo. pp. 199-200. Considering that Bishop Banks was aware of both the letter from Ms. Higgs and the allegations of the McLean patient, even Cardinal Law could not defend his actions. See Law Depo., August 14, 2002, pp. 184-85. In fact, Cardinal Law admitted at his deposition that Bishop Banks could have and should have done more than he had done with regard to his handling of the letter from Ms. Higgs and complaint from the patient at McLean’s. See Law Depo., August 14, 2002, pp. 184, 187, 195. At the time, Father Shanley was still sexually molesting Greg and others at St. Jean’s. See generally, Plaintiffs’ Other Molestation Memorandum.

On December 7, 1989, Cardinal Law acknowledged Father Shanley’s resignation. See RCAB 00664-00665. Cardinal Law not only warmly thanked Father Shanley for his thirty years of priestly service and his impressive record, but also stated that “all of us in the Archdiocese are grateful to you for your priestly care”. See RCAB 00664-00665. A host of reasons (none of them having to do with sexual abuse) were provided for Father Shanley’s departure. See Law Depo., October 11, 2002, pp. 85, 102. The first asserted reason was that Father Shanley refused to take a new oath from Rome. See Law Depo., August 14, 2002,

p. 200. As a sitting pastor, however, Father Shanley was not required to take the oath and an RCAB spokesperson, John Walsh, was quoted in a local newspaper stating that Father Shanley's refusal to take the oath was not an issue. See Law Depo., October 11, 2002, p. 82. Other reasons included allergies and stomach troubles. See Law Depo., October 11, 2002, pp. 85, 102. Father Shanley's personnel status within the RCAB changed continuously and is well summarized in a memorandum, dated January 2, 1990, and later in another memorandum dated February 6, 1990. See RCAB 00636-00637, respectively. Indeed, RCAB personnel director James McCarthy testified that he had never confronted a priest whose status had changed so much. See Deposition of James McCarthy ("McCarthy Depo."), September 25, 2002, pp. 161-162.

Father Shanley's past did not, however, prevent Bishop Banks from giving Father Shanley a glowing recommendation to the Diocese of San Bernadino. See RCAB 00379. As Bishop Banks stated in a letter to the Very Reverend Philip A. Behan at the Diocese of San Bernadino, dated January 16, 1990:

Reverend Paul R. Shanley, a priest in good standing and of the Archdiocese and was recently granted a medical leave for one year by His Eminence, Cardinal Law. . . . **I can assure you that Father Shanley has no problem that would be a concern to your diocese.** He has resigned from his parish on his own, and we shall place him in parish ministry when he returns.

See RCAB 00379 (emphasis added). When asked about the letter of recommendation and whether the Diocese of San Bernadino deserved to know

about the allegations raised in the letter from Ms. Higgs, Bishop Banks testified that, even assuming the allegations raised by Ms. Higgs were true, the new Diocese did not deserve to know **“if the priest had said he misspoke or that he changed his mind or that he was very sorry about the whole thing.”** See Banks Depo., November 7, 2002, pp. 243-44 (emphasis added).

Seemingly, Father Shanley was not pleased with his relocation to California and continuously pressured the RCAB for more money and actually threatened to “go public” with the story. See RCAB 00707-00710. In response, Father Shanley was provided with extra money by the RCAB. See McCarthy Depo., September 25, 2002, pp. 109-110. In addition, on December 11, 1990, Cardinal Law officially extended Father Shanley’s sick leave for another twelve months. See RCAB 00668.

In 1991, Bishop McCormack provided information to Edwin H. Cassem, M.D., the Chief of Psychiatry at Massachusetts General Hospital, who consulted (along with numerous other MGH doctors) with the RCAB during the late 1980s and through the 1990s about priests accused of sexual misconduct and other matters. See Deposition of Edwin Cassem, M.D. (“Cassem Depo.”), dated May 20, 2003, pp. 32, 116. Dr. Cassem testified, however, that he was not provided with relevant information from Father Shanley’s file, including, in particular, claims that Father Shanley supported the views of NAMBLA and believed in the

propriety of sex between men and boys. See Cassem Depo., May 20, 2003, pp. 131-134. Indeed, Dr. Cassem testified the he was “stupefied that I was not provided with the information,” see Cassem Depo., May 20, 2003, pp. 190-191, that he feels he was manipulated and mislead by Bishop McCormack, and that Bishop McCormack “is a liar.” See Cassem Depo., May 21, 2003, pp. 140, 169-170 (Dr. Cassem later attempted to change that testimony in an errata sheet by replacing it with “I do not believe that I received all of the information from Father McCormack.”).<sup>7</sup>

In 1993, more allegations were made against Father Shanley, which Father Shanley admitted were true. See RCAB 00622-00623. A settlement agreement was negotiated which required that Father Shanley not be placed into ministry where he would have unsupervised access to minors. See RCAB 00183-00193. Notwithstanding that agreement, Father Shanley relocated to New York, with the approval of Cardinal Law, where he became the assistant executive director of Leo House, a Catholic hotel, whose guests included children. See RCAB 00511. Even though he was working in another Catholic Diocese, the RCAB was less than candid about Father Shanley’s past. See RCAB 00521, RCAB 00538-

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<sup>7</sup> Notwithstanding Dr. Cassem’s errata sheet, a witness may not make wholesale changes to a deposition transcript.. See Boynton v. Boland, 1996 WL 1348859, at \*3 (Mass. Super. Ct. March 14, 1996); see Rios v. Bigler, 847 F. Supp. 1538 (D. Kan. 1994) (explaining that an errata sheet may not be used to change what has been said under oath); Greenway v. International Paper, 144 F.R.D. 322, 325 (W.D.La. 1992) (a deposition is not a take home examination).

0539. As Father Brian Flatley (who replaced Bishop McCormack) wrote to Cardinal Law on September 13, 1995:

**Monsignor O'Donnell [a representative of Cardinal O'Connor, former Archbishop of the Diocese of New York] does not know much about Father Shanley's history.** Monsignor Murphy told him that there have been allegations of sexual misconduct about Father Shanley, and he felt that was all he needed to know at the time. Cardinal O'Connor would like him to find out more about Father Shanley's situation . . . . **In reviewing Father Shanley's file, I recognize that this is a very difficult situation.** Father Shanley was assessed at the Institute for Living in 1993. It was not a very positive assessment. He has a great deal of psychological pathology. . . . I do not think that Father Shanley is a threat to abuse youngsters. I do understand that he could become a problem that Cardinal O'Connor does not need.

See RCAB 00538 (emphasis added).

The Order of Nuns which had founded Leo House also was concerned about rumors that Father Shanley had a history of abuse. See RCAB 00568. In a letter to Cardinal Law, dated December 14, 1995, Sister Anne Karline wrote:

Last evening, December 13, I received a phone call from the BOSTON AREA, presumably from a priest. I am somewhat disturbed, because after throwing out some wild accusations, he openly said that FATHER PAUL SHANLEY WAS A CHILD MOLESTER and we had better be aware! I didn't think that this person had any justification to state all that he did, but he ended up saying he would have to make it known to THE NEW YORK TIMES! . . . Would you be so kind as to clarify FATHER PAUL'S INTEGRITY AND REPUTATION AND CHARACTER.

See RCAB 00568. Father Flatley's response to Sister Karline's letter did not address the issue of whether Father Shanley had a history of abuse. See RCAB

00570-00571. Rather, Father Flatley gave the clear impression that there was no such history. See RCAB 00570-00571. As Father Flatley reported in a memorandum, dated January 25, 1996:

Father Shanley asked if I would be willing to speak with Sister Anne to allay her fears. . . . I called Sister Anne. She returned my call and we connected on Thursday, January 25, 1996. I told her that I was willing to answer any questions that she might have, **and told her of my opinion that Leo House is a good placement for Father Shanley.** She agreed that it seemed to be, but that she needed to pass her concerns along after the call in December. She does have some reservations about Father Shanley's moving into the Hotel after that call. **I told her that I felt that those are internal questions to be resolved there.** I asked if she were comfortable having Father Shanley discuss these matters with her and Sister Bertha. She said she would welcome it. **I believe that she said that hearing from me was enough to make her feel comfortable.**

See RCAB 00570-00571 (emphasis added).

In 1997, Father Shanley communicated with the RCAB about his desire to replace Francis Pilecki (the former president of Westfield State College who was convicted of sex crimes against children), the executive director of Leo House.

See RCAB 00598. Among the files produced by the RCAB is a letter signed by Cardinal Law to Cardinal O'Connor concerning the potential of placing Father Shanley in charge of Leo House. See RCAB 00600. As the letter stated:

Father Shanley has done good work at Leo House and is well regarded by staff, but, as you know, some controversy from his past has followed him to New York. Two conflicting issues arise in considering Father Shanley for the post. The first is that he has done good work and is surrounded by a competent staff which is aware of his situation. Opposing this is the likelihood that the role

of Executive Director will bring with it a greater notoriety. That could draw publicity to him, to Leo House and to the Church. I am aware that you will be discussing this with Monsignor Edward O'Donnell. It is my understanding that he has the most complete information of anyone. **If you do decide to allow Father Shanley to accept this position, I would not object.**

See RCAB 00600 (emphasis added). Cardinal Law later testified that he did not send the letter, but, instead spoke to Cardinal O'Connor about Father Shanley.

