

THE DIOCESAN RESPONSE

The following is an analysis on a priest-by-priest basis of the response by the Diocese of Ferns to allegations of child sexual abuse which have come to the attention of the Inquiry. The allegations and complaints have been outlined in Chapter Four of this Report. As already indicated, the Inquiry has sought to preserve the anonymity of priests against whom allegations have been made by ascribing pseudonyms taken from letters of the Greek alphabet to them where this would be appropriate and effective.

The first allegation of abuse against Fr Donal Collins in 1966 is the earliest example that this Inquiry has of a "church response" to an allegation of child sexual abuse.

FR DONAL COLLINS.

The allegations that were made in 1966 by pupils of St Peter's secondary school, related to Fr Collins's inspection and measurement of the penises of up to twenty boys in the school dormitory on the pretext of checking their development. Bishop Herlihy was informed of these allegations at that time. His response was to send Fr Collins to the Diocese of Westminster for a period of two years after which Fr Collins returned to a teaching position in St Peter's College. No records appear to exist in relation to the allegations or the diocesan response.

Fr Collins was re-appointed to a teaching post in St Peter's college in 1968 and subsequently in 1974, he was placed in charge of swimming lessons. Bishop Herlihy's secretary's understanding of this re-appointment was that the Bishop believed that having spoken to Fr Collins and having imposed the two year removal from the Diocese, the problem had been solved and it would be unfair and vindictive to pursue the matter further. Bishop Herlihy reply to his queries on the matter is reported as being: "*hadn't he done his penance*".

The Inquiry has been informed that no consideration would have been given as to whether Fr Collins required any medical treatment or intervention. The Inquiry understands that sexual abuse, whether with adults or children, was, at the time, seen by Bishop Herlihy as a moral failure: the psychiatric and criminal aspects of it were not identified. Furthermore, the impact which such abuse had on victims was not recognised by many professionals working in this area at that time and did not become a subject of serious study until some years later in the United States.

One of the great difficulties encountered by the Inquiry in looking at this important episode was the complete lack of any written records from that time. No document exists relating to the alleged abuse, the removal of Fr Collins from St Peter's, his

subsequent appointment to Westminster or his reinstatement to St Peter's. The Inquiry is not in a position to state categorically what may or may not have been communicated to the Diocese of Westminster but it can say that there is no written record of that diocese being informed that Fr Collins had been removed from St Peter's for interfering with boys there. Similarly, the Inquiry has seen no evidence that Bishop Herlihy referred these complaints to the Gardai, or that there was any attempt to offer assistance to the victims.

One former staff member from St Peter's during the 1950s and 1960s told the Inquiry that when Fr Collins was reinstated in St Peter's, Bishop Herlihy requested that he live in rooms in the priests' house rather than in rooms adjacent to the students' quarter. Apart from this obligation in relation to living quarters, no strictures appear to have been imposed on Fr Collins upon his return.

Fr Collins, whilst admitting to inappropriate behaviour, denies that sexual abuse occurred although he did not provide any particulars to the Inquiry on what he considered inappropriate behaviour. Fr Collins told the Inquiry that in May 1966, Fr Patrick Curtis, Dean of the seminary told him there were suspicions that he was acting improperly with some of the students who were attending St Peter's secondary school as boarders. Fr Curtis could not give him any details of what it was alleged he had done nor could he give him the name or names of the students involved. According to Fr Collins what was alleged was vague innuendo and rumour. Fr Collins told the Inquiry that he was told at that time that another clerical member of staff was also the subject of such an allegation in a more serious way than he was (See Fr Delta below). Priests who spoke with the Inquiry described Fr Collins as being very distressed when he was confronted with these allegations.

Fr Collins said he was anxious about these rumours and spoke at first with Dr Ranson who was President of the College at the time and subsequently with Bishop Donal Herlihy to whom he gave "*some detail of what might have been misconstrued*". He expected that a full investigation would take place but instead a month later he was offered a choice by Bishop Herlihy: either a curacy in the Diocese or an appointment to the Emigrant Mission in Britain. He chose the latter option and took up a two-year appointment as a curate in Kentish Town in London in the Diocese of Westminster. Fr Collins said that he was very happy in London as he always preferred parish work to teaching but at the end of two years, Bishop Herlihy insisted he return to St Peter's. Both Bishop Herlihy's secretary and Fr Collins himself have said that they did not believe that the personnel of the Diocese of Westminster knew why he had been sent there.

Fr Collins continued to teach in St Peter's until his retirement in 1991. He was a dedicated teacher who took an active interest in extra-curricular activities such as swimming and photography. When Bishop Comiskey was appointed to Ferns in 1984, Fr Collins was a senior staff member with an outstanding record as a science teacher.

There is no evidence that there was any complaint against Fr Collins made directly to any priest of the Diocese or any staff member in St Peter's between 1968 and 1989 when the first allegation was communicated to Bishop Comiskey. Clerical witnesses and to a lesser extent lay witnesses have indicated that they had no awareness of any improper behaviour on the part of Fr Collins. However, the Inquiry has received direct evidence from past pupils and a lay teacher who were in St Peter's during that time, to

the effect that Fr Collins's continuing inappropriate behaviour with young boys was well known in the school during that period and it is clear that sexual abuse was occurring during that time.

In 1985, Bishop Comiskey appointed Fr Collins as a member of the Administrative Council of St Peter's college and in 1988 the Bishop invited Fr Collins and another priest to apply for the position of Principal of the college. Bishop Comiskey told the Inquiry that he embarked on an intensive consultation process before appointing Fr Collins. He said he wrote to every teacher in St Peter's, none of whom mentioned any question of child abuse or inappropriate behaviour with boys. On the recommendation of an expert advisory panel, Bishop Comiskey appointed Fr Collins as Principal of St Peter's in 1988. One member of that panel has confirmed to this Inquiry that no suggestion of impropriety of any kind came to its attention in the course of the panel's deliberations and that its recommendation to appoint Fr Collins was unanimous. Bishop Comiskey took their advice and made the appointment.

It must be noted that Bishop Comiskey was appointed to the Diocese of Ferns some eighteen years after the incident leading to Fr Collins's removal from St Peter's and he has told the Inquiry that he had heard no allegation or complaint about Fr Collins before 1989.

Two priests of the diocese have told the Inquiry that they recall telling Bishop Comiskey, albeit informally, that they did not think it was a good idea to appoint Fr Collins as Principal of St Peter's in 1988. One priest said that he was influenced by vague stories and rumours surrounding Fr Collins's sudden departure in the mid-1960s to London, and also by the suggestion that teachers found him difficult to work with. He stated to the Inquiry that he had no idea at this time as to the details of the improper conduct although he did form the impression that it was of a sexual nature. In his conversation with the Bishop, he said it was his intention to alert the Bishop to the rumours and so prompt the Bishop to make some enquiries. He told the Inquiry that he also referred to this discussion on a second occasion, in passing, with the Bishop. Bishop Comiskey told the Inquiry that he has no recollection of any such conversation.

Another priest has told the Inquiry that he cautioned Bishop Comiskey against appointing Fr Collins as Principal because he had been removed in 1966 but he did not give the Bishop any details of that removal and the Bishop did not revert to him subsequently.

A third priest has told the Inquiry that although he was on the staff of St Peter's shortly after Fr Collins's return from London, he did not know that Fr Collins had been sent from the College because of his involvement with young boys until told by a fellow staff member in 1973.

This priest lived downstairs from Fr Collins in the priests' house from 1970 to 1971 and again from 1985 until 1988 and during that time was aware of the traffic on the stairs going to his, Fr Collins' rooms, even after lights out, but stated there was "*not the slightest suspicion of anything untoward*".

Bishop Comiskey's vicar general however, said in a statement to the Gardai in May 1995 that it was generally believed that Fr Collins had a problem with abusing young boys in 1966 and that Bishop Herlihy had sent him away because of it.

Between 1968 and 1988, when he was appointed Principal of St Peter's secondary school and it is alleged, beyond that date, Fr Collins abused a number of young boys who attended the school as boarders. This conduct was the subject of criminal charges in 1993 and Fr Collins served a custodial sentence. What is clear to the Inquiry is that a number of individuals in the Diocese and on the staff of St Peter's were aware of Fr Collins's departure from St Peter's in 1966, and the reasons for it.

Even allowing for the limited awareness of the problem of child sexual abuse in the 1960s, 1970s and 1980s, it seems to this Inquiry that some responsibility must lie with the Church Authorities in the Diocese for failing to monitor the behaviour of Fr Collins. The majority of former pupils who spoke with this Inquiry have indicated that they were aware of Fr Collins' inappropriate behaviour towards boys. Given what is now known about the level of awareness of this problem which existed in the Church during the 1970s and 1980s, it was a tragedy that this newly acquired knowledge was not available to the authorities in St Peter's which might have alerted them to what can now be identified as clear danger signals; for example, bringing boys into priests' rooms at night.

Similarly, had individual priests been properly informed on this subject as knowledge developed throughout the 1970s and 1980s, they could have alerted the Diocese to what was occurring in St Peter's. They would also have understood the importance of clearly informing Bishop Comiskey of the risk posed by Fr Collins to young boys.

In April 1989, within seven months of Fr Collins's appointment as Principal to St Peter's, Bishop Comiskey received the first allegation of sexual abuse against him (see Unidentified Complainant 4.1.2). He has told the Inquiry that he is not sure how he came to get this information but he believes it might have been through a staff member in the seminary. He wrote to Fr Collins in April 1989 to inform him of the allegation and in May 1989 he wrote again to say that a further allegation had been made. This was by the parent of a former pupil who said that Fr Collins had been abusing boys in the college. Bishop Comiskey said that he sought advice on the matter and requested a formal and sworn statement from Fr Collins to the effect that he was innocent of the charges made against him. Bishop Comiskey said that Fr Collins did not give such a statement to him but that when confronted with the allegations, denied them aggressively. Bishop Comiskey confirmed that he met with Fr Collins three or four times after these allegations had been made. He said his enquiries revealed unfocused allegations. He also said that he was at pains at that time to keep all enquiries confidential as he feared legal action on the part of Fr Collins.

One clerical witness told the Inquiry that during the summer of 1989, while he occupied a senior role at St Peter's College, he saw lurid graffiti in the school referring to Fr Donal Collins in an offensive and sexually explicit way. Fr Collins told the priest that "they have been saying this about me for years". This matter was not reported to Bishop Comiskey.

There followed a two-year period of apparent inaction with Fr Collins continuing as Principal of St Peter's. Bishop Comiskey has told the Inquiry that he spent that time trying to gather concrete information about Fr Collins but could find nothing definite.

In May 1991, Bishop Comiskey received an anonymous letter alleging sexual abuse by Fr Donal Collins. The complainant (see "Rory" 4.1.4), who wrote under a pseudonym, requested that Bishop Comiskey place a coded advertisement in a daily newspaper indicating a willingness to communicate with him. Bishop Comiskey placed the required advertisement but the complainant did not make any arrangement to meet with him. A number of telephone conversations then took place between Bishop Comiskey and Rory, who did not make himself known to the Bishop until 1993.

In 1991, Fr Collins vehemently denied the extent of the charge made against him but did not dispute that he engaged in indiscreet and inappropriate conduct with young boys. In July 1991, Fr Collins tendered his resignation as Principal of St Peter's on grounds of ill health and Bishop Comiskey confirmed to the Inquiry that Fr Collins was indeed very ill at that time. Bishop Comiskey had no doubt however, that the reason Fr Collins resigned was because of the increasing pressure from him over child sexual abuse. Bishop Comiskey confirmed to the Inquiry that Fr Collins's denials were still hostile and that it was his belief that he, Fr Collins, continued to receive the support of a large number of priests in the Diocese.

In August 1991, a young man came to Bishop Comiskey with an allegation of abuse against Fr Collins (see Noel and Victor 4.1.3). Bishop Comiskey told the Inquiry that the thinking at that time was that people who offended in this way could be rehabilitated, and provided they were given what later became known as "a Certificate of Fitness to Minister", they could be re-appointed to parish duties. The Inquiry has identified support among medical experts for that view at that time.

Fr Collins attended a university in Florida, ostensibly for a course of study, but according to Bishop Comiskey, the real purpose of his being there was to seek psychiatric or psychological counselling. Bishop Comiskey said that although at the time of Fr Collins's going to Florida in 1991, he would have envisaged him resuming his ministry in the Diocese of Ferns upon receipt of a Certificate of Fitness, by the time the certificate was given in March 1993, he no longer considered it appropriate to appoint Fr Collins to a parish.

Between 1991 and 1993, Fr Collins refused to attend a treatment programme as suggested by his Bishop. The Inquiry is not clear as to the nature of any counselling received by Fr Collins during that period or the extent to which his particular problems were addressed. Bishop Comiskey confirmed that he did not inform the Bishop in Florida about the allegations against Fr Collins but that he would do so today. He believes he may have mentioned the allegations to his parish priest, Fr Higgins. Bishop Comiskey was aware that Fr Collins ought not to be involved in any parish duties during his time in Florida. However, when Bishop Comiskey discovered that Fr Collins was connected with a parish in Florida, he failed properly to respond to such a discovery as he said he believed that Fr Collins was only ministering to sick persons during that period. He does not appear to have adverted to the danger posed by Fr Collins to children in the diocese in which he was then residing.

Bishop Comiskey said that he was anxious that Fr Collins receive appropriate treatment for his condition rather than just counselling. In March 1993 he arranged to have Fr Collins admitted to a treatment centre in Hartford, Connecticut, run by Fr James Gill SJ who was highly respected in the field of assessment and treatment of men accused of child sexual abuse.

Fr Collins was under the care of Dr Zeman whilst he was in Hartford. In March 1993, Dr Zeman wrote to Bishop Comiskey recommending that Fr Collins be appointed to a parish but receive on-going psychiatric counselling. Bishop Comiskey said he was astonished and disappointed when he received that letter as it placed him in a very difficult position with Fr Collins who, according to Bishop Comiskey was still being supported by some priests in the Diocese who were exerting pressure on the Bishop to appoint Fr Collins to a curacy in the Diocese.

Bishop Comiskey discovered in September 1993, that Fr Collins had withheld information from his team of counsellors in Hartford. He met with Donal Collins in March 1994, to discuss this. Fr Collins did not deny that he was careful about revelations made to counsellors at that time as he was unsure what affect that could have on future criminal or civil proceedings. He said that he expected anything inaccurate which he said would show up on the tests he underwent in Hartford because he went in for assessment, not treatment. Bishop Comiskey said in his memoranda at the time that he believed that Fr Collins was in denial as to the serious criminal nature of his behaviour. He recommended that Fr Collins attend Dr Patrick Walsh of The Granada Institute, an assessment and treatment centre run by the St John of Gods in Shankill, Dublin, which he did.

In September 1993, Fr Collins admitted the broad truth of many of the allegations made against him at that time and to abusing other boys in St Peter's over a twenty year period. Fr Collins expressly denied that any incident of sexual abuse occurred after his appointment as Principal in 1988⁵³.

Bishop Comiskey said that he never intended to appoint Fr Collins to a parish and called upon him to retire from active ministry. In September 1994, Fr Collins wrote to the Bishop saying that he would accept the Bishop's suggestion that he should retire. By this stage, Bishop Comiskey was in discussions with Rory (4.1.4), who was seeking compensation and expenses.

The Inquiry asked Bishop Comiskey if, in 1993, when he had received information that Fr Collins had admitted abusing boys in St Peter's, he had thought of reporting it to the Director of Community Care in the South Eastern Health Board. He said that was not something he considered, neither did he consider going to the Gardai. He said that he might have been influenced by the fact that Fr Collins was, in the Bishop's view, no longer in a position to abuse children, because he was out of ministry. In fact, although Fr Collins had no formal appointment in the Diocese, he had not been subjected to any precept or canonical order which might have prevented him from acting as a priest of the Diocese.

⁵³ See however George, 4.1.12

Bishop Comiskey paid for treatment for Rory. He told the Inquiry that around that time, he had the view that if anyone contacted the Bishop and wanted treatment, it should be given immediately notwithstanding any inference of guilt or innocence that could be drawn from such an act. It was around this time that a number of complainants made themselves known to the Diocese.

In October 1995, after Darren (4.1.9) had written to the Diocese alleging abuse by Fr Collins, Bishop Comiskey's diocesan secretary, Fr Tommy Brennan, wrote back to say that the Diocese would be reporting the allegation to the Health Board and the Gardai. Bishop Comiskey told the Inquiry that this was an example of how practice was changing as knowledge grew about the seriousness of this problem.

Bishop Comiskey made a statement to the Gardai in May, 1995, in connection with Rory's allegations. He concluded the statement to the Gardai by saying that Fr Collins continued to deny any wrongdoing. In stating this, he was incorrect. Bishop Comiskey knew from at least 1993 if not 1991 that Fr Collins had admitted to the abuse of boys at St Peter's. Bishop Comiskey told the Inquiry that he had no memory of making the statement to the Gardai. Fr Collins continued to deny the criminality of the charges against him to Gardai in accordance with the legal advice he received.

Monsignor Breen, who was Vicar General of the Diocese at the time, was interviewed at the same time as Bishop Comiskey. He told Gardai that it was generally believed Fr Collins had a problem with abusing young boys and that Bishop Herlihy had sent him to London for treatment for two years because of it.

In 1995, Fr Collins was charged with 21 counts of indecent assault, gross indecency and one charge of buggery against four former students at St Peter's College. He instituted civil proceedings by way of judicial review in May 1996, seeking a prohibition of the hearing of the charges against him. That application was refused in October, 1997. In March 1998, he pleaded guilty to four charges of gross indecency and one charge of indecent assault committed at St Peter's College between 1972 and 1984. The charge of buggery was withdrawn by the prosecution. He was sentenced to four years imprisonment with a review after one year on grounds of ill health. Fr Collins served one year at the Curragh prison. No part of the costs of the criminal or judicial review proceedings were paid by the Diocese.

In 1998 Bishop Comiskey made a statement to the people of the Diocese of Ferns in which he said the Diocese had no knowledge of Fr Collins's abuse prior to 1995. This statement was again incorrect. Bishop Comiskey has told the Inquiry that he had forgotten about Fr Collins' admissions at the time of making that statement.

When asked by the Inquiry why he was supportive of a priest who had betrayed his vocation and misled his Bishop, Bishop Comiskey explained that he had a duty in charity to forgive the sinner but not the sin. He told the Inquiry that whatever about the secular world in which we live, the Bishop was bound to treat all of his priests with great kindness. He said that a Bishop's kindness, concern and filial love for his priests were inherent as was the duty to forgive.

Upon Fr Donal Collins's release from prison in 1999, Bishop Comiskey encouraged him to set up the Ferns diocesan website, to edit the diocesan directory and to produce

a manual for the Diocese of Ferns. He was permitted to attend conferences and retreats and to say Mass in a local convent with the permission of the sisters. He was not permitted to attend conferences where lay people could be present although he did attend most of the deanery meetings. He continued to live at his home in Co. Wexford. Bishop Comiskey did accept that nowadays it would be imprudent to provide a convicted child sex abuser with a computer and internet access.

BISHOP EAMONN WALSH

On his appointment as Apostolic Administrator to the Diocese of Ferns on 1 April 2002, Bishop Walsh met with the victims of Fr Donal Collins and contacted Fr Collins' family to extend an offer of support and counselling to them. They did not avail of the offer.

In the summer of 2002, Bishop Walsh conducted a review of all cases of child sexual abuse in the Diocese. He obtained the assistance of the Advisory Panel to the Diocese of Dublin of which Mr David Kennedy was Chairman. This committee is generally described as the Ad Hoc Advisory Panel. The Panel considered Fr Collins's case to involve a particularly grave form of child sexual abuse and recommended that Fr Collins be laicised either voluntarily or involuntarily. This recommendation was accepted by Bishop Walsh. The Panel also recommended that a canonical precept be imposed upon Fr Collins, directing him not to act in any forum as a priest and withdrawing permission to say Mass under any circumstances. The Advisory Panel recommended that Fr Collins have no form of access to the diocesan website and that any computer equipment or files belonging to the Diocese be retrieved immediately.

Fr Collins wrote to Bishop Walsh and asked if the Panel could review his case and take certain factors into consideration, including his forty years of service to the Diocese as a priest, his record as a teacher in St Peter's, and his ten years of counselling.

The Advisory Panel rejected Fr Collins's appeal in September 2002, and he was once again asked to consider seeking voluntary laicisation as a true indication of his sincere acknowledgement and repentance of the past hurt and scandal his abuse had caused. Fr Collins replied that he could not abandon his priesthood which was an intrinsic part of his identity, but Bishop Walsh was quite clear that Fr Collins could not remain a priest. On 13 November 2002, he wrote to Fr Collins in the following terms: "*It is a scandal and an obstacle to the faith of the people that those who have abused children sexually should act in PERSONA CHRISTI.*"

Bishop Walsh informed the Inquiry that Fr Collins's history is widely known in the neighbourhood where he lives. He said that he is regularly contacted by the delegate and meets with Sr Colette Stephenson, a diocesan support person for priests. The purpose of this meeting is to account for his activities during the past month and to outline any concerns that he may have.

Bishop Walsh described to the Inquiry that when Fr Collins had been recently seen speaking with a group of boys on the side of the road in Wexford, a local priest immediately informed Bishop Walsh who confronted Fr Collins. This is a high level

of monitoring and support for a person who has been convicted of abuse and released from prison which would be difficult for any other organisation to achieve.

Fr Collins has been discussed at the Review Committee meetings referred to in Chapter 3 and both the Gardai and Health Board have expressed themselves as satisfied that everything that can be reasonably done to safeguard the welfare of children regarding Fr Collins has been done.

On the application of Bishop Walsh, the Pope dismissed Fr Collins from the clerical state in December 2004, with the effect that he is no longer a priest.

