

**SUBMISSIONS ON BEHALF OF THE DIOCESE OF DOWN &
CONNOR TO THE HISTORICAL INSTITUTIONAL ABUSE
INQUIRY**

MODULE 6 - FATHER BRENDAN SMYTH

Introduction

1. The Diocese of Down & Connor makes the following submissions with the aim of assisting the work of the Inquiry. The submissions relate to the activities of Father Brendan Smyth and what opportunities there were to prevent Smyth carrying out the abuse of children, and whether any steps taken or not taken to deal with Smyth amounted to systemic failings within the terms of reference of this Inquiry.
2. The Diocese reiterates its submissions relating to the terms of reference of the Inquiry set out at paras. 5-14 of its written submissions in Module 3 and sets these out again for ease of reference.
3. It is submitted that the duty on the part of the Diocese, in keeping with those earlier submissions, was to take such steps as were reasonable in all the circumstances to ensure that the activities of Brendan Smyth were readily detected and where they were brought to the attention of the Diocese, appropriate measures were taken to bring them to an end.
4. The evidence adduced in Module 6 relating to where Smyth's activities impacted on the sphere of responsibility and influence of the Down & Connor Diocese relates to two main distinct matters. Chronologically there is firstly the evidence of the incidents of abuse in the mid 1970's of FBS 35 & FBS 37 and the subsequent actions of FBS 51 in 1976. Secondly was the complaint by FBS 14 which surfaced on the 23rd February 1990 and which was relayed to the Royal Ulster Constabulary by an employee of the Catholic Family Welfare Society.
5. Additionally, Father Timothy Bartlett provided evidence of his own enquiries into an allegation depicted in a book by Chris Moore entitled "*Betrayal of Trust: The Father Brendan Smyth Affair and the Catholic Church*".

The Abuse of FBS 35 & FBS 37

6. In or around 1976 FBS 37 who was then aged ■ or ■ years moved from ■ in Co. Antrim where she had been living for some years. During the preparation for the move FBS 37 disclosed to her mother that she had been sexually abused by Brendan Smyth. The latter had become friendly with the family of FBS 37 having been introduced to them by his brother, Stan Smyth. At this stage no action was apparently taken by FBS 37's mother as FBS 37 had asked her not to tell her father. She knew she was moving and would be getting away from Smyth.
7. Smyth then contacted the family after the move and expressed an intention to visit. At this stage FBS 37's mother contacted the local Parish Priest to complain. FBS 37's mother asked her son FBS 40, who by then was aware of the complaint, to visit FBS 51 in ■ and tell him what FBS 37 had alleged regarding her abuse at the hands of Smyth.
8. FBS 40 called with FBS 51 in 1976 and told him he believed that Smyth had abused both his sister and brother (it appears FBS 40 suspected that his brother had also been abused) and a female friend of his sister's, FBS 35 (the basis for this belief is not clear but the information may well have come from FBS 37 given the later accounts of both girls to police in 1995). Coincidentally, it appears, Smyth was in another part of FBS 51's house when FBS 40 told him this.
9. The following day, at the suggestion of FBS 51, he and FBS 40 travelled to the Ballymascanlon Hotel in Co. Louth to meet with Smyth's Abbot. At this meeting FBS 40 recounted his sister's allegations and his belief that he had also abused his brother and FBS 35. FBS 40 says he spent about 2 ½ hrs with the Abbott and was told the allegation would be investigated and that if it were established that the abuse had taken place it would be reported to the police.
10. FBS 40 is unsure of the chronology but recalls that on the same visit to ■ FBS 51 spoke to FBS 35, her sister and mother about Smyth. FBS 40 recall's that FBS 35 and her sister denied being abused. FBS 35 in her police statement describes an incident which appears to be the same one described by FBS 40 although her recollection is that she confirmed having been abused by Smyth.

11. When the prosecution of Smyth for abuse was reported in the media in the 1990's FBS 35 & 37 came forward and made their complaints to police. They recounted how Smyth had abused both of them when they were young girls. FBS 40 also provided a statement as part of the police investigation.
12. FBS 51 gave a statement to police in 1996 in which he confirms in large part the account given by FBS 40. He confirmed that Smyth would have visited [REDACTED] from time to time as his brother Stan lived there. When he did so he offered to help out FBS 51 with his duties which the latter gratefully accepted at the time
13. He says that when FBS 40 approached him he arranged the meeting with Abbott Smith. When they went to the Ballymascanlon Hotel he left FBS 40 and Smyth's Abbott alone to discuss the revelations regarding Smyth and that he does not recall discussing the issue with FBS 40 afterwards but felt that FBS 40 appeared happy with any assurances he had received. FBS 51 told police he felt he had done what was required of him by arranging the meeting. He also recalls speaking to FBS 35's mother regarding the allegations around the same time. He also says that he heard some years later that Smyth was trying to get work within the Diocese and he wrote to the then Bishop Philbin expressing his concern. The Bishop thanked him for this and confirmed that he had heard rumours and Smyth was not appointed.
14. In the course of his enquires on the part of the Diocese relating to this module, Father Timothy Bartlett spoke to FBS 51. It seems at this stage FBS 51 recalled that FBS 35 had confirmed that she had been abused by Smyth when he spoke to her with her mother. This accords with FBS 35's own account to police in 1995.
15. FBS told Father Bartlett that he had no experience in dealing with such matters and simply kept his concerns to himself for many years. He then felt compelled to alert the Bishop of these when he learned Smyth was seeking some appointment in the Diocese. He could not recall when he wrote to the Bishop but was adamant he had done so even though such a document could not be found in the archives.
16. FBS 51 has also provided a statement to the Inquiry. He indicates in it that whilst his recollection of events is now unclear and he has no memory of

giving a statement to police in 1995, he recalls police calling to his house in connection with the allegation which he also remembers.

