


March 22, 1995


Office of the Bishop
Diocese of Manchester
P.O. Box 310
Manchester, New Hampshire 03105

To the Most Reverend Leo E. O'Neil, D.D.:

Thank you for your letter of May, 17, 1994. I hope my response finds you well recovered and in good health. As is obvious, I have taken some time to reflect upon your reply and to prepare an adequate response. I shall not require as much patience from you in the future. First, I would like to address the particulars of your letter (numbers 1-6 below), and second, those areas which were overlooked by you in my letter.

Taking your responses and my requests in their proper order...

1. Given sketchy details about incomplete police investigations involving *minors*, rumors of the church's desecration, and the subsequent sloppy supervision of Fr. Aube (see addendum), you will not assuage my concerns and questions about the integrity of diocesan actions by simply asking me to accept your word for it. The fact remains, that regardless of the circumstances, a man was protected from criminal prosecution by his bishop. I do not dismiss the fact that the families (and police) may have "went along" with such trusted pastoral advise, to save the church from scandal (this of course assumes that scandal is a subjective matter, i.e., only if it becomes public). Nevertheless, N.H. law does not require the abused to press charges in order to prosecute. Of course I can only wildly speculate about these seemingly questionable matters at this time.

Once Bishop Gendron took it upon himself to intervene with an ongoing, or potential police investigation (or simply by not reporting, and by withholding incriminating information), he not only took the civil law into his own hands, but he (and his successors) assumed full responsibility to assure that justice would be served to all parties involved. So far I have seen scant evidence to suggest that even modest resources were ever invested into locating and warning, or assisting Aube's victims. That he had "abuser bad memory syndrome" does not wash. Elmer Fudd could have conducted a more thorough and professional investigation than you apparently did. Did you confiscate phone records, or his little black book? What about photographs? Did you interview those who worked with him to determine what kids, or families he seemed to favor most? Etc., etc., etc. Or were you too concerned about his privacy and priestly integrity?

I can certainly understand, given the tremendously volatile environment around these cases and threats from my father, etc., why you would feel justified in withholding any information which may incriminate the diocese, and put it in financial risk. But consequently, you stand in moral quicksand. For you are acting out of a vice (fear), and

not a virtue (hope or trust). We are left to regard one another with a wary eye and weary step. And in that stance, we both unfortunately lose. We *both* become strangers to the truth, and paranoia's best friend.

I ask for one of two replies. Either admit that you are unwilling to provide any information, or provide the information I have requested so that I can verify the truth of what you claim. Any other answer is a profound insult to my intelligence and an insult to the office from which you speak. Your empty "assurances" mean nothing.

For reasons that may become clearer below, I would greatly value "swapping notes" with others who were approached by Fr. Aube, in order to better determine the truth of what occurred. In time, I will locate at least one of those families. I feel it would be considerably more constructive for all parties if you facilitated and initiated such contacts.

As to the second half of #1, what was the result of your inquiry to Fr. Aube regarding the releasing his background information?

2. You seem to have entirely neglected the first half of my request here, i.e., "describe to me what you see as the truth of this matter, name the abuse in your own words, and give me your judgment". (I have addressed this in detail in the second half.)

Concerning Fr. Aube's response, or lack thereof, I will address this directly with him when necessary.

3. I would consider concrete actions combined with thoughts on paper to be a more effective response to my concerns.

4. I would like a copy of your diocesan policies. I would also like to know the details of Fr. Aube's new assignment and the results of the additional independent evaluation of him. And, have you come to any conclusions regarding your 10 month inquiry into locating others who may have been abused (please see addendum)?

5. Have you come to any conclusions concerning your investigations into Fr. Aube's possible misuse of the sacraments. And, has ten months been an adequate delay concerning my possible confrontation with Fr. Aube? It is not as if you have control over this matter. I felt that it would be a common courtesy to give you a chance to comment on when, why, or if it would be best to confront him. Your condescending and enigmatic response to the matter is nothing less than provocative.

6. I have concluded that any immediate discussion of restitution may only serve to cloud the waters. If you do not grasp the essential core of what my concerns have been, then compensation, restitution, whatever you wish to call it, makes little sense. Suffice it to say that I would rather you honor such obligations morally and not legally, or by what is covered by your insurance. Therefore, I will sign "the appropriate civil documents"--releasing the diocese of all financial liability-- if it would effectively extricate your attorneys from this dialogue, and free you to address me with the full dignity of a Bishop. I would add only two stipulations. First, you incur the expenses related to my hiring an attorney to review the documentation (lest I have a fool for a client). And second, you

agree to honestly and effectively address these matters through a formal ecclesiastical process in a timely manner. (I will address this further below.)

Concerning my confirmation name, I will assume that all is in order. Thank you.

The second half of this letter addresses the topics which you essentially omitted in your response to me, namely an ecclesiastical response. Since matters such as "judgment", "reconciliation", and "truth" are generally vague and broad in scope, I will try to be more specific. Essentially it comes down to a few questions.

Regarding Judgment: *As a Catholic, am I obligated to address Paul Aube as "Father"?*

At this point in time, whether by intention or not, the "judgments" you and your predecessor have made are clear. Paul Aube is still a priest. He is an agent of the Bishop. He is worthy to stand as representative of Christ, and of the "Father" before the Catholic community. Consequently, whether living in Candia, or in Seattle, Catholics worldwide are obligated to respect the authority and efficacy of his office.

I address him as "Father" now *only* because of my obligation to respect your judgment and teaching authority as a Bishop. You are solely responsible for rendering this particular judgment, therefore, you are the only one to whom I can address my question. Otherwise, I find no pleasure in having to tax you for your attention. And it is absurd to suggest that my counseling with a therapist, or a priest (who has equal authority with "Fr" Aube) could address this question.

From the information which you provided, it is clear that Paul Aube has rightly gone through extensive *psychological* evaluations and counseling. Should I also assume that "Father" Aube has undergone the same treatment? Has "Freud" evaluated Christ? How can the expertise, the world view, and the science of psychology address questions of Catholic doctrine and theology, or the proper conduct of a priest? The Pope, bishops, and many priests have rightly been critical of attempts by a few in the field of psychology to sophmorically dabble in matters spiritual. It is incompatible and inappropriate to primarily rest your judgment upon the expertise of a field which often contradicts and rejects the teaching authority which you represent! Has the wisdom in the fields of theology, doctrine, canon law, etc. been applied at all in Fr. Aube's evaluations?

In previous phone conversations with Msgr. Christian, I was given the distinct impression that Fr. Aube, while remorseful, disagreed with my conclusions concerning his "gifts". Nor did Msgr. Christian appear to see this as an area of concern. In fact he seemed rather taken by surprise when I asked him his opinion on the matter. My point is this, assuming Fr. Aube has achieved the unlikely goal of keeping his hands off of young men (or at least out of their pants), are you as confident that he is still not twisting and distorting the teachings and sacraments of the church with claims of supernatural gifts and other self-glorifying phantasms? Did you ever conclude that he was doing this? Or did the psychologists address this as well? Did you not see this to be a matter of concern in my previous letter?

Since I am--at present--obliged to address Paul Aube as "Father", then I am also obliged to follow what he properly taught--and reject what he deformed and twisted--in the name of God and church. As a bishop, could you impart to me the authority to pass external judgments upon the teachings of your priests? Do you trust that I, or any of his

other victims are properly trained to do such a task? Is my conscience adequately formed? Have I been fully catechized, or would you suggest several more years of theological studies, perhaps an MDiv? Or would \$4000 worth of therapy suffice?

And furthermore, if my "internal" judgments radically contradict your "external" judgments, can I have your blessing for that too? Is it possible that truth and morality are relative? Or am I obliged to respect your teaching authority? Am I obliged to bring such contradictions to your attention, or can I go merrily on my way, conscience clean, basking in the glow of my own wisdom and arrogant brilliance? For if your judgment is correct, I risk proceeding with my life in selfish delusion. However, if my judgment is correct, then neither "Mr." Aube, nor his several victims have yet received the benefit of an appropriate (theological, canonical, ecclesiastical) evaluation and judgment.

On the other hand, you cannot impart to me some special dispensation regarding my obligations to the teachings of "Father" Aube without extending such a dispensation to all Catholics. You could no more separate his priestly relationship to me than you could the priest from the man. The truth of the matter requires judgment. However, I would expect such a judgment to be determined by ecclesiastical and not psychological, or legal processes.

I have concluded that there is one piece of advise that would immediately cease all of my apparent "madness" (and many psychologist would happily give it). The advise: "cease to believe in God and those who propose you do, truth is relative, we are simply a meaning making animal in a void." Knowing that much of my anguish would abate if this were possible suggests to me that what I wrestle with (and what was violated by Fr. Aube) is primarily doctrinal, ecclesiastical, etc. and NOT psychological. I may appear mad, however, "I am but mad north(north)-northwest: when the wind is southerly, I know a hawk from a handsaw". (Hamlet II.ii-387)

In case you are baffled as to the apparent indignation in my tone, let me offer an explanation. In my January 18, 1994 letter, I stated the following:

"The negative consequences resulting from Fr. Aube's actions were primarily of a spiritual nature. Therefore, I am not asking for a referral to psychological resources.... I am appealing to you for that which you are most eminently qualified. I seek the judgment of your office as Bishop." (cover letter), "I need to hear your judgment upon this matter given that you are familiar with and responsible for the person and priest, Paul L. Aube." (p.14), "To assume that a gesture of offering therapy...would somehow cause the consequences of this sin to disappear is absurd. But these are my judgments. I wish to hear yours." (p.14), "...name the abuse in your own words, and give me your judgment." (p.15), "...there are also Canonical questions regarding this case...." (p.16), "But I do not wish to cloud your initial response with (therapy) issues. At this time, I am seeking an ecclesiastical response to what I have presented." (p.17).

The sum total of your ecclesiastical response consisted of the following (by ecclesiastical, I mean that which was other than administrative, political, legal and psychological): *"I...trust you will understand that my response is meant...prayerfully...."*

"I am looking into...his possible misuse of the sacraments." "I shall remember you in my prayers daily."

I trust you will understand if I am underwhelmed. If I look askance at your offer to "aid in (my) recovery", and "attempt to help (me) become *whole*", perhaps it is because I am at a loss as to why you have offered me a stone when I asked for bread (Luke 11:12).

Regarding Reconciliation and the Truth: *Is Fr. Aube forgiven of his sins? Am I damned because I have thus far been unsuccessful in forgiving him? Am I in grave and disobedient error, because I--at present--gravely question the judgment of a Bishop of the Church (a member of the magisterium)?*

Several months ago I was watching a TV documentary about a journalist driving across war torn Yugoslavia. What was so difficult for the journalist to understand is that a year ago, these people and individuals had literally been neighbors. In fact they taunted and teased one another across the quiet night time battle lines, using childhood nicknames. They even cordially inquired of one other about the whereabouts of common acquaintances. They knew their enemies personally, by name, by family. Yet, with morning, the vicious fighting would resume.

He later came upon a Serbian museum and monument to WWII. The Croatians had recently torn the museum apart, scattering the pictures and the stories of Serbian suffering all about the museum and surrounding fields. For him this desecrated museum came to symbolized the essential cause of the current horror. These people had a common experience, but no common history. In other words, they had no common "story", or common truth out of which they could co-exist and define themselves as one people. So long as this was the case, reconciliation and forgiveness were not possible, even fifty years later.