Bishop Walsh acknowledged that the Bishop of Ferns has an obligation in charity to support a priest who has been dismissed from the clerical state and was in need. He informed the Inquiry that any assistance given to Fr Collins on a needs basis would be on terms that he complied with the provisions of the precept to which he had been subjected prior to his dismissal.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF FR COLLINS' CASE:

- **If, as would appear to be the case, Bishop Herlihy transferred Fr Collins to Westminster without informing the Bishop of that Diocese of the allegations that had been made against Fr Collins, such omission warrants very serious criticism. The subsequent decision of the late Bishop to restore Fr Collins to his former position as a teacher in a boys' boarding school would seem to have been extremely ill-advised as subsequent events were to prove in a comprehensive and tragic fashion.**
- **It is acknowledged by the Inquiry that the particular propensity of sex offenders to re-offend was not generally recognised in the 1960s and that this wrongdoing was widely viewed as a moral rather than a medical or social problem. Bishop Herlihy's response to remove Fr Collins from St Peter's cannot be categorised as inappropriate judged in the context of the time in which it was made, save in the context of failing to inform diocesan authorities referred to above.**
- **The Inquiry believes that notwithstanding the above, even in 1968 it would have been appropriate to have imposed some monitoring or supervision on Fr Collins on his return to St Peter's given the circumstances of his departure in 1966 and the high number of alleged victims involved. The failure of Bishop Herlihy or those in authority in St Peter's who knew of the 1966 allegations to do so, was inadequate and inappropriate even by the standards of the time.**
- **From evidence that came directly to the Inquiry, it would appear that at least six priests in the Diocese and associated with St. Peter's College knew of troubling rumours about the reason for Fr Collins's removal from St Peter's in 1966. The Inquiry views with grave concern the failure of priests to notify church authorities in the Diocese of the potential**

danger posed by this priest when his appointment as Principal to St Peter's was suggested. The nature of the problem of child abuse is such that intervention will often be required on the basis of no more than rumour or suspicion. Members of the diocesan clergy of Ferns do not appear to have been alerted to the potential danger unsupervised access to children can present. It is the belief of this Inquiry that they should have been so alerted by Church authorities.

- **In the face of Fr Collins's denial of allegations of child sexual abuse by the then unidentified Rory, Bishop Comiskey has told this Inquiry that he spent two years trying to find some concrete evidence about Fr Collins. Priests who spoke to this Inquiry and who said that they indicated to Bishop Comiskey that a problem had existed in the past could have given him some help in this regard, but Bishop Comiskey never asked them what they had meant when they had cautioned against his appointment as Principal which might have obviated the need for the lengthy inquiry that ensued.**
- **Whilst Fr Collins was in Florida, and in receipt of some form of counselling although not the assessment and treatment sought by Bishop Comiskey, he was ministering to the sick and attached to a Roman Catholic parish. Bishop Comiskey has accepted that he did not inform the Bishop of the Diocese about the allegations against Fr Collins and may or may not have informed the parish priest. It is clear in speaking with Bishop Comiskey that he believed his responsibility for Fr Collins extended only to his activities in the Diocese of Ferns and he did not have any awareness that he had a responsibility to other children who might be abused by Fr Collins elsewhere. He did not purport to limit in any way Fr Collins' ministry as a priest which continued in the Diocese to which he was transferred. Upon being alerted to a potential liability for damages in the event of Fr Collins abusing children whilst in Florida, Bishop Comiskey informed the Church authorities there of the allegation which had been made against Fr Collins.**
- **The failure of Bishop Comiskey to procure promptly the temporary removal of Fr Collins from active ministry immediately on receipt of credible allegations of child sexual abuse in 1989 was most regrettable. However the actions and inactions of Bishop Comiskey must be seen in the nature of the allegations and the circumstances in which they were made. More particularly the fact that no records had been created, or if created, preserved in the Diocese recording the reasons for the temporary departure of Fr Collins from the Diocese in 1966 and the fact that the Bishop was not informed or briefed on those facts by the members of the clergy who were aware of them. Records are an essential part of any organisation's effective management and the creation and preservation of such records is of vital importance (as Mr Justice Roderick Murphy pointed out in his report on matters relating to Child Sexual Abuse in Swimming, 1999). This is particularly the case in organisations where management roles will change from time to time. This was also an issue which was identified by the Framework Document as requiring attention.**

- **Notwithstanding a commitment under the Framework Document to inform the Health Board in any situation where child protection was an issue, Bishop Comiskey did not inform the Health Board of any of the allegations that arose in this case until 2001.**
- **It was unacceptable that Bishop Comiskey should have made erroneous statements to the Gardai and the media in view of the information available to him in relation to Fr Collins.**

FR JAMES DOYLE

The first allegation to come to the attention of the Inquiry, in connection with Fr James Doyle which was reported to the authorities in St. Peter's, arose in 1972 when a prefect in the secondary school of St Peter's College reported an incident of sexual abuse by James Doyle on one of the boys in the boarding school (see Matthew 4.2.1).

The incident was reported to a clerical member of the secondary school staff who passed it on to the Dean of St Peter's, Dr Thomas Sherwood, who is now deceased. The Dean told the Inquiry that he was not satisfied with Dr Sherwood's reaction which he considered questioning and dismissive, and so brought the matter to the attention of the President of St Peter's College. The President recommended that James Doyle leave St Peter's and join a religious order rather than the diocesan priesthood. James Doyle did not leave St Peter's but the President of the College informed him that he would not be called to the Deaconate that year and his suitability for the priesthood would have to be re-examined at the end of the year.

The President of St Peter's was replaced in 1973 and in May 1974, James Doyle was approved for orders of deacon and priest. The new President at the time confirmed to the Inquiry that he knew nothing about any incident concerning James Doyle apart from alcohol abuse. He also confirmed to the Inquiry that he could not remember what kind of document he signed recommending Doyle for orders, and stated that the Dean regularly handed him over the list of people and that he would simply sign his name to it. He said he was not aware of any interview between James Doyle and the former President relating to child sexual abuse nor was he aware that Doyle's ordination had been postponed for a year. He stated that whilst a file would have been kept in St Peter's on a potential candidate, he did not in fact refer to the file when recommending James Doyle for ordination.

The Inquiry has seen a series of memoranda and correspondence relating to this incident which would have been available to the authorities in St Peter's and the Diocese when making the decision to ordain this priest. These records clearly state that an incident of interfering with boys in the boarding school had occurred but it appears that these records were either ignored or not consulted when James Doyle's ordination was decided upon.

Fr Doyle served in a parish in Belfast from 1974 until 1979 and although the Inquiry has heard that there were rumours of him interfering with altar boys at that time, no specific allegation was made until 2001 when a young boy came forward to the Diocese of Down and Connor. The Inquiry does not have any details of this allegation which is being handled at present by the authorities in Northern Ireland.

Fr Doyle returned to Wexford and was appointed as curate to Clonard in 1979. Evidence was given to the Inquiry that just after his appointment, an incident arose in which it was alleged that he attempted to sexually assault a young male hitch-hiker in his car. The victim reported the incident to the Gardai and a Garda from Gorey went directly to a priest of the diocese, whom he knew, to speak to him about it. The Gardai had decided not to pursue this matter but thought that the priest they spoke to should reinforce their insistence that no further events of this kind should occur. It was understood by the priests who knew of this incident at the time that it related to a verbal propositioning of a young male hitch-hiker and not child sexual abuse. The diocesan priest approached by the Gardai who was not in a position of authority over Fr Doyle, spoke with Bishop Herlihy's secretary as well as another senior priest in the diocese and it was agreed that Fr Doyle should be encouraged to get medical assistance for his alcohol problem. He agreed to do so. The priest in question also advised the Garda to speak with Fr Doyle's parish priest and believes he mentioned the incident to Bishop Comiskey in 1990 during the prosecution of Fr Doyle.

The four priests who knew of the incident in 1979 did not report either the incident or their intervention to Bishop Herlihy.

According to Garda Patricia O'Gorman, who made a statement in 1990 in the course of a Garda investigation leading to the prosecution of Fr Doyle, complaints against Fr Doyle were investigated by the Gardai in or about 1980 when it was reported that Fr Doyle had committed acts of indecent assault on young altar boys. She stated it was decided that there was insufficient evidence to prefer any charges at the time. However, she confirmed that the matter was brought to the notice of the then Bishop, Donal Herlihy, and it was arranged that Fr Doyle would receive psychiatric attention. She said that Fr Doyle's behaviour was monitored for a couple of years by An Garda Síochána and no further incidents of wrongdoing came to their attention. A former Superintendent told the Inquiry that he also reported these incidents to Bishop Herlihy at this time.

Fr Doyle's parish priest in Clonard said that he had been notified of two incidents by a former Superintendent, one involving the hitch-hiker which he understood the Gardai were dealing with, and the other involving an altar boy. The parish priest reported the second incident to Bishop Herlihy, who appeared shocked. The Bishop arranged for Fr Doyle to attend Monsignor Professor Feichin O'Doherty for psychological examination.

When a new parish priest was appointed in 1985, he was not informed by either the Bishop or the outgoing parish priest about the incident concerning Fr Doyle.

Professor Feichin O'Doherty provided a report to Bishop Herlihy on 31 October 1982. In that report, Professor O'Doherty stated:

"Father [Doyle] has had a history of auto-eroticism and homo- and heterosexual behaviour. These problems were manifest during his seminary years, but passed unnoticed. As far as one can see, he did not face up to celibacy in any realistic sense... It would also seem desirable that he should have a change of role, away from working with young people".

This advice was not acted upon by Bishop Herlihy and neither was it taken up by Bishop Comiskey who, although not given any direct information about Fr Doyle by any of the priests in the parish who knew his history, did have Professor O'Doherty's report available to him when he became Bishop of Ferns in 1984.

The decision by Bishop Herlihy to send Fr Doyle for a psychological examination in relation to allegations of child sexual abuse marks recognition by the Bishop that this problem was not exclusively a moral issue which appears to have been his view and indeed the generally accepted view up until then.

No further incident is reported to the Diocese until April 1990 when Fr Doyle molested Adam (see 4.2.3). Bishop Comiskey told the Inquiry that upon hearing Adam's complaint, he was influenced by the Department of Health Guidelines which had been published in 1987. He said he was anxious that the incident should be reported but he was uncertain if he should go to the Gardai and report the matter himself. He therefore encouraged Adam's parents to inform their doctor and told them to ensure that the doctor inform the Health Board. Around that time he heard of the other reports concerning Fr Doyle referred to above.

Bishop Comiskey then instructed Fr Doyle to take leave of absence from the parish and this was put into effect one month after meeting Adam's parents.

Bishop Comiskey told the Inquiry that within months of arriving at Ferns, he was aware that Fr Doyle was being treated by Dr John Cooney, St Patrick's Hospital, Dublin, for alcohol dependency. He said that while there was a clear reluctance on the part of the priests of the diocese to tell him about sexual abuse incidents with Fr Doyle, they did not have the same reluctance in discussing alcoholism as it was regarded as a less shameful complaint. Bishop Comiskey stated to the Inquiry that he had no idea that Fr Doyle had any problem other than alcoholism. He said that he had received no file from St Peter's when he became Bishop and in fact all that was available to him was Professor Feichin O'Doherty's report which had been sent to Bishop Herlihy.

Having given assurances to the Gardai of Fr Doyle's cooperation with any criminal prosecution, Bishop Comiskey arranged for him to attend for treatment in Stroud, Birmingham. Whilst receiving treatment, Fr Doyle pleaded guilty in Wexford District Court to a charge of indecent assault on a minor and a three-month sentence was

imposed, which was suspended on condition that he remain away from the parish of Clonard for the period.

The Fr Doyle case received extensive coverage in the local papers and, contrary to the orders of the court and statutory prohibitions, the media made known the identity of the boy involved. The coverage by one local newspaper in particular provoked a considerable backlash against that paper in the Wexford area as it was felt that Fr Doyle had been badly treated by the publicity his case had attracted. As the media had already given enough information to disclose the identity of the complainant, this backlash was also directed towards him and his family.

The psychologist treating Fr Doyle at the Stroud Institute identified Fr Doyle's key problem as being one of alcoholism and maintained that the child abuse only occurred during an alcoholic blackout. He did not believe Fr Doyle's basic sexual orientation was towards children. Towards the end of Fr Doyle's time in Stroud, he appeared in court on a drunk-driving charge, was banned from driving for one year and fined £150. Notwithstanding this, he left Stroud in September 1991, and was offered occasional and unpaid work by a parish in Southwark. Bishop Comiskey required Fr Doyle to agree in writing to the following conditions: that he would abstain from alcoholic drink; that he would receive counselling for his alcoholism; that he would attend after-care support and that *"if he drank again, he undertook to leave the presbytery without waiting to be confronted and without attempting to negotiate"*.

Some 18 months after his discharge from Stroud, Fr Doyle informed Bishop Comiskey that he was working occasionally as chaplain to a mixed secondary school with over 600 pupils in addition to his parish work.

At this stage, a civil action was taken by Adam's parents in relation to the assault by Fr Doyle in April 1990. Fr Doyle discharged his own legal expenses and the settlement amount. During the preparation for the defence, Bishop Comiskey became aware of a number of other incidents involving Fr Doyle. Bishop Comiskey said he was satisfied with Fr Doyle's work as chaplain because the school management and church authorities had been informed about Fr Doyle and knew his full history.

In 1994, on his return from London, Fr Doyle commenced working in a half-way residential out-patient support house for adults. Bishop Comiskey told the Inquiry that he is not sure how Fr Doyle came to be working there but when he heard about this placement, he said he was pleased and thought it was a perfect half-way house and that Fr Doyle represented no danger to children there. However, the Archbishop of Dublin, Archbishop Desmond Connell, asked Bishop Comiskey to remove Fr Doyle from the centre because he had no supervision and was accountable to nobody while he was there. Bishop Comiskey maintained that Fr Doyle was functioning in a healthy way and that the centre was an appropriate place for him to be, given the requirement of supervision and monitoring. At Archbishop Connell's suggestion, Bishop Comiskey informed the Gardai in Wexford of Fr Doyle's address. The Archbishop of Dublin issued a decree withdrawing faculties from Fr Doyle and forbidding him from exercising any ministry in the Diocese which involved *"the care of souls"* including the public celebration of Mass. He was also prohibited from wearing clerical dress.

During his response to complaints surrounding this priest, Bishop Comiskey told the Inquiry that he had come under a degree of pressure from priests in the parish for bringing about the reporting of Fr Doyle's incident to the Gardai and the Health Board. In November 1990, Bishop Comiskey called a meeting with a number of senior churchmen in the Diocese and briefed them on the case. Bishop Comiskey told the meeting that the Child Abuse Guidelines which had been issued by the Department of Health in 1987 made it mandatory for all doctors to report abuse.

Bishop Comiskey advised the priests that the policy he proposed to adopt thereafter imposed the following requirements:

- *A Bishop must be notified of any accusation and the Bishop must thereafter investigate whether the charge is credible;*
- *A Bishop must meet with the priest in question and carry out any investigatory judgement that is necessary;*
- *A Bishop must offer what assistance he could to the victim; and*
- *A Bishop must relieve the accused priest temporarily of his duties in order to protect other children at risk.*

The Inquiry has seen no evidence that Bishop Comiskey subsequently referred to this policy in dealing with complaints of child sexual abuse.

Bishop Comiskey told the Inquiry that he developed this policy through reading an extensive amount of American documentation which he had on the subject. The policy as enunciated above clearly understood that the Diocese would take responsibility for the care of the victim as well as dealing with the accused priest.

Bishop Comiskey did not envisage reporting allegations to civil authorities himself at this stage. He told the Inquiry that, prior to 1990, the question of reporting child abuse complaints or allegations to the Garda authorities never arose. He recognised that this issue arose in some cases after 1990 following his review of the Department of Health Guidelines of 1987. In particular, Bishop Comiskey has said that he was guided by the Department of Health recommendations on reporting where the alleged victim was still a child at the time of making the complaint. Adam is the only such case that arose during Bishop Comiskey's episcopacy where a complaint was notified to An Garda Síochána, in this case by the complainant's local doctor. Bishop Comiskey did not report other allegations made by children where the priest was deceased at the time of the allegation. He did not report any adults who made allegations as he believed that that was the responsibility of the adult him or herself. It appears that the child protection aspect of such reporting was not appreciated by the Bishop at this time.

BISHOP EAMONN WALSH

The case of Fr James Doyle was considered by the ad-hoc Advisory Panel established by Bishop Walsh on his appointment to Ferns. On the advice of the Advisory Panel he issued a Precept to Fr Doyle restricting him in the following manner:

- *To refrain from all unsupervised access with minors,*

- *All persons involved in his placement at [the adult support centre] be fully aware of his history,*
- *His role must be purely a bookkeeping one,*
- *He is to cease saying Mass even in private in his place of residence or anywhere else lest he give the impression that he had some chaplaincy role when his role was bookkeeping, and*
- *That the local Garda station be advised of Fr Doyle's whereabouts as well as the local Bishop.*

Bishop Walsh has told the Inquiry that the Fr Doyle case has been discussed three times in the last year with the Health Board and the Gardai. Both of these agencies expressed themselves satisfied that his accommodation and occupation were compatible with child protection policies and believed that his present residence was as safe an environment as possible.

In April 2002, a further complaint was made by Barry (4.2.4). Barry met with the Delegate and the Apostolic Administrator in relation to his allegation of abuse by Fr Doyle. He also alleged that his younger brother was abused by this priest. He has been offered the services of the victim support person of the Diocese.

Bishop Walsh invited Fr Doyle to apply for laicisation but Fr Doyle declined. The Pope, on the application of Bishop Walsh, dismissed Fr Doyle from the clerical state in December 2004. Fr Doyle has informed the Inquiry that he has received no financial assistance from the Diocese of Ferns since August 1991 when he left Wexford for Stroud. He has been promised financial aid but to date this has not been forthcoming. He has received payment from the St Aidan fund which is a priests' fund and not a fund of the Diocese.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR DOYLE CASE:

- **If, as appears to be the case, the President of St Peter's was satisfied as to the truth of the allegations of child sexual abuse against James Doyle in 1972, the ordination of James Doyle with the unsupervised access to children which that necessarily entailed, was wholly inappropriate. No doubt in 1972 the understanding of child sexual abuse was less developed than today, but the then President of the college did recognise that the suitability of Mr Doyle would require re-examination.**
- **Such records as were available to St Peter's do not appear to have been accessed by the authorities there in making a decision to ordain James Doyle. In addition, these records were not passed on to the Diocese of Ferns upon Fr Doyle's ordination.**
- **By October 1982, Professor O' Doherty was in a position to say that the problems of Fr Doyle which had manifested in the seminary rendered him unfit for ordination and that it was desirable that he should have a role**

away from working with young people. Whilst the Inquiry would regard referring Fr Doyle to Monsignor Professor O'Doherty as adequate and appropriate in the context of the time, the failure of the Bishop and his successor to act on the recommendations contained therein was entirely unsatisfactory.

- The fact that three priests of the Diocese, apart from the authorities in St Peter's, were aware of Fr Doyle's activities but did not consider it necessary or appropriate to speak with Bishop Herlihy or his successor, indicates a system of secrecy which did not advance the achievement of child protection in the Diocese. The diocesan priests did speak with Gardai and ensured medical intervention for Fr Doyle, but ultimately, under Canon law, the responsibility for the disciplining all priests rests with the Bishop. One of these priests was in fact aware of the allegation made against this priest seven years earlier whilst he was a seminarian and so was aware of a dangerous pattern of behaviour.
- It is matter of some concern that the psychiatrists treating Fr Doyle in Stroud, the Bishop of Ferns and the Archbishop of Southwark would have countenanced allowing him work either in a parish or as a chaplain to a secondary school given their understanding that one relapse from sobriety could result in him abusing a child.
- Bishop Comiskey was unaware that Fr Doyle took up a position in a treatment centre in Dublin. The Inquiry was surprised that a priest who had been convicted on charges of criminal sexual abuse could have been permitted to move back to this country and take up a position in another diocese without his Bishop being notified.
- The Inquiry believes that Bishop Walsh's response as outlined in the Report was adequate and appropriate in the context of child protection.

FR ALPHA

Fr Alpha was a curate in the Diocese of Ferns in the 1970s and 1980s. The Inquiry has heard from one priest who expressed his personal concern and unease with Fr Alpha's behaviour during his early years as a curate in the Diocese. The priest described an experience with a potential sexual connotation with Fr Alpha which caused him some concern and made him very uneasy and somewhat fearful of the growing presence of boys in Fr Alpha's house. When allegations against Fr Alpha were made in 1995, this priest spoke to Bishop Comiskey about his own experience of Fr Alpha. Bishop

away from working with young people. Whilst the Inquiry would regard referring Fr Doyle to Monsignor Professor O'Doherty as adequate and appropriate in the context of the time, the failure of the Bishop and his successor to act on the recommendations contained therein was entirely unsatisfactory.

- The fact that three priests of the Diocese, apart from the authorities in St Peter's, were aware of Fr Doyle's activities but did not consider it necessary or appropriate to speak with Bishop Herlihy or his successor, indicates a system of secrecy which did not advance the achievement of child protection in the Diocese. The diocesan priests did speak with Gardai and ensured medical intervention for Fr Doyle, but ultimately, under Canon law, the responsibility for the disciplining all priests rests with the Bishop. One of these priests was in fact aware of the allegation made against this priest seven years earlier whilst he was a seminarian and so was aware of a dangerous pattern of behaviour.
- It is matter of some concern that the psychiatrists treating Fr Doyle in Stroud, the Bishop of Ferns and the Archbishop of Southwark would have countenanced allowing him work either in a parish or as a chaplain to a secondary school given their understanding that one relapse from sobriety could result in him abusing a child.
- Bishop Comiskey was unaware that Fr Doyle took up a position in a treatment centre in Dublin. The Inquiry was surprised that a priest who had been convicted on charges of criminal sexual abuse could have been permitted to move back to this country and take up a position in another diocese without his Bishop being notified.
- The Inquiry believes that Bishop Walsh's response as outlined in the Report was adequate and appropriate in the context of child protection.

