

25-5-73

at 4.00

Father Brendan Smith.

His Superior came to talk about him. Said that he was advised to come by [REDACTED].

Father Brendan Smith has apparently had a homosexual problem for some years and had treatment in Belfast and also in America. A clever man always regarded as a "bit crazy" with a "screw loose" recently apparently he has seduced a girl of twelve and had intercourse with her. Her father discovered the facts and complained. The Order are now very concerned and anxious to know if anything can be done to help this man and avoid such incidents in the future. The patient does not know his Superior is coming first.

Advised it would be better to see the patient without any foreknowledge. Send appointment to Father Brendan Smith on behalf of [REDACTED].

25/5/73.

A man of pyknic build who gives a free and frank account of himself. Has been aware of homosexuall tendencies with small boys for some years. Had some inversion treatment in Belfast in 1968 and things were better after this.

Over the past year he has become attracted to a little girl of eleven with whom he was thrown in contact. Some fairly elaborate sexual interference short of intercourse took place repeatedly until this girl apparently told her mother. On the whole there is no evidence of remorse or shame or any deep-seated appreciation of the gravity of this relationship from the point of view of the girl. Strikes one as an intelligent but rather egocentric and narcissistic man who is interested in his sexual experiences in a somewhat detached and objective way. As he says himself, he has no real concern with the other person merely in his own reactions.

Some clear evidence of mood-swings. Says he is more likely to look for something to arouse him sexually when depressed.

Prescription given for Insidon and Valium in the hope that it will have a dampening effect on libido. Advice, explanation. Worth seeing a few times. See letter to Superior.

15.6.73

feels lighter and  
more interested and alert  
as if had come out of a  
depression.

Tablets made him v. happy  
- took them only at bed time  
regularly - sleep heavily.

Has had homosexual  
relations to a boy of 16 yrs  
on two occasions since.

Idle at present.  
Due to take 2 retreats next  
week - some preparation.

Says he feels much more  
relaxed

? [REDACTED] clinic.  
hus. 5082 / 5011.  
Walter

9.5.73

in good spirit  
No Gps since

Today in 50X1 wing  
2 Sisters

Describes increased "defence"  
Swing - explanation given  
of side effects & tech. of control & defence.

Phone:  
Ballyjamesduff 16

~~Norbertine Fathers,  
Kilnacrott Abbey,  
Ballyjamesduff,  
Co. Cavan,  
Ireland.~~

Our Lady's Retreat House,  
Finglas,  
Dublin 11.

4th July 1973.

Dear [REDACTED]

I am sorry to have to trouble you with this note, but I have mislaid the prescription for the pink pills which you gave me initially and I need to renew the supply if I am to continue taking them until I see you again at the end of August. Would you please send a copy of the prescription to me at the above address where I am directing a Retreat at the moment.

Thanking you in anticipation of your kindness and once again offering my apologies for putting you to so much trouble,

Your sincerely,

*Brendan G. Smyth, O.F.M.*

Brendan G. Smyth O.F.M..

Sent 5/7/73

HIA REF:

NAME: Fr. William Fitzgerald

Date: 16 June 2015

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THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

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Witness Statement of Fr. William Fitzgerald, Prelate Administrator, Holy Trinity Abbey,  
Kilnacrott, Co. Cavan

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I, Fr. William Fitzgerald, Prelate Administrator of Holy Trinity Abbey, Kilnacrott, Ballyjamesduff, Co. Cavan, will say as follows:

### **Introduction**

1. I am the Prelate Administrator of Holy Trinity Abbey, Kilnacrott, Ballyjamesduff, Co. Cavan (the "**Kilnacrott Canonry**"). As Prelate, I am vested of all necessary authority to govern the Kilnacrott Canonry in accordance with applicable norms and I make this statement on its behalf. I will begin this statement by setting out my own personal history and how I came to be appointed as Prelate of the Kilnacrott Canonry. This will be followed by a brief overview of the history of both the Norbertine Order itself and of the Kilnacrott Canonry. I will then set out my own personal knowledge of Brendan Smyth before moving on to answer, in as much detail as possible, the questions posed by the Inquiry in its letter to my solicitor of 20 March 2015.
2. Before I begin, for myself and on behalf of my confreres, I unreservedly apologise to each person who was sexually abused by B. Smyth and to your families and friends. I apologise for the criminal actions of B. Smyth and for the failures of the Kilnacrott Canonry of which I will speak further. I recognise that words of apology sound hollow when compared to the wreckage caused in the lives of so many. The grave and inexcusable actions of B. Smyth have caused incalculable damage. A most painful reality is the fact that while B. Smyth's proclivities and the crimes they led to were known over the years by his superiors, attempts to bring his behaviour to an end were totally inadequate.
3. I was born in Ryde, New South Wales, Australia on 9 June 1954. On 21 May 1972, I entered St. Norbert's Priory in Queens Park, Perth, Western Australia, which was, at the time, a fully dependant house of the Kilnacrott Canonry. I went on to complete my religious studies at the Melbourne College of Divinity and I was ordained a priest on 9 December 1979. The appointments I have held since my ordination are as follows:
 

1979-1985:	teacher of religion, music and English at St. Norbert's College, Perth;
1985-1987:	Parish Priest of York, Western Australia;
1987-1989:	transferred to Kilnacrott Canonry as Rector of Holy Trinity Abbey Church and Novice Master;
1989-1991:	studied for Licenciante of Theology at the Pontifical University of Saint Thomas Aquinas, Rome;
1991-1994:	Parish Priest of Santa Clara, Bentley, Western Australia;
1994-1997:	part-time teacher of liturgical theology and scripture at Vianney College, Wagga Wagga, New South Wales. Also, Parish Priest of St. Brendan's Parish in Diocese of Wagga Wagga;
1997-2013	various apostolates out of St. Michael's Abbey, Orange County, California; and
2013:	appointed Prelate Administrator of the Kilnacrott Canonry on 1 August, 2013, following the sudden and untimely death of Fr. Gerard Cusack the preceding March. I will hold the position until 2018.

### ***The Order of Canons Regular of Prémontré (the "Norbertine Order") – An Overview***

4. The Norbertine Order was founded by St. Norbert in France in the early 12<sup>th</sup> century.
5. In Norbertine terms, as with the Benedictines and Cistercians, "Order" is to be understood as a union of independent houses, for Norbertines, called canonries. A canonry is a voluntary association to which individuals bind themselves by the profession

of vows to live according to the Gospel and the Constitutions of the Order of Canons Regular of Prémontré (the "**Constitutions**").<sup>1</sup> Each abbey, or independent priory, is a self-standing unit; the term "Order" referring simply to the fraternal union of all of the independent houses of the Order.

6. A member wishing to become part of the Norbertine Order applies to an individual canonry and undergoes one or two years of formation in a novitiate. After this initial period, he may apply for profession of simple or temporary vows, the latter lasting for a minimum of three years. During that period, formation continues and the man begins formal studies for ordination to the priesthood, or in the case of those who prefer to live as brothers, they receive special training to enable them to work in and for the community. After four or five years, the individual asks to be received in solemn profession. The Abbot of the relevant canonry consults with his council in relation to the individual and, if accepted, the individual takes his vows before the local community.
7. The governance of an individual canonry rests with the Abbot or Prior de Regimine (i.e. Prior of an independent house) and his council, who is elected by all the solemnly professed members of a canonry gathered in Chapter (i.e. a meeting of the solemnly professed membership that occurs at least once a year). The Abbot himself also appoints certain members to council, though parity has to be maintained in the constitution of the council between the two methods of appointment.
8. On an even more local level, there is a 'house' or community chapter comprised of all members who actually live in a certain community (monastery, dependent house etc) or in some other group of confreres. The responsibilities of the house chapter include the duty to promote communion among the members, to examine the ways in which the life of prayer and the work of the apostolate are to be ordered and to establish local customs.
9. Globally, there is an Abbot General, elected for life at a General Chapter after the death or resignation of the former Abbot General. The Abbot General has a council (known as the "definitory") of four members available to him to assist in the ordinary and extraordinary administration of the Order.
10. The Abbot General presides by right in the General Chapter and to it alone is he subject in the Order. He governs the entire Order as the supreme moderator. He exercises his office and has that authority over the members and canonries of the Order which is compatible with the office of Abbot General of the Order, as specified by the Constitutions.
11. Between General Chapters, the Abbot General is the executive of the Chapter in his own person and with the definitory. He presides over the Order with his own proper authority, and he governs the Order according to the norms of law.
12. The Abbot General is the immediate superior of the governing prelates of the Order. As regards those members subject to their own prelates, he has the right of precept only in the case of visitation, recourse and appeals, or as often as the matter concerned comes under his competence.
13. The supreme authority in the Order is the General Chapter which meets every six years. The primary purpose of the General Chapter is fraternal and discussions at General Chapter cover topics such as visitation reports and papers concerning the life and spirituality of the Order. As a fraternal and canonical entity, the General Chapter has the

<sup>1</sup> A copy of the Constitutions is included at Appendix 5.

power to legislate for all houses and members of the Order and it does so according to the Constitutions, though it has no figure or recognition in civil law.

