

The good abuse-scandal documentary.

I am pleased to see this review of Hand of God, given my contacts with the survivor, Paul, and his brother, Joe, who made the documentary. They sent me documentation of Bishop John McCormack's contacts with the abuser, Fr. Joseph Birmingham.

I did additional research and remembered a meeting I had with McCormack that touched on the Cultrera case. Here is the result of that meeting and of my research, as penned in an unpublished op-ed:

PBS Hand of God film exposes Bishop McCormack's record--

"Do you believe the survivors or do you believe me?" The question left me in stunned silence, coming as it did from my bishop, John McCormack of Manchester, NH, some two years after the sexual abuse scandal unfolded. I had just presented McCormack, late of Boston, with a statement by Paul Cultrera, a survivor of Joseph Birmingham, about McCormack's lies to him.

It now happens that a documentary about Cultrera, Hand of God, airing this week on PBS' Frontline series, will give everyone a chance to judge for him/herself before answering McCormack's question. The film, made by Paul's brother Joe, does not descend into depression, but recounts with intelligence and laugh-out-loud humor, an entire family's struggle to fight back.

Part of that struggle is in Paul's encounters with McCormack in 1994, to whom he reported the abuse 30 years after it occurred. He charges McCormack with lying to him about his knowledge of Birmingham's record.

Paul said McCormack told him the only information he had about Birmingham was from a 1970-1 report, and that he had had no contact with Birmingham or subsequent knowledge of other abuse. He added that Birmingham had died about six or seven years before. Paul went home to New Mexico, and later called McCormack to ask for a copy of the death certificate, to confirm the abuser was really dead. Paul was having recurring nightmares that he was still alive.

At that point, contrary to statements about no contact between the two, Paul says McCormack spoke of visiting Birmingham in the hospital, and going to his funeral. Paul ultimately discovered there were multiple victims McCormack knew about, found six documents to prove it, and even learned that the two were seminary classmates who had celebrated their silver anniversaries together on a European trip. In his capacity as secretary of ministerial personnel since 1984, Paul felt McCormack must have had significant knowledge of Birmingham's record.

Additional research indicates that McCormack was the recipient of a treatment center's report about Birmingham in 1987, which noted Birmingham had not abused in 17 years. McCormack did not inform doctors that Birmingham re-offended before being sent away, information he admitted in a deposition he "might have" had. He also admitted that he and a bishop with whom he worked at the time would have talked about Birmingham's record of abuse.

McCormack typically claims that he did not have access to secret archives until 1993; perhaps in many instances he did not need it since he discussed, created or received so many archive documents himself. But in depositions, his memory loss is of astounding proportions.

Paul was deeply affected by McCormack's dishonesty and wrote a statement titled, The Preacher is Lying, part of which is referenced in the movie. It would have meant so much to Paul to know that he was far from the only victim of Birmingham. He said McCormack's advice to "put it all behind" him and not sue the diocese was self-serving. After smelling deception, Paul did sue, and wrote that during negotiations McCormack denied that the Archdiocese had knowledge of abuse prior to Paul's. Documents released in 2002 proved that claim false.

The sequences about McCormack are damning, and like the rest of the film, filled with religious imagery. Water, symbolic of baptism, is a recurring theme, flowing over altar boy figurines, eventually drowning them. The deft use of many images conveys the shattered lives wrought by deference to clergy.

Paul's father, 91, breaks that deference in an exchange with a bishop during the closing mass at their parish that ends the film. With episcopal arrogance on full and humorous display, Paul Sr. nicely punctures the hot air. Paul's mother, 86, is a heartwarming presence throughout, and both parents' bedrock love of family shows where the triumph of individual spirits originates. The film clarifies why a survivor waits for decades to come forward, an important understanding for all.

My original silent answer to McCormack's question was never in doubt, but reinforced by the documentary, I confirm unreservedly that I believe Paul Cultrera, since my bishop prefers spin to telling the plain, simple truth.

