

5-18-08 - The story behind the Vt. Catholic Church's \$8.7 million verdict
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Sins of omission

On March 30, 1972, an Indiana bishop sent Vermont's Catholic Church a confidential letter in reply to a question about a potential hire, the Rev. Edward Paquette.

"The dossier is large and the history long," the Fort Wayne-South Bend leader began. "I will try to be brief and to the point."

The Indiana diocese had caught Paquette in "three homosexual episodes involving young boys," the bishop wrote. Having transferred the priest twice, the church couldn't "risk scandal" by moving him again. If Vermont wanted Paquette, Indiana recommended an assignment in an "institutional chaplaincy" such as a hospital, prison or nursing home rather than a community church so he could minister "with less likelihood of relapse."

The bishop sent the same letter to officials in Maine, New Jersey and New York. They read it as a warning. But the statewide Roman Catholic Diocese of Burlington not only hired Paquette but also assigned him to three parishes with schools — Rutland's Christ the King Church in 1972, Montpelier's St. Augustine's Church in 1974 and Burlington's Christ the King Church in 1976 — where he went on to molest countless altar boys.

What led the Vermont diocese to its decision? At least 19 of Paquette's now-adult victims have asked that question as they've filed civil lawsuits in Chittenden Superior Court charging the state's largest religious denomination with negligent hiring and supervision of the pedophile priest.

Testifying this month, diocesan elders said they didn't believe it was their responsibility to seek out Paquette's full record of past misbehavior and instead expected officials in Indiana and the priest's home state of Massachusetts to send them all incriminating evidence.

This past week, a jury disagreed. It awarded Perry Babel — a 40-year-old Burlington native who says Paquette fondled him 40 to 100 times in fourth and fifth grades — compensatory and punitive damages totaling \$8.7 million. That verdict, a state record, could prove exponentially costly to the diocese, which still faces 17 more lawsuits involving the now 79-year-old priest.

What led the jury to its decision? The answer, in part, is found in hundreds of confidential church records unsealed in court that reveal a web of secrets: How the Vermont diocese took a chance on a priest rejected by five other states. How it didn't tell local pastors, parishioners or parents about Paquette's past. How it kept sending him to an "International Therapeutic Center for Clergy and Religious" with its own tale of deceit.

'Will never fall again'

Paquette was 28 when he began working as a priest in the Diocese of Fall River, Mass., in 1957. Six years later, after church leaders received reports that he had abused boys, his career appeared to be over.

"In January of 1963, he came to me and told me that his two transfers to other parishes were the result of trouble with boys," the head of Paquette's hometown parish in Westfield, Mass., wrote a colleague in an undated letter. "A few days before, he had been picked up by the police while parked with a teenaged boy. He was held at the station until the arrival of his pastor, but was not booked. The next morning, he was suspended by Bishop Connolly and sent home."

Bishop James Connolly wrote Paquette Jan. 18, 1963: "For reasons of a most grave nature and the attending scandal, I am bound to notify you, by these presents, that you no longer possess faculties in the Diocese of

Fall River. ... You must certainly appreciate the fact that you are liable to prosecution, under the laws of the state of Massachusetts. Such a thing, should it happen, could only result in your loss of all possibility for priestly ministry.”

But no one ever pressed criminal charges against the priest. And so Paquette, wanting to return to priest work, sought help from a Boston psychiatrist.

Massachusetts church leaders were skeptical. They wrote Nov. 12, 1963: “Our chancery and diocese cannot in fairness invite another chancery to take, what we have reason to believe, a poor risk.” And Nov. 14, 1963: “I gather that there is humiliation much mourned about, but not much realistic adjusting to a problem on the part of Fr. Paquette.”

Even so, the priest sought employment in Indiana.

“In January 1963 I was in difficulty involving a boy,” the priest wrote officials there Feb. 14, 1964. “Very few in the Fall River diocese and no one in my hometown of Westfield know what had happened. ... I have strongly fought this ‘problem’ and think that I have succeeded.”