See Law Depo., October 16, 2002, p. 240. In any event, Cardinal O'Connor vetoed the idea of Father Shanley becoming Executive Director of Leo House, and Father Shanley left New York for California, where he resided before his arrest in May of last year. See Law Depo., October 16, 2002, pp. 240-241.

In February of 1996 Cardinal Law wrote to Father Shanley thanking him for his years of service upon granting him Senior Priest/Retirement status. See RCAB 00737. In that letter, Cardinal Law stated as follows:

This letter provides me with an opportunity to thank you in my name and in the name of the people of the Archdiocese for the ministry which you offered both in parishes and in a specialized way over the years from your ordination in 1960 until your Sick Leave began in 1990. For thirty years in assigned ministry you brought God's Word and His Love to His people **and I know that that continues to be your goal despite some difficult limitations.** That is an impressive record and all of us are truly grateful for your priestly care and ministry to all whom you have served during those years. Without doubt over all of these years of generous and zealous care, the lives and hearts of many people have been touched by your sharing of the Lord's Spirit. **Your are truly appreciated for all that you have done.**



See RCAB 00737 (emphasis added). Father Shanley is currently awaiting trial on rape and indecent assault and battery charges involving Gregory Ford, Paul Busa, [REDACTED] and Anthony Driscoll.

**B. Other Priests**

Listed below is a sample and general summary of the evidence the Plaintiffs intend to present concerning how the RCAB, by and through the actions and inactions of Defendants and others, dealt with accusations against other priests over the years. The sample and summary below by no means is intended to be exhaustive and the Plaintiffs reserve the right to proffer additional evidence at trial.

**1. JOSEPH BIRMINGHAM<sup>8</sup>**

In February of 1960, Joseph Birmingham was ordained, along with Father Shanley, Bishop McCormack, John M. Cotter, Bernard J. Lane (“Father Lane”) and Eugene M. O’Sullivan (“Father O’Sullivan”). Father Birmingham’s first assignment was at Our Lady of Fatima in Sudbury, Massachusetts. See Birmingham 2.1. In a matter of only three short years, Father Birmingham molested more than one dozen young boys. Two of those boys, Michael McCabe and Peter Taylor, reported what had happened to them and confront Father

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<sup>8</sup> The documents referenced in each numbered subsection (i.e. 1. Joseph Birmingham) will be found behind the corresponding numbered tab in the Addendum attached to the brief. The documents are in the following order: Bates stamped documents; Affidavits; Deposition Transcripts; Complaints and Other Pleadings; Miscellaneous documents.

Birmingham about it. In November 1964, a meeting was called at the Chancery with the pastor of Our Lady, Robert Hurley, RCAB Chancellor, Monsignor Francis J. Sexton (“Monsignor Sexton”), Personnel Director, Monsignor Thomas J. Finnegan (“Monsignor Finnegan”), the two boys, their fathers, and Father Birmingham. Father Birmingham denied that he molested the young boys. See Birmingham 2.1. Nevertheless, the RCAB officials, including Monsignors Sexton and Finnegan, recommended that Father Birmingham seek treatment with Dr. Philip Quinn and in the words of Monsignor Finnegan, “in any event, Father B. is to be transferred.” Birmingham 2.1. About one year later, Michael McCabe saw Father Birmingham with a group of children on a ski trip in New Hampshire.

Almost immediately after the meeting at the Chancery, Father Birmingham was transferred to St. James parish in Salem. See Birmingham 2.33. It is unclear whether Father Birmingham ever received any therapy as recommended by the RCAB officials after the November 1964 meeting. In Salem, Father Birmingham molested more than 20 young boys. See Complaint of Hogan et al. v. RCAB et al. (“Hogan Complaint”).

In 1970, rumors circulated around Salem that Father Birmingham was molesting the altar boys. See Birmingham 2.5-2.6. Father Patrick Kelly, from Annunciation Rectory in Danvers telephoned and wrote to Personnel Director, John Jennings about these rumors. See Birmingham 2.5-2.6. He expressed his

concern about the children Father Birmingham was hurting and about Father Birmingham's health as well. Birmingham 2.5-2.6. He said he visited with the pastor of St. James and expected that the pastor had sent a letter to Jennings. Birmingham 2.5-2.6. Father Kelly noted that Father Matthias, OFM is also aware of the Birmingham problem. Birmingham 2.5-2.6.

Bishop McCormack served with Father Birmingham in Salem for a period of time in the late 1960's. Now Bishop McCormack of Manchester, New Hampshire, he testified that he saw "Damn Father Birmingham" scrawled on a fence in Salem in or about 1970. See Deposition of Bishop John McCormack, ("McCormack Depo."), dated August 15, 2002, p. 148-149. Shortly thereafter, a male parishioner, [REDACTED], knocked on the door of Catholic Charities where Bishop McCormack was assigned and reported to him that Father Birmingham had molested parish altar boys. See McCormack Depo., August 15, 2002, p. 148-149. Bishop McCormack testified that he believed this report. See McCormack Depo., August 15, 2002, p. 148-149.

In or about the end of 1969 or 1970, Father Birmingham was transferred from St. James to St. Michael's in Lowell. See Birmingham 2.33. Shortly after his transfer, a group of women learned that their sons too were being sexually molested by Father Birmingham. See Affidavit of Mary McGee ("McGee Aff."). One mother, Mary McGee spoke immediately with the Principal of the school,

Sister Grace Kenning. See McGee Aff.. Sister Grace already knew that Birmingham had been molesting children and said “don’t tell me they got Michael too.” See McGee Aff..

Sister Grace told Mary that she had gone to the Archdiocese of Boston as soon as she became aware of the situation with Father Birmingham. See McGee Aff.. Sr. Grace spoke with Father John Jennings, the Personnel Director. See McGee Aff.. She told Father Jennings that as long as she was Principal of St. James, Father Birmingham would no longer be allowed near any of her students. See McGee Aff.. She told Mary that Father Jennings dismissed her as a meddling female. See McGee Aff.. She suggested that Mary go to the Archdiocese with a group of the parents. See McGee Aff.; Birmingham 2.42-2.43.

Mrs. McGee called a meeting where concerned family members and parishioners got together. See McGee Aff.. It was decided that a group of women, including Mary McGee, Winnie Morton, Judy Fairbank, Ann McDaid and Tony Abraham would go to Brighton to speak with Father Jennings. See McGee Aff.. At the meeting with Father Jennings, these women made three requests: (1) that Father Birmingham receive professional help; (2) that his access to children be restricted; and (3) that the pastor at his new parish, St. Michael’s in Lowell, be told about Father Birmingham’s past in order for him to keep an eye on Father Birmingham. See McGee Aff.. Father Jennings refused to agree to any

of these requests. See McGee Aff.. In fact, he warned them of the penalties of slander. See McGee Aff.. He excused the women and told them to go back to Salem and let the Archdiocese of Boston handle this matter. See McGee Aff..

Father Birmingham served at St. Michael's in Lowell from 1970-1977. See Birmingham 2.33. There, he was head of the Catholic Youth Organization and ran the altar boy program. He established a club house in the church basement where young children would gather to play games and study. During this seven year period, he molested another 20 boys. See Hogan Complaint. It is clear that either Father Jennings did not warn the pastor at St. Michael's or the pastor did not heed Father Jennings' advice.

In 1977, Father Birmingham was transferred to St. Columbkille's parish in Brighton. See Birmingham 2.33. There are at least three known victims of Father Birmingham's sexual abuse from St. Columbkille's. See Hogan Complaint. One young boy could not swim and therefore relied on Father Birmingham to hold him while the two of them were in the pool together. See Affidavit of John Doe 3 ("Doe 3 Aff.") (██████████).<sup>9</sup> Father Birmingham took advantage of this child's vulnerability and sexually molested him in the swimming pool. See Doe 3 Aff.. On another occasion, Father Birmingham tried to sexually molest this

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<sup>9</sup> John Doe 3's name has been provided to defense counsel.

same child in the church but the boy ran away so fast that he ran into oncoming traffic and was hit by a car. See Doe 3 Aff..

