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PETER A. GLEICHMAN

April 16, 1997

James E. Higgins, Esquire
SHEEHAN, PHINNEY, BASS & GREEN, P.A.
PO Box 3701
Manchester NH 03105-3701

RE: [REDACTED] v. Gordon J. Macrae and the Diocese of Manchester

Dear Jim:

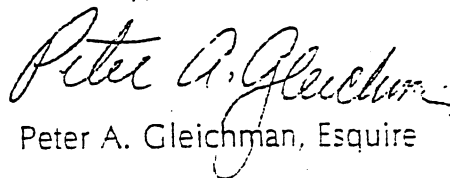
At the risk of being bold, I am writing to you in connection with the above-referenced matter. It is my understanding that all of the other civil cases, involving the [REDACTED] have been settled. Notwithstanding your success in having [REDACTED] civil action dismissed on the basis of the statute of limitations, I am writing to you to inquire as to the Diocese's willingness to provide catholic assistance to [REDACTED]

As Judge Conboy pointed out in her decision, [REDACTED] was traumatized by what Gordon Macrae did to him while in the service of the Diocese of Manchester. He is in need of psychological counselling, but is not in a position to afford it. To what extent, if any, is the Diocese willing to acknowledge its moral obligation to help [REDACTED] This could be accomplished through a structured mechanism to pay for [REDACTED] psychological counselling in Florida, where he now lives.

I seek nothing for anyone in this request except for [REDACTED]. Again, I realize that the request I make in this letter is unconventional in light of what has gone before. However, it is only because of my firm commitment to try to help [REDACTED] in any way I can that I write this letter with his prior authorization.

I would appreciate it if you would present this letter to the Diocese for a response.

Sincerely,



Peter A. Gleichman, Esquire

PAG/lb

CC: [REDACTED]

6423-6951 Doe v. DIOCESE
MISCELLANEOUS DIOCESE CORRES.

Rev. Gordon J. MacRae
Post Office Box 10
Jemez Springs, NM 87025-0010

9985

Tel: (505) 842-1987 / Fax: (505) 829-3706

May 9, 1994

His Excellency,
Most Reverend Leo E. O'Neil, D.D.
Bishop of Manchester
657 North River Road
Manchester, NH 03104

MANDATE FOR PROCURATOR AND ADVOCATE

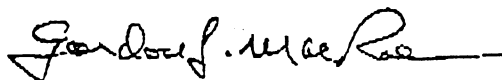
Your Excellency:

In accord with the norms of canon law, I, Reverend Gordon James MacRae, hereby appoint and give my mandate to Reverend David L. Deibel, J.D., J.C.L., to serve as my procurator and advocate in any and all actions connected with my dispute with the Diocese of Manchester.

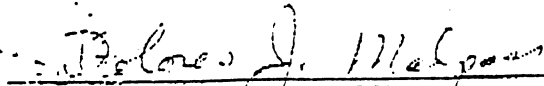
I authorize my procurator and advocate to have full access to confidential information relevant to the issues under discussion, including, but not limited to, my entire personnel file.

The extent of Father Deibel's authorization to act as my procurator will be determined in a discussion between us. Any limits or special mandates will be put into writing as a specification of this mandate. Unless and until any such written specification is presented, the Diocese may consider my procurator and advocate as authorized to act validly in my name in all matters connected with any dispute I may have with the Diocese except those exempted by canon 1485.

Given by me on the Ninth day of May, 1994.



Reverend Gordon J. MacRae



Ecclesiastical Witness/Public Notary

COMMISSION EXPIRES: OCT 30, 1996

Rev. Gordon J. MacRae
Post Office Box 10
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9986

Tel: (505) 842-1987 / Fax: (505) 829-3706

May 9, 1994

His Excellency,
Most Reverend Leo E. O'Neil, D.D.
Bishop of Manchester
657 North River Road
Manchester, New Hampshire 03104

PERSONAL AND CONFIDENTIAL

Dear Bishop O'Neil:

I hope this letter finds you well. I have received your letter of April 26, 1994, and I would like to respond to the points you have made. Prior to doing so, however, I wish to point out that I am appreciative of your personal response to my letter. As a priest of the Diocese of Manchester it has dismayed me that I went through being falsely accused, imprisoned, and then hospitalized for three months in the last year without ever hearing from my Bishop.

Now, in response to your letter, please let me make the following points:

1. First, I do not have a copy of the May 7, 1993, Manchester Union Leader article to which you refer, and I would appreciate it if you would be kind enough to have someone send me a copy. Excerpts from that article have been read to me but I have never actually seen it.

Bishop, I have great difficulty understanding how the Diocese can hold the Manchester Union Leader, or any newspaper, up as an accurate public record. I am in possession of many published articles from the news media about the Diocese and some of its personnel which I doubt would be considered accurate by Diocesan officials. As an example of this I am sending you a packet of news stories about the Diocese and the Hampton situation written by the Associated Press and the Boston Globe which were researched for me by an investigator working in New Hampshire. This packet follows the story from start to finish. It is clear to me, having been assigned in the situation to which these news stories refer, that these news accounts are not accurate and do not evenly portray both sides of the story. I would certainly not count on them for informing me of the public record.

Nevertheless, in regard to the three items of public record which you quoted from the Union Leader, I must inform you of the following:

- a. There is no Keene District Court document which shows that I told police in 1988 that I was "concerned about a problem with teenage boys". This statement was entirely contrived by, and stated to the newspapers by, a Keene police officer. Mr. Koch, my attorney, and I have carefully reviewed every document related to this case. There is no document in which I made such a statement, and, in fact, I have never made such a statement to police officials or anyone else.

You may be aware that this same Keene police officer has brought criminal charges against at least two other Roman Catholic priests, is investigating others, and has facilitated several lawsuits and threats of lawsuits against the Diocese of Manchester. This officer, along with the police department and the city employing him, is currently a defendant in a lawsuit brought by me in United States District Court.

- b. There is no psychological treatment report issued by Reverend Peter Lechner of the Servants of the Paraclete Center in Jemez Springs, New Mexico describing me as "a sexual offender who currently is not able to curtail such behavior without professional support." I am in possession of an affidavit prepared by Father Lechner which indicates that he never made such a statement, that the staff at Jemez Springs did not and would not ever agree with such a statement, and that this statement has been falsely attributed to Father Lechner. I have enclosed a copy of Father Lechner's affidavit.

The statement you quoted from the press was, in fact, also contrived and provided to the newspapers by the same Keene police officer referred to above. This officer's misappropriation, misuse and misquoting of privileged psychiatric records is a federal offense and is one of the charges in the lawsuit against him.

- c. In 1988 I did plead guilty to endangering the welfare of a minor under 18. I did not offer to pay a person under the age of 18 for sex. Moreover, I have never offered to pay for sex with a minor and indeed, contrary to the public record you quoted, have never engaged a minor in a sexual relationship. There were many mitigating circumstances to my agreeing to plead guilty to this offense, not the least of which was a lack of legal counsel.

For your information, I have learned that the conversation which was the subject of my guilty plea took place after a Keene police officer began interviewing the

youth about me and after the youth's mother, an employee of the Keene Police Department, began calling Diocesan personnel instructing them of an investigation against me by the officer referred to above. After considerable discussion, and on his advice, Mr. Koch intends to contest vehemently the validity of this guilty plea and conviction. His suggestion to me is that, had I access to appropriate legal counsel at the time, this guilty plea would not have taken place.

Bishop, with all due respect, and regardless of the Manchester Union Leader's version of all this, which you quote as a public record, I still do not understand how it can be construed as fair for the Diocese to publish statements such as "The Church has been a victim of the actions of Gordon MacRae as well as the individuals", and especially to publish such statements while knowing that I am defending myself against criminal charges, while having at least reasonable cause to doubt the validity of the charges, and while knowing that I have a Constitutional right to be presumed innocent. Nothing in the public record you quoted justifies the several public statements made by Diocesan officials such as the one quoted above. The Diocese gained nothing by making such statements. The Diocese did not become less liable, and is still being sued by the individuals bringing the false allegations.

Bishop, by contrast, and for your own information, I am enclosing a copy of a newspaper story which appeared in the New England press at about the same time as the statements of the Diocese with which I take issue. This news story is about a Church of the Nazarene minister who has been charged with similar allegations in Keene, New Hampshire. I would ask you to compare the statements of his church with those of officials of my Diocese.

I again respectfully request that you reconsider your stance that you will not retract these statements and press releases in which Diocesan officials publicly presume my guilt.

