

**CONFIDENTIAL**

OFFICE OF THE CHANCELLOR  
 FILE # JSM  
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Memorandum of 29 August 2001 and MacRae response of 22 September 2001  
Father Arsenault's comments

1. Gordon wants to focus on a legal appeal based on the legal procedures during his criminal trial. We ought to nail this down as "the issue." No more discussion of commutation, sentence reduction or other legal recourse should be entertained henceforth.
2. The re-hashing of any conspiracy among the [REDACTED] and Det. McLaughlin is identified as "unfruitful" by Gordon. We ought to admit to Gordon that we have no reason to doubt that the [REDACTED] may have embellished their testimony to suit their own purposes and that we have never supported Det. McLaughlin's tactics.

Gordon does raise issues here that leads Brad Cook to observe that the judge's imperfections may rise to the substance of legal imperfections.

3. The issue of the financial cost of supporting an initial study of the possible imperfections in the legal procedure need to be viewed in light of the credibility of Rabinowitz and Rosenthal (see #4).
4. We ought to eliminate Dorothy Rabinowitz and Attorney Rosenthal from this matter. All of the issues associated with the involvement of the media and their legal associates are self evident. They serve far different purposes than Gordon's or ours.

Gordon clearly wants the moral support of the Diocese of Manchester regarding the injustice of his treatment in criminal trial as well as monetary support towards resolution of these issues.

Gordon is clearly offended and angry over his perception of his treatment by the Diocese of Manchester prior to the arrival of Bishop McCormack. It might be helpful to acknowledge his anger, specifically,

- At best, there was a lack of good communication from 1994-1999. The diocese thought that it had extended offers of support, but Gordon clearly didn't receive them or perceive communication as supportive.
- Gordon intimates that the Diocese of Manchester "cooperated" with the civil authorities, the media and perhaps even the [REDACTED] at a level that violated his privacy. Gordon needs to be told that we have always done what was required of us by civil law.
- Gordon has always been insistent on selecting his own advocates, despite diocesan efforts to assist him in this regard. This has only

contributed to an adversarial dimension to his relationship with the Diocese of Manchester.

Steve Scruton, Mark Fleming and Mark Gauthier, if guilty of what Gordon alleges, need to defend their own actions. Neither Gordon nor the Diocese of Manchester should assume moral responsibility for what they did or did not do. The glaring open question here is whether Gordon's alleged misconduct and theirs are mutually exclusive?

5. Gordon will not answer the question regarding the adequacy of his economic sustenance. This ought to be borne in mind and, perhaps, communicated with the *Congregation for the Clergy*. He posits no affirmative case for inadequacy here. Nonetheless, Gordon spirals back down into who else might have committed misconduct in Hudson, NH. We ought to tell Gordon that we have always investigated and pursued every claim of sexual misconduct in the Diocese of Manchester. Sometimes we are able to prove allegations and others times we are not able to do so.

Gordon deserves an answer to the looming question regarding the opinion of the Diocese of Manchester regarding his sexual misconduct. In fact, given the evidence in these matters, it is clear that there Gordon did act inappropriately with adults and minors in a sexual manner. Gordon views his involvement with the [REDACTED] in isolation from the other instances in his ministry where he violated sexual boundaries with adults and minors. I do not understand whether Gordon has integrated any of his actions in his image of himself. He has not availed himself of any treatment protocol, ostensibly because of his concern for the implications of his participation in treatment vis-à-vis his guilt of the crimes for which he incarcerated.

6. The decision not to support Gordon's request for legal counsel for appeal in 1996 was based upon his unwillingness to cooperate in any reasonable discussion to that point regarding his guilt or innocence. In hindsight, his dependence upon the public defender for what would essentially be his last reasonable appeal of his sentence was unfair.