

November 24, 2015

Via Email (drich@toddweld.com) and U.S. Mail

David H. Rich, Esq.
Todd & Weld LLP
One Federal Street
Suite 2400
Boston, Massachusetts 02110

Re: Jack Dunn

Dear Mr. Rich:

We write on behalf of Breaking News Productions, Participant Media and Open Road Films (collectively, the “Spotlight Parties”) in response to your November 18, 2015 letter regarding *Spotlight’s* portrayal of Jack Dunn. After carefully reviewing your concerns, we respectfully, but vigorously, disagree with your allegation that the film defames Mr. Dunn.

As explained in more detail below, any claim filed by Mr. Dunn based on *Spotlight’s* portrayal of him in a single scene would be unsuccessful. Most importantly, the film’s portrayal of Mr. Dunn is substantially true. It is based on the recollections of Walter Robinson and was vetted by him and Sacha Pfeiffer. Mr. Dunn’s overarching concern for Boston College High School (and Boston College) is reflected in contemporaneous and later media accounts. Indeed, there is no evidence that Mr. Dunn was an outspoken advocate for transparency or accountability before the Boston Globe broke the story, or that he came forward on his own to initiate an investigation into abuse at BC High before the Globe’s coverage forced the school to act. Given these facts, you will be unable to show that the film’s portrayal of Mr. Dunn was false, let alone that the Spotlight Parties acted with actual malice. Additionally, Mr. Dunn’s interpretation of the film’s portrayal of him is incorrect. The film does not imply that he conspired with the Catholic Church to cover up any abuse. The scene featuring him primarily concerns a different question: whether deceased administrators at BC High knew that abuse had occurred in past decades. For each of these reasons, the Spotlight Parties decline to alter the film.

Spotlight Does Not Falsely Imply that Mr. Dunn Conspired with the Catholic Church to Cover Up Abuse

The gist of Mr. Dunn’s claim is that *Spotlight* implies that he actively conspired with the Catholic Church to cover up child abuse. However, the portrayal of Mr. Dunn, which amounts to

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a few lines in one scene of a two-hour, eight-minute, movie, does not support this implication. And the implication that actually arises – that Dunn is a trained public-relations professional who cares deeply about the reputation of BC High – is not actionable.

Courts are generally skeptical of defamation-by-implication claims. Where a story requires a reader to make inferential leaps to find the defamatory implication, the court will reject a claim as “unreasonably strained.” *Albright v. Morton*, 321 F. Supp. 2d 130, 135 (D. Mass. 2004) (holding that the misidentification of plaintiff as an openly gay man in a photograph was not defamatory). In *NAGE/International Bhd. of Police Officers v. BUCI TV, Inc.*, 118 F. Supp. 2d 126, 130 (D. Mass. 2000), for example, the court rejected a charge that a story implied the plaintiff was anti-Semitic even though the story began by reporting that a dispute was “tinged with charges of Anti-Semitism” and contained the accusation that the plaintiff “suggested that [the settlement] grew out of a Jewish mayor’s efforts to funnel taxpayer money to a Jewish constituent....” Similarly, in *Damon v. Moore*, 520 F.3d 98, 106 (1st Cir. 2008), the court rejected a claim that the unauthorized inclusion of an interview with the plaintiff in a Michael Moore documentary wrongly implied that the plaintiff supported the overall antiwar thrust of the documentary.

The portrayal of Mr. Dunn, within the context of *Spotlight*, simply does not give rise to the implication that Mr. Dunn conspired with the Catholic Church to cover up abuse. Mr. Dunn’s characterization of his portrayal rests upon a faulty premise: that *Spotlight* “in dramatic fashion, divides the individuals it depicts into those who heroically searched for the truth about the horrific sexual abuse of children by members of the clergy and those who sought to suppress facts about the abuse...” This is a distortion. In truth, the broad theme of *Spotlight* – that no one institution or individual was responsible for the decades-long failure to expose and root out the abuse – is painted in many shades of gray. The film consistently shows how caution and skepticism about the scope of the scandal abounded both outside and inside the Boston Globe. The film exposes the protagonists’ own faults in their prior failures to bring the story to light. Individuals like Ben Bradlee, Jr. are shown to be skeptical of the story, unable or unwilling to believe the scope of the issue. And a pivotal plot point of the film is that the main protagonist, Walter Robinson, is revealed to have found and failed to pursue the scandal years before the events portrayed.

Viewed in this context, the scene with Mr. Dunn does not imply that he conspired with the Church to cover up any abuse. At most, it implies that he hoped that the Globe and BC High, the institution where he was both an alumnus and a trustee, would tread carefully in reporting or confirming allegations that former school administrators could have brought abuse to light. First of all, as reflected by Sacha Pfeiffer’s question at the beginning of the scene, the primary inquiry the reporters in the scene seek to answer is not whether abuse occurred at Boston College High School. Rather, the reporters sought to answer the speculative question of whether school administrators knew about the abuse at the time it occurred. Accordingly, the “story” Mr.

Dunn characterized the Globe as “reaching for” was not the story that abuse actually occurred at BC High.

Second, notwithstanding your attempt to conflate Mr. Dunn with the composite Pete Conley,¹ none of the dialogue actually attributed to Mr. Dunn gives rise to the purported defamatory implication. Indeed, the composite character, not Mr. Dunn, is the one who urges everyone at the meeting to “keep things . . . between us”. The dialogue given to Mr. Dunn accurately portrays that Mr. Dunn stated that he was not aware of the abuse at the time, and that it was a big school, so *administrators* may not have known as well. This dialogue, which is consistent with Walter Robinson’s recollection of the meeting, gives rise only to the implication that Mr. Dunn wished to defend the reputation of the BC High administration. Mr. Dunn says nothing to indicate that he is acting at the behest of the Church as a whole, or that he does not believe the abuse occurred.² A reasonable viewer of the film would conclude that Mr. Dunn, who is accurately characterized as an alumnus and public-relations professional from an affiliated institution, was concerned about the reputation of BC High, and acted in concert with his affiliation and professional training. Regardless, whatever the motive for Mr. Dunn’s behavior in the meeting, “the interpretation of another’s motive does not reasonably lend itself to objective proof or disproof.” *NAGE/International*, 118 F. Supp. 2d at 131.

Finally, the mere presence of the Conley composite character and the statement that Robinson arranged the meeting through Kemeza instead of through Dunn does not imply that Dunn was a willing participant in a Church-directed cover-up. If anything is implied by this statement, it is that BC High sought out the help of an alumnus, trustee, and prominent public-relations professional to aid in its response to this issue. This implication does not defame Mr. Dunn.

Spotlight’s Portrayal of Mr. Dunn Is Substantially True

The United States Supreme Court has made clear that an allegedly defamatory statement must contain a provably false factual assertion. *See Greenbelt Publ. Ass’n v. Bresler*, 398 U.S. 6, 13-14 (1970). “Massachusetts law recognizes that a statement is not necessarily false, for purposes of a defamation claim, simply because it contains inaccuracies.” *LaChance v. Boston Herald*, 78 Mass. App. Ct. 910, 912 (2011). “The common law of libel overlooks minor inaccuracies and concentrates upon substantial truth. Thus, a deliberate alteration of a plaintiff’s words does not equate with knowledge of falsity . . . unless it results in a material change in the statement’s meaning.” *Masson v. New Yorker Magazine*, 501 U.S. 496, 497 (1991) (citations omitted). Accordingly, “[a] fussy insistence upon literal accuracy ‘would condemn the press to an arid, desiccated recital of bare facts.’” *Loeb v. Globe Newspaper Co.*, 489 F. Supp. 481, 486

¹ The mere insertion of a composite character into a scene does not render it defamatory. *Davis v. Costa-Gavras*, 654 F. Supp. 653, 657 (S.D.N.Y. 1987).

² In fact, Mr. Dunn says that BC High understands the nature of the allegations against Father Talbot, and does not make any attempt to deny them.