His hometown pastor, in a March 13, 1964, letter to Indiana, offered some reassurance: “Even now, only the priests of this parish know of his disgrace. His parents and all others believe that he has had a nervous breakdown. ... I believe, and the priests of this house agree, that Father Paquette has been thoroughly crushed. His arrest, the encounter with Bishop Connolly, the necessity of reporting his disgrace to the priests of his home parish, his treatments, his weekly reports here and the questioning of his puzzled parents seem to give assurance that he will never fall again.”

On March 25, 1964, the Diocese of Fort Wayne-South Bend decided to hire Paquette.

‘But now we know’

The Indiana mother picked up a pen June 22, 1965.

“Dear Bishop Pursley – This is the most difficult letter I have ever written and a very serious and grave accusation that I am making but I have kept this to myself for around four weeks and it has kept me awake at night and I am losing weight over it.”

She proceeded to explain how Paquette had “immorally approached” her 13-year-old son at least three times after he assisted the priest as an altar boy.

“I realized that something was very wrong and asked him to tell me. He said he made a promise and it would be a sacrilege if he broke it. I had to convince him some promises had to be broken. ... He said Fr. kept saying, ‘Trust in me, God makes allowances for this because of medical reasons.’ ... My son said he didn’t want to but he didn’t think a priest would lie.

“Every time he served Mass with him he would be sick for two days. We had decided maybe he had an allergy to candles but now we know. ... My husband was going right over to the rectory and knock him to a pulp but I finally had to convince him for his son’s sake and also for the sake of the parish — we do not need a scandal. ... Please do what you can about this, I would hate to have any of these young boys ruined for life and they most certainly could be.”

Before the mother signed her letter “A lifetime member of St. Vincent,” she added one last line: “He should not be a priest.”

Bishop Leo Pursley responded by transferring Paquette to another Indiana parish, where the priest was caught in other “incidents” in 1969, records show. In 1971, learning about “sexual overtures toward three boys,” the Indiana church relieved the priest of his duties.

Paquette responded in two ways. He began meeting with Indiana psychiatrist Charles Hillenbrand, who called for almost a dozen sessions of “intensive electric shock therapy.” He also applied for ministry work in Maine, New Jersey and New York.

Church leaders in those three states received the same one-page response from Indiana.

“The dossier is large and the history long,” it began.

All subsequently declined to hire the priest.

“We are currently engaged in dealing with one of our own priests whose record parallels exactly that of Father Paquette,” the Diocese of Rochester, N.Y., wrote Nov. 8, 1971. “If we had only partial success with our own problems, it would seem unwise to reach out for another potential problem.”

Paquette then applied to New Hampshire, only to be rejected. That’s when he thought about Vermont.

‘I am now cured’

On March 18, 1972, the priest penned a letter to Vermont’s new Catholic bishop, John Marshall.

“My name is Father Edward Paquette,” he wrote. “I am requesting of you, Bishop Marshall, to serve my priestly ministry in your diocese.”

Paquette went on to report that he had been a priest for 15 years, that he was working in the Midwest, that he wanted to move east to be closer to his aging parents. Almost as an aside, he included one more sentence: “I did have problems but received medical treatment, and I am now cured.”

Paquette didn’t say his problem was molesting boys.

Marshall wrote the priest back three days later: “Naturally, I am very anxious to have the assistance of as many quality priests as may be possible. ... I would greatly appreciate receiving medical reports from the doctors in Michigan City, Indiana, or those presently treating you in Westfield, Mass., in order that I might know the nature of your illness and the progress you have made.”

On March 30, 1972, the Diocese of Fort Wayne-South Bend sent Vermont what had become its form letter on Paquette.

“The dossier is large and the history long,” it began.

Vermont church leaders also received a letter from Hillenbrand. A year earlier, the psychiatrist, when asked for advice by the Indiana bishop, wrote: “I have none. As a traditional Catholic I have a perduring (sic) deference for authority and I accept the judgments and decisions of your office without challenge.”