2. The problem with health insurance has changed somewhat since I wrote to you. I wrote to New Mexico Blue Cross/Blue Shield to explain the situation and stated that I was not aware that their bills were not being paid, and that I also was unaware of the cancellation notices. BC/BS of New Mexico has agreed to continue coverage. The plan I have is a comprehensive self-insurance pool for individuals who are not eligible for private health insurance, and to receive it I had to demonstrate that I have been rejected for coverage by at least two other carriers including ordinary Blue Cross/Blue Shield.

Last month I paid \$874.48 in back and current premiums. I borrowed money for this, and I have been reinstated through the month of May. BC/BS of New Mexico has sent me a payment book for the monthly premium of \$218.62 for the remainder of the year. I do not feel that I can risk the possibility that these premiums would not be kept up to date. As it is, I have over \$21,000 in outstanding debts for uncovered and unpaid

Most Reverend Leo E. O'Neil
May 9, 1994

9989

medical expenses since being removed from the health insurance policy for priests of the Diocese. I would be happy to show you these bills. In view of the fact that I was not covered by Diocesan insurance at the time of my illness I cannot afford to increase this debt.

3. The auto insurance issue remains a mystery. A check with Bank of America revealed that they wrote to Gallagher-Basset several times to verify that I was insured with them and had no response. I then received a notice that I was uninsured. To avoid a large bill for the bank's insurance I purchased auto insurance through Geico Insurance Company. The bank then rescinded a part of the amount added to my auto loan. Bank of America keeps records of its requests to Gallagher-Basset and I have requested those records. Also, New Mexico law requires that proof of insurance be kept in the vehicle. I wrote to Gallagher-Basset asking for this and, like Bank of America, never received a reply. Prior to receiving your letter and learning that I have been insured continuously with Gallagher-Basset I renewed my policy with Geico which is about \$400.00 per half year. Frankly, I am not certain of what to do at this point. There certainly is no point in maintaining insurance in both places. I would be grateful if you would instruct the appropriate person to provide me with proof of insurance from the priests' insurance plan and I will then cancel the other plan I am carrying.

4. Regarding the decision of the Diocese to turn my personnel file over to the state upon subpoena, I regret that I simply cannot agree with your decision to comply without question and without affording me an opportunity to challenge the state's request. If I had been aware that such a step was being taken I would have moved to quash the state's attempt to obtain this file, the contents of which are protected by the United States Constitution. Every legal counsel knowledgeable in the area of Constitutional Law with whom I have spoken has expressed dismay that a priest's personnel file was turned over to the state without question.

I have conducted substantial research in this area and have become aware of multiple precedents which would have afforded me the right to challenge the states' action in this matter, and my challenge would likely have been successful. I have attached a copy of one such legal precedent in a ruling involving the Diocese of Crookston. I am aware of another involving the Diocese of Altoona-Johnstown. I have access to several other rulings involving the United States District Courts and would be happy to send them to you if you wish. If you responded to the grand jury subpoena the way you did because of advice from the Diocesan attorney, then I believe you received poor advice, and the Diocese has infringed upon my right to due process and other Constitutional rights by taking this action.

I am aware of the four items which you felt required my specific permission to release and were thus withheld. I appreciate this. Still, there was much more in this file which required my specific permission to release. For example, seminary evaluations which included spiritual evaluations and progress reports from seminary faculty advisors required my express permission before they could be released. While at St. Mary's Seminary and University I believe I signed releases for such reports to be released only to the Diocese. There was no authorization for any other release of these documents. I have requested a copy of my entire file from St. Mary's which includes copies of these restricted releases. The grand jury action in this matter, and the response of the Diocese to it, warrants further consideration.

5. I am aware that the matter of insurance coverage has been the subject of correspondence between Mr. Higgins and Ron Koch. For example, in a recent letter to Mr. Koch, Mr. Higgins wrote "...I am willing to consider whatever authority you can dredge up in connection with your demands." In the same letter Mr. Higgins instructed Mr. Koch that we are to make no further requests for discovery directly to Diocesan personnel and are to send future requests to him.

Mr. Koch has received another letter from Mr. Higgins dated April 20, 1994 in which Mr. Higgins again requests that Mr. Koch and Father Deibel provide documentation of any authority through which they assert that there is precedence that the Diocese make demands of its insurance carrier on my behalf for coverage and indemnification. I have asked Mr. Koch not to respond, just yet, to Mr. Higgins' letter. I am attempting to take my relationship with my Diocese out of the hands of attorneys.

Mr. Koch has defended priests in many dioceses, and is amply aware of substantial precedent for a diocese's support and defense, morally and otherwise, of priests who have been accused. He is also amply aware of the responsibilities of insurance carriers and of rulings involving insurance carriers for dioceses and religious communities. I do not, however, feel that he should have to produce legal evidence in order to convince the Church to defend a priest when the Church knows, or at least has strong reason to believe, that the priest is unjustly accused. At this point I have asked Mr. Koch to withhold this documentation for now because I do not feel that the decision of whether my Diocese takes steps to defend me, morally and legally, should be made by lawyers.

I have somewhat of a moral dilemma in this matter. Much of the precedent and support for my position that Mr. Higgins is requesting exists, however I am aware of it because of my position with the Servants of the Paraclete and my responsibilities which have included interactions with dioceses and religious communities throughout the country involving similar circumstances. Though some of the personnel involved in these other cases have given me permission to cite their case, it would not be my first choice to do so.

I would prefer not to use confidential information I have learned through my work in the ministry of the Servants of the Paraclete in order to defend my own case.

I believe that the authority of the Diocese has reasonable cause to doubt the truth of the allegations against me. My request is that the Diocese make a decision about whether and how it chooses to participate in the criminal and civil defense of one of its priests and then bring this decision to its own insurance carriers to explore coverage. I regret Mr. Koch's statement to Mr. Higgins that failure to do so may subject the Diocese to a claim for monetary damages. Though precedent for such a claim exists, I simply have not permitted such an action to be taken in the civil courts on my behalf.

6. Finally, in reference to the copy of the letter of suspension you have sent me from (then Auxiliary) Bishop Joseph Gerry, dated July 14, 1988, I have sought canonical counsel to review this. The name of my canonical advocate is Father David Deibel, J.D., J.C.L. You are no doubt aware that Father Deibel has been assisting me throughout these difficulties. He will be communicating directly with you in due course. I have provided, on a separate letterhead, my canonical mandate for him to serve as my advocate and procurator in accord with the law.

Briefly, Father Deibel advises me that no priest may be suspended in the manner in which Bishop Gerry attempted to suspend me. There was, for example, no warning upon which the penalty of suspension could be predicated. Moreover, Bishop Gerry's letter states that I was suspended pending the outcome of an official investigation of the alleged incident at Spofford Hall Hospital. This investigation was closed as "unfounded" by investigators and I was cleared of any wrongdoing. Therefore, prescinding from the fact that the validity of the suspension is in doubt because of its form and because of the fact that Bishop Gerry was not my ordinary, there is the obvious fact that whatever disciplinary action was contemplated by his action ceased with the conclusion of the investigation at Spofford Hall. However Father Deibel will be in direct communication with you regarding this, and other matters.

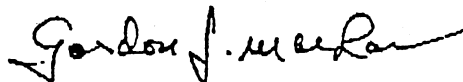
Bishop O'Neil, I formally, in accord with the norm of law, respectfully reiterate my previous requests: (1) that the inaccurate and inflammatory statements which were in fact prejudicial to me as a source of personal pain and defamation be withdrawn and clarified in a manner proportionate to the form in which they first appeared; (2) that the Diocese reconsider its stance in matters related to health insurance and other insurances afforded to priests of the Diocese; (3) that the Diocese reconsider its stance related to the criminal and civil defense, coverage and indemnification of a priest who you have ample reason to believe is falsely accused; (4) that the Diocese reexamine its compliance to the state's subpoena of my personnel file without affording me the right to due process; (5) that the Diocese reexamine its demeanor toward my status as a priest since July 14, 1988.

Most Reverend Leo E. O'Neil
May 9, 1994

9992

As indicated in my previous letters, it remains my hope that I may be in a spirit of mutual cooperation with my Diocese in addressing the injustice of these false allegations which have been brought against myself, against other priests, and against the Diocese.

Respectfully and Sincerely in Christ:



(Rev.) Gordon J. MacRae

cc: Rev. David Deibel, J.D., J.C.L.