My point is this, if the interpretations, the truths, or the judgments out of which we are all acting are in conflict, then how is genuine reconciliation, or forgiveness possible. Or is it even necessary? I personally have come to find it quite difficult to pray the Lords prayer at mass "forgive us our trespasses as we forgive those who trespass against us". In preparing ourselves for Eucharist we communally confess our failings and petition for forgiveness. "I have sinned in my thoughts and in my words in what I have done and what I have failed to do...." How can I participate in good conscience if I stubbornly fail, or refuse to find a way to forgive? Receiving Eucharist has come to feel like an act of capitulation to those who would mock and corrupt its meaning.

Again, I had spoken of this concern throughout my Jan, 18 letter:

"I must act upon this matter.... I seek...forgiveness (to forgive), reconciliation and finally closure...." (cover letter), "Fr. Aube betrayed not just me, but my family, my friends, the Church, your Office as Bishop, and his as Priest. And he betrayed God. Consequently, the need for reconciliation in this matter is not simply mine alone." (p.14), "If he is not inclined to...acknowledge...his sin, then there is little hope for forgiveness or reconciliation for him." (p.16), "My burden and obligation is to forgive". (p.17).

During the past several months I have explored numerous ways in which I might act upon this matter in order to bring it to some fruitful conclusion. I have familiarized myself with much of the literature on the subject with books such as, "Gospel of Shame", "Lead us not into Temptation", "A Secret World". Along with my wife, I attended "The Linkup" conference at St. John's last Summer, I also attended one of the first conferences of the "Inter-faith Sexual Trauma Institute" of St. John's, in Redondo Beach California last month. During my studies at St. John's years ago, I worked for Fr. Roman Paur, the new director of the ISTI. I know him quite well, and have had numerous conversations with him on this matter. I have also had numerous conversations with A.W. Richard Sipe, author of "A Secret World". And as you know, I have had cursory conversations with Fr. John Heagle.

Dr. Richard Sipe has concurred with me about the inappropriate use of therapy as a "cure all" in many of these cases. As a psychotherapist who has worked with hundreds of abusive priests and their victims, he has seen time and again church officials and bishops criticize therapy, only to turn around and use it as a convenient all encompassing dumping ground to avoid their ecclesiastical obligations. After reviewing my first letter, Dr. Sipe did not share your confidence regarding Fr. Aube's rehabilitation.

Concerning civil law, at the request of my father, and at your suggestion, I sought the legal advise of Attorney Greg Murphy, and inquired of a few other survivors as to the nature of their own legal cases. Yet, for reasons stated in this and my previous letter, I have concluded that civil law cannot properly address the ecclesiastical questions at the heart of these cases and my own.

In the area of canon law, I contacted numerous people such as Fr. John P. Beal, J.C.D., of Catholic University, Fr. Frank Morrissey of St. Paul's in Ottawa, Chuck Wilson of the St. Joseph Foundation, Jason Berry, author of "Lead us not...", and several tribunal judges around the country. I also had personal conversations with Bishop Jerome Hanus, formerly of St. Cloud, Minnesota, and with Fr. Thomas Doyle, O.P., J.C.D., former canonical advisor to the Pro Nuncio in Washington D.C.

In 1987, a task force of the Canon Law Society of America (CLSA) concluded a two year survey "report(ing) that 25% of American dioceses had, currently, active (due process) procedures, 57% had processed at least one case since 1970 and six dioceses accounted for 67% of the cases processed in the period studied". In his introduction to the CLSA's 1991 document "Protection of Rights of Persons in the Church, revised report of the CLSA on the subject of due process", Fr. John Beal, states:

According to the Holy Father, the code is vital to the life of the Church "in order that the mutual relations of the faithful may be regulated according to justice based on charity, with the rights of individuals guaranteed and well defined." (p.8) Although the revised (1983) code does recognize many fundamental rights of the faithful, its articulation of those rights is often so freighted with qualifications and restrictions that the scope and substance of these rights are left obscure. (p.9) ...The meager results of twenty years of experience with these procedures, seem to be related less to inadequacies of the procedures than to what might be termed a "lack of will"...a pervasive attitude that intimates to the

faithful--clerics, religious and lay--the message: "Go away mad if you must; but just go away." (p.10,11) ...The procedures for vindicating those rights remain as atrophied and underutilized as they were twenty years ago. (p.11)

Thus far, the U.S. Catholic church's record of successfully pursuing canonical cases, even the grossest, is pathetic to say the least. It is particularly sobering when--given his previous stature in the church hierarchy and canonical expertise--Fr. Tom Doyle emphatically states (and I paraphrase), "do not waste your time with canon law, the church leaders do not apply the laws to themselves. They will confuse, delay and sabotage the process until you give up in frustration. Get a lawyer. The only way those in power will take the matter seriously is if they are brought to their knees financially. The only viable option at this point is to sue. They have brought this situation on themselves due to years of neglect and secrecy. The problem goes higher up and deeper than you can imagine."

The only person who implied apparent success (in reconciliation processes) was Fr. Frank Morrisey. Although I suspect his success was due in part to the fact that Canada is not as litigious as the States are, not to mention his stature in the Church. I encountered two problems concerning cases in the States. First, the cases that had been "successful", were not considered model cases by those, such as Fr. Beal. And second, there exists such secrecy (and quite human egos) around these matters that I question if it is possible for one Bishop to reap the benefits of another's success.

In conclusion, it would seem our modern Hamlet has only three options. First, send him to therapy. For he is not experiencing a deeply moral struggle concerning matters of elusive and very untrendy notions of good or evil, his thinking is simply muddled and confused. "King: 'Tis unmanly grief. It shows a will most incorrect to heaven, a heart unfortified, a mind impatient, an understanding simple and unschooled." (I.ii,94) The sooner he admits that he is a compulsively wounded and crippled victim incapable of clear judgment, the sooner he can begin down the road to personal healing and "wholeness".

Second, sue the Church. If a Catholic member turns to the secular courts, do they relinquish their rights and obligations to the Church, and vice versa? Given the current depth of inertia, fear and "lack of will" to address these matters within the Church, litigation may become the only "moral" choice left for a Catholic. It certainly seems preferable to washing ones hands of any responsibility and walking away. Unfortunately, I have yet to encounter a victim/survivor who has successfully pursued a settlement through legal means, and who also feels that their relationship with the church has been restored. The value in litigation lies primarily in "inspiring" the Church to find enough "will" and courage to vigorously pursue these matters internally.

And that brings us to the third option, canon law. St. Paul admonishes, "how dare one of your members take up a complaint against another in the law courts of the unjust instead of before the saints? ...It is the saints who are to 'judge the world'; and if the world is to be judged by you, how can you be unfit to judge trifling cases? ...You should be ashamed: is there really not one reliable man among you to settle differences between brothers, and so one brother brings a court case against another in front of unbelievers?" (Cor. I, 6:1-6)

But what is "Hamlet" to do, when many of the leaders of the church become like him? They are paralyzed with incessant legal, philosophical, theological, canonical, ecclesiastical, psychological, and essentially heterogeneous mumblings about the impossibilities of such cases without ever finding the will, courage and determination to "act", except to say, "it cannot be done, please go get some therapy". Should he go nuts? Leave the church. Assume he is therefore released (two wrongs make a right?) of all his moral obligations in relation to the church and its leaders?

Therapy misses the mark, civil lawsuits foster ill will and poison the relations of the Christian parties involved, and the canonical situation is nothing less than scandalous. (Yet the faithful are confidently assured that "diocesan policies are very thorough and, and in my estimation, effective".) Can we guess why our once devout "John/Jane Doe Layman" eventually displays what (to modern eyes) appear to be psychological problems? They are depressed, have feelings of powerlessness, bouts of extreme anger, irrational thoughts of paranoia, and even thoughts of suicide..."to be or not to be, that is the question...". They are left to walk away, or to pursue degrees in psychology, law or theology in order to articulate their sense of outrage.

In the end I am left with St. Paul's admonition, obviously, meant for both Christian members, and their leaders. I take dead seriously my obligation to act in good faith. I am fully aware of the profound problems facing anyone attempting to resolve and adequately address these matters within the church. Yet, I am also hopeful that there have been enough civil lawsuits to date, to inspire more vigorous action internally. I may be profoundly naive and incorrect in that assessment, yet I am morally bound to explore it, nevertheless.

I address you now with Paul's question, "is there really not one reliable man among you to settle differences...?" I respectfully and formally request that this matter be addressed through a formal ecclesiastical process. The enclosed documentation will provide you with the necessary details.

(It was at this point that I asked Fr. Michael to come down and review this letter and he arrived with the first draft that you will find enclosed. As I said before, this letter has not been sent, which may be for the better at the moment. It is also a rough first draft, full of considerable dead wood and repetition. I would probably need to shorten it by 2-3 pages.

I was also going to elaborate upon an unmentioned fourth option: publicity, investigation, publicity,...etc, the possible last resort.)

KATHY -

CALL ME FOR MORE
INFO. ON THIS MATTER.

I SPOKE TO [REDACTED] THE
DAY AFTER TALKING W/
YOU. HE IS VERY RECEPTIVE
TO TALKING, BUT WOULD
PREFER THAT YOU CALL
HIM. HE SAYS HE DID
CONTACT PAUL BRODEUR. [REDACTED]

[REDACTED]

[REDACTED] VISITED AUBRE
IN 1982 - DOES
NOT RECALL ANY
"SUPERVISION"

March 22, 1995

CONFIDENTIAL

Addendum:

Re: [REDACTED]

In your May 17, 1994 response you stated, "I am considering appropriate ways to inquire whether there are others who have complaints concerning Fr. Aube, without unduly alarming innocent and unaffected parties". First, I would very much like to be updated as to the conclusions of your 10 month inquiry, and second, your assertions ring deafeningly hollow to me, given that you have not made the slightest attempt to "inquire" of my brother [REDACTED]. If you have such grave concerns for the innocent and unaffected, where are your equal concerns for the innocent and affected? In the event that my clues were too subtle in my Jan. 18 letter, it may be helpful if I point them out:

"In the course of hugging and kissing us good night, (Fr. Aube) told [REDACTED]. (p.4) With a pit in my stomach, I even silently watched as my brother [REDACTED] (went) out to visit Aube the following Spring of 1982. (p.7) I would like a written response from Fr. Aube addressed to me, my brother [REDACTED] my parents and my family as a whole. (p.15) Your supervision did not notice my brother's visit in the Spring of 1982! (p.15) [REDACTED] was 12 years old when he met Fr. Aube. [REDACTED] and Fr. Michael Sweeney all apparently have some knowledge of abuse that occurred with [REDACTED] (p.19 addendum)"

This is not to mention the bellowing "clues" once again given throughout my mother's and father's letters. At the time that I wrote my letter, I myself was not privy to the details of abuses that occurred with [REDACTED] however, it was clear that something had occurred. [REDACTED] revealed those details to me, with some caution in the Spring of 1994. He is still leery of my motives and actions in this matter, but has clearly expressed that he sees the wisdom of conveying this information to you.

Since my letter of last year [REDACTED] has given considerable thought to what he would say once contacted. Needless to say he has not been contacted. And he, like I, see this as a clear signal that you essentially do not give a damn.

He refuses to initiate the contact since this would allow you to ignore your obligation to contact him. If you were to initiate the contact, you would clearly be taking responsibility for the correspondence which followed.

I would gladly convey those details myself, but know that I would not respect [REDACTED] integrity and trust in the process, so I am somewhat hindered in this matter. You are not.