In 1985, the RCAB sought a recommendation from Dr. Philip Quinn. See Birmingham 2.10. Dr. Quinn wrote “at the present time there is no evidence of any significant sexual preoccupation. . . . Consequently I can see no reason why he could not be made a pastor. ” See Birmingham 2.10. Father Birmingham remained at St. Columbkille’s until he was transferred to St. Ann’s in Gloucester in 1986. See Birmingham 2.33. Father Birmingham molested at least three boys while at St. Ann’s. See Hogan Complaint. Interestingly, by this time, Bishop McCormack was now the Secretary for Ministerial Personnel, a high level position within the Archdiocese of Boston. “As secretary for ministerial personnel, [McCormack] had administrative oversight over those offices and departments within the RCAB that dealt with ministerial personnel. So it was planning, budgeting, problem solving.” See McCormack Depo., June 3, 2002, p. 31. It was under Bishop McCormack’s watch that Father Birmingham was promoted to pastor by Cardinal Law in 1985. See McCormack Depo., dated June 3, 2002, p. 238-240; Law Depo., October 11, 2002, p. 201. Bishop McCormack testified that he spoke to someone about whether or not Father Birmingham was fit to be pastor. See McCormack Depo., June 3, 2002, pp. 238-240. Bishop McCormack wondered at the time whether he ought to be made pastor, in light

of his past sexual abuse of children. See McCormack Depo., June 3, 2002, p. 238-240. He also testified that he knew it was Bishop Banks and Cardinal Law who were responsible for assigning priests to their parishes. See McCormack Depo., August 15, 2002, p. 166-168. But Bishop McCormack did not do anything to stop the appointment of Father Birmingham to pastor of a family parish.

In 1987, Paul Ciaramitaro, who was only 15 years old, told his mother about the sexual abuse he had suffered at the hands of Father Birmingham. See Hogan Complaint.. Mrs. Beatrice Ciaramitaro, his mother, immediately called the Chancery and was told to call her local bishop, Bishop John J. Mulcahy. See Affidavit of Beatrice Ciaramitaro (“Ciaramitaro Aff.”). Mrs. Ciaramitaro did just that and Father Birmingham was transferred from St. Ann’s the very next day. See Ciaramitaro Aff.; Birmingham 2.11. Bishop Mulcahy agreed to provide Mr. Ciaramitaro with therapy. Mrs. Ciaramitaro received counseling from Bishop Mulcahy himself. See Ciaramitaro Aff.

Over the next few years, Mr. Ciaramitaro became increasingly emotionally unstable. His illness, tuberous sclerosis made him more vulnerable to pressure from home. See Hogan Complaint. He was completely reliant on the shelter, food and care his parents provided. See Hogan Complaint. In 1990, Mr. Ciaramitaro decided, with the help of a friend, to consult a lawyer. See JB 0014-0015. In or about 1991, Bishop Mulcahy called Mrs. Ciaramitaro screaming at

her. See Ciaramitaro Aff.. He was very angry that Mr. Ciaramitaro had decided to bring a claim against the church. Mrs. Ciaramitaro did not know what Bishop Mulcahy was talking about. See Ciaramitaro Aff.. Paul had not told her about contacting the lawyer for fear that it would greatly upset her. Bishop Mulcahy told her that if Mr. Ciaramitaro continued to bring a claim against the church, Bishop Mulcahy would withhold counseling from Mr. Ciaramitaro. Counseling was very important to Mrs. Ciaramitaro. See Ciaramitaro Aff.. She felt intimidated into convincing Mr. Ciaramitaro to drop his claims against the church. See Ciaramitaro Aff.. She told him that if he continued to sue the church, he would be kicked out of the family. See Ciaramitaro Aff.. Shortly thereafter, Mr. Ciaramitaro went to his attorney and told him to “settle the matter.” See Birmingham 2.50-2.53; Birmingham 2.88. Mr. Ciaramitaro’s attorney in fact settled the matter for a “meager settlement.” See Birmingham 2.91; 2.92

Bishop Banks, then Vicar for Administration, spoke with Father Birmingham who admitted “there had been some difficulty.” See Birmingham 2.12-2.14. Father Birmingham agreed to resign from his position as pastor of St. Ann’s and seek assessment and therapy. See Birmingham 2.11. In March 1987, Father Birmingham was sent to the Institute of Living for a psychiatric assessment. See Birmingham 2.20-2.22. The Institute doctors expressed concern



over “what is the risk of his acting out in this manner again.” See Birmingham 2.20-2.22.

Nevertheless, Father Birmingham was transferred to St. Brigid’s in Lexington. See Birmingham 2.33; Law Depo., October 11, 2002, p. 201, 204. According to Cardinal Law, see Affidavit of Tom Blanchette (“Blanchette Aff.”), Father Birmingham’s ministry was restricted and he was to have no contact with children. See Blanchette Affidavit. However, according to Sister Marie Labolitta, a nun assigned to St. Brigid’s with Father Birmingham, none of the staff at St. Brigid’s were told that Father Birmingham had any restrictions, particularly with respect to children.

In April 1987, a man by the name of William Connelly wrote specifically to Cardinal Law to ask him about “Father Joe Birmingham who was taken out of St. James’ Parish in Salem during the last 1960’s to early 1970’s.. . . Birmingham had been removed because he had molested boys in the parish.” See Birmingham 2.22-2.23. Mr. Connelly demanded that Cardinal Law tell him whether the Joe Birmingham, pastor in Gloucester was the same Joe Birmingham that was assigned to St. James. .” See Birmingham 2.22-2.23. He raised a concern about whether his son, an altar boy, had been abused by Father Birmingham and also that there were rumors that Father Birmingham had AIDS. See Birmingham 2.22-2.23. The RCAB’s response came from Bishop McCormack who wrote “I

contacted Father Birmingham and asked him specifically about the matter you expressed in your letter. He assured me there is absolutely no factual basis to your concern regarding your son and him. From my knowledge of Father Birmingham and my relationship with him, I feel he would tell me the truth and I believe he is speaking the truth in this matter.” See Birmingham 2.25-2.26. Despite the grave concerns Mr. Connelly raised in his letter and the assertions Bishop McCormack made in his deposition that he would have encouraged Mr. Connelly to speak with his son, Bishop McCormack actually told Mr. Connelly “I see no need of your raising this question with your son.” See Birmingham 2.25-2.26; McCormack Depo., June 3, 2002, p. 243. Bishop McCormack testified, however, that at the time he received this letter, he knew that the Father Birmingham referenced in Mr. [REDACTED]’s letter was the **same** Birmingham that was removed from St. James’ parish in 1970. See McCormack Depo., June 3, 2002, p. 241. Father Birmingham remained at St. Brigid’s until his death in 1989, at the age of 55. See Birmingham 2.33.

Thirty years after being abused, Thomas Blanchette decided after years of not speaking about Father Birmingham that he wanted to visit Father Birmingham at St. Brigid’s. See Blanchette Aff.. Mr. Blanchette gave Father Birmingham a brief description of the effect of Father Birmingham’s abuse on him and his brothers. See Blanchette Aff.. Father Birmingham tried to explain to

him that he had personal difficulties all of his life, his parents were both dead and he was an only child. See Blanchette Aff.. He also explained to Mr. Blanchette that he now suffered from a “mysterious illness.” See Blanchette Aff.. Mr. Blanchette said to Father Birmingham, “I have come here tonight to ask you to forgive me for the hatred and resentment I have held against you for 25 years.” See Blanchette Aff.. Father Birmingham stood up, raised his fists and said, “Why are you asking me to forgive you?” See Blanchette Aff.. Father Birmingham then fell back in his chair and sobbed. See Blanchette Aff..

A few days before Father Birmingham died, Tom Blanchette went back to visit Father Birmingham at Symmes Hospital. See Blanchette Aff.. Father Birmingham was gravely ill and he had a friend with him in the hospital room, Military Chaplain Lawrence Kelly. Father Birmingham died a few short hours after Mr. Blanchette left the hospital. See Blanchette Aff..

Tom Blanchette attended Father Birmingham’s funeral in February 1989. See Blanchette Aff.. There, he approached Cardinal Law to tell him about his relationship with Father Birmingham. See Blanchette Aff.. Cardinal Law promised Mr. Blanchette that once he learned of Father Birmingham’s sexual abuse of children, he had placed him in a restricted parish setting where he had no access to children, presumably St. Brigid’s in Lexington. See Blanchette Aff.. Cardinal Law told Mr. Blanchette to speak with Bishop Banks about the matter,

as he was the Bishop handling these matters. See Blanchette Aff.. Mr. Blanchette told Cardinal Law that there were many young men who needed the church's help and the church has an obligation to reach out to them. See Blanchette Aff.. Cardinal Law continued to urge Mr. Blanchette to speak with Bishop Banks about the matter. See Blanchette Aff.. Furthermore, in an attempt to silence Mr. Blanchette, Cardinal Law blessed him and stated "I bind you by the power of the confessional not to speak to anyone else about this. We don't want to destroy the reputation of this good man's ministry." See Blanchette Aff..

## 2. RICHARD BUNTEL

Father Richard Buntel ("Father Buntel") was ordained in 1971 and incardinated into the Archdiocese of Boston. See Buntel-2 003. From 1977 to 1983, Father Buntel served as part of Team Ministry at St. Joseph's parish in Malden, from which he resigned following "personality clashes and tensions." See Buntel-2 036. Around this time, Bishop Daily took a very active role in overseeing Father Buntel. See Buntel-2 041. In fact, Father Buntel was "sent away for a month" to Our Lady's Hall for alcohol abuse treatment. See Buntel-2 041. An August 1, 1983 memorandum from Bishop Daily to Father McCarthy memorializes a conversation the two of them had on July 30, 1983 regarding Father Buntel's alcohol and drug abuse and "personal problems." See Buntel -2-

041. While Father Buntel admitted to alcohol and drug abuse, Bishop Daily wrote, “he made no admission of personal problems.” See Buntel –2-041.