- Enc. 1. Law Briefs: "First Amendment Protects Diocese's Investigation of Priest's Alleged Sexual Misconduct" (1 Page).
2. Daily Evening Item: "Clergyman from Lynn faces Charges of Sexual Assault" (1 page).
3. Affidavit of Reverend Peter Lechner, s.P., Ph.D. (14 Pages).
4. Affidavit of Very Reverend Liam J. Hoare, s.P. (7 Pages).
5. Boston Globe/Associated Press Media Research (47 Pages).

Rev. Gordon J. MacRae
Post Office Box 10
Jemez Springs, NM 87025-0010

*David
Green
vs
Dunn*

9993

Tel: (505) 842-1987 / Fax: (505) 829-3706

May 9, 1994

James E. Higgins, Esq.
Sheehan, Phinney, Bass & Green
P. O. Box 3701
Manchester, NH 03105-3701

Dear Mr. Higgins:

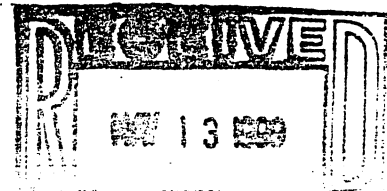
Thank you for your letter of May 2, 1994. I will not move to disqualify Judge Conboy after reading your informative letter. I have enclosed two items for your information: a list of the membership of the New Hampshire Attorney General's Task Force on Child Abuse and Neglect, and a copy of a recently published article by Detective McLaughlin. This was published in the most recent edition of "Knight Stick: A Publication of the New Hampshire Police Association. In regard to the source of this information, I am not at liberty at this time to disclose this at the request of the persons conducting Mr. Koch's investigation.

Mr. Koch has received your letters of March 24 and April 20, 1994. I have asked him to withhold sending you the information you have requested until the outcome of a canonical investigation I have initiated with Father David Deibel. Once certain canonical issues are resolved then I will request that Mr. Koch submit to you the information you have asked for in terms of civil and canonical precedent and the authority through which he has brought certain demands on the Diocese of Manchester.

Yours Truly

G. MacRae

(Rev.) Gordon J. MacRae



9994

The Attorney General's Task Force on Child Abuse and Neglect

FACT SHEET

HISTORY -

The Task Force was established in 1989 with statewide representation from the medical, legal, law enforcement, victim advocacy, forensic science, and child protection communities. The original mission of the Task Force was to develop protocols for the treatment of sexual assault victims, including both adults and children. This task was completed in 1989. Following the completion of the Sexual Assault Protocol the Task Force membership moved to focus specifically on child victims of sexual abuse. The next three years were spent evaluating the system's handling of child sexual abuse cases and developing more efficient, sensitive and collective responses to these cases. Tireless efforts, on the part of many, produced a 600 page, precedent setting protocol entitled: Child Abuse and Neglect: Protocols for the Identification, Reporting, Investigation, Prosecution and Treatment. In April of 1993, a two day statewide training conference was presented to a multidisciplinary audience to introduce the Protocol.

In addition to the Protocol being produced, two pilot projects were set-up in Merrimack and Belknap counties. These counties established multidisciplinary response teams, consisting of law enforcement, DCYS social workers, Victim/Witness advocates and prosecutors, to work on cases involving child sexual and physical abuse. Each team member participated in approximately 60 hours of specialized training that was provided by local and national experts working in the field of child abuse.

The team approach has proven to be beneficial in that it has resulted in more effective and cooperative investigations and those that are involved in these types of cases are receiving more specialized training. These two factors alone have improved the systems' response dramatically. Ultimately, child victims are being protected from the additional trauma that is sometimes caused by multiple interviews and other repetitive actions that occur when professionals are not adequately trained and do not work together.

FUNDING

The projects of the Task Force are funded by the Children's Justice Act Grant (CJAG) which is administered through the U.S. Department of Health and Human Service - Administration on Children, Youth and Families. The New Hampshire Division of Children and Youth Services is the designated grantee. The CJAG requires that our multidisciplinary Task Force conduct ongoing reviews of the investigative, administrative and judicial handling of child abuse cases and develop and implement recommendations that will improve the systems' response, thereby limiting additional trauma to child victims. The Task Force submits grant applications annually.

9995

1994 Task Force Fact Sheet
Page 2

CURRENT PROJECTS

The Task Force is currently working on a number of projects that are designed to ensure continued use of the Protocol and improve the overall system response to child abuse, particularly in those cases involving sexual abuse and severe physical abuse.

Efforts are underway to mobilize multidisciplinary response teams in the remaining eight counties. Funding for coordinating, training and establishing interviewing room for each county comes from the CJAG. This process will not happen overnight. We are developing a training program to serve three or four counties at once as opposed to doing one county at a time. This certainly will speed up the efforts to establish teams statewide. No specific timeline has been set for the completion of this project, but efforts will be ongoing until teams are mobilized in every county in the state. Additionally, the Task Force will continue to coordinate training programs to keep team members current within this very specialized field.

The Task Force is also planning another conference which will be held on October 27 and 28 of this year at the Waterville Valley Conference Center. The focus of this conference will be on advanced training issues for multidisciplinary team members and other professionals working in the child abuse field. Last year over 280 people attended and we are planning on at least 300 for the '94 conference.

Other projects include: a) child fatality review team that will be reviewing deaths of children under 17 years of age. The Family Research Lab from U.N.H. has been working on some preliminary research in this area and will be providing the Task Force with a report in June; b) feasibility study to determine if the state can establish a tracking system for child sexual abuse cases that do not involve in-home perpetrators. The system will be used to track follow-up services for victims; c) setting up interviewing rooms, complete with video equipment, to be use by multidisciplinary teams during the assessment and investigation stages of these cases; d) funding and resource research; e) statewide information sharing about resources, training, legislation and other Task Force activities. The Task Force is considering producing a quarterly newsletter.

9996

THE ATTORNEY GENERAL'S TASK FORCE ON
CHILD ABUSE AND NEGLECT

Sandra Matheson, Chair 271-3671

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DEPARTMENT OF EDUCATION
101 PLEASANT STREET
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BOW NH 03304_SGT LEN DIBESA
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9997

- 2 -

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9998

- 4 -

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4 3 1 5 0

Law Enforcement Questioning Suspected Child Molesters

James F. McLaughlin

DURING MY POLICE training I had the opportunity to learn how to interrogate child molesters from seasoned officers. Much of what I learned, however, seemed to contradict what is known about the dynamics of child molestation. Many investigators still believe that they can shout or scare confessions out of child molesters. This is not as successful as treating the suspect with some compassion and understanding through a less confrontational approach. In my experience, police training in dealing with child maltreatment lags behind current knowledge in the field. As a result, I turned to mental health training and was rewarded with a better understanding and approach to interrogating offenders. The purpose of this article is to impart to other police officers what I learned from mental health professionals about questioning suspected child molesters.

There are many different approaches to questioning child molesters. Because each suspect presents a unique set of circumstances, each requires a tailored approach. The investigator needs to know when to shift from one approach to another, depending on the suspect's reactions. The most important aspect of questioning child molesters is to avoid taking a traditional police approach. Rather, the questioning strategy should be based on the dynamics of sexual offending.

It is important to delineate the differ-

ence between an interrogation and an interview. Interviewing involves general questioning whereas interrogations involve specific questioning of a person believed to be responsible for an act. I am using the term "field questioning" in this article. The aim of field questioning is to have spontaneous contact with a suspect where you are attempting to collect admissions and to arrange for a formal interrogation. The formal interrogation should take place at the police station where an electronically recorded, and if necessary, witnessed statement can be taken.

QUESTIONING SITE

One of the first practices taught by seasoned officers was: always question suspects in the police station. The theory was that by doing so, the suspect is placed off-center and under your control. Although this might be good practice for some types of offenders, many child molesters close down during an interrogation at the police station. As a result, I started to initially question suspects in their homes, at their work place, or at the child protection office if they felt comfortable there. This is followed by a more thorough electronically recorded interrogation at the police station.

Whenever possible, child molesters should be questioned spontaneously, without having been forewarned. It is a rare suspect who does not prepare some type of defense or strategy to cope with police questioning. If the suspect knows an interrogation or questioning is coming, the investigator inevitably spends more time

attempting to bypass the suspect's defenses. When I recently questioned a high school teacher outside of the school building, this teacher appeared more concerned about being seen talking with me than about forming any defense. He quickly confessed and made arrangements to meet at the police station for a follow-up meeting. Some investigators prefer to interrogate at the station house because they feel more comfortable there. Investigators may have to sacrifice their own "comfort zone," however, in the interest of developing more efficient investigative techniques.