A. Offenses warranting dismissal from the Clerical state

<u>Canon</u>	<u>Paraphrase</u>
1364.2	Heresy...
1387	Serious solicitation in Confession...
1395	Sexual sins w/ a minor under age of 16 yrs. old...

B. Offenses warranting a suspension

1387	Solicitation...
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C. Offenses warranting excommunication

1364	Heresy...
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Court Processes, canons 1400-1500

1. Introductory: petition, acceptance, citation, establish grounds
2. Evidentiary, or Probatory: investigations
3. Discussion: briefs, oral arguments (trial?)
4. Decisionary: the sentence, judgment

Misc. Canons

1446	urge out of court settlement...
1455.3	judge can bind parties to secrecy if discord/scandal is possible...
1457.1	judges punished if refuse to execute case, or if do so negligently...

Canon Law Society of America

Protection of Rights of Persons in the Church, Revised Report of the CLSA on the Subject of Due Process (1991) isbn#: 0-943616-56-5

1. Conciliation: not applicable in...
 - a. canonical criminal cases in the strict sense...
 - b. non-criminal matters where there is a question of validity of...holy orders.
 - e. spiritual matters whenever a claim is made that requires payment.
2. Arbitration: not applicable in...
 - a. canonical criminal cases in the strict sense...
 - b. non-criminal matters where there is a question of validity of...holy orders.
 - e. spiritual matters whenever a claim is made that requires payment.
3. Adjudication: Diocesan, Regional & National Administrative Tribunals possibly applicable...10 day limit?...only pertains to administrative actions??

Criminal Cases:

1. According to Morrissey, Rome has refused to allow bishops to laicize priests w/o use of criminal law. Problem: criminal proceedings are virtually non-existent.
2. Pope recently revised (5 yrs. to report, and age 16) statute of limitations (canons 1362 & 1395.2) in cases of sexual abuse:
 - a. Abuse must have occurred before age 18
 - b. Abuse must be reported within 10 years of age 18 (by age 28).
 (need to verify this revision w/ diocesan officials)

NEVER SENT?

[REDACTED]

Bishop Leo E. O'Neil
Diocese of Manchester
P.O. Box 310
Manchester, New Hampshire 03105

I BELIEVE MY FATHER
HELD THIS LETTER BACK
OUT OF RESPECT FOR
MY DESIRE TO
PROCEED WITH AN
ECCLESIASTICAL APPROACH.
- DO YOU HAVE A
COPY OF THIS?

20 April 1995

Dear Bishop O'Neil,

Since receiving your letter of 17 May 94 regarding Paul Aube, I've been sidetracked by some related inquiry delays and a series of medical, job and other problems now resolved. Regretably, I've far outdone your delay in responding to my son [REDACTED] last year.

? (Your letters to both of us were substantially as anticipated, even before my reading of the aptly titled "GOSPEL OF SHAME." However, your suggestion to me that Aube's activities are mostly "well outside of the statute of limitations" seems a bit more revealing than "frank." It reveals a Church that flouts the law to protect its criminally depraved and their enabling collars, and then would invoke it to protect itself from the innocents consequently injured. More frankly, neither of us should pretend yet to know the full scope of State and Federal statutes of limitations (SOLs) applicable to Aube's interstate solicitations and abuses.

We both do know that trauma, jurisdictional absences, new legislation, unknowns etc. can extend SOLs, just as the nature and depth of injury and neglect can "extend" compensation. A pertinent California SOL (one site of son [REDACTED] abuse, including felatio) was revised even as we exchanged pleasantries a year ago. Pertinent Canon Law was not revised, but you have yet to investigate Aube's apparent B & B confessional and vocational (Holy Orders?) manipulations as bases for his defrocking. You might check applicable SOL clocks re the continuing injury to [REDACTED] and others due to that inaction.

In any event, discovery of contributory diocesan neglect occurring prior to anyone's victimization can start pertinent SOL clocks anew. Given the results of more ordinary clergy abuse cases, Aube's uniquely devastating confessional/vocational MOs could readily add three zeros to [REDACTED] "seemingly reasonable," \$4,000 restitution gesture. Quite aside from our case, if Aube has no position but yet a collar "from which to be removed" and any opportunity to strike again with the collar, then your (diocesan) damage control mindset is as pragmatically flawed as it is morally bankrupt. But I digress, as we interminably will do, compliments of Aube, Simard, Gendron et al.

I have discussed our case with attorney Greg Murphy, Alexandria, VA, who more than shares my SOLs optimism and interests in protecting the innocent, commensurate recompense and effective deterrence. Understandably, however, Mr Murphy (who would be well known to your Michigan and other diocesan counterparts if not yourselves) would like any additional information we can muster in the matter.

On the fair chance that this information won't come from Aube or your diocese, I have drafted the following for dissemination, no later than Independence Day, through appropriate media outlets. It may need some fine tuning, but you'll get the gist.

"Reverend Paul Aube developed a number of special relationships with youngsters during his pastoral assignments in Rochester and other N.H. locations. If you were one of those youngsters or know someone who was, please write soon with a few details so that we can better prepare some well-deserved remembrance activities for Father Aube. Priests and other diocesan personnel who have felt disappointed or remiss at the absence of his due recognition are invited also to respond to: [REDACTED]

In the alternative, I believe that an acceptable agreement as to [REDACTED] other "closure" objectives could be reached by getting now "into the realm of lawyers, settlements, releases and the like" -- a good bit more honestly than your proposed payment of \$4,000 counselling costs never incurred or requested by [REDACTED]. Absent settlement in a low, six-figure amount for [REDACTED] and [REDACTED] by the time of son [REDACTED] 24 June wedding in [REDACTED], we will proceed as outlined above.

I trust that you will find this a truly reasonable alternative, and that you or your legal advisors will respond accordingly.

sincerely,
[REDACTED]

FAX COVER SHEET

2555

Thursday, August 04, 1994 03:44:10 AM

To:

Fax #:

From:

Fax: 4 pages and a cover page.



Note:

This is not as full a treatment as I would like, but it's too late to improve on it tonight. I will be interested in the response to the idea. Call me when you return!

08/04/94 11:11

Proposal for the use of Process Law in Cases of Child Abuse by Priests

Perhaps the most serious defect in the Church's response to cases of child abuse by priests has been the failure to acknowledge the fact that, in every case, a spiritual good has been alienated. In the due process procedures of most dioceses, psychological assistance is automatically recommended for victims. Yet there is no process whereby the ecclesial relationship between the sacred minister and the abused is addressed and restored. As a result, men and women are assisted to cope psychologically with their abuse, but can remain alienated from relationship to the Church. This situation is a scandal which no pastor can ignore.

The new Code of Canon Law clearly defines both the obligations and rights of the laity to the Church and her ministers, and the obligations of the sacred ministers to the laity. The Code therefore should offer a means to address the relationship between the Church and one who has suffered an abuse perpetrated by her minister. Regrettably, the penal law of the Church is inadequate to this end:

- the statute of limitations clearly precludes recourse to penal law in the vast majority of cases, in that they are often not reported until adulthood;
- Ordinaries are reluctant to invoke penal law in these, or any, cases;
- the situations covered in the canons are too limited in scope.

It remains to be seen whether process law might be used in order to address and restore the relationship of the abused to the Church. It would seem that the process of marriage cases might offer a model for addressing the relationship of the Church to victims of abuse by priests.

1. The spiritual benefit of the processing of marriage cases.

When an attempted marriage fails, the couple experience alienation, not only from each other, but also from the Church, who was witness to their marriage. What is essential to their healing is not merely that they should understand what was lacking to their relationship, but also that the Church should, in a formal act, judge their marriage in the light of revelation. Why is the Church's judgment essential?

The relationship which is marriage does not depend merely upon the good intention of the couple, nor does it depend upon the love of the couple for each other. Rather, marriage is a vocation from God which requires a discernment of God's will, and, therefore, the maturity and knowledge to make that discernment. The truth of the relationship between the couple can be fully known only by God, who is therefore called upon to witness their marriage through his Church. A marriage may fail, even though the couple attempted marriage in good faith; they may have lacked either the maturity or the knowledge to discern God's will. Always there is some harm to the couple. Their confidence in discerning their vocations may be undermined; they may feel they have failed God, or that God has failed them. In order that the couple may be healed, their relationship with God and his Church must therefore be addressed. What they seek is the truth of their relationship and, with it, the truth of their own vocations before God. Indeed, only the truth

can restore a spiritual good which has been alienated: "you will know the truth, and the truth will set you free" (John 8:32).

In pursuing an annulment, the couple are urged to bring their relationship to judgment in the light of objective criteria which the Church has discerned concerning marriage. These criteria are foundational to the canons on marriage. Since the judgment which is sought concerns the objective truth of their relationship and not merely the rectitude of their intention, the process is undertaken in the external forum. A priest advocate is assigned to assist one or both in the process of the case. Witnesses are sought to guarantee the objectivity of the discernment. Both the petitioner and the respondent are offered an opportunity to review the details of the case. Finally, the case is heard and the Ordinary issues a formal judgment in the external forum.

The judgment is vital to the spiritual good of the couple. Even though a relationship may not prove to have been a marriage, it was, nonetheless, significant in the life of both. This is so no matter how defective the relationship proves to have been. The judgment of the relationship according to objective criteria for the sake of discerning the truth is the only means by which the couple may be freed to relate to each other and to the Church. If the Church discerns that there was no marriage, then it can be made evident to the couple that it was not through some fault or lack of effort that the relationship failed; if they are not called to marriage, then marriage, as a divine vocation, simply was not possible. The integrity of their relationship to Christ and his Church is, likewise, restored: Christ does not hold them accountable for a relationship to which he has not called them. The process itself whereby the judgment is achieved is, similarly, healthy: by reviewing their story in the light of the revelation concerning marriage, the couple can be led to see and to interiorize the fact that they have not yet known marriage, that they must not confuse their relationship with the divine vocation which is marriage. Finally, the judgment preserves the integrity of the sacrament itself: the couple, and those who are privy to their relationship, can be urged to see that the divine vocation which is marriage truly involves a union which is exclusive and indissoluble, just as the Church teaches.

The freedom which is the result of the process of the marriage case could not be achieved merely by means of the internal forum. It is certainly conceivable that someone who is in good conscience is nonetheless incapable—through a lack of knowledge or of maturity—to discern the vocation to marriage. Sacramental confession is therefore not directed to the discernment of the relationship in the same manner as is the canonical process. It is precisely for this reason that pastors should insist upon the annulment process for the sake of the couple. The individuals concerned may want to hear that the dissolution of their marriage is perfectly all right, so long as they are in good conscience. But we know full well that marriage does not rest merely upon the conscience or the good intention of the couple, and that it is not all right that they should be left without assistance in understanding why their attempted marriage failed.

2. A parallel use of process law for cases of abuse by priests

In some respects the case of a child or adult who is abused by one of the Church's ministers is analogous to the case of a spouse whose marriage has failed. In both cases there is a relationship which claims to derive from a divine vocation. The laity are obliged to remain in relationship to the Church's sacred ministers, to whom they are to submit in matters of faith and morals. By "sacred ministers" the code refers to the bishops of the Church. But priests are their co-workers, who stand in their place; the obligation of the laity to the bishops clearly involves their relationship to the priests of the Church. This relationship is not founded merely upon intention, or upon the good conscience of the lay man or woman. Rather, as in marriage, the relationship has objective definition. Moreover, the whole economy of the sacraments depends upon this, primary relationship to the Church and her ministers. In this respect, the relationship is more fundamental even than marriage: to discern marriage a relationship to the Church and her ministers is presumed.