(D. Mass. 1980). Another court has observed that “use of literary embellishments is entirely permissible” and “[i]f the Supreme Court permits the alteration of quotations, provided there is no material change in meaning, . . . , considerable leeway must similarly be accorded to allow emphasis of words and phrases.” *Nicholson v. Promoters on Listings*, 159 F.R.D. 343, 359 (D. Mass. 1994).

Even statements that have deviated significantly from concrete facts have been found by courts to be substantially true. For example, in *LaChance*, the Boston Herald published an article that erroneously stated that the plaintiff had been convicted of manslaughter, and that he had committed a violent sexual attack on an elderly woman. 78 Mass. App. Ct. at 110. Although these statements were inaccurate – the plaintiff had been convicted of different crimes – the court held that the story was not actionably false because the gist of the story, that plaintiff had lied in prison personal advertisements, was accurate. *Id.* at 112-113. And in *Locke v. WHDH-TV, Inc.*, 22 N.E.3d 177 (2014) (table case), a television station published stories accusing the plaintiff, an airplane mechanic, of theft. However, the plaintiff claimed that his conduct did not amount to theft because he took items from planes to consume them in the break room – a tolerated practice – and did not take the items out of the workplace as the station reported. *Id.* The trial court found the story was substantially true because the “essence of the conduct described in the reports, and that to which [the plaintiff] has admitted, is the same.” *Id.* The appellate court affirmed, explaining, “[w]hen we compare [the plaintiff’s] admissions, and the other uncontested facts, with WHDH’s reports, we conclude that the reports were essentially true. ‘[W]hen a statement is substantially true, a minor inaccuracy will not support a defamation claim.’” *Id.* (quoting *Reilly v. Associated Press*, 59 Mass. App. Ct. 764, 768-769 (2003)).

Numerous cases make clear that literary leeway is even wider where defendants produced dramatizations of true events. Indeed, a work is not robbed of its protection under the First Amendment just because it is categorized as a work of fiction. “The First Amendment protects fictional ideas no less than others.” *Myers v. Boston Magazine Co.*, 380 Mass. 336, 344 (1980). A work like *Spotlight*, which is a fictional interpretation of actual events, “[s]elf-evidently partakes of author’s license” and is “a creative interpretation of reality.” *Davis*, 654 F. Supp. at 657. Filmmakers are granted “permissible literary license to fit historical detail into a suitable dramatic context”. *Id.* This narrative form is “necessarily selective, given the time constraints of movies and the attention span of the viewing audience.” *Davis*, 654 F. Supp. at 657. ***Indeed, the court in Davis noted that works like Spotlight “utilize simulated dialogue, composite characters, and a telescoping of events occurring over a period into a composite scene or scenes. This treatment is singularly appropriate and unexceptionable if the context is not distorted when dealing with public and political figures.”*** *Id.* (emphasis added). For example, in *Seale v. Gramercy Pictures*, 964 F. Supp. 918, 925-926 (E.D. Pa. 1997), a scene that depicted the plaintiff purchasing a gun did not show the plaintiff in a false light even though the never purchased guns in a dark room from the individual selling them in the scene. Despite the fact that Plaintiff alleged he made all his gun purchases from hardware stores during business hours,

the court found that the depiction was only a “minor inaccuracy” that did not give rise to a claim. *Id.*

Spotlight’s dramatic portrayal of Mr. Dunn is substantially true. It tracks the recollection of Walter Robinson, a BC High alumnus and then-editor of the Boston Globe’s *Spotlight* team. When interviewed by screenwriter Josh Singer, Mr. Robinson related the following details about the meeting:

- The primary line of inquiry at the meeting that took place on March 5 was – “who knew what when” – specifically whether the BC High administration would have known about the abuse at the time it occurred.
- Mr. Dunn was a classmate of one of the abuse victims.
- Mr. Robinson asked President Kemeza “how is it possible that the priests in this faculty [were] wrestling with kids in their jockstraps and nobody knew that?”
- Before President Kemeza could answer, Mr. Dunn interrupted and said “well, you know, this is a big school and I can’t imagine that Father Gibbons and Father Callahan, would have known about it; [that] the president would have known about it.”
- President Kemeza cut off Mr. Dunn and said that if he were president, he would have known about the abuse. President Kemeza later told Mr. Robinson that it was likely that Father Talbot was sent away from BC High because of the abuse.

The gist of the scene that concerns Mr. Dunn – that Mr. Dunn advocated for BC High’s institutional reputation by claiming that administrators would have been ignorant of the allegations – is true, according to Mr. Robinson’s recollection. Notably, Mr. Dunn does not deny that key component of the scene. Additionally, Mr. Robinson’s recollection is supported by the historical record. The Boston Globe story that came out of the meeting on March 6, 2002, contains a quote from President Kemeza that is very similar to the admission contained in *Spotlight’s* account. In contrast, the sole quote from Mr. Dunn in this story concerns Father Talbot’s penchant for discipline and has nothing to do with abuse. The March 6, 2002 story contains no indication that Mr. Dunn was forceful about transparency at the March 5 meeting. Ex. A.

Nor do Mr. Dunn’s and BC High’s later actions detract from the essential truthfulness of his portrayal in the March 5 meeting. Courts have recognized that producers may compress events as they see fit, as long as the depiction of the events themselves is substantially true. Here, BC High waited until the day after the meeting to hold a press conference announcing that it set up a hotline for victims to come forward; the filmmakers do not have a legal duty to include that event in the film. Regardless, a story about that press conference published by the Boston

Globe on March 7, 2002, shows that Mr. Dunn, acting as an apparent spokesman for BC High, was still very concerned with preserving BC High's reputation and the reputation of priests. In a press conference that could have been focused solely on the victims of abuse and on accountability, Dunn said he did "not want the alleged actions of three men to tarnish the reputation of so many good Jesuits who, over 139 years, have left an indelible impression on this city and on so many young men who have benefited from BC High." Ex. B.

Mr. Dunn's concern with institutional reputation is apparent in his later efforts to defend Boston College from accusations that it harbored a Jesuit who was involved in covering up a previous abusive priest scandal, allowing him to serve on board of trustees for eight years from 2004 to 2012. Mr. Dunn deflected institutional blame for the debacle, stating that "While Father Schaeffer was being considered for the Boston College board no one on the board had knowledge of Father McGuire and his disgraceful conduct." even though the first lawsuits regarding the priest Father Schaeffer was supervising were made a year before he was appointed to the Boston College Board of Trustees. Ex. C. Defending Boston College's decision to take no action against Father Schaeffer, a confirmed accomplice in covering up abuse, Dunn apparently "said that BC has benefited significantly from the expertise of Schaeffer, who received a master's degree in education from BC." *Id.*

Mr. Dunn appears to be consistently sympathetic to the Church, pointing out that Boston College's purchase of the Cardinal's residence and grounds would have the positive side effect of helping the Archdiocese, which was in financial straits due to settlements with abuse victims. Mr. Dunn characterized the purchase as "an opportunity for Boston College to meet a pressing need, and help the Church at its time of need." Ex. D. Mr. Dunn's skepticism of the Globe is also reflected in print. For example, when discussing a photo of sleeping students at a Boston College event, Mr. Dunn attributed the decision to run the photo the Globe "susceptibility to a lack of sensitivity toward things Catholic." Ex. E.

The Spotlight Parties Did Not Act with Actual Malice

Even assuming, solely for the sake of argument, that Mr. Dunn could show that his portrayal was not substantially true, he still would be unable to prevail in a lawsuit for defamation because none of the Spotlight Parties acted with actual malice. The First Amendment imposes a heavy burden on a public figure, like Mr. Dunn, who files a libel claim. Mr. Dunn is clearly a public figure because he is the spokesman for a powerful institution in Boston, Boston College, and because his efforts on behalf of Boston College High School injected him into this controversy. A public figure must prove not only that the statement at issue is false and defamatory, but also that the defendant published the statement with constitutional "actual malice," that is "with 'knowledge that it was false or with reckless disregard of whether it was false or not.'" *Masson*, 501 U.S. at 510 (citations omitted). "The standard of actual malice is a daunting one," *McFarlane v. Esquire Magazine*, 74 F.3d 1296, 1308 (D.C. Cir. 1996), and is necessary to guarantee the "national commitment to the principle that debate on public issues

should be uninhibited, robust, and wide-open[.]” *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964).