Some investigators shy away from field contact with suspects because they believe that the offender's environment increases versus minimizes emotional support. It is my belief and experience that this is a positive factor. Suspects who are field questioned tend to open up in their environments quicker than at the police station and valuable admissions are collected.

Whenever questioning outside the office you sacrifice being able to maintain privacy and being interrupted. There is the ever-present danger of officer safety to consider. Field questioning should be viewed as a prelude to a formal interrogation which will enhance your chances of securing a confession. When a suspect gives admissions during field questioning, he feels as if the cat is out of the bag. Cooperation during the formal interrogation is then ensured.

Some situations don't lend themselves to field questioning. An example would be a suspect who lives with his victims, or a suspect who does not live alone, or the offender who works on the floor of a large factory. More formal approaches and procedures would have to be used.

BACKGROUND INVESTIGATION

Investigation is a critical component in the process of questioning a suspect. It is important to gather information about the suspect's background, including his or her history of previous offenses, current status, and any other relevant information.

The most important aspect of questioning child molesters is to avoid taking a traditional police approach.

and/or interrogate without doing a thorough background investigation of the suspect. Good sources of information are the suspect's present and past marital status, access to children, subject of past criminal or child protection investigations, complete criminal history, past victimization of crime, interviews with prior victims if available, past neighbors, financial and public records, and any past identification by U.S. Customs or U.S. Postal authorities for pornography seizures. Using background information gathered from these sources, an effective tactic is to drop bits of personal information about the suspect's past. As the questioning proceeds and the investigator continues to mention details about the suspect's personal life, maintaining a defense becomes difficult. Crediting one of the suspect's past acquaintances with comments about this past, or using other highly specific information about his habits and predilections can go a long way toward piercing defenses. Skillful use of this background information can convince the suspect that the investigator is credible and will be determined and diligent in pursuing the investigation.

A precipitating stressful event, or series of events which could possibly be connected with the suspect's sexual offending needs to be identified. For example, I recently investigated a high school psychologist. A search through the school's yearbooks, where he worked, revealed that his physical appearance changed drastically in the mid-eighties. He shaved off his beard and had his hair cut in a style that the high school male students were wearing at the time. His peers saw that he seemed to be isolating himself, and his drinking increased considerably. A search of local newspaper files revealed that during this period his father had died. When he was questioned, this information was suggested as a possible catalyst for his alleged crimes. The subject broke down crying and admitted taking sexual advantage of a number of girls he was counseling. He also confirmed that his offending started a few months after his father's death.

his denial he becomes polarized in this position, and you will spend a great deal of valuable time to break through. Your time can be better spent. When questioning, always ask the suspect not to argue with you, but simply to listen to what you have to say. Tell the suspect that, because what you have to say is crucial, you want him to use all of his mental energy just to listen, that you don't want him side-tracked from this listening by trying to formulate responses. Inform the suspect that you have interviewed and believe the victim(s), and that no matter what he says, you will not be convinced that he did not commit the acts the victim(s) described. Tell the suspect that he must respect this fact and not make any attempts to change your mind. Many investigators fear that, on hearing this, suspects would get up and leave. This hasn't happened to me yet, nor have I had many sex offenders tell me that they will not speak with me after hearing their rights.

ESTABLISHING RAPPORT

Like anyone else, offenders like to be understood. An investigator needs to spend time talking to suspects about their childhood, their substance abuse, their relationships with their parents, their early antisocial behavior, their childhood victimization, and other aspects of their life. You want the suspect to feel understood as a whole person and not just as a child molester. I recently interrogated a police officer's son who was in custody for entering a home at night and molesting a young girl. He had used a knife to cut the child's sleepwear to gain access to her genitals so that he could fondle her. Other officers felt that an interrogation with him was a waste of time because he was familiar with law enforcement procedures, and had refused to talk when arrested in the past for property crimes. I spent 30 to 45 minutes just talking with this subject about his life. After gaining an understanding of him as a person, I told him his offending made a lot of sense. I cited situational incidents beyond his control as possible contributors to his deviant behavior. This suspect remained calm and was being understood.

tional crimes of the same nature.

This example illustrates three important points: (1) that the success of an interview should not be based on the suspect's revealing what you already know, but on his revealing additional victims and criminal acts of which you were not aware; (2) that showing a suspect that you understand him is key; and (3) that sex offenders in particular like to hear that their bad acts are due to factors beyond their control. Evidence from social psychology clearly shows that people generally attribute successes to their abilities and efforts, and failures to external factors (Whitley & Frieze, 1985, 1986).

One of the most effective ways of showing child molesters that you understand them is to explain the addiction cycle (Carnes, 1983) to them. The addiction cycle begins with a preoccupation with fantasies of child molestation which are initially under the offender's control. Eventually, the offender follows his ritualistic routines which lead up to and intensify his preoccupation, he loses control, and commits the offense. Subsequently, he is overcome with feelings of hopelessness and despair. This depression eases and the cycle begins again. One offender commented that this was the first time someone ever truly understood what he had been going through. Talking to offenders about their acts being like an addiction may be useful. This is another way of shifting blame away from any intrinsic or personal factor and onto something beyond the suspect's control.

MEETING TYPICAL DEFENSES

An investigator needs to be fluid. At the initial stage of intervention, an offender may truly not understand the process of his offending. For example, he may not be aware of the critical but subtle decision-making he engages in prior to committing crimes. Thus, although it may appear that offenders are being untruthful, they simply may not be able to connect precursors with the sexual abuse. The investigator needs to facilitate this recognition, not try to hammer suspects into confessions.

Some of the first questions asked should be designed to help the suspect feel that you understand him. This is a key to breaking through defenses.

him that you know what he has done. Asking how he felt subsequently causes less anxiety than asking how, or if, he sexually abused, and neatly circumvents the basic defense of denial. The mechanics of the sexual abuse can come later, after some initial admissions are recorded.

Some offenders will meet you halfway and admit that although the child can't be lying and they must have committed these acts, they simply can't recall them. They may claim to suffer from alcoholic blackouts, memory losses, or sleepwalking. The offender may feel that a lack of awareness makes him less responsible for the behavior, or a less severe offender than someone who molests with full awareness. One approach to this defense is to turn it around by telling him that he must be afraid of not only abusing the child in the case in question, but perhaps literally hundreds of others, all with no recollection. Also, the interrogator can warn him that, if he is capable of offending and not forming any recallable memories, he is an unacceptable risk to society.

An alternative approach is to explain to these offenders that they have put a great deal of energy into suppressing painful knowledge, and that it requires an equal amount of energy to get in touch with these repressed memories. Tell the suspect that, like many others, if he takes a break and returns in an hour he may get in touch with what he has done.

Naturally, many offenders are terrified of the possible consequences if they disclose what they have been doing with children. Some suspects are receptive to making lists of these fears. Once this list is established, the investigator can help the suspect answer his own concerns and clear the way for him to reveal the offenses.

Some offenders present unusual rationalization to authorities. One offender, for example, told me that he attributed his offending to his "trapped female internal self." It was this trapped female within him that wanted to have sex with young adolescent males. To prove this point, he opened his shirt to reveal two very female-looking breasts. This subject identified himself as a pseudo-homosexual. Again, even in the most

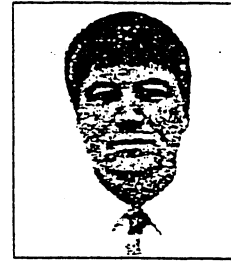
to justify behavior, but work around them.

MULTIPLE INTERVIEWS

Many investigators seem to operate as if they are entitled to only one interrogation with the suspect. With an arrest this might be the case. In other investigations that do not involve custody, however, there are opportunities for multiple interrogations to take place. For example, I recently interrogated an offender who, during our first interrogation, admitted to soliciting an adolescent boy for sex. At the end of the interrogation, I told him that his admission was sufficient for that day, and we would speak again in a few days. During the second interrogation, he revealed the sexual abuse of his daughter and son. Multiple interrogations also cut down on offenders recanting their confessions. After a married offender confesses, it is useful to have him confess in your presence to the non-offending spouse. Married offenders may tend to minimize their true criminal involvement when confronted by their mates. The investigator can ensure that the non-offending spouse hears an uncensored account. In addition, offenders are not forced to decide if they fear their spouse's reaction more or less than the criminal justice system.