Because it is the office of the priest to stand *in persona Christi* and to be an "instructor in the faith" it is not realistic for lay men and women to be expected easily to distinguish between the man and the priestly office, any more than a married couple are able to understand each other apart from their marriage. Hence, when the relationship between priest and lay person is violated, it is not to be assumed that the nature of the violation is obvious or apparent. Rather, the relationship requires to be discerned and judged, just as does the marriage covenant. Here it should be remembered that violence done to another is never merely an abstraction; the person is violated within the context of the full historical concreteness of his or her life. It is clearly a false assumption that sexual abuse will touch any two people in exactly the same way. Judgment must be brought to bear upon the actual, lived situation of the abused; what needs discernment and resolution is the manner in which relationship to the Church has been alienated in the life of individual persons.

The dilemma of one who is abused by a priest is that he or she must, according to a divine vocation, remain in communion with the Church, even as the Church identifies herself—spiritually, personally and practically—with the perpetrator of the abuse. Such a dilemma cannot be fully addressed in the internal forum. First, even if there has been some consent on the part of the abused, the violation which has been done is not primarily the fault of the abused. Second, the office of the priest must be received in order for the penitent to submit to the sacrament, yet the relationship which has been corrupted is precisely that of the penitent to the priestly office. What is evidently required is a judgment in the external forum of one who is competent to speak for the Church. The substance of the judgment must concern the manner in which the pastoral relationship has been violated, according to the concrete circumstances of the case. What is essential is that the obedience, *which otherwise continues to oblige the lay man or woman to the priest, so long as he retains his office*, be formally annulled for reasons which are specific to the particular case. It is not enough to make a general claim that a priest who has abused his office has not represented the Church, for the priest remains a co-worker of the bishop so long as he is a priest. What is required is a judgment in the external forum which restores the truth of the relationship of the abused to the Church by discerning and judging the relationship of the abused to the particular priest.

Only a judgment of what is true can compensate for a spiritual good which has been alienated. In cases of abuse by priests, the faithful require a judgment which both discerns and names the particular goods which have been alienated, and which annuls any obedience to the priest to which they are otherwise obliged. In this manner the victim of the abuse, and those who are familiar with his or her case, can be led to see that the relationship which was abused still pertains and summons their allegiance; indeed, the abuse is all the more devastating precisely because of the integrity of the relationship itself.

The manner of the process of such a case might follow the processing of marriage cases:

- an advocate –priest or lay– should be assigned to the case. The person chosen should clearly have knowledge both of process law and of the canons which define the relationship of the sacred ministers to the faithful;
- the petitioner then recounts what has occurred in sufficient detail for the advocate to discern that the case should be submitted to a tribunal;
- the case is then submitted in detail by the petitioner, with the assistance of the advocate;
- witnesses are sought who can attest to the veracity of what has been submitted;
- the respondent is given the opportunity to review all of the details of the case, and his response is solicited;
- the tribunal interviews the petitioner to clarify any elements of the case which remain unclear;
- the tribunal discerns the case, and issues a judgment which is promulgated by the Ordinary.

3. Other Considerations

It is evident that, in our litigious society, dioceses could expose themselves to civil action by means of such a process. As in marriage cases, it would be well to begin such a case only after civil and penal cases have been processed. The light thrown on the case by the civil courts might well prove useful in judging such cases.

There is also, however, the possibility that pursuing a case according to process law might obviate the necessity of civil action. Criteria can be established –if necessary from diocese to diocese, and certainly case by case– for financial recompense and other forms of restitution, such as the provision of counseling or therapy when necessary. The principal objective of pursuing the case would remain, however, the pastoral necessity to restore the relationship of the abused to the Church and her sacred ministers.

–Rev. Michael Sweeney, O.P.

Proposal for the Pastoral Care of Victims of Sexual Abuse by Clergy

1

One of the most difficult and sensitive pastoral issues which confronts us is the necessity to reconcile victims of clergy sexual abuse to their Church. Reconciliation with the Church cannot be achieved by merely psychological means. There is no doubt that sexual abuse by a figure in authority, one whom the victim trusts, can give rise to serious psychological difficulties on the part of the victim and it is good that dioceses are offering psychological assistance to victims of clergy abuse. Yet one can be psychologically healthy and still unreconciled with the Church. Psychological assistance alone will not address the relationship to the Church which has been abused by a priest. What is needed is a pastoral strategy which can effect a reconciliation of the victim with the Church. I mean to suggest that this objective can be accomplished by means of process law in the Church.

1. The Relationship of the laity to the presbyterate.

The priest is one who speaks and acts in the place of the Ordinary; in the language of the Vatican Council II, priests are “co-workers” of the bishops and are called “instructors in the faith” (*Presbyterorum Ordinis*, §4, §6). While often incapable of articulating their relationship to priests, the laity of the Church expect that their own participation in the mystery of Christ is both effected and completed through the priestly ministry, exactly as the decree on the priesthood asserts:

For it is by the apostolic herald of the Gospel that the People of God is called together and gathered so that all who belong to this people, sanctified as they are by the Holy Spirit, may offer themselves “a living sacrifice, holy and acceptable to God” (Rom. 12:1). Through the ministry of priests the spiritual sacrifice of the faithful is completed in union with the sacrifice of Christ the only mediator, which in the Eucharist is offered through the priests’ hands in the name of the whole Church... (*Presbyterorum Ordinis*, §2).

The relationship of the People of God to the priestly office is, in this way, *actually constitutive of their relationship to the Church and to Christ*: Christ gathers his people through the ministry of the apostles and their co-workers, the priests, and brings to fulfillment their relationship to Him by means of the Eucharistic sacrifice which is offered through his priests. In this way the laity are actually and practically dependent upon the ministry of the priest for the fullest exercise of their faith. If this relationship is corrupted, as by clergy abuse, there can therefore result an objective impediment to relationship, not only to the priest, but also to the Church.

It is not possible for ordinaries to dissociate themselves from the priesthood, just as it is not possible for lay men or women to dissociate the priesthood

reconciliation with Christ and his Church in cases of clergy abuse. The sin which has betrayed the victim is that of the priest; the sacramental absolution of the victim does not address, except indirectly, the fact of the betrayal. Any sinful inclination which might have opened the abused to the manipulation of a priest can there be illumined and absolved. But the disposition of the faithful to revere and trust the priests of the Church cannot be thought to be sinful, even when it is naive. Moreover, the betrayal of the priestly office and the subsequent abuse of the victim belong, not to the internal forum, but to the external forum. 5

The exercise of the priestly office is essentially public; the acts by which a priest exercises his priesthood belong to the external forum. When the priest participates in the triple office of the bishop—to teach, to bless and to govern—he represents and makes visible the whole Church. Similarly, the acts by which a priest betrays his office belong, in the first instance, to the external forum. The betrayal affects in principle the whole Church, and not merely the particular victim of the priest. This acknowledgment is essential to addressing the real situation of the victim.

The first step in effecting a reconciliation of the victim with the Church must be to acknowledge that the abuse—if indeed it occurred—touches upon the whole public manifestation of Christ to the world through his Church. The priest who manipulates his office to his own ends betrays the whole Church. It is not, and cannot be treated as, merely a private betrayal of one individual by another. For this reason, the only person competent to affect a reconciliation of the victim to the Church is the Ordinary, who has full authority in the external forum.

Because of the public character of the betrayal, reconciliation will require a formal act of the Ordinary. An expression of his personal sorrow that the victim has been betrayed or of his personal solicitude for the victim will not suffice. What is likely at stake for the victim—what has been called into question—is the whole manner of the Church's presentation of Christ to the world. It is not only the case that the victim of the abuse must be reconciled to the Church; the Church must also be reconciled to the victim. What the victim seeks is the Church's discernment and judgment of what has occurred.

In order to reconcile the Church to the victim, the Ordinary must help the victim to formulate his or her questions. The Church's understanding of the priestly office must be authentically offered to the victim in the light of his or her actual experience, so that he or she may situate and understand the manner of the betrayal. Part of the reconciliation will, therefore, consist in the instruction of the victim—or, in the case of children, of the parent or guardian of the victim. This is a task which the Ordinary can delegate, but the delegation should be formal: the instruction of the victim should remain the act of the Ordinary. So, for example, it is pastorally unacceptable that the victim should fear: that the abuse was a punishment for sins; that Christ and his Church were indifferent to the abuse; that the abuse is evidence that the sacraments of the Church are untrue.

Having instructed the victim concerning the priestly office, the Ordinary 6 should then present to the victim his formal judgment of what took place. If what has been affected by the betrayal is a spiritual good—the relationship of the victim to Christ in the Church—then only the truth can restore that good. In effect, the Church must formally seek the forgiveness of the victim. The victim must be enabled to make a judgment: that there is an integrity to Christ's identity with his Church which even a corrupt priest cannot compromise, and that the victim is therefore still obliged to remain in union with the Church.

Part of the judgment of the Ordinary should concern what restitution should be made to the victim. A significant element of the restitution is the instruction which the victim requires; what is finally to be restored is the integrity of the relationship of the victim and the Church. However, the life of the victim may well have been compromised in other ways. It is the practice of dioceses to supply psychological counseling for victims of clergy abuse; this attentiveness to the abused should be regarded as a formal act of restitution which is owed to the abused according to strict justice, and formally acknowledged as such. Other compensations may be appropriate for the sake of the abused, depending upon the particulars of the case. The Ordinary should inquire as to the practical effects of the abuse upon the life of the victim and judge what restitution justice requires. The ongoing pastoral care of the victim should be guaranteed; the Ordinary might therefore personally delegate the pastoral care of the victim to a worthy priest. Finally, justice would seem to require the acknowledgment and formal apology of the priest who has abused the victim. Even if the priest cannot be brought to cooperate in this way, the judgment that his apology is due should nonetheless be made.

Finally, the victim of clergy abuse must also be reminded of his or her obligation to remain in communion with the Church. Indeed, the dignity of the victim demands that this obligation also be made clear in the judgment of the Ordinary, for the whole truth of his or her situation must be articulated. The real crisis which the victim of clergy abuse experiences is that he or she may seem to have been placed outside the dispensation of the Church, incapable of sharing in the life of the Church which is common to the People of God. This fear must be refuted, and the truth concerning the place—and responsibilities—of the victim must be restored.

Full reconciliation of the victim of clergy abuse with the Church would, therefore, seem to require a formal act of the Ordinary in which: he judges the particulars of the case; he sees to the instruction of the victim, and presents to the victim the integrity of the Church's belief and practice; he acknowledges and names the manner in which the priestly office was betrayed according to the actual situation of the victim; he commands restitution to be made to the victim; he sees to the pastoral care of the victim so that he or she may be restored to communion with the Church which, in the Church's understanding, remains his or her sacred obligation.

5. The use of process law for the reconciliation of the victim of priest abuse.

What instrument may be used in order to establish the judgment of the Ordinary in the external forum? The usual instrument for the judgment of the Ordinary by a formal act in the external forum is the Code of Canon Law. In this case, the law of the Church articulates the rights and responsibilities, both of priests and of the faithful. In fact, the clearest articulation of the pastoral situation of the abused is offered through the Code of Canon Law. In it we read that the laity have a common obligation:

The Christian faithful are bound by an obligation, even in their own patterns of activity, always to maintain communion with the Church (Canon 209 §1).