### ***The Canonry – An Overview***

14. The Norbertines first came to Ireland, in modern times, in 1924 at the invitation of Most Rev. Dr Patrick Finegan, then Bishop of the Diocese of Kilmore. The visiting Norbertines established a Priory at Kilnacrott and this existed for thirty years as a dependent house of the Canonry of Tongerlo, Belgium. It was not until 1954 that Holy Trinity Priory became an Abbey with full independence, when Abbot J. Boel of Tongerlo granted Holy Trinity Abbey autonomy.
15. The first Abbot of the Kilnacrott Canonry was Fr. Felim Colwell, who held that position from 1954 until his death in 1968. Fr. Colwell was succeeded by Fr. Kevin Smith in 1969 and he fulfilled this role until his resignation in 1994. Fr. Gerard Cusack was given the position of Prelate Administrator immediately thereafter and was subsequently elected Prior De Regimine. As stated earlier, Fr. Cusack died suddenly in March 2013 and I was appointed Prelate Administrator on 1 August 2013.
16. Each Abbot is assisted in his duties by a council. As far as I am aware, B. Smyth was never a member of council. Meetings of the council are supposed to take place at least bi-monthly. I am unsure of the extent to which this requirement was followed due to the absence of records, particularly in the early years of the Kilnacrott Canonry's existence. Any relevant information that I have been able to find in the minutes of the council's meetings is set out below and in the documentation provided to the Inquiry. The earliest date of council minutes that survive is 6 November, 1970.
17. In addition to council meetings, minutes of meetings of the house chapter are held. The earliest date of house chapter minutes that survive is 7 October, 1968.
18. The physical presence of the Canonry at Kilnacrott will soon cease to exist. Holy Trinity Abbey was sold in 2012 and the remaining members of the Kilnacrott Canonry who reside there will vacate the premises shortly and will then reside in a private house in County Cavan. The other six members of the Canonry will live in individual accommodations, 5 in Ireland and 1 in the United States. While the physical manifestation of the Canonry will no longer be present, the Kilnacrott Canonry itself will continue, although new vocations are not being accepted.

### ***My personal knowledge of Smyth***

19. B. Smyth entered Holy Trinity Abbey as a novice in 1945 and was ordained to the priesthood on 31 July, 1951.
20. My earliest recollection of personal awareness of the issues surrounding B. Smyth dates back to approximately 1973 when I was a postulant in St. Norbert's Priory in Queen's Park, Perth. At that time, the Norbertine school was searching for a new teacher and looking to the Kilnacrott Canonry for assistance was considered. It was suggested, at table, that Smyth might be an option. The Headmaster of the school immediately, and strongly, dismissed the suggestion, however, as an issue had already arisen in the school between a teacher and a student. A confrere later informed me, in private, that B. Smyth was known for interfering with children.

21. It was around that time, in 1973, that I was told by a confrere that a complaint had been made about B. Smyth when he was a student at the Curia Generalizia – Collegio<sup>2</sup> in Rome in the late 1940s. According to the confrere, B. Smyth had been accused of abusing a child in the vicinity of the College, and when the time came for B. Smyth to be ordained in the early 1950s, the Abbot General advised against it and suggested that B. Smyth's formation for religious life be terminated. The Abbot of Tongerlo, B. Smyth's direct superior, however, ignored this advice. It is said that he did not want the Abbot General interfering in the business of the independent canonry of which he was the Prelate. As a result, he proceeded to permit B. Smyth's ordination in 1951.
22. In or around 1982, I remember that I was with a group of confreres looking through the book published by the Kilnacrott Canonry to celebrate its Golden Jubilee. The book contained a picture of B. Smyth in the company of children. It struck my fellow confreres and me as remarkable that such an image would be included in the book, given the rumours we had heard about B. Smyth's behaviour.
23. I was appointed Rector of the Church at Holy Trinity Abbey in 1987, a position I held for approximately two years. During this time, I encountered B. Smyth regularly. As Rector, my duties included taking charge of the altar servers and the children's choir, two tasks previously undertaken by B. Smyth as he was Rector immediately before me.
24. I recall one particular incident when I asked a regular worshipper if her son would like to be an altar server. She told me that he would, but only if B. Smyth had nothing to do with it. Following this conversation, I told B. Smyth that he was to stay away from the Church when the altar servers were practising. He did not heed that advice and he showed up unexpectedly, and uninvited, one day. I took him aside and asked him to leave but he told me that it was a "free country". I explained to him that in light of the accusations I had heard about him, and which I believed to be true, he could not be around the children. B. Smyth became quite aggressive and threatened to "knock my head off". I told him to go right ahead, but that I would do the same to him. He seemed to back off after that. He did not further involve himself with the altar servers during my time as Rector, as far as I am aware.
25. I had a further run-in with B. Smyth in relation to the children's choir. It was my opinion that the children's choir was not very good and I wanted to have an adult-only choir instead. I told B. Smyth that I was shutting the children's choir down and I recall him telling me that I was making a big mistake. Being in charge of the choir had been B. Smyth's pretext for going around in his car to collect children to bring them to the church to sing.
26. My final distinct recollection of the issues surrounding B. Smyth, and the first official confirmation of the rumours I had heard, is something Abbot Kevin Smith said in 1989. It was Holy Saturday and I recall that the priests were gathered in the recreation room in the Abbey. Abbot Kevin spoke to us and warned us that if we were contacted by the media with questions about B. Smyth, we were not to answer. He told us that B. Smyth had been accused of sexual interference with children and that there may be weight to the accusations. He asked that we leave any commentary from the Kilnacrott Canonry to him.
27. I did not become aware of the identity of any person who had complained against B. Smyth and nor did I receive any complaint about him, or learn of the detail of any complaint, during these years.

<sup>2</sup> The Curia Generalizia is the international study house of the Norbertines. It is used for international meetings of the Order and is the place of residence of the Abbot General.

28. I will now turn to the specific questions posed by the Inquiry in its letter to my solicitor of 20 March 2015.

***Question 1: When did the Norbertine Order first become aware of an allegation or allegations of sexual abuse of a child or children by Father Brendan Smyth?***

***Question 2: How did the Norbertine Order acquire this knowledge?***

***Question 3: What did it do with this knowledge once acquired, and why?***

29. Questions 1-3 cannot be answered in isolation. As a result, my combined response to these questions is set out in the following paragraphs. The Inquiry must also know that the information below is not first-hand to me; the extent of my personal knowledge of B. Smyth's behaviour is set out above. The proceeding paragraphs have been prepared on the basis of the limited records of relevance that I could ascertain, on anecdotal evidence of my fellow confreres and on the knowledge accumulated by my legal team over the years. Until 1994, the Abbey did not maintain a personnel file, or any records whatsoever, regarding B. Smyth. I understand that at the time when he was due before the courts in Belfast in 1994 that an effort was made within the Kilnacrott Canonry to ascertain the history of B. Smyth's ministry, the complaints in his regard and the responses made. The only source of records available within the Abbey in early 1994 was the minutes of meetings of the Abbot's council and of the House and Canonry chapters, four letters regarding B. Smyth and documents relating to B. Smyth's admission, vows and ordination. I have arranged that all extracts from the foregoing minutes which are relevant to the work of this Inquiry be transcribed by our legal team and the relevant extracts are contained in Appendix 1, together with the other documents mentioned above. I have also identified a number of documents which came into our possession during 1994 and later; these are contained in Appendix 2. These documents include medical records relating to B. Smyth and correspondence with third parties. Recently, I became aware of documents held at Kilnacrott's Mother Abbey at Tongerlo in Belgium, and these documents are contained in Appendix 3. Three of these documents are in Flemish and translations have been arranged by our legal team to provide a general understanding of the content.

30. As already stated, to my knowledge, suspicions of child sexual abuse by B. Smyth first arose in the late 1940s when B. Smyth was a student in Rome. In addition to the rumour I heard, however, I am told that another confrere heard a different rumour about B. Smyth, which alleged that he was found to have photographs of Italian boys in his room in Rome. While I had believed such rumours to be true, I had never seen, or knew of, any record to support these suspicions. Documents recently received from the Canonry of Tongerlo, Belgium, however, while not specific, clearly illustrate that some form of difficulty had arisen in relation to B. Smyth prior to his ordination. These documents are referenced at paragraphs 31 to 35 inclusive.

31. In a letter dated 13 October, 1948, B. Smyth apologised to the recipient "for any unwitting trouble" that he may have caused him while he was staying in Tongerlo. The identity of the recipient, and the nature of the "trouble" caused by B. Smyth, is not clear from the letter. Subsequent correspondence indicates, however, that this may have been a reference to the difficulties that had arisen between B. Smyth and a Brother attached to the Canonry of Tongerlo by the name of Brother Valeer.

32. In a letter to B. Smyth dated 5 April, 1951, Fr. Hermans<sup>3</sup> expressed his regret that he did not talk to B. Smyth about "the difficulties" while he was visiting Rome. The letter illustrates that B. Smyth was "not getting on well with Bro V.",<sup>4</sup> and states that B. Smyth had not reacted "according to supernatural principles" in his handling of the matter. B. Smyth was told, in the letter, to "be intent on improving [his] submission to the house discipline" and to "serve God by doing much good around him, not in [his] own way but rather in the way of [his] Superiors". B. Smyth responded to Fr. Hermans by way of letter dated 9 April, 1951.<sup>5</sup> In the letter, B. Smyth noted that his "clash" with Bro. Valeer had not arisen "as the result of a moment's loss of temper but [was] the fruit of two and a half years subtle persecution". According to B. Smyth, Brother Valeer had spied on him and was, for all intents and purposes, the Abbot General's pet. B. Smyth also noted that his issues with Brother Valeer arose "within the first fortnight of [his] arrival" in Rome and B. Smyth went on to describe Brother Valeer as "an exaggerated combination of Circator, Rector, Abbot General and pure and simple Dictatorial, interfering busybody". From B. Smyth's account of Brother Valeer, one could not be criticised for forming the view that Brother Valeer was an annoyance to the students in Rome. I am told, however, that this is not a fair reflection on Brother Valeer's personality. A fellow member of the Kilnacrott Canonry recalls Brother Valeer as "exacting, but a good character" and has stated that he never had any difficulties with him.
33. The next letter on record is one from Fr. Hermans to "Honourable Lord" on 27 April, 1951. I believe the recipient to be Abbot Emiel Stalmans of Tongerlo. In the letter, Fr. Hermans asked if B. Smyth could be ordained "in this state" and he wondered about how they were "going to deal with him" and what B. Smyth's reaction would be to "his return in Kilnacrott". According to the letter, Monsignor de Generaal (i.e. the Abbot General) was of the opinion that B. Smyth did not "fit" in the Norbertine Community. He acknowledged that Brother Valeer "did wrong" but only "because of his eagerness to do good" and, in the Abbot General's view, Brother Valeer had "a right view on Brendan, because of his two years' experience". As stated, B. Smyth was ordained to the priesthood on 31 July, 1951.
34. On 4 October, 1951, Abbot Stalmans wrote a letter to the Prior at Kilnacrott and instructed him that "if Brendan doesn't commit completely, he isn't allowed to return to Rome". The Prior at that time was a confrere by the name of Fr. Paul D'Hoine. The Abbot requested that Brendan send him a "written promise" in this regard. The Abbot's letter to B. Smyth of the same date was enclosed with this letter. The letter to B. Smyth was scathing and, in it, the Abbot told B. Smyth that it seemed to him that B. Smyth couldn't "promise ... that [he] [was] prepared to accept in Kilnacrott the life determined by the Superiors". The Abbot also told B. Smyth that he was "inclined to believe that the opinion of the Abbot General about [his] spirit [was] the truth" and he informed B. Smyth that it was "lost money and time to send [him] back to Rome". The Abbot warned B. Smyth that if he was "not prepared to obey complete insubordination", it was, in his view, best if B. Smyth was returned to the lay state. B. Smyth provided Abbot Stalmans with the requested written promise on 9 October, 1951. In it, he promised to "live peacefully in the Kilnacrott community, in complete submission to its present Superior and to his successors". He also promised "to keep all the Rules and Regulations proper to the Order and to the House as determined and explained by the Superior" and he concluded by promising "to accept whatever duties ... given to [him] to fulfil" and to carry those out "to the best of [his] abilities".