FR ALPHA

Fr Alpha was a curate in the Diocese of Ferns in the 1970s and 1980s. The Inquiry has heard from one priest who expressed his personal concern and unease with Fr Alpha's behaviour during his early years as a curate in the Diocese. The priest described an experience with a potential sexual connotation with Fr Alpha which caused him some concern and made him very uneasy and somewhat fearful of the growing presence of boys in Fr Alpha's house. When allegations against Fr Alpha were made in 1995, this priest spoke to Bishop Comiskey about his own experience of Fr Alpha. Bishop

Comiskey recalled the discussion but did not recall a complaint of sexual abuse being made.

Gavin (4.3.2), who met with the Inquiry, attended St Peter's seminary in the late 1980s. He spoke to the Spiritual Director of St Peter's about his alleged abuse by Fr Alpha and was advised to confront Fr Alpha and end the abusive relationship. Gavin attempted to do this. Subsequently, Gavin left the seminary and he told the Inquiry that he believes the reasons for him leaving, which included the difficulties caused by the sexual abuse, were discussed with Bishop Comiskey. Bishop Comiskey has no recollection of any allegations of child sexual abuse against Fr Alpha being raised in connection with Gavin, and the then Spiritual Director of St Peter's was unable to speak to this Inquiry in relation to the matter on the grounds that he believed it would be a breach of sacerdotal privilege, which the Inquiry respected.

In November 1995, the first formal complaint to the Gardai in relation to Fr Alpha was made by Edward (4.3.1). This was followed in January 1996, with a disclosure by Eric (4.3.3) to a doctor in Wexford general hospital that he had been abused by Fr Alpha. The hospital informed the Director of Community Care who in turn informed the Gardai. The third complaint made against Fr Alpha was from Gavin. It was not directly communicated to Bishop Comiskey until 1997.

In March 1996, the Diocesan Secretary, Fr Thomas Brennan, was informed that Fr Alpha had been interviewed by An Garda Síochána. This was the first case of child sexual abuse to be handled by the Diocese under the Framework Document.

The Diocesan Delegate met with Fr Alpha who said that he was completely innocent. In reporting on his meeting with Fr Alpha, the Delegate said to Bishop Comiskey that a decision on Fr Alpha's continuation as curate would have to await the report on his case from the Gardai. Also in March 1996, the Director of Community Care of the South Eastern Health Board wrote to Bishop Comiskey to inform him that it had recently received a notification concerning child sexual abuse involving Fr Alpha. This is understood to be a reference to Eric who spoke with the South Eastern Health Board around this time. The Diocese itself had as yet received no direct complaint.

Bishop Comiskey said that whilst his initial thought had been to look into the matter carefully, he decided quite soon to remove Fr Alpha from his position as curate. He hoped to achieve this by having him take voluntary leave of absence.

In July 1996, the Diocese had still no information about the identity of those alleging abuse by Fr Alpha, and wrote to the Health Board and the Gardai looking for some help in order to process its own investigation. Bishop Comiskey requested these bodies to encourage the complainants to meet with the Diocese for this purpose.

In September 1996, Fr Tommy Brennan, Diocesan Secretary, was informed that a further allegation of child sexual abuse against Fr Alpha would be made to the Gardai. This related to Gavin (4.3.2)

In October 1996, the Diocesan Delegate organised a meeting with Edward and recorded details of the complaint as made to him. That statement was forwarded to Fr

Alpha who met with the delegate in November 1996. Fr Alpha totally denied all allegations of child sexual abuse by Edward.

An Advisory Panel meeting recommended that the delegate contact other priests from Fr Alpha's parish at the time of the alleged abuse. One priest so contacted said that he had never heard any allegation at all against Fr Alpha and was shocked and surprised to hear what was alleged subsequently. Another priest contacted by the diocesan delegate did express his reservations at the large number of young boys around the priests' house during Fr Alpha's time there although he was not personally aware of any improper conduct on the part of Fr Alpha and had heard no rumour or suspicion surrounding him. The allegations and denial together with statements of priests who served with Fr Alpha were then sent to Bishop Comiskey in advance of the next Advisory Panel meeting of December 1996.

A further priest who spoke with the Inquiry confirmed that a number of boys used to frequent the priests' house with the permission of Fr Alpha but he emphasised that he saw this as an irritant and a possible cause of scandal rather than giving rise to any suggestion of sexual abuse. He was astonished at the allegations that subsequently arose.

It was not until January 1997 that Eric was in a position to meet with Bishop Comiskey and the diocesan delegate. At that meeting, Eric, who was accompanied by a social worker, disclosed to the Bishop details of his complaint. Eric also expressed concern over the children of a third party being in unsupervised contact with Fr Alpha. Bishop Comiskey wrote to Fr Alpha on 7 January 1997 requesting him to step aside from active ministry.

Fr Alpha's solicitors advised him at that stage that he could not defend himself against charges of either Eric or Edward without a full and thorough investigation of the allegations. His solicitor wrote to Bishop Comiskey in these terms and also pointed out that his client would have to be given an opportunity to confront his accusers.

The Advisory Panel met in February 1997 to discuss the matter. It concluded it would be necessary to conduct an investigation and to interview relevant parties. In the meantime, the Advisory Panel also recommended that Fr Alpha should be asked to undergo assessment at Stroud. Fr Alpha refused to undergo such assessment and sought a determination from the Bishop so that his good name would be restored. Bishop Comiskey has told the Inquiry that he felt unable to proceed with any Canon law procedure to remove Fr Alpha temporarily from ministry because he could not establish the veracity of the complaints before him. He pointed out that each of the complaints had inherent flaws. By March 1997, he had received three complaints in addition to an expression of unease by a diocesan priest.

These enquiries continued until December 1997. At that stage, Bishop Comiskey believed he had no choice but to invoke the provisions of Canon law to secure the removal of Fr Alpha.

Bishop Comiskey met with a Canon lawyer in December 1997 who advised the Bishop that with regard to the problem of Fr Alpha's continued exercise in ministry as a curate, he should, in the first place, undertake a pastoral solution or, failing that, an

administrative solution which would involve invoking the relevant provisions of Canon law, namely Canon 552. Bishop Comiskey had already appointed a delegate under Canon 1717 to properly investigate the allegations.

Accordingly, Bishop Comiskey wrote to Fr Alpha on 12 December 1997 inviting him to take administrative leave. Fr Alpha refused to take such leave as he believed it would be tantamount to an admission of guilt. Fr Alpha indicated that he would consult a Canon lawyer. In March 1998, Bishop Comiskey was advised to formally invoke Canon 552 which states that “.....an assistant priest may for a just reason be removed by the diocesan Bishop or the diocesan Administrator”. According to the commentary on this Canon a “just cause” rather than a “grave cause” suffices and the reason must be given in writing.

In reply, Fr Alpha strongly denied the allegations made against him and said that he would be appealing the ruling by the Bishop to Rome and that as such an appeal had a suspensive effect on the decree of the Bishop, he would, in the meantime, remain in his parish. Fr Alpha was incorrect in his interpretation of the suspensive effect of an appeal to Rome on foot of the administrative decision taken to remove him. In a subsequent letter, Fr Alpha appealed directly to the Bishop to revoke his decree and set out the deficiencies, as he was advised, in the Canon law process as adopted by Bishop Comiskey and his Canon lawyer.

Bishop Comiskey brought Fr Alpha’s letter to his Canon lawyer and was advised to suspend his decree pending the outcome of this direct appeal which Bishop Comiskey did. Bishop Comiskey’s Canon lawyer told the Inquiry that he was advised by Fr Alpha’s Canon lawyer around that time that if the decree was withdrawn, Fr Alpha would probably step aside on health grounds. Being aware that Fr Alpha had not been in the best of health Bishop Comiskey’s Canon lawyer believed this approach made sense and if successful, would achieve the objective of removing Fr Alpha from ministry. In these circumstances, Bishop Comiskey was advised to withdraw his decree. Fr Alpha has informed the Inquiry that no such formal agreement to retire on health grounds was entered into by him with Bishop Comiskey or any other person.

Following such advice from his Canon lawyer and upon receipt of a third letter from Fr Alpha in which he (i) again vehemently denied the allegations against him, (ii) challenged the procedures which were being adopted by the Bishop and (iii) outlined the measures he had voluntarily put in place to safeguard himself against the possibility of further false allegations, Bishop Comiskey revoked the decree in April 1998.

Bishop Comiskey said he felt embarrassed at having to suspend the decree. His attempt at invoking Canon law went no further. His Canon lawyer told the Inquiry that in the event of Fr Alpha not stepping aside within a reasonable time frame, Bishop Comiskey could have re-imposed the decree of removal under Canon 552.

The diocesan delegate continued to investigate details surrounding the allegations. On 22 June 1998 the Advisory Panel stated that they were unable to recommend Fr Alpha’s removal and he should be left *in situ* for the time being. They also noted that the case against Fr Alpha had become weaker. One member of that Advisory Panel,

who was also the chairman, told the Inquiry that they decided to await the DPP's decision in the matter.

Bishop Comiskey set himself a high threshold in establishing "just cause" as did his Advisory Panel. This Advisory Panel, established under the Framework Document, only met four times during Bishop Comiskey's tenure as Bishop of Ferns and at each of these meetings the Fr Alpha case was discussed. Throughout the period of 1995 to 1998, the Diocese investigated the credibility of the complaints against Fr Alpha. Fr Alpha has expressed his grave disquiet at the policy of the church authority at that time which he perceived as giving disproportionate attention to inherently flawed complaints. Fr Alpha has told the Inquiry that during that period he suffered greatly and stated "*to be innocent and face such false accusations is devastating*".

BISHOP EAMONN WALSH

After his appointment in April 2002, as Apostolic Administrator of the Diocese of Ferns, Bishop Walsh referred the allegations against Fr Alpha to the Ad Hoc Advisory Panel for review. He invited Fr Alpha to step aside pending a review of his case which Fr Alpha agreed to in May 2002. The Ad Hoc Advisory Panel recommended that Fr Alpha remain out of ministry and subject to a Precept. Fr Alpha has told the Inquiry that he felt severely pressurised by Bishop Walsh and that his retirement was effected against a background of media frenzy.

In May 2002, the DPP decided not to prosecute Fr Alpha. Fr Alpha argued that this decision confirmed his innocence and that he should be fully vindicated and restored as a priest of good standing in the parish. Fr Alpha and his family who had always protested his innocence, maintained that the decision of the DPP was equivalent to a declaration of innocence. Bishop Walsh did not share this view.

In June 2003, Fr Alpha's Canon lawyer wrote to Bishop Walsh and said that given the problems with the accusations made against Fr Alpha, the rejection of the case by the DPP, the complete absence of a credible accuser despite all the publicity and encouragement for people to come forward, the Diocese had now to seriously consider the justice due to Fr Alpha. The Canon lawyer said that the case against Fr Alpha had never been proved and that the allegations were full of holes. He said it would be an injustice not to restore this man "to being in a position of good standing".

On 19 June 2002, Bishop Walsh issued a Precept against Fr Alpha prohibiting him from participating in the act of ministry and in particular from having any contact with young people pending the completion of all inquiries into the allegations against him. In particular, Bishop Walsh has indicated that Fr Alpha could not be restored to any ministry within the Church until he had undergone a programme of assessment. Fr Alpha has persistently refused to attend for such assessment. Failure to co-operate with a programme of assessment will inevitably delay any prospect of returning to ministry a priest accused of child sexual abuse.

Fr Alpha has expressed to this Inquiry his deep sense of injustice at the way he has been treated by the Diocese. In particular, he felt deceived and unfairly stripped of

priestly ministry in a context in which he completely denied all allegations and no criminal prosecution was recommended.

Bishop Walsh described to the Inquiry a meeting which he had with Fr Alpha and his family in their home. The family expressed their anger and outrage at the way he had been treated. Fr Alpha's housekeeper also expressed her anger at the Church's treatment of the priest.

The three complainants issued civil proceedings against Fr Alpha and the Diocese. In these proceedings, Fr Alpha has counterclaimed for defamation. The proceedings are still pending.

A file on Fr Alpha has been sent to the Congregation for the Doctrine of the Faith which has now issued a direction to the Diocese on the Canonical procedures which must be followed in order to bring closure to the case.

THE FERNS INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR ALPHA CASE:

- **The appropriate agency to investigate a criminal charge of child sexual abuse is An Garda Síochána. Other organisations and employers however, do have functions and duties in respect of persons accused of such abuse. In particular, they must satisfy themselves that there are sufficient grounds for requiring the employee/priest to step aside pending a determination of the allegation. The performance of those duties may involve the agency or employer informing him or her self in relation to the material facts. No inquiry or investigation should be conducted which might compromise any proceedings to be initiated as a result of the Garda inquiries. In this case, the Gardai have informed the Inquiry that their investigations were not compromised by any investigations carried out by the Diocese.**
- **It is the understanding of the Inquiry that a credible allegation is one which is capable of being believed but it is not necessary to establish that it is true or even probably true. The Inquiry believes that Bishop Comiskey was mistaken in this and other cases in seeking corroborative or additional evidence to satisfy him as to the truth of the allegation**
- **The prompt removal of a priest against whom a credible allegation is made is essential for the protection of children. As the investigation of allegations against Fr Alpha illustrate, a detailed investigation by the church authorities necessarily involves delay which could place children at risk. It is only necessary that a reasonable suspicion be established in order for this removal to be put into effect.**
- **It is the view of the Inquiry that in this case where a credible allegation of child sexual abuse was made against Fr Alpha it was correct that he be asked and if necessary, required to step aside from the performance of**

any or all of his duties and functions which would bring him into unsupervised contact with children pending the completion of all appropriate inquiries.

- **The Inquiry is fully conscious of the pain caused to any priest who, in the position of Fr Alpha, is required to step aside as a result of an unproven allegation of a repugnant offence, but the paramountcy given to the protection of children requires that some priests and other persons in employment may be required to endure this apparent injustice in the interests of the common good.**
- **The Inquiry is concerned at the delay which has occurred in the determination of the allegations against Fr Alpha through a Canon law penal process which would adjudicate on the guilt or innocence of the priest and impose penalties. It does however appreciate that this has been caused to an extent by the piecemeal nature of the reporting of allegations which occurred over a four year period by the complainants.**
- **The Inquiry would encourage the parties to the civil proceedings in child sexual abuse cases to bring them on for hearing at the earliest date so that the courts of law may finally determine the truth or otherwise of the very serious allegations.**

FR JAMES GRENNAN (Deceased)

In 1988, ten girls alleged that they were sexually molested by Fr James Grennan whilst he heard their Confession on the altar in the parish church of Monageer. Fr Grennan was parish priest of Monageer and Chairman of the Board of Management of the national school. These girls were aged 12 or 13 years at the time. They made the complaint to the Principal of Monageer National School, Mr Pat Higgins. Mr Higgins contacted the South Eastern Health Board, who sent a social worker to speak with the girls.

The Health Board then arranged for Dr Geraldine Nolan, who was Director of the newly established Validation Unit in Waterford, to interview the girls. On 4 May 1988, she interviewed 7 of the 10 girls who made the allegations. The other 3 girls had been refused permission to attend Dr Nolan by their parents. She spoke with the Director of Community Care in the South Eastern Health Board, Dr Patrick Judge after conducting these interviews and before writing her report. Dr Judge then called on Monsignor Breen who, as Vicar General, was representing Bishop Comiskey in his absence from the Diocese. Dr Judge demanded that Fr Grennan be removed from the

parish immediately. Although most of the activity complained of occurred during Confession, allegations were also made concerning visits by Fr Grennan to some of the girls' homes and inappropriate behaviour in his own home and in the sacristy.

Confusion arose at the very early stages of this case. During the interview between Dr Patrick Judge and Monsignor Richard Breen, the impression was either given or taken up that Fr Grennan had exposed himself on the altar to the girls. It was not suggested by any of the children that Fr Grennan had exposed himself to them. In fact, Dr Geraldine Nolan did not refer to any exposure on the part of Fr Grennan but rather said that he held the children's hands and pressed them to his groin, unexposed, and that he touched their legs and other parts of their body, including their faces. The Ferns Inquiry has spoken to some of the girls who made the original allegations against Fr Grennan and their description of what occurred did not involve an allegation of exposure.

Dr Judge told Mr Higgins on 5 May 1988, that he should never again leave the children alone with Fr Grennan. The following day, Monsignor Breen spoke to Fr Grennan who was shocked at what was alleged and went to speak with Dr Judge who was adamant that what the girls had said was true.

Mr John Jackman, a Knight of Columbanus and a lay person of some influence in the Diocese, was approached by a Garda who was also a Knight who suggested that Mr Jackman should try and contact Bishop Comiskey in an effort to move Fr Grennan out of the parish until after the impending Confirmation ceremony which would defuse the situation and let the Gardai do their job. Due to Bishop Comiskey's absence from the Diocese, Mr Jackman telephoned Monsignor Breen and was told that he, Monsignor Breen, could do nothing to calm the situation.

In addition, on instruction from his Superintendent, a local Garda contacted Fr Grennan and suggested he should absent himself temporarily from the parish. Fr Grennan sought legal advice at this point and although he did in fact leave for a fortnight's holiday, he returned before the Confirmation ceremony on 20 June 1988. Bishop Comiskey returned to the Diocese on 28 May. He read Monsignor Breen's memorandum of the accusations of the girls and the interview with Dr Judge, and immediately spoke with Fr Grennan about the events in Monageer. Fr Grennan vehemently denied that he had exposed himself on the altar which he apparently still believed was what was being alleged although Monsignor Breen's memorandum did not refer to exposure.

On the basis of the meetings with Monsignor Breen and Fr Grennan and after consultation with the four Deans of the Diocese, Bishop Comiskey concluded that what was alleged to have occurred on the altar in Monageer could not have occurred. In doing so he appears to have adopted a threshold of probability rather than credibility with regard to the complaints. The allegations made by the seven girls might well have been regarded by the Bishop as improbable, even highly improbable but they were not incredible. By dismissing the complaints as incredible and therefore, by implication, mischievous, a situation was created which caused deep division in the parish and grave hurt to the children and their families. The sad history of this matter followed from this flawed decision.

Bishop Comiskey told the Inquiry that whilst Fr Grennan agreed to leave the parish for a short while immediately after the allegations were made, Fr Grennan considered it important that he should return for the Confirmation and Bishop Comiskey agreed with this. He told the Inquiry that Fr Grennan failing to appear for the Confirmation would be seen as an admission of guilt. When Fr Grennan appeared on the altar with Bishop Comiskey at his side, two families walked out of the ceremony. The families interpreted the presence of Fr Grennan on the altar with Bishop Comiskey as a total rejection of the complaints made by the children. Bishop Comiskey may not have intended his presence to be interpreted in that way but he had, in fact, at that time, rejected the complaints without meeting anyone concerned other than the priest in question.

Bishop Comiskey confirmed that he did not speak with the Health Board or the Principal of the school; neither did he speak with Dr Judge. Bishop Comiskey expressed surprise to the Inquiry that none of the girls who had made the allegations came to see him but he did not feel it was appropriate for him to visit them.

Bishop Comiskey was aware before 20 June when the Confirmation ceremony took place, that the Health Board had investigated the allegations of the girls and had found them to be credible. Bishop Comiskey did not see the actual report prepared by Dr Geraldine Nolan until August 1988.

Bishop Comiskey described the Confirmation day in Monageer as a very joyful, happy, sunny summer day and was unaware of anybody walking out of the ceremony. This is at odds with the evidence the Inquiry has heard from Mr Patrick Higgins, the girls themselves and others who described families as being very upset with children crying after the ceremony.

Bishop Comiskey called a meeting of the Council of Priests to discuss newspaper articles that had been written in the aftermath of the walkout. As a result of the meeting with the Council of Priests, a letter was sent to Fr Grennan assuring him of the full support of the Council in the face of unfounded allegations and unnecessary and unfair publicity. They pledged their support to Fr Grennan in his pastoral service to the people of Monageer. The Inquiry was informed by the chairman of the Council of Priests that the Council was not aware at that time of the Health Board investigations which found the allegations credible.

Bishop Comiskey saw the Health Board report in August 1988, but said he had already formed an assessment of the allegations made by the girls as reported to Monsignor Breen, having spoken with him and a number of priests in the Diocese. That assessment led him to the belief that the allegations were not credible. When Dr Nolan's report was presented to him, he was already convinced of Fr Grennan's innocence and it was in that light that he considered the report.

In 1989, Fr Grennan attended Dr Peter Fahy, a psychiatrist in the Blackrock Clinic for psychiatric assessment. Bishop Comiskey emphasised to the Inquiry that this was not for assessment or treatment of any condition regarding child sexual abuse but rather for treatment for strain arising from the complaints. Dr Fahy wrote back to Bishop Comiskey, "*I cannot see how he could have done what he is accused of doing in full view of a congregation*". Bishop Comiskey confirmed to the Inquiry that he was in

complete agreement with the content of Dr Fahy's letter at the time and did not attach the slightest degree of credence to the accusations.

After media attention surrounding the Confirmation ceremony had died down, Fr Grennan continued as parish priest in Monageer. In his evidence to the Inquiry, Mr Patrick Higgins, the Principal of Monageer National School, said that he feared for his job after he had initiated the inquiry by the Health Board. He said that he felt greatly relieved once Dr Geraldine Nolan had validated the complaints of the girls. Undoubtedly, Mr Higgins was in an invidious position in effectively having to report the behaviour of his employer. He said he felt threatened with dismissal but his trade union intervened and the matter did not arise.