This obligation is further articulated in terms of an obedience which is owed to the sacred pastors:

The Christian faithful, conscious of their own responsibility, are bound by Christian obedience to follow what the sacred pastors, as representatives of Christ, declare as teachers of the faith or determine as leaders of the Church (Canon 212 §1).

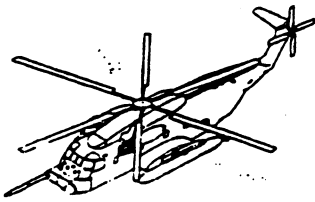
But these obligation are rendered difficult, if not morally impossible, in instances of abuse at the hands of a priest. For the priest, as co-worker with the sacred pastors, represents the office of the Ordinary to the faithful. The dilemma of one who is abused by a priest is precisely that *he or she continues to be obliged to communion with the Church and obedience to her pastors, and yet has been rendered incapable—in whole or in part—of fulfilling these obligations due to the betrayal of a priest.* The dilemma is objective and real. What is at stake is the spiritual good which is involved in the fulfillment of these basic obligations, which are incurred by virtue of baptism. The psychological difficulties which the victim may have to overcome should be regarded as derivative and secondary.

Canon law articulates, not only the obligations, but also the rights of laypersons, both to the spiritual assistance of the sacred pastors (Canon 213) and to recourse to the law if their rights are compromised:

The Christian faithful can legitimately vindicate and defend the rights which they enjoy in the Church before a competent ecclesiastical court in accord with the norm of law (Canon 221 §1).

The instrument for the judgment of the Ordinary in cases of abuse by a priest can, therefore, be the law of the Church. Because a restitution of the rights of the abused is required in order that there may be a reconciliation with the Church, the appeal to law is not penal; rather process law can provide the instrument for the formal judgment of the Ordinary in the external forum.

The use of process law would seem fitting in order to fulfill all of the ends 8 which the reconciliation of the victim of priest abuse requires. First, it is necessary to inquire into the facts of the case. In this regard, it is necessary to protect the rights of the priest who is accused, as well as the rights of the petitioner. Process law attends to the rights of both, and prescribes the manner in which the investigation is to be conducted. Second, the law requires that an advocate be supplied for the sake of the petitioner. It is the responsibility of the advocate to assist the petitioner to formulate the particulars of the case. In the discharge of this responsibility, the advocate can also be delegated by the Ordinary to see to the proper instruction of the victim of the abuse. Indeed, an instruction concerning the proper relationship of the priesthood to the faithful would be required in order properly to present the case. Third, the case is judged by the delegates of the Ordinary, and the judgment is promulgated by a formal act of the Ordinary in the external forum. Finally, the law of the Church also stipulates, in principle, the necessity for restitution to be made.



2565

THOMAS P. DOYLE, O.P., J.C.D.
10 HUME DRIVE
HURLBURT FIELD, FLORIDA 32544

April 20, 1995

[REDACTED]

Dear [REDACTED]

I have finally had a chance to read over the document you sent me a few weeks back. My overall reaction to it is that it is excellent. While I am very skeptical of the ability of both Canon law and the hierarchy to deal with this issue effectively...based on ten years of experience, I do not discount the fact that the system can respond. I think that the idea of reconciliation by some kind of formal act is a key idea. My experience with hundreds of survivors has taught me that the anger at the perpetrator is surpassed by the mixture of feelings, anger included, toward the institution.

I would like to send a longer response but right now I am in between trips.....came back today from NYC and tomorrow I leave on an Air Force exercise to points south. I'll be back for a week and then gone a week.

As I said I think the document is excellent. If at least one bishop tried it the venture might get off the ground. I'll go into that more when I compose a longer response however. In the meantime, if you have any additions to it send them along.

All the best. Thanks for your patience.

Sincerely yours,

Tom

Thomas P. Doyle, O.P., J.C.D.

ATTORNEY GENERAL
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PHILIP T. MCLAUGHLIN
ATTORNEY GENERAL



STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL

August 5, 2002

David Vicinanza, Esq.
Nixon Peabody, LLP
889 Elm Street
Manchester, New Hampshire 03101

Re: Diocese of Manchester

Dear David:

As we discussed last week, pursuant to the outstanding grand jury subpoena please request that the Diocese check the Risk Management and Youth Services offices for any documents relating to the following priests:

- Paul Aube
- Gerald Chalifour
- Joseph Maguire
- Albert Boulanger
- Roger Fortier
- Robert Densmore

Please provide copies of any documents to me at your earlier convenience.

Sincerely,

A handwritten signature in cursive script that reads "N. William Delker".

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

MEMORANDUM

TO: File

FROM: Anthony Fowler, Inv.
Kathy Kimball, Inv. (a)

RE: DIOCESE OF MANCHESTER
FATHER PAUL AUBE

DATE: August 7, 2002

On August 7, 2002, above investigators interviewed [REDACTED]
[REDACTED] His date of birth is [REDACTED]
and his telephone number is [REDACTED] The interview took place at the NHAG
office and was tape-recorded with [REDACTED] permission.

MEMORANDUM OF INTERVIEW

PERSON INTERVIEWED: [REDACTED]

PLACE OF INTERVIEW: ATTORNEY GENERAL'S OFFICE

PERSONS INTERVIEWING: INVESTIGATOR ANTHONY FOWLER, AGO
DET. KATHLEEN KIMBALL, STATE POLICE

DATE: AUGUST 7, 2002

RE: FATHER PAUL AUBE

TF Okay. It's ah August 7th, 2002 at 10:22 a.m. by my watch. This is ah, ah, Investigator Anthony Fowler of the New Hampshire Attorney General's Office, the Criminal Justice Bureau. Present in the room, we're at the New Hampshire Attorney General's Office in the conference room ah, in the Criminal Justice Bureau. Present for this ah, interview is ah, obviously myself, and um, I gonna go around the room and I'm gonna have everybody introduce themselves and, and then we'll get started.

KK I'm Detective Kathleen M. Kimball of the New Hampshire State Police, Major Crime Unit and I'm currently serving on the Task Force investigating the Diocese of Manchester.

[REDACTED] My name is [REDACTED] in town on vacation, visiting with the Attorney General's Office at their request.

TF [REDACTED] ah, could you spell your last name for us please?

TF [REDACTED] And could we have your current address, sir?

TF [REDACTED] And ah, your date of birth, sir?

TF [REDACTED] And do you have ah, phone numbers where you can be reached, sir, in ah, in [REDACTED]

TF

[REDACTED]

And that's your home phone number, sir?

[REDACTED] Yes, sir.

TF

Okay. Um, [REDACTED] um, I'd like to start off with a little background. Can you tell us ah, ah, where essentially you grew up as a youngster?

[REDACTED] Yes, sir. I grew up on um, basically I was born in Frisbee Memorial Hospital in Rochester, New Hampshire and I was brought home to [REDACTED] where my folks lived. Um, upstairs, an old doctor used to live there, but my grandparents bought the building. They raised me upstairs and then moved to Rochester Hill. Ah, I was born and raised pretty much there.

TF

In, in, Rochester, sir?

[REDACTED] Right. Stayed on [REDACTED] as a kid and I went to um, St. Mary's Catholic Church for 6 years. Ah, we moved, consequently from one home to another but it was right there, almost next door on [REDACTED] and from there I went two years to what used to be Holy Rosary Church School, ah, to what they called Rochester Consolidated when St. Mary's kinda went under.

TF

If, if, if I could, could you um, tell me ah, what the, let's, let's see if we can break this down. What your age was or years that you attended both those Catholic entities?

[REDACTED] Boy. I have to think about this cuz I graduated at 17 from high school so it puts things back, those dates kind of, yeah.

TF

When did you graduate, sir, what year?

[REDACTED] I graduated in 1979.

TF

Okay. So maybe we can work back from there.

[REDACTED] Yeah. I, I, I really don't wanna go out on a, on a, on a limb and do that, because I'm really not gonna be good at it right now.

TF

Well, well, well, let's see if maybe we can, ah, best guess this.

[REDACTED] Okay.

TF

Um, Holy Rosary --

[REDACTED] Umm hmm.

- TF What would you say was the approximate age you were at the time that you um, ah, was going there?
- [REDACTED] Holy Rosary. Two years I was there. Just before I went to freshman year. So my freshman year was then --
- TF Around 76.
- [REDACTED] Right. It was 76.
- TF Yeah.
- [REDACTED] Okay. So it would have been 74, maybe 75.
- TF 74 maybe 75?
- [REDACTED] Umm hmm.
- TF And prior, so at, at that, you would have been 14, 15 years old?
- [REDACTED] Correct.
- TF Right around there?
- [REDACTED] Correct.
- TF And ah, prior to that, you went to church where, sir?
- [REDACTED] At St. Mary's.
- TF St. Mary's?
- [REDACTED] Yeah. It was a Catholic, it was an Irish Catholic School.
- TF Irish Catholic School?
- [REDACTED] Right. Now St., I wanna say Holy Rosary was French Catholic.
- TF Okay. And who are, who was the, do you recall who the pas--, pastor was at St. Mary's?
- [REDACTED] Yeah, I remember Father Joe Klaka.
- TF Klaka?
- [REDACTED] Umm hmm.
- TF And who was the pastor at Holy Rosary?

[REDACTED] I wanna say that, the one that I remember the most was Monsignor Gil Simard.

TF Gil Simard?

[REDACTED] Umm hmm.

TF Do you recall a priest named Paul Aube, sir?

[REDACTED] I do.

TF A-U-B-E?

[REDACTED] I do.

TF How did you become ah, ah, acquainted with Father Aube?

[REDACTED] Father Aube, I recall, not when I was going to school, ah, that was my church after school. Um, he became involved with myself ah, through a friend of mine. Um, I'd go speak to him periodically about certain things. He also said that he could help me ah, meet a friend of his that could get some recording done. I like to play music, I've been in music a lot so, and he was gonna help me out getting some recording done.

TF How old were you, sir, ah, approximately, when you first became acquainted with Father Aube?

[REDACTED] 16, 17 years old.

TF 16, 17?

[REDACTED] Yeah.

TF And were you, were you acquainted with Father Aube ah, based on the fact that you had some connection with Holy, ah, with ah, Holy Rosary or was it ah, for some other reason?

[REDACTED] No. Basically it was that reason. Um, I wanted to talk to him about a few things. I was thinking about going into the service at the time as well and um, you know, and I bounced a few things off him as my pastor, you know, I wanted to talk to him about a few things. Um, and I became somewhat friendly with him ah, due to the fact that he wanted to help me out getting some recording done on the, on the guitar.

TF Sure. Um, how long did you know, or how long were you associated with Father Aube um, from the time that you first met him until let's say, you left Rochester?

[REDACTED] I would have to say somewhere between 6 months and a year.

TF Okay.

[REDACTED] In that vicinity of time.

TF Okay. Um, during that time, sir, during that time, did Father Aube ever make some inappropriate sexual advances towards you, sir?

[REDACTED] I'll tell you what happened on a, on a couple of occasions.

TF We'd appreciate that.

[REDACTED] I can't determine whether or not that's what they were. I don't know. I never felt that way. Um, I recall one evening ah, when I was at Father Aube's, at the rectory at, at Holy Rosary, and he had invited me back to his quarters, with my guitar. During that period of time, he offered me a beer. Ah, in which I accepted. Ah, he then got a, got a phone call and I, and I recollect some, some very heavy breathing behind me. I remember thinking it was very strange but I did turn around and kind of look at him like, what the heck.