<sup>3</sup> I am told that Fr. Hermans was Smyth's Novice Master at that time; he resided at the Priory in Kilnacrott.

<sup>4</sup> As stated earlier, Brother Valeer was a lay Norbertine brother attached to the Canonry of Tongerlo. He was based in Rome during B. Smyth's time there as a student.

<sup>5</sup> I have been provided with an extract only from this letter.

35. The letters of early October 1951 were written about the time that B. Smyth would have been due to return to Rome for his studies. A confrere of the Kilnacrott Canonry has stated that when he and B. Smyth were boarding the boat in Dun Laoghaire in order to commence their journey to Rome, Fr. D'Hoine showed up and told B. Smyth that he needed to speak with him. B. Smyth disembarked from the boat and did not return, leaving the other confrere to travel to Rome alone. B. Smyth subsequently turned up in Rome a few days later. He did not offer the confrere any explanation as to what had happened and the confrere did not ask.
36. These early reservations regarding B. Smyth's suitability for the priesthood are reflected in the minutes of an Abbot's Council meeting from 12 April, 1994, which contain a sentence that, as far as I can discern, reads "Abbot General ... had advised against ordination of Brendan Smyth". It is further noted in the same minute that "Father Cross, Manchester, had voiced his opinion that B.G.S. was unsuitable for priesthood". Fr. Anselm Cross was Parish Priest and House Superior at Corpus Christi Priory and Basilica, Milesplating, Manchester. This was another dependent house of Tongerlo.
37. When the priory at Kilnacrott became an independent canonry in 1954, Fr. Felim Colwell was appointed Abbot. There are no records of the council, house chapter, or canonry chapter meetings from that time. Anecdotal evidence suggests, however, that allegations of child sexual abuse by B. Smyth were known by Abbot Colwell when he appointed Smyth to a mission in Scotland in or around 1957. B. Smyth was recalled to Kilnacrott in 1958, apparently following a request from a Bishop in Scotland, and a suggestion of interference with children arose again. A confrere that worked in Scotland from 1969 to 1987 has previously recalled that he heard rumours of B. Smyth being deprived of his faculties when he was in Scotland.
38. B. Smyth was appointed to parish ministry in Flint, Wales in 1959. There is no record of a complaint being made to the Kilnacrott Canonry during B. Smyth's time in Flint, though a person abused by B. Smyth during his tenure there has come forward in more recent years. This victim was brought to the attention of the Kilnacrott Canonry through the Safeguarding Co-ordinator of the Diocese of Wrexham. The Gardaí and the HSE were notified. B. Smyth was recalled from his ministry in Flint sometime around 1963/1964.
39. B. Smyth was assigned to the Diocese of Providence, Rhode Island in 1965 under Bishop McVinney. He was sent back to Ireland in 1968 when issues arose in relation to him. According to a letter,<sup>6</sup> dated 15 February 1968, from Bishop McVinney to Abbot Colwell explaining his decision to send him home, B. Smyth's "rapport with the adult parishoners" was not good and it is further noted that he "seemed dedicated to the young people, and in some cases too much". In the years since the extent of B. Smyth's offending has come to light, the Kilnacrott Canonry has been informed of five cases of child sexual abuse perpetrated by Smyth while he was in Providence.
40. When he returned to Ireland, B. Smyth was sent to the Purdysburn Hospital in Belfast for treatment. He was a patient at the Graham Clinic, a psychiatric unit attached to the Hospital, under the care of a clinical psychologist by the name of [REDACTED]. It has been stated that certain aversion techniques were used on B. Smyth during his time in Purdysburn e.g. electric shock behavioural correction therapy. There is no report from [REDACTED]

<sup>6</sup> This letter was not originally contained in the records of Holy Trinity Abbey. A copy of the letter was sent to Fr. Gerard Cusack in 2002 following his request to the Diocese of Providence for any records it held pertaining to Smyth's time there.

██████████ on file, however, and the duration of B. Smyth's stay in Purdysburn is not clear.<sup>7</sup> Letters on file illustrate that B. Smyth attended ██████████ as an outpatient from approximately September 1968 to May 1969. It can also be seen from the letters that B. Smyth rearranged his appointments with ██████████ on a regular basis. On one particular occasion, B. Smyth requested an alternative appointment, informing ██████████ that he had to give a school retreat.

41. Following B. Smyth's return from Rhode Island and his subsequent treatment, he appears to have resided at Holy Trinity Abbey for a number of years. I am told that sometime around 1971/1972, a woman informed Abbot Kevin Smith that B. Smyth had sexually abused her son. It is stated that the Abbot put the allegation to B. Smyth who denied it. Abbot Kevin Smith suspended B. Smyth for two weeks as a punishment, which meant that he was not permitted to function publicly as a priest during that time.
42. The next recorded knowledge of concerns surrounding B. Smyth is set out in the minutes of an Abbot's council meeting from May 1973. According to the minute, Abbot Kevin Smith asked the council to "enter into consultation for the personal and private case of a particular confrere against whom a complaint had been received from outside the Abbey and for the remedies that could be taken". Although the confrere is not named, and no detail of the complaint is given, it is presumed that B. Smyth was the person the council was discussing. No record of the subsequent discussion, or any remedies to be imposed, is recorded.
43. It was around this time in 1973 that, I have been informed, B. Smyth was admitted to St. Patrick's Hospital in Dublin for a period of approximately 3 weeks. He was under the care of a ██████████ between May 1973 and June 1974, but no report from ██████████ is available. I am aware that Abbot Kevin Smith went to see ██████████ around the time of B. Smyth's treatment in order to determine how the treatment was progressing. ██████████ was not forthcoming with any information, however, on the basis of doctor/patient confidentiality and asked Abbot Kevin Smith to leave. Subsequent requests, by Fr. Gerard Cusack, to obtain records regarding B. Smyth's treatment at St. Patrick's Hospital, in the context of litigation, were refused by the hospital. A further request has been made to St. Patrick's Hospital in the context of this Inquiry.
44. In or around 1974, I am told that the Prior of the Kilnacrott Canonry received a complaint of sexual abuse by B. Smyth from a family in Belfast. He received this complaint in the absence of Abbot Smith, who was working overseas at the time and he travelled to meet with the family to discuss their concerns. I am told that the Prior confronted B. Smyth and he did not deny the allegation. The Prior also reported the incident to Abbot Smith upon his return to Holy Trinity Abbey.
45. In March/April 1975, Bishop Francis McKiernan, then Bishop of the Diocese of Kilmore, carried out a canonical inquiry into allegations of sexual abuse by B. Smyth against two children in his diocese. On 18 April, 1975, Bishop McKiernan wrote to Abbot Smith and informed him that he had withdrawn the faculties (i.e. the right to function publicly as a priest) of the diocese from B. Smyth for the reasons which, he states, he explained to the Abbot during their meeting on 12 April 1975. No record of this meeting between Abbot Smith and Bishop McKiernan can be located. According to the minutes of a council meeting from 5 May 1975, however, one of the items of discussion was the "provision for Fr. Brendan's future service in the Order" and the assistance of the Paraclete Fathers was suggested. The meeting was informed that B. Smyth had permission to offer Mass,

<sup>7</sup> A letter from South & East Belfast Trust dated 27 January, 2003, confirms that "no summary reports or notes on the contents of appointments" between B. Smyth and ██████████ were contained in B. Smyth's file from his time at Purdysburn Hospital.

but was not allowed to dispense the Sacraments publicly, such work noted as requiring "reasonable safeguards". It is also clear from the minutes that the "value of transferring Fr Brendan from House to House" was considered, and it is recorded that "One Order has followed this practice".

46. In November 1975, B. Smyth was sent to Stroud in Gloucestershire for treatment at Our Lady of Victory, a centre run by the Servants of the Paraclete. No records from B. Smyth's stay in Stroud in 1975 are available.<sup>8</sup> A subsequent report from Stroud in 1994, however, illustrates that when B. Smyth first presented in Stroud in 1975, he was informed that there was no treatment programme available for his problems. It appears that he stayed at Stroud, in any event, for approximately 4 weeks, treating his time there as a retreat.
47. I am told that, about the same time, further concerns regarding B. Smyth's behaviour around children were brought to the attention of a confrere at Kilnacrott by a priest. The exact nature of these concerns is not clear. Another allegation was also made around that time by another woman. B. Smyth was already in Stroud for treatment when these concerns were raised.
48. In May 1976, the "personal case of Brendan Smyth" was discussed at a council meeting. It was noted at that meeting that B. Smyth had a "personal problem that had consequences for the Community" and it was asked "if the Community should take a firmer stand" in relation to him. Abbot Smith informed those in attendance that he could not "recommend Father Brendan to a Bishop for ministry" at that time and it was agreed that the "Council could take up the matter at a further meeting".
49. There is a record of an extraordinary meeting of the council from May 1978 where the first item discussed was the "personal case of Fr. Brendan Smyth". The minutes noted that Smyth was to be "deprived", by way of penalty, "of active and passive vote for Community Offices and Services", and he was also "required to seek permission for the use of a car for journeys". The circumstances leading up to the imposition of these penalties is not clear. It can be presumed, however, that the council considered whatever he had done to be quite serious, as it was suggested that "he might consider laicisation".
50. The minutes of a council meeting held in November 1978 illustrate that Abbot Smith "reported the recommendations of Fr. Abbot General" regarding B. Smyth. According to the minutes, it was recommended that "after a trial period 12 months priestly work should be sought for Fr. Brendan".
51. In October 1979, Abbot Smith informed council that a ministry was available for B. Smyth in the Diocese of Fargo in North Dakota and he asked the council for its support for that pastoral mission to be entrusted to him. According to the minutes, it was asked whether the Kilnacrott Canonry was obliged to inform the Bishop of Fargo of B. Smyth's personal history. One confrere stated that "it was his recollection from a message received from the Abbot General that Kilnacrott was not so obligated". Abbot Smith told the meeting that he would like B. Smyth to go from Kilnacrott with "nothing against him from the past". B. Smyth was then officially assigned to the Diocese of Fargo and he remained there until approximately April 1983.

