Conclusions

None of these cases involves alleged repressed memories. Each of the plaintiffs remembers, and has always remembered, MacRae's conduct. The initial inquiry as to each is whether his "original injury was sufficiently serious to apprise him that a possible violation of his rights had taken place." The critical aspect of this inquiry centers on the seriousness of the original injury. During the hearing, the parties tended to get side-tracked on the question of whether each plaintiff, at the time of the sexual contact, understood that his rights were violated. I do not believe that is the determinative question. Rather, the issue centers on whether, at the time of the sexual contact, the plaintiff suffered injury serious enough to put him on notice of a possible rights violation. Whether each plaintiff, in fact, understood that his rights were violated, or that he had legal options, may be relevant -- but it is not dispositive.

The Church essentially argues that it is the egregiousness of the conduct which establishes the seriousness of the injury. It argues that a reasonable teenage boy would recognize that conduct such as fondling of genitals, fellatio and anal intercourse by an adult male is wrong, injurious, and illegal. Such a position ignores two significant aspects of these cases. First, the injury in these cases is not physical injury (or at least not more than *de minimis* physical injury). Neither is it the sexual acts themselves which constitute the injury. As I have previously observed, wrongful conduct and injury are not synonymous. Rather, it is the psychological and emotional harm resulting from the sexual acts performed by a loved and trusted religious parent-surrogate which constitutes the injury. Contrary to the Church's arguments, I conclude that these cases are distinguishable from Rowe. See 130 N.H. at 22. These cases do not involve the issue of plaintiff's failure to recognize the extent of injury. The question here is whether, at the time of the sexual contact, the plaintiffs recognized any (sufficiently serious) injury.

Second, the Church's position ignores the effects of "grooming" on a child sexual abuse victim's ability to recognize the injuriousness of the offender's conduct. Applying a modified objective standard, the Court finds that as to each plaintiff, his original injury was not sufficiently serious to put a reasonable child abuse victim in the plaintiff's circumstances on notice of a possible violation of his rights.

There is no question that the treatment the plaintiffs received at MacRae's hands was appalling. But that is not dispositive of the inquiry. Each of the plaintiffs was a young, vulnerable Catholic boy, who revered priests, and essentially considered the word of a priest to be the word of God. MacRae targeted these boys and engaged in an intentional campaign to

manipulate each into a loving, trusting relationship. In the [redacted] situations, MacRae also groomed their mother and the entire [redacted] family. One of the most telling pieces of evidence in the [redacted] cases is a photograph of the 1983 [redacted] family Thanksgiving dinner. At this time, [redacted] and [redacted] had been separated for about a year and a half. The photograph shows MacRae presiding at the head of the table.

Over time, and with careful attention to each boy, MacRae used the authority of the Catholic Church and his position as a surrogate parent to draw each boy into sexual activity. With the [redacted] boys, alcohol also became a tool of manipulation. MacRae persuaded each of the four boys that the sexual activity was a "normal" part of their relationship. Each was persuaded to ignore any feelings of discomfort. Each valued the relationship too much to even suspect that MacRae was doing anything injurious. To the extent that there was any sense of "wrongfulness," each boy blamed himself; none of the boys was able to accurately allocate blame. They were all victims of grooming and abuse under circumstances which made it impossible for them to know that at the time of the sexual contact, they were injured at all.

For each, then, the Court must determine under a modified objective standard, "when the plaintiff discovered, or in the exercise of reasonable diligence, should have discovered, both the fact of his injury and the causal relationship between the injury and the defendant's acts."

[redacted]

Upon consideration of all of the circumstances bearing on [redacted] case and in light of the expert testimony, I find that a reasonable victim of child sexual abuse in the circumstances of [redacted], exercising reasonable diligence, would not have discovered either his injuries or the causal connection between his injuries and MacRae's acts before September 10, 1987, six years prior to institution of suit.

In Richard Dufresne's opinion, [redacted] did not begin to understand that he had been injured by MacRae until 1992. [redacted] testified that it was not until his counseling with Dufresne, begun in 1993, that he understood that what MacRae did was wrong. To refute this, the Church points to the spring, 1988 prostitution solicitation by MacRae, and [redacted] testimony that in 1988 he learned during the poolside conversation with his mother that MacRae had sexually abused his brothers. As previously noted, [redacted] believes this conversation occurred in 1989, but for purposes of this analysis I assume the conversation occurred in 1988.