Multiple interrogations give investigators a greater opportunity to look at the whole picture of deviance and not just what is before us. Many child molesters have additional paraphilias such as voyeurism, exhibitionism, frottage, fetishes, sado-masochism, bondage/discipline, cross-dressing and collecting and manufacturing pornography. Collecting information about the offender's additional deviant behavior can help with investigation, prosecution, resolution of other crimes, and identify additional victims. Whether in a single interrogation or in multiple interrogations, when you feel the offender is ready, ask what he or she considers their worst sexual act performed. If the proper foundation has been established the offender feels that you understand, then these specifics can be easily collected.

CONCLUSION



Jim McLaughlin has been a Keene Police Officer for 12 years after having served for four years as a Military Policeman in the U.S. Marine Corps. He has earned an AA degree in Police

Science from Mount Wachusett Community College and is working on a Bachelors degree in Psychology from Keene State College. He is presently assigned as a Detective with the Investigation Bureau. He also serves on the Attorney General's Task Force on Child Abuse and Neglect.

tell me that it looks more like a therapy session than a police interrogation. In particular, they are surprised to see that the interrogator does not have to be judgmental or demeaning in order to gain a confession. Coming on too strongly with some suspects results in their closing down. Although some suspects will confess under these conditions, most won't. And many offenders welcome the opportunity to confess. Many offenders will shake hands with the investigator and thank him when the interrogation is over. Confessing is a big step, and they should be given some credit for finding the courage to be honest. Some investigators believe that no attempt should be made to analyze the suspect; I would suggest that doing so will result in more complete confessions.

New approaches to field questioning and interrogating can be heard by attending conferences and by networking with others in the field. It is through sharing both positive and negative experiences that we improve ourselves and our field. We should always be willing to challenge our methods in response to the ever-expanding body of child maltreatment knowledge. □

REFERENCES

Carnes, P. (1983). *Out of the Shadows: Understanding sexual addiction*. Minneapolis: CompCare Publishers.

Walters, R. (1984). *Measuring child attributions for sexual abuse: A new perspective*. *Journal of Child Sexual Abuse*, 3(1), 1-15.

ROBINSON, KRIGER, McCALLUM & GREENE, P.A.

10002

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CLAIRE GALLAGAN ANDREWS
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May 2, 1994


James E. Higgins, Esq.
Sheehan Phinney Bass & Green
1000 Elm Street
P. O. Box 3701
Manchester, NH 03105-3701

Dear Jim:

I wish to congratulate you on your success in convincing the Court to grant your Motion to Dismiss and to thank you for your courteous and generous response to my request for this most current decision on abuse cases.

This opinion is most helpful as we proceed down some of the same pathways you have already travelled. We are indeed grateful.

Sincerely,


Robert C. Robinson

RCR/jer

cc: Bradford E. Cook, Esq.

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10003



ATTORNEYS AT LAW

May 2, 1994

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Ron Koch, Esquire
Ron Koch, P.A.
503 Slate Avenue, NW
Albuquerque, NM 87102

Re: State v. Gordon MacRae

Dear Mr. Koch:

Monsignor Christian has forwarded to me your letter of March 23rd. In connection with your inquiry, we have the following responses.

1. Monsignor Christian did talk to Father Gorski. Father Gorski's response as you have reported it constitutes a misunderstanding. Monsignor Christian's conversation with Father Gorski involved non-sacramental matters, was substantially the same as the initial allegation made by [REDACTED] to Judy Patterson and reported by Monsignor Quinn to the State, and shed little new light on the subject. You are free to talk with Father Gorski about this.

2. The Diocese has no knowledge of the State of New Hampshire's actions in 1983 or subsequently concerning [REDACTED] allegations. The Diocese certainly is not aware of how a "founded" ruling was made if in fact it was.

3. The report to the State of New Hampshire in November of 1983 was made by Monsignor Quinn, not Judy Patterson. The Diocese has no knowledge concerning any interviews between State investigators and Judy Patterson or of anything she might have said to the State at that time.

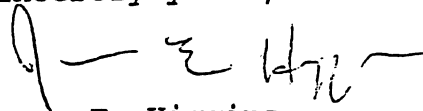
4. Your statement that Father MacRae was not part of the "process" concerning allegations which had been brought forward is not true. Mr. MacRae was personally interviewed by Monsignor Christian in regard to the [REDACTED] allegations, clearly understood what was happening, and the entire matter is contained in a memo which I believe you have.

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Ron Koch, Esquire
May 2, 1994
Page 2

5. Concerning the press releases, you certainly know their author through separate correspondence. The Bishop is communicating directly with Mr. MacRae in connection with these press releases.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "James E. Higgins". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke extending to the right.

James E. Higgins

JEH/slb

cc: Monsignor Francis Christian
Mr. Raymond Dumont

Ron Koch, P.A.

ATTORNEY & COUNSELOR AT LAW

10005

March 23, 1994

Rev. Msgr. Francis Christian, Ph.D.
Diocese of Manchester
P.O. Box 310
Manchester, NH 03105

Dear Msgr. Christian:

Father MacRae recalls a conversation with you via telephone on October 4, 1993, in which you indicated to him that [REDACTED] made an allegation about Father MacRae to Father Robert Gorski, and not to Father Boucher or Father Watson as [REDACTED] has falsely alleged. Father MacRae stated that he asked you what, exactly, the content of the allegation to Father Gorski was and stated that you told him it was the same as what was reported to state officials in 1983.

I have written to Father Gorski and he responded in a letter of October 17, 1993 stating: "[REDACTED] did ask to speak to me, I do not remember the month or year, however I cannot discuss the contents of our conversation due to the fact that it took place under the seal of the Sacrament of Reconciliation."

My own understanding of the nature of the seal of the Sacrament of Reconciliation is somewhat limited, however I consulted with Fr. David Deibel, who, as you know, is a Canonist and civil attorney. Father Deibel's opinion is that, not only the content of a confession made by a penitent is prohibited from disclosure by a priest under Canon Law, but also the identity of a penitent is prohibited from disclosure. How, then, could Father Gorski communicate what he has in fact communicated to me in writing, i.e., that he cannot discuss the content of a conversation with [REDACTED] because it was under the seal of the Sacrament, but could reveal the identity of the penitent?

Further, how, then, did you become aware that [REDACTED] made an allegation about Gordon to Father Gorski, when did you become aware of this, and how were you aware of the content of that allegation as being exactly what [REDACTED] first claimed to his therapist, Judy Paterson, in 1983?

Please understand that it is not my intention to put anyone on the spot here (and please note that Father MacRae has tied my hands somewhat in expressly asking me not to do so), but I am concerned with the fact that [REDACTED] has made allegations against Father MacRae which have been investigated in 1983/1984, 1986, 1988, and 1993, each time with a different allegation made, and Gordon has never been interviewed by a single individual involved with the investigations. At the same time, from paperwork I have, the Division of Children and Youth Services appears to have made a ruling on "Founded" in 1983 based on statements allegedly made by Msgr. Quinn when, in fact, Father MacRae and Msgr. Quinn never discussed the [REDACTED] allegation and it is doubtful that the original allegation warranted a disposition of "Founded"

At the same time, it appears that the report of the 1983 investigation was not filled out until 1986. I have copies of two conflicting DCYS reports. One is filled out in April, 1986 with an indication that the allegation is "Unfounded". The other is dated December, 1986 with an indication that the allegation is "Founded". The reports are completed by different individuals.

Furthermore, as you may know I have learned that Judy Paterson, the Catholic Social Services counselor who made the first report to state officials and Dr. Guertin-Ouellette regarding [REDACTED] claims in 1983, is the source of additional, rather bizarre claims about Father MacRae being connected with a child sex abuse and murder case in the State of Florida prior to 1983 claiming that he was first a priest in Florida then sent to New Hampshire by the church there to avoid prosecution. She cites an official of the Diocese of Manchester as the source of this information which was reported as fact to Detective McLaughlin and to the New Hampshire State Police in 1988 by Sylvia Gale, an investigator with the Division of Children and Youth Services. Of course we both know that there is no truth to any of this. It does, however, call into question the reliability of the person who reported the [REDACTED] allegation in 1983.

