

CONFIDENTIAL MEMORANDUM

Interview of:

Accuser #2

Ropes & Gray LLP
Prudential Tower, 800 Boylston Street
Boston, MA 02199-3600

Friday, September 30, 2011
10:30 a.m.

Present for Accuser #2

Mitchell Garabedian, Esq.
Esq.

Present for the Archdiocese of Boston:

Thomas H. Hannigan, Jr., Esq.
Esq.

Accuser #2 () was born on , 19 and is currently 38 years old. He lives at Avenue in with Wife of #2, his wife of years, and their children: [Names and ages] is the head of the department at , where he has worked for the past 9 years. He has been in his current position at the company since .

Accuser #2 reports that he grew up in Roslindale, Massachusetts, where he lived with his parents and siblings at [Information about parents and siblings]

Accuser #2 describes his family life when he was growing up as "typical." He described his parents as strict and good parents. He reports that he [Childhood sports and good performance at school]

Accuser #2 reports that he attended Holy Name Parish School in West Roxbury [High school and year of graduation]

He studied at Harvard College and graduated in . He attended St. John's Seminary for one semester in . He has a J.D. from Law School, where he [Years in law school and program]

Accuser #2 reports that he and his family attended Holy Name Parish in West Roxbury when he was a child. He was baptized, received his First Communion, and was confirmed at Holy Name. He reports that [Location of family home] Accuser #2 recalls that Father Ken Murphy was the pastor at Holy Name, and Father Dan Hagerty and Father Cowan were the vicars there.

Accuser #2 reports that he first met Father James J. Foley at Holy Name when he was in the 5th grade. He believes but does not know that Father Foley was new to the parish at the time. Accuser #2 described Father Foley as short and heavysset with dark hair parted to one side. Accuser #2 does not remember Father Foley's eye color but does recall that he wore glasses. He reports that Father Foley was clean shaven, and his appearance was generally neat and clean other than his weight.

Accuser #2 reports that he was an altar server at Holy Name from 5th grade until 7th or 8th grade. He was confirmed in the 8th grade. He was involved in a CYO group started by Father Foley when he was in the 9th grade. Accuser #2 reports that the CYO group centered around him and a few of his friends, including: [Names of two boys (with current profession of one) and three girls] The CYO group put on dances and went on field trips.

Accuser #2 reports that Father Foley became good friends with his mother and would often be invited to his home for dinner and other visits. Accuser #2 reports that Father Foley also used to take him out to dinner and to the movies, which he also did with other altar boys, including [A CYO boy named above]

Accuser #2 reports that he was sexually abused by Father Foley on over 100 occasions spanning from when he was 11 years old until he was 22 years old. He reports that the first incident of abuse took place in 1984 or 1985 when he was 11 or 12 years old, shortly after he met Father Foley. Accuser #2 reports that Father Foley used to speak with him in private about puberty and the physical changes that accompany it. He reports that Father Foley took him to his bedroom in the Holy Name rectory and asked him to take off his shirt and show him his muscles. Accuser #2 reports that Father Foley told him that he wanted to check his development. He reports that Father Foley eventually also asked him to take off his pants. Accuser #2 described the abuse as systematic and following a progression but reports that lots of the events meld together in his memory.

Accuser #2 described the layout and furnishings of the Holy Name rectory. Upon entering the front door, there were meeting rooms and an office on the right hand side. There was also a living room, dining room, and kitchen on the first floor. Accuser #2 reports that the rectory had oriental rugs and rich woodwork. He recalls that Father Foley's room was on the second floor on the corner. He reports that Father Foley's room was a suite with a sitting room and a small bedroom and bathroom. The sitting room had a desk, book cases with lots of books, and a La-Z-Boy chair.

Accuser #2 reports that he was with Father Foley in the sitting room adjacent to his bedroom when Father Foley asked him to remove his clothes. When Accuser #2 was 12 years old, he reports that Father Foley began to touch his (Accuser #2's) penis, massage him, and manipulate his genitals. Accuser #2 reports that this progressed to masturbation to the point of ejaculation and to oral sex when he was a teenager in high school.