17. He expresses the view now that his understanding at that time was that the Abbott was the appropriate authority in the Church to deal with the matter. He also recalls hearing rumours that Smyth was seeking a role in the Diocese and wrote to Bishop Philbin expressing concern without providing any detail of the allegations of FBS 35 & FBS 37. He states that this must have been relatively soon after he became aware of them as Bishop Philbin retired in 1981.
18. He repeats what he said in his police statement in 1996 confirming that he had not received any training or guidance on the issue of dealing with allegation of child abuse either during his time as a seminarian nor after his ordination. He goes on to say that he in fact had never heard of, nor dealt with, anything prior of that nature.

Issues for the Diocese

19. As Father Bartlett's statement confirms there is no record in the Diocesan archives of the [REDACTED] complaints being communicated to anyone in authority within it. In particular there is no copy of the correspondence which FBS 51 says he sent to Bishop Philbin nor any reply (it is not clear whether the Bishop's reply was written or oral). Unfortunately the best efforts of Father Bartlett have been unsuccessful in finding a record of the correspondence.
20. An immediately obvious issue is that if there was some written communication from a Parish Priest in the Diocese expressing concern about Smyth is why that did not lead to his being subject to some investigation by the Diocesan authorities particularly if he was seeking a position within the Diocese itself. Further it can be asked should this not have triggered some communication with Smyth's Abbot at episcopal level.
21. It is of significance FBS 51 has made clear that he did not impart any detail of the allegations to Bishop Philbin and that the Bishop in his reply had referred only to rumours about Smyth. Furthermore, FBS 51 indicates that he communicated with the Bishop on the basis that what he had heard about Smyth seeking work in the Diocese was again only rumour. If this is so the Diocese had no detail of the allegations, additionally the rumour that Smyth was seeking an appointment may well not have been true that the Diocese did

not take the matter further does not necessarily demonstrate a failing on its part in the prevailing circumstances.

22. Whilst in the modern climate in which the Church authorities operate an expression of concern by a Parish Priest in the context of pre-existing rumour may well cause alarm and set in train the now well established Church procedures. Taken as a discrete piece of information it could not however be described as hard evidence of wrongdoing. Its significance is readily apparent now with the benefit of all that is in the public domain regarding Smyth's activities but no concrete evidence of this emerged until years after the [REDACTED] events.
23. As against that the evidence that has emerged during the course of this module of the Inquiry shows there were at least some in authority in the Church outside the Diocese of Down & Connor, in particular his Abbot, who were well aware of Smyth's proclivities by this stage. That being so it cannot be said that the fact that there may have been rumours would of itself have justified any enquiry by those who were not his direct superiors.
24. Additionally it is clear that the reaction of FBS 51 when confronted with the allegations raises an issue regarding the training of Priests to deal with such matters. As Father Bartlett's evidence to the Inquiry in this module and previously shows, the actions of FBS 51 would fall well below what is expected of a Priest today and does not reflect current best practice and training. The Diocese acknowledges that the lack of such training was a systemic failing in the past but one which has now been addressed.
25. FBS 51 now acknowledges that his actions, whilst well intentioned, were insufficient and that the matter should have been brought to the attention of the civil authorities. Without seeking to make any pejorative comment regarding the decision of the victim's families not to involve the police at that stage, that may be reflective of the deference afforded the Church at that time coupled with a general reluctance on the part of the Catholic community to report crime to the RUC.
26. What FBS 51 did in response is also perhaps indicative of the deferential attitude within the Church at that time with its clearly defined hierarchical structure. Given the status of the Abbott of the Norbertine Order within that hierarchy about which the Inquiry has heard evidence, it is submitted that it is understandable that FBS 51 thought the appropriate person to approach was

the head of that Order in Ireland although hindsight demonstrates he was not justified in the faith that he placed in the Abbot.

27. Of credit perhaps to FBS 51 is that he ensured that the individual who had brought the complaint to him conveyed it directly to the Abbott. This suggests that he took FBS 40's concerns seriously and resolved that they should be addressed.