The actual-malice standard focuses exclusively on the defendant’s subjective state of mind “at the time of publication.” *Bose Corp. v. Consumer Union*, 466 U.S. 485, 512 (1984). Courts consistently hold that “[k]nowledge of falsity means simply that the defendant was *actually aware that the contested publication was false.*” *Woods v. Evansville Press*, 791 F.2d 480, 484 (7th Cir. 1986) (emphasis added). Similarly, to establish that a defendant published a statement with “reckless disregard” for the truth, a plaintiff must show “that the defendant *actually had a ‘high degree of awareness of ... probable falsity.’*” *Harte-Hanks Communications v. Connaughton*, 491 U.S. 657, 688 (1989) (emphasis added). “Reckless disregard” is not measured “by what a reasonably prudent man would have published, or would have investigated before publishing.” *St. Amant v. Thompson*, 390 U.S. 727, 730-31 (1968). “Mere negligence does not suffice” for actual malice. *Masson*, 501 U.S. at 510. Instead, “[t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.” *St. Amant*, 390 U.S. at 731. As an additional safeguard, the First Amendment requires a public-figure defamation plaintiff to prove actual malice by “clear and convincing” evidence. *Anderson v. Liberty Lobby*, 477 U.S. 242, 255-57 (1986).

Massachusetts state and federal courts’ application of the actual-malice standard has been consistent with these authorities. For example, in *Levesque v. Doocy*, 560 F.3d 82, 91-92 (1st Cir. 2009), the First Circuit held that Fox News hosts did not act with actual malice in basing a story on an Internet article, even where they made statements indicating that they found the article incredible at the time they reported it. Indeed, the First Circuit held that “[t]he defendants were negligent in their failure to question adequately the reliability of the . . . article and conduct further research before attributing the outrageous quotations to Levesque, and like the district court, we hope that this conduct was ‘an extreme departure from professional standards.’” *Id.* at 92-93. Despite this damning appraisal of the reporting, the First Circuit upheld the grant of summary judgment to the defendants, saying that actual malice, a “vibrant media check on official action” demands more. *Id.* at 93. Even where, unlike the present case, “a vetting process was perhaps too cursory and perfunctory,” if no facts indicate that the defendants purposefully avoided the truth, “the substantial truth of the story . . . obviates a finding of actual malice.” *Levesque*, 560 F.3d at 93. The court observed that “[i]t may be said that [the actual malice] test puts a premium on ignorance . . . But to insure the ascertainment and publication of the truth about public affairs, it is essential that the First Amendment protect some erroneous publications as well as true ones.” *Id.*

Similarly, in *Lluberes v. Uncommon Prods.*, 740 F. Supp. 2d 207, 222-223 (D. Mass. 2010), the court found that reliance on a single source, even where the source was biased, was sufficient to show that there was no actual malice. Even knowledge that a statement’s subject denies the statement’s truth is not enough to show actual malice. *Pacella v. Milford Radio Corp.*, 462 N.E.2d 355 (1984). And there is no duty to check every single fact. Indeed, “[t]o

require a book publisher to check, as a matter of course, every potentially defamatory reference might raise the price of non-fiction works beyond the resources of the average man. This result would, we think, produce just such a chilling effect on the free flow of ideas as First Amendment jurisprudence has sought to avoid.” *Geiger v. Dell Pub. Co.*, 719 F.2d 515, 517-518 (1st Cir. 1983).

Mr. Dunn could not come close to demonstrating actual malice. As discussed above, *Spotlight*'s portrayal of him is based directly on an interview with Walter Robinson, and the script was reviewed by Sacha Pfeiffer, who was also present for the March meeting. The film's portrayal of Mr. Dunn is consistent with their recollections of the meeting. A number of other individuals who have doubtlessly dealt with Mr. Dunn in his professional capacity also reviewed the script, and expressed no concerns about his portrayal. Nor is the scene contradicted by the March 6, 2001 story documenting the meeting. Simply put, the filmmakers had no notice, or indication, of *any* degree of falsity.

As discussed above, the record of Mr. Dunn's later statements further corroborate his portrayal; and even if Mr. Dunn's later statements did not show him as someone loyal to these institutions and sensitive to their reputations, this still would not give rise to a showing of actual malice. Indeed, there seems to be no record, prior to the *Globe*'s uncovering of abuse at BC High, of Mr. Dunn forcefully calling for an investigation to root out abuse there, at Boston College, or anywhere else. If Mr. Dunn was a forceful advocate internally for transparency and accountability prior to the *Globe* stories, that is not reflected in the public record.³ Accordingly, Mr. Dunn, who is clearly a public figure for these purposes, will not be able to show that the *Spotlight* Parties acted with reckless disregard or with knowledge of falsity.

Conclusion

Spotlight was meticulously researched by Josh Singer and Tom McCarthy, who based it on multiple interviews with reporters, victims, sources, and other figures in the events depicted in the film. The *Spotlight* Parties believe in everyone's right to speak their minds on the complicated legacy of this important story. Mr. Dunn is no exception. However, we disagree with his characterization of the scene as misleading. Accordingly, we respectfully decline to alter the film.

³ If Mr. Dunn were to file suit, discovery would focus on when Mr. Dunn learned that abuse had occurred at BC High and whether he advocated that the school disclose the abuse before the issue was forced on BC High by the *Globe*'s reporting. Any communications between Mr. Dunn and media outlets about the Catholic Church or the abuse scandal will also be highly relevant. Accordingly, Mr. Dunn is reminded of his obligation to preserve any relevant evidence relating to these issues, including memoranda, correspondence, and electronic messages (e-mail) both in personal and work accounts. We intend to send similar notices to BC High School and Boston College in light of your threatened litigation.

David H. Rich, Esq.
November 24, 2015
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If you would like to discuss this matter, please do not hesitate to call me at (213) 633-6865 or my colleague Jonathan Segal at (213) 633-8667.⁴

Sincerely,

A handwritten signature in blue ink that reads "Alonzo Wickers IV". The signature is written in a cursive style with a horizontal line underneath the name.

Alonzo Wickers IV
Davis Wright Tremaine LLP

cc: Howard M. Cooper, Esq.
Gabriel Brakin, Esq.
David Fierson, Esq.
Elliot Kleinberg, Esq.
Jonathan L. Segal, Esq.
Carolina Solano

⁴ This letter is sent without any waiver or relinquishment of our clients' rights, defenses, or remedies, all of which are expressly reserved.

EXHIBIT A



BC High suspends priest accused of student molestation

By Sacha Pfeiffer, Thomas Farragher, and Walter V. Robinson, Globe Staff, 3/6/2002

One day after a disclosure that two Jesuit priests allegedly molested students at Boston College High School two decades ago, a third Jesuit was suspended from his teaching position yesterday after accusations that he, too, molested a student during the same period.

In addition to the school's suspension of the Rev. Stephen F. Dawber, the Jesuits' New England province removed a second of the three, the Rev. Francis J. McManus, from his job as a hospital chaplain in New Bedford yesterday.

The third Jesuit, the Rev. James Talbot, was removed from active ministry in 1998 after he was accused of molesting a student at Cheverus High School in Portland, Maine. Eight other men who say Talbot molested them at BC High in the 1970s, in some cases forcibly, have now come forward - several of them yesterday after news reports about Talbot and McManus.

The prestigious Society of Jesus, identified for the first time in the priest abuse scandal that has enveloped the Archdiocese of Boston, said Talbot's 1980 transfer to Maine was "routine." But interviews with numerous former BC High students, and two letters from 1979 and 1980, suggest that Talbot's transfer occurred under a cloud of suspicion.

For a tight-knit and devoutly Catholic Maine family who befriended Talbot as he taught and coached their sons at Cheverus, the consequences of that transfer have been calamitous. Talbot kept a room, and a closetful of clothes, at their Freeport home. Then he repeatedly molested their youngest son, Michael Doherty, the family said. Michael's lawsuit against Talbot, Cheverus, and the Portland diocese was settled last year.