Despite the fact that Father Buntel admitted to having abused alcohol and drugs and despite the RCAB’s suspicions that there were other “personal problems,” including homosexual behavior, see Buntel-2 041, Father Buntel was assigned to St. Catherine’s parish in Westford in August 1983. See Buntel-2 042. In or about October 1983, Father Buntel sexually assaulted a 21-year old man who lived and worked at the rectory of St. Catherine’s after supplying this man with cocaine. See Complaint of Leeland Eisenberg v. RCAB et al, (“Eisenberg Complaint”).

The truth surrounding the break-up of the Team Ministry, Father Buntel’s treatment at Our Lady’s Hall and his subsequent transfer to St. Catherine’s, is memorialized in a 1994 memorandum from Bishop McCormack in response to a complaint that Father Buntel sexually molested a child from the ages of 15-21. See Buntel-2 092. Bishop McCormack wrote that Father “Kevin Crowley called— doesn’t doubt [victim’s] report.” See Buntel-2 092. Father Crowley and Father Guarino were assigned to St. Joseph’s at the time the abuse occurred and “Kevin complained to Dick. Mike showed Kevin all of Dick’s male pornography mags [sic] in Dick’s closet. Smelled marijuana, saw cocaine and thought he drank too much. Confronted Dick. [Father] Vic Lavoie did drugs a few times. Reported

Dick –told [Father Robert] Beale-only treated him for alcohol-which Kevin thought he was still doing cocaine. He returned to parish in a mo[nth]-not at all improved. Team broke up-Dick went to Westford.” See Buntel-2 092.

Father Buntel’s personal problems with drugs, alcohol and homosexual behavior were once again raised in November 1983 by Bishop John M. D’Arcy (“Bishop D’Arcy”), Auxiliary Bishop of Boston. See Buntel-2 046-047. In a letter dated November 1, 1983, Bishop D’Arcy wrote to Bishop Daily about a nickname used by kids for Father Buntel: “pothead.” See Buntel-2 046-047. He also told Bishop Daily that there was talk at Father Buntel’s previous parish (St. Joseph’s in Holden) about Father Buntel’s homosexual activity. Bishop D’Arcy highlighted that these activities could have a **devastating effect on children** and that a **scandal** may ensue for the Church. See Buntel-2 046-047 (emphasis added). Bishop D’Arcy stated that Father Buntel was well aware that people thought this about him and nevertheless refused to get help or treatment. See Buntel-2 046-047. Bishop D’Arcy expressed grave concern for the parish and the parishioners, as well as the **scandal** which could arise in Westford. See Buntel-2 046-047 (emphasis added). Bishop D’Arcy clearly stated that he believed that Father Buntel had **serious problems in the area of drugs, alcohol and homosexual activity**. See Buntel-2 046-047 (emphasis added).

On November 3, 1983, Bishop Daily responded to D'Arcy's letter and scheduled an appointment to meet with Father Buntel. See Buntel-2 048, 050. After meeting with Father Buntel, Bishop Daily wrote to Bishop D'Arcy explaining that Father Buntel "was upset and angry about [your] letter. . . in no way is there any question of scandal or admiration. . . I suggested to him . . . that it was my understanding that you had serious problems about potential scandal relating not only to alcoholism and drugs but, more especially, to **inappropriate activity about which we have previously discussed.**" See Buntel-2 051 (emphasis added). Bishop D'Arcy agreed to meet with Father Buntel and in a letter to Bishop Daily states "I certainly hope that his response to you represents the total truth. As you know, it is in some conflict with other reports." See Buntel-2 053. According to RCAB records, no further investigation was conducted and nothing was done to prevent Father Buntel from engaging in similar behavior at St. Catherine's.

In an April 27, 1984 memorandum from Monsignor Frederick Ryan to Bishop Daily, Monsignor Ryan told Bishop Daily that a social worker called stating her concern about Father Buntel's drug abuse and his use of drugs with children while at St. Joseph's. See Buntel-2 054-055. The social worker highlighted the effects this could have on children. See Buntel-2 054-055. Monsignor Ryan reported to Bishop Daily that in response to the social worker's

concerns, he pointed out that “in her own profession there would be guidelines for protection of the person who is in a problem, as well as trying to resolve and correct the difficulty.” See Buntel-2 054-055. Monsignor Ryan said that he asked the social worker to “keep the confidentiality of a professional as regards any information she may have secured about past situations at the parish.” See Buntel-2 054-055. It is clear from this memorandum that Monsignor Ryan’s goal was to keep this “problem” secret.

Despite the concerns of Bishop D’Arcy and the social worker from Westford, Father Buntel continued to serve the RCAB. Between 1988 and 1994 Father Buntel was passed over for pastorship five separate times. See Buntel-2 063, 073, 085, 086, 091. Father Buntel remained at St. Catherine’s until he was placed on Administrative Leave in 1994. See Buntel-2 003. Bishop McCormack’s memorandum, dated February 4, 1994, provides greater detail about Father Buntel’s abuse of a young boy at St. Joseph’s. See Buntel-2 092. After Father Buntel was transferred to St. Catherine’s, he took a boy to St. Catherine’s where they used drugs and Father Buntel sexually abused the boy. See Buntel-2 092. Children from Father Buntel’s previous assignment in Hudson would travel to St. Joseph’s to get cocaine from Father Buntel. See Buntel-2 092. Bishop McCormack also noted that the relationship between Father Buntel and the victim only stopped because Father Buntel was sent to “Milton” for treatment.



See Buntel-2 092. Even while in Milton, Father Buntel would visit the victim and they would continue to do drugs and Father Buntel would sexually abuse the boy. See Buntel-2 092. Father McCormack makes a note that Father Buntel is known as the **“blow king of Malden.”** See Buntel-2 092 (emphasis added).

Father Buntel was confronted regarding the victim’s allegations on February 28, 1994. See Buntel-2 103-104. Father Buntel admitted to the sexual activity, but denied knowing that the victim was a minor. See Buntel-2 103-104. Father Buntel also admitted to having contact with the victim after he left St. Joseph’s. See Buntel-2 103-104. He stated that the victim went to the Westford parish one time and then another time to Father Buntel’s home because the victim wanted assistance in buying a car. See Buntel-2 103-104. Father Buntel admitted that he had sexual activity with other older men and used cocaine and marijuana. See Buntel-2 103-104. He later denied that drugs, alcohol or homosexual activity were interfering with his ministry. See Buntel-2 103-104.

Father Buntel agreed to take an administrative leave and to have an assessment at St. Luke’s. See Buntel-2 103-104. It took the RCAB ten years to realize that Father Buntel was not fit to be a priest. Chancery officials notified the members of St. Catherine’s parish that Father Buntel was taking time off for personal and health reasons. See Buntel-2 109, 110. On February 25, 1994, Cardinal Law placed Father Buntel on administrative leave, effective March 1,

1994. See Buntel-2 102. “The blow king of Malden” (a.k.a. “pothead”) would never serve in parish ministry again. See Buntel-2 092.

### 3. ROBERT BURNS

Father Burns was a priest incardinated into the Diocese of Youngstown, Ohio in June of 1975. See BURNS2 290. His problem, in the words of RCAB personnel director Gilbert Phinn was “little children.” See BURNS2 011. In or about 1981, Father Burns was originally sent from Youngstown to a treatment center for priests in Massachusetts called the House of Affirmation. See BURNS2 011. The purpose of the placement was “to treat incidents of and a proclivity towards sexual activity with boys.” See BURNS2 290. In 1982, Father Burns approached the RCAB about the possibility of doing parish work. See BURNS2 290.

After meeting with Father Burns, Bishop Alfred Hughes informed Father Phinn that while Bishop Hughes “realizes there is a risk . . . Bp. Feels he can recommend placement.” See BURNS2 027. Bishop Daily was also aware of Burns’ problems and had reservations about the placement, see BURNS2 018, although, as Auxiliary Bishop, he would have to approve any assignment. On October 27, 1982, the House of Affirmation sent a letter to Father Phinn clearly stating that Father Burns ought not to be assigned to a position that “**placed him in a position to minister to minors.**” See BURNS2 290 (emphasis added).

On November 8, 1982, Father Burns was appointed to as part time associate pastor at St. Thomas Aquinas Parish in Jamaica Plain, where he received the **“full faculties of the Archdiocese.”** See BURNS2 038; 2-290 (emphasis added). On June 24, 1986, Cardinal Law appointed Father Burns as part time parochial vicar at St. Mary Parish in Charlestown. See BURNS2 052. Neither of the Pastors with whom he was assigned was informed of a need to restrict Father Burns’ ministry with children. See BURNS2 290.