But on April 28, 1972, Hillenbrand wrote the Vermont diocese: “I would endorse him for any type of assignment for which his training qualifies him, including parish work. Because of his past medical problems I recommend two stipulations prior to assignment: (1) a monthly conference with a confessor-counselor and (2) a semiannual examination by a physician, preferably a psychiatrist.”

Facing conflicting information, a personnel board of three Vermont priests interviewed Paquette on May 30, 1972.

“He talked quite openly, but not with any specifics, about his lapses into homosexuality,” Monsignor Edward Fitzsimons wrote in meeting minutes. “I would rely heavily on the diagnosis and professional advice of Dr. Hillenbrand who treated him following his last lapse. He feels that Father Paquette has this trouble only in periods of acute depression and feels that he can function well if these periods of acute depression are avoided.”

The monsignor then added a postscript.

“P.S. I did find it a bit disquieting that he has not visited a psychiatrist since he has returned home. He felt no need of it.”

‘Our Lord forgive me’

On June 9, 1972, the Vermont diocese assigned Paquette to Christ the King Church in Rutland. "Bishop Marshall, upon the advice of your former doctor, Dr. Charles Hillenbrand, requests that you visit regularly a psychiatrist who has been made aware of your prognosis and a report of these visits made known to your pastor," diocesan Chancellor John McSweeney wrote the priest.

Paquette penned a letter of thanks to the bishop the next day. "My 'past problems' are in the past, and along with Doctor Hillenbrand, I'm convinced that I am cured and have 'licked' it," he wrote.

But two years later, Rutland Pastor James Engle wanted the priest out of his church. "Dear Bishop Marshall, I am greatly disappointed and very saddened over the report I received from the (Rutland) hospital that Father Paquette sexually molested two young men while on communion calls in the hospital," Engle wrote Oct. 21, 1974. "As you readily understand, it is imperative that Fr. Paquette be removed from the Rutland area immediately."

The pastor had one other request. "I would suggest also," he added, "that since his removal from the parish must be done quickly, it should be done without fanfare and farewell parties and that it be publicly announced as a sick leave."

Although Engle termed the victims "young men," other church records refer to them as "adolescent." The diocese responded two days later by sending Paquette to a Manchester psychiatrist and then to the House of Affirmation, a self-billed "International Therapeutic Center for Clergy and Religious" in Whitinsville, Mass. There, on Nov. 3, 1974, the priest wrote a letter to Marshall.

"How are you? Very well, I pray. ... I am very sorry that I did what I did. In humility, may our Lord forgive me. I have a better outlook for the future, and know that I will be able to return to my priestly duties. ..."

Three days later, the head of the House of Affirmation, psychotherapist/priest Thomas Kane, wrote the Vermont bishop. "It is my clinical opinion that Father Paquette suffers from a moderate frustration neurosis. ... It is my opinion that Father Paquette should return as soon as possible to a parish setting ... It is also strongly recommended that Father Paquette come to see me once a month ... I believe that this type of maintenance therapy over a period of six months to a year will help Father Paquette to better understand the problematic in his own life."

Unbeknownst to anyone until headlines hit years later was the fact that Kane, when not writing such letters, was siphoning business funds for personal spending and sneaking a 9-year-old altar boy into the House of Affirmation to sexually assault him. (Kane settled two resulting lawsuits out of court, records show, before fleeing to Mexico.)

'Already too risky?'

Two weeks after receiving Kane's recommendation, the Vermont diocese reassigned Paquette to St. Augustine's Church in Montpelier.

"Many appreciate (sic) thanks for this to the bishop and yourself," the priest wrote the diocesan chancellor Nov. 21, 1974. "I am praying for you, too. So have a Happy Thanksgiving. Don't eat too much."

Court records don't include any diocesan reports of abuse written during Paquette's tenure in Montpelier. But two men, named in Chittenden Superior Court only as "John Doe" and "John Doe No. 2," have filed civil lawsuits alleging that the priest assaulted them growing up at St. Augustine's.

On June 15, 1976, the diocese moved Paquette to Christ the King Church in Burlington. Two years later, the bishop, receiving more abuse reports, sent the priest back to the House of Affirmation.