Accuser #2 reports that Father Foley never took off his own clothes or asked Accuser #2 to reciprocate these acts. Father Foley performed the sexual acts on Accuser #2, not vice versa. Accuser #2

reports that the abuse took place as frequently as once a week from the time he was 11 years old to the time he was 22, both in the rectory and in various other locations.

Accuser #2 does not remember when Father Foley left Holy Name Parish but reports that he continued to see Father Foley after Father Foley moved on to other assignments in Scituate, at St. Elizabeth's in Brighton, and St. Mary's Star of the Sea in Beverly. Accuser #2 reports that he went on a trip with Father Foley when he was 17 or 18 to Father Foley's parents' home in rural Maine.

Accuser #2 reports that Father Foley would arrange for these visits by calling his home to speak with him or his mother.

Accuser #2 reports that Father Foley bought him several expensive gifts over the years. When Accuser #2 graduated from high school, Father Foley gave him a Montblanc pen inscribed "[redacted]".

Accuser #2 reports that he no longer has the pen. He threw it away along with the other gifts Father Foley gave him. Accuser #2 reports that his mother was uncomfortable with the expense of the gifts.

Accuser #2 reports that Father Foley also supported him financially when he was in college, unbeknownst to Accuser #2's parents. Accuser #2 worked on the [redacted] during college. He reports that Father Foley paid for his college costs that were not covered by financial aid – i.e., on the order of \$3,000 a year. He reports that Father Foley also paid for him to have an apartment in [redacted] with his friends during summers in college beginning his sophomore year. Accuser #2 reports that he lived [Location] during the summer after his freshman year.

Accuser #2 reports that he did not tell anyone at the time about the abuse by Father Foley. He recalls that his parents asked him if Father Foley had tried anything inappropriate, and he denied it because he felt like he would have gotten into trouble or that he would have been blamed. Accuser #2 reports that no one else was present when he was abused by Father Foley, and he never saw anyone else being abused by Father Foley.

Accuser #2 reports that Father Foley took measures to isolate him from family and friends. Father Foley would try to sour his relationships with others. Accuser #2 reports that he did not have any romantic relationships in high school, and Father Foley disapproved of Accuser #2's relationship with Wife of #2 (now his wife) when they were in college. Accuser #2 reports that he first met Wife of #2 in [Home town and education of Accuser #2's wife and the circumstances of their meeting]

[redacted] He reports that Father Foley was rude to Wife of #2 and tried to drive a wedge between them.

Accuser #2 reports that initially he wanted to go to the seminary, but he began to change his mind over the course of his senior year in college. By that time, however, he had already gone through the admissions process and made plans. He decided to try it for a year. Father Foley had encouraged him to apply and to attend. Accuser #2 does not remember if Father Foley wrote a recommendation letter for him when he applied to the seminary.

Accuser #2 reports that he was shocked by the pervasiveness of homosexuality at the seminary. He reports that a fellow seminarian tried to make advances towards him, but he rejected those advances. Accuser #2 reports that he was still involved sexually with Father Foley when he was at the

seminary. He went to visit Father Foley in Beverly every weekend and stayed at the rectory in a separate room from Father Foley.

Accuser #2 reports that he left St. John's in [REDACTED] after completing his first semester. Wife of #2 encouraged him to leave because she saw how unhappy he was and because she wanted their relationship to be a normal romantic relationship. Accuser #2 reports that he continued to have some contact with Father Foley in early 1996 [REDACTED], but their relationship ended in an angry fight in the spring of 1996 over Accuser #2's relationship with Wife of #2. Accuser #2 reports that Father Foley was very misogynistic and referred to Wife of #2 as "the whore." He reports that Father Foley became angry when he defended Wife of #2. Accuser #2 recalls that Father Foley reminded him how much money he had spent on him and complained that Accuser #2 had "dipped his toe in the water [at the seminary] and then run off the beach."

Accuser #2 reports that his parents, and particularly his mother, were very disappointed when he left the seminary. He reports that his parents still speak positively of Father Foley and the seminary, but Accuser #2 has now come to understand that Father Foley is "really quite evil."

Accuser #2 does not remember the exact year when he was last in touch with Father Foley, though he does recall that [REDACTED] [Living situation at the time]

Accuser #2 reports that Father Foley called him from New Mexico, where he had been on lend lease, and told him that he was having health problems and would be returning to Boston. Accuser #2 reports that Father Foley called later from a monastery in Canada and apologized to him for the way things had ended between them. Accuser #2 reports that Father Foley ended the call abruptly after his apology, and that was the last time they spoke.

