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PRIVILEGED AND CONFIDENTIAL
SUBJECT TO NEW HAMPSHIRE RULES OF EVIDENCE 408 AND 410
EXEMPT FROM DISCLOSURE UNDER RSA 91-A

November 7, 2002

William Delker, Esq.
James Rosenberg, Esq.
Attorney General's Office
State of New Hampshire
33 Capitol Street
Concord, NH 03301

Wil + Jim
Dear Mr. Delker and Mr. Rosenberg:

I appreciate our discussions about a resolution of the current investigation that is more collaborative than adversarial. We share a great interest in the prevention of sexual abuse and the protection of children. I hope this common interest will be best advanced – and society best served – by cooperation rather than conflict.

To that end, I suggest that the following points could be formalized as components of such a resolution:

1. Standards for reporting to law enforcement that exceed the current legal mandates, particularly in situations in which adults report to Diocesan officials that they were victimized as minors by a diocesan priest, employee or volunteer.
2. Centralization of exclusive responsibility within the Diocese for preventing, responding to and ensuring the reporting of allegations of child sexual abuse in an appropriately-trained and easily accessible office designated for the purpose.
3. Oversight and periodic audit of the performance of the responsible office.
4. Mandatory training, as a condition of employment, of all diocesan and parish personnel who have contact with children, concerning the prevention and reporting of child sexual abuse.

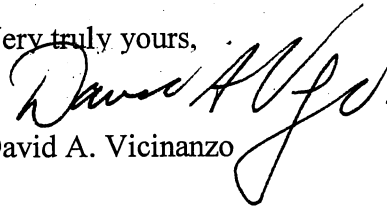
5. A statement acknowledging the nature, extent and sources of the problem of child sexual abuse over the last four decades, and an apology to victims and their families.

6. A program of outreach/counseling/affirmation for victims of child sexual abuse by priests and church personnel.

We have also discussed the feasibility of calling on the legislature to enact appropriate statutory reforms. The experience and knowledge gained by both the Diocese and the state in dealing with these issues would be an invaluable resource in that process.

Please let me know when Fr. Arsenault and I can meet with you to discuss these issues, or others, in greater depth.

Very truly yours,



David A. Vicinanza

M93159.1

ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

11404

PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL

STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL



November 12, 2002

VIA FACSIMILE 603-628-4040

David Vicinanza, Esquire
Nixon & Peabody, LLP
889 Elm Street
Manchester, NH 03101

RE: Diocese of Manchester

Dear David:

I have requested on numerous occasions all written policies or procedures adopted by the Diocese governing the handling of sexual abuse allegations against priests. You have promised these materials repeatedly, but I have still not received the requested documents.

In reviewing the documents in this case, it has come to my attention that there was a report from a meeting of the Diocese of Manchester Council of Priests held on January 1, 1993. I am led to believe this report discusses a proposed clergy sexual misconduct policy. Please forward this report, the requested policies and procedures, and other reports, minutes, or other documents in which sexual abuse policies were discussed, and any related documents. I do not want to be forced to go to court to obtain these documents.

Sincerely,

A handwritten signature in black ink, appearing to read "William Delker".

N. William Delker
Senior Assistant Attorney General
Chief, Criminal Justice Bureau
(603) 271-3671

NWD/mmp
198017

MEMORANDUM

11405

TO: Diocese File
FROM: N. William Delker *NWD*
DATE: November 18, 2002
RE: FATHER JAMES HALLER

On today's date at approximately 12:45 p.m, I received a telephone call from Gordon McDonald, attorney for the Diocese, and Peter Hutchins, plaintiff's lawyer in the Diocese civil litigation. Peter Hutchins informed me that he represents a client who was a victim of sexual abuse by a priest named Father James Haller. His client is a female who was a parishioner in a catholic church in [REDACTED]. She came to know Father Haller in the course of her attending church. Peter Hutchins' client alleges that she was sexually assaulted by Father Haller numerous times between approximately 1976 and 1979. The victim's date of birth is [REDACTED]. Among other allegations, the victim alleges that she performed oral sex on Haller between 15 and 20 times and engaged in one incident of intercourse with him. Peter Hutchins informed me that his client does not want to contact law enforcement, that she

{Confidentiality need is described.}

McDonald informed me that Father Haller is an active priest in [REDACTED]. Peter Hutchins also informed me that based on his research, Father Haller has continuously been a priest with the Diocese of Manchester since the abuse occurred and that he has not spent any extended period of time residing out of state. Based on the victim's date of birth, the dates on when the conduct occurred and the fact that Father Haller has not been continuously absent from the State for any significant period of time, I informed Peter Hutchins and Gordon McDonald that it was my view that this conduct was outside the statute of limitations. I am unaware of any other allegations against Father Haller and have no evidence that these allegations were reported to the Diocese before the victim came forward to Peter Hutchins recently. Accordingly, I do not believe that it is appropriate to subpoena the records from the Diocese with respect to this matter. Gordon McDonald informed me that the Diocese would meet with the victim and conduct a follow-up investigation and that the Diocese would keep me apprised of what action it took with respect to Father Haller.

NWD/mmp
199636

TELEPHONE MESSAGE

11406

Operator: Message received, Friday, November 22nd at 5:54 p.m.

GM: Hey Will, Gordon McDonald, um. Wanted to close the loop with you on the, ah, matter we discussed earlier this week with Peter Hutchins. Ah, the, um, ah, he wanted to, ah, be updated on what, what the disposition was with Father Haller. Ah, the Diocese investigated the allegations, found them credible and they had, the Diocesan Review Board, ah, recommended his removal and the bishop has approved and that will be happening this weekend. Um. So that it is, my number is [REDACTED] and I just wanted to bring you up to speed. Take care, bye.

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PIERCE
ATWOOD

ATTORNEYS AT LAW

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11407

December 18, 2002

N. William Delker
Senior Assistant Attorney General
State of New Hampshire
Attorney General's Office
33 Capitol Street
Concord, NH 03301

STATE OF NH
DEPT OF JUSTICE
02 DEC 23 AM 10:54

Re: Dr. Henry Guertin-Ouellette

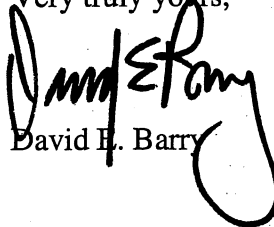
Dear Mr. Delker:

Enclosed pursuant to our prior agreement are the grand jury documents forwarded with your letter of November 5, 2002. We made one copy of the documents. Both sets are being returned to you.

I want to confirm that you will be providing me with a copy of the transcript prepared by the Attorney General's Office of the interview of Dr. Guertin-Ouellette that you conducted on November 20, 2002 in Portsmouth, New Hampshire. I understand that the transcript copy will be provided to me as soon as you complete its preparation.

Thank you very much for your attention to these matters.

Very truly yours,



David E. Barry

DEB:hjs

Enclosures

cc: Henry P. Guertin-Ouellette, Ph.D. (w/o enclosures)