

HIA REF:

NAME: Fr. William Fitzgerald

Date: 16 June 2015

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995

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

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 12th 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**").¹ 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

¹ 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 – Collegio² 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.

² 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 preceding 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. Hermans³ 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.",⁴ 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, 1951.⁵ 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".

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

⁴ 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.

⁵ 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,⁶ 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].

⁶ 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.⁷ 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,

⁷ 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.⁸ 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.

⁸ 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.

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.

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.

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^{max}, 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.

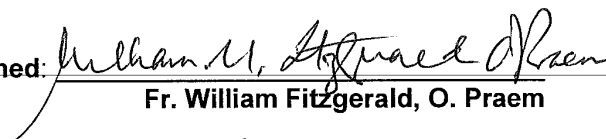
90. I am further told that Bishop Cathal Daly, then of the Diocese of Down and Connor, became aware of allegations of child sexual abuse by B. Smyth in February, 1990. As stated earlier, Bishop Cathal Daly met with Abbot Smith in March 1990 to inform him of the allegations.

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.

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]
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]

iii. Date of Court Trial

It is learnt that a date being considered is in week beginning Monday June 13th

iv. [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 Abbot Mackin of De Pere.

Council was now briefed in full on letters and other interchanges between Council Members and Abbot Mackin. Council was told that approach was initially made Abbot Mackin 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 Abbot Mackin was a Canon Lawyer and had had experience in his own community of this problem.