

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

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

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

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

"Dear Det. McLaughlin:

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

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

Signed: Sylvia Gayle

New Hampshire Division of Children and Youth Services

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

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

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

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

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

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

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

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

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

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

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

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

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