Late yesterday, William T. Kemeza, BC High's acting president, said he had temporarily suspended Dawber, a history teacher at the school, saying he felt it "prudent" because of an allegation of sexual abuse against Dawber and "a desire to protect the students of BC High."

Kemeza's action, endorsed by the school's trustees, came after the school learned a BC High graduate had related to the Globe in detail how Dawber, now 63, became his mentor in the early 1970s, in a relationship that became increasingly sexual until Dawber allegedly molested him.

In an interview, Kemeza said Dawber was advised not to respond to the allegation and he did not. Attempts by the Globe to reach Dawber for comment, by telephone and in person, were unsuccessful. On Monday and yesterday, McManus and Talbot did not return calls seeking comment.

Last night, Kemeza said there is a "sadness" on the campus of the elite high school, where virtually all the teachers are now laypersons. Using the school's public address system, Kemeza reminded the 1,260 boys that all of the alleged incidents occurred before any of them were born.

McManus was placed on administrative leave yesterday from his longtime job as chaplain at St. Luke Hospital in New Bedford by the Jesuit provincial administrator after one former BC High student told authorities that McManus molested him in the early 1980s.

Another alleged victim of McManus, Thomas J. Bunszell, said in an interview last night that he was so upset that McManus groped him twice that he returned his diploma to the high school in 1988.

Thomas H. Hannigan Jr., an attorney for the Jesuit New England province, said in an interview that he plans to turn over the names of an unspecified number of Jesuits, including Talbot and McManus, to prosecutors when he meets Thursday with aides to Suffolk District Attorney Daniel F. Conley.

He declined to say whether any other Jesuits involved had been affiliated with BC High.

Reports spur more allegations

The publication of Talbot's name yesterday brought more alleged victims forward, including one man who told the Globe he dropped out of BC High and had serious problems for years after Talbot molested him in the mid-1970s. The man asked that details of his plight be withheld.

Under Globe policy, victims of sexual abuse are not identified unless they wish to be.

Roderick MacLeish Jr., an attorney who represents victims of sexual abuse, said he has been recently contacted by four alleged Talbot victims, three of them former BC High students. The fourth was a student at another high school.

Two additional alleged victims have been interviewed by the Globe. All seven said they were molested by Talbot during the eight years he was at BC High, from 1972 to 1980. An eighth former student settled a claim against BC High and Talbot within the past two years.

When Talbot was sued for the molestation at Cheverus, he responded under oath last year to interrogatories. To several questions, including whether he had sexually abused students at BC High, Talbot did not answer, invoking his Fifth Amendment right against self-incrimination.

BC High officials insisted yesterday they have no record of any sex abuse complaints against Talbot while he taught at the school.

How much BC High administrators knew about Talbot at the time may never be certain. The Rev. Raymond J. Callahan, the school's president from 1973 to 1987, died in 1997. The principal at the time, the Rev. Thomas J. Gibbons, died just last week.

But the signs were there, Talbot's alleged victims said. There was his bizarre habit of wrestling with students, sometimes one-on-one, often in various states of undress - and sometimes after persuading the teenage boys he taught and coached to strip down to their

athletic supporters.

There was, after eight years at BC High, his transfer to Cheverus, a move accompanied by a paper trail that hinted at inappropriate behavior.

"No outward talk about internal situation here so it looks like a smooth transition," Talbot wrote in a Dec. 17, 1979 letter to Dawber made available to the Globe. Dawber, the priest who was suspended yesterday, was the principal of Cheverus at the time.

And Dawber, in a Feb. 14, 1980 letter recommending Talbot for a faculty position at Cheverus, described the school as having better "oversight" and being "far more conducive to a healthier lifestyle than BC High." Talbot made the move in mid-1980.

But the oversight proved deficient, and Talbot's move to Maine was ultimately devastating for the Doherty family of Freeport, who welcomed Talbot into their home, only to learn years later that he had molested one of their four children.

Even today, across a span of 20 years, Talbot's conduct at BC High is regarded by some of his former players as the benign product of the intense persona of a hard-driven soccer coach - the stern man in long, dark sideburns who demanded much from his team and accepted no less.

His nickname was Mad Dog Talbot.

John Dunn, a 1979 BC High graduate who was subsequently a teacher and administrator at the school, recalled that after the team performed disappointingly in a game against Quincy, Talbot ordered the team bus to depart empty. The players ran back to school. Dunn is the public relations director for Boston College, but he emphasized that he was speaking only as a former BC High student and member of the school's board of trustees.

"I look back on Father Talbot as one of the better influences in my life in terms of discipline," said Dennis Boyd, who played for Talbot in 1979. "He made sure we busted our tails and that's why we were successful as we were. We were in so much better shape than other teams."

But several of Boyd's contemporaries recall Talbot's strange fondness for wrestling with his players in the soccer team's locker room. Foam mats would be placed on the floor. Talbot would suggest his schoolboy opponent strip down to his athletic supporter.

Michael T. Giordano, a 1979 graduate of the school, said he and another player were called to the locker room to wrestle with their teacher. Giordano, who said he ultimately did not wrestle Talbot that day, said the coach wore shorts. His teenage opponent wore an athletic supporter.

"Wrestling in jock straps. That did go on," said Giordano. "It was really hush-hush. People said that was a bad thing."

Some of the wrestlers say that the private sessions Talbot lured them to have caused them lasting damage.

One of Talbot's alleged victims, a 43-year-old South Shore man who is now married with children, said Talbot persuaded him to go to the school locker room during his free period for

private wrestling sessions that turned increasingly rough.

"He said it would be a good way for me to stay in shape, and I just thought he was this possessed wrestling guy," said the man, who graduated in the mid-1970s and owns a contracting business. "Before I knew it, he had me down and reached under my jock strap. He got me in a position where I think he was waiting for me to get aroused. Then it all hit me - he had led me up to it step by step."

Struggling with after-effects

Another alleged victim, a BC High hockey player who is now a local businessman, said he has been troubled for years by the psychological after-effects of what Talbot did to him in early 1978. Arriving for a Saturday wrestling session only to find that no one else had been invited, the man recalled how Talbot pinned him before allegedly molesting him.

"As I think back - and I have honestly tried not to for the last 20 years - I thought it was just me, that it had just happened to me. As I got older, I would not bring it up for that reason," he said. "Throughout my adolescence, I wondered if I was a homosexual because of what happened."

"You know, you hear it said of women when they are raped, 'They brought it on themselves.' And that is exactly how I felt . . . I was 15. Your hormones are going crazy and all. Suddenly this guy is doing this to you, and so you question yourself."

Because Talbot left Massachusetts for Maine in 1980 and did not return to reside at the Jesuit Campion Center in Weston until two years ago, the criminal statute of limitations on many of the incidents has not expired. The statute clock stops running when someone who commits a crime leaves the state.

While Talbot allegedly used force to molest some of his victims, BC High graduates who said they were molested by McManus and Dawber described mentoring relationships in which the two priests gradually sought to introduce intimate behavior.

For example, a Connecticut businessman who filed a complaint against McManus with the Bristol district attorney's office last Sunday said McManus befriended him over two years, taking him on weekend day trips and giving him alcohol.

In the complaint and in interviews with the Globe, the 1983 BC High graduate said McManus sought to molest him when the two were house-sitting for friends one evening. "I ended my friendship with McManus when I realized his primary interest in me was sexual," the man said in his complaint.

A 1976 BC High graduate who says he was molested by Dawber described a similar scenario in an interview with the Globe. The man said Dawber frequently invited him and other students to his room at an off-campus residence for young Jesuits on Bushnell Street in Dorchester, where they discussed ideas and theories, often while drinking alcohol.

Often, Dawber also met with the man alone, and with time, "suddenly there were a lot of sexual advances," the man said.

Eventually, one of the meetings became physical. "It happened after over a year of these drinking sessions and heart-to-hearts and discussions of philosophy and politics and art.

"There had been previous times when he'd say, 'Why don't we just take our clothes off and sit. I won't touch you,'" the man said. "I had managed to sort of say no, but I didn't have the sense to cut the relationship off on those previous occasions. He was someone I admired and trusted and who really took great time and care to talk with me about every aspect of my life."