<sup>8</sup> In a letter dated 17 July 2002, Stroud confirmed that B. Smyth was there for a period of 4 weeks from 13 November, 1975 until 11 December, 1975. According to the letter, the centre's policy at that time was to destroy records after five years. As a result, no correspondence or other documentation about B. Smyth's time at Stroud in 1975 was available.

52. Few records are available to me about B. Smyth's time in North Dakota. The minutes of council meetings from 1981 note that the Bishop of Fargo "had commended" B. Smyth's "labours in the diocese". A council meeting in April 1982 heard that Abbot Smith had received a letter which advised that the Langdon Parish School Committee in North Dakota "had a serious disagreement" with B. Smyth, who was referred to in the letter as their "parish priest". The nature of the disagreement is not obvious from the minutes of the meeting and I have not seen the letter itself, which, I believe, is no longer available. The only letter on record from 1982 is one from a group of parishioners to Bishop Driscoll, who held office at that time, asking that B. Smyth not be removed from the parish. In 1994, the Kilnacrott Canonry learned, from the Bishop of Fargo, that a person had come forward in recent times and had corresponded directly with B. Smyth and had received money from him. At that time, it was also stated that Bishop Driscoll, had received some allegations about B. Smyth and he was, thus, allowed to leave. It was not known to the Bishop of Fargo that B. Smyth had a history of child sexual abuse when he was permitted to serve there. Smyth returned to Kilnacrott in April 1983.
53. From 1983 onwards, I am told B. Smyth held no formal ministry or office, apart from the regular duty hearing confessions and offering Mass at the Abbey, parish supplies, hospital visits and mission appeals on three occasions in the USA. B. Smyth was permitted to carry out these limited ministries, having had his faculties restored by Bishop McKiernan in 1984.
54. On 14 March 1989, Abbot Kevin Smith informed a council meeting that B. Smyth had been involved in certain improper and wrong behaviour in regard to a boy in Northern Ireland. The Abbot told those in attendance that he had met with the family and they had outlined their concerns to him. According to Abbot Smith, the family had told him that they wanted B. Smyth to be sent for treatment. This treatment was arranged and B. Smyth was sent to a psychiatrist in Dublin by the name of [REDACTED] in April that year. I am told that B. Smyth attended [REDACTED] on a regular basis, initially weekly and then monthly. I am not certain of when he stopped attending [REDACTED], although in a report from [REDACTED] dated 9 February, 1994, it is stated that B. Smyth's therapy with [REDACTED] was "still on-going up to the recent past".
55. In March 1990, Abbot Smith reported to the council on a meeting he had had with Bishop Cathal Daly, then of the Diocese of Down and Connor, in relation to B. Smyth. According to the minutes of the council meeting, Bishop Daly had telephoned Kilnacrott to request the meeting, which had taken place on 12 March.
56. At the meeting on 12 March, Bishop Daly told Abbot Smith that "three of his priests had brought him word that Fr. Brendan Smyth had been involved in apparent unlawful behaviour with young persons". He also told the Abbot of the complaint that had been made by a young girl to the Catholic Family Welfare Society, which he understood had been communicated to the police in Northern Ireland.
57. It is stated in the minutes that Abbot Smith confronted B. Smyth with Bishop Daly's information, but he "was not prepared to accept the truth" of them. The minutes go on to state that B. Smyth told the Abbot that he did not envisage "any personal danger for himself in returning to Belfast" and that the Abbot did not pursue the matter further.
58. In a letter dated 11 February, 1991, Archbishop Cathal Daly, then Archbishop of Armagh, wrote to Abbot Smith and informed him that he had received further complaints about B. Smyth. According to the letter, B. Smyth was using his visits to Belfast for therapy to continue the practices which the Archbishop had informed Abbot Smith of in 1990. Abbot Smith responded on 21 February, 1991, and told the Archbishop that he had spoken to B. Smyth who had assured him that there had "been no incident of that nature for a

couple of years". According to the Abbot, B. Smyth only visited Belfast in order to see his doctor or his family. He further informed the Archbishop that B. Smyth was attending St. James' Hospital in Dublin twice weekly for therapy and that B. Smyth had assured him that the therapy was helping him. The Abbot concluded by stating that he had made B. Smyth aware of the Archbishop's letter and had "asked him to be prudent in the matter".

59. In April 1992, a council minute records a discussion about the possibility of B. Smyth undertaking a lengthier ministry in the United States. The possibility was not proceeded with.
60. A council meeting was held on 7 December, 1993, at which Abbot Smith reported on a meeting that he had attended with Bishop Patrick Walsh, then of the Diocese of Down and Connor, in relation to B. Smyth. It is apparent from the minutes of the council meeting that certain parties in Belfast were preparing to take criminal cases against B. Smyth. On 18 December, 1993, Bishop McKiernan wrote to Abbot Smith and withdrew faculties from B. Smyth permanently.
61. Around that same time, another confrere, contacted one of the complainant families in Belfast by telephone, with Abbot Smith's approval. Abbot Smith explained the purpose of this approach in a letter he wrote to journalist Chris Moore in September 1994, as being to arrange a meeting with the child's father to discuss the allegations and its possible consequences for the child and the community.
62. B. Smyth addressed the Abbot's council at Kilnacrott in January 1994. It can be seen from the minutes of this meeting that B. Smyth was suspended from public preaching and hearing confessions at that time, reflecting the fact that his faculties had been removed in December 1993. The Council proceeded to impose certain regulations on Smyth, which included that he was not to (a) attend choral office; (b) have parlour calls; or (c) to travel abroad. Arrangements were also put in place for Smyth to go to Stroud for treatment. Further details regarding this time in Stroud is set out in response to question 6 below.
63. In February 1994, a special meeting of the Abbot's council took place in order to discuss issues surrounding B. Smyth. Reports from Stroud were considered and further regulations to be imposed on B. Smyth were agreed. These included that he was (a) to dispose of his car (or give the keys to Father Prior); (b) not permitted to visit any home (even those in the neighbourhood); (c) to seek permission for going on walks; and (d) not to exercise pastoral ministry of any kind.
64. It can be seen from the minutes of council meetings held in the months coming up to B. Smyth's trial in late 1994 that the council attempted to prepare the Canonry for what lay ahead. Abbot Smith warned B. Smyth that if he was involved in any further incidents of child sexual abuse, the "Abbot's Council would enter upon proceedings" to have him dismissed from the Order. In addition, any time that B. Smyth was required to attend in Belfast, arrangements were put in place so that he would be accompanied at all times. It is also clear that B. Smyth's request to stay at Holy Trinity Abbey in the weeks leading up to his trial was refused; he was instead directed to remain at Stroud and other medical centres until just before his trial.

**Question 4: What subsequent allegations of sexual abuse of children by Father Brendan Smyth were received by the Norbertine Order including:**

**(a) The names of the individuals?**

**(b) Where the abuse was said to have taken place?**

**(c) When the abuse was said to have taken place?**

**(d) When the Norbertine Order became aware of each allegation?**

**(e) What the Norbertine Order did in response to each allegation?**

65. The Kilnacrott Canonry has received complaints from very many people who were sexually abused during childhood by B. Smyth and also from family members of people who were abused. Legal claims seeking damages were initiated by more than 60 victims. Settlements have been reached with 43 people. With due regard to the terms of reference of this Inquiry, the complaints which related to residential institutions in Northern Ireland are listed in Appendix 4. Complaints relating to such institutions were received from 6 people, each of whom instituted legal proceedings and received settlements.

**Question 5: Once the Norbertine Order had become aware of an allegation or allegations of sexual abuse of children by Father Brendan Smyth what steps were taken by the Order to:**

**(a) Report that abuse to the civil authorities, and when was this done?**

**(b) Prevent Father Brendan Smyth abusing any further children?**

66. Tragically, the only actions taken by the Kilnacrott Canonry to deal with Smyth's behaviour are those set out above, which, it is accepted, were wholly inadequate.

**Question 6: When did the Norbertine Order obtain medical treatment for Father Brendan Smyth in relation to these matters and by whom was he treated (to include stays in medical institutions)?**

67. B. Smyth was first sent for medical treatment upon his return to Kilnacrott from Providence in 1968. He was a patient at the Graham Clinic, a psychiatric unit attached to Purdysburn Hospital, Belfast, under the care of a clinical psychologist by the name of [REDACTED]. It is stated that certain aversion techniques were used on B. Smyth during his time in Purdysburn e.g. election shock behavioural correction therapy. There is no report from [REDACTED] on file and the duration of B. Smyth's stay in Purdysburn is not clear. What is clear, however, is that B. Smyth attended [REDACTED] as an outpatient from approximately September 1968 to May 1969 and that he was free to rearrange appointments regularly, as detailed above in response to questions 1-3.

68. B. Smyth subsequently received treatment at St. Patrick's Psychiatric Hospital in Dublin between May 1973 and June 1974, where he was under the care of a [REDACTED]. As stated earlier, whilst there are records relating to B. Smyth's treatment there, it has not been possible, to date, for us to obtain copies of these.