TF Umm hmm.

[REDACTED] Any way, as the result, what resulted that evening was that I left and he put his arm around my shoulder on the way out. I exited the building at that was it.

TF Who, where was the heavy breathing come from?

[REDACTED] From the corner of the room while he was on the phone.

TF Okay. Was he creating the heavy breathing?

[REDACTED] Oh, it was him.

TF It was him. Okay. Um, and the, the contact, that, on that particular evening ah, how old would you have been at that time.

[REDACTED] 17.

TF 17?

[REDACTED] Yeah.

TF Ah, any other contact, sir, other than him putting his arm around your shoulder?

[REDACTED] He, no sir.

TF That night?

[REDACTED] Ah, no. Um, there was also another evening where he asked me to accompany him to go to Logan Airport. It was in the snow. Ah, and he said, course he always told me that he was spent a lot of time on the phone helping a lot of people through what, marital problems, ah, this is what he said to me.

TF Was the trip at, to Logan, after --

[REDACTED] Yes.

TF -- the first incident?

[REDACTED] Yes.

TF Okay.

[REDACTED] Ah, and he got me up to Logan Airport. And we went in a bar. Now he's, he was, I thought it was kinda strange cuz he was in full, you know, dress, the cloth, and he was talking to a woman who was buying him drinks and he would slide some drinks to me. (Laughter). I didn't care. I drank 'em. (Laughter). Yeah. And anyway, we walked out and he seemed to be fine that night. He started telling me a story about how he was a biker before he was a priest and this, that and the other thing. I didn't think nothin' of it.

TF Um, any inappropriate contact that, physical contact on that occasion?

[REDACTED] No. He had a tendency to put his hand around my shoulder.

TF Around your shoulder?

[REDACTED] Yeah.

TF Um, did he ever, did he ever talk in a sexually provocative, or a sexual way to you ah, [REDACTED]

[REDACTED] No sir. I can't say that he did.

TF Okay. Um, at any time in, with your, with your contact with Father Aube ah, did he ever act inappropriately in a sexual way or touch you in a sexual way um, or touch any inappropriate areas of your body without your permission, sir, or with your permission?

[REDACTED] No sir.

TF Never did?

[REDACTED] No.

TF Okay. Um, do you know of friends at the time, where Father Aube actually was ah, inappropriate in committing sexual contact with, with young, young boys at the time?

[REDACTED] I wanna tell yeah that I knew of a friend that had spoke to me that was in the Navy already, who had said that he'd spoken with Father Aube. That, again, that's a lot of the reasoning why I became familiar with Father Aube. Um, and I do recall bringing this particular instance that you're talking about, or I should say, this issue up with him. Ah, after I had heard that phone conversation, I, I, I felt very strangely about the guy. And, so I went back to him and I says, listen, have you ever known this guy to be a little indifferent or something. I mean, you know. I don't know, maybe gay or something of that nature.

TF Yeah.

[REDACTED] You know, my friend kinda got a little uptight about it. So I left it alone but, I mean, I, I asked the question. I wanted to know. I mean, that was kinda strange to me. It just was a very strange sense.

TF Do you, do you wanna tell us who that friend was, sir?

[REDACTED] Ah, can I tell you who the friend is without any, you know, sense of recourse. I mean, I don't, I don't tell anybody's names and get ratted out on.

TF I, I have to tell yeah that we'd probably already know --

[REDACTED] Okay.

TF -- who they are any way.

[REDACTED] All right.

TF Ah, but, so.

[REDACTED] Cuz I know several people who know this guy.

TF Yeah, and I, and I can tell you you're probably at the end of our list when it comes to people that we've already spoken with.

[REDACTED] Oh wow.

TF And my bet is that we've already probably spoken to your friend.

[REDACTED] Okay.

TF Ah, if you don't mind tellin' us.

[REDACTED] No. His name was [REDACTED]

TF And just for the record, we have talked to [REDACTED]

[REDACTED] Okay.

TF Okay.

[REDACTED] Um, there were other people who had spoken to him as well. Ah, there was a [REDACTED] He had red hair. I'm trying to remember his name. Um, um, um. Anyway, Father Aube had put me in charge of a basketball team that um, played basketball against different clubs um, outside of high school.

TF Let me ask you this question. You said these other people talked to Father Aube.

[REDACTED] Oh, sure.

TF What did they talk to him about?

[REDACTED] I don't know.

TF All right. What, what, what is your knowledge today about why they spoke to him?

[REDACTED] They would go to him with problems, you know, like a lot of people would go to a priest. When you're a Catholic, you go to a priest and you discuss things and, I mean, that's what you are when you're a Catholic. I had eight years of Catholic upbringing and --

TF Sure.

[REDACTED] -- priests were to be trusted.

TF Yeah.

[REDACTED] I mean, they were the --

TF Yeah.

[REDACTED] -- hmm.

TF Yeah.

KK Do you know, do you have any first hand knowledge of inappropriate acts between Father Aube and those ah, other people that you've mentioned?

[REDACTED] Oh boy. This is tough. I've been, I've been, let's put it this way, I've been told, and I can't recall who told me this but I recall an incident that may or may not have occurred. But I understood that it did with a [REDACTED] Now, whether or not that's true, I don't know.

TF What was the incident, [REDACTED]

[REDACTED] There was an actual physical aggression.

TF Physical? We're talking about a sex, sexual contact?

[REDACTED] That's correct.

TF Okay.

KK And did that information, to the best of your memory, come from an adult or from another one of your peers?

[REDACTED] I understand that the [REDACTED] were friends, okay. Um, I knew [REDACTED] is his oldest brother. So I knew [REDACTED] quite well. Um, ah, we were even close enough to them where we called the mother [REDACTED] So she, she was a school bus driver and you know, [REDACTED] was the father. And [REDACTED] ah, had some problems with Father Aube. I know that.

KK All right. So, so you had some of that information probably from the [REDACTED] themselves?

[REDACTED] True.

KK All right. Um, do you know what happened after that information came out, ah, about [REDACTED] and Father Aube?

[REDACTED] I, I don't know. I, I know that something, maybe was either worked out or something happened. I, I don't know exactly. You know, see, I was not that close to the issue but I knew that it had occurred.

KK Do you know whether anything occurred between Father Aube and any of the other boys in the parish at Holy Rosary?

[REDACTED] That I can't tell you. I do not know.

TF Do you, at some point Father Aube left Rochester.

[REDACTED] I'm aware of that.

TF Do you know what the circumstances were for him leaving Rochester?

[REDACTED] Yeah. Again, I can tell you honestly that I'd heard that he'd got himself into some trouble and that they shifted him over to the Archdiocese in Manchester. I understood he was out there in Manchester.

KK And when you say he got himself in trouble, can you be more specific?

[REDACTED] I heard it had something to do sexually. I, I didn't know what.

TF Do you know with who?

[REDACTED] No.

TF Okay. Um, did you ever tell anyone ah, we had talked about [REDACTED]

[REDACTED] Umm hmm.

TF Did you ever tell anyone, like your parents or, ah, or a family member or another priest, ah, about Father Aube and, and kind of the odd behavior?

[REDACTED] I told [REDACTED] That's who I told.

TF Umm hmm.

[REDACTED] Um, I'm not sure what my parents position was with Father Aube. Um, did they know that I went to see him periodically? Yeah. Um, I don't recall ever having a major conversation with either my mother or my father about any of it. Um, I do recall going right to [REDACTED] And I even recall it was right in the garage where they lived on [REDACTED] after they moved from the [REDACTED]

KK Do you know whether any other adults in the parish were suspicious of Father Aube's activities? Do you know if anybody knew he was giving alcohol to minors and, or, or that kind of behavior?

[REDACTED] He, like I said, he did give it to me.

KK Umm hmm.

[REDACTED] But I have to honestly tell you, I mean, I accepted it so.

TF Do you --

KK As most young boys probably would at that age. (Laughter)

[REDACTED] I don't know but I did. (Laughter)

TF Yeah. I probably would have, too. (Laughter) Um, did you ever become aware of any organized movement by parishoners to try to get Father Aube removed from?

[REDACTED] After I had checked a few things out. And, and again, this is a long time ago.

TF Yeah.

[REDACTED] About Father Aube. Because I became very, untrusting of the guy. I, I just didn't want, and became that way. Um, what I understood is that he came to Holy Rosary from somewhere else where there was a problem and he left Holy Rosary going to Manchester because there was another problem. That's what I knew.

KK How did you find out about him coming from somewhere else with a problem and is the problem similar to what he had in Holy Rosary?

[REDACTED] That's what, that's what I was to believe. It wasn't said that way but that's what I was to believe.

KK And where did you get that information?

[REDACTED] I wanna say that I asked Monsignor.

KK And who was the monsignor at the time?

[REDACTED] Simard.

KK Simard.

[REDACTED] Now, see, I knew the Monsignor Simard fairly well. Um, in fact he did our wedding, my wife and I's wedding.

KK Umm hmm. Umm hmm. And so can you tell us about your conversation with the Monsignor about this issue?

[REDACTED] Well, I had just asked about, you know, some of his behavior. And he, he told me that everything seemed to be fine and not to worry about it. Sometimes he may come off a little different and not to really worry about it. And then I asked if he'd been, you know, why he was selected to come here and he said that he came from another place um, and he told me that the guy had some problems. That's all he said.

KK Was that before ah, Aube left Rochester or after he left Rochester because of the possible [REDACTED] incident.

[REDACTED] No. This, this was some, this was right during that same period of time. In fact, when I, when we went to the airport, Father Aube, I believe, was in charge of the rectory because Monsignor was out of town. And so it was right there after, like when he'd come back that I asked him about that kind of stuff.

KK Okay. What was the purpose of going to Logan Airport?

[REDACTED] To meet with this woman who apparently had these traumatic problems, um, with her marriage or what not. And of course, he boasted a lot of that stuff. He said that he spent an incredible amount of time on the phone with married couples and counseling and doing -- I didn't see anything wrong until I heard that and I, I just thought it was kinda strange. I don't know.

KK Did he ever talk about anybody from his previous assignments ah, particular individuals?

[REDACTED] No. Never did. Never mentioned anything.

TF Did he ever give you a gift of any kind?

[REDACTED] No.

TF No?

[REDACTED] Although he did, he was promising me up and down that he'd get me involved with somebody that had a recording studio.

TF Umm hmm. Um, I have to ask this question.

[REDACTED] Umm hmm.

TF And, please don't take it personally.

[REDACTED] Absolutely not.

TF Um, probably because I've been doing this for a long time and sometimes I just, ah, call it intuition --

[REDACTED] Umm hmm.

TF -- or whatever you want to call it. I, I have this feeling, and, and correct me if I'm wrong --

[REDACTED] Umm hmm.

TF -- but I have this feeling that there might be more to the physical contact between you and Father Aube. Ah, now I've been doing this for 23 years.

[REDACTED] Yeah.

TF And, I've been wrong many times.

[REDACTED] Yeah, that's all right.

TF And I've been --

[REDACTED] You never know.

TF But I, I have to ask because I get this feeling down in my gut that there might be more to the, ah, to what Father Aube ah, did with, with you other than the hugging.

[REDACTED] No.

TF That's not true?

[REDACTED] That's not true, sir.

TF Okay.

[REDACTED] If, if it had happened --

TF Yeah.

[REDACTED] -- I would sit right here and tell you to your face.

TF I appreciate that.