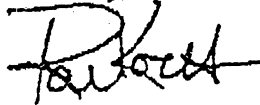
It appears that much hearsay conversation took place regarding Father MacRae and he was, and still is, omitted from this process. It has been very difficult for Father MacRae to ascertain exactly who said what to whom and when. A statement regarding your understanding of exactly what was said to Father Gorski and then subsequently by Father Gorski to you and/or others would be very helpful. I hope to avoid this, but in the event that I need to subpoena you or Father Gorski, or both, as witnesses in this matter, it would be helpful if I was aware of the nature of this testimony, or, at least, how it is he could reveal to you what he cannot reveal to me as Father MacRae's defense attorney.

Also, if you know anything about the allegations supposedly made by Judy Paterson I would appreciate having this information.

Finally, Father MacRae has asked that I inquire of you who is the author(s) of the press release of the Diocese of Manchester dated September 11, 1993, excerpts of which appeared in most New Hampshire newspapers, and the author(s) of the article which appeared in Tidings, the Diocesan newspaper. I have enclosed copies of both for your review.

You may also be interested in knowing that Father MacRae's trial in this matter has been postponed until September, 1994, at the request of the prosecution. The local newspaper reports about this delay did not make it clear that the delay was requested by the prosecution.

Sincerely,



Ron Koch
Attorney at Law

cc - Rev David Deibel, J.D., J.C.D.



Secretariat for Pastoral Services
Diocese of Manchester

10007

April 18, 1994

PERSONAL

Ron Koch
Attorney & Counselor at Law
502 Slate Avenue, NW
Albuquerque, NM 87102

Dear Atty. Koch:

In response to your letter of March 23rd, 1994, the following hopefully will reply to your inquiries in that letter.

1. Some time prior to my telephone conversation in early October 1993 with Gordon, I took the initiative to contact Father Gorski wondering if he had any knowledge of [REDACTED] since he had succeeded Gordon at the Hampton parish and had been there during the time that Msgr. Watson was pastor. Given the fact that both Msgr. Watson and Father Boucher had denied ever talking to [REDACTED] I suspected that if [REDACTED] had in fact gone to a priest it might have been Father Gorski. When I spoke with Father Gorski he first responded by saying that if he had any information regarding [REDACTED] it was probably linked to confessional matters. I then asked him whether or not he would have the same information from an extra confessional source, i.e., that he would have discussed the information with [REDACTED] or someone else outside of the sacramental forum. He indicated that this was indeed the case. I told him that he was then free to discuss the matter with me. He obtained the information through a conversation or conversations with [REDACTED] and his parents. They had shared with Father Gorski information that was substantively the same as the initial allegation made by [REDACTED] to Judy Patterson, and was reported by Msgr. John Quinn to the State of New Hampshire.

Subsequent to the reception of your letter I have spoken with Father Gorski and made him aware of the fact that he can share this information with you for the same reasons that he was able to share it with me.

2. The Diocese is unaware of what, ~~in~~ investigations the State of New Hampshire did in 1983, or subsequently, in regard to the [REDACTED] allegations. We are not aware ~~of~~ how a "founded" ruling was made. If

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such a finding was at least in part made because of diocesan inquiries, it would be the result of my conversation with Gordon MacRae on December 5, 1983, a copy of which memo you have in your files. In that conversation with me, Gordon admitted to having improperly hugged and kissed [REDACTED].

3. The report to the State of New Hampshire in November 1983, was made directly by Msgr. Quinn, not to Judy Patterson. If the State subsequently spoke to Judy Patterson in their investigation, the Diocese has no knowledge of that interview or of anything she might have said to the State at that time.
4. It is not, as a result, true that Father MacRae was not part of the process. He was personally interviewed by me in regard to the [REDACTED] allegations, and as my memo clearly attests, perfectly understood what was happening.
5. You already know through separate correspondence that the press releases from the Diocese were prepared by me and Atty. Bradford Cook. As I know the Bishop is making clear in a response he is preparing to a letter from Gordon, those press releases have been made in the context of the public record dating from Gordon's guilty plea in 1988 to the charge of endangering the welfare of a child.

Trusting this information is helpful to you, I am

Sincerely,

(Msgr.) Francis J. Christian
Secretary
Chancellor

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April 21, 1994

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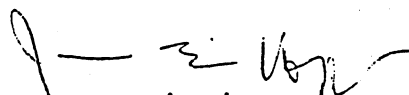
Dear Mr. Robinson:

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Pursuant to Brad Cook's request I enclose an Order of the Rockingham County Superior Court granting our Motion to Dismiss on the ground that Plaintiff's claims were time barred under the applicable statute of limitations.

If I can be of further help, do not hesitate to contact me.

Very truly yours,


James E. Higgins

JEH/slb

Enc.

cc: Bradford E. Cook, Esquire

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10010



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April 20, 1994

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Ron Koch, Esquire
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Re: Gordon MacRae

1 HARBOUR PLACE
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Dear Mr. Koch:

I have not received a reply from you to my letter of March 24th. On behalf of the Diocese we need an explanation for your position that it is the Diocese's obligation to provide counsel, coverage for damages, and indemnification to Mr. MacRae and further that it is the Diocese's responsibility to make demand on the insurance carrier for coverage for Mr. MacRae. You also suggested that the failure to honor the demands you were making might subject the Diocese to a "claim for monetary damages."

We disagree. I do hope your position has some support. Frankly I cannot see it, but I urge you (or Reverend Deibel) to provide me with any support you can find for your position. In addition to any other authority you can provide to me, I would appreciate your addressing specifically the issue of coverage for Mr. MacRae "while acting within the scope of his duties as such. . . ."

I await your reply. Please note that Ray Dumont of Gallagher Bassett is prepared to discuss these issues with you at your convenience.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'James E. Higgins', written over a horizontal line.

James E. Higgins

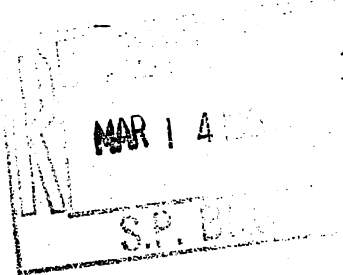
JEH/slb

cc: Monsignor Francis Christian
Mr. Raymond Dumont

Ron Koch, P.A.

ATTORNEY & COUNSELOR AT LAW

10011



January 18, 1994

Mr. James Higgins, Esq.
Attorney at Law
1000 Elm Street
Manchester, New Hampshire 03101

Re: Gordon MacRae

Dear Mr. Higgins:

I am responding to your letter dated March 7, 1994 wherein you indicated that the Diocese of Manchester would not address the issue of providing Mr. MacRae with counsel, coverage for damages and indemnification for civil and criminal representation in the various legal proceedings against him. You referred us to Gallagher-Bassett for further negotiation.

It seems to me that it is incumbent on the Diocese of Manchester to pursue issues concerning insurance coverage on behalf of their priests, rather than leaving it to the priest to negotiate coverage issues. As you know, the issues considering insurance coverage in these matters dating back to 1982-1983 are far different from today. Whereas today there may arguably be some legitimate basis for denying coverage to a priest accused of sexual molestation, I don't believe the same arguments hold merit, based upon the terms or non-terms of the insurance policies, which were in effect in 1982 and 1983.

As you know, Gordon MacRae was an employee of the Diocese of Manchester at the time of the alleged incidents. It is his position that he has been falsely accused of wrongdoing and the Diocese and the insurance companies are obligated to provide him with counsel, coverage and indemnification. Mr. MacRae contends it is the Diocese's responsibility, since they are the insured, to pursue requests and demands on the insurance company, and to provide him counsel, coverage and indemnification in the interim.

I am making demand that the Diocese reconsider its position and agree to provide Mr. MacRae with counsel, coverage for damages and indemnification. I am further demanding that the Diocese make appropriate demand on the insurance carriers to provide coverage for Gordon MacRae. I would suggest that failure of the Diocese to honor these demands may subject it to a claim for monetary damages.

10012

Very truly yours,


Ron Koch

P.S. I understand that Father Dave Deibel, a canon lawyer, is in the canonical process of challenging the Diocese's position of refusing to provide counsel, coverage for claims and indemnification for priests who may be falsely accused.

REK:ysk

Rev. Msgr. Francis Christian, Ph.D.
Gordon MacRae

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ATTORNEYS AT LAW

March 24, 1994

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Re: Gordon MacRae

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NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Mr. Koch:

I have your letter which must be erroneously dated January 18th. We received it on March 14th and it replies to my letter of March 7th.

Although your position is more than a little inflammatory, I am willing to consider whatever authority you might be able to dredge up in connection with your demands. Would you be so kind as to supply me with authority in connection with your requests on behalf Mr. MacRae for coverage and your "demand" that the Diocese request coverage on his behalf with the carrier?