69. Treatment was next arranged for Smyth in 1975 when he was sent to Our Lady of Victory in Stroud, Gloucestershire. This was a centre run by the Servants of the Paraclete. No records from B. Smyth's stay in Stroud in 1975 are available. A subsequent report from Stroud in 1994, however, illustrates that when B. Smyth first presented in Stroud in 1975, he was informed that there was no treatment programme available for his problems. It appears that B. Smyth stayed at Stroud, in any event, for approximately 4 weeks, treating his time there as a retreat.

70. In 1989, B. Smyth was referred for further treatment to a consultant psychologist in Dublin, called [REDACTED]. A contemporaneous report from [REDACTED] is

not on file. There is a report from him, however, dated 9 February 1994 in which he recounts his interactions with B. Smyth in 1989.

71. Sometime prior to his trial in 1994, B. Smyth was once again sent to Stroud for treatment. An "In Depth Personal Assessment" of Smyth was carried out by Fr. David Fitzgerald at Stroud on 1 February 1994. During the interview, B. Smyth stated that he had been sent to Stroud approximately 20 years previously but there was no structured programme available for his problems. As a result, he was advised to stay 2/3 weeks for a retreat.
72. The 1994 assessment report is quite detailed and includes direct quotes from B. Smyth himself. Fr. Fitzgerald diagnosed B. Smyth as a fixated, ego syntonic paedophile and recommended that he be in a supportive therapeutic environment. B. Smyth was subsequently interviewed by Stroud's psychiatrist, [REDACTED] on 2 February, 1994.
73. B. Smyth was discharged from Stroud around May 1994 and it is apparent from council minutes that he was transferred to a medical centre in Ballinderry in May 1994. The Servants of the Paraclete had provided directives for his care while staying in Ballinderry; these included that he was to have a supervisor and that he was to attend weekly psychotherapy sessions. In addition, he was to have no access to a minor and was not to undertake any public ministry.

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**Question 7: What disciplinary action was taken by the Norbertine Order (or any other part of the Catholic Church) against Father Brendan Smyth and when was this action taken?**

74. Any disciplinary action taken by the Kilnacrott Canonry against B. Smyth is set above.

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**Question 8: When did the Norbertine Order first report Father Brendan Smyth to the police in Northern Ireland or the Republic of Ireland? What was the report in relation to? If this was not done, why was it not done?**

75. To my knowledge, the two Abbots of the Kilnacrott Canonry did not report complaints against B. Smyth to the police in Northern Ireland or to the Gardaí in the Republic of Ireland.
76. A complainant that has come forward, through his solicitors, in the last few years states that his father reported B. Smyth to the Gardaí in Kilnaleck, Co. Cavan in or around 1953. There is no record of this complaint being brought to the attention of Kilnacrott Canonry at that time.

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**Question 9: What, if any, systemic failures does the Norbertine Order acknowledge in relation to their dealings with Father Brendan Smyth and his ability to perpetrate sexual abuse of children in residential institutions in Northern Ireland?**

77. I have reflected deeply upon the failings which enabled B. Smyth to use his priesthood over a 40-year period to perpetrate child sexual abuse. It is clear that warning signs had surfaced prior to his ordination. I am unable to say how clear those warning signs were but, in the light of what we now know, the pattern of behaviour by which B. Smyth maintained his freedom to do as he chose was already apparent whilst he was in formation. I must, therefore, begin by stating that he ought never to have been ordained to the priesthood. From my knowledge of B. Smyth, I can say he was a very intelligent man and in fact the first confrere who studied at the Gregorian University in Rome. On reflection, it is clear he used his intelligence and naked cunning, not only to engineer

circumstances where he could conduct abuse of children, but also to intimidate and effectively oppose the efforts of those who sought to confront him or restrict his activities, however inadequate these measures were. I am of the view that, whilst he never held any significant position within the Kilnacrott Canonry, and was never a member of council, he was in fact a significant presence and influence and was able to silence or ridicule those who would oppose him.

78. On each occasion throughout his time in the Kilnacrott Canonry that B. Smyth became the subject of suspicion or complaint, a clear written record of the information coming to light should have been created and preserved. Insofar as the suspicions or complaints involved actual criminal activity, these should have been reported immediately to the competent police authorities of the relevant jurisdictions. Upon completion of any criminal investigations, there ought to have been full and careful investigations in accordance with the laws of the Catholic Church. It is probable that, had such investigations been conducted, the clear necessity for a penal process to impose the penalty of dismissal from the clerical state on B. Smyth would have become apparent. Had B. Smyth not died in September 1997, a penal process for his dismissal would have proceeded. This, however, would have been far too little too late.
79. B. Smyth should not have been permitted to exercise ministry after it had become known that he was perpetrating acts of child sexual abuse. Dioceses and other places at which B. Smyth was permitted to minister should have been alerted, in advance of his receiving any appointment, of his history. Even allowing for the increased awareness brought about through the exposure of child sexual abuse over the past 2 decades, it is most unlikely that B. Smyth would have been permitted to minister anywhere if those who entrusted him with ministry had been forewarned of his history.
80. This Inquiry has received complaints from adults who were sexually abused by B. Smyth while they were being cared for in residential institutions in Northern Ireland. It was B. Smyth's practice, whilst based at Kilnacrott, to travel North on his day off each week. It was understood that on these occasions he was visiting family and friends. The Abbey does not appear to have known where he actually went or what he did, or that he was visiting Children's Homes. It is clear that he visited Nazareth Lodge and Rubane House and that he abused children who were in residential care in these institutions. It is clear also from complaints that we have received that B. Smyth gained access to children in school settings and also in their family homes in Northern Ireland during those years. I accept that B. Smyth was not a fit person to have access to children at any time or under any circumstance.
81. Prior to 1994, the Kilnacrott Canonry does not appear to have had any appreciation of the harm which B. Smyth was causing. Upon complaints being received, efforts should have been made to ensure that victims received just acknowledgment of the wrong done and the therapeutic and spiritual supports they required. I am conscious that the needs of each person affected are different. We should have set out to identify and meet those needs. For many victims who came forward to the Kilnacrott Canonry, prior to 1994, the sole concern was to safeguard others. I am ashamed by our failure as a community to hear those warnings and to act accordingly.
82. I am aware that many of the systemic failings for which we are culpable were addressed in "Child Sexual Abuse: Framework for a Church Response", the guidelines adopted by the Catholic Church in Ireland in 1996. I am also aware that the Catholic Church in Ireland, and universally, has continued to develop and refine its safeguarding systems in the years since 1996. In Ireland today, there is a National Board for Safeguarding Children in the Catholic Church which is an independent body charged with responsibility for oversight and the provision of guidance to bishops and religious superiors. A

cornerstone of the Church's response is recognition of the primacy of state law in the investigation and prosecution of criminal offences and in the safeguarding of children.

83. During 1994 and 1995, and throughout the years since then, it has been the policy of the Kilnacrott Canonry to report all complaints to the Gardaí, the PSNI and the relevant statutory child protection agencies.
84. The life of the Kilnacrott Canonry changed forever in 1994 when we were confronted with the reality of our failings and their consequences. For each of my confreres the shame of our failings is immense. We have tried to atone for our failings. Fr. Gerard Cusack provided leadership to the canonry between 1994 and 2013. He endeavoured to demonstrate the deep remorse felt within our community in his efforts to respond to so many people who came forward with their accounts of the abuse they had suffered and to parents, family members and friends who felt so betrayed by B. Smyth and by us. Our canonry will continue to listen, and pray, and to acknowledge the crimes of B. Smyth and what he has done to the detriment of hundreds of people. Although our Abbey is now closed, we are thankful that the people for whom the Abbey had been their place of prayer and spiritual comfort over decades, found it in their hearts to be forgiving and to continue to support us in countless and unseen ways during the past 21 years.

**Question 10: How many compensation claims have the Norbertine Order dealt with in respect of abuse by Father Brendan Smyth and how much compensation has been paid? How much of the compensation was contributed by the Norbertine Order? What other parties, if any, contributed to the compensation and to what extent?**

85. The Kilnacrott Canonry has had limited resources at its disposal from which to respond to claims for compensation from many of B. Smyth's victims. We have endeavoured to compensate to the extent that our means have allowed and have settled 43 claims. It is hoped that a means may be found to provide some redress to these other victims.

**Question 11: At what point in time does the Norbertine Order say that any of the dioceses of the Roman Catholic Church based in Northern Ireland first knew of allegations of abuse against Father Brendan Smyth, and why the Order so says?**

86. As far as I am aware, Bishop Francis McKiernan, then of the Diocese of Kilmore, first became aware of allegations of child sexual abuse by B. Smyth in, or around, March 1975. This prompted Bishop McKiernan to carry out a canonical inquiry, the purpose of which, I am told, was to provide the Bishop with firm grounds for withdrawing faculties from B. Smyth.
87. I am advised that two complainants were interviewed during the inquiry, which took the form of a question and answer sequence under oath before a Notary.
88. As stated earlier, following the inquiry, Bishop McKiernan withdrew B. Smyth's faculties and on 12 April 1975, he is stated to have called to the Holy Trinity Abbey where he reported his findings to Abbot Kevin Smith. Although no record exists of this meeting, I am advised that Abbot Smith indicated knowledge of former issues with B. Smyth and he informed the Bishop of B. Smyth's previous psychiatric treatment under [REDACTED] of St. Patrick's Hospital.
89. I am told that B. Smyth wrote to Bishop McKiernan in August 1984 seeking a return of his diocesan faculties. Bishop McKiernan consulted with Abbot Smith and was satisfied that there did not appear to have been any further occurrences similar to those previously complained of and in the circumstances Bishop McKiernan returned faculties

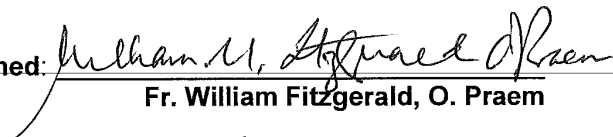
to B. Smyth, initially for a period of six months. I am advised that periodic renewal of faculties was granted until a final withdrawal was made on 18 December, 1993.