**A STATEMENT TO "BISHOP" JOHN B McCORMACK
PRESENTED AT A MEETING WITH SURVIVORS OF JOE BIRMINGHAM -**

By Paul Cultrera, January 28, 2003

I have flown across the country from Sacramento, California, the town where I now live to Salem, the town where I was born and grew up, to ask John McCormack some questions. I hope you will all understand why I do not address John as "father". My father is here in the audience, and John McCormack does not deserve to share that title with him. Nor can I refer to John as "bishop" because based on my experience with him, I don't believe that he merits that title either.

When I went to the archdiocese of Boston in 1994 to report that 30 years before at St James parish in Salem Joseph Birmingham had used the confessional to lure me into his world of sexual molestation, I was in the dark as to Birmingham's history, and in fact still thought I may have been his only target. At that time, only two years had passed since I had talked for the first time to anyone about what had been my most tightly kept 30 year secret. I was resolved to obtain help to pay for the psychotherapy that I was finally becoming able to admit that I needed. I had no intention of making a legal complaint about Birmingham's abuse, or about the archdiocese's handling of him. I actually believed that seeking monetary damages from the church might distract me from getting the emotional healing I needed.

When I went to the archdiocese, I was directed to Sister Rita McCarthy. I reported the abuse to her and I mentioned that there had been another priest at St. James, a John McCormack, who was friendly with Birmingham and who might be able to provide her with relevant information. I assumed that the other priests who were at St James when I was abused were by then dead, as they were in their 50's or 60's back in 1964. She asked me if the priest I was referring to was John B. McCormack, who was in fact her supervisor. When I said yes, she got him on the line and told me he would be interested in talking with me.

Receiving me in his office, John McCormack told me he remembered me and my family, and expressed how sorry he was to hear that this had happened to me. He quickly got around to asking me if I intended to bring any legal proceedings against the church, making it clear that he thought it would not be good for me to do so. He counseled me to enter therapy and to do my best to "put it all behind me". This is also the exact advice that Sister McCarthy spoke to me. When I asked John McCormack about what he knew of Birmingham, he said that the only information he had was that in 1970 the father of a St James boy came to him at Catholic Charities in Salem where he was working at the time to tell him that Birmingham had molested his son. He denied having any other contact with Birmingham or knowledge that Birmingham had molested other boys, and summed things up by saying that he knew Birmingham had died six or seven years previously.

Interestingly, Sister McCarthy had explained her ready recognition of Birmingham's name by saying that she was in charge of keeping the records of priests who had died.

I returned to Albuquerque, New Mexico where I was living at the time and took the archdiocese up on its offer to pay for a year's therapy. A few months later, I called John McCormack to ask him a favor. I told him that even though he told me that Birmingham was dead, I was having recurring nightmares that Birmingham was in fact still alive. I asked him to send me a copy of Birmingham's death certificate. He replied that he wouldn't be able to do that, but that he could reassure me that Birmingham was dead as he had in fact visited him in the hospital and gone to his funeral. Since that story didn't line up with what he told me before (that he had had no other contact with him after St James), I became immediately suspicious and decided to investigate Birmingham's history and what I could find out about his relationship with John McCormack.

The evidence that I was so easily able to track down (even from a distance in New Mexico) indicated that Birmingham had molested scores of boys over the course of his 28-year, uninterrupted six-parish career. It became clear to me that as Secretary for Ministerial Personnel from 1985 - 1994, John McCormack would have had to have known about this man's rampant behavior, and that I was not being dealt with honestly. This deceptive attitude ultimately led me to file a demand letter with the archdiocese via Matt McNamara, the

lawyer I decided to hire to help me out. The letter presented my case and demanded a meeting with John McCormack, who was at the time in the process of being elevated to bishop.

When I met with John McCormack and Wilson Rogers, the archdiocese's lawyer, I asserted that the church must have known of Birmingham's behavior at Our Lady of Fatima in Sudbury, the parish he served at before he reached Salem, as I had found a number of his targets there. McCormack and Rogers both denied that the church had that knowledge. This is despite the record in the archdiocesan files of a meeting that occurred in November of 1964 at which two Sudbury boys and their fathers complained to a Msgr. Sexton about Birmingham's abuse. The result of that complaint was Birmingham's transfer to St James, the first of five such transfers triggered by his sexual misconduct.