Fr Grennan continued in his role as manager of the school and although in the immediate aftermath of the Monageer incident he was an infrequent visitor, over the subsequent months he resumed the practice of calling regularly and even requiring that children be sent up to the presbytery on errands. Mr Higgins said that he never allowed the children to go to the presbytery or to accompany Fr Grennan anywhere without written permission.

The Inquiry also notes from documentation submitted by the Department of Education and Science that Patrick Higgins made a complaint to a Department Inspector, in early May 1988, in relation to the complaints and allegations made known to him by the school girls in April 1988. The Inspector noted that he considered these to be of the utmost seriousness and subsequently disclosed the visit to his senior officer, the Divisional Inspector. The Department felt it could not investigate the case because it had not received any formal complaint directly. This decision was reinforced by the fact that the Principal had acted according to the Department of Health guidelines.

The Department of Education confirmed to the Inquiry that this represents the only notification of child sexual abuse against a priest of the Diocese of Ferns to the Department.

The Monageer incident was raised again in November 1995 by Councillor Gary O'Halloran, a member of the Board of the South Eastern Health Board, who sought a full investigation into the handling of the affair by the State authorities. This investigation is dealt with in Chapter 6 of this Report. The matter was also the subject of a Garda investigation at that time: this is dealt with at Chapter 7.

The investigations by the Health Board and the Gardai attracted a great deal of media coverage, partly because it coincided with the cases of Donal Collins and Sean Fortune. One of the allegations against Bishop Comiskey was that he was involved in a cover-up "of immense proportions". It is alleged that he allowed some of his senior clergy to criticise journalists who reported on the walkout from the Confirmation ceremony, without informing them of the South Eastern Health Board report. Fr Walter Forde, who was the Diocesan Press Officer, said that he had been told by Bishop Comiskey that the allegations against Fr Grennan were utterly without foundation and he confirmed to this Inquiry that he had not been given a copy of the South Eastern Health Board report at that time.

Bishop Comiskey was accused in the media of interfering with the Garda investigation and with meeting Health Board officials with a view to getting their agreement that the matter should be dealt with by the Diocese. Bishop Comiskey told the Inquiry that such a meeting never took place and that there was never any agreement allowing the Diocese to handle the matter. This is confirmed by the Health Board witnesses spoken to by the Inquiry.

An anonymous and undated letter addressed to Bishop Comiskey which was date stamped by the Diocese as having been received on the 26 February 1996 and which purported to come from one of the girls who had initially made an allegation against Fr Grennan but who had subsequently not attended for interview with Dr Geraldine Nolan, was included in the diocesan file submitted to this Inquiry. This letter claimed that the allegations against Fr Grennan had been initiated by one girl in the class who was annoyed with Fr Grennan over another issue. This was not a view supported by the complainants who attended this Inquiry.

The Inquiry took the view that, whether or not the decision to speak to Mr Higgins about the abuse was the result of an effort by the girls to “get their own back” on Fr Grennan, once the church authorities were alerted to it, some action should have been taken, at the very least to determine whether the allegations were credible. The validation by Dr Nolan should have been sufficient to establish a credible case upon which the diocese could have acted.

In June 1994, a psychiatrist attached to the South Eastern Health Board, wrote to Bishop Comiskey informing him that a patient, Fergus (4.4.5.) had made an allegation of sexual abuse against Fr Grennan. Bishop Comiskey wrote to Fergus saying that he was taking his allegation very seriously and asking Fergus to bear with him while he dealt with the matter. He also offered to meet with Fergus if he felt this was helpful. This offer was not taken up.

In February 1995, Fergus’s psychiatrist reported to Bishop Comiskey that Fergus had settled back to school and was putting the “*fear, hurt and anger behind him*”.

BISHOP EAMONN WALSH

In May 2002, Bishop Eamonn Walsh met with Deborah (4.4.6) who alleged that she was sexually abused by Fr Grennan from the age of 5 until she was 10. Deborah told Bishop Walsh that, in 1993, she wrote a letter to Bishop Comiskey outlining the detail of what had occurred. In 1995, she said she wrote again to Bishop Comiskey asking why she had never received a reply to a previous letter. Bishop Walsh instructed that the diocesan files be searched thoroughly for any evidence of these letters from Deborah. There is no record on file of these letters having been received by Bishop Comiskey or the Diocese and Bishop Comiskey had confirmed that he does not recall receiving them.

Deborah consulted a firm of solicitors who agreed to act on her behalf against the Diocese. In August 2002, Deborah committed suicide. Bishop Walsh met with Deborah’s parents after her suicide and they appear to be of the view that although Fr Grennan was a regular visitor in their home and stayed overnight in Deborah’s

bedroom with Deborah present, it was extremely unlikely that he would have abused their daughter.

In June 2002, Bishop Eamonn Walsh visited Monageer and Boolavogue to celebrate the Vigil and Sunday Masses. Prior to this, Bishop Walsh met six of the girls who had made a complaint against Fr Grennan in 1988. Some of the girls expressed reservations with the way Bishop Walsh conducted these meetings. They believed his approach was intrusive and two of the girls criticised him for holding the meetings in Fr Grennan's former sitting room in the parochial house where some of the abuse had occurred. According to Bishop Walsh, the purpose of the meetings which he had was to explain the nature of his visit to the parish the following week-end. He was concerned that it would be upsetting for the victims to have 1988 brought up again and he wished to hear their concerns in person. He offered counselling to the victims and described his role as a listening one. He said that he did not ask questions about what had happened and he did not accept that his approach was intrusive. Bishop Walsh said he was not aware that abuse was alleged to have occurred in the parochial house although this fact was stated in the report from Dr Nolan which was in the possession of the Diocese.

Bishop Walsh acknowledged publicly the suffering in the parish and the division caused by the Monageer situation. He said that:

... [young children and their families]: "spoke up when it would have been far easier to keep quiet and let things carry on. They did the right thing and not without considerable cost to themselves. You will never know how many other people will have been helped by your witness. I wish to publicly acknowledge your hurt, which was compounded by the way the case was handled.

There are people in this parish who suffered greatly because they stood by their priest and with a good conscience. Some continue to feel this hurt.....

The Diocese contributed to the pain of this parish instead of easing it. For this I apologise and I apologise to anyone who was ever abused by Fr Grennan. I realise that it is too late in the day for apologies. I will continue to cooperate fully with all who are committed to bringing healing and closure for those who have been hurt in any way."

It was very painful for Fr Grennan's family to hear this statement and they were angry that the Diocese had apologised to anyone who had been abused by Fr Grennan.

In a civil suit that arose out of this case, a settlement was reached which included a statement by the Diocese which publicly acknowledged the hurt experienced by the victim. According to Bishop Walsh, this was also a matter of great upset to the family of Fr Grennan.

THE INQUIRY'S VIEW ON THE DIOCESAN HANDLING OF THE FR GRENNAN CASE:

- **The Inquiry believes Bishop Comiskey was incorrect in dismissing the allegations of the girls in Monageer. The allegations may in his view have been improbable, but they were not incredible. Such allegations were capable of being true and they should have been treated by the Bishop accordingly.**
- **Fr Grennan was accused of inappropriate, offensive and criminal behaviour. However, it was not only the alleged activity of Fr Grennan which caused suffering to the girls in Monageer but the effect that the handling of the complaints subsequently had on their lives.**
- **Bishop Comiskey's unquestioning support of Fr Grennan was given without any understanding of the consequence for the children who made the complaints. Children making complaints deserve special protection from the Church and from society. This added duty of care was not met by the Diocese in this case.**
- **The Inquiry is of the view that the way in which the Diocese and Bishop Comiskey handled the allegations brought by the girls in 1988 led to a great deal of unnecessary suffering for the girls, their families and the people of Monageer. The handling of these allegations by the Health Board and the Gardai are dealt with at chapters 6 and 7 of this report. The error by the Church Authority was greatly exacerbated by the failure of the Gardai to carry out any adequate contemporaneous investigation.**
- **Whilst the Inquiry accepts that the Diocese owed a duty to its priest when an allegation is made, the duty owed to the ten young girls is paramount. They made a statement to the Principal without knowing or expecting that it would end up in the public domain. To the credit of most of the girls' families, the parents supported and believed their daughters; however, family divisions occurred between generations and the Inquiry has heard how grandparents were divided against parents and grandchildren over the issue.**
- **Bishop Eamonn Walsh's apology to the parishioners of Monageer was unequivocal and may have gone some way towards healing the hurt in that parish.**
- **Parish priests are appointed as managers of national schools as a matter of course. In this role, they have made a valuable contribution to Irish education under the patronage of their Bishop. However, the Inquiry has become aware of a number of priests who have abused this position and used it to give them greater access to children for the purposes of abusing them sexually. The Inquiry believes that no person should be appointed or retained to a position of authority over children without proper investigations being made as to their suitability for such an appointment.**

- Fr Grennan continued in his role as Chairman of the Board of Management of the national school in Monageer after this controversy occurred without any investigation by the Department of Education or the Diocese as to his suitability for such a role.

FR SEAN FORTUNE (Deceased)

Sean Fortune was born in Gorey, County Wexford, in 1953 and was educated in the Christian Brothers School in Gorey. In July 1968, when he was 14 years old, Sean Fortune attended the Christian Brothers Juniorate in Carraiglea Park in Dun Laoghaire with a view to completing his secondary education and joining the Christian Brothers Order.

Sean Fortune attended Blackrock College for one term in September 1971, with the intention of becoming a member of the Holy Ghost order instead of a Christian Brother. The College has confirmed to the Inquiry that he was not asked to leave because of any impropriety, but rather because he was regarded as temperamentally unsuited for missionary work.

Sean Fortune did not proceed to the novitiate of the Christian Brothers. In 1973, he applied to St Peter's seminary in his native Wexford to pursue a vocation for the diocesan priesthood. He was admitted into St Peter's seminary without being assessed because of the five years he had spent in the Juniorate of the Christian Brothers.

The first allegation against Sean Fortune of which the Inquiry has become aware was made by Stephen (4.5.1). Stephen complained to a senior staff member in St Peter's in 1976 about the sexual abuse perpetrated on him by Sean Fortune. Although the response of the staff member was one of anger against Stephen, Fortune's approaches to him ceased thereafter and his relationship with the senior staff member, which had been quite a close one, ended. It is inferred that the staff member spoke to or reprimanded Sean Fortune. This senior staff member is now deceased and the Inquiry does not know whether he spoke to anybody else in St Peter's about Stephen's allegations.

An allegation of sexual abuse against Sean Fortune was made in connection with the Catholic Boys Scouts of Ireland in early 1979. A full report was prepared by the assistant scout leader at the time which was finalised in December 1979. The Inquiry is satisfied that this full report was passed on to Bishop Herlihy by a scout leader in St. Peter's in 1979 or early 1980. It has not been possible to establish whether this complaint was made informally to the Bishop prior to Sean Fortune's ordination in

- **Fr Grennan continued in his role as Chairman of the Board of Management of the national school in Monageer after this controversy occurred without any investigation by the Department of Education or the Diocese as to his suitability for such a role.**

FR SEAN FORTUNE (Deceased)

Sean Fortune was born in Gorey, County Wexford, in 1953 and was educated in the Christian Brothers School in Gorey. In July 1968, when he was 14 years old, Sean Fortune attended the Christian Brothers Juniorate in Carraiglea Park in Dun Laoghaire with a view to completing his secondary education and joining the Christian Brothers Order.

Sean Fortune attended Blackrock College for one term in September 1971, with the intention of becoming a member of the Holy Ghost order instead of a Christian Brother. The College has confirmed to the Inquiry that he was not asked to leave because of any impropriety, but rather because he was regarded as temperamentally unsuited for missionary work.

Sean Fortune did not proceed to the novitiate of the Christian Brothers. In 1973, he applied to St Peter's seminary in his native Wexford to pursue a vocation for the diocesan priesthood. He was admitted into St Peter's seminary without being assessed because of the five years he had spent in the Juniorate of the Christian Brothers.

The first allegation against Sean Fortune of which the Inquiry has become aware was made by Stephen (4.5.1). Stephen complained to a senior staff member in St Peter's in 1976 about the sexual abuse perpetrated on him by Sean Fortune. Although the response of the staff member was one of anger against Stephen, Fortune's approaches to him ceased thereafter and his relationship with the senior staff member, which had been quite a close one, ended. It is inferred that the staff member spoke to or reprimanded Sean Fortune. This senior staff member is now deceased and the Inquiry does not know whether he spoke to anybody else in St Peter's about Stephen's allegations.

An allegation of sexual abuse against Sean Fortune was made in connection with the Catholic Boys Scouts of Ireland in early 1979. A full report was prepared by the assistant scout leader at the time which was finalised in December 1979. The Inquiry is satisfied that this full report was passed on to Bishop Herlihy by a scout leader in St. Peter's in 1979 or early 1980. It has not been possible to establish whether this complaint was made informally to the Bishop prior to Sean Fortune's ordination in

May of that year. A note attached to this Report indicates that by November 1979 it was brought to the attention of senior staff members in St Peter's as well as the Bishop of Ferns.

The Inquiry has been informed that a further complaint by Carl (4.5.4) was also communicated to the President of St. Peter's college and another senior staff member of the seminary in 1978. Both of these men have stated categorically that as far as they are concerned, such a meeting did not take place. The Inquiry can find no response by St. Peter's to Carl's complaint which was made prior to Sean Fortune's ordination and it has been confirmed to the Inquiry that no record exists in the archives of St Peter's.

There is no written record of any of these complaints being received by either the Diocese or St Peter's college. In addition, most of the individuals in the Diocese and St Peter's who were involved at the time, are now deceased. However, the Inquiry did speak with one senior staff member who was in St Peter's at the time. His evidence to the Inquiry was that he has no recollection of hearing anything relating to sexual activity about Sean Fortune prior to his ordination. He said he was aware of personality problems with Sean Fortune but felt that his energy and capacity to work outweighed whatever adverse personality traits he had.

After his ordination in May 1979, Fr Fortune was sent to the Holy Rosary parish in Belfast. The Inquiry has heard from fellow priests, who were with Sean Fortune at the time, that he was regarded as unmanageable and did not fit in the Diocese. It was on this basis that the Vicar General of the Diocese of Down and Connor arranged for Fr Fortune to be recalled to his diocese in Ferns. Shortly after the decision was made to remove Fr Fortune, Fr Martin Kelly who was Spiritual Director at St Malachy's College in Belfast, was approached by a student who said both he and a friend had been propositioned sexually by Fr Fortune. Fr Kelly reported the allegation of abuse to his Bishop Dr Philbin, and within hours of hearing it Bishop Philbin removed Fr Fortune from the Diocese.

A further allegation against Fr Fortune arising out of this time in Belfast was made in 1995 (see Charles 4.5.6).

Fr Fortune's continued involvement with the Boy Scouts caused problems while he was in Belfast. According to a curate who lived with Sean Fortune at that time and who was contacted by the Inquiry, Bishop Philbin directed that Sean Fortune was to have no involvement with the Boys Scouts but did not indicate a reason for this. Although he discontinued his association with the CBSI in Belfast, Fr Fortune formed a separate body of the Boy Scouts in Belfast. Fr Fortune's fellow curate in the Holy Rosary Parish in Belfast said that there was a constant stream of young boys coming in and out of the house even after he was removed from the scouts.

It is a matter of regret that there is no documentary evidence relating either to Fr Fortune's appointment to the Diocese of Down and Connor or to his removal from that Diocese. It is improbable that Dr Philbin would not have communicated to the Bishop of Ferns, Dr Herlihy the reason for Sean Fortune's precipitous removal from the Diocese.

In May 1980, while Fr Fortune was still a curate in Belfast, he applied for a post-graduate Catechetical course in Mount Oliver, Dundalk. This course began in September 1980. The Administrator of St Patrick's parish in Dundalk confirmed to the Inquiry that he had received a visit from a priest from the Diocese of Down and Connor who advised him to put a stop to plans which Fr Fortune had for bringing boys from the Christian Brothers School to his house in Ravensdale, Dundalk. The Administrator did this and when confronted by Sean Fortune, he said to him that he had received information that he, Sean Fortune, had been abusing boys. At this, Sean Fortune stood up and walked out of the room. The Administrator said that he did not understand the enormity of what had been happening to the boys at the hands of Sean Fortune. He said he did not report any of this to Bishop Herlihy which is something he is now concerned about; but at the time, he did not know Bishop Herlihy well and did not think it was the right thing to do.

The Inquiry has heard one allegation of abuse arising from Fr Fortune's time in Dundalk involving Peter (4.5.8).

In the absence of appropriate records, it is not possible to establish the extent to which the allegations of child sexual abuse made against Sean Fortune in 1979/1980 were brought to the attention of Bishop Herlihy. What is clear is that the Bishop sent Fr Fortune to be interviewed by Monsignor Professor Feichin O'Doherty who was Professor of Logic and Psychology at University College Dublin, in March 1981. In his first report to Bishop Herlihy Prof O'Doherty said "*his [Fr Fortune's] personal history during his seminary years, and more recently during his Mount Oliver studies, gives rise to grave concern.*" He went on to say that although Fr Fortune dismissed his behaviour in the boys scouts as "*just messing*", it was, in Professor O'Doherty's view, "*homosexual behaviour, and might even be classified as indecent assault in Civil Law*".

Professor O'Doherty concluded that Fr Fortune was homosexual and it is significant that this conclusion was reached in spite of the protestations by Fr Fortune that he had no such sexual orientation. The reports by Professor O'Doherty included the following comments:

"Perhaps the most important thing I can say about him from the psychological point of view is his apparent lack of real feelings about the reality of his position..... I told him that he needs to bring about a radical and fundamental change in his personality. If this is possible at all it will take a very long time".

Professor O'Doherty said he was more convinced than ever of the homosexual orientation of Fr Fortune's personality after his second meeting with him, and added "*I told him of the dangers a vulnerable personality such as his would be exposed to in certain professions, the priesthood and teaching among them*". In February 1982, Professor O'Doherty, whilst acknowledging that Fr Fortune had a considerable distance to go to become a fully mature person, said that he had no doubt that he would succeed in coming to terms with himself. However, by September 1982, Professor O'Doherty stated "*his [Fr Fortune's] personal history leaves a great deal to be desired. He gives an account of behaviour problems both before and during his seminary days which nobody seems to have noticed. I did not get the impression that*

he takes his most recent episode and present position seriously enough, nor do I think that we have heard the full story yet”.

These extracts must have served as a warning to Bishop Herlihy and his successor (to whom the same reports were available) of the personality of Fr Fortune and the dangers which existed in giving him unsupervised access to young people. There is no report from Professor O’Doherty after the September 1982 meeting nor is there any suggestion that Fr Fortune received treatment for his condition or even a reprimand for the conduct which led him to be sent to Professor O’Doherty.

Fr Fortune was appointed as a curate to the parish of Poulfur at Fethard-on-Sea in May 1982. Even making allowances for the then limited appreciation of the nature of child sexual abuse and the propensity of abusers to re-offend, this appointment seems to the Inquiry to have been an extraordinarily ill-advised decision.

The Inquiry is aware through Mr John Jackman, who was actively involved in the parish and the Diocese, that Bishop Herlihy expressed the view to him that Poulfur was a closely-knit community and that *“if Sean Fortune tried to do anything it would be stopped immediately by the community”*. Bishop Herlihy is also recorded by Carl (4.5.4) as expressing the belief that Canon Mernagh, as the parish priest, would have been in a position to control Fr Fortune. Whilst it is accepted that Canon Mernagh was a very distinguished and respected parish priest, the reality was that Poulfur was, as already explained in Chapter 3 above, a half parish and accordingly, Canon Mernagh could not and did not exercise any significant supervision or control over Fr Fortune. The community, or part of it, attempted to curtail some of the activities of Fr Fortune and attempted to draw the attention of Bishop Herlihy and the Papal Nuncio to some of the aspects of his conduct to which they took exception.

Almost immediately upon his arrival to Poulfur, Fr Fortune established youth clubs in the basement of his house, and built and operated a “reconciliation room” in his house for boys who were in trouble at home. His behaviour gave rise to correspondence from parishioners to the Bishop and to the Papal Nuncio. There was an indirect reference to incidents of a sexual nature and given the information the Bishop had, this should have created a well-founded suspicion in the mind of the Bishop that children in the parish were at risk. The Papal Nuncio acknowledged the letter sent by the parishioners and stated that the Holy See had been apprised of their concerns. There is no evidence of any further involvement by the Papal Nuncio in this matter. A number of parishioners took the unusual step of swearing affidavits outlining the improper conduct of Fr Fortune in the parish and forwarding them to Bishop Herlihy. The conduct complained of was of a bullying and offensive nature but did not involve allegations of sexual abuse.

Bishop Herlihy died whilst still in office in 1983 and was succeeded by a Diocesan Administrator, Monsignor Shiggins who served for one year until a new Bishop was appointed. The Monsignor is now deceased.

In April 1984, Bishop Brendan Comiskey was appointed as Bishop to the Diocese of Ferns. He had been Auxiliary Bishop of Dublin before that. His appointment was met with universal approval by the people of the Diocese.

Shortly after his appointment, a letter was sent to Bishop Comiskey by a couple living in the parish, outlining a long list of complaints against Fr Fortune which included allegations of violations of confidentiality, defamation, authoritarian actions, adverse influence on youth and family relationships, and a lack of financial accountability. They also claimed that he had unsupervised parties on the beach at which alcohol, drugs and contraceptives were in use. The letter referred to weekend retreats in Loftus Hall for over 15s which involved over 60 youths and it stated that participants were instructed not to disclose the nature and content of these retreats, even to their parents. It was believed that intimate sexual matters were on the agenda.