90. I am further told that Bishop Cathal Daly, then of the Diocese of Down and Connor, became aware of allegations of child sexual abuse by B. Smyth in February, 1990. As stated earlier, Bishop Cathal Daly met with Abbot Smith in March 1990 to inform him of the allegations.

91. As mentioned previously, Archbishop Cathal Daly, then of the Archdiocese of Armagh, wrote to Abbot Smith in February 1991 in relation to further complaints about B. Smyth.

***Question 12: Any other relevant information that the Norbertine Order considers would assist the Inquiry.***

92. I have endeavoured to provide to the Inquiry all the information that is known to me in relation to B. Smyth. I hope that in providing answers to the questions raised by the Inquiry that those who have suffered abuse will consider that their questions have also been answered. As a priest, I am profoundly distressed at the betrayal of religious vocation in seeking to live the same totally God centred life shown to us in the life of Jesus Christ. To profess this life and then turn around to commit child abuse is a shocking hypocrisy and I apologise once again to all of those who have been harmed and who continue to suffer.

Signed:   
Fr. William Fitzgerald, O. Praem

16. 06. 2015

Belfast. After discussion, Council agrees that these requests do not appear in place at present, when Fr. Brendan has just been admitted to a proper hospital.

ii. Request that he be allowed visit the Abbey. Council rules that any visits abroad made by Fr. Brendan are to be made under supervision. In event of it being allowed him make visit to the Abbey, community are to be informed beforehand.

iii. Fr. Brendan requests that if a second stay at Mt. Melleray is envisaged for him, he be given greater freedom than before, e.g. freedom to visit abroad. Council hears that Fr. Brendan would only be accepted at Mt. Melleray, if he is there on same terms as before.

iv. Fr. Brendan seeks freedom regarding offering Mass. Fr. Abbot submits it is not his intention to prohibit Fr. Brendan from offering mass privately.

It is agreed that Council acknowledge Fr. Brendan's letter as received.

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MINUTES OF ABBOT'S COUNCIL MEETING

24 MAY 1994

Present: Fathers Abbott, Prior, Sub Prior, [REDACTED] and FBS 52

Father Abbot offered documentation on the laicization procedure. The party is offered three warnings, specific directives being given him for his compliance. In the event of these directives being ignored, the laicization is referred to Rome.

It was difficult to obtain laicization, if party is unwilling.

I. Moral and public predicament of Kilnacrott priest confrere

i. The question of laicization

[REDACTED]  
[REDACTED] After some discussion, Council agreed to defer this question to a later date.

ii. Protection of Abbey's capital assets

Council members were concerned to protect in first place funds for new Abbey Church. [REDACTED]  
[REDACTED]

iii. Date of Court Trial

It is learnt that a date being considered is in week beginning Monday June 13<sup>th</sup>

iv. [REDACTED]  
[REDACTED]  
[REDACTED]

II. Father Abbot's personal role

Father Abbot said he wished to speak regarding his role as Abbot. He said he would welcome learning of correspondence between Council Members and [REDACTED] of De Pere.

Council was now briefed in full on letters and other interchanges between Council Members and [REDACTED]. Council was told that approach was initially made [REDACTED] on recommendation of [REDACTED] who had sent word to Abbey that abbot of De Pere was aware of Kilnacrott problem, and was interested to help. Council members took account that [REDACTED] was a Canon Lawyer and had had experience in his own community of this problem.

## THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

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**Witness Statement of Father Donal Kilduff**

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I Father Donal Kilduff will say as follows –

1. I am the Chancellor and Diocesan Secretary to the Diocese of Kilmore. I have been asked by Bishop Leo O'Reilly to prepare this statement to assist the Historical Institutional Abuse Inquiry in their work. Bishop O'Reilly has held his position since 16 October 1998. This statement will deal with the issues surrounding Brendan Smyth and his activities as far as I can assist. I have had full access to all of the records in the Diocese relating to the knowledge of the Diocese surrounding this man and I have also had the opportunity of speaking to others within the Diocese to assist me.
2. In order to assist the Inquiry with some background, I would like to give some details about the diocese. The Diocese of Kilmore is situated mainly in the County of Cavan but also includes the northern parts of Co Leitrim as well as portions of Counties Meath, Sligo and Fermanagh. The Diocese consists of 35 parishes, one of which, Derrylin, is situated fully in Northern Ireland and the other, Kinawley, partly so. The Diocese itself is predominantly in Southern Ireland and its headquarters are in the Republic of Ireland at Bishop's House, Cullies, Cavan
3. By way of background information also, the Norbertine Order, of whom Brendan Smyth was a member, have an Abbey based in Kilnacrott which is close to Ballyjamesduff, Co Cavan, and is within the boundaries of the Diocese of Kilmore. It is situated about 24 Km south of Cavan where the Cathedral of Kilmore diocese is located. The Order itself is significantly reduced and the Abbey has recently been sold. The remaining members are old and infirm and will be accommodated nursing homes and in a small house near Ballyjamesduff. I was informed that the Order ceased to exercise public ministry in the Abbey on Easter Sunday, 5 April 2015.
4. The Norbertine Order are what is known as 'an exempt religious order', which means that it is to a large extent autonomous of the diocese in its governance and its activities. The Norbertine monastery of Kilnacrott, near Ballyjamesduff in the diocese of Kilmore, was an

Abbey and was presided over by an Abbot up until the resignation of Abbot Kevin Smith in 1994 in the wake of the arrest and trial of Brendan Smyth. Since then it had been administered by a Prior until the sudden death of the Prior, Fr Gerard Cusack, on 17 March 2013. It is currently under the charge of a 'Prelate Administrator', Fr William Fitzgerald. In the past there were some tensions between the Order and the Diocese. The Order had been given permission by Bishop Finegan to establish a house in the diocese provided that it would be self-sufficient.

An Abbot in Church law is an 'ordinary', which means that he exercises authority in his own right within the Abbey over members of his congregation in the same capacity as a bishop does in his diocese over his priests. He is responsible for the members of the Order and their activities. The members of the Order are accountable to their Abbot, and the Abbot reports to the Abbot General in Rome. The Bishop of the diocese in which the Abbey is situated does not have jurisdiction in Canon Law over members of the Order, except in so far as they exercise ministry in the diocese at the invitation of the bishop. His role in their regard is to give them 'faculties' for ministry, which is similar to a licence to practice. They are usually issued for an indefinite period. If priests have faculties to minister in one diocese in Ireland this is normally accepted by the authorities in other dioceses in the country. If the Bishop withdraws faculties from a member, that member may still be permitted by the Abbot to celebrate Mass in the Abbey.

5. Before dealing with the specific areas which the Inquiry is looking at I would wish, on behalf of the Diocese, to express the deep sorrow felt by the Bishop of Kilmore, Bishop Leo O'Reilly, and the Diocese, that any child was abused by any member of the Clergy. We apologise unreservedly to any child abused by Brendan Smyth for that abuse and for the hurt and harm caused. The actions of Brendan Smyth must be condemned unreservedly. The abuse of his position of power is a cause of profound pain and suffering to all his victims and a source of shame and deep sorrow to all in the Church he purported to represent.
6. I can confirm that I have conducted a review of what is known in the Diocese about Father Brendan Smyth and what can be learned from the Diocesan records. I believe that the Inquiry has received a bundle of material about Brendan Smyth in response to a request from Mr Patrick Butler, solicitor to the Inquiry in August 2013.

7. On conducting a detailed review of the records I have found further material relating to three complaints made to the diocese directly (i.e. they did not come to us via a solicitor acting on behalf of a complainant).
- a. One of these, that of **FBS 43** made in February 2010, contained concerns and suspicions and was not an allegation of abuse as such. Later, on 19 March 2010, **FBS 43** made allegations of abuse in vague terms against Brendan Smyth in a meeting with Bishop O'Reilly. He indicated he thought these things happened 'in the late sixties or early seventies'. He was invited to make a full statement to the Designated Liaison Person of the diocese but did not do so. He was also encouraged to report the matter to the Garda Síochána.
  - b. The second was a report by a priest, **FBS 49** who told me that he had received a complaint from a woman around 1973 that her 14 year old daughter had been abused by Brendan Smyth. **FBS 49** said he informed Bishop MacKiernan about the alleged abuse.
  - c. The third is an allegation by a man called **FBS 44** now in his seventies and living in **[REDACTED]** that he was abused by Brendan Smyth when he was an altar server in Kilnacrott around 1955. I understand this allegation may be the subject of legal proceedings against either the Norbertines or the diocese of Kilmore, or both. **FBS 44** indicated that he told his then teacher at that time Father Mackiernan (later the bishop), there are no documents to support this.

These records are submitted with this statement. With the addition of these documents, I hope that all the information in the possession of the diocese by way of documentary records (that is not the subject of legal proceedings or other constraints) has been provided. I understand that if any further material does come into my possession I should pass this to the Inquiry. I make the following statement based on these records and on what I have learned from my investigations..

8. In relation to the crimes of sexual abuse perpetrated by Brendan Smyth, the first record in the diocesan files of awareness of them by the bishop of the diocese is in regard to events during March-April 1975. A young boy in **[REDACTED]** (BB) made a complaint of abuse to a **[REDACTED]** priest, **FBS 48** who was associated with a local youth club. **FBS 48** seems to have intended first to contact the Abbot of Kilnacrott, Fr Kevin Smith, who was Brendan Smyth's superior, to report the matter to him. For some reason he contacted Bishop Francis

MacKiernan, the then bishop of Kilmore, instead. Bishop MacKiernan arranged to have the matter investigated.

