

the conclusion of her testimony, Judge Brennan discharged Ms. Collet as a witness due to her obviously strained emotional state.

120. [REDACTED] then took the stand again after a lengthy break. He now changed his story and said that he named me to Ms. Collet as his abuser but that she did not believe him. He also tearfully testified that she forced him to put my name on the discharge form as his choice of sponsor. Because Ms. Collet had been discharged as a witness the defense could not recall her to cross examiner her about this new account. Attorney Koch raised this issue with the Court, but the Court ruled that it had discharged Ms. Collet and had no plans to recall her.

121. In the middle of trial a surprise witness came forward who had been watching excerpts of the trial on the news. He told Attorney Koch that two years earlier he was in a drug treatment facility with [REDACTED] and that [REDACTED] was leaving AMA. He said that he confronted [REDACTED], and that [REDACTED] told him that he was leaving because he had an idea for an insurance scam. The judge would not allow this testimony because it was hearsay.

122. In his closing arguments, the prosecutor, Bruce Reynolds, made a dozen references to the notorious "Father Porter case" and other cases involving priests in New England. He invited the jury to send a message to the Catholic Church. The trial took place in the same week as the local elections, and the County Attorney position was being contested by one of the two Assistant County Attorneys. At one point the prosecutor, Reynolds, was reprimanded by the judge for wearing his campaign buttons during the trial, and thus in front of the local media and television cameras. Reynolds lost the race, and on the last day of trial he was fired for unknown reasons. Two years later Bruce Reynolds attempted to run for County Attorney again. His press releases cited his successful prosecution of me as one of his major accomplishments. During the race Reynolds was accused of income tax evasion and withdrew from the race.

123. At the close of trial, the judge then, Arthur Brennan, instructed the jury that this is a case without evidence and based entirely on credibility. He said that in New Hampshire, the statement of the accuser may be considered evidence enough to convict if the jury believes this testimony over that of the defendant. The defendant, he pointed out, never took the stand, however. In a case brought to trial eleven years after the claims of abuse, with no evidence or corroboration whatsoever, and with very dubious details about the claims presented, the jury convicted me on all counts in 90

minutes. The case had been successfully prosecuted in the media long before it went to trial. Sentencing was scheduled for six weeks later. In the interim, while I was in the county jail awaiting sentencing, the State offered Attorney Koch a new plea: one to two years concurrent with whatever I am sentenced to if I avoid trial in the other charges and plead guilty. Attorney Koch, my friend Attorney Eileen Nevins, and my family all urged me to accept. I had no choice. Pleading guilty to these charges was the worst day of my life.

124. Weeks later I was sentenced to the maximum possible sentence for the [REDACTED] conviction: 33 to 67 years in prison. New Hampshire has a "Truth in Sentencing Law". I am now 44 years of age. I will be 74 when I am first eligible for parole, and then only if I admit to all that I have been accused of. I cannot.

125. I had no funds for an appeal, and since Ron Koch was in New Mexico my appeal was turned over to the public defender. He used three issues for appeal: the inadmissibility of the State's expert witness testimony, the failure of the trial judge to provide us access to [REDACTED] juvenile and adult criminal records, and the judges instructions to the jury to ignore certain inconsistencies in [REDACTED] testimony. The State Supreme upheld my conviction on June 6, 1996. I am innocent of these charges.

126. The lawsuits by all three of the [REDACTED] brothers, which were brought prior to the criminal charges, have been settled out of court by the Diocese of Manchester and its insurers for an undisclosed sum.

127. Detective McLaughlin, the Keene Police Officer who brought the case, has frequently been the subject of news reports. He brought charges against two other New Hampshire priests, both of which resulted in "negotiated pleas" for light sentences. Both cases resulted in civil lawsuits against the Diocese of Manchester which were also settled out of court.

128. My last contact with officials in the Diocese of Manchester took place in March of 1994 while I was preparing for trial. (As indicated earlier in this document, and to again place this into chronological perspective, the charges against me surfaced in May of 1993 alleging that sexual assaults of the [REDACTED] brothers occurred sometime between 1978 and 1983 although this was later amended by them to claim that they all occurred in 1983). In March of 1994 I wrote a letter to Bishop Leo O'Neil of the Diocese of Manchester raising several areas of concern about the conduct of diocesan officials