The many and varied complaints made by parishioners in Poulfur might have been confusing but the reference to sexual impropriety among those complaints should not have failed to alert Bishop Comiskey to dangers created by Fr Fortune's activities, as he had read the four reports from Professor O'Doherty. Bishop Comiskey told the Inquiry that although he found some of the allegations of the parishioners difficult to believe, they were a precipitating factor in sending Sean Fortune to see a psychiatrist, Dr John Cooney, Associate Medical Director of St. Patrick's Hospital, Dublin, in February 1985. Bishop Comiskey told the Inquiry that he had sent Fr Fortune for psychiatric assessment because of his manic behaviour which, he believed, Fr Fortune needed to learn to control. He said that he did not have any concerns about Fr Fortune's sexuality. It appears that with this statement he intended to convey that he did not suspect Fr Fortune of child sexual abuse because the Bishop did go on to say that he had grave concerns about his homosexuality.

Dr Cooney reported to Bishop Comiskey that Fr Fortune had an unstable personality and was subject to hyper -manic mood swings. Dr Cooney said he discussed in detail with Fr Fortune the question of his sexuality and that Fr Fortune was adamant that this did not give rise to any problems.

The diocesan file contained correspondence throughout 1985 and 1986 relating to Fr Fortune's activities in the parish. Most of these activities involved controversy and contention at some level. This Inquiry is not required to examine Fr Fortune's general activities whilst a curate in Poulfur, but it appears that Fr Fortune was accused of bullying behaviour, financial irregularities and saying Masses and giving blessings for unorthodox purposes.

In 1986, Bishop Comiskey was first presented with an allegation that Fr Fortune was abusing young men. Bishop Comiskey met with Simon (4.5.9) and although an accusation against Fr Fortune was undoubtedly made to Bishop Comiskey, Simon made it clear that he did not wish to pursue the matter any further. Bishop Comiskey explained to the Inquiry that without a complainant who was prepared to be identified he could not proceed against Fr Fortune in Canon law.

Bishop Comiskey told the Inquiry that there was no question of removing a priest who had been accused of child sexual abuse in those days. It was thought that such priests could be treated successfully. He told the Inquiry that it took quite some time before he realised that paedophilia might be "incurable". In 1986 when he received "*the concrete proof*" from Simon, his goal was to get Fr Fortune out of the parish to receive treatment and then get guarantees from his medical advisors before returning him to parish duties.

Bishop Comiskey said that although he became more concerned about Fr Fortune throughout 1986 and 1987, he did not feel that he could institute canonical proceedings against him because of warnings from the Vatican that Bishops had to proceed very carefully and make sure that they had hard evidence before removing a priest. Bishop Comiskey said that he knew Fr Fortune was litigious and that he would undoubtedly appeal to Rome if he was removed without a concrete allegation being made against him.

Fr Fortune attended Dr John Cooney in 1987 and 1988. Dr Cooney recommended a lengthy period of in-patient treatment under close supervision to be instituted as a matter of urgency. He was also referred to a psychologist in St. Patrick's Hospital in Dublin, who confirmed Dr Cooney's concerns. It is difficult to understand how Bishop Comiskey failed to read the signals at this stage and address himself to the problem of protecting children.

Bishop Comiskey said that by summer of 1987, he was seriously concerned about rumours and allegations surrounding Sean Fortune. In October 1987, he persuaded Sean Fortune to leave his curacy in Poulfur and to go London on the pretext of attending a media course but in fact to receive assessment and treatment for sexual problems. Fr Fortune received neither. Many priests who attended the Inquiry confirmed that it was their understanding that Sean Fortune had gone to London on a sabbatical year solely to pursue a course in media studies and it was revealed to no-one that he was in fact going for treatment and assessment. Indeed, one of the priests whom Bishop Comiskey asked to visit Sean Fortune when he was in London, told the Inquiry that he believed that Fr Fortune was receiving help for his bullying and extreme behaviour but not because of any allegation of child sex abuse.

Fr Fortune was succeeded in the parish of Poulfur by Fr Sean Devereux and within weeks of his coming into the parish, Fr Devereux received a complaint of child sexual abuse against Sean Fortune. This complaint was made by William (4.5.10). Fr Devereux was only 24 years old when he came to the parish and he told the Inquiry that he was extremely shocked and distressed over what William had told him. He said that he told William to tell the Gardai and he also spoke to Bishop Comiskey immediately after receiving the complaint. Shortly after this, William made a full written statement which Fr Devereux also passed on to Bishop Comiskey.

When Bishop Comiskey received William's complaint, he had already moved Fr Fortune out of the Diocese of Ferns to London. He was not removed from active ministry and continued to perform priestly duties in London albeit not in any parochial capacity. Bishop Comiskey's response to the complaint appears to have been to direct Fr Fortune to cease any pastoral ministry and to concentrate on his treatment and academic courses. Fr Fortune continued to teach in London and appeared to perform very satisfactorily in that role. A number of the institutions where he had been working wrote of him to Bishop Comiskey in glowing terms. Bishop Comiskey did not appear to know about these appointments and there does not appear to have been any warning extended to the management of these colleges relating to Fr Fortune's alleged propensities.

Fr Fortune did receive some counselling but did not attend the prescribed assessment or treatment courses in England. He refused to attend Heronbrook Assessment Centre for a full two-day assessment and he also refused to attend the centre run by the Order of the Paracletes in Stroud which would have offered a treatment programme to him. His counsellor in Heronbrook strongly recommended to Bishop Comiskey that Fr Fortune should attend a residential treatment course as a matter of some urgency and described him as a "pathological liar". No such treatment was ever received.

Fr Fortune returned to Bray, Co. Wicklow in early 1988 without Bishop Comiskey's permission. On 12 April 1988, Bishop Comiskey wrote to Fr Fortune whilst he was still in London:-

"I presume that it is understood by you that you are to make no move from your present position until you have fully discussed the matter with me and I have reached a decision on it".

On 20 April 1988, Sean Fortune wrote to Bishop Comiskey's secretary informing her that as and from 27 April, his new address would be at Fairyhill in Bray, Co. Wicklow.

Bishop Comiskey made an appointment with a Dr F.P. O'Donoghue, a consultant psychiatrist in St Patrick's hospital who, having seen Fr Fortune on three occasions, said that he presented an exclusively almost exaggerated heterosexual response which could indicate an underlying homosexual problem. He suggested that Fr Fortune be put on sexual suppressants and be allowed to return to parish work with the proviso that he would have no responsibility for any youth organisation and would be subject to continuing supervision.

In June 1988, Fr Fortune, having become dissatisfied with the psychiatric and psychological help that he was receiving, attended a psychotherapist, Dr Ingo Fischer. Dr Fischer was not instructed or recommended by Bishop Comiskey but was chosen by Fr Fortune himself. Bishop Comiskey said that Dr Fischer was the only person who ever helped Sean Fortune and that as far as he knew; Sean Fortune never abused any child after he had attended Dr Fischer.

Dr Fischer informed Bishop Comiskey that, in his assessment, Sean Fortune did not suffer from any hypo-manic mood swings, his sexual orientation was heterosexual, his personality was stable, and that he would be fit for parish work subject to continuing treatment from him, Dr Fischer. He said that several of the concerns expressed about Fr Fortune were not supported by the evidence he had gathered but other aspects of Fr Fortune's personality would need to be attended to, including his obsessive need to be accepted and approved by people and his tendency to be impulsive and ostentatious.

In July 1988, Bishop Comiskey met with Sean Fortune and recorded the meeting in a minute with which the Inquiry has been provided. It is worth quoting sections of that minute in full:

- 1. As a result of very serious charges made against Fr Fortune, and denied by him, I asked him to undergo assessment at the House of Affirmation in Birmingham. This he has refused to do.*

2. *He came back with the understanding that he would undergo something similar under John Cooney, St Patrick's Hospital Dublin. This has not happened for whatever reason.*
3. *The present position is that I have received a report by telephone from Dr O'Donoghue. He mentions three possibilities in that report, a), Fr Fortune is entirely homosexual, b), he may be using "the mental mechanism of reaction formation", and c), he may be telling lies. Dr O'Donoghue recommends that Fr Fortune should be allowed to return to parish duties provided he is kept under strict supervision.*
4. *I am not willing to accept this recommendation as I am not satisfied that Fr Fortune is able to accept any restrictions. Nor am I in any position to provide a context in which any of our priests have to be kept "under a microscope".*
5. *But, most important of all, twelve months after Fr Fortune had been advised of the charges against him, and after extensive meetings with at least three professionals, there is considerable evidence that he continues to deny the charges.*
6. *There is the added complication that Fr Fortune's name has come to the attention of the Gardai.*
7. *The most serious charges against Fr Fortune are in the area of sexual misconduct and misappropriation of funds.*
8. *Either there is substance to the charges or there is not. Fr Fortune maintains there is not. Medical intervention has not proved particularly helpful.*
 - i. *I have decided therefore to ask three priests to examine the allegations and the facts as established and make recommendations to me as Bishop.*
 - ii. *These priests will be sworn to secrecy and will take evidence under oath from those people who have made charges against Fr Fortune, they will also be entitled to any other written documentation relevant to these charges.*
9. *Fr Fortune will remain on paid leave of absence pending the outcome of this investigation;*
10. *If Fr Fortune does not wish this investigation to take place, he may admit that he has serious difficulties and go to Stroud for treatment."*

The Inquiry believes that the above memorandum from Bishop Comiskey reflects an accurate summary of the situation as it existed in the summer of 1988.

Paragraph 8.i above refers to the setting up of a three-man inquiry to examine the allegations, establish the facts and make recommendations to Bishop Comiskey. Bishop Comiskey told the Inquiry that although he did write to three priests whom he wished to sit on this inquiry, it never led to anything. Bishop Comiskey said that by engaging the services of a firm of solicitors, Fr Fortune effectively brought this Canon law inquiry to a halt and the Bishop had been advised by a Canon lawyer that the process should be discontinued.

William, whose complaint gave rise to this inquiry, was brought up to All Hallows College to be interviewed by Rev Dr Robert Noonan D.C.L. who was a Canon lawyer there. In his report of his interview with William, Dr Noonan said that he found him to be a believable witness and had no reason to disbelieve him. Subsequently, Fr

Fortune attended for an interview with Fr Noonan. At the end of the interview, Fr Noonan came to the conclusion that Sean Fortune was also a believable witness and that he had no reason to disbelieve his account of what occurred.

Fr Noonan explained that his role in this Canon law process was simply to establish whether either witness could be described as believable. He said that he had no difficulty in making such a finding in respect of both Fortune and William. However, he emphasised that his was not a role of judgement and it was not for him to decide on the veracity of the allegations. Fr Noonan also stated to the Inquiry that he was given no information about Fr Fortune's history in the Diocese up to that point and based his finding solely on the oral evidence presented to him.

This request to attend All Hallows was the first response that William had to his complaint which he made a full year earlier.

Bishop Comiskey told the Inquiry that he had hoped that Fr Noonan would give him some advice after speaking with the two parties but this did not happen. Fr Noonan has pointed out that such advice was not sought from him in spite of an offer from him to assist further if required..

Dr Ingo Fischer advised Bishop Comiskey that no further progress could be made with Fr Fortune unless he was restored to some ministry within the Diocese. A curate from the Diocese, who had known Fr Fortune's family all his life, was asked to keep an eye on him by Bishop Comiskey. This curate has stated that he met with Fr Fortune weekly throughout his treatment with Dr Cooney, the psychologist working with Dr Cooney and Dr Fischer and was aware that Fr Fortune was being treated for sexual abuse of a minor. It was this curate who accompanied Fr Fortune to an important meeting with Dr Ingo Fischer in July 1988, at which definite proposals were made in respect of Sean Fortune. At that meeting Dr Fischer agreed that Fr Fortune should be subjected to an independent assessment and that Bishop Comiskey should be asked to accept the outcome of that assessment, which he did.

A curate of the Diocese is recorded in the diocesan files as having heard very serious rumours of parties held by Fr Fortune in Bray. He had no recollection of this statement or of the circumstances to which it refers, when speaking with this Inquiry.

In September 1988, Dr Fischer arranged for Fr Fortune to attend Dr JRW Christie-Brown, a consultant psychiatrist in the Bethlem Royal Hospital and the Maudsley Hospital, London. Dr Christie-Brown said that he would need to see Sean Fortune on more than one occasion and suggested that Sean Fortune should remain in London for a two-week period.

Fr Fortune attended Dr Christie-Brown in December 1988: a full report was forwarded to Bishop Comiskey at that time. The Inquiry received a copy of that report and has discussed it with Bishop Comiskey. In presenting detail from his background, Fr Fortune was less than honest with Dr Christie-Brown. He described his childhood as very happy although later, when preparing for his criminal trial, he spoke of experiences of sexual abuse by a religious during his childhood. He described his school days as academically successful and gave an account of his academic achievement, which was a considerable exaggeration from the official record that this Inquiry has consulted. Fr Fortune told Dr Christie-Brown that he coped well with his time in the seminary and his posting to Belfast, and he described his post-graduate

year in Dundalk as challenging. The Inquiry is, of course, aware that Fr Fortune had allegations of child sexual abuse made against him in St Peter's and during his time in Belfast as well as Dundalk. Bishop Comiskey was aware of the difficulties encountered by Fr Fortune in his time as a seminarian and during his ministry in Belfast from the Professor Feichin O'Doherty Report.

Fr Fortune told Dr Christie-Brown that when he came to Poulfur, the parish was already divided because of a boycott which had taken place in 1957 involving a prominent Catholic parishioner who had married a non-Catholic woman. The boycott left serious divisions in the parish of Poulfur which, according to Sean Fortune, were still there, when he became curate. Fr Fortune agreed with Dr Christie-Brown that he might have been insensitive and even imprudent in his dealings with people in Poulfur but he felt that the main reasons for complaint against him were due to envy and intolerance.

When speaking about his sexual history, Fr Fortune told Dr Christie-Brown that from the age of about 11 he was aware of sexual feelings and that before taking his vows he had a number of sexual relationships with women. He said he never had any homosexual interests or indulged in any homosexual activities. Dr Christie-Brown said that he could find no evidence of any current mental or psychiatric illness in Fr Fortune's behaviour. Specifically, he said he could find no evidence of hypo-mania as diagnosed by Dr Cooney and the psychologist. Dr Christie-Brown put Fr Fortune's problems down to his personality. He said that he had a clear superior intellectual ability and had exceptional energy and enterprise, having achieved in a period of a few years what many failed to do in a lifetime. Dr Christie-Brown said that he could well believe that Fr Fortune's energy and achievement might be irritating or even elicit envy.

In conclusion, Dr Christie-Brown said that he could not say whether Fr Fortune was suitable for a position as curate and that that was a decision best left to his Bishop and fellow clergy. He did say that Fr Fortune recognised that his energy and impulsiveness could cause difficulties and that he was happy to receive counselling in respect of these from Dr Fischer.

In relation to this assessment, Dr Christie-Brown drew the Bishop's attention to missing information and has confirmed to this Inquiry that, as appears from the documentation, he was not briefed on the very serious allegations that had come to the attention of the Diocese. He also pointed out to the Bishop that he was not provided with any of the other medical reports obtained by the Diocese before he was consulted.

Bishop Comiskey has stated that he did not speak with Dr Christie-Brown and the curate appointed to act as liaison has stated that he was not aware at the time of the full extent of the allegations. Dr Christie-Brown has confirmed to this Inquiry that he was never told that any allegations of child sexual abuse had been made against Sean Fortune when he came to consult with him and was only informed of one single unfounded allegation of a sexual advance to a young man of seventeen which was communicated to him by Fr Fortune himself. The inquiry believes the failure to convey Fr. Fortune's full history to Dr. Christie-Brown to be extremely negligent.

Dr Christie-Brown concluded his Report by saying, *"If there is any further evidence available bearing on his condition or on my conclusions, I would be happy to consider that evidence, seeing him again if necessary."* Bishop Comiskey did not revert to the doctor after this opinion had been received by him.

In November 1989, it had been agreed between Bishop Comiskey and Dr Fischer that Sean Fortune would be brought back to the Diocese of Ferns and given a residence there, pending the results of the London assessment. It was agreed that Bishop Comiskey would help Fr Fortune to bring his finances under control. It was further agreed that Dr Fischer would draw up a job description and a "life plan" with specific criteria to measure whether or not progress was being made by Fr Fortune.

In March 1989, Bishop Comiskey decided to appoint Fr Fortune to a half-parish in the Diocese. After some initial difficulties the Bishop found a curacy for Fr Fortune in Ballymurn which was the half parish of Crossabeg, of which Fr Michael McCarthy was the parish priest.

Counsel for the Inquiry questioned Bishop Comiskey in detail about the wisdom of this appointment. The Bishop was invited to comment about the opinion of Dr Christie-Brown that Fr Fortune's sexual orientation was heterosexual and not homosexual. Bishop Comiskey admitted that he was surprised at that description although he did not advert to the very limited information that had been made available to Dr Christie-Brown in particular the failure to furnish the reports of Prof Feichin O'Doherty and Dr Cooney. With regard to the failure of Dr Christie-Brown to find any evidence of psychiatric illness or indeed homosexuality in Sean Fortune, Bishop Comiskey again told the Inquiry that he was surprised but not amazed. Counsel reminded the Bishop that he had previously stated that he had become concerned about possible sexual misconduct by Fr Fortune as a result of complaints made to him by parishioners in Poulfur taken in conjunction with the reports provided by Rev Professor O'Doherty and the history of abuse recorded in them. The concerns were strengthened by the advice received from Dr Cooney. The Bishop himself had concluded that Fr Fortune required the facilities which he had arranged for him at Stroud in England. Fr Fortune declined to undergo such assessment and treatment.

In his memorandum of July 1988, the Bishop clearly recorded his decision not to appoint Fr Fortune to a parish on the basis that supervision would be required. Why then was this done? Bishop Comiskey explained that he placed great faith in Dr Fischer who was highly regarded in clerical circles. He said that he was relieved that, for the first time, somebody was taking active responsibility for Fr Fortune. He felt that the arrangement was very positive and beneficial to all parties. Dr Fisher had explained in a memorandum sent by fax on 1 March 1989 that he could not continue to work with Fr Fortune and continue his rehabilitation unless Fr Fortune was in some kind of pastoral ministry. Bishop Comiskey stated in correspondence that his concern was that Fr Fortune's very priesthood was at stake and whether he liked it or not, Fr Fortune was *"one of our own"*. He stated to the Inquiry that *"whatever a priest does wrong, he doesn't excommunicate himself from the care of the Church."*

In appointing Fr Fortune to Ballymurn, Bishop Comiskey did stipulate certain conditions in his letter dated 1 September 1989. It was explained that the appointment was for one year but if that year was successful, it would be easier for Fr Fortune to

secure a permanent placement in a parish. The Bishop explained the position in the following terms:-

“That raises the very obvious question – what constitutes ‘a successful year’? I suggest the following guide...

-that you win and maintain the esteem, respect and affection of the community of Ballymurn. Checking back on the files of that particular curacy, I note that we have not received a single complaint about any priest serving there for the last ten years”.

In those and other terms, the Bishop was expressing his concern in relation to the style or practice of Fr Fortune which had created division and hostility in Poulfur. What is more significant is that the letter contained no reference to any potential danger of child sexual abuse. The Bishop explained to the Inquiry that he spoke at considerable length to Fr Fortune on this topic. Fr Fortune consistently and vehemently denied that there was any truth in any of the allegations made against him. Bishop Comiskey said that at his request, Fr Fortune took an oath expressly denying that there was any truth in the allegations made by William (4.5.10) and Simon (4.5.9).

Bishop Comiskey claimed that he had put in place certain provisions to monitor the conduct of Fr Fortune in Ballymurn. He understood that the parish priest, Fr Michael McCarthy, would be helpful in this regard. In fact, Fr McCarthy informed the Inquiry that he knew nothing about the allegations of abuse made against Fr Fortune when he took him on as curate. It was his understanding that Fr Fortune had received treatment for behavioural problems such as bullying, and was rehabilitated. Fr McCarthy said that Fr Fortune’s first year in Ballymurn was a happy one. As he saw it, it was in the second year that problems began to arise, but not in the context of sexual misbehaviour. Bishop Comiskey also said that he asked Fr Donald McDonald “to keep an eye on Fr Fortune”.⁵⁴ Fr McDonald, who was also on the teaching staff of Bridgetown VEC, agreed that this request was made but stated that he was given no indication of what to watch out for and he was unaware of the fact that Fr Fortune had been accused of child sexual abuse.

Dr Fischer clearly predicated his recommendation to return Fr Fortune to ministry on further treatment being undertaken by Fr Fortune with him. The Inquiry found no evidence of any such treatment continuing after Fr Fortune’s appointment to Ballymurn. The Inquiry is of the view that Fr Fortune should not have been appointed to the curacy of Ballymurn, even under careful supervision. The inquiry also finds it astonishing that Fr. McCarthy was not made aware by Bishop Comiskey of the specific concerns about Fr. Fortune.

As curate of Ballymurn, Fr Fortune was appointed chairman of the Board of Management of the Ballymurn National School. In addition, Fr Fortune gave classes in religious instruction in Bridgetown VEC. Within eighteen months of his appointment to Ballymurn, serious problems arose concerning the conduct of Fr Fortune there. These difficulties arose in relation to the management of Ballymurn national school. Fr Fortune engaged in a controversy in relation to the appointment of an assistant teacher resulting in a number of parents withdrawing their children from

⁵⁴ Fr Donald McDonald died some months after speaking with this Inquiry.

the school. Fr Walter Forde met with a deputation of parents to try to resolve this boycott and it was resolved after some weeks by the Department of Education. The issue divided the parish and there was a significant drop in church collections in Ballymurn.