9. There are no records in the diocesan files to show the actual steps taken to set up the investigation which followed. The investigation took place in the [REDACTED] Friary in [REDACTED] on 29 March 1975, the night before Easter Sunday. I understand it took place a matter of days after the complaint was received. [REDACTED] FBS 50 [REDACTED] a canon lawyer, who was a priest of the Archdiocese of Armagh, led the investigation, which is not surprising since [REDACTED] is in the Archdiocese of Armagh. However, there is no record of his appointment to the investigation or even how he came to be contacted. There is no record in the files either as to how Father John Brady became involved. Father Brady was a school teacher in St Patrick's College, Cavan but would also have assisted on an ad hoc basis as an informal secretary to Bishop MacKiernan and would have assisted him as and when needed. He has confirmed that he was asked to be involved in the investigation and he attended at the meeting with BB.
10. BB came to the Priory with his father on the 29<sup>th</sup> March 1975, although his father was not present during the actual interview process. BB was accompanied during the interview by [REDACTED] FBS 48 [REDACTED] who attended as his support person during the interview. Questions were asked of him by [REDACTED] FBS 50 [REDACTED] and the questions and answers were recorded by Father John Brady.
11. The records of the investigation (which have been given by the diocese of Kilmore to the HIA) were compiled by Fr Brady and given to Bishop MacKiernan. The boy who made the complaint said in his evidence that he was aware that Brendan Smyth abused another boy [REDACTED] FBS 39 [REDACTED] This boy was from [REDACTED] in the diocese of Kilmore. Fr Brady met with this second boy, in the presence of the parish priest, on 4 April 1975. There are no records of who arranged this second meeting. Father Brady then presented a record of the evidence given by both boys to Bishop MacKiernan.
12. The Diocesan file shows that the evidence record of the two interviews were given by Father Brady to Bishop MacKiernan. Father Brady has confirmed that when he returned the documents he advised the Bishop that he believed both of the boys. There is no note or record of any meeting between Fr Brady and Bishop MacKiernan so we cannot accurately relate the content of any conversation and we rely on the memory of the then Fr Brady.

Father Brady does not recall [FBS 50] having retained any of the documents and it is therefore likely that the full records are now with the Diocese of Kilmore and are in the possession of the Inquiry.

13. There are records which show that Bishop MacKiernan met Fr Kevin Smith, the Abbot of Kilnacrott, on 12 April 1975 around 2 weeks from the complaint being received to make him aware of the findings of the inquiries and to tell him that he was withdrawing Brendan Smyth's faculties. In his memo of this meeting dated 20 April, Bishop MacKiernan says: "I have withdrawn his faculties to hear Confessions". In a letter of 18 April 1975 to the Abbot, Bishop MacKiernan says: "I hereby withdraw the faculties of the diocese from Rev. B. G. Smith [sic]". He asked the Abbot to communicate this decision to Brendan Smyth. Bishop MacKiernan uses the phrases 'faculties to hear confessions' and 'faculties of the diocese' interchangeably. The faculties of the diocese would include permission to celebrate public Masses, preach and administer other sacraments, as well as the faculty to hear Confessions. However, 'faculties to hear Confessions' appears to have been understood in this wider sense generally, but, strictly speaking it would apply only to the Sacrament of Penance (Confessions).

In a memo of the meeting of 12 April, which is dated 20 April 1975, Bishop MacKiernan states that the Abbot indicated knowledge of previous 'lapses' and that Brendan Smyth had received psychiatric treatment under a [REDACTED] of St Patrick's Hospital. The Abbot said that [REDACTED] refused to discuss the case with him. Bishop MacKiernan recommended consulting the St John of God Brothers who in turn recommended he be sent to the Paraclete Fathers, in Gloucester under a [REDACTED]. The diocese cannot help further on what treatment or referrals did take place as they have no records of any of these. I understand that both these institutions specialised in the treatment of addictions generally as well as of other psychiatric disorders.

14. There is some evidence that Bishop MacKiernan may have been aware of Brendan Smyth's activities earlier than 1975, but there is no contemporaneous record of it in the archives of the diocese. A priest of the diocese [FBS 49] (see 7 b above) says that he reported a complaint made to him by a woman (he cannot recall her name) in [REDACTED] area, that her daughter was abused by Brendan Smyth when she was about 14. [FBS 49] [REDACTED] said that the bishop reported it to the Abbot of Kilnacrott who had told the bishop that he would send him to a psychiatrist. According to [FBS 49] Bishop

Mackiernan sent a letter to him, for the lady, telling her that the Abbot of Kilnacrott had told him that Fr Smyth had been treated by a psychiatrist and that she could be assured that this would not happen again. He said he passed the letter on to the lady. We can find no record of that letter in our records and the priest did not keep a copy. As he cannot recall this lady's name we cannot trace this matter any further at present.

15. Another complainant, **FBS 44** (cf 7 c above) who first made an allegation to the diocese on 25 May 2012, has stated that he was abused by Brendan Smyth when he was 11 or 12 around 1955. He says that when he was a student of [REDACTED] a couple of years later, he told a priest on the staff of the college, Fr Francis MacKiernan (who was later Bishop MacKiernan) about the abuse. That would have been 1957.
16. After the 1975 investigations of Brendan Smyth and the actions taken by Bishop MacKiernan there is no further record relating to Brendan Smyth in our archive until 1984. The Abbot had assured the Bishop that the appropriate steps were being taken. The lack of any further reports in the files of the diocese suggests that the diocese believed that the appropriate steps had been taken.
17. On 20 August 1984 Brendan Smyth wrote to Bishop MacKiernan asking that his faculties be restored and saying that his Superior (the Abbot) had proposed this. There is no record of communications between the Abbot and Bishop MacKiernan in the archives, but Bishop MacKiernan later confirmed that he had consulted with the Abbot and that he was satisfied that there did not appear to have been any further occurrences similar to those previously complained of and, in the circumstances, Bishop MacKiernan restored his faculties for a period of six months. In response to subsequent requests, faculties were extended for further six months periods and later for one year periods, until the final withdrawal of faculties was made on 18 December 1993. The limited nature of the return of faculties suggests that Bishop MacKiernan wanted to monitor Brendan Smyth to ensure he did not come up in any further complaints but that he believed that the treatment discussed had taken place and that it had worked.
18. When we consider the steps taken in 1975 against the knowledge that we have now, it is clear that the necessary and appropriate steps were not taken to stop Brendan Smyth from reoffending.

19. The Diocese would accept that the failure of Bishop MacKiernan to report the matter to the civil authorities or to ensure that the matter was reported by Abbot Smith to the civil authorities was a failing on his part. In the light of what is now known about Brendan Smyth and about the compulsive nature of paedophilia, it is clear that the diocese should also have informed the civil authorities in the jurisdictions where those children lived. These children were named in the reports as having also taken part in excursions with Brendan Smyth. There is nothing in the files which throws any further light on the question of why the names of the other children were included in the reports of the investigations.
20. The diocese of Kilmore now has a comprehensive safeguarding children policy and procedures in place. The diocese has signed a Memorandum of Understanding with the National Board for Safeguarding Children in the Catholic Church in Ireland, committing it to adopting and following the "Standards and Guidance" protocols of 2009 and updated regularly since then to take account of new legislation and new developments in safeguarding policy and practice. The diocese of Kilmore employs a full-time Co-ordinator of Safeguarding who reports to the Kilmore Diocesan Safeguarding Committee. She is assisted in her role of training and monitoring by a trained volunteer.

Each parish has at least one Safeguarding Representative, who oversees safeguarding policy and practice in the various parish activities. These representatives receive regular training and they in turn train the leaders of youth activities in the parishes. There are strict recruitment procedures in place for all those involved in any way with ministry to children. There is close liaison between the safeguarding representatives and the parish pastoral council. There is an annual audit of the implementation of policy and procedures in parishes.

In regard to responding to allegations of abuse, the Co-ordinator of Safeguarding in the diocese acts as the Designated Liaison person who receives reports and allegations of abuse and responds to them. She is assisted by a priest who is Assistant Designated Person. The diocese has for many years joined with the neighbouring dioceses of Ardagh and Clonmacnois and Clogher to establish a joint Advisory Panel. This Panel provides advice and guidance in relation to all complaints received and it is made up of people with expertise in childcare, civil and canon law, and other relevant disciplines.

The diocese also consults the National Office for Safeguarding Children for advice as the need arises. It subscribes to the services of the National Case Management Reference Group

(an agency of the National Board) and consults its expertise in particularly difficult cases. There are also periodic meetings between the diocesan safeguarding personnel and the statutory agencies to seek advice and exchange information. In regard to how any allegation is now handled the diocese seeks the advice of the civil authorities and is guided in any action they take by those authorities.

The diocese arranged for a voluntary audit of its files by an independent consultant in 2006 in order to see how it could improve its practice. Since then it has been audited in the first batch of reviews conducted by the National Board for Safeguarding Children in 2010 and was highly commended for its current practice.

21. Again, on behalf of the Diocese, Bishop O'Reilly would wish to repeat its unequivocal apology to any of those who suffered as a result of the abuse carried out by Brendan Smyth. This abuse of his position of trust has affected many, not just the children whom he abused but also their families and all those who placed their trust in him. The Diocese apologises to the children abused and to those who feel the pain of having been deceived by Brendan Smyth.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed 

Dated 9<sup>th</sup> June 2015

**THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995**

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**Witness Statement from the Archdiocese of Armagh**

1. The Archdiocese of Armagh comprises almost all Co Armagh; all Co Louth with the exception of small areas which are in the diocese of Clogher and Meath; a large part of Co Tyrone; a small part of Co Derry and a very small part of Co Meath.
2. The Archdiocese of Armagh is one of four Metropolitan Archdioceses in Ireland, the others being: Dublin, Tuam, Cashel & Emly. There are twenty two (22) other dioceses in Ireland.
3. The Archdiocese of Armagh has sixty one (61) parishes, thirty seven (37) in Northern Ireland and twenty four (24) in the Republic of Ireland. It is currently served by ninety nine (99) priests in active ministry and, in addition, there are nine (9) male Religious Congregations, comprising fifty two (52) priests and sixteen (16) others, while there are fifteen (15) female Religious Congregations, comprising two hundred and ninety seven (297) sisters in the Archdiocese.
4. The Archdiocese of Armagh is currently led by Archbishop Eamon Martin who was ordained coadjutor Archbishop of the Archdiocese of Armagh on the 21 April 2013 and who succeeded as Archbishop of Armagh and Primate of all Ireland on the retirement of Cardinal Seán Brady on the 8 September 2014. Archbishop Eamon Martin is assisted by two (2) Vicars General. An ecclesiastical province is presided over by a Metropolitan, who is archbishop in his own diocese (cf. canon 435). The Metropolitan Archbishop of Armagh is Archbishop Eamon Martin; the ecclesiastical province is comprised of the archdiocese of Armagh and eight (8) suffragan dioceses which are: Ardagh & Clonmacnoise, Clogher, Derry, Down & Connor, Dromore, Kilmore, Meath and Raphoe. Within the suffragan dioceses, the Metropolitan is competent:  
1° to see that faith and ecclesiastical discipline are carefully observed and to notify the Roman Pontiff if there be any abuses;

2° for a reason approved beforehand by the Apostolic See, to conduct a canonical visitation if the suffragan bishop has neglected it;

3° to appoint a diocesan Administrator in accordance with canons 421 §2 and 425 §3.