In March of 1991, a complaint was received by the RCAB about Father Burns engaging in acts of “masturbation, sodomy and oral sex” with a boy from St. Thomas Aquinas when the boy was thirteen or fourteen years old. See BURNS2 054. By May of 1999, the RCAB had received six complaints about Father Burns molesting children. See BURNS2 290. After the first allegation in 1991, Father Burns was removed from ministry, with Bishop McCormack stating that his plan was to “help [Father Burns] to resettle once we have word from [the Youngstown Bishop] what he would like Father Burns to do.” See BURNS2 054. There is no indication that any thought was given by Bishop McCormack or Cardinal Law to reporting Father Burns to the police regarding the allegations of child rape.

When the RCAB was named in a civil suit by a victim of Father Burns, and there was a fear that the matter would receive publicity, the RCAB attempted to

understate the significance of its “misjudgment.” See BURNS2 290. Various draft press releases stated that the “tragic allegations involve a priest from outside the diocese” and never once revealed the true facts about the RCAB’s prior knowledge of Father Burns’s past and the RCAB’s rejection of the advice from the House of Affirmation that Father Burns not be placed into contact with minors. See BURNS2 077-078. Instead, Cardinal Law’s emphasis was to distance the Church from the deviant acts of Father Burns and to avoid scandal. In a letter of April 29, 1999, Cardinal Law wrote a letter to Cardinal Sodano of the Holy See in support of the petition to laicize Father Burns. See BURNS2 288. As Cardinal Law stated: “The immoral and illegal activities of Father Burns during his stay in the Archdiocese are the cause, potential and actual, of grave scandal.” See BURNS2 288.

When asked about Father Burns at his deposition, Cardinal Law first suggested that the “full record of Father Burns was obscured” and that he never should have received an appointment. See Law Depo., January 22, 2003, p. 43. As set forth above, there was nothing obscure about the record of Father Burns. See supra. When asked about the assignments of Father Burns in two parishes in the RCAB, Cardinal Law emphasized the fact that his policy on matters of sexual abuse of minors was one of “delegation.” See Law Depo., January 22, 2003, p. 37. Specifically, Cardinal Law stated it would have been Bishop Daily who would

have followed up on personnel decisions. See Law Depo., January 22, 2003, p. 51. When asked whether he did anything to alert the police or Department of Social Services about Father Burns when he left the Diocese to ensure that he did not commit another crime, Cardinal Law responded as follows:

What I did with regard to Father Burns is what I was able to do and that was to be sure that he did not serve in this Archdiocese. I did not have the responsibility, the authority over Father Burns beyond saying that he could not serve in this Archdiocese because I was not his bishop.

See Law Depo., dated January 22, 2003, p. 41.

Following his departure from Boston, Father Burns “resettled” in New Hampshire where he was arrested in 1995 and subsequently convicted and incarcerated in 1996 for sexually molesting a twelve year old boy. See BURNS2 290. In a memorandum submitted to the Holy See by Cardinal Law in May of 1999, it was noted that Father Burns propensity to sexually molest boys was “known to officials within the Archdiocese, but overlooked in favor of Father Burns’ solemn assurance of his ability to control his impulses.” See BURNS2 290. Cardinal Law described the decision to place Father Burns without restriction in two parishes of the RCAB as a “misjudgment.” See BURNS2 290.

#### **4. RICHARD T. COUGHLIN**

Father Richard Coughlin was born on June 13, 1924 and ordained at the Holy Cross Cathedral in Boston by then Archbishop Richard J. Cushing on

September 29, 1953. See Coughlin-16. His first assignment was as an assistant at St. Patrick's, Stoneham beginning on October 12, 1953. See Coughlin-16. On February 16, 1960, he was transferred to St. Mary's in Lynn, to serve as an assistant where he remained until June 15, 1965. See Coughlin-16. On that date, Father Coughlin moved to the Archdiocese of Los Angeles [Orange County], California under the Lend Lease program. He was excardinated from the Archdiocese of Boston on February 19, 1971. See Coughlin-16. While in California, Father Coughlin founded the All-American Boys Chorus, a 100-member choir of boys aged nine through fourteen. See Coughlin-43.

On November 30, 1985, Bishop John McCormack, the RCAB Secretary for Ministerial Personnel, documented a telephone conversation with Mr. David Coleman. See Coughlin-1. Mr. Coleman reported that as a boy of about nine to eleven years old, he was abused by Father Coughlin at St. Patrick's in Stoneham. See Coughlin-1. Mr. Coleman described how Father Coughlin first molested him in his automobile after CYO basketball games in Stoneham in about 1957. See Affidavit of David Coleman ("Coleman Aff."). Father Coughlin often gave Mr. Coleman and several other boys a ride home after the basketball games, and Mr. Coleman was sexually molested by genital fondling in Father Coughlin's car. See Coleman Aff.. The sexual molestation continued for approximately five years, even after Father Coughlin was transferred to St. Mary's Parish in Lynn,

Massachusetts, and after Mr. Coleman and his family moved to Wellesley, Massachusetts. See Coleman Aff..

Mr. Coleman told Bishop McCormack that he was a recovering alcoholic, actively participating in AA, and had been in therapy for several years. See Coughlin-1. Mr. Coleman worried that Father Coughlin might still be abusing children. See Coughlin-1. He felt obliged to inform the RCAB, and Bishop McCormack assured Mr. Coleman that “[the RCAB] would handle this”. See Coughlin-1. At the end of McCormack’s handwritten note is a phrase describing his quandary as to what to do: “Should contact be made with Los Angeles. [Richard T. Coughlin] teaches at a boys school there” See Coughlin-1.

The typewritten version of this memo contains Bishop McCormack’s subsequent decision, “I also assured him that we would look into this matter and follow through with the Archdiocese of Los Angeles” See Coughlin-2. Bishop McCormack took no action himself, but instead sent a confidential handwritten note to Bishop Banks that was received on December 3, 1985. See Coughlin-20. The address of Father Coughlin and his superiors were listed. See Coughlin-20. Not until March 12, 1986 did Bishop Banks act on this memorandum, noting that he called Bishop Steinbeck, who “said that he’d speak to Norbetines”, Father Coughlin’s religious order. See Coughlin-20.

Years later, on November 19, 1992, Mr. Coleman called the RCAB again and spoke to Sister Catherine Mulkerrin. See Coughlin-23. Mr. Coleman identified himself as a journalist and a victim. See Coughlin-23. Mr. Coleman told Sister Mulkerrin about meeting with Bishop McCormack in 1985, and said that he was warned at that time that “I would not be told what was found” after Bishop McCormack’s investigation. See Coughlin-23. Mr. Coleman asked Sister Mulkerrin to have Bishop McCormack contact him, and subsequently, a meeting was arranged in December, 1992. See Coughlin-23.

Before their second meeting, Mr. Coleman forwarded to Bishop McCormack a long, poignant, and eloquent story of Father Coughlin’s abuse and its horrible, all-encompassing and tragic effect on his life. See Coughlin-3-6. In “Living On A ‘Fault’ Line”, Mr. Coleman describes his years of abuse, his shame, his guilt, his attempt to inform church officials by meeting with Bishop McCormack, and his emotional breakdown five years after that meeting. See Coughlin-3-6. The effect on his emotional life was devastating:

In 1990, I suffered an emotional breakdown. I signed myself into a hospital to avoid acting on increasingly dark thoughts. With the help of a psychiatrist, I finally began to see the origins of my behavior. I couldn’t trust people. I couldn’t bear intimacy. I had no belief in myself or my value as a person. I was a workaholic and a perfectionist. In intimate moments, I feared discovery to the point of panic.... I had needed to find a sanctuary, a place safe from the danger of the world, a world where nothing was as it seemed, where nothing was predictable....



See Coughlin-4. Bishop McCormack had no memory nor could he locate any notes of their meeting in November, 1985. See Coughlin-33.

Hoping that the priest would take responsibility and tell Mr. Coleman that the abuse was not his fault, Mr. Coleman decided to contact Father Coughlin and tell him how much he had been hurt by the sexual abuse. See Coughlin-5. Father Coughlin's reaction was devastating: he denied that "such a relationship ever existed." See Coughlin-5. When Mr. Coleman described his memories and the locations of the abuse: "his brother's place, Laconia County Club and Weirs Beach, Oyster Harbor Golf Course and Falmouth, the Margate Motel in February and skiing at Sunapee, his blue can of tooth powder[,]” Father Coughlin simply said, "If that's what you remember, it must be so." See Coughlin-5.

Since Father Coughlin would not accept responsibility, even privately, for his actions and the RCAB did not take responsibility, Mr. Coleman decided to contact officials in California. See Coughlin-6. On about December 18, 1992, Mr. Coleman called Monsignor John Urell in Orange County, California and asked him to investigate his charges of abuse against Father Coughlin. See Coughlin-157. Mr. Coleman also contacted the Orange County District Attorney to report his sexual abuse. See Coughlin-157.