There was undoubtedly evidence that the personality of Fr Fortune was once again proving to be a divisive factor. It must have been clear to the Bishop that although Dr Christie-Brown had found no evidence of mental disorder, his opinion was qualified, he had not been given full information and had drawn attention to personality difficulties. These difficulties were now becoming manifest.

What was more significant was the fact that also in 1991, a number of parents complained in the first instance to Mr Tony Power, the Principal of Bridgetown VEC, and subsequently to Bishop Comiskey about the content of classes given by Fr Fortune there. Bishop Comiskey met the parents but insisted on Fr Fortune being present at the meeting. The complaints made by the parents were that Fr Fortune encouraged the children to tell lewd jokes, that he used sexually inappropriate language and that he asked prurient questions while hearing Confessions.

Bishop Comiskey discussed the matter with Mr Power and with Fr Fortune and agreed that if Mr Power believed it appropriate, Fr Fortune should resign from his position in the vocational school, which he did.

A curate of the Diocese told the Inquiry that he was surprised at the appointment of Fr Fortune to Ballymurn and shocked at the appointment to the school and that he made it his business to check on Fr Fortune. He did this by asking students about the content of Fr Fortune's classes. He said he had been concerned about the position of Fr Fortune in the schools. This curate did not communicate his surprise at Fr Fortune's appointment to the diocesan authorities and although he did make enquiries about Sean Fortune, he was not aware of any rumours concerning him during his time in Ballymurn.

Bishop Comiskey confronted Fr Fortune with details of the complaints made by parishioners and also about the complaints made by Mr Tony Power and some parents in the VEC regarding the sexual content of his lectures. Once again, Fr Fortune denied emphatically the accusations made against him and stated that he would institute legal proceedings against those who made such false accusations. Bishop Comiskey advised Fr Fortune that he had an obligation to do so if he believed that the allegations were incorrect. He further informed Fr Fortune that the accusations were serious enough to have him removed from pastoral contact with young people and that he, Fr Fortune, should prove his innocence as soon as possible. Fr Fortune did not institute any legal proceedings to challenge the accuracy of the complaints made against him by students and parents in Bridgetown VEC.

Although Fr Fortune was required to resign his position in the VEC in 1991, he remained as curate in Ballymurn and as Chairman of the Board of Management of Ballymurn national school. He occupied this position until December 1995 at the nomination of Bishop Comiskey. He continued to give classes in that school until he was arrested by the Gardai in March 1995.

The allegations made concerning the VEC, which were supported by the Principal, might not have been so alarming in themselves, but in the context of the history of Fr Fortune, the allegations made against him, his unwillingness to undertake the treatment specified by the Bishop and the very special circumstances in which he was reappointed to a curacy, they represented a most alarming development.

When asked by the Inquiry why he failed to remove Fr Fortune from Ballymurn at that stage, Bishop Comiskey stated that he was helpless in the face of Fr Fortune's refusal to co-operate and that Canon law offered no assistance to him in dealing with a priest like Fr Fortune.

Bishop Comiskey did point out that, subsequent to his appointment in Ballymurn, no allegation of child sexual abuse was levelled at Fr Fortune. The Bishop made this reference as a vindication of his acceptance of Dr Fischer's Report. Although the Inquiry has received no allegations of child sexual abuse after Bishop Comiskey's intervention in 1987, the Inquiry does not accept the logic of that argument. Moreover, a very regrettable fact is that allegations were made against Fr Fortune which related to his rape and abuse of young male adults after his appointment to Ballymurn, some of whom had been the victims of abuse by Fr Fortune as children.

In February 1995, Frank (4.5.12) made a complaint to Detective Garda Patrick Mulcahy of Wexford Garda Station, alleging sexual abuse by Fr Fortune which had occurred over a two year period during the early 1980s. This led to a Garda investigation and in March 1995, Fr Fortune was brought to the Garda station for questioning. He was released without charge while a file was prepared for the DPP.

In March 1995, Fr Sean Fortune was put on administrative leave by Bishop Comiskey. There is no evidence that any Precept was issued against Fr Fortune by the Bishop and the Inquiry has heard evidence that Fr Fortune continued to say Mass and conduct religious ceremonies after that date.

During this period Bishop Comiskey became engaged with the media and its reporting of the allegations against Fr Fortune. He said that the media had managed to convince people that he had mishandled child sexual abuse cases in the first instance, and that as a result of his mishandling them, had covered them up.

Bishop Comiskey said to this Inquiry that he did not mishandle any sex abuse case. He said that he did his best with the resources that he had at the time, and that one of his experiences in reading the files for the purposes of this Inquiry had been, on a personal level, to be pleasantly surprised at how well he did looking back over 20 years.

In two particular respects, Bishop Comiskey took issue with the media reporting of Fr Fortune's case. In one report it was alleged that he had arranged for William (4.5.10) to attend Maynooth for questioning. Bishop Comiskey denied this vehemently. He explained that an inquiry carried out in Maynooth would have been an Episcopal inquiry and he wanted to clarify that this did not occur. He was asked why he did not explain that the meeting had taken place in All Hallows instead of Maynooth. Bishop Comiskey replied that it was none of the media's business where the meeting had taken place.

A second controversy arose in relation to a letter of apology which, it was claimed, he had sent to William. Bishop Comiskey was adamant that no letter of apology had ever been sent by him but subsequently he accepted that he could have written a letter of regret.

Fine distinctions of that nature gave rise to misunderstandings and led to intrusive media attention on complainants.

A question arose regarding the level of co-operation extended by the Diocese to the Gardai following Fr Fortune's arrest and this is dealt with in Chapter Seven in this Report.

Bishop Comiskey's only significant engagement with the Gardai did not arise until he became involved in a series of communications with the Garda Head Quarters over leaks from the Wexford Garda Station in connection with the Sean Fortune case. These complaints were pursued by Bishop Comiskey to the level of the Garda Commissioner and the Minister for Justice. The Gardai in Wexford investigated the allegations and concluded that no leaking of information occurred from the Wexford Station. They also pointed out to Bishop Comiskey that the media reports could have come from sources other than the Gardai.

Fr Fortune was heard to remark that if he went down he would "*bring Bishop Comiskey down with him*". What has been read into that statement by a number of commentators was that Fr Fortune had some "hold" over Bishop Comiskey which made it impossible for Bishop Comiskey to deal with him properly. Bishop Comiskey said the rumour that Fr Fortune had some hold over him stemmed from the media perception that he had mishandled and then covered up allegations of child sexual abuse. Bishop Comiskey denied that he had mishandled allegations of child sexual abuse and also vigorously denied that he had covered up any allegations of such abuse or that Fr Fortune had any hold on him whatsoever.

The Inquiry asked a number of other witnesses how they interpreted the statement by Fr Fortune that he would bring Bishop Comiskey down with him. One witness, who was involved in reporting the issue of child sexual abuse in Ferns, attended the Inquiry and said that he felt that Bishop Comiskey's acknowledged alcohol problem could have led him to be indiscreet in the presence of Fr Fortune and that such indiscretion may have been something that Fr Fortune could have used against him. He said he believed that had there been anything more sinister in the statement by Fr Sean Fortune, it would have come to his attention.

Bishop Comiskey's alcohol dependency is something that was raised by a number of witnesses to the Inquiry, both lay and clerical. His former Diocesan Secretary, Fr Thomas Brennan, who had worked with him from 1985 until 2000, described the impact of Bishop Comiskey's drinking on the day-to-day life of the Bishop's house. He said that when he was appointed Diocesan Secretary in 1985 at the age of 24, he was not aware that Bishop Comiskey had a difficulty with alcohol. However, as time went by, he began to recognise a pattern whereby the Bishop would enter a phase of tremendous creativity, energy and productivity for a few months and then without warning, collapse into a state of deep depression and withdrawal from work and

people. These episodes of depression and withdrawal were accompanied by heavy drinking.

In 1994 and 1995, Fr Brennan began to notice a deterioration in the Bishop's condition. The bouts of depression became longer and his ability to pull himself out of them was seriously diminished. Eventually, Bishop Comiskey left for America in September 1995 to undergo treatment for alcohol dependency. This was at a time when sex abuse scandals were impacting severely on the Diocese. The media coverage that followed his leaving took the clergy of the Diocese by surprise and they were completely ill equipped to deal with it. Fr Brennan said that Bishop Comiskey was committed to his recovery programme and to the 12 Steps programme of Alcoholics Anonymous.

The fact that Bishop Comiskey took holidays in Bangkok, Thailand, was something that was raised by the media at the time of his resignation and was subsequently raised by witnesses before this Inquiry. Allegations were made that Bishop Comiskey used holidays in Thailand to indulge in improper behaviour and given that this was a prevalent rumour, the Inquiry asked Bishop Comiskey if he wanted to address it. Bishop Comiskey said that the rumours about his holidays in Thailand were false and evil. No witnesses have come forward to this Inquiry with evidence of any impropriety on the part of Bishop Comiskey whilst in Thailand.

The Inquiry has reviewed a copy of the Garda file on Fr Fortune's suicide in March 1999. The Inquiry has also spoken with an employee of Fr Fortune, who found his body on the morning of Saturday 13 March 1999. When she arrived at Fr Fortune's house, she found the shutters were locked. She rang Fr Fortune's caretaker to help her open them. They found the house in darkness and when they went upstairs, found Fr Fortune fully clothed, wearing his glasses and lying on his bed with a set of rosary beads in his hands. In the bin beside his bed was an empty whiskey bottle and papers. The Gardai, the doctor, priests and Fr Fortune's own family were immediately telephoned.

Sergeants Kelly and Cleere answered the call to New Ross Garda station to say that Fr Fortune had been found dead in his house. They said that they examined the room and found a note in the form of a poem left on the dressing table beside his bed entitled, "A Message from Heaven to my Family".

In August 1999, a Coroner's Court found that Fr Fortune came to his death "*as a result of central cardio respiratory failure secondary to multiple drug over-dosage and alcohol*".

Fr Gerald O'Leary attended the Inquiry and spoke about a letter that had been left by Fr Fortune when he committed suicide on 13 March 1999. The existence of this letter was not known to the Gardai and was not referred to in any of the Garda files. However, the Inquiry had been given details of the letter by an employee of Fr Fortune. She described how, when she went into Fr Fortune's bedroom before the Gardai arrived, there was a note entitled "A Message from Heaven", a brown envelope addressed to Fr Fortune's brother and a third letter addressed to her which she put in her pocket.. Later that evening, she read this third letter and the following day brought it to Fr Gerald O'Leary who was her local curate.

On the outside of the folded A4 sheet of paper was the following: "[name of employee] give this to all the newspapers". The account of the letter as agreed by Fr O'Leary and Fr Fortune's employee stated:

"Fr Fortune began his letter by stating that he was a priest of Jesus Christ for 20 years. He went on to state that he was driven to this action as he had no other option. He claimed that he was innocent of all the allegations made against him and that those making the allegations were a pack of liars. He then went on to speak about his funeral arrangements. He asked an employee to lay him out in his favourite white vestments. He wanted to be brought to Ballymurn Church where he was to repose overnight. After his funeral mass he expressed a wish to be buried with his parents in Gorey. He also stated that he wanted Fr Laurence O'Connor P.P. Ballycullane, and Fr Hugh O'Byrne P.P. Blackwater, to celebrate his funeral. He specifically stated that Fr Aidan Jones P.P., Bunclody, and Bishop Brendan Comiskey were not to be present at his funeral. He claimed that Bishop Comiskey was 'responsible for all this as he had raped and buggered me'...

He asked an employee to say goodbye to his brothers and sisters, and he said 'after my death I know that I will be reunited with my father and mother in heaven'..... Finally whatever property he had was to be divided among his family."

The contents of this letter is a direct contradiction of the terms of Fr Fortune's Last Will and Testament which was signed by him in January 1998 and which specifically requested that whoever was the Bishop of Ferns at the time of his death should say his funeral Mass and that he should be buried in Ballymurn.

Fr O'Leary told the Inquiry that he realised that this was "*a very explosive document*". He believed that it was a deliberate attempt to destroy Bishop Comiskey and he asked Fr Fortune's employee to give it to him. Bishop Comiskey was just back from treatment for alcohol addiction at this time. Fr O'Leary said that he did not tell Bishop Comiskey about the letter and kept it in the safe in the presbytery in Ballymitty for approximately two years. He said that he believed that five priests in the Diocese had either seen the letter or knew about it. Fr Donal Collins had been told about the letter and he informed Bishop Comiskey.

Fr O'Leary told the Inquiry "*I would like to say at this point that at no time did I believe the allegations against Bishop Comiskey. I knew from my experience of Fr Fortune that he was an accomplished liar*".

Fr O'Leary subsequently met Bishop Comiskey at a funeral and Bishop Comiskey said to him, "*I heard you got the letter*". Fr O'Leary confirmed that he had got a letter but they did not discuss it any further as both were going in different directions. It was not until June 2000 when Bishop Comiskey was in Fr O'Leary's parish and they were having tea that the issue of the letter came up again. Surprisingly, Bishop Comiskey had not contacted Fr O'Leary previously about the contents of the letter. Fr O'Leary told the Inquiry that Bishop Comiskey's response was to say that Sean Fortune was obviously an evil person. Fr O'Leary was concerned when he was recuperating after being seriously ill that this letter would be found in his papers and so, not believing its contents, he burned it.

In April 2003, the Inquiry was furnished with the copy of that letter quoted above, reconstructed by Fr O'Leary at Bishop Walsh's request.

Bishop Comiskey said that he was astounded when he first heard about this letter from Fr O'Leary. He described its content as " *absolutely grotesque*". He said he never stayed with Fortune other than one overnight visit in 1985 and that he never attended a party in Fr Fortune's house. He said he was at dinner once in the context of his pastoral visitation in Poulfur and that he visited Ballymurn no more than nine times. He said he never drank on any of these visits as he did not trust Fortune.

Bishop Comiskey was dismissive of Fr Fortune's note as being a fabrication of lies. He said "*I have often dwelt on how anybody, within an hour or two of going to, a priest going to their Creator could write such stuff or how could anybody do that..... but in any case I had no relationship and the suggestion is grotesque*".

Bishop Comiskey said it was important to note that in the same letter in which Fr Fortune makes his allegation against him, Fr Fortune denied ever abusing any boys. Bishop Comiskey said he was breathless when he heard about the suicide note and the subsequent allegations and felt that they had certainly damaged his reputation. He said he would have welcomed an opportunity to actually cross-examine people who made allegations against him at a public inquiry because from his perspective, it was unsatisfactory that he was being questioned about unsworn evidence.

The Inquiry would agree that the allegations contained in Fr Fortune's suicide note must be seen in the light of that note's denial of any sexual abuse of children by Fr Fortune. The Inquiry has received no evidence to support the very serious allegations contained in that letter and does not believe them to be true. The letter is reproduced by the Inquiry in full in order to avoid any speculation as to its content and in order to illustrate the context in which these allegations were made against Bishop Comiskey.

Most of the allegations which arose against Fr Fortune refer to a period before Bishop Comiskey was appointed to Ferns and the Inquiry is satisfied that Bishop Comiskey and Fr Fortune had not met prior to 1984 when Bishop Comiskey was appointed.

BISHOP EAMONN WALSH

When Bishop Walsh was appointed Apostolic Administrator to the Diocese of Ferns, he met with Frank who was the first of Fortune's victims to report his abuse to the Gardai. At that time Frank was engaged in a civil suit against the Diocese, and Bishop Walsh, in a letter to his lawyer, said "*In a case where there is no dispute regarding the facts, it's in everyone's interest that this is settled in a way which will bring as holistic a healing as is possible. If the way in which we administer redress is not in harmony with the pastoral statements that are made, then this can only do further damage. I know this is more easily said than done, but it's the direction which I would hope to proceed in this and in similar cases*".

In spite of this approach by Bishop Walsh, Frank wrote to the Bishop to say that he felt the approach of the Diocese lacked sincerity and compassion and he asked Bishop Walsh to adopt a less vindictive and adversarial approach. The Bishop's legal instructions were expressed quite clearly in a letter dated 24 October 2002, which

predated the settlement with Frank by two months in which the Bishop said *“The acknowledgement of wrongdoing, apology and expression of being earnest in attempting to repair the harm done insofar as is possible ought not be lost in the process. The integration of pastoral concern into the settlement procedure is essential, I believe, to a lasting healing.”*

Originally when speaking with the Inquiry, Frank was adamant that an alternative structure to the litigation process would not in fact meet the needs of victims who required not just compensation, but real justice and an acknowledgement in civil law that they had been harmed and that those responsible acknowledged their role and apologised appropriately. However, mediation which is now being engaged in by the Diocese with child sex abuse victims or their representatives has proved a useful alternative.

In the case of Frank, a statement was made in open court in which Bishop Walsh acknowledged and sincerely regretted the distress, trauma and hurt caused to Frank by the acts of sexual abuse perpetrated on him by the late Fr Fortune. Bishop Walsh further acknowledged the failure of the then diocesan authorities to recognise the threat posed by the late Fr Sean Fortune to Frank. He apologised unreservedly to Frank for these failures and for the harm which he suffered in consequence.

Proceedings instituted by Vincent, Ian, Peter, Mark, Phillip and Stephen have been settled; none of these complainants wished to have a statement read out in open court.

THE INQUIRY'S VIEW OF THE DIOCESAN HANDLING OF THE FR FORTUNE CASE:

- **Whilst at least one set of important documents, namely, the reports provided by Professor Feichin O'Doherty to Bishop Herlihy were preserved by the Diocese of Ferns, it is clear that others were not. It is the view of this Inquiry that complaints or allegations of child sexual abuse should be properly recorded, duly preserved, and available to those who were responsible for the control of the person against whom such allegations are made. It is regrettable that in the case of Fr Fortune many relevant documents were not generated or, alternatively, not preserved.**
- **The Inquiry has been informed that the operation of St Peter's seminary was guided by “Norms for Priestly Training in Ireland” which had been published by the Irish Episcopal Conference in 1973. It is the view of this Inquiry that if these norms had been properly applied, Sean Fortune would not have been ordained for the Diocese of Ferns**
- **If Bishop Herlihy was informed, as he should have been, of the allegations made against Sean Fortune of the abuse of boy scouts under his charge and of students at St Peter's College, it was inexcusable that he ordained and admitted him to a vocation that required and provided unsupervised access to young people.**

- **Bishop Herlihy had an obligation to inform other Church authorities in Belfast and Dundalk that there had been concerns expressed at Fr Fortune's activities. This obligation was clearly not met.**
- **The decision of Bishop Herlihy to refer Fr Fortune to Professor O'Doherty for assessment was an appropriate response at the time to an allegation of child sexual abuse. This is the first instance that has come to the attention of this Inquiry where Bishop Herlihy engaged psychological expertise in dealing with this problem.**
- **It is the Inquiry's view that an appropriate and adequate response to an allegation of child sexual abuse is the removal of the accused priest from active ministry. Bishop Herlihy's failure to do this in the case of Sean Fortune was therefore neither appropriate nor adequate but must be seen as understandable given the prevailing knowledge of this problem at that time. Once he became aware of the psychological dimension of this problem, his failure to remove a priest accused of child sexual abuse could no longer be regarded as understandable.**
- **The decision by Bishop Herlihy to appoint Fr Fortune to the curacy at Poulfour was, in the light of Professor O'Doherty's reports, neither appropriate nor adequate. The assumption that the parish priest could "keep an eye" on the new curate was unrealistic, particularly in the context of the system of half parishes which operated in the Diocese.**
- **That a curate with Fr Fortune's history could open youth clubs and build reconciliation rooms for young people in the basement of his house represented a serious lack of supervision and a failure to have regard for the dangers posed by a man with his history.**
- **Both Bishop Herlihy and Bishop Comiskey observed that parishioners in Poulfour could themselves act against Fr Fortune in the face of abusive behaviour. However, individual parishioners would not have access to the confidential medical files of which both Bishops were aware. Nor would individual parishioners have had any information about Fr Fortune's activities during his years in the seminary or his years in Belfast and Dundalk. Only Church authorities could have intervened at this stage to prevent Fr Fortune's activities.**
- **Bishop Comiskey became concerned about Fr Fortune's relationships with young men in late 1985. Bishop Comiskey did persuade Fr Fortune to attend a psychiatrist in Dublin in 1986. However, Bishop Comiskey did not succeed in persuading Fr Fortune to leave the parish and travel to England until October 1987. It is Bishop Comiskey's belief that the two years it took to bring this about was not unreasonable in the light of the complainant's reluctance to make a formal statement. It is the Inquiry's view that allowing Fr Fortune to continue his activities in Poulfour unmonitored and uncontrolled for this period was wholly inappropriate.**

- **The belief in some medical and psychiatric circles in the 1980s was that perpetrators of child sexual abuse could be treated and cured with the proper psychiatric intervention. Therefore, Bishop Comiskey's decision to send Fr Fortune for assessment and treatment was a reasonable response in the context of the time although the time taken to bring this about showed a lack of an understanding of the danger Fr Fortune posed to children whilst in Poulfur.**
- **Fr Fortune's appointment to Ballymurn was ill-advised and dangerous. Bishop Comiskey has stated that he relied upon the report of the distinguished English psychiatrist when reinstating Fr Fortune to ministry. The report was manifestly based on inadequate information as to the history of Fr Fortune and the allegations previously made against him. Furthermore, the report recommended that certain precautions be taken which were ignored by the Bishop.**
- **Bishop Comiskey failed to put in place any proper monitoring or supervision of Sean Fortune in Ballymurn. Such monitoring and supervision as he sought to be put in place for the protection of children was wholly inadequate given Fr Fortune's history at that time.**
- **It is difficult to comprehend Bishop Comiskey's failure to remove Fr Fortune from the parish of Ballymurn after having received complaints in 1991 about the sexual content of Fr Fortune's classes in Bridgetown VEC. If the Bishop was correct in believing that he could not remove a curate whose current conduct confirmed existing suspicions, children might be exposed indefinitely to grievous dangers.**
- **Bishop Comiskey's failure to remove Fr Fortune from his position as Chairman of the Board of Managers of Ballymurn National School was inappropriate in the light of his removal from Bridgetown VEC.**
- **The Inquiry is concerned at the level of cooperation extended to the State authorities by the Diocese after Fr Fortune's arrest. This is dealt with more fully in Chapter Seven of this Report.**
- **The Inquiry believes that Bishop Comiskey was correct to seek medical and Canon law advice in his dealing with Fr Fortune and it accepts that the Bishop did not feel assisted by such advice which made his task more difficult. Nevertheless, the ultimate decision-making power rests with the Bishop and he must take responsibility for those decisions. In the view of the Inquiry the evidence available to Bishop Comiskey was compelling and dictated the immediate removal of Fr Fortune from ministry.**
- **The Inquiry appreciates that Bishop Comiskey, in his personal statement announcing his resignation, appeared to recognise his failure to respond appropriately to the allegations of abuse made against Fr Fortune.**

MONSIGNOR MICHAEL LEDWITH

The Inquiry has received information about concerns expressed in relation to Monsignor Michael Ledwith in 1983/84 by a group of seminarians in St Patrick's College Maynooth. The Inquiry has also received information about allegations of sexual abuse made against Monsignor Ledwith in 1994 and 2000 (4.6.1, 4.6.2 and 4.6.3).

