

CONFIDENTIAL

TO: Bishop McCormack
FROM: Father Arsenault
RE: Gordon MacRae
DATE: 12 March 2001

At your request, I have reviewed the materials regarding Gordon MacRae. Overall, there is a consistent theme in his writings to you; Gordon wants to get out of prison. The means by which he wants to get out seem to change over the tow year span of time. The current options outlined in your most recent correspondence and notes indicate that he sees three (3) options:

1. He and the Diocese hire Attorney Rosenthal to address the "lack of legal procedure" in his case;
2. Gordon continues to address the lack of merits of the accusations against him and the one for which he is currently incarcerated;
3. Gordon remains silent and in prison.

I would not recommend that we retain anyone in these instances. I would recommend that funds be provided in a confidential fashion to Gordon, who in turn could retain whomever he wishes. Notwithstanding the potential bad publicity for the Diocese in any of these instances, I have asked Mr. Cook to prepare a summary of Gordon's current appeal rights and the processes to exercise them. Specifically,

- a. can he appeal his sentence?
- b. can he appeal his conviction?
- c. can he "address the lack of legal procedures" as outlined in his Rosenthal proposal?

Finally, I would reiterate my concern than you view Gordon's request as matter of *charity* and a matter of *justice*.

As to justice: Notwithstanding his protestations, I am no more convinced after my reading of this material, that Gordon MacRae is "innocent" than I was before. Absent some tangible evidence of the veracity of his claim (perhaps through a psychological evaluation), I am not convinced that there is an

injustice in his conviction. I share the widely held opinion that his sentence is gravely unjust.

As to charity: There is a legitimate need to respond in charity to Gordon. The issue becomes difficult when one attempts to quantify charity. My suggestion is that we address the inequity in Gordon's lack of base remuneration over the last 8-10 years (a calculable number) and use this as baseline for quantifying the level of your charity. Likewise, I would suggest that Gordon and other incarcerated priests receive some base remuneration moving forward. This would seem to alleviate some of the burden from you for extraordinary measures and would be more consistent with the law of the Church.

I have asked Brad Cook to have his material ready to review with you by Thursday, 15 March 2001. Do you want Bishop Christian and me to attend such a meeting?

Please advise.