After Mr. Coleman contacted Monsignor Urell and the District Attorney, the RCAB documents show that there were many conversations between the

RCAB and the Archdiocese of Los Angeles. See Coughlin-31, 32, 52, 56. The documents contain notes of Bishop McCormack's consultations with media expert John Walsh (see Coughlin-35-39), and Bishop McCormack's notes regarding interviews with the Boston Globe. See Coughlin-35, 47.

According to the notes of Bishop McCormack, Msgr. Urell stated in December, 1992 that the Archdiocese of Los Angeles was actively investigating Father Coughlin regarding an allegation of abuse occurring twelve years before. See Coughlin-157. Bishop McCormack was told that in 1974 Father Coughlin had become a faculty member of St. Michael's Abbey, a Norbetine high school, and in 1989 Father Coughlin become a full-time director of the All American Boys Chorus. See Coughlin-157. Although he denied the charges of sexual abuse, Coughlin resigned from his post as leader of the All-American Boys Chorus on December 28, 1992, and was placed on Administrative Leave by the Los Angeles Archdiocese. See Coughlin-43.

A statement from Bishop Norman McFarland of the Los Angeles Archdiocese was released on February 10, 1993:

all things having been considered in the context of the serious nature and scope of the allegations, it has been my judgment that Father Coughlin's priestly faculties in the Diocese of orange must prudently be removed and Father Coughlin has been personally informed of this by me. See Coughlin-43.

Five men had approached the Archdiocese separately complaining of sexual abuse by Father Coughlin: four from California for abuse that occurred while they were choir boys in the All-American Boys Chorus and the fifth was Mr. Coleman complaining of abuse occurring in the Boston Archdiocese. See Coughlin – 43.

In the early months of 1993, Mr. Coleman contacted Father Coughlin by telephone about a half dozen times to discuss their relationship and continued to ask Father Coughlin if he would admit that he had sexually molested him. See Coleman Aff.. Father Coughlin would not admit during any of their conversations that he had sexually molested or harmed Mr. Coleman in any way. See Coleman Aff.

Bishop McCormack's handwritten notes from this period indicate that he was attempting to chronicle a more benign version of the events, and to explain away the RCAB's lack of action after Mr. Coleman's meeting with him in November, 1985. See Coughlin-52, Coughlin-33. Bishop McCormack did find the entry on his calendar on November 5, 1985 at 11 a.m. and wrote that he had no recollection of the meeting, except an inquiry about a priest being an organist. See Coughlin-33. As an aside, Bishop McCormack added at the edge of his notes, "Probability of error is there, I feel terrible!" See Coughlin-33.

At some time in January or early February, Bishop McCormack notes that James Franklin of the Boston Globe was investigating the story, and that a friend of Mr. Coleman's had corroborated the meeting in November, 1985. See Coughlin-35. Mr. Coleman's friend had accompanied him to the meeting with Father McCormack at the Chancery. See Coughlin-35. She remembered that Mr. Coleman was crying very hard, that he was told that there would be an investigation, but he would not know the result. See Coughlin-35. Faced with the certainty of adverse publicity, Bishop McCormack and his media consultant, John Walsh, worked on a press release. See Coughlin-36-39, 42. In his notes, Bishop McCormack wrote "Say something - pastoral and entirely confidential". See Coughlin-36. The end result was the draft of a press release dated February 12, 1993, which contained the following half-truths:

The Archdiocese of Boston has no record of any allegations of improper conduct against Father Richard Coughlin. Neither Father John McCormack, Secretary for Ministerial Personnel, nor any other officials of the Archdiocese have any recollection of notification of alleged incidents until very recently. Still, the Archdiocese takes the current allegations very seriously and will listen respectfully to any individual who feels that he or she may be a victim of the terrible offense of sexual abuse.

See Coughlin-42. An article in the Boston Globe in March, 1993, see Coughlin-58, reported the details of Mr. Coleman's meeting with McCormack in November, 1985, his description of abuse by Father Coughlin, and the lack of action by the RCAB. See Coughlin-49-50. In an undated memorandum,

presumably in later March or on April 1, 1993, Bishop McCormack reported that the records of the meeting were located. See Coughlin-52. A story in the Pilot, the RCAB newspaper, followed the general press release on April 2, 1993, describing the fact that Bishop Banks informed the Diocese of Orange [California] of Mr. Coleman's accusations against Father Coughlin. See Coughlin-54. Bishop McCormack's notes indicate that in addition to the story for the Pilot, the RCAB attempted to control the public relations nightmare that faced the RCAB. See Coughlin-52, 54, 56. Cardinal Law called Bishop McFarland in California See Coughlin-52. Bishop McCormack called the Orange County hierarchy. See Coughlin-52. And John Walsh was involved in the plan to release information to the public, while attempting to keep Mr. Coleman adequately informed. See Coughlin-52. Additional notes of Bishop McCormack indicate that telephone contact was also made with Bishop Steinbeck, as well as more contact between Bishop McFarland and Cardinal Law. See Coughlin-56.

An excerpt from the April 2, 1993 article in the Pilot, entitled "A Very Painful Issue," shows that the RCAB, even when faced with its shortcomings and mistakes, did its best to deny responsibility:

As we go to press the story is one-day-old. It is simply too soon to speculate on the whole matter with any finality. And, because Mr. Coleman's and Father McCormack's memories of what took place at that private meeting back in 1985 vary, we have a serious public relations problem on our hands. It most [sic] not grow and wound the Church's credibility in this Archdiocese. Looking for

scapegoats is too easy. We must look at a very painful issue, examine our consciences, and remind ourselves that we who love the Church must always protect the innocent – especially the children.

See Coughlin-58.

## 5. PAUL J. FINEGAN

Father Paul J. Finegan was ordained on May 23, 1970. See Finnegan 315. Between 1975 and 1987, Father Finegan was assigned to St. Michael's parish in North Andover, Massachusetts. See Finnegan 312-313.<sup>10</sup> On October 12, 1980, [REDACTED] wrote a letter to Reverend Gilbert Phinn, then Personnel Director of the RCAB, in which she related that her younger sister, [REDACTED], age 13, was sexually molested by Father Finegan. See Finnegan 121-23. Ms. [REDACTED] asked for Father Phinn's assistance in addressing Father Finegan's sexual transgressions. See Finnegan 121-23. Ms. [REDACTED] became aware of Father Finegan's assault upon her sister because [REDACTED] wrote her a letter detailing Father Finegan's offenses which [REDACTED], in turn, sent to the RCAB. See Finnegan 115-20. In that letter, [REDACTED] relates, in pertinent part:

You know how I work at the rectory on Sunday nights. Well my friend [TM] (she's our cousin too!) he does the same thing to her. Father Paul is perverted. Trisha I'm serious he'll start out rubbing your shoulders then he'll reach down your shirt (back) & says what feels better? So we stay outside & he just kinda laughs- its pathetic

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<sup>10</sup> The documents produced by the RCAB regarding Father Paul J. Finegan were Bates stamped with a misspelling of Father Finegan's name. However, for ease of reference, documents are cited exactly as they are stamped, "Finnegan".

& I don't know what to do. I wore a turtleneck & a blouse Sunday & he didn't bother me & I told [TM] that & she said she wore a turtleneck too & he went right down it. I wasn't gonna say anything cause I didn't want rumors going around. But, [Tm] brought it up to me cause she thought he only did it to her & I thought he only did it to me. I feel a little better that I'm not alone but I still don't know what to do. w/b & tell me what you would do o.k.. – don't forget.

See Finnegan 115-120. Father Phinn received the [REDACTED]'s complaint. See Finnegan 106. In his reply letter to [REDACTED] Father Phinn requested the name of the priest and stated: "please be assured that we shall address this matter with great sensitivity." See Finnegan 106. On October 18, 1980, [REDACTED] responded to Father Phinn's request. See Finnegan 107-08. Ms. [REDACTED] provided Phinn with Father Finegan's name and asked for an update on what was being done by the RCAB to address Father Finegan's sexual transgressions. See Finnegan 107-108.

On November 5, 1980, Father Phinn wrote back to [REDACTED]. See Finnegan 109-110. Father Phinn suggested that [REDACTED] resign her position at the rectory as part of the "solution to the difficulty." In addition, Father Phinn stated in his letter: "I cannot confront the priest if I am unable to cite any evidence or if I do not have the name of one who had registered a complaint." See Finnegan 109-110. Father Phinn sought permission to use the victims' name. See Finnegan 109-110.

There is evidence that [REDACTED] then called Father Phinn. See Finnegan 111. [REDACTED] recalls that Father Phinn told her by phone that she should keep the Finegan matter confidential and reassured her that “it was being handled by the RCAB.” See Affidavit of [REDACTED] (“[REDACTED] Aff.”). She never told or suggested to Father Phinn that she and her sister were not committed to have the RCAB take appropriate disciplinary measures with Father Finegan. See [REDACTED] Aff.. Nonetheless, Father Phinn created a memorandum which inaccurately stated that “[REDACTED]-called on phone to say that the matter has been resolved.” See Finnegan 112.