St Patrick's College Maynooth is a body corporate in civil and Canon law. It was founded in 1795 as a seminary for the education of Catholic priests. It is also a pontifical university and was from 1910 until 1997 a recognised college of the National University of Ireland. The University Act 1997 established the college as an autonomous institution under civil law entitled, "The National University of Ireland, Maynooth."

During the period relevant to this Inquiry, Maynooth was governed by the Statutes of St Patrick's College which were adopted in October 1962. The College was led by a President and two Vice Presidents. In 1980, Monsignor Michael Ledwith was appointed as Vice President. He had been on the staff of Maynooth from 1971.

The details of the concerns that were expressed against Monsignor Michael Ledwith in 1983/84 were discussed with a group of six former seminarians who attended the Inquiry, three of whom are now ordained priests.

These seminarians had come to Maynooth as mature students. Within a number of years they each had concerns about the running of Maynooth and the training they were receiving for their priesthood. Their concerns had different aspects: they felt that inadequate emphasis was placed on spiritual values; they were shocked by what they saw or believed to be the lavish and worldly lifestyle of Monsignor Ledwith and they were concerned about the information or rumours that might have suggested that the Monsignor had a homosexual orientation.

The seminarians felt that they had a responsibility to share their concerns about Maynooth with those in authority. They sought the advice of Bishop Brendan Comiskey, then Auxiliary Bishop of Dublin. He suggested that they approach seven "*key Bishops*" in order that their concerns would be adequately heard. It is believed that the following Bishops were contacted by one or more seminarians from the group: Cardinal Tomás O Fiaich RIP, Bishop Cahal B. Daly (as he then was), Bishop Edward Daly, Bishop J Lennon RIP, Bishop J Cassidy, Bishop C O'Reilly, Bishop Eamonn Casey and Bishop J Aherne RIP.

One seminarian in particular said that, although he was in no doubt that he expressed to the Bishops he met his concern over Monsignor Ledwith's sexual behaviour, this concern was definitely more of an anxiety with regard to orientation and propensity rather than with specific sexual activity. Contrary to media reports, no specific allegations were made against Monsignor Ledwith but rather a concern was expressed in the general sense. The other five seminarians who attended the Ferns Inquiry confirmed this version of events.

Cardinal Cahal Daly said that there were grave worries about Maynooth in 1982 and that Monsignor Michael Ledwith formed part of those worries. However these concerns were about Monsignor Ledwith's allegedly extravagant lifestyle and his lack of prayer life. He decided to initiate a thorough investigation at this time and asked Bishop Kevin McNamara to conduct this. Bishop McNamara made inquiries about Monsignor Ledwith's allegedly extravagant lifestyle and his spiritual life. Bishop McNamara said that he was satisfied that there was no basis for concern. He said Monsignor Ledwith's lifestyle was not extravagant and he conducted his spiritual life in private which gave rise to the impression that it was not adequate. Cardinal Daly said that there was no investigation into Monsignor Ledwith's sexuality at that time because there was no suggestion of sexual impropriety or sexual harassment in connection with him.

The Conference of Bishops, at its meeting in November 1983, appointed a group of Bishops to institute a thorough investigation of the whole seminary situation in Maynooth and to make appropriate recommendations. This investigation had already begun four months before the approach to selected Bishops by seminarians in March 1984.

Cardinal Daly said in his statement to the Inquiry that it was entirely untrue that any seminarian had mentioned homosexuality in relation to Monsignor Ledwith to him. The Cardinal said that it was not credible that he would have ignored allegations of homosexuality when he was already investigating the situation in Maynooth. He said that it was possible that the seminarians had a misplaced memory of what occurred. He said that Monsignor Ledwith would never have been appointed President of Maynooth in March 1985 if he had been aware of allegations of homosexuality against him. Bishop Casey has also stated to the Inquiry that no allegation relating to Monsignor Ledwith's sexuality came to his attention at that time. The recollection of the seminarians of the concerns expressed by them was at variance with that of the Bishops. The Bishops fully accepted that concerns about a worldly lifestyle and expensive hobbies were mentioned but they disputed the recollection of the seminarians that any concern in relation to sexual propensity was mentioned.

The Inquiry is presented with two opposing views of what occurred in 1983 when the group of seminarians originally spoke with individual Bishops. The six seminarians who spoke to the Inquiry were quite clear that they raised the issue of homosexuality with the Bishops they spoke to. The Bishops in their statements to Mr George Birmingham, which they have commended to the Ferns Inquiry, were quite clear that no issue of sexual impropriety was raised in 1983. The Ferns Inquiry cannot resolve this issue.

The seminarians described to the Inquiry how the reaction of the Bishops they spoke to left them feeling uneasy. They felt vulnerable and fearful for their own position in the seminary and therefore they confided in the senior dean at the time, Fr Gerard McGinnity.

Fr McGinnity attended the Ferns Inquiry for an oral hearing. He said that he was approached in April 1984 by the group of seminarians who told him they were worried that Monsignor Ledwith was making improper approaches to junior students and that these students were being selected on a certain observable basis of

appearance. However, no specific allegations were made by these students either in respect of themselves or anybody else. He said that Monsignor Ledwith would not have had any academic reason to communicate with these students and that, in the ethos of Maynooth at the time; it would have been unheard of for a member of staff to cultivate such particular friendships. The Trustees of St Patrick's College Maynooth have pointed out to the Inquiry that as Vice President, Monsignor Ledwith would have had a duty to know all seminarians as it would have been his responsibility to take part in making a judgment on the suitability of students for the priesthood. Monsignor Ledwith has also stated that although he had particular friendships with two or three students at that time no question of any improper relationship arose.

Fr McGinnity told the Inquiry that he took what these students said very seriously and although it would be virtually unheard of to report another member of staff, he felt, in conscience, that the welfare of the students demanded it. The three Bishops to whom Fr McGinnity spoke were Cardinal Tomás O Fiaich, Archbishop of Armagh, Archbishop Dermot Ryan of Dublin and Bishop Kevin McNamara of Kerry, all of whom are now deceased.

Fr McGinnity said that apart from speaking with the three Bishops, he had received a confidential communication from the Apostolic Nuncio, Archbishop Alibrandi, about the suitability of Monsignor Ledwith to be appointed as a Bishop, which is a normal procedure in the process leading to the appointment of all Bishops. He said that he completed this form conscientiously and availed of the opportunity to express the concerns that had been communicated to him about Monsignor Ledwith's sexual propensities and tendencies and also about his attitude toward prayer and devotion. Although this was "*sub pontificio secreto*", meaning "beneath the pontifical secret", and as such, highly confidential, the details of what Fr McGinnity had written in connection with Monsignor Ledwith were made known to other Bishops.

Cardinal Daly has stated emphatically that in 1983/1984 he had no knowledge of any "alleged propensities and tendencies" of Monsignor Ledwith. He further stated that colleagues who were in active ministry at the time to whom he spoke have no recollection of any such references and that if they had had such information it would have been properly investigated at the time.

Bishop Eamonn Casey has stated that Bishop Comiskey arranged to meet him to tell him that Fr McGinnity had spoken to Cardinal Tomás O Fiaich and Archbishop McNamara suggesting that there was some sexual impropriety in Monsignor Ledwith's relationship with certain students. Bishop Casey was so concerned when he heard this that he immediately drove to Armagh to visit Cardinal Tomás O Fiaich and from there to Kerry to meet Archbishop McNamara on the same day. Bishop Comiskey could not recall who had told him that allegations had been made by Fr McGinnity, although he was fairly certain that he had heard about it from another Bishop rather than from Monsignor Ledwith himself.

It is difficult to reconcile the accounts given by Bishop Casey and Bishop Comiskey with the almost complete lack of knowledge of these events on the part of the other Bishops involved. It was also extremely difficult to reconcile Bishop Comiskey's position at the time with his subsequent support for Monsignor Ledwith as President of Maynooth College in 1985.

Bishop Comiskey said in November 2002 that he was prepared to swear that he did not know of any sexual impropriety on the part of Monsignor Ledwith reported to him by seminarians, before reading about it in newspaper reports in 1993. He told the Inquiry that when making that statement he had forgotten entirely about the allegations which he had raised with Bishop Casey. These allegations, as far as he was concerned, did not emanate from seminarians and therefore were not in his consciousness at the time of making his statement.

Fr Gerard McGinnity told the Inquiry that a meeting of a group described as the "Board of Visitors" to Maynooth College took place in May 1984, some weeks after Bishop Casey's visit to Armagh and Kerry. The "Visitors" were a group of Bishops who dealt with problems that might arise in the day to day running of the College. One member of this Board was Bishop Eamonn Casey who attended the May meeting.

Fr McGinnity's evidence to the Inquiry was: *"He asked to see me and.... he very directly, trenchantly, confronted me and he said, 'You have reported to the Nuncio a member of staff. You have gone to Bishops about this member of staff and you have made serious allegations about him in the sexual domain.' The word 'sexual' was used, and there was no doubt in his mind and there was no doubt in mine that the matter under discussion was the sexual dimension to what had been reported. I said to the Bishop, 'I have not reported Monsignor Ledwith to the Nuncio. Rather I received from the Nuncio a confidential consultation about which you now clearly know"*.

Fr McGinnity told the Inquiry that Bishop Eamonn Casey said to him, *"These are very serious allegations about a man and about his reputation."* Fr McGinnity replied, *"Yes they are Bishop, but I can't do anything about that. It's my duty to relay them to you who is responsible."*

Bishop Casey then asked Fr McGinnity, *"Well, can you bring me here and now, a student who had been the victim of sexual approach by this member of staff?"*

Fr McGinnity told Bishop Casey that he could not there and then bring such a student to him. He said, *"There had not been an accusation of assault or approach of that kind. What I have conveyed and what the students are exercised about is the practise of this man in cultivating same sex friendships with people who have a certain appearance, and trying to bring them off on their own. I have not received any such accusations directly."* Fr McGinnity told the Inquiry that in the circumstances, it struck him that the Bishop's demand was impossible and unreasonable. Bishop Casey does not recall the clarification outlined in the above paragraph and does not recall the Papal Nuncio being mentioned and cannot recall using the word "sexual" but he does agree that his conversation with Fr McGinnity was less than two minutes.

Immediately following this meeting, Bishop Casey reported to the Board of Visitors and it was agreed that a person who made such a serious allegation against the Vice-President, without being able to produce evidence of any inappropriate relationship could not continue as Senior Dean. Fr McGinnity's Archbishop, who was a member of the Board of Visitors, agreed to withdraw him from the College and he suggested to Fr McGinnity that he should take a year's sabbatical from the college. Fr

McGinnity agreed to this and he spent the year in Rome and the US. Apart from Bishop Casey, no member of the then Board of Visitors of Maynooth is now alive.

Fr McGinnity told the Inquiry that whilst he was on his sabbatical year, his Bishop asked him whether he had any thoughts for the future. Fr McGinnity said he had presumed he would be returning to Maynooth but Archbishop O Fiaich told him that that would not be possible and that he had been asked to request Fr McGinnity to offer his resignation from Maynooth.

Fr McGinnity told the Inquiry that he was stunned at being told this and it was both humiliating and punitive for him to be so suddenly removed from Maynooth and so obviously demoted from his position in a situation which stripped him of his reputation.

The only investigation carried out in relation to the concerns originally communicated by the seminarians and undoubtedly expressed by Fr McGinnity, consisted of the interview between Bishop Casey and Fr McGinnity described above. In the view of the Inquiry, that truncated interview did not, by any standards, constitute an adequate inquiry into what were serious concerns.

Not only was the inquiry inadequate but it seems clear that Bishop Casey or his informants misunderstood the nature of the concerns. Clearly Bishop Casey conducted the interview in the belief that an allegation of sexual misconduct by Monsignor Ledwith had been made by a particular student. This was never the case.

Fr McGinnity was convinced that his removal from Maynooth and the subsequent refusal of his request for a return to his position after his sabbatical year was because he had communicated the seminarians' complaint to the church authorities. The Inquiry believes it is entirely understandable that Fr McGinnity should feel so victimised in the circumstances.

Monsignor Michael Ledwith attended the Ferns Inquiry and said that Bishop Comiskey had approached him about allegations of undue favouritism and even possible homosexuality which had been made against him by Fr McGinnity. Monsignor Ledwith said he spoke to Fr McGinnity about the allegations but he denied having made a specific allegation as was alleged. He also said he spoke with Cardinal O'Fiaich, who was Fr McGinnity's Bishop, but nothing further was done. Monsignor Ledwith was quite clear that in his view the dismissal of Fr McGinnity from Maynooth was because of a grave disquiet about his whole policy in regard to discipline. He said that Fr McGinnity's attempt to undermine him was not a cause for dismissal or certainly not the only or main reason for it. Fr McGinnity has stated that any such disquiet only arose after his reporting of the seminarians' complaints.

The Inquiry has been informed by individual Bishops that had the seminarians made a complaint of improper sexual propensities or orientation on the part of Monsignor Ledwith, it would have been taken seriously and thoroughly investigated. However, a definite if non-specific allegation was made by Fr Gerard McGinnity in 1984 and the "investigation" which took place was inadequate. Fr McGinnity left Maynooth in May 1984 and ten months later, Monsignor Ledwith was appointed as President of St Patrick's College Maynooth. Bishop Comiskey made a forceful speech of support

when nominating him for this position. Bishop Comiskey said that he would never have done this if he had had any grounds for concern over Monsignor Ledwith's sexuality.

Bishop Comiskey told the Inquiry that he was 100% behind Monsignor Ledwith's candidacy for Presidency of Maynooth because he believed that the information available to him was also available to three senior Bishops and that they would have looked into the matter. He said that nobody raised any questions over Monsignor Ledwith's promotion to President. Bishop Comiskey also told the Inquiry that the allegations by Fr McGinnity as communicated by him to Bishop Casey had simply gone out of his head when he recommended Monsignor Ledwith for promotion.

Monsignor Ledwith served as President of Maynooth from 1985 until his retirement in 1995. From 1980 until 1997, he served three full terms on the International Theological Commission, a group of 30 theologians from around the world charged with advising the Holy See on theological matters. He was also Secretary of three Synods of World Bishops in Rome and was appointed a member of the Congregation for Catholic Education.

In 1994, an allegation was made that Monsignor Ledwith had sexually abused a thirteen year old boy in 1981 (Raymond 4.6.2). The abuse allegedly continued until after Raymond's 15th birthday. Monsignor Ledwith disputes the abuse and denies particularly that he met Raymond before Raymond's 15th birthday.

Raymond first made his allegation to Bishop Newman in 1994. Bishop Newman dealt so abruptly with the matter that his secretary advised Raymond to report the allegation to Cardinal Daly, which he did. Cardinal Daly travelled to meet Raymond and then referred the matter to Bishop Comiskey, as Monsignor Ledwith was a priest under the aegis of the Diocese of Ferns.

Bishop Comiskey informed the Health Board in December 1994 of the allegation and he informed the Gardai some weeks later. He did not then or subsequently disclose the name of the complainant which had been given to him in confidence. This method of maintaining confidentiality was adopted by all three authorities. Bishop Comiskey did furnish to the Gardai the name of the solicitor acting on behalf of Raymond and through him they were then able to communicate with Raymond.

Fr Walter Forde investigated the allegations on Bishop Comiskey's behalf and reported that he found them capable of being true. This investigation was done without informing Monsignor Ledwith or without interviewing him.

Raymond consulted lawyers with a view to instituting a civil action for damages against Monsignor Ledwith but the matter was settled by the Monsignor after taking legal advice with a payment of a sum of money and no admission of liability.

As a result of Fr Forde's recommendation, Bishop Comiskey requested Monsignor Ledwith to attend for an assessment at a treatment centre run by Fr Stephen Rosetti in Maryland in the United States. At first Monsignor Ledwith had been willing to attend for assessment but became more concerned when he found himself being treated in an unjust manner by the Diocese. Monsignor Ledwith told the Inquiry that when he

telephoned the treatment centre and discovered that the assessment would involve a residency of one week, during which electrical and chemical tests would be conducted as well as the administration of drugs, he was concerned about these procedures but agreed to attend upon certain safeguards being put in place as indicated by his legal advisors. In fact, this was never done.

Bishop Comiskey was not in a position to meet the requirements of Monsignor Ledwith, which were a precondition to attending for assessment, and within a few weeks of communicating this decision relating to his attendance for assessment, Monsignor Ledwith was handed a letter dated 16 December 1994, which stated that the Bishop had set up an inquiry under Canon 1717. Monsignor Richard Breen was appointed to conduct the inquiry into the allegations. In spite of continued and sustained attempts by Monsignor Ledwith to speak with Bishop Comiskey or Monsignor Breen after receipt of this letter and numerous letters to the Diocese, Monsignor Ledwith did not receive details of the allegations, the subject matter of the Inquiry until 5 February 1995.

Monsignor Ledwith was adamant that he had at all times co-operated with Bishop Comiskey's attempts to bring this matter to a conclusion notwithstanding his grave reservations about the fairness of the procedure adopted by the Bishop.

In January 1995, Bishop Comiskey wrote to the Archbishop of Seattle to inform him that an allegation had been made against Monsignor Michael Ledwith who was at that time on sabbatical from St Patrick's College Maynooth and was resident in his Diocese.

Bishop Comiskey consulted a Canon lawyer and sought advice on what Canon law procedure was available in circumstances where the accused priest was no longer in active ministry in the Diocese. The Canon lawyer felt that Monsignor Ledwith fell into a category of persons envisaged by Canon 1395. s. 2, namely a cleric "*liable to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants*". Bishop Comiskey however, discovered that he was unable to pursue this remedy as the procedure was barred by lapse of time and the proceedings issued against Monsignor Ledwith had to be withdrawn. Bishop Comiskey did not pursue any further Canon law options available to him.

In the meantime, the Trustees of St Patrick's College, Maynooth instituted their own procedure for reviewing Monsignor Ledwith's position in the college. The lawyers for Monsignor Ledwith indicated that they could not permit their client to appear before any tribunal of inquiry which had no basis in law and that such an inquiry was not authorised by the statutes of Maynooth College. The lawyers for the Trustees defended their right to hold an inquiry and informed Monsignor Ledwith's solicitors that a resolution for his dismissal from the college would be brought before a meeting to be held in the college. In response, Monsignor Ledwith prepared a lengthy document outlining his position with regard to all of the allegations made against him, which he totally denied. He challenged the right of the Trustees to dismiss him from his position in Maynooth College in the manner suggested.

The terms of the settlement between Monsignor Ledwith and Raymond included an obligation of absolute confidentiality, which proved an impediment in pursuing the

Maynooth Investigation. The issue of waiver of this confidentiality clause by Monsignor Ledwith was raised by lawyers for the Trustees but he did not agree to do this because he was unhappy with the procedures being adopted by the sub-committee of Trustees who were conducting the Inquiry. Correspondence indicates that Raymond was willing to waive this clause in the agreement although he was determined to otherwise respect the confidentiality of what had occurred in order to avoid stress and embarrassment to his family.

This hearing was conducted at the Archbishop's house in Drumcondra and Monsignor Ledwith attended with two senior counsel and two solicitors. One of the more serious reservations expressed by both him and his legal team was the fact that Cardinal Daly, who had investigated the complaint initially and had reported the matter to the Congregation for Catholic Education in Rome, acted as chairman to the body of Trustees who were investigating the matter objectively. He said that although the procedure adopted by the subcommittee in Drumcondra was deeply flawed both from a civil law and a Canon law perspective, in the end, he felt he had no choice but to retire from his position on the staff of the college.

Bishop Comiskey said that Monsignor Ledwith, as with many other priests accused of child abuse, attacked the process rather than facing up to the charges. He expressed the view that this could have gone on indefinitely and indeed, the legal debate in relation to the Maynooth inquiry took place over an 18-month period. Monsignor Ledwith had in fact already indicated his desire to retire from the Presidency of Maynooth some months before the allegation was made by Raymond, and he did retire from the Presidency and retired from his Professorship in September 1996. Monsignor Ledwith does not agree with Bishop Comiskey's assessment of his co-operation with a process which he believed to be deeply flawed.