I find that the earliest date on which a reasonable person in [redacted] circumstances would have discovered his injuries and their connection to MacRae's conduct is the spring of 1988. The expert testimony indicated that various circumstances may "trigger" a sexual abuse victim's understanding that he has been abused, and that the abuse caused his injuries. Such circumstances include the discovery by the victim that the offender has engaged in sexual activity with others. Although there was no expert opinion that either the prostitution solicitation or the poolside conversation in fact served as such a triggering mechanism, [redacted] testified credibly that: 1) at the time (he was age 23) he understood the solicitation to be for homosexual activity; 2) he rejected the solicitation and soon after moved out of MacRae's apartment; 3) the poolside conversation with his mother hit him "like a rock"; 4) until 1988 he never spoke with anyone about the sexual contact with MacRae; and 5) prior to 1988 he had "no idea [he had] suffered any injury at all." Given this testimony, and in the light of the expert testimony, I conclude that prior to the spring of 1988, [redacted] neither did, nor should have, understood that he was injured by MacRae's conduct.

[redacted]

Upon consideration of all the circumstances bearing on [redacted] case and in light of the expert testimony, I find that a reasonable victim of child sexual abuse in the circumstances of [redacted], exercising reasonable diligence, would not have discovered either his injuries or the causal connection between his injuries and MacRae's acts before June 7, 1988, six years prior to institution of suit.

Both [redacted] and his therapist, Pauline Goupil, testified that he did not understand the causal connection between his problems and MacRae's acts until during therapy, which commenced in June, 1993. I find the testimony of both to be credible as to when [redacted] himself actually understood the causal connection between his problems and MacRae's acts.

The Church points to events which it argues establish that a reasonable child abuse victim in [redacted] position should have known of the causal connection between his problems and MacRae's acts prior to 1988. The first is the Derby Lodge disclosure in the summer of 1986. [redacted] described MacRae's conduct to his counselor, Debra Collette, because he wanted to know whether such conduct was right or wrong. Collette refused to believe him, and reported the exchange to MacRae, who subsequently challenged [redacted] on the disclosure. Under the circumstances of this case, I do not find that the Derby Lodge disclosure establishes that [redacted] did know, or should have known, of the connection between his injuries and MacRae's conduct. I note that Dr. Salter testified that disclosure alone is not dispositive of the question of

whether a victim understands that he has been injured. Here, [redacted] disclosed for the purpose of obtaining presumably expert advice on whether MacRae's conduct was right or wrong. This was followed by his therapist's rejection of his disclosure and her reporting the disclosure to MacRae. The Derby Lodge incident affirmed of MacRae's power over [redacted], and continued the effects of grooming.

The Church also relies on the 1987 Keene/gun incident, and argues that MacRae's threats and [redacted] running away are evidence that by that time [redacted] did or should have had an understanding of what happened to him. I disagree. The Keene/gun events were dramatic, to be sure. But they do not lead reasonably to the conclusion that [redacted] should therefore have made the connection between the abuse and his injury. Moreover, I note that [redacted] reaction was consistent with what the experts described as a typical child sexual abuse victim's response: He blamed himself for the incident and felt bad that the relationship had ended.

Finally, assuming [redacted] telephone conversation with his mother occurred before June 7, 1988, I do not find the conversation determinative. [redacted] did not respond to his mother's inquiry because MacRae had convinced him that no one would believe him. [redacted] inquiry and [redacted] non-response do not establish that a reasonable person in [redacted] circumstances would have understood that his problems were caused by MacRae's abuse.

In light of the expert testimony, particularly the testimony of Dr. Salter, I am not persuaded by the Church's arguments.

[redacted]

Upon consideration of all of the circumstances bearing on [redacted] case and in light of the expert testimony, I find that a reasonable victim of child sexual abuse in the circumstances of [redacted] exercising reasonable diligence, would not have discovered either his injuries or the causal connection between his injuries and MacRae's acts before December 8, 1988, six years prior to institution of suit.

Both [redacted] and his therapist, Dr. Kinsler, testified that [redacted] did not come to understand that his problems were related to the MacRae conduct until counseling, which commenced in October, 1992. I find the testimony of both to be credible as to when [redacted] himself actually understood that his problems were related to MacRae's conduct.