Revelations shock family

In Maine, the Doherty family was stunned by Michael Doherty's disclosure that he was sexually abused by Talbot when he was 15 and 16.

Talbot was a constant presence in the Doherty home, and he was given freedom to come and go as he pleased, the family said. He shared weekends and holidays with the family, often taking the Dohertys' three sons on outings to a local racetrack and elsewhere.

"I felt he had actually shared in the raising of my children," said Frank Doherty, Michael's father, who graduated from Cheverus in 1957.

In an interview with the Globe in Freeport, Michael Doherty said that, as a teenager, he grew to consider Talbot a valued companion, a sentiment that he now believes Talbot recognized and exploited.

"He played on that - that feeling of being special, of having a friend nobody else had," Michael said.

As time progressed, Michael said, Talbot's relationship with him took a sexual turn and came to involve suggestive comments by the priest.

The inappropriate remarks persisted until, on an overnight trip to northern Maine, "the situation escalated," and Talbot molested him, Michael said.

For years, he told no one what had occurred. But in the early 1990 he began to reveal bits of the story to his siblings, who for several years honored his request that they keep the abuse secret.

His sister, Courtney Doherty Oland, broke that promise in 1998 when she wrote a letter to the Portland diocese notifying church officials of the abuse. Soon after, Talbot was removed from the school and sent to a Maryland treatment center for sexually abusive priests, marking the second teacher at Cheverus, in addition to Charles Malia, to be ousted over sex abuse complaints.

In 1998, the case broke into public view when Michael filed a lawsuit against Talbot, Cheverus, and the diocese. And then the family suffered another blow: Expecting to receive widespread support from friends, neighbors, and Cheverus alumni, the Dohertys say they instead found themselves shunned by area residents. The phone stopped ringing. Longtime acquaintances averted their eyes when passing them on the street.

Michael, too, was pained by the public response.

"I think he felt everyone would support him," Oland said "and no one did."

Back at BC High, Kemeza, asked yesterday whether someone in his position today would

know if a faculty member was wrestling with students wearing athletic supporters: "Yes, I would know about it." He added: "The way the school is structured today, events like this would not take place."

In recent years, Kemeza said, the school has held faculty workshops on appropriate behavior with students. To increase student safety, he said, BC High has also installed windows in the doors to some rooms.

This story ran on page A1 of the Boston Globe on 3/6/2002.

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For complete coverage of the priest abuse scandal, go to <http://www.boston.com/globe/abuse>

EXHIBIT B

BC High to set up victim hot line

By Walter V. Robinson, Globe Staff, 3/7/2002

The acting president of Boston College High School said yesterday that the school will set up a hot line and contact all its graduates to see if there are other victims of three Jesuit priests who allegedly molested some students at the school two decades ago.

William T. Kemeza, who on Tuesday suspended the only one of the three priests who was still at the Dorchester school, said he was "saddened and shocked" by the allegations against the three priests.

Kemeza, who is also the principal, and John Dunn, a BC High trustee, said last night that Alberto Godenzi of the Boston College Graduate School of Social Work, a specialist in dealing with child sexual abuse, will today provide the school a plan for a hot line that will be staffed by trained counselors.

BC High will send letters to all of its alumni, encouraging them to come forward if they were the victims of sexual abuse at the school.

"We want to clear the air, help the victims, and reach out to anyone who contacts us," Dunn said.

The Jesuit New England Province, which will be investigating the allegations, did not respond to questions from the Globe yesterday about whether its files on the three priests reflected any complaints about them during the years the alleged abuse occurred in the 1970s and early 1980s.

Suspended by Kemeza was the Rev. Stephen F. Dawber, S.J., 63, who was teaching history and social studies at BC High. It was a step Kemeza took after the Globe asked him about a former student who had recounted for the newspaper how Dawber allegedly lured him into a sexual encounter in the mid-1970s.

Yesterday, a second BC High graduate said in an interview that Dawber molested him as well, in a Dorchester house where several of the school's priests resided at the time.

"There is a lot of shame and a lot of guilt associated with what happened to me. It's with me all the time," said the man, who is now 43, successful, and married with children. "But I have nothing to be ashamed of, and nothing I should feel guilty for."

Both of Dawber's alleged victims said they will relate their experiences to Jesuits who are investigating Dawber's behavior.

Today, an attorney for the Jesuit New England Province is scheduled to meet with Suffolk County prosecutors to turn over the names of the Revs. James Talbot and Francis J. McManus, both former BC High teachers. Kemeza said he was uncertain whether Dawber's

name will also be given to prosecutors. On Tuesday, an attorney for the province said he expected to turn over the names of some other Jesuits, but declined to say whether any of them had been associated with BC High.

Dawber, Talbot, and McManus have not returned phone calls from the Globe seeking comment this week.

The Globe reported yesterday that at least seven former BC High students say they were molested by Talbot, almost all of them during private wrestling sessions initiated by Talbot.

In 1980, after eight years at BC High, Talbot was transferred to Cheverus High School in Portland, Maine, another Jesuit school. Two letters obtained by the Globe suggest that he left BC High under a cloud of suspicion about his behavior. Talbot was removed from Cheverus in 1998 after charges surfaced that he molested a student there in the mid-1980s.

Also on Tuesday, the Jesuit province placed McManus on administrative leave from his position as a chaplain at St. Luke's Hospital in New Bedford, after allegations that he molested one student and groped another in the early 1980s.

The number of Talbot's alleged victims grew to at least 11 yesterday. Two lawyers, Jeffrey A. Newman and Roderick MacLeish Jr., said they were contacted by four other BC High graduates who say they were molested by Talbot.

Kemeza said he had found nothing in BC High's files to suggest that the school's Jesuit administrators were made aware of the sexual misbehavior when it allegedly occurred. But he said the school has virtually no personnel files on its priests from that period.

If such files exist, the provincial office is likely to have them. But through a spokesman, Jesuit provincial officials declined yesterday to answer any questions.

At the school itself, however, Kemeza and Dunn fielded many questions.

Dunn, the high school trustee, told reporters: "I do not want the alleged actions of three men to tarnish the reputation of so many good Jesuits who, over 139 years, have left an indelible impression on this city and on so many young men who have benefitted from BC High."

The school today is a far different place than it was when Talbot and McManus were there, though it is still considered by many to be the best Catholic high school in New England. Ninety-nine percent of its students go on to college.

BC High's 1,260 students, all of them boys, receive virtually all their education from lay teachers. A generation ago, only a handful of lay teachers were on hand. Now, there are only five Jesuits among the estimated 100 teachers, according to Kemeza, himself a layman.

This story ran on page A18 of the Boston Globe on 3/7/2002.

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For complete coverage of the priest abuse scandal, go to <http://www.boston.com/globe/abuse>

EXHIBIT C

APRIL 15, 2012

For the Jesuits, a long road to accountability

Even after the clergy abuse scandal exploded a decade ago, the Catholic order failed repeatedly to rein in offending priests. A current Boston College trustee was one who could have, should have done much more — and he admits it.

By **Michael Rezendes** | GLOBE STAFF APRIL 15, 2012

The Rev. Bradley M. Schaeffer had been the leader of the Jesuits in the Chicago area for two years when an anguished father wrote to him with disturbing news about one of his most famous priests.

Donald J. McGuire, a globe-trotting spiritual retreat leader who counted Mother Teresa among his fans, had been taking showers and looking at pornography with the man's son, and the son had been giving McGuire frequent massages when the two traveled together.

“Other acts of a serious nature may have taken place,” warned the boy's father in [the May 1993 letter](#), adding that a second teen may have been victimized as well.

Schaeffer learned of at least two more complaints about McGuire's behavior with boys during his six years in Chicago. But Schaeffer, now a member of the Boston College board of trustees and the leader of a study center, housed on

the BC campus, for future Jesuit priests, never investigated nor contacted police. Instead, he sent his wayward priest for treatment of a sexual disorder - treatment that Schaeffer acknowledged did not go well.