Despite the fact that he posed a danger to minors, Father Finegan remained in active ministry at St. Michaels Parish until 1987 when he was transferred to St. Margaret’s Parish in Lowell. See Finnegan 095. There is no evidence in the RCAB files that Finegan was ever confronted about the [REDACTED] allegations or that any efforts were made by the RCAB to protect minors.

In approximately 1984, Father Finegan sexually abused Jane Doe at St. Michael’s Parish, the same Parish where [REDACTED] and her friend were molested. See Complaint of Jane Doe v. RCAB, Rev. Gilbert Phinn. (“Jane Doe Complaint”).



6. **JAMES D. FOLEY**

James D. Foley was a graduate of St. John's seminary in the class of 1960. See FOLEY, JAMES D.-2 001. His classmates included Fathers Shanley, Birmingham, Gale, Lane, Cotter and Bishop McCormack. Father Foley was first assigned to St. Bartholomew's in Needham Massachusetts. Shortly after arriving there, he became sexually involved with a female married parishioner, Rita Perry, who had sought counseling from him. In 1962, he requested a transfer "for personal reasons, for the good of the priesthood." See FOLEY, JAMES D.-2 001. He was transferred to Holy Redeemer Parish in East Boston, "but the woman would not let him go." See FOLEY, JAMES D. 3.122.

In July of 1964, Father Foley was placed in the Glenside Hospital in East Boston. See FOLEY, JAMES D. 3.119. It is believed that he was hospitalized after learning that Ms. Perry had reported to him that she was pregnant with his child. See Affidavit of James Perry ("Perry Aff.").

August 30, 1993 notes reflect that Father Foley then asked Cardinal Cushing to transfer him to Calgary, Canada. See FOLEY, JAMES D. 3.122. Father Foley "did not tell him what the real reason was" See FOLEY, JAMES D. 3.122. However, "the problem," as the Calgary Diocese referred to Ms. Perry, followed him out there in May of 1966 and he abruptly left the Diocese with Ms. Perry and her baby and they departed for San Francisco. See FOLEY, JAMES D.-2 003;

3.122. On June 18, 1966, three days after the Calgary letter was sent, the Bishop of Calgary wrote to the Chancellor of the RCAB, Monsignor Sexton, informing him that Father Foley had returned to Calgary. See FOLEY, JAMES D-2 008.

Father Foley did not last long in Calgary following his return. He became “involved with another woman; 18 years of age, married to a violent husband.” See FOLEY, JAMES D. 3.122. “There has been considerable scandal” wrote the administrator of the Calgary Diocese to Cardinal Cushing. See FOLEY, JAMES D.-2 013. Father Foley was therefore banned from the Diocese and his belongings were packed and shipped to him. See FOLEY, JAMES D-2 012. In a letter of June 1, 1968 to Chancellor Finnegan of the RCAB, the Calgary administrator stated:

Whether or not he [Father Foley] is psychologically secure enough at present to avoid further difficulties could be questioned. From what has transpired here **I cannot express confidence concerning his immediate return to priestly work.** . . . . He seemed capable of living a dual life.

See FOLEY, JAMES D.-2-014. Nonetheless, by June 4, 1968, Father Foley was returned to priestly work within the Archdiocese of Boston, where he was assigned to St. James Parish in Haverhill. See FOLEY, JAMES D. 3.049. The Diocese of Calgary sent a clinical report to the RCAB, which has been withheld on the basis of the alleged medical/psychiatric privilege.

Father Foley became involved with yet another woman from Haverhill, who was described as “very spiritual.” See FOLEY, JAMES D. 3.127. In 1987, Cardinal Law promoted Father Foley to the position of Pastor at Our Lady of Fatima in Sudbury Massachusetts. See FOLEY, JAMES D. 3.083. In 1993, he was up for reappointment as Pastor, when Bishop McCormack wrote a note to Bishop Alfred Hughes about Father Foley, indicating that Bishop McCormack recalled something about Father Foley’s past and the incident in Calgary. See FOLEY, JAMES D. 3.102.<sup>11</sup>

On December 23, 1993, Cardinal Law met with Father Foley. See FOLEY, JAMES D-2 028-029. Father Foley recounted the incidents described above. See FOLEY, JAMES D-2 028-029. But he also revealed other far more disturbing details. As the contemporaneous notes of Bishop McCormack reflect, Father Foley also reported to Cardinal Law that he had two children with Ms. Perry and was present when she died in 1971. See FOLEY, JAMES D-2 028-029; Perry Aff.. Specifically he reported that Ms. Perry overdosed while he was present, she “started to faint – he clothed – left, came back – called 911 – a sister knows.” See FOLEY, JAMES D.-2 028-029. In the second page of notes concerning this meeting with Cardinal Law, Bishop McCormack wrote: **“Criminal activity? –**

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<sup>11</sup> The fact that Bishop McCormack was able to “recall” events concerning from the 1960’s concerning Father Foley undermines the assertion of Cardinal Law that the RCAB lacked an institutional memory concerning abuse committed by RCAB priests and that the RCAB had inadequate record keeping. There are numerous other examples of the RCAB easily obtaining other records.

**overdosed – later called.”** See FOLEY, JAMES D.-2 028-029 (emphasis in original). In a meeting the following month (January 23, 1994), Father Foley informed Bishop McCormack that the woman “seduced him” and that she had had a lobotomy<sup>12</sup>. See FOLEY, JAMES D. 3.127-128. It is also apparent that the true circumstances of the woman’s death had been kept from law enforcement, Father Foley’s “children” and quite possibly Ms. Perry’s husband. As Bishop McCormack noted: “[Father Foley] has never seen children since time of her death. Sister threatened him that if he bothered the family, she would reopen the case about cause of death and who called 911.” See FOLEY, JAMES D. 3.127-128.

Cardinal Law remembers being shocked by the information he received from Father Foley. **“And I might say nothing like that have – had I ever heard or imagined before or since.”** See Law Depo., January 22, 2003, p. 102 (emphasis added). The scandal “was so pervasive. . . .” See Law Depo., January 22, 2003, p. 105.

Rather than alerting the police, Bishop McCormack and Cardinal Law immediately sought to protect the Church from any “scandal.” When asked why he did not immediately report the matter to the Needham police who were obviously unaware of the true facts surrounding Ms. Perry’s death, Cardinal

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<sup>12</sup> The true facts are even more horrendous. As Father Foley stated in a taped interview with Mr. Perry, Rita Perry had actually forgotten about Father Foley following her lobotomy. When Father Foley returned from Calgary, he was the one who initiated contact and did not remember him until reminded by her sister.

Law testified as follows: “You know I really delegate with confidence here and I can’t read back into what I should have thought or would have thought.” See Law Depo., January 22, 2003, p. 111-112.

In the January 23, 1994 meeting, Bishop McCormack reviewed the three points Cardinal Law had made at the meeting the previous month: “**scandal**; spirituality; emotional and psychological health.” See FOLEY, JAMES D-2 025-026 (emphasis added). Only in passing did the RCAB make reference to the fact that Father Foley was the alleged biological father of two children and that he should “work out with the Archdiocesan legal counsel a resolve around his civil and moral responsibility toward his children.” See FOLEY, JAMES D-2 031. Apparently Archdiocesan legal counsel felt he had no such obligation since his “children” were never contacted and never learned of the true circumstances of their mother’s death until Dec 6, 2002, when the records of the RCAB concerning this matter were publicly released. See FOLEY, JAMES D. 3.130-131; Perry Aff..

Cardinal Law’s first reaction upon hearing Father Foley’s story was to suggest that he “not be in pastoral ministry due to potential **scandal**.” See Law Depo., January 22, 2003, p. 117 (emphasis added). He thought, in July of 1994 that Father Foley should do penance in a monastery for the rest of his life. See FOLEY, JAMES D-2 069; Law Depo., January 22, 2003, p. 101. There was no

effort undertaken by Cardinal Law to determine the financial or emotional situation of Father Foley's children. See Law Depo., January 22, 2003, p. 120.

Dr. Ned Cassem, psychiatrist in chief of Massachusetts General Hospital, and a principal advisor to the RCAB on priest abuse issues, was consulted and Bishop McCormack's notes reflect that Dr. Cassem advised that there was no basis to put Father Foley back in ministry. See Cassem Depo., May 20, 2003, p. 106 to 109. However, Dr. Cassem was not informed of all of the facts, as he so testified at his deposition. He was not informed that Father Foley had possibly been involved in criminal activity; he was not informed that Ms. Perry had had a lobotomy; he was not told that Ms. Perry had mental difficulties, and if he had been informed of these facts it would have strengthened his recommendation that Father Foley not be assigned. See Cassem Depo., May 21, 2003, p. 67-70. But these facts were never disclosed and the recommendations of Dr. Cassem were ignored.