regarding this case. A copy of this letter is attached. Bishop O'Neil did not respond, and a second letter was written by me, on the advice of canonical counsel, but neither Bishop O'Neil, nor any other diocesan official, responded to this letter. In April of 1994 I sent a second letter on the advice of a canonist, and again outlined the issues and requested a response. There was no response to this letter as well. A month prior to trial my attorney, thoroughly frustrated with the lack of cooperation and response from the diocese, prepared a civil action against the diocese. A copy of this was sent, unsigned and unfiled, to the Bishop in the hopes that it would finally prompt a response. The attorney for the Diocese, Mr. Bradford Cook, then telephoned me and apologized for the earlier diocesan press release in which I was declared guilty by diocesan officials prior to a trial. What Msgr. Christian (now Auxiliary Bishop Christian) earlier referred to as "a carefully crafted statement" was now being explained by Attorney Cook as hastily written by Msgr. Christian and sent to the local news media against his (Mr. Cook's) advice. The lawsuit prepared by my attorney was never filed and was withdrawn at my request because I did not want to take such a public stance against my bishop and diocese.

129. At the time I went to trial in September, 1994 no one from the Diocese was present during the trial. The local newspapers made mention of this fact. In the three and one half years of which I have been incarcerated in the New Hampshire State Prison, I have not seen nor heard from any member or official of the Diocese of Manchester. The prison is approximately fifteen miles from the Diocesan Office. The prison chaplain is a layman, a retired engineer, who will soon retire and is being replaced as chaplain by another layman. He meets with me weekly and brings me the Eucharist.

130. In 1996 Monsignor Francis Christian, who had been Diocesan Chancellor, Secretary to the Bishop, and Secretary for Administrative Affairs for the previous twenty-five years, and who figured prominently into the Diocese's decision making in this case, was elevated to the rank of Bishop and appointed Auxiliary Bishop of the Diocese of Manchester. At the end of 1997, Bishop Leo O'Neil announced in a publicly televised press conference that he had been diagnosed with bone cancer and leukemia, and would be forced to turn over administration of the Diocese to Bishop Christian. Ten days later, Bishop O'Neil died leaving the Diocese vacant. Bishop Christian continues as Administrator of the Diocese pending the naming of a new

Ordinary. The untimely death of Bishop O'Neil was a sad occasion for the Diocese, and for me, personally, since no contact or attempt at reconciliation had taken place between us. The Requiem Mass for Bishop O'Neil was televised live by a local television station, and I was able to join my brother priests in this Liturgy by viewing it from my prison cell.

131. I am now in the unenviable position of being unable to defend myself publicly without also disclosing an immense scandal for the Catholic Church in the Diocese of Manchester. In 1996, following the loss of my appeal, my case was accepted by a San Diego based organization known as The National Justice Committee which investigates and advocates in cases in which individuals are falsely accused and wrongly convicted of sexual abuse charges. This organization has been responsible for a reconsideration of other high profile cases such as that involving the Amirault family (The Fells Acres Day Care case) in Massachusetts. Late in 1997 the organization arranged for my case to be reviewed by former Los Angeles prosecutor Marcia Clark and officials of one of the major television networks. In January of 1998 I received correspondence from Ms. Clark urging me to allow the entire case to be aired in a nationally televised prime time format. After much soul searching, I have declined this invitation for now. It is simply not my wish to be the catalyst for the public airing of a major scandal for the Church. This position is difficult for most to accept and understand, and the most difficult aspect of this position is its inherent loneliness. Many of those who have stood by me and want the truth to be known - my family, close friends and a host of others who have developed interest in the case - have expressed their exasperation over what they perceive as my continued protection of those who have alienated me, scapegoated me, and vilified me. It is a difficult position to maintain.

132. Since my incarceration there have been many developments which have occurred, and which effect the outlook and prognosis of the situation in which I find myself. First among these is that the Servants of the Paraclete Community in New Mexico have continued to minister to me in profound and heroic ways which must be acknowledged. The minister General of the Servants, Very Rev. Liam Hoare, has traveled the 2,500 miles from New Mexico to visit me nearly every two to three months since I have been in prison. Other members of the Servants community have also visited, and correspond frequently. Given that the Servants have suffered their own crucifixion in the American news media I highly commend them for their public support and encouragement.

The preceding, though lengthy, is a true account.

Signed and Sworn in Concord, New Hampshire on April 11, 1998

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NB: Attorney Nevins maintains the signed, sworn, notarized original of the foregoing affidavit.

The following individuals are in receipt of a photocopy of this document, and have agreed not to photocopy or disseminate it without prior permission, in writing, of Fr. Gordon J. MacRae or his attorney.

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