“What is clear is that the basics are not going to change here,” Schaeffer wrote, after a 1994 meeting with McGuire after his return from more than six months of treatment. “It could be that there is an extremely rough time ahead.”

Documents: Failed oversight of a predator priest

The Back Story: Reporting on sex abuse in the Catholic church

Indeed there was, as McGuire continued to molest boys - including an eighth-grader at a private Catholic school in Massachusetts - until at least 2003, six years after Schaeffer left Chicago to become the nation’s top Jesuit leader. McGuire is now serving 25 years in a federal prison for child sex abuse while the Jesuits face a lawsuit for their failure to protect one of McGuire’s alleged victims.

The failed oversight of McGuire by Schaeffer and other Jesuit leaders - detailed in voluminous records from civil lawsuits released last year, but not brought to public attention until now - sheds rare light on how ineffectually the world’s largest Catholic religious order dealt with sexual abuse complaints even after the clergy abuse scandal rocked the church in 2002.

The Jesuits, who oversee 28 colleges and universities and 47 high schools in America, did not expel McGuire from the order until 2007, nearly 40 years after the first serious allegation against him.

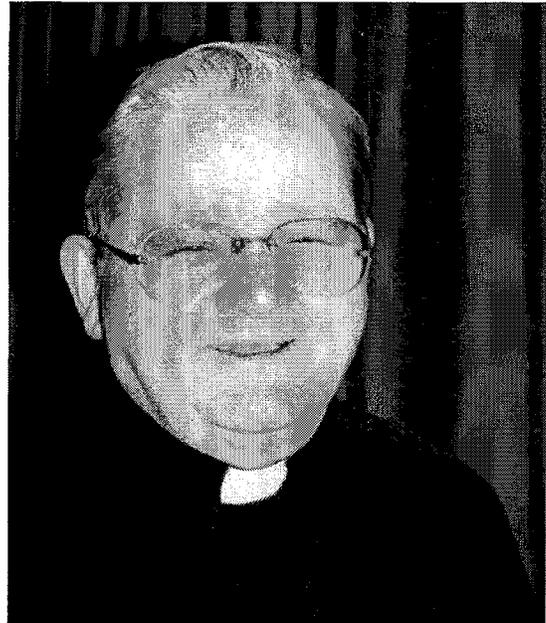
“If the Chicago Province had acted promptly to cut McGuire off from contact with young men when it first learned of his misconduct in 1970, none of this abuse would have occurred,” concluded Cook County Judge Jeffrey Lawrence, in a June 2011 decision allowing McGuire’s alleged victims to seek punitive damages from the Jesuits.

Lawrence said Schaeffer missed a chance to stop McGuire in 1993 after McGuire was diagnosed with a sexual disorder, writing that some abuses “would have been avoided altogether,” if he had grounded McGuire.

Schaeffer, now 62 and planning to retire from BC later this year, declined to answer questions from a Globe reporter outside his office in February. But he issued a statement through the Jesuits’ Chicago Province expressing contrition for the role he played in mismanaging complaints against McGuire.

“I deeply regret that my actions were not enough to prevent him from engaging in these horrific crimes,” he said.

In Boston, where the priest sex abuse scandal first came to light, many victims were frustrated that Cardinal Bernard F. Law avoided serious consequences for covering up abuses by many priests. Though Law resigned as leader of the



HANDOUT

By June 2002, Jesuit officials in Chicago were mulling yet another complaint about Donald J. McGuire. This time, they stopped his traveling ministry, restricting his official activities to the boundaries of the Chicago Archdiocese. But it was too little, too late.

Boston Archdiocese in 2002 amid a public outcry, he was later named to the prestigious post of archpriest at Rome's St. Mary Major Basilica, while several aides who participated in the coverup were put in charge of dioceses of their own.

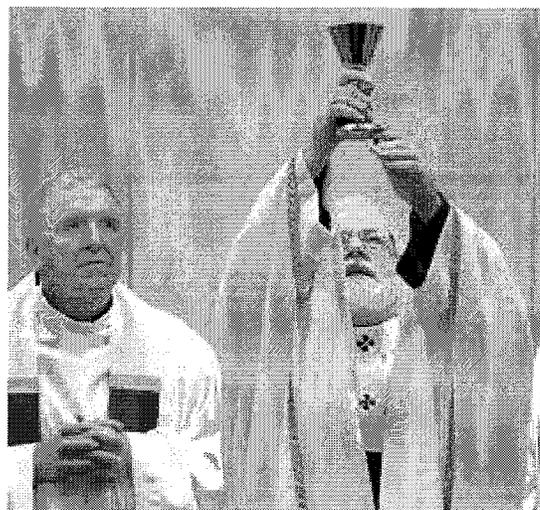
Some of McGuire's reported victims see similarities between the coverups in Boston and Jesuit leaders' failure to stop McGuire, but they say there is still a chance to hold Schaeffer accountable, arguing that he should lose his seat on the board of one of the most prestigious Catholic institutions in America.

"It's an incredible failure of leadership," said the alleged victim who is suing the Jesuits for failing to prevent his abuse.

Meanwhile, a federal prosecutor faults Jesuit leaders and others who suspected McGuire's abuses, but didn't report them to police.

"McGuire molested dozens of boys over decades," said Julie B. Porter, the assistant US attorney who led McGuire's federal prosecution. "It wasn't until the very end, when McGuire was almost 80 years old, that a victim came forward to law-enforcement officials."

Officials at BC said they don't plan to take action against Schaeffer, whose term on the board expires in June, for his part in the McGuire case. They said the university had no knowledge of the McGuire case or Schaeffer's role in it when he was elected to the board in 2004, although the first alleged victims' lawsuits were filed a year earlier.



The Rev. Bradley Schaeffer looked on last year as Cardinal Sean P. O'Malley dedicated a new chapel at the Faber Community in Brighton.

“While Father Schaeffer was being considered for the Boston College board no one on the board had knowledge of Father McGuire and his disgraceful conduct,” said BC spokesman Jack Dunn.

Early complaints

McGuire, now 81 and losing his sight, is recalled by those who knew him before he was imprisoned as a man of ample girth and crinkly eyes behind his wire-rimmed glasses. He is also remembered as a magnetic retreat master who enjoyed a special relationship with the late Mother Teresa, the nun renowned for her work with the poor of Calcutta now under consideration for sainthood by the Vatican.

Indeed, in a 1994 letter to Schaeffer, written when he was mulling McGuire’s future, Mother Teresa urged Schaeffer to let McGuire resume his travels, praising “his unselfish, often heroic response to go anywhere I send him.”

McGuire’s victims, during interviews with the Globe, said McGuire cultivated deep relationships with their families, sometimes over many years, before gaining access to their children and molesting them.

“He’s there for every major family event,” said the mother of one alleged victim. “He knows all of the family’s ups and downs and makes a connection in a deep way that inspires total trust.” The Globe does not identify alleged victims of sexual abuse without their consent.



An alleged victim provided photographs of himself with Donald J. McGuire, a former priest serving a prison term for sexual abuse. This 1980s photo shows them with Mother Teresa, on a visit to a San Francisco convent.

HANDOUT

An alleged victim provided photographs of himself with Donald J. McGuire, a former priest serving a prison term for sexual abuse. This 1980s photo shows them with Mother Teresa, on a visit to a San Francisco convent.

To this day, McGuire asserts that he's innocent, writing recently to the Globe that his supervisors abandoned him "to save their own necks."

But court documents show that the Jesuits in Chicago began receiving complaints about McGuire's relationships with boys beginning in the early 1960s, including one 1964 letter that said Irish police had interviewed a young male traveling with McGuire about their relationship.

But the Jesuits took no action until 1991, when Schaeffer's predecessor attempted to bar McGuire from traveling with anyone under 18.

Schaeffer, who attended a workshop on managing sexual abuse complaints early in his tenure as the top Chicago Jesuit, reacted swiftly when he received the letter from the anguished father warning that his son as well as another young male assistant may have had inappropriate relationships with McGuire. The father said he had already consulted an attorney and Schaeffer would soon learn that the priest had violated the earlier restriction on travel with boys.