Accuser #2 reports that he continued to hear about Father Foley through his mother, and Father Foley celebrated his sister [REDACTED]'s wedding. Accuser #2 reports that he has not heard directly from Father Foley since Father Foley called him from Canada.

Accuser #2 reports that he has spoken with Wife of #2 about the abuse by Father Foley. He reports that he first told her about the abuse when they were newly married. He reports that she was very upset and still can't talk about it. She knows that he has come forward to report the abuse but they don't discuss it. Accuser #2 reports that Wife of #2 suspected Father Foley from the moment they met. She asked Accuser #2 in college whether he was involved with Father Foley, but he denied it.

Accuser #2 reports that he told his brother Brother of #2 about the abuse by Father Foley this year. He felt that he could confide in his brother.

Accuser #2 reports that he met with Bishop Robert Hennessey in East Boston a few weeks ago. He had written a short letter to Bishop Hennessey, whom he had met a few times and who was one of Father Foley's classmates and friends. Accuser #2 wrote in the letter that he wanted Bishop Hennessey to know the truth about Father Foley. Accuser #2 reports that he tried to have a candid conversation with Bishop Hennessey when they met. He reports that Bishop Hennessey was shocked and horrified to learn about the abuse. He described Bishop Hennessey as guarded though cordial. Bishop Hennessey told Accuser #2 that he would contact the appropriate people in the Archdiocese regarding his complaint.

Accuser #2 reports that he has debated whether to tell his parents about the abuse. He hesitated to come forward before in part because Chancery official is a friend of his mother. Accuser #2 reports that he felt he could not contact the Archdiocese because Chancery official was the point of contact. It was too small a world and too big a bomb. He reports that he is still anxious that word will get to his parents. Attorney Hannigan assured Accuser #2 that Chancery official would not contact his parents about his complaint.

Accuser #2 reports that he can't envision what it would do to his parents if they were to find out about the abuse. He has not told any of his siblings about the abuse other than Brother of #2. He does not know how he could overcome the embarrassment and shame if his family were to know about the abuse.

Accuser #2 reports that he decided to come forward because of the cumulative effect the abuse has had on his life. He believed that his experience was unique and that he was protecting his brother and others from Father Foley. When news of the abuse crisis broke in 2002-03, it shook him and he started to think about coming forward. Accuser #2 reports that it took him years to have the courage to make the call. He did Internet research, drafted e-mails he never sent, and hung up on phone calls before he came forward this year.

Accuser #2 indicated in his questionnaire that his friend Friend of #2 could corroborate some of the details of his complaint. Accuser #2 explained that Friend of #2 is a good friend from [High school] and Harvard College. Accuser #2 reports that Friend of #2 could corroborate his complaint because Friend of #2 has seen him with Father Foley. Accuser #2 reports that Father Foley befriended Friend of #2 as well. Accuser #2 reports that Friend of #2 told him his conversations with Father Foley always seemed to turn to Accuser #2. Accuser #2 reports that he recently spoke with Friend of #2 about Father Foley and shared that he had been abused. He reports that Friend of #2 was very sympathetic. Attorney Garabedian instructed Accuser #2 not to answer a question about whether Friend of #2 had ever told him [Accuser #2] that he [Friend of #2] had a similar experience with Father Foley.

Accuser #2 reports that he has never been abused by anyone other than Father Foley. He has never been in counseling, though both he and his wife would like to have counseling. Accuser #2 reports that the abuse by Father Foley changed his life and ruined quite a lot of his own happiness and relationships. He reports that he feels sadness, loss, anger, embarrassment, and shame because of the abuse, which took up an enormous and formative part of his life. He believes that Father Foley had him thoroughly brainwashed. He reports that he has constant reminders of the abuse – e.g., when he is asked about his education history, which includes the time he spent at the seminary. Accuser #2 reports that

[Reminders in Accuser #2's religious life with his wife and children]

Accuser #2 denied having any history of alcohol or substance abuse and reports that he has never been convicted of a crime, nor has he ever filed for bankruptcy.