I only became aware of this 1964 meeting as a result of the Boston Globe's recent reporting and the release of the diocesan files in June 2002. That piece of information which I lacked and that you, John McCormack and your hired hand Wilson Rogers lied about not having, allowed the archdioceses to remain secure behind the protective wall erected by Massachusetts' statute of charitable immunity.

Without being able to prove that Birmingham's behavior had been indeed reported to the church before he came to Salem, my only alternative was to accept the settlement that you offered. Mr. Rogers originally set the price for the faith that John McCormack is in the business of promulgating at \$20,000, making that his initial settlement offer. It's nice to know how much the church values a life led in pain, shame and secrecy, and in forfeit of its primary commodity, faith.

And now, in light of the documentation that the church was finally forced to release, it is clear to me that not only did the archdiocese know about Birmingham's behavior before he reached me, and therefore could have prevented my suffering and that of many of the people in the room here tonight, but it is also obvious that John McCormack lied to my face when I first met with him in 1994. When he told me that all that he knew about Birmingham's pedophilia was the one incident reported to him in 1970, he conveniently disregarded the following facts, which were available in the archdiocesan files:

- On April 14, 1987 in a letter to the father of a Gloucester boy who had inquired about Birmingham John McCormack wrote, "From my knowledge of Father Birmingham and my relationship with him I feel he would tell me the truth and I believe he is speaking the truth in this matter". (page 13).

- On November 9, 1990 a complaint was filed with archdiocesan attorney Wilson Rogers by the law firm of Rossman, Rossman & Eschelbacher on behalf of a client who was abused by Birmingham in 1985 and whose abuse had been reported to the archdiocese. (page 14).

- Sister Catherine Mulkerrin's notes of an October 13, 1992 telephone conversation she had with Sister Grace Kenning regarding a call that Sister Grace had received from the Boston Globe seeking information related to Sister Grace's involvement in the Birmingham case at St James in 1970 indicate that Sister Mulkerrin told Sister Grace that she and John McCormack had "discussed her call the night before", that Sister Grace was told to "not go to the pastor of St James", and to "not check the school records", and that "the Cardinal would be made aware of the situation" (pages 16 - 18)

- Notes on Birmingham from Sister Catherine Mulkerrin dated October 14, 1992 mention a 1991 "Gloucester - out of court settlement". (page 19)

- Sister Catherine Mulkerrin's Confidential report to John McCormack dated February 17, 1993, discusses her interview with an Arlington man regarding his abuse by Birmingham. (pages 21-22)

- A Personal and Confidential Memorandum from Fr Deeley to John McCormack dated December 9, 1993 describes the report Deeley received from a 41 year-old man who was abused by Birmingham at St James in Salem. (page 23)

All six of these incidents occurred while John McCormack served as Secretary for Ministerial Personnel. The final two incidents occurred the year before I met John McCormack in 1994.

So I need to know how you, John McCormack, could believe that lying to me about what you knew of Birmingham's career-long pedophilia could benefit me, and help me to "put it all behind me". You clearly had a chance to assist me in my healing process by letting me know that I was not alone. Instead of choosing to relate to me with christian compassion, you chose to deal with me as an adversary, closing ranks around the archdiocese's desire to avoid scandal and all the attendant liability. Your pseudo-friendly advice to not prosecute the church was self-serving, as was the advice to "put it behind me". You had to know that putting something like this behind me would only be made more difficult by virtue of your duplicity. And that the anger I would eventually feel for your lies would burn for years.

You were playing the priests' old trump card, attempting to keep me in the passive, submissive roll of the sheep in the flock, disguising yourself as the caring shepherd. And you were good at it. I walked out of your office in 1994 actually thinking for a while that you wanted to help me, and that your advice to not prosecute was in my best interest. This is why you need to step down now: because you're so good at using your priest's persona to protect the truth about yourself and the others that you collaborated with - because you and your colleagues are more interested in perpetuating your careers, your power and your images of piety than you are in doing the work of Christ you profess to be interested in.

I don't know if you recall the day that you first arrived at St James in Salem, fresh from the seminary. You pulled up to the curb outside of St James' school in your shiny black car and asked for directions to the rectory from a young boy who was standing out there cleaning the blackboard erasers. I remember, because the boy was me, and the boy in me still remembers the innocent excitement he felt when he ran back into the classroom to tell the nun who was his teacher that he had just met the new parish priest.