Schaeffer had McGuire evaluated, learned that his peripatetic priest had a sexual disorder, and persuaded him to undergo six months of treatment at a Catholic facility in Pennsylvania.

But McGuire despised the treatment - his brother, a Chicago attorney, wrote to Schaeffer complaining that the therapists were using "brainwashing techniques so foreign to our American sense of justice."

After 4 1/2 months, he stopped cooperating with treatment, then returned to Schaeffer eager to resume his ministry. After an "extremely difficult" meeting with McGuire in a 1994, Schaeffer wrote that he considered seeking McGuire's removal from the Jesuits altogether, but feared McGuire's "ability to reek (sic) havoc" within the order.

Instead, Schaeffer allowed McGuire to resume his itinerant ministry, barring him from traveling with anyone under 21 but doing little to enforce the prohibition. Moreover, there is no evidence that Schaeffer ever contacted McGuire's other boy assistant to find out if he, too, had been abused, even though the anguished father and his attorney contacted Schaeffer's office at least three times to say the boy needed attention.

“No one ever did anything to make sure the boy was safe, even though Schaeffer was specifically advised that McGuire was traveling with him,” said Michael L. Brooks, an attorney who represented the boy years later, when he filed a lawsuit.

In 1995, Schaeffer's top assistant wrote to McGuire outlining four recently-received complaints about his behavior with boys. “Let us hope that no more alleged incidents come to light,” he wrote. It is unclear why neither Schaeffer nor his assistant confronted McGuire about the earlier complaints dating to the 1960s, although their pretrial testimony suggests that neither made a thorough attempt to review his personnel records.

By 1998, Schaeffer had finished his tenure in Chicago and moved on to a bigger job in Washington as the nation's top Jesuit leader. He described himself as a team player for the order, drawing a comparison between his job as president of the Jesuit Conference and the commissioner of Major League Baseball.

“You're trying to keep the provincials, the owners, happy and working together for the good of the game,” he explained in 2009 pretrial testimony for one of the McGuire lawsuits.

Meanwhile, back in Chicago, McGuire routinely ignored Schaeffer's order not to travel with young men and boys.

Warning ignored

In the spring of 1999, McGuire was ushering a 13-year-old boy into his room - and his bed - at a Chicago-area Jesuit residence where, according to federal prosecutors, he groomed the boy for years of service as his traveling nurse, masseuse, and sexual partner.

Until then, the boy, known as Dominick in the federal criminal case, had been raised by a single mother who admired McGuire and ultimately entrusted her son to his care.

In the fall of that year, Dominick entered the eighth grade at the Trivium School, a small, Catholic private school in Lancaster, Mass., where McGuire was a regular presence, and boarded with Philip F. Lawler, the Catholic writer and editor of Catholic World News.

Over the next nine months, Lawler and his wife grew suspicious about the relationship between the renowned priest and their young boarder. After meeting McGuire for the first time at their home, near the end of the school year, Lawler called a Jesuit friend and asked him to notify McGuire's superiors that the priest and Dominick were too close.

But Lawler's warning, like so many that had come before, was brushed aside, and McGuire soon resumed molesting Dominick. "The boy was not abused while he was here but he was abused after he left us, after we had communicated our fears to [McGuire's] Jesuit superiors," Lawler said in an interview. "That makes me livid."

After leaving the Trivium School for good in 2000, Dominick was molested by McGuire - sometimes on a daily basis - during school breaks and vacations over the next three years, when McGuire took him on sojourns to a dozen states and a handful of foreign countries to stage religious retreats.

At one point during his testimony in a Chicago federal courtroom, Dominick recalled a hotel room in Vienna where McGuire performed oral sex on him. At the time, Dominick was 14 years old.

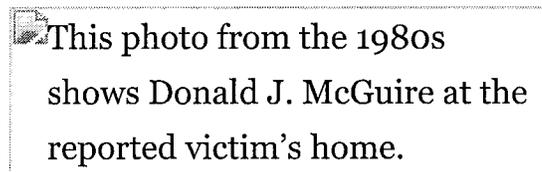
Church leadership

By June of 2002, the clergy abuse scandal was getting national attention, and Jesuit officials in Chicago were mulling yet another complaint about McGuire and his relationship with Dominick. This time, they stopped his traveling ministry, restricting his official activities to the boundaries of the Chicago Archdiocese.

But it was too little, too late. A year later, three of McGuire's alleged victims sued McGuire and the Chicago Jesuits.

"For over 30 years, the Jesuits have known that Father McGuire has presented an unacceptable risk to young children," said Marc J. Pearlman, an attorney for the victims, in comments to the Chicago media.

By then, Boston College had taken the lead among local Catholic institutions in responding to the clergy abuse crisis, hosting panels, sponsoring lectures, and, in 2004, launching its "Church in the 21st Century Program" as a permanent fixture on its academic landscape.



This photo from the 1980s shows Donald J. McGuire at the reported victim's home.

HANDOUT

This photo from the 1980s shows Donald J. McGuire at the reported victim's home.

"What has eroded is confidence in the leadership of the church," said BC's president, William P. Leahy, explaining the need for the program.

That same year, Boston College named Schaeffer to his first term on its board of trustees. BC officials say they had no knowledge of the accusations that had been leveled against McGuire, or the role that Schaeffer had played in failing

to stop McGuire's traveling ministry and his repeated abuse of boys.

Two years later, in 2006, a jury in Wisconsin convicted McGuire of molesting two high school students during the 1960s. At about that time, Schaeffer moved to the Boston area to take the helm of what is now the Blessed Peter Faber Jesuit Community, a Jesuit study and training center affiliated with the School of Theology and Ministry at Boston College.

In 2008, McGuire was convicted of molesting the Trivium School student and was sentenced to his 25-year prison term.

Schaeffer's appointment as rector of the Faber Community was approved by the highest Jesuit official in the world, the superior general, based in Rome. A spokeswoman said the order would not disclose whether Schaeffer's supervision of McGuire was considered when the appointment was made.

But the Jesuits' handling of the McGuire case has raised questions among some of the victims about the order's willingness to face sexual abuse allegations.

"The Jesuits have consistently shown that they will only act to protect children from the menace of abuse when there is a threat of legal action or public scandal," the alleged victims' lawyers said in their motion for punitive damages last year.

A spokesman for the Chicago Jesuits said the order is committed to responding to alleged victims of sexual abuse. But he also said the Chicago Province did not fully implement measures for responding to abuse accusations until 2007 - five years after the US Conference of Catholic Bishops approved its Charter for the Protection of Children and Young People.

Leahy, the Jesuit priest who has led BC since 1996, declined to discuss Schaeffer's post on the board although his spokesman, Dunn, said the university would take no action against Schaeffer. Dunn also said that BC has benefited significantly from the expertise of Schaeffer, who received a master's degree in education from BC.

But Terence McKiernan, the founder of BishopAccountability.org, a group that tracks clergy sex abuse cases, said the failure to hold Catholic leaders accountable for their mismanagement of abusive clergy is an affront to victims that underscores doubts about the church's commitment to eradicating sexual abuse by priests.

"Until places like Boston College stop putting people like Schaeffer in positions of power this thing is going to continue," he said.

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EXHIBIT D



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The Associated Press State & Local Wire

December 19, 2003, Friday, BC cycle

SECTION: State and Regional

LENGTH: 724 words

HEADLINE: Church land sale proves to be boon for BC

BYLINE: By THEO EMERY, Associated Press Writer

DATELINE: BOSTON

BODY:

For the Boston archdiocese, the impending sale of 28 acres of church land and the archbishop's mansion to help pay sexual abuse settlements represents an unwelcome coda to a scandal that plagued it for the past two years.

For Boston College, the sale of the chancery property represents a prime opportunity.

BC hopes to buy up the prized urban land near its boxed-in Newton campus. In the cheek-to-jowl Boston area, real estate is at a premium, and large parcels of land don't often come to market.

"There's no room for expansion. The college has stated it has an interest - it's safe to say has an obligation - to pursue parcels near the campus," said college spokesman Jack Dunn. "Our history has been, when parcels came available, for the university to bid on them."