The Church points to events which it argues establish that a reasonable child abuse victim in [redacted] position would have known of the causal connection between his problems and MacRae's acts prior to December 12, 1988. The Church relies primarily on the January, 1989 Navy records, which reflect disclosure by [redacted] to a

Navy official and to his girlfriend. Those records present a close question. A fair reading suggests that, at that time, [redacted] connected the problems he was experiencing, at least in part, to the MacRae sexual contacts. Although [redacted] testified credibly that he never characterized the sexual contact as "abuse" or "molestation," he did have homicidal feelings toward MacRae and he reportedly stated that "his childhood experiences have a lot to do with how he feels today." While Dr. Drukteinis felt that the records were dispositive on the issue of [redacted] recognition of injury caused by the MacRae contacts, his opinion was based only on a review of the Navy records and the writ of summons. He had no detailed information about [redacted] personal history or the relationship with MacRae. Dr. Kinsler, who did have such detailed information, concluded that [redacted] did not come to an understanding of the causal relationship until after counseling commenced in October, 1992.

In view of the fact that the Navy disclosures occurred after December 8, 1988 (within the limitations period), and in light of Dr. Kinsler's testimony, I conclude that the Navy records do not establish that [redacted] did understand, or should have understood, that he had been injured as a result of MacRae's acts, before December 8, 1988.

The Church also points to [redacted] conversation with his mother, when she asked whether anything had happened with MacRae that would upset him. Even assuming the conversation occurred in 1988 rather than 1989, as [redacted] believes, I do not find that conversation dispositive. The fact that [redacted] "fell apart" in response to his mother's question evidences a profound emotional reaction, but it does not persuade me -- particularly in view of the testimony of Dr. Kinsler and Dr. Salter -- that a reasonable child abuse victim in [redacted] position knew or should have known that he was injured by MacRae's conduct, at that time.

[redacted]

Upon consideration of all the circumstances bearing on [redacted] case and in light of the expert testimony, I find that a reasonable victim of child sexual abuse in the circumstances of [redacted] exercising reasonable diligence, would have discovered both his injuries and the causal connection between his injuries and MacRae's acts before September 22, 1987, six years prior to institution of suit.

[redacted] made several disclosures prior to commencement of counseling with Judith Patterson in 1983, which I do not regard as dispositive. [redacted] initial report to his teacher, Mrs. Brigham, apparently contained no detail. The disclosure to Father Boucher was likewise nonspecific and was made at a time when [redacted] did not know whether the conduct was wrong. Boucher's response was only to tell [redacted] that he had nothing to worry

about. The disclosure to Father Watson was equally nonproductive. Watson led [redacted] to conclude that he did not believe him. [redacted] conversations with Father Boucher and Father Watson did not provide [redacted] with "outside intervention" sufficient to alert him to the fact that MacRae's conduct was wrong or injurious.

The 1983 disclosure to Judith Patterson, however, stands on a very different footing. [redacted] apparently disclosed the details of MacRae's contacts, and Patterson responded in a very supportive manner. She told him that MacRae was wrong, that the conduct was illegal, and that the matter would have to be reported to the authorities. She also reported the disclosure to [redacted] parents. During [redacted] 1983 hospitalization, he reported that he believed his problems were related to the MacRae conduct. In Judith Patterson's opinion, by that time, [redacted] knew that MacRae's conduct was wrong and he had some understanding that his problems were related to MacRae.

Following [redacted] March, 1986 disclosure to the school psychologist, [redacted] met with the DCYS investigator and described MacRae's conduct. The investigator described the legal process to him. At that time, [redacted] was 17 years old.

I have carefully considered the events following the 1983 disclosure to Judith Patterson, as well as Dr. Stern's testimony concerning [redacted] understanding of the abuse as early as the fall of 1983. Although [redacted] was experiencing severe psychological and emotional problems, there is no evidence to suggest that [redacted] was unable to understand what was being said to him. On the contrary, the evidence indicates that [redacted] has always been a very bright individual. The fact that [redacted] may not have had the psychological and emotional stamina to pursue legal action, does not vitiate his understanding that he had been abused by MacRae and that his problems were the result of that abuse. Under all of the circumstances, I conclude that a reasonable person in [redacted] situation would have discovered both his injuries and their causal connection to MacRae's acts before September 22, 1987, and at least by the time of the DCYS investigation.

Having so concluded, I feel compelled to say that my ruling here does not in any way diminish the egregiousness of MacRae's conduct or the extent of [redacted] suffering. The issue before me is a legal one, which I have decided based on a close analysis of the facts and the law.