§2 Where circumstances require it, the Apostolic See can give the Metropolitan special functions and power, to be determined in particular law.

§3 The Metropolitan has no other power of governance over suffragan dioceses. He can, however, celebrate sacred functions in all Churches as if he were a bishop in his own diocese, provided, if it is the cathedral Church, the diocesan bishop has been previously notified (cf. 436).

5. The Archbishop of Armagh is also the Primate of all Ireland. The title of Primate, apart from conferring a prerogative of honour, does not in the Latin Church carry with it any power of governance, except in certain instances where an apostolic privilege or approved custom establishes otherwise (cf. canon 438). No such privilege or custom apply to the Primate of all Ireland
6. In response to the request of the HIAI to review any and all material in the possession of the Archdiocese of Armagh relating to Brendan Smyth, a search was undertaken of open and archived material in the Diocesan Office of the Archdiocese of Armagh.
7. In February 1991 Archbishop Cahal Daly was contacted by a family who had been in contact with him during his years as Bishop of the Down and Connor diocese. On the 11 February 1991 Archbishop Cahal Daly wrote to the family acknowledging previous complaints having been received about Brendan Smyth and apologising for the distress caused (cf. copy of letter, Appendix 1). On the same date, 11 February 1991, Archbishop Cahal Daly wrote to the Abbot of Kilnacrott Abbey to report the family's allegations and to suggest that "more drastic steps seem imperative if further harm is not to be done" (cf. copy of letter, Appendix 2).
8. A memo dated 18 October 1993 reveals that a telephone call was received from [REDACTED] [REDACTED] re a complaint they had about an unnamed priest, something which had previously been discussed with Cardinal Cahal Daly during his years as

Bishop of the Down and Connor diocese. Later legal correspondence, dated 2 March 1995, links [REDACTED] in legal proceedings with, among others, the Norbertine Order (cf. copies of memo and legal correspondence, Appendices 3 & 4).

9. In August 1994 Rev Bruno Mulvihill, O Praem, who had been a monk in Kilnacrott Abbey, wrote a letter to Cardinal Cahal Daly in which he detailed his concerns re Brendan Smyth during his years in Kilnacrott Abbey, concerns which, he says, dated from the early 1960s (cf. copy of letter, Appendix 5). On the 29 September 1994 Cardinal Cahal Daly replied to Rev Bruno Mulvihill's letter (cf. copy of letter, Appendix 6).
10. In December 2010 **FBS 45** then domiciled in England, wrote to Cardinal Seán Brady alleging she had been sexually abused by Brendan Smyth in December 1993 when she was eleven (11) years old (cf. copy of letter, Appendix 7). On the 24 December 2010 Cardinal Seán Brady replied to **FBS 45** (cf. copy of letter, Appendix 8). On the 4 February 2011 this allegation was reported to both the Garda Síochána and Fr Gerard Cusack, the then Abbot of Kilnacrott Abbey (cf. copy of correspondence, Appendices 9 and 10).
11. On the 14 May 2013 a priest of the Archdiocese of Armagh received an allegation from a lady during the annual diocesan pilgrimage to Lourdes that both she and her sister had been abused by Brendan Smyth at an undisclosed time and place (cf. copy of reporting memo, Appendix 11). This matter was reported by the Director of Safeguarding for the Archdiocese of Armagh to the Garda Síochána in June 2013 (cf. copy of letter dated 13 June 2013, Appendix 12).
12. It had become known in recent years that an inquiry was held in 1975 by the then Bishop of Kilmore relating to Brendan Smyth and that a priest of the Archdiocese of Armagh was involved in this inquiry. Nothing of a contemporary nature was found in the search of the archive material held in the Archdiocese of Armagh. A hand-written memo relating to an apparent search for materials and information was found twenty years later in 1995 (cf. copy of memo dated 4 January 1995, Appendix 13). In recent years the Archdiocese of Armagh, through disclosure in a civil claim for compensation, came into possession of a copy of materials relating to an investigation in 1975 by the then

Bishop of Kilmore into Brendan Smyth; this included evidence of the involvement of **FBS 50** a priest of the Archdiocese of Armagh, who was then a [REDACTED]. During the course of this investigation a boy from the [REDACTED] Brendan Boland, alleged on the 29 March 1975 that he had been sexually abused by Brendan Smyth.

13. In initiating this inquiry it appears that the then Bishop of the Diocese of Kilmore, Bishop Francis McKiernan, as the local ordinary where Brendan Smyth had residence, may have been guided by the provisions of *Crimen Sollicitationis* §§ 2 and 73, which gave the local ordinary the canonical authority to bring crimes involving a cleric and pre-adolescent children to trial in the canonical forum.
14. According to the hand-written memo written twenty (20) years later and dated 4-6 January 1995, **FBS 46** a priest of the Archdiocese of Armagh and himself a [REDACTED], appears to have been aware of the aforementioned interview (cf. Appendix 13). This hand-written memo is speculative and scarce on detail and bears out my observation above that there was nothing in the archive of the Archdiocese of Armagh relating to the interview or inquiry.
15. Information about the allegations made by Brendan Boland during interview on the 29 March 1975 was conveyed to Bishop Francis McKiernan, the then Bishop of Kilmore, by Fr John B Brady, a priest of the Diocese of Kilmore, who had acted as scribe/notary for the interview. This was because the inquiry was being carried out by the Diocese of Kilmore. No copies of the interview, the questions or other notes were in the archives in the Archdiocese of Armagh. During the interview with **FBS 50** and others on the 29 March 1975 Brendan Boland named a number of other children whom Brendan Smyth brought on holiday to Cork. Towards the end of his interview with Fr **FBS 50** and others on the 29 March 1975 Brendan Boland identifies a boy, **FBS 39**, and another boy, [REDACTED] who was a friend of **FBS 39**, but is unable to provide [REDACTED]'s surname.
16. It appears that **FBS 50** a priest of the Archdiocese of Armagh, played no further part in the Kilmore inquiry. It emerged in the notes disclosed to the Archdiocese that on the 4 April 1975 in Ballyjamesduff, Co Cavan, Fr John B Brady interviewed

**FBS 39** in the presence of another priest of the Diocese of Kilmore; **FBS 39** **FBS 39** was then sixteen (16) years of age and had been named by Brendan Boland. During this interview of the 4 April 1975 **FBS 39** describes being sexually abused by Brendan Smyth over the course of the previous year and also names a number of other individuals, not named by Brendan Boland in his interview of the 29 March 1975. **FBS 39** also relates that they spent the last day of their Cork holiday in Dublin. Given that **FBS 50** played no part in this interview with **FBS 39** **FBS 39** and, given that the notes of this interview formed part of the Diocese of Kilmore investigation in to Brendan Smyth, the existence of these notes was not previously known to the Archdiocese of Armagh nor were they aware through any officer or priest of the Archdiocese of this later interview.

17. In summary, from the copy of the material available, it appears that although **FBS 50** **FBS 50** a priest of the Archdiocese of Armagh, was involved in the interview with Brendan Boland in March 1975, no steps were taken by the Archdiocese of Armagh to report the abuse to the civil authorities. There is no knowledge or record of anyone in the Archdiocese of Armagh reporting Brendan Smyth to the police in Northern Ireland or in the Republic of Ireland. It appears that the abuse of Brendan Boland was reported to the civil authorities by Brendan Boland himself after Brendan Smyth had been prosecuted in Northern Ireland.
18. The greatest single failure in this appalling saga was not reporting these matters to the civil authorities in both Northern Ireland and the Republic of Ireland so that they could investigate the allegations and monitor the movements of Brendan Smyth in order to minimise risk to children. Clearly there was also a failure to exercise vigilance over Brendan Smyth and ensure that he was not free to continue his abusive behaviour inside or outside the confines of Kilnacrott Abbey. In the 1970s there was an absence of safeguarding and risk-management protocols, guidance and procedures at a systemic level across dioceses and religious congregations in the Catholic Church. With the development of guidelines in 1996 leading to Our Children Our Church and then leading to the establishment of the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) and the development of a "one-church" approach to safeguarding, a much more proactive approach would be taken today. The allegations

which had been first received by a [REDACTED] priest in [REDACTED] would be reported to the Designated Officer for the [REDACTED] who would:

- (i) report the allegations to the Garda Síochána and the HSE;
- (ii) advise the Designated Officer for the Diocese of Kilmore;
- (iii) advise the Designated Officer for Kilnacrott Abbey;
- (iv) advise the Designated officer for the Archdiocese of Armagh

The Church today can only look back on all this with shame and in disgrace.

19. The Archdiocese of Armagh today has a dedicated Safeguarding Office in place. The Archdiocese of Armagh secured the appointment in September 2011 via secondment for three years of a senior civil servant from the Department of Health and Social Services and Public Safety Northern Ireland (DHSSPSNI), Mr Pat McGlew, as its Director of Safeguarding. Mr McGlew remained in post until December 2014 when the Archdiocese of Armagh appointed as its new Director of Safeguarding Mr Aidan Gordon who has been seconded from his post as Assistant Director for Adult Safeguarding with the Western Health and Social Services Trust (WHSST). The Archdiocese has a system for provision of training to all those involved with children and vulnerable adults, clergy and lay helpers, and they co-operate fully with the civil authorities in all areas of child safeguarding..

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed (RA) Michael C. Jones

Dated 18 June 2015