[REDACTED] I don't have a problem with that. Ah, but it didn't.

TF Okay.

KK Did, have you formed an opinion about where that behavior might have gone if you had stayed and he had stayed?

[REDACTED] If you're asking me if I have formed an opinion about Father Aube, absolutely.

KK Would you share that?

[REDACTED] Yeah, I, I think that the man has some serious problems. I think he's a possible pedophile and I, I think he needs to be, it needs to be rectified.

TF Did, are you aware of um, we talked about [REDACTED]

[REDACTED] Right.

TF Um, are you aware of any other families or boys that might have come forward and gone to Monsignor Simard or gone to the diocese about Aube and, and what was going on?

[REDACTED] No. No, that's the only time that I heard there was a problem and ah, Jesus, I remember [REDACTED] being very upset, [REDACTED] yeah. She was really upset about the whole thing.

TF Sure. Is, is Monsignor Simard still around, sir?

[REDACTED] I think he's passed on.

TF Passed on?

[REDACTED] I'm, I'm not sure, but I think he is.

TF He is gone.

KK Were there any other priests in the ah, rectory at the time that this --

[REDACTED] I don't know. I don't, you know, there was some priests in the rectory, don't get me wrong. I, to remember their names, I don't.

TF Sir, do you know where [REDACTED] today?

[REDACTED] No.

TF No.

[REDACTED] I know he was brought up on [REDACTED] Um, where he went, I don't know.

TF Okay.

[REDACTED] But I do know that his mom and his dad are both still in Rochester. And it would be [REDACTED] and ah [REDACTED]

TF Okay.

KK Who left Holy Rosary first, you or Paul Aube?

[REDACTED] Do you mean school wise?

KK If, if you graduated from high school --

[REDACTED] Right.

KK -- and you were considering the service --

[REDACTED] Umm hmm.

KK Did you in fact go into the service?

[REDACTED] I left first.

KK Okay.

[REDACTED] Yes.

KK All right. Did you ever have contact with Paul Aube again after you left Holy Rosary?

[REDACTED] Hmm hmm. Nope.

TF That was the last time you saw him?

[REDACTED] That's true. He gave me a blessing before I left for the service and that is the last time I saw Father Aube.

KK Ah, is there anything about Father Aube and that experience that we haven't asked you about that you think we should know about?

[REDACTED] No. Um, again, I just, I'll tell you any time you want that, you know, I look back at that kind of stuff and I just, I find, I find it somewhat appalling. I, I don't know what the guy had in his mind, but to think about what he might have had in his mind, it just kinda makes my skin crawl.

TF Pertaining to you?

[REDACTED] Yeah.

TF Yeah.

[REDACTED] It makes my skin crawl.

KK And was it your feeling after talking with Monsignor Simard that the church officials had some knowledge of ah, Father Aube's ah, behavior?

[REDACTED] Yeah. I'd have to say they did.

KK All right.

TF All set. Anything you want to add, sir? Anything at all.

[REDACTED] Not at all, sir.

TF All right. Well, I'm gonna end the interview then. It is August 7th, 2002 at 10:46 a.m. by my watch. This is the end of the interview with ah, [REDACTED]


END OF INTERVIEW

MEMORANDUM OF INTERVIEW

PERSON INTERVIEWED: CRAIG SANDLER

PLACE OF INTERVIEW: NH ATTORNEY GENERAL'S OFFICE
TELEPHONIC

DATE OF INTERVIEW: AUGUST 14, 2002

INTERVIEWED BY: ANTHONY FOWLER, INV. 
KATHY KIMBALL, INV.

RE: DIOCESE OF MANCHESTER
FATHER PAUL AUBE

MR. SANDLER is the former Chief of Police in Nashua, and was so employed during the time period AUBE was assigned to ST. ALOYSIUS CHURCH in NASHUA. SANDLER resides at 43635 PREDDY CT., ASHBURN, VIRGINIA 20147. His telephone number is 1-703-729-7287.

SANDLER was asked if he recalled an incident in 1975 where he received a call from BISHOP GENDRON of the MANCHESTER DIOCESE regarding FATHER PAUL AUBE. SANDLER related that the name AUBE was familiar to him for some reason, but did not remember getting a call from BISHOP GENDRON. He explained this would have been 27 years ago. Explained to him why he would have gotten the call and the discovery made by two of his police officers at the time when AUBE was caught with a teenage boy touching each other in a motor vehicle. Told SANDLER the call from GENDRON would have been a request that a police report not be generated about this incident.

SANDLER still indicated he did not recall this incident and stated if he did remember, he would tell me. Further related he did not recollect a call from BISHOP GENDRON about a police report being generated, or any call from GENDRON. Asked SANDLER who his detectives would have been at that time, and he gave me the following names:

BOB BARRY-CHIEF OF DETECTIVES AT THE TIME-WAS EMPLOYED BY
THE HILLSBOROUGH CTY. SHERIFF

DET. LARGY
RON DARLING-HILLS. CTY. SHERIFF
BILL BURNS-HILLS. CTY. SHERIFF
DON CASPER
NORM BOUDREAU-HILLS. CTY. SHERIFF

EVERETT COSTA

SANDLER then stated that he had been with the STATE POLICE for 12 years prior to becoming CHIEF in NASHUA. His DEPUTY CHIEF at the time was ROBERT BELANGER who was at the NASHUA PD before he arrived. Indicated that BELANGER used to field a lot of calls for the PD due to he being there a long time and people were familiar with him. Stated it was possible that BELANGER took the call. He also believed that BELANGER may have been a communicant of ST. ALOYSIUS CHURCH. SANDLER stated that people called BELANGER for a lot of things.

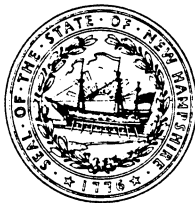
Asked SANDLER where BELANGER was now, and he stated BELANGER still lives in NASHUA on SAWYER ST., and has a summer home in OLD ORCHARD BEACH, MAINE.

ATTORNEY GENERAL
STATE OF NEW HAMPSHIRE

2709

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

IP T. MCLAUGHLIN
ATTORNEY GENERAL



STEPHEN J. JUDGE
DEPUTY ATTORNEY GENERAL

August 14, 2002

Robert E. McDaniel, Esq.
The Law Offices of Robert E. McDaniel
4 Bicentennial Square
Concord, NH 03301

RE: Diocese of Manchester: Investigation of Clergy Sexual Abuse

Dear Attorney McDaniel:

It is my understanding that your client, Paul Aube, wishes to meet to discuss the possibility of cooperating with the State. To that end, I have set aside Wednesday, August 14, 2002, beginning at 10:00 a.m. for the meeting, which will be held at the Office of the Attorney General. Investigators from the Attorney General's office will be present at that meeting.

Before such a meeting takes place, it is important that all parties agree as to the nature and purpose of the meeting. This letter sets forth the full and exclusive terms of the understanding between your client and the State. There are no other promises, terms or conditions.

The terms of this Agreement are as follows:

1. Paul Aube acknowledges that he comes to this meeting voluntarily and of his own free will. He has not received any promise, suggestion or information of any sort from any law enforcement officer or representative of the State of New Hampshire that he will receive any benefit, leniency, consideration, or any form of assistance from the State in exchange for meeting and speaking with the State's representatives. Paul Aube has specifically received no promises, explicit or implied, regarding disposition of any potential criminal charges.

Robert E. McDaniel, Esq.
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August 14, 2002

2. It is understood that after reviewing Paul Aube's proffered information, the State will evaluate the possibility of your client cooperating with the State. The State agrees that it will not use any of Paul Aube's proffered information in any criminal prosecution against him.
3. The State may make derivative use of, and pursue any investigative leads suggested by the information provided by Paul Aube, regarding any of the following individuals:



Approximately 15 unnamed victims from Berlin

Unidentified victim from Nashua ~~arrest~~ INCIDENT

- The State may use any evidence so developed against Paul Aube and other persons. This provision is necessary in order to eliminate the necessity for a Kastigar hearing in any prosecution arising out of acts committed by Paul Aube against the above-named individuals at which the State would otherwise be required to prove that the evidence it would introduce at trial is not derived from any information provided by Paul Aube during his proffer.
4. The State will not use or make derivative use of any proffered information in a prosecution against Paul Aube arising from sexual misconduct with any individuals who are not listed above, except that the State may use any statements made by Paul Aube to prosecute him for perjury should, at any time, Paul Aube testify falsely.
 5. The quality, value, truthfulness and completeness of the information provided and/or cooperation offered by Paul Aube will be subjectively evaluated by the Attorney General's Office. If Paul Aube's information and future cooperation is deemed to be

Robert E. McDaniel, Esq.

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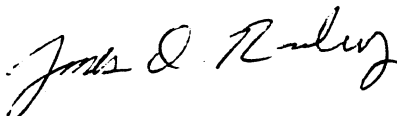
August 14, 2002

of value to the State, the parties will enter into a separate written Memorandum of Agreement containing all terms and conditions of Paul Aube's cooperation. Otherwise, Paul Aube will receive no benefit or consideration for participating in the preliminary meeting with the State. The State agrees that if Paul Aube is prosecuted for any sexual abuse charges that occurred during his association with the Diocese of Manchester, the Attorney General's Office will inform the prosecutor and the court of the extent of Paul Aube's cooperation. The State makes no promises regarding the resolution of any such charges or the appropriate sentence that should be imposed in the event Paul Aube is found guilty.

6. In the event that Paul Aube is a witness at any official proceeding for any party and offers testimony materially different from any information provided in his proffer the attorney for the State may cross-examine Paul Aube concerning the information provided through this proffer. This provision is necessary to assure that Paul Aube does not provide materially false information to a government agency or commit perjury should he testify at any trial or other proceeding.
7. A copy of this document will be provided to you after being signed by your client and returned to the Attorney General's Office.

Please contact me if you have any questions or concerns.

Very truly yours,



James D. Rosenberg
Assistant Attorney General
Criminal Justice Bureau
(603) 271-3671

Robert E. McDaniel, Esq.
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August 14, 2002

I have read this proffer letter and reviewed it with my attorney, and I knowingly, intelligently, and voluntarily agree to its terms.

8-14-02
Date

Paul Aube
Paul Aube

I have reviewed this proffer letter with my client, Paul Aube, and I believe that he understands the terms of this letter and that he has knowingly, voluntarily, and intelligently agreed to its terms.

8-14-02
Date

Robert E. McDaniel
Robert E. McDaniel, Esquire
Counsel for Paul Aube

MEMORANDUM OF INTERVIEW

PERSON INTERVIEWED: [REDACTED]

PLACE OF INTERVIEW: NH ATTORNEY GENERAL'S OFFICE
TELEPHONIC

DATE OF INTERVIEW: AUGUST 13, 2002

RE: DIOCESE OF MANCHESTER
FATHER PAUL AUBE

INTERVIEWED BY: ANTHONY FOWLER, INV. (u)

Received a call from [REDACTED] who was willing to speak to me about his situation with FATHER AUBE.

[REDACTED] indicated he first met FATHER AUBE when he and his family were living in ROCHESTER, NH between 1972-3 to 1976-7. They attended the HOLY ROSARY CHURCH and AUBE was assigned to that church. He estimated being 12-13 years old and confirmed the sexual abuse inflicted on him by AUBE occurred in [REDACTED] after his family moved there from ROCHESTER. Also stated that there wasn't any sexual abuse by AUBE committed on him while he lived in NH.