Six months after stating that Father Foley should be assigned to a monastery for life, Cardinal Law changed his mind. See FOLEY, JAMES D-2 069. In December of 1994, Bishop McCormack reported that Father Foley did not, in fact, have to be assigned to a monastery. See Law Depo., January 22, 2003, p. 130. In January of 1995, Father Foley was assigned to St. Mary's Parish in Waltham, where he was authorized to say Mass. See FOLEY, JAMES D. 3.171. In April of

1995, the RCAB decided that verbal communication to Father Foley concerning his future would be sufficient communication, since “there are current issues in this case that make written communication inappropriate at this time.” See FOLEY, JAMES D. 3.181. In January of 1996, less than two years after his communication that Father Foley should reside in a monastery for the rest of his life, Cardinal Law ended Father Foley’s sick leave and assigned to St. Joseph’s Parish in Stoughton without restriction. See FOLEY, JAMES D. 3.187. As Cardinal Law remarked: **“To you I offer a most hearty ‘welcome back.’”** See FOLEY, JAMES D. 3.187 (emphasis). When Cardinal Law was asked at his deposition whether it was not just “simply common sense and judgment that this man who had done these horrendous things never again be put in the position where, through his auspices as a priest of the Archdiocese, [he] could do it again,” Cardinal Law responded as follows: “I think it was common sense to handle this case in the manner in which it was handled.” See Law Depo., January 22, 2003, p. 136.

Dr. Cassem did not receive the courtesy of a communication to inform him that his clinical recommendations were now being overridden. Indeed, the information about Cardinal Law’s reversal of his prior position was such a shock to Dr. Cassem that he testified as follows at his deposition:

Question: And the assignments of Father Foley to Stoughton and then to St. Joseph’s parish where he was ultimately promoted to

associate pastor until December of 2002, would those appointments have been consistent with your recommendations?

Answer: No, sir

[Objections omitted]

Answer: They fly in the face of the evidence that he should have such an assignment.

Mr. Rogers: I missed that. Could I have that read back?

Answer: And I complimented Cardinal Law on his judgment yesterday [in the first day of the deposition], **I certainly should withdraw that.**

...

Question: Why is that, Doctor?

Answer: Yesterday, he said he shouldn't be in pastoral ministry, he ought to be in a monastery doing penance. It thought that was exactly on the mark.

Question: Right.

Answer: And here he sends a letter giving him his second assignment.

Question: Less than two years later?

[Objection omitted]

Answer: That's correct.

See Cassem Depo., dated May 21, 2003, p. 72-73 (emphasis added).

On April 2, 1998, the Review Board closed its case on Father Foley and he was eventually promoted to the position of Associate Pastor at St. James Parish



in Salem. See FOLEY, JAMES D. 3.201; 3.203. He served in that capacity until December 6, 2002, when his records were produced and made public pursuant to court order. He was then removed from active ministry. On December 13, 2002, Cardinal Law resigned his position as Archbishop of Boston. See Archdiocese of Boston Press Release dated December 13, 2002.

## 7. THOMAS P. FORRY

Thomas Forry was born on August 3, 1941 in South Boston, Massachusetts, and ordained at the Holy Cross Cathedral on May, 29, 1968 by Richard Cardinal Cushing. See FORRY2 477. Father Forry's first assignment was as an assistant priest at St. Elizabeth's parish in Milton. See FORRY2 477. On April 3, 1973, Father Forry was appointed associate pastor of St. Francis X. Cabrini parish, North Scituate. See FORRY2 477.

In December, 1974, Bishop Daily notified Bishop Maguire in Brockton, Massachusetts that Fathers Luke Farley and George Connolly had complained that Father Forry was not properly preparing couples to receive the Sacrament of Matrimony. See FORRY2 018. A year later, Father LaFrance reported to Cardinal Medeiros incidents concerning Father Forry during Father LaFrance's attendance at a Parish Renewal Mission the month before: that Father Forry stayed in his bedroom for a week, did not attend the renewal program, did not appear for meals, and did not assist with communion. See FORRY2 021-023.

Father LaFrance also reported that the rectory housekeeper lived in fear of physical harm from Father Forry, and Father Jakmauh, the parish Administrator, did not dare to sleep in the rectory due to Father Forry's "rage and frustration". See FORRY2 021-022 .

The complaints continued. In November, 1977, John O'Neil, a parishioner at St. Francis X. Cabrini complained to Cardinal Medeiros that Father Forry was rude and used swear at him repeatedly. See FORRY2 025. Bishop Daily forwarded this letter to Bishop Hart in Brockton. See FORRY2 031. In December, 1977, Mr. O'Neil again wrote to Cardinal Medeiros and asked him to realize the Father Forry is a "possibly sick priest and above all that no stigma be brought on our Church." See FORRY2 032-33. After visiting St. Francis X. Cabrini parish, Bishop John D'Arcy wrote to Cardinal Medeiros on July 5, 1978. See FORRY2 035. Bishop D'Arcy was concerned that Father Forry's approach and interaction with people in the parish was not effective and said that parishioners spoke to him with similar complaints. See FORRY2 035.

Then, on May 3, 1979, Father Helmick, Secretary to the Cardinal, learned that Father Forry had physically assaulted [REDACTED], the rectory housekeeper, by throwing her down the stairs. See FORRY2 038-039. Ms. [REDACTED] suffered a contusion over her eye and face and a "large amount of hair pulled out" of her head. See FORRY2 040. This was not the first time Ms. [REDACTED]

suffered injuries caused by Father Forry. See FORRY2 040. She was treated for neck and back strains caused by Father Forry on June 13, 1975 as well. See FORRY2 040.

On May 11, 1979, Bishop Daily interviewed Father Forry, who “did admit to handling Ms. [REDACTED] roughly” and Bishop Daily recommended moving him to another assignment in a memorandum to Cardinal Medeiros. See FORRY2 059. A hand-written note by Cardinal Medeiros on the bottom of the memorandum gives instructions to Bishop Daily to proceed with the transfer of Father Forry. See FORRY2 059. On May 25, 1979, a memorandum from Bishop Daily to Fathers Helmick and McCune discusses the transfer of Father Forry as soon as possible and a meeting was scheduled with Cardinal Medeiros in June, 1979. See FORRY2 064. However, according to the assignment card of Father Forry, this transfer was never completed, and Father Forry remained at St. Francis X. Cabrini through May 1, 1982. See FORRY2 477-478.

In February, 1981, Cardinal Medeiros granted Father Forry’s request, see FORRY2 068-069, to apply for a position as a chaplain with the Army National Guard. See FORRY2 070. The Military Ordinate requested a letter of good standing for Father Forry, see FORRY2 071, and in response, Cardinal Medeiros gave his permission with the only caveat being that Father Forry could not do active duty and that his commission with the National Guard must not interfere

with his parish duties. See FORRY2 074. Father Forry was granted an endorsement (a certificate of clearance) by the Military Vicarate. See FORRY2 078-079.

The RCAB continued to commend and promote Father Forry. See FORRY2 082; 094. On April 21, 1982, Cardinal Medeiros assigned Father Forry as an Associate pastor at St. Joseph's in Kingston effective May 1, 1982. See FORRY2 082. On May 14, 1984, Cardinal Law appointed Father Forry to Associate Pastor at St. Francis Xavier parish in South Weymouth, Massachusetts. See FORRY2 094.

On May 12, 1984, [REDACTED] wrote to the RCAB, complaining that Father Forry was sexually involved with eleven years earlier, starting in 1973. See FORRY2 098-099. Mrs. [REDACTED] reported that she left her husband to live with her son and Father Forry in a house he built in Mashpee. See FORRY2 098. Father Forry had recently ended their relationship, and had refused to support her financially. See FORRY2 098. This letter was forwarded by Bishop Daily to Fathers Oates and McCarthy on July 11, 1984. See FORRY2 097. By then, Father Forry had been transferred from his assignment at St. Joseph to St. Francis Xavier. See FORRY2 477. Subsequently, Father Forry was interviewed by RCAB personnel and evaluated by Father Mike Foley. See FORRY2 110-112. The RCAB documents indicate that Father D'Agostino and Attorney Wil Rogers were

consulted, and Father Forry was sent to St. Michael's Retreat in St. Louis, Missouri for an assessment. See FORRY2 113, 2 124. Father Forry refused to stay and complete his treatment, even though the staff at St. Michael's felt that he was "in grave need of some long range assistance," including an extended inpatient stay followed by outpatient therapy. See FORRY2 124. A meeting with Cardinal Law in August, 1984 followed, to convince Father Foley to return to St. Michael to complete his assessment. See FORRY2 124.

In March, 1987, Father Forry requested active duty as a military chaplain and Cardinal Law willingly wrote a letter approving Father Forry's appointment as a military chaplain. See FORRY2 140-141; 186. On March 28, 1988, Father Forry was appointed a full time chaplain to the U.S. Army to represent the RCAB. See FORRY2 196. In February, 1990, Cardinal Law granted an extension to Father Forry's military service. See FORRY2 214. Father Forry wrote to Cardinal Law from Saudi Arabia in December, 1990, stating that he was ready to return to serve as a priest for the RCAB. See FORRY2 219-220. Despite Father Forry's history of violence and sexual relationship with parishioners, Cardinal Law answered in January, 1991, advising Father Forry that "of course you are a priest of the Archdiocese of Boston, and you are free to return." See FORRY2 221.