I assume, because you are making the demand, that you are representing Mr. MacRae for coverage purposes.

On a related subject, I understand that you have contacted Monsignors Quinn and Christian directly to solicit answers to questions you have concerning matters related to the criminal prosecution. As you know, I represent the Diocese. Kindly refer all further inquiries to me at this office.

Very truly yours,


James E. Higgins

JEH/slb

Ron Koch, Esquire
March 24, 1994
Page 2

10014

bcc: Monsignor Francis Christian
Monsignor John Quinn

SHEEHAN
PHINNEY
BASS +
GREEN
PROFESSIONAL
ASSOCIATION

10015



ATTORNEYS AT LAW

February 10, 1994

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Ron Koch, Esquire
Ron Koch, P.A.
503 Slate Avenue, NW
Albuquerque, NM 87102

Re: State of NH v. Gordon MacRae

Dear Mr. Koch:

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

I have your letter of January 18th. I am indeed representing the Bishop of Manchester in connection with the lawsuits brought by individuals alleging they were sexually abused by Gordon MacRae. I realize that you represent Mr. MacRae in connection with the criminal cases pending in Keene.

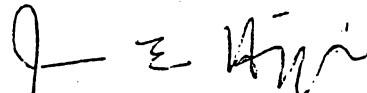
First in connection with your request that a defense be provided at the Diocese's expense, I have forwarded your request to the appropriate insurer. At this time coverage is not clear in connection with the allegations against Mr. MacRae. Please feel free to directly contact the insurer (Mr. Ray Dumont, Gallagher-Bassett Insurance, Bedford Commons, Bedford, NH 03110) in connection with your request. The Diocese itself, however, will not provide counsel for Mr. MacRae. If the insurer elects to do so, so much the better.

I know Mr. MacRae maintains his innocence in connection with the criminal charges. It certainly is true that a successful criminal defense will benefit us in defending the civil suits. However, as I am sure you are aware, the [REDACTED] and [REDACTED] complaints arise from alleged incidents occurring over 10 years ago. We believe the Diocese has a valid statute of limitations defense and we recently have asserted it. Discovery will be stayed in those matters until resolution of the Motion. Hence I fear that under any circumstances we would not be in a position to take the discovery you suggest.

Ron Koch, Esquire
February 10, 1994
Page 2

As you know, the Diocese is happy to share with you the materials we have in connection with these cases. I certainly would be anxious to receive any materials which you have collected in connection with these matters.

Very truly yours,



James E. Higgins

JEH/slb
cc: Monsignor Francis Christian

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PHINNEY
BASS +
GREEN
PROFESSIONAL
ASSOCIATION



ATTORNEYS AT LAW

February 10, 1994

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Mr. Raymond Dumont
Gallagher Bassett Insurance
Bedford Commons
Bedford, NH 03110

Re: Gordon Macrae and
The Roman Catholic Bishop of Manchester

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Ray:

I enclose a letter sent to me by Attorney Ron Koch of New Mexico on behalf of Gordon Macrae in the civil cases now pending. As you recall these involve claims brought by [REDACTED], the [REDACTED] brothers (one in Court and one not yet brought), and [REDACTED]. I believe this covers the current list that Macrae is involved in.

I have given Mr. Koch your name and address and I assume he will be in touch.

Very truly yours,


James E. Higgins

JEH/slb
Enc.

cc: Monsignor Francis J. Christian

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ASSOCIATION

10018



ATTORNEYS AT LAW

February 9, 1994

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Father David Deibel
2900 Lake Shore Avenue
Oakland, CA 94610

Re: Gordon MacRae

Dear Father Deibel:

Pursuant to your request I enclose a copy of the
Rules of the New Hampshire Superior Court.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'James E. Higgins', is written over the typed name.

James E. Higgins

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

JEH/slb
Enc.

cc: Ron Koch, Esquire
Ron Koch, P.A.
503 Slate Avenue, NW
Albuquerque, NM 87102

Ron Koch, P.A.

ATTORNEY & COUNSELOR AT LAW

January 18, 1994

Mr. James Higgins, Esq.
Attorney at Law
1000 Elm Street
Manchester, New Hampshire 03101

Re: Gordon MacRae

Dear Mr. Higgins:

I understand that you are representing the Diocese of Manchester in several lawsuits which have been brought by individuals alleging they were sexually abused by Gordon MacRae.

I represent Gordon MacRae in his criminal case which is pending in Keene. As you may be aware, Gordon has filed pro se answers and counter-claims against the individuals who have sued him. I am writing to ask that the Diocese provide him with a defense in these matters.

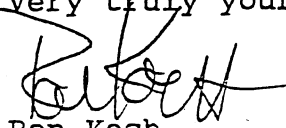
I also want to request that you depose the following individuals as soon as possible: [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. If you will depose them it will greatly assist me in my defense of Gordon. As you know, Gordon maintains his innocence of these charges. If I am able to mount a successful criminal defense it would certainly be to the benefit of the Diocese in the civil suits.

I am willing to share with you all materials that I have received.

We are scheduled to begin trial as early as March 14, 1994, however, there is a possibility the trial date will be changed to April.

Please contact me regarding the foregoing and thank you for your anticipated cooperation.

Very truly yours,


Ron Koch

REK:yks
cc: Gordon MacRae

RECEIVED

JAN 21 1994

Ron Koch, P.A.

ATTORNEY & COUNSELOR AT LAW

10020

December 29, 1993

Rev. Msgr. Francis Christian, Ph.D.
Secretary for Administrative and
Canonical Affairs
Diocese of Manchester
P.O. Box 310
Manchester, New Hampshire 03105-0010

Re: Fr. Gordon MacRae

Dear Msgr. Christian:

Fr. Gordon MacRae has been named as a defendant in civil suits relating to allegations of sexual misconduct. The civil suits have been brought by [REDACTED] and [REDACTED]. I also understand that you have been approached on a possible suit by attorneys for [REDACTED].

I want to send a demand to the insurance company that had liability coverage for the Diocese of Manchester to ascertain whether they will provide a defense, coverage and indemnification for Gordon MacRae in these suits. The allegations of misconduct cover a time period from June of 1982 through November of 1983. I would appreciate it if you would provide me with the name of the insurance company who carried the liability policy for the diocese during this period. I would also appreciate the name and address of coverage counsel and for the representative of the insurance company.

I am also requesting that the Diocese of Manchester make demand on their carrier to provide a defense, coverage and indemnification in his civil cases. I believe this to be the responsibility of the diocese as Gordon MacRae was an employee of the diocese at the time of alleged incidents which have resulted in the civil actions.

Thank you for your attention to this matter.

Very truly yours,


Ron Koch

REK:ysh

cc: Gordon MacRae

SHEEHAN
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GREEN
PROFESSIONAL
ASSOCIATION

10021

December 23, 1993



ATTORNEYS AT LAW

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Bruce Elliott Reynolds
Assistant County Attorney
Cheshire County Attorney's Office
33 West Street
PO Box 444
Keene, NH 03431

Dear Mr. Reynolds:

This will confirm our telephone conversation on December 23, 1993 concerning your subpoena of The Reverend Monsignor John Molan of the Diocese of Manchester. I informed you in that conversation that Monsignor Molan is not the Director of Clergy Personnel for the Diocese. That position is inherent in the role of the Chancellor, Monsignor Francis Christian. We are agreed that Monsignor Christian will appear at the Superior Court on January 6 at 9:00 to meet with you (accompanied by a representative of this office) to go over materials and try to narrow issues for discussion. You informed me that there are no targets of your investigation other than Gordon MacRae. Further, I informed you that Monsignor John P. Quinn, Diocesan Director of New Hampshire Catholic Charities works here in Manchester.

If you need to discuss these matters prior to the 6th, please let me know. I appreciate your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradford E. Cook'. The signature is fluid and cursive, with a large initial 'B' and 'C'.

Bradford E. Cook

BEC:jf

cc: Monsignor Molan
Monsignor Christian

BEC/6423-DR5

James Higgins, Esq.

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GREEN
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ASSOCIATION

10022



September 17, 1993

1000 ELM STREET
P.O. BOX 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Mr. Ray Dumont
Gallagher Bassett Insurance
Bedford Commons
Bedford, NH 03110

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Ray:

It was good to meet with you and Monsignor Christian in August concerning the various liability policies. As it stands, it is my understanding that there was coverage for cases with Gallagher Bassett up to July 1, 1986. From July 1, 1986 to July 1, 1990 there was no coverage for the kind of liability cases we are now experiencing concerning sexual activities. After July 1, 1990, the National Catholic Risk Retention Group of Burlington, Vermont provides coverage through the Diocesan Insurance program. These are "occurrence" policies. In either event, you are the office with whom we should be working.