Dunn said the land in the city's Brighton neighborhood would give the school space for athletic fields and recreation that the school has craved for at least a decade. At the same time, the Jesuit college could help the church pay back its settlement debts.

"It's an opportunity for Boston College to meet a pressing need, and help the church at its time of need," he said. "Rarely does such an opportunity present itself."

The sale will help the church pay about \$90 million in settlements with alleged clergy sex abuse victims, many of whom came forward over the last two years as the church abuse scandal unfolded.

The church hopes to take bids on the Brighton land within 90 days, said the Rev. Christopher Coyne, the spokesman for the archdiocese. No bidder, including BC, will have a preference over any other, he said.

Church land sale proves to be boon for BC The Associated Press State & Local Wire December 19, 2003, Friday, BC cycle

"The archdiocese is open to all reasonable offers on the property, and no one institution has a leg up on any other at this point," Coyne said.

Sheldon E. Steinbach, general counsel for the American Council on Education, said land shortages pose problems for urban schools across the country. Schools without room to grow are "landlocked," and opportunities to expand are few and far between, making it difficult to expand academic offerings and facilities, he said.

"It is a gift from Heaven to suddenly have the opportunity to have space relatively adjacent to your institution," Steinbach said.

Schools must often be aggressive and creative with less-than-perfect nearby properties, Steinbach said.

George Washington University in 1999 purchased a Howard Johnson's hotel to house students, and a few years earlier bought the entire, 23-acre Mt. Vernon College for a satellite campus.

"When you have the chance and an opportunity such as this, which rarely - if at all - comes up, you really have to jump fast," George Washington spokesman Bob Ludwig said.

BU has also had to be creative. For years, BU shared a Kenmore Square building with an art house movie theater. During the day, the seats filled up for lectures. At night, they were packed with moviegoers, said spokesman Kevin Carleton.

"You'd be sitting there in class, smelling popcorn," he said.

Most of BU's history is bound up with ambitious aspirations for growth. Early in the last century, BU's schools were scattered throughout Boston. The school decided to anchor its campus in the then-sparsely populated Commonwealth Avenue area, facing the Charles River.

The state's needs, though, clashed with the school's. The state seized BU's waterfront land for Storrow Drive and the Esplanade parkland in the late 1920s - moves that hemmed the campus into an area that has grown more dense over the years.

But the school has also had its share of good luck with land. When the Boston Braves baseball team left the city in 1953, BU snapped up the team's stadium. In 1983, the school bought a national guard armory that the school had coveted as early as the 1920s. BU is today building an athletic complex and housing for 2,500 students on the armory site.

Campus construction is a boon for the economy, according to the Association of Independent Colleges & Universities in Massachusetts. The association reported in March that the eight Boston-area research universities spent \$550 million in construction in 2000, generating the equivalent of about 3,300 full-time construction jobs.

That growth does not come easily, according to association president Clare Cotton.

"The urban colleges are like oaks in flower pots," he said.

GRAPHIC: AP Photo

LOAD-DATE: December 20, 2003

EXHIBIT E



14 of 34 DOCUMENTS

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The Boston Globe

May 31, 2004, Monday THIRD EDITION

SECTION: OP-ED; Pg. A11

LENGTH: 856 words

HEADLINE: PHOTO OF BC STUDENTS ILL-ADVISED

BYLINE: CHRISTINE CHINLUND

BODY:

THE OMBUDSMAN THE FEATURE PHOTO OF THREE SLEEPY BOSTON COLLEGE STUDENTS WITH EYES CLOSED AT THEIR GRADUATION CEREMONY HAD THE POTENTIAL, IN THE RIGHT CONTEXT, TO MAKE READERS SMILE. BUT THE WAY THE GLOBE DISPLAYED THAT PHOTO IN LAST TUESDAY'S PAPER INSTEAD MADE MANY READERS ANGRY - AND PROMPTED THE PAPER'S EDITOR TO PERSONALLY APOLOGIZE TO THE SCHOOL.

Making the weary students' photo the sole image atop the BC commencement story made it look - unfairly - like commentary on the ceremony, and on graduates' reaction to the main speaker, "Meet the Press" anchor Tim Russert. The photo, which spanned most of the City & Region front, was also out of sync with the featured quote above it and the headline below it: "Russert BC speech stresses values." Overall, the package was confusing and - at least to the many readers who contacted this office - insulting.

Some critics said it was the result of an anti-Catholic bias at the Globe. Why else, they asked, would the paper give Yale, Brandeis, and Tufts nice coverage of their graduations on Monday, and then poke fun at the local Jesuit university the next day?

"The Globe has done a great job on the sex abuse scandal, but - and I hate to say it - this had an anti-Catholic feel to it, in the context of how you handled the other three graduations," said Rosalie Grattaroti of Marblehead. "They were elegant and reverent. This was not reverent!"

Jack Dunn, a spokesman for BC, lamented by e-mail that "with 8,800 smiling faces to choose from" the Globe "chose to focus on three students who fell asleep." He called the photo choice "a gratuitous slap in the face that has everyone here asking, 'Why would Boston's newspaper take such a cheap shot?'"

But he said he did not attribute it to underlying anti-Catholic sentiment at the Globe. Rather, said Dunn by phone, the Globe is "susceptible to a lack of sensitivity toward things Catholic, as evidenced by the misjudgment in placing this

PHOTO OF BC STUDENTS ILL-ADVISED The Boston Globe May 31, 2004, Monday

photo - a large photo that was at odds with the story beneath it."

Globe Editor Martin Baron agreed that the photo was "entirely inappropriate" as the lead image with the BC story, and on Tuesday apologized to the Rev. William Leahy, BC's president, and others at the university. He also offered an explanation:

"While staffers had in mind a lighthearted look at students exhausted at the end of their college years, their effort failed," he said. "Some holistic thinking about how that photo would appear in conjunction with the story, headline, and featured quote was called for."

"We did a disservice to Russert, Boston College, and those who attended and enjoyed the commencement ceremonies," said Baron. "And we didn't serve ourselves very well either."

To those who saw the photo as a reflection of ill-will toward Catholics, Metro Editor Carolyn Ryan adds: "We certainly did not intend it as a commentary on the school, or the speaker, or any group of people, and it's unfortunate if we gave people cause to even think that." I agree.

Exclusively yours - or theirs

I received several complaints last week about Jeff Jacoby's column accusing Ted Kennedy of slander. Problem was, the column didn't appear in The Boston Globe.

Rather, it's part of a new arrangement whereby the Globe's op-ed columnists - Jacoby, Derrick Jackson, Scot Lehigh, Thomas Oliphant, and Joan Vennoch - write a "Web exclusive" once a month for Boston.com readers only. It doesn't appear in the print paper.

The joint venture offers endless possibilities - and a few start-up challenges.

Columnists (who don't get paid extra for the effort) generally like having the extra space and additional opportunity to air their views. Boston.com readers like getting a bonus column. The "Web exclusives" don't offer the spontaneity of frequently updated Web logs, but they do boost Globe opinion writers' online profile. Overall, it's a nicely symbiotic relationship between two related ventures. (Boston.com and the Globe, while separate entities, share a corporate parent, the New York Times Co. But what if a "Web exclusive" infuriates Boston.com readers? And is the Globe responsible for a column that never appears within its pages? "It is a challenge," says editorial page editor Renee Loth, "to join these two mediums while still having it make sense for readers." But she, like Boston.com editor in chief Teresa Hanafin, is enthusiastic about it.

Here is some guidance for readers:

Complaints about the "Web exclusives" can be lodged with the Globe's editorial page (617-929-3025), which produces and edits the Web columns to the same standards it does any other op-ed column. Readers can also write a letter of response to be posted on Boston.com with the column. (Send to letter@globe.com and put "Web exclusive" in the subject field.) Finally, any complaints about the "Web exclusives" that come to this office will be duly noted and forwarded to the proper place.

The ombudsman represents the readers. Her opinions and conclusions are her own. Phone 617-929-3020 or, to leave a message, 929-3022. Our e-mail address is ombud@globe.com.

NOTES:

CHRISTINE CHINLUND

LOAD-DATE: June 1, 2004