[REDACTED] recalled that his family moved to [REDACTED] and that AUBE came to stay with them for 1-2 weeks either in the fall or spring of 1977 or 1978 ([REDACTED] would have been 15-16 at the time). Stated that he was in the 9th grade at the time AUBE came to stay with them. AUBE slept in his bedroom, which he shared with [REDACTED] (brother), but [REDACTED] slept on the couch and AUBE slept in [REDACTED] bed.

[REDACTED] continued by saying that during this visit, AUBE was there for some kind of retreat and recalled a night when they were going to bed and were in their underwear. AUBE then said that it would be an expression of trust and love if they could get naked together. [REDACTED] recalled he pulled his underwear down and AUBE also pulled his underwear down. They then talked about trust and love and AUBE then bent down and kissed his penis and hugged him. [REDACTED] stated he then bent down and kissed AUBE'S penis. They then remained naked for 10-15 more minutes. He also recalled seeing a clear fluid coming from AUBE'S penis at the time and he asked AUBE what that was. AUBE responded by saying it was "normal". He confirmed this was the first incident of abuse by AUBE toward him.

██████████ recalled waking up later that night, and AUBE was in bed with him. They both had put their underwear back on, but AUBE had gone to bed earlier in ██████████ bed. Recalled that AUBE had his arm around him and AUBE stated that he felt badly about himself and his life. After talking a short time, AUBE then went back to his own bed. No other sexual contact occurred then.

██████████ continued by saying that AUBE then went back to NH and a few years later, he went to college at ██████████. During spring break of his freshman year, ██████████ stated he hitch hiked to NH and placed the year as 1982 and was 19 years old at the time. ██████████ stated he stayed at AUBE'S residence during this break, which was in MANCHESTER and believed AUBE was living in some type of rectory at that time.

██████████ stated while there, AUBE came to his room one night and embraced him. AUBE hugged and kissed him and they both were wearing their underwear. ██████████ stated that no other act occurred during this encounter and AUBE finally went back to his own bedroom. Asked ██████████ how many days he spent with AUBE, and estimated 3-4 days. He also confirmed these two incidents were the only two incidents of sexual contact with AUBE.

Asked ██████████ if he told anyone about this abuse and stated he did not tell anyone right away about either incident. He recalled telling his brother ██████████ around 1993-1994 due to he knowing that ██████████ was corresponding with the DIOCESE then. ██████████ told me that he never contacted the DIOCESE himself, but ██████████ mentioned his abuse to the DIOCESE in ██████████ letters to the DIOCESE. He has had much inner conflict about what happened between he and AUBE and knows the DIOCESE is aware of this abuse through his brother ██████████.

██████████ further stated he was hopeful the DIOCESE would contact him after ██████████ letters to them, but they never did. He also indicated to this day, he hasn't heard anything from the DIOCESE. Asked if he was participating in any civil litigation against the DIOCESE and stated he was not, but was giving it some thought. ██████████ stated he would like to speak to AUBE about what he did, and knows AUBE has other victims from what he has heard.

The telephone interview was then ended. Told ██████████ he could contact me anytime and he was appreciative of that.

MEMORANDUM

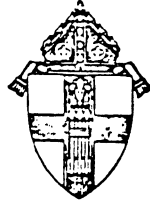
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FROM: Anthony Fowler, Inv. (4)
Kathy Kimball, Inv.

RE: DIOCESE OF MANCHESTER
FATHER PAUL AUBE

DATE: August 13, 2002

Received a telephone call from ATTNY. VINCENANZO who represents the DIOCESE OF MANCHESTER. ATTNY. VINCENANZO had checked for us to see if MONSIGNOR SIMARD was still alive, as we wanted to speak to him about his tenure in ROCHESTER with AUBE. We were notified that MONSIGNOR SIMARD is deceased.



OFFICE OF THE BISHOP

DIOCESE OF MANCHESTER

MOST REVEREND ODORE J. GENDRON, D.D.
*Bishop*MOST REVEREND ROBERT E. MULVEE, J.C.D.
Auxiliary Bishop

February 9, 1983

Ms. Barbara Raymond, RN
 Ms. Katherine Simonton, RN
 250 Pleasant Street
 Concord, New Hampshire 03301

Dear Ms. Raymond, Ms. Simonton, et al:

Thank you for your letter of January 24 regarding your concern over the transfer of Fr. Paul Aube from Concord Hospital to Elliot Hospital in Manchester. I regret my delay in responding to your correspondence, but I have been out of the Diocese for the past week attending a meeting of Bishops in Texas.

May I first of all express to you my thanks and appreciation for the kind words you wrote concerning the work which Fr. Aube has done at Concord Hospital. I am most pleased to hear of the excellent work that he has accomplished not only with patients and their families, but the obvious impact he has had on the lives of the members of the hospital staff.

Unfortunately, because of the recent death of the chaplain at Elliot Hospital, and because of the serious shortage of priests in our Diocese, it has been necessary for me to transfer Fr. Aube to Manchester where I am confident he will continue the fine work he has begun in Concord.

We are now attempting to find a replacement for Fr. Aube, but because of the shortage of personnel mentioned above, I cannot guarantee if or when a replacement will be made. Be assured that your words and concern will weigh heavily on me in my search for Fr. Aube's replacement.

Thanking you again for your concern, and assuring you of my continued prayers in your ministry of healing to the sick and suffering, I remain,

Cordially yours,

BISHOP OF MANCHESTER

B. Raymond, RN
K. Simonton, RN
250 Pleasant street
Concord, N.H. 03301

TO: FATHER QUINN

Please prepare a response to the attached, addressed to Barbara Raymond and Katherine Simonton, the two "signees" of the letter.

Thanks!

Fr. Christian

Wanda J. Olsen - Medical Records
Fremmie Jewell - Medical Records
Susan J. Selman - Medical Records
Dr. La C. Bunsie - Medical Records

Carol Vagt
Paul Lawrence

Mary Barker PA
Sandy Bonifant PA

Sally Smith
Tom Mahan

Patricia Michaels RN
Pamela Savage
Deborah Patten RN

Betty Nichols RN
Lydia Carter RN

Judy Martin RN

Angela Tutus RN

Donna Ireland RN

Suzanne Taylor RN
Lynn Moody
Sue Franklin

Aimee Brownell RN
Kathleen Rannadent RN

Patricia Ball, RN
Denny Johnson RN

Carol Van Noy RN

Karen Friedman RN ICU/CCU
Valerie Bryant RN ICU/CCU

Home Resuscitation Unit
2783

Kathie Achon Resp.

Marta Jensen RN ICU/CCU
Jelly Jones RN

J. Denise RN ICU/CCU
Mary MacZlik RN ICU/CCU
Nancy Spiller

Valerie Loeber RN
Taura Kaswicki RN

Barbara Berry RN

Islands Cote RN
Shirley J. White BS RN

Kathy Walker
Ferry Bloodgood RN

Colleen Rutherford RN
Loretta Farnie RN
Kevin M. Doyle

AKA
Kaye Jean Higgins RN

Maryella Williams

David A. Williams
Former patient

Linda Prescott RN
Helen Oursler RN
Sally Long RN

Ethel Edwards RN
Albra Tamaha RN

Delores Coder

Ann Hackney RN
 Mary Sue Coliss 100
 Hopwood 100
 Elean Wells 100 3 South
 Esther Baker RN (float)
 Judy Watkins LP
 Nancy Claudeneau RN
 Janie Hughes DS
 Leonie Gagnon LPN
 Rena C. Wyman RN
 Maureen Clark
 Donna Brennan WC
 Paula Plante RN
 Mureen Claff RN
 Sandra Murray
 Sarah Connor RN
 Nancy Silver LPN
 Bette Giffey RN
 Loretta Bourdon RN
 Denise Welch
 Sue Ellen Dubois RN
 Julie Daininger LP
 Sharon Curtis RN
 Helen Johnson RN
 Joan Nelson RN
 Barbara Smith RN
 Frances Sawtelle
 Nancy Pettley RN
 Barbara White RN

Kathy Tenny LPN - 45
 Betty Waters RN 45
 Susan F. Demore, ed 4 South
 Joanne Chaisson RN 45
 Guilyn Guellyton 45
 Diane A. M. Litter LPN
 ABROWN
 L. Edward 25 RN
 L. McLennan, RN
 Ingrid
 Sandra Cairns U.S.
 Peter Blum MD
 Carol Fricchetti
 Fabiane McFadden
 J. Cheryl Murray RD
 Caren Marie Nash
 Brian Young
 Madelon Ford RN
 Marie Freitas RT
 Shawn Randall RN
 Mary Raymond

February 8, 1983

Mr. James K. Fawcett
16 E. Sugar Ball Road
Concord, N. H. 03301

Dear Mr. Fawcett:

Thank you for your kind letter in reference to Father Paul Aube, who has served as Chaplain at Concord Hospital. I am most happy that the Diocese has been able to provide the people of the Concord area with the care that Father Aube has so generously extended to the sick and their families. I am sure that your contact with Father Aube has been repeated many times by other people in similar situations, and serves to prove Father Aube's generosity and dedication.

Thank you again for writing to me about this matter, and be assured of the Diocese's wishes to continue to provide the same kind of care to all those in need in the future.

With every good wish, I am

Cordially in Christ,

Bishop of Manchester

January 25, 1983

Bishop Odore Gendron
Arch Diocese of Manchester
153 Ash St.
Manchester, NH 03104

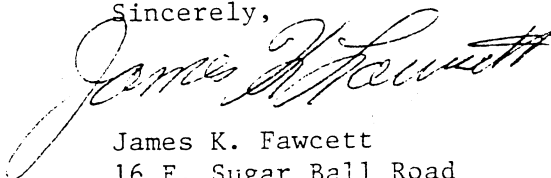
Dear Bishop Gendron:

I am writing to you to thank you through your Father Paul Audey of Concord. Father Paul was the chaplain on duty at Concord Hospital the night of January 19, 1983 when my wife was stricken with a heart attack that later in the night took her life. Father Paul went beyond the call of his duties to assist my young 15 year old son cope with this heart breaking event. Father Paul did what he could for my wife giving her the Sacrement of the Sick. The terminology may not be correct as I am not a Roman Catholic. Father Audey took my family under his wing even though we were not members of his or any church, although my wife was a Roman Catholic at one time in her life.

Father Paul saw us all through this terrible ordeal. His spiritual comfort and guidance is a true inspiration and I thank God that Father Paul was there at times like this. It is a great help to have someone of his compassionate nature when all you are hearing is the terrible news that death is eminent and you are trying desperately to cope with the loss of wife and mother.

I remain sincerely in his debt for all he did for us and I feel that the need of people like him in hospitals is just as important as all the life saving equipment because when all has been done for the lost one someone must care for and support the living.

Sincerely,



James K. Fawcett
16 E. Sugar Ball Road
Concord, NH 03301

*cc Board of Directors
Concord Hospital*

June 10, 1976

Mr. and Mrs. Arthur Plante, Jr.
14 Lock Street
Nashua, New Hampshire 03060

Dear Mr. and Mrs. Plante:

May I take this opportunity to acknowledge receipt of your recent letter and thank you for taking the time to write to me to express your enthusiastic approval of Father Paul Aube and his ministry in Nashua.

Actually your comments came as no surprise to me, because I have always known Father Aube to be a very zealous and dedicated priest. Nevertheless, it is always a pleasure to receive such positive comments from thoughtful people like yourselves.

With every prayerful good wish, I am

Cordially in Christ,

Bishop of Manchester