Enclosed find settlement documents in the [REDACTED] matter which was settled. Also enclosed are discovery documents in that case. I have requested that Jim Higgins send you a status report on the [REDACTED] case (known in this office and in the pleadings as [REDACTED] vs. Roman Catholic Bishop of Manchester). I have also asked Jim to send you the discovery documents on that case.

You have asked that we put the billing for these cases on a quarterly basis and send the bills to you in care of Gallagher Bassett, rather than to the Diocese as we have been doing in the past. I understand Monsignor Molan will present you with all past bills for reimbursement. I assume that quarterly means March, June, September and December. Time and expenses will be detailed on such billings.

SHEEHAN
PHINNEY
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GREEN
PROFESSIONAL
ASSOCIATION

10023

FOR: SALLY BRABBLE



ATTORNEYS AT LAW

August 30, 1993

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Mr. Ray Dumont
Gallagher Bassett Insurance
Bedford Commons
Bedford, NH 03110

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Ray:

It was good to meet with you and Monsignor Christian on Wednesday concerning the various liability policies. As it stands, it is my understanding that there was coverage for cases with Gallagher Bassett up to July 1, 1986. From July 1, 1986 to July 1, 1990 there was no coverage for the kind of liability cases we are now experiencing concerning sexual activities. After July 1, 1990, the National Catholic Risk Retention Group of Burlington, Vermont provides coverage through the Diocesan Insurance program. In either event, you are the office with whom we should be working.

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PHINNEY
BASS +
GREEN

PROFESSIONAL
ASSOCIATION

Mr. Ray Dumont
Page Two



ATTORNEYS AT LAW

If this sets forth the matter properly, you need not respond. If I have anything wrong, please let me know.

Sincerely,

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Bradford E. Cook

BEC:jf

cc: James Higgins
Monsignor Molan

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

BEC/6423-DK3

SHEEHAN
PHINNEY
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PROFESSIONAL
ASSOCIATION

10025



ATTORNEYS AT LAW

August 10, 1993

1000 ELM STREET
P.O. BOX 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Mr. Ray Dumont
Gallagher Bassett Insurance
Bedford Commons
Bedford, NH 03110

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Ray:

It was good to meet with you and Monsignor Christian on Wednesday concerning the various liability policies. As it stands, it is my understanding that there was coverage for cases with Gallagher Bassett up to July 1, 1986. From July 1, 1986 to July 1, 1990 there was no coverage for the kind of liability cases we are now experiencing concerning sexual activities. After July 1, 1990, the National Catholic Risk Retention Group of Burlington, Vermont provides coverage through the Diocesan Insurance program. In either event, you are the office with whom we should be working.

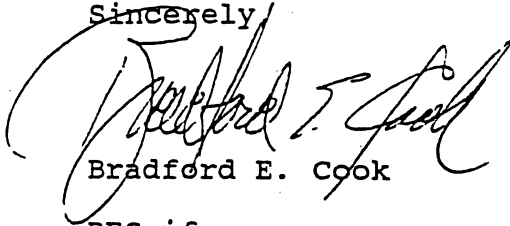
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Mr. Ray Dumont
Page Two

If this sets forth the matter properly, you need not respond. If I have anything wrong, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bradford E. Cook". The signature is written in dark ink and is positioned above the printed name.

Bradford E. Cook

BEC:jf

cc: James Higgins
Monsignor Molan

BEC/6423-DK3

10027

6423-8013
MEDICAL RECORDS

V. DIOCESE

[REDACTED] (#2)

parents request
re investigation
apparently

(#3)

(1986)



STATE OF NEW HAMPSHIRE
 DEPARTMENT OF HEALTH AND HUMAN SERVICES
 DIVISION FOR CHILDREN AND YOUTH SERVICES
 6 Hazen Drive
 Concord, NH 03301-6522

10029

M. Mary Mongan, Commissioner
 David A. Bundy, Director
 603 - 271-4451

May 12, 1986

subfile
 " [redacted] " *w. social*
 " incident "

[redacted]
 [redacted]
 [redacted]

Dear [redacted]:

As agreed upon, I consulted via telephone with the Reverend John Quinn today. He is most willing to meet with you. He expressed some surprise about the request, as he recalled offering to do so at the time, apparently through the counselor.

Reverend Quinn can be reached Mondays through Thursdays, 9:00 a.m. - 5:00 p.m. at 1-800-562-5249. Or after 5:00 p.m. you may reach him at 668-1662. He is looking forward to hearing from you.

Also, as we agreed upon, I will telephone Dr. Brown this Thursday, his anticipated date of return. I look forward to meeting with [redacted] again as soon as we can arrange this with Dr. Brown.

If there are any questions or concerns in the interim, please do not hesitate to call me at (603) 224-3946.

Very truly Yours,

Marilyn E. Fraser

Marilyn E. Fraser, ACSW
 Licensed Clinical Social Worker

MEF/jag

53 ASH STREET

P.O. BOX 310

MANCHESTER, N.H. 03105

(603) 669-3100

11/21/83

Memo to: Fr. Christian
From: Fr. Quinn
Re: Rev. Gordon MacRae

I was officially notified by Dr. Henry Guertin-Ouellette and by Judy Paterson of the Catholic Social Service Office in Salem today that Fr. Godron MacRae had sexually abused two minor males in Hampton during the past summer.

Fr. MacRae is presently in counseling with Dr. Guertin-Ouellette and has indicated his willingness to continue. Dr. Guertin-Ouellette has indicated that Fr. MacRae has been cooperative, but that we should be aware that he most probably suffers from a strong personality development deficiency, and will require ongoing treatment.

One of the young men involved in the above-mentioned incident has been under counseling with our agency since the incident. Last week, he attempted suicide, and presently arrangements are being made for his hospitalization at Hamstead Hospital. The two incidents are not necessarily directly connected.

The parents of the boy are fully aware of the situation, and have been working with our counselor. They have been most cooperative, and their main concern is for their son. Secondly, they are concerned that Fr. MacRae receives appropriate treatment to help him with his difficulty. One factor which is making this incident quite difficult for the parents is the fact that the boy's mother was sexually abused as a child herself.

***IT IS IMPERATIVE THAT THE YOUNG MAN INVOLVED MUST IN NO WAY LEARN THAT FR. MACRAE IS BEING REPORTED FOR THIS INCIDENT EITHER TO THE STATE OR TO CHURCH OFFICIALS. BOTH MRS. PATERSON AND DR. GUERTIN-OUELLETTE FEEL THAT IRREPAIRABLE HARM CAN BE CAUSED TO THE YOUNG MAN SHOULD THIS OCCUR.

I will be meeting with State Officials on Wednesday to discuss this matter and other cases. At that time, I will most probably file the official report with the Department of Health and Welfare.

PHONE-O-GRAM[®] for: ~~AS~~ LW

M Jan McCoe of Odyssey House

Telephoned

Returned your call

Came in

Will call again

Please return the call

See me

Message:

Re: [redacted]

incomplete authorization sending back

Phone: 926-6702 Date 1/3/94 Time 3:17 By KDB

SHEEHAN
PHINNEY
BASS +
GREEN
PROFESSIONAL
ASSOCIATION

10079



ATTORNEYS AT LAW

December 28, 1993

1000 ELM STREET
P.O. Box 3701
MANCHESTER
NEW HAMPSHIRE
03105-3701
FAX 603-627-8121
603-668-0300

Odyssey House, Inc.
2 Greenleaf Woods Drive, Suite 101
Portsmouth, NH 03801

Re: [REDACTED]

1 HARBOUR PLACE
SUITE 325
PORTSMOUTH
NEW HAMPSHIRE
03801-3856
FAX 603-433-3126
603-433-2111

Dear Madam,

Enclosed is prepayment in the amount of \$65.00 for the entire records of [REDACTED]. Also enclosed is an executed medical authorization by [REDACTED] which allows us to receive these records.

Please forward the requested records to my attention to the Manchester address. Thank you for your time and assistance.

Very truly yours,

A handwritten signature in cursive script that reads 'Linda A. Wescott, R.N.'
Linda A. Wescott, R.N.
Medical Paralegal

/lw
Enclosures