The 1990 Complaints

28. On the 23rd February 1990, during a counselling session, FBS 14 who was from West Belfast made disclosures about her abuse by Brendan Smyth to an employee of The Catholic Families Welfare Society (CFWS) based at Ormeau Road in Belfast. As Father Bartlett's statement confirms the sequence of events following that disclosure in terms of the action taken by the Diocese is set out in the public statement of the Bishop at the time, now Cardinal, Cahal Daly which he made on the 5th December 1994 following Smyth's conviction for a series of offences from a number of complainant's which came to light as a result of that disclosure. He also gave detail regarding the events in his autobiography "*Steps on My Pilgrim Journey*" published in 1998.
29. Firstly, the employee of the CFWS sought permission from FBS 14's family that the matter be reported to the police and then made the report on the 1st March 1990 and a statement was taken from her by police on the 9th April 1990. The employee also reported the matter to the Diocesan Priest who was then the Director of CFWS who in turn alerted the Diocesan authorities.
30. In his public statement Cardinal Daly recounted that he had in 1987, been alerted by a social worker of the problem of child sexual abuse but not in the context of clerical abuse. He asked the Director of CFWS to ensure that the social workers employed by it had the necessary expertise to deal with the issue where it arose.
31. The Bishop contacted Smyth's Abbot and had a meeting with him in on the 12th March 1990 who undertook to take prompt and appropriate steps to deal with Smyth. By December 1990 the then Bishop had left Down & Connor and been appointed Archbishop of Armagh. He was subsequently contacted directly by the family of FBS 14 in February 1991 which contact prompted the

Bishop to write to Abbott Smyth on the 11th February 1991 in what Father Bartlett in his oral evidence described as strong and directive terms. The Abbott replied on the 21st February 1991 relaying in bald terms Smyth's denial that there was anything untoward regarding his visits to Belfast at that time.

32. In August 1992 the family again contacted Archbishop Daly as he then was complaining that Smyth had been seen in the area of the family's home. The Archbishop again contacted Abbott Smyth to express concern that Smyth had not been dealt with. Smyth was subsequently convicted and imprisoned in June 1994 having been extradited from the Republic of Ireland.

Involvement of Diocese

33. It does appear that the structures in place within Down & Connor Diocese were robust enough to appropriately deal with the complaint by FBS 14 when it arose and ensure that the civil authorities were immediately made aware. The nature of the services being provided to FBS 14 and the role of the employee within the CFWS vindicated the direction by the then Bishop that social workers employed within CFWS should have the necessary expertise to deal with complaints if they arose.
34. The Diocese has continued to hone the ability of its officers to appropriately respond over the ensuing period of time. One salient difference is that now a social worker or other agent of the Diocese would not seek the permission of the family of a complainant to refer the matter to the police but would do so unilaterally as required by the paramountcy principle which obliges putting the welfare of the child first.
35. During the course of counsel to the Inquiry's opening the Panel through the Chairman observed that it was not clear from the 1991 letter whether Cardinal Daly had been contacted directly by the family in his new capacity. It seems from his 1995 public statement that in fact that is what happened. It is perhaps to Cardinal Daly's credit that the family of FBS 14 felt able to do so and that he took the action he did as a consequence.
36. That leaves the issue of the absence of any evidence of direct contact between the Diocese and either Abbott Smyth or the Bishop of Kilmore in whose Diocese Kilnacrott Abbey was situated regarding the fact that Smyth was being investigated and ultimately prosecuted. Whilst this was in the public domain in any event the Diocese accepts that this may be regarded as a systemic failing in dealing with Smyth in the context of the Church itself and

there should have been direct formal communication by the Diocese despite the matter being in the public arena in any event. The Diocese merely observes that direct contact with Abbott Smyth by it would have been unlikely to have borne fruit but that more prompt action by the Bishop of Kilmore as a result cannot be excluded as a possibility.

The "██████" Allegation

37. The circumstances of this incident are set out in Inquiry Counsel's opening from which it appears that there was a complaint by a girl having been abused at her school by Smyth who was a friend of her father's and had called to the school to visit her.
38. This matter came to the attention of Father Bartlett who deals with it in the course of his statement to the Inquiry for the purposes of this module. Father Bartlett noted that Chris Moore, the author of a book on Brendan Smyth, in recounting this incident refers to FBS 20 having been informed and she assured the girl's parents that the matter would be referred to a "higher Church Authority".
39. The use of this phrase with its attendant connotations led Father Bartlett to contact the congregation involved. FBS 20 now suffers from dementia but he was able to speak to another member of the congregation FBS 21 who recalled the incident clearly. Her version of events was that Smyth did visit but the girl refused to see him. FBS 21 then contacted the girl's parents expressing concern that family friend should visit the school asking to see their daughter and she recalls the girl's father being very angry that this had occurred. The Diocese confirms that no record exists of any such allegation having been reported.

Conclusion

40. The Diocese readily acknowledges that what is now regarded as best practice was generally absent throughout the period that Smyth was actively predatory on vulnerable children. The Diocese does take some comfort from

the fact that when the matters came to its attention in 1990 generally appropriate measures were taken in particular the reporting to the civil authorities an area which has now been given absolute priority. The Diocese does however wish to reiterate the sorrow and regret expressed on its behalf in the final paragraph of Father Bartlett's statement that the actions of a Catholic priest inflicted so much damage and wreaked such a degree of havoc in the lives of so many.

DRAFT