Marshall, having already transferred the priest twice, wasn't deterred.

"Despite the demands of two sets of irate parents that 'something be done about this,' Father Paquette's pastor and I are determined to take the risk of leaving him in his present assignment," Marshall wrote the head of the center on April 4, 1978. "Our thinking is that, knowing the awareness of others, concerning his problem, Father Paquette will have reason for 'self-control.'"

The bishop then asked: "Do you think that the danger of scandal is already too risky?"

A three-page internal memo from the Burlington church to the bishop answered the question. It noted Paquette, in addition to "fondling of privates of altar boys," had told stories to junior high students about "the occult and exorcism (sic) process in fairly minute detail," including some graphic sexual content.

A pediatrician who contacted the church "felt there was no way to determine later effects of all this," the memo continued. "Public school teachers would be dropped on the spot. His 'read out' of parents aware of the problem was that we were dealing with an 'explosive situation.'"

Marshall terminated Paquette April 17, 1978.

"No longer could keep lid on things at Christ the King," the internal memo said.

The bishop elaborated in a letter to the head of the House of Affirmation.

"One person revealed the problem to a lady who was answering the phone in the rectory," Marshall wrote April 18, 1978. "Another reported that a Sister in Montpelier could not believe that the Bishop would give Father Paquette another assignment 'after what had happened there.' This was my first indication (and I assume yours) that there had been any homosexual activity by Father Paquette in Montpelier. In any event, the situation had become so explosive that I had no other recourse but to ask Father Paquette to leave the parish immediately."

It was Paquette's third diocesan termination in two decades.

"I believe," Marshall concluded after giving the priest six years and three assignments, "that continuing to allow Father Paquette to function as a priest is one of the things that prevents him from dealing effectively with his problem."

'Not easily resolved'

On April 26, 1978, the bishop thanked the Burlington church for its internal memo.

"I greatly appreciate the loyalty with which you have worked with me in this case," Marshall wrote. "As I am sure that you understand, the tension that can sometimes develop between the concern that we should have for one of God's chosen priests and the equally great concern that we should have for the spiritual welfare of His people can be great indeed and not easily resolved."

That last sentence is the only one in the bishop's known correspondence on Paquette that mentions "concern" for "people."

With that, the diocese filed away the last of its Paquette letters. Marshall retired in 1992 and died in 1994. The priest's files sat undisturbed for a decade. Then, reading headlines about a priest misconduct scandal in Boston, the Vermont attorney general's office sought out personnel files on clergy misbehavior in this state.

Since then, at least 32 people have filed childhood sexual abuse charges against Vermont priests. The diocese has spent six years and more than \$1.57 million to resolve at least eight civil lawsuits. Even so, it still must tackle 24 more involving nine past priests. Of those pending cases, 17 involve Paquette.

This month's trial was the first against the priest to be heard by a jury. The plaintiff's lawyer, Jerome O'Neill, called retired diocesan Chancellor John McSweeney to the witness stand and asked him to read

aloud letter after letter, including the late bishop's April 4, 1978, missive that "despite the demands of two sets of irate parents," he was "determined to take the risk of leaving him in his present assignment."

"There's nothing here that expresses any concern for children?" O'Neill asked.

"It appears not," McSweeney replied.

"There's nothing showing any concern or compassion from Bishop Marshall for the children, is there?"

O'Neill said. "There's no direction at any point in time to reach out to the parents of these children?"

"No reference to children," McSweeney replied.

Under the state's statute of limitations, Paquette can't be charged criminally for any of his actions. The priest, now living in his parents' old home in Westfield, Mass., has refused press calls for comment. His last known Vermont correspondence is an April 25, 1978, letter to Marshall.

"I thank you very much for all that you have done for me during my years in the diocese," Paquette wrote.

"Again, I am deeply sorry for all that has happened. I do regret for letting you down, and for letting myself down. ... I saw Father Tom Kane today for counseling and will see him again next week and on a continuing regular basis. I do want to be a good priest and one day, God willing, be able to resume my priestly life."