The excitement and pride which that slight contact with a priest ignited in the heart of that young boy was a measure of his innocence, an innocence that Joseph Birmingham took advantage of and twisted out of shape. When innocence is wrecked like that, it doesn't totally disappear, but instead it hides and wanders around confused in the darkness of the heart, looking for someone or something to make it feel like it's safe to come out again.

My innocence peeked out of that darkness when we met in 1994 and I wanted to think that you really were there to help me out. Unfortunately, your lack of honesty drove that innocence back into hiding. I have found a way to forgive Joseph Birmingham, reasoning that a perversity as great as his was a sign of a sickness that he could not control.

But it will take me a long time to reason my way to forgiving you, John, to take out those clean erasers and to use them to wipe away the stain of bitterness that your deception has left.

It would help if you chose to follow the opposite of your advice to me and actually put all of this in front of you where you could finally face up to your behavior, take responsibility for your lies, and stop making the weak excuses that have come to characterize your attitude in this matter. In short, please stop the hypocrisy. I don't remember much from the bible, but I do recall the stories of the Pharisees. It's time for you to step away from the Pharisees, John, to separate yourself from the lawyers and step into the truth.

My ex-wife is here tonight, and she reminded me earlier tonight that when we were together I used to frequently repeat a lyric from an old Bob Marley song. The lyric was "I feel like bombing a church, because I know that the preacher is lying". She told me that she often wondered why I liked that lyric so much, back then before she knew of what Birmingham had done to me. And that now she realizes why. Yes, the preacher is lying, and it's time for you to stop lying, John. Stop lying.

Church insurer wants to probe abuse claims, too

Burlington Free Press, Vermont, by Sam Hemingway, Jan. 16, 2007

By Sam Hemingway

The statewide Roman Catholic Diocese's bid to get its one-time insurer to pay the costs of litigating 27 lawsuits alleging child sex abuse by a former priest has hit a snag: The insurer wants to probe the diocese's conduct in the cases.

In papers on file in federal court in Burlington, Minnesota-based United States Fidelity & Guaranty Co. says it wants to examine what the diocese knew of claims that former priest Ed Paquette had molested boys in two states before he came to Vermont in 1972.

Lawyers for the diocese initially refused to cooperate with the insurer's request, court records show, but last week signed off on an order approved by federal Judge William Sessions that will allow USF&G to conduct its review, as long as it's done confidentially.

"All information subject to confidential treatment ... shall be filed under seal and kept under seal until further order of the court," Sessions wrote in his Jan. 8 order.

Evidence developed in one of the Paquette cases last year indicated the diocese knew Paquette had molested altar boys in two states when it hired him and twice moved him to other parishes before dismissing him in 1978 after a rash of new abuse claims surfaced.

Sessions' order is the latest wrinkle in the diocese's effort to address the looming financial impact of the priest abuse lawsuits it is facing in Chittenden Superior Court. Nine former priests are implicated, but most of the cases involve Paquette.

The diocese claims it had liability insurance coverage from USF&G during the time Paquette was employed in Vermont but is unable to find its copy of the policy. The insurance company has not been able to find a copy of the policy either.

In May, a month after settling a Paquette lawsuit for \$965,000, the diocese placed its 128 parishes in individual charitable trusts to insulate them from the ongoing lawsuits. At the same time, the church sued USF&G, demanding it pay the church's ongoing legal fees and settlement agreements.

The insurance company has subsequently agreed to pay the legal fees in the Paquette cases. It has argued, however, that it will not have to indemnify the diocese, or cover the cost of financial settlements, if it can invoke what's called the "intentional acts exclusion" by providing proof the diocese knew of Paquette's abuse of boys and let it occur.

"It is inherently unfair to allow the insurer to pursue an issue that can prejudice the insured's defense in the underlying cases while those cases are pending," diocesan lawyer Kaveh Shahi of Rutland wrote in a court document opposing USF&G's position.

Mark Errico, the New Jersey-based lead attorney for the insurer, declined comment on the case Monday. Shahi did not respond to a request for an interview.