The Inquiry asked Bishop Comiskey whether the events of 1994 and '95 caused him to reflect on his assessment of Monsignor Ledwith back in 1983 and '84. Bishop Comiskey said that he did not believe Fr McGinnity back in 1984 and he still did not believe him but that obviously he had to consider that there might have been something more to what the seminarians were alleging in 1983. Bishop Comiskey was quite adamant that he did not feel the allegations that emerged in 1994 reflected in any way on the handling of the allegations made in 1983/ 1984.

In July 2000, a further allegation was made against Monsignor Ledwith (Shane 4.6.3). This allegation arose when the complainant, who was suffering from depression, was admitted to St Patrick's Hospital for help with a severe drinking problem. In the course of his treatment he told his doctor that he had been sexually abused by Monsignor Ledwith whilst he was a seminarian in Maynooth in November 1994 and that this had caused the deterioration in both his mental and physical health. A report was forwarded to the Gardai who then investigated the allegation.

The Gardai informed the President of Maynooth College, Monsignor Dermot Farrell, who in turn informed Bishop Comiskey. At this stage, Monsignor Ledwith was already out of the jurisdiction and a full Garda investigation was under way. In fact, this criminal investigation did not proceed because the complainant admitted that the allegations were false. Bishop Comiskey had already written to the Archbishop of

Seattle, where Monsignor Ledwith was resident, to inform him of the allegations but did not later inform the Archbishop when the allegations were shown to be false.

Although Monsignor Ledwith's position as a professor and President of Maynooth College was resolved by his retirement in 1996, his position as a priest of the Diocese of Ferns was not resolved until September 2005.

The Inquiry would like to acknowledge Monsignor Ledwith's co-operation with this Inquiry and the personal efforts made by him to attend for an oral hearing. An issue with which he was particularly concerned was his contention that the way in which the provisions of the Canon law were being interpreted and the Maynooth Inquiry did not afford him natural justice in a number of respects. In addition, Monsignor Ledwith did not feel free to comment on the allegations raised by Raymond because of the confidentiality clause entered into by him. Monsignor Ledwith has at all times asserted his innocence of all allegations made against him.

BISHOP EAMONN WALSH

When Bishop Walsh became Apostolic Administrator for the Diocese of Ferns, he reviewed Monsignor Ledwith's file and presented it to the Ad-hoc Advisory Panel and later to the Ferns Advisory Panel. Both agreed that Monsignor Ledwith should be subject to a Precept and be invited to seek voluntary laicisation. Through the Precept a number of obligations were imposed upon Monsignor Ledwith, including: no unsupervised involvement with minors; no celebration of mass and the sacraments in public; avoidance of all direct contact with anyone who made allegations against him and their families; no wearing of clerical dress and, the revocation of the faculties of the Diocese of Ferns.

Attempts to contact Monsignor Ledwith to invite him to seek voluntary laicisation were not successful. Bishop Walsh communicated with the Papal Nuncio for advice on how to deal with this matter. In a letter dated 4 February 2003, the Papal Nuncio advised Bishop Walsh to "*avail of wise Canonical advice regarding the procedures at your disposal. Such Canonists are readily available in Ireland, as ecclesiastical tribunals are established and functioning here*".

The Apostolic Administrator has forwarded Monsignor Ledwith's case to the Congregation for the Doctrine of the Faith in Rome recommending that Monsignor Ledwith be dismissed from the clerical state and this has now been granted.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE MONSIGNOR LEDWITH CASE:

- A number of contentious issues have arisen in relation to the conduct of Monsignor Ledwith when he was Vice President of Maynooth College. Amongst the issues with which this Inquiry is concerned is the apparent victimisation of Fr McGinnity as a result of concerns which he

undoubtedly expressed to three members of the hierarchy in relation to the Monsignor. A group of seminarians had, prior to Fr McGinnity's disclosure, expressed certain concerns they had had of an allegedly extravagant life style and expensive hobbies on the part of Monsignor Ledwith: this is common case. Whether the complaint by the group extended as they allege, to the expression of concerns about sexual orientation is a matter in dispute with the Bishops concerned. It is not practicable for this Inquiry to attempt resolution of that dispute.

- By any standard the concerns as communicated by the seminarians and expressed by Fr McGinnity were inadequately investigated. They also appear to have been wholly misunderstood. He made no specific allegations of particular abuse and accordingly the demand to produce a victim was unrealistic. As Fr McGinnity was invited to take a sabbatical on the same date that Bishop Casey reported the results of his "investigation" to his fellow Bishops on the Board of Visitors of Maynooth, the Inquiry views as entirely understandable Fr McGinnity feeling that he was victimised as a result of the concerns of the seminarians which he expressed. Punitive actions of that nature could only deter bone fide complaints to church authorities which should be valued as providing information for the control of those having access to young people.
- The Inquiry is satisfied that Cardinal Daly, Bishop Comiskey and Bishop Walsh acted promptly and effectively in extending support to Raymond and his family. The failure of Bishop Comiskey to report the complaint to the Gardai prior to January 1996 was of little practical significance. The duty of confidentiality imposed upon him precluded him in his view from disclosing the name of the complainant to the Gardai and without that information the Gardai could not conduct any meaningful investigation. Bishop Comiskey properly advised the Gardai of the name and address of the solicitor acting on behalf of the complainant to enable them to apply to that source for assistance in identifying him.

CANON MARTIN CLANCY (Deceased)

When the Ferns Inquiry commenced its work, the only allegation against Canon Clancy on the diocesan file was that of Clare (4.7.4). Clare wrote to Bishop Comiskey in April 1991 describing in detail the abuse she alleged was perpetrated on her by Canon Clancy.

Bishop Comiskey told the Inquiry that he was very shocked to receive that letter. He said that he had absolutely no information about Canon Clancy on his files when he

came into the Diocese and had very little contact with him as a priest of the Diocese up until that date. Bishop Comiskey told the Inquiry that the first thing he wanted to do when he got the letter was to meet Clare and establish whether she was a credible witness. He said that he offered to meet her either in Wexford or wherever she was resident at the time.

Bishop Comiskey said that he sent Clare's letter to Canon Clancy and asked him to meet with him to discuss it. The Canon prepared a full memorandum in reply to the letter, of which the following is an excerpt:

"At the time, she was a good looking, red headed youngster, provocative etc., and I clearly remember the last occasion she visited my house when I momentarily touched her on the upper thigh and immediately realised I was very wrong and immediately cancelled all further visits without giving any explanation. To suggest that I fondled her breasts, rubbed her vagina or interfered with her clothing is absolutely without foundation. The bad example I did give on this occasion troubled me greatly and I have referred the matter on many occasions to many confessors and retreat masters who have told me to forget about the incident. The recent clerical conference on child sexual abuse revived the issue for me but I have coped well until this present letter arrived."

"I must be honest with myself, my Bishop and my conscience and admit my failure on this one occasion. I find the last page of the letter very upsetting, as I think this girl is psychiatrically upset or is seeking to get experience in the legal/sexual field at the expense of me and my vocation as a priest. She may be satisfied knowing that I have already told you, my Bishop, confidentially, that I intend to retire as parish priest of Ballindaggin at an early date, but not for the reasons and allegations made in her letter."

"Having read over this letter, I hope it will help you to assess the real merit of the allegations, and I am deeply grieved that I am the cause of such concern to you. I would be very glad to have an early interview before your visit to Lourdes."

At the meeting between Canon Clancy and Bishop Comiskey, Canon Clancy conveyed his intention to retire as parish priest of Ballindaggin and also swore to Bishop Comiskey that he had never interfered with any boys at any time. Bishop Comiskey told the Inquiry that he was convinced of Canon Clancy's genuineness.

Bishop Comiskey said that whilst he thought the word "provocative" could mean many things, he was very concerned about the admission that Canon Clancy had touched Clare. He said that it was the beginning of a case against Canon Clancy but that he would then have wanted to meet with Clare. Bishop Comiskey said that Canon Clancy was very emotional at the meeting. Clare did not contact Bishop Comiskey after writing the letter at which he expressed some astonishment. He said he felt his offer to go anywhere to meet her was adequate at least and that he was quite "at sea" as to why she didn't reply.

Bishop Comiskey agreed that for someone to have come forward in 1991 to accuse a senior priest such as Canon Clancy of child sexual abuse in a rural environment would have been very daunting indeed. He said that his ability to respond to such a

complaint was severely hampered by his complete lack of support or backup. Bishop Comiskey said that now there is a Delegate and a sub Delegate as well as a full time resource person dealing with these problems in the Diocese. In 1991 Bishop Comiskey dealt with them by himself and he said that he was overwhelmed

On 2 June 1991, Clare's father wrote to Canon Clancy saying that he had been shocked and horrified to hear that his daughter had been sexually abused by the Canon on several occasions. He threatened to expose Canon Clancy to the Sunday World unless he paid £20,000 to him. He also said that his daughter would be taking criminal proceedings. The Inquiry knows that the Gardai approached Clare's father and warned him against threatening Canon Clancy and suggested that Clare should make a formal complaint of sexual abuse. The Garda response to the allegation is dealt with in Chapter Seven of this Report.

Some weeks after Bishop Comiskey received the letter of complaint from Clare, Canon Clancy was removed as parish priest in Ballindaggin and took up a curacy in Killealy, the neighbouring parish. Fr Sinnott, who had been curate in Killealy, was transferred to Ballindaggin as parish priest. This was a move of no more than three miles.

Bishop Comiskey said that although it looked suspicious that Canon Clancy had been moved within weeks of the allegation being received, he would have been moved anyway and that he had suspended judgment on Canon Clancy until he had looked into the matter further. Bishop Comiskey confirmed to the Inquiry that there were no restrictions whatsoever placed on Canon Clancy or any form of monitoring of him when he was moved from Ballindaggin to Killealy. Bishop Comiskey said that he was not going to judge Canon Clancy at that stage, nor did he intend to make any decisions about monitoring until he had met the complainant and found her credible. He said that he would have dealt with the matter differently today, but that in 1991 the idea of "child protection" was not in circulation. He said that knowledge of paedophilia and child abuse by priests was very limited. Nevertheless, Bishop Comiskey had been dealing with allegations of child sexual abuse for seven years prior to this allegation and had, in 1989 developed a clear child protection statement as outlined at p138 above.

Fr Sinnott said that in June 1992, he was approached by Clare's mother, Mary, who said that she did not want Canon Clancy at the Confirmation ceremony for her son because Clare had been abused by Canon Clancy. Fr Sinnott said that he spoke to Bishop Comiskey about it at the time. However, Bishop Comiskey told the Inquiry that he had no recollection of Fr Sinnott approaching him about that subject or any recollection that Canon Clancy had attended a barrister in Dublin in 1992, which Fr Sinnott said he also reported to him.

Despite the information available to him and the admission made by Canon Clancy, Bishop Comiskey explained to the Inquiry that he could take no step against Canon Clancy until he had spoken to Clare. No such meeting ever took place and no action was taken against Canon Clancy prior to his death in May 1993.

In February 1996, Fr William Cosgrave, the diocesan delegate, wrote to Bishop Comiskey confirming a meeting he had with Clare's mother during which she had

appeared to be upset with the attitude of the priests and the Bishops in not taking her daughter's abuse seriously. Bishop Comiskey did not respond to this letter from Fr Cosgrave and did not contact the complainant or her family. In October 1996, Fr Cosgrave reported that the family were satisfied to let the matter rest after meetings with him.

Shortly after Canon Clancy's death in 1993, Kate (4.7.5), who was in her first year of a local secondary school, told her teacher that she had been abused by Canon Clancy. The Principal of the school, informed Bishop Comiskey. She recommended that Kate receive counselling and asked whether the Diocese would pay for it. Bishop Comiskey told the Inquiry that the agreement to pay for counselling did not mean that the Diocese accepted the complaint as valid. Bishop Comiskey never met with Kate or sought an update following her attendance at counselling.

The other allegations of abuse which were made against Canon Clancy were not communicated to Bishop Comiskey and do not appear to have come to the attention of the diocesan authority until after Bishop Comiskey's retirement in April 2002.

Maeve (4.7.1) described being sexually abused by Canon Clancy from the age of 12 to 15. She told the Inquiry that she spoke to two priests of the Diocese about the abuse. One of these priests did confirm that he had such a conversation with a woman who had been sexually abused by a priest in the early 1990s and he did not report the matter to the diocesan authorities. Bishop Walsh only became aware of the complaint in April 2003.

A similar story was told by Judy (4.7.2) who reported abuse to a priest who was a former school friend of hers and who has now left the priesthood. She made her complaint to him circa 1990. She said she got the impression from this former priest that other priests knew about Canon Clancy's activities but no report was forwarded to the diocesan office.

Ciara (4.7.3) told the Inquiry of being raped by Canon Clancy from the age of 12. She said that she gave birth to Canon Clancy's daughter when she was 15 years of age but did not disclose the identity of the father to anybody. She said that Canon Clancy eventually acknowledged his daughter but threatened to have her taken away from her if she ever told anybody that the child was his. Fr Sinnott, who succeeded Canon Clancy in Ballindaggin and who was executor of his will, advised her that Canon Clancy had left a £3,000 donation for her daughter to continue her musical education and this money was duly forwarded to her by Fr Sinnott after Canon Clancy's death.

One priest told the Inquiry that he knew of rumours surrounding Canon Clancy although he did not speak to diocesan authorities about them.

Bishop Comiskey confirmed to the Inquiry that he had absolutely no idea of these other allegations against Canon Clancy until he was informed about them by the Inquiry. It was in that context that he made the point, a point that is made repeatedly by this Inquiry, that individual priests who received allegations of abuse did not report them to the diocesan authorities.

BISHOP EAMONN WALSH

Bishop Walsh visited the parishes of Ballindaggin, Killealy and Caim on 13 April 2003. He spoke at all Masses on the question of abuse, encouraging people who may have suffered sexual abuse of any kind to come forward to the statutory authorities and in the case of diocesan clergy, to come forward to the Diocese with their complaint in addition to informing the civil authorities.

At Ballindaggin in particular, Bishop Walsh told the Inquiry that he stated; *"In addition to asking people to come forward who were abused by priests in the past I also stated that if anybody was ever abused by the late former parish priest, the late Canon Clancy, that I would ask them to come forward and that I would be more than willing to meet with them personally or to put them in touch with the relevant people who handle complaints. I also stated that if anyone has made a complaint regarding Fr Clancy in the past and was not happy with the way in which it was dealt with, to please come forward personally to me as I would like to meet with them."*

These visits resulted in three of the complainants cited above coming forward and meeting with diocesan officials. These complainants also met with the Inquiry. Bishop Walsh ensured that the diocesan victim support person, Sr Helen O'Riordan, met with these complainants. Bishop Walsh also met with the family of the late Canon Clancy.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE CANON CLANCY CASE:

- **The Inquiry was shocked at the duration and extent of the abuse allegedly perpetrated by this priest which in some instances appeared to involve the rape of very young girls. He appeared to use his position as Manager of the local national school to access freely children as young as nine years of age.**
- **The fact that the abuse by Canon Clancy allegedly continued for a period of almost thirty years from at least 1965 to 1992 emphasises the need for proper management, monitoring and supervision of any persons having unsupervised contact with and authority over children.**
- **This case illustrates that priests must be made aware of their responsibility to report properly to church authorities all allegations, suspicions or rumours of child sexual abuse which come to their attention. They are further required to ensure that a proper response is forthcoming from the Diocese which reflects the priority which must be given to child protection as required from the Framework Document.**
- **Canon Clancy appeared to confine his activities to girls between the age of 9 and 15. The abuse as alleged occurred over a 30 year period and one of the disturbing elements of the stories as the complaints emerged was that at various points in time during that period, members of the Gardai, the teaching profession, the medical profession and the Church were aware of**

rumours and suspicions concerning Canon Clancy but no action was ever taken against him.

- **The Inquiry believes that Bishop Comiskey was seriously mistaken in believing that he could take no action against Canon Clancy on the basis of the information available to him without first meeting the complainant. He had a credible complaint and an admission of inappropriate behaviour from Canon Clancy which should have allowed him to require the priest to stand aside immediately.**
- **The Inquiry is concerned that Bishop Comiskey's response to the allegation of Clare does not take account of the requirement for child protection in the Diocese.**
- **Although counselling was provided by the Diocese in response to the allegation by Kate, no attempt was made by or on behalf of Bishop Comiskey to ensure that Kate was adequately supported thereafter or to meet with Kate or her parents. Kate was a child at the time of making her complaint although Canon Clancy was deceased at the time.**
- **The Inquiry was pleased to note the appeal for people to come forward made by Bishop Walsh to the community in Ballindaggin and more particularly, the courageous response of the complainants who came forward in response to that appeal.**

FR BETA

In March 2002, Trevor (4.8.1), through his therapist, alleged that he had been abused at 16 years of age by Fr Beta whilst attending a "Choice" weekend retreat. The allegation was made to Fr John Carroll, Diocesan Secretary who immediately informed the diocesan delegate, Fr Denis Brennan and Bishop Comiskey. Fr Brennan notified the state authorities and met with Trevor. Trevor said that he wanted Fr Beta to apologise for what he had done to him and exonerate Trevor from any blame in the incident. This Fr Beta was willing to do.

BISHOP EAMONN WALSH

Trevor attended a meeting at the on 14 April 2002 in the company of his therapist. Fr Beta was accompanied by a supporting priest. Fr Beta fully and comprehensively

apologised for the incident and accepted full responsibility for it. A further meeting took place on 22 April with Trevor and his therapist at which Bishop Eamonn Walsh apologised on behalf of the Church.

Trevor's therapist was telephoned by Fr Beta's support priest after the meeting to ascertain Trevor's age when the assault took place. Trevor, and indeed his therapist, felt that this call was intrusive and upsetting. Trevor believed that Fr Beta was renegeing on the admission which he had made previously. Records of attendees at "Choice" weekends indicated that Trevor was at one such weekend in 1986 as was Fr Beta. There is no record of an attendance in 1984 when Trevor would have been 16. However, Trevor has indicated to this Inquiry that it is his firm belief that he was 16 at the time of the incident.

Trevor instituted civil proceedings against Fr Beta and the Diocese in May 2002. At the request of Trevor, meetings were held between lawyers on behalf of the parties, and as a result of those negotiations, proceedings were settled in December 2002 whereby Fr Beta agreed to discharge over one half of the settlement amount and the balance was borne by the Diocese. Trevor expressed great concern as to the manner in which the proceedings had been contested by the defendants. He expressed the view that a less adversarial approach would have been appropriate particularly as Fr Beta had admitted the assault on which Trevor's claim was premised.

Trevor met with Bishop Walsh in September 2002 who explained the canonical procedures that would be followed, and said that he would be meeting with Fr Beta the following day. An advisory panel would hear the case without knowing the identity of anybody concerned and would then make a recommendation to Bishop Walsh. Bishop Walsh told Trevor that Fr Beta would be asked to step aside from his ministry and to go for assessment and treatment and this is what in fact occurred.

On 5 September 2002, Bishop Walsh issued a precept obliging Fr Beta to the following:

- (i) To have no unsupervised involvement with minors or young adults and no direct ministry to minors, including all informal contact with them; for example, being along with them in their homes or in other settings.*
- (ii) Not to make himself available for the celebration of Mass in public or the celebration of the sacraments. He is permitted to celebrate Mass in private within the family home.*
- (iii) To avoid all direct contact with anyone who has made allegations against him and their immediate families.*
- (iv) Not to wear clerical garb.*
- (v) To meet with the diocesan delegate or the designated supervisor or monitor and his priest advisor from the Diocese at their discretion.*
- (vi) Not to enjoy the faculties of a priest of the Diocese of Ferns.*

As is the norm, it was noted that any intentional or culpable violation of this precept would result in the automatic suspension of Fr Beta and any violation of the restriction relating to minors would result in a penal process, which had as its ultimate penalty, dismissal from the clerical state. Fr Beta signed the precept and was paid a stipend per month, conditional upon his observance of the conditions of it.

Bishop Walsh has met with Trevor on several occasions and has also arranged for Trevor to meet with a diocesan victim support person.

Fr Beta's parish was visited by the parish priest who explained to the parishioners that Fr Beta was stepping aside following a complaint. Bishop Walsh then addressed the issue in the parish during the following week and met with parishioners in the local hall afterwards.

In July 2002, Neasa (4.8.2) informed a priest of the Diocese that Fr Beta had abused her son Ben, when he was 6 years of age. Fr Dennis Brennan, the diocesan delegate was advised of this allegation by this priest. The Health Board and the Gardai were informed of this allegation by the Diocese.

In June 2003, Fr Beta agreed, at the request of Bishop Walsh, to attend for intensive therapeutic treatment and support at Southdown in Canada. He completed his course there in July 2004.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF FR BETA CASE:

- **Although Fr Beta was not ministering in the Diocese from June 2002, there was a delay of some five months between the notification of this allegation and the issuing of the precept against Fr Beta requiring him to stand aside from active ministry.**
- **The Inquiry has noted in this case Trevor's desire to hold a meeting with the alleged offender at an early stage in his therapy. He believed, as other victims believed, that it would help him to recover from the trauma. The Expert Group who attended the Inquiry advised against encouraging such an approach. It advised that a meeting between an abuser and a victim should be postponed to a later stage in a victim's recovery.**
- **Trevor, who stated that he engaged reluctantly in litigation, felt that the litigation process was unfair, unnecessary and a cause of additional trauma to him. The Inquiry feels that the solicitors and barristers who act on behalf of complainants of child sexual abuse should explain and reassure them as to the usual practice of defendants in the conduct of such proceedings so as to avoid as far as possible a feeling of further hurt and victimisation. Litigation of its nature involves each party presenting its optimum position. Outcomes whether settlement or otherwise will rarely represent any party's optimum position.**
- **The Inquiry believes that the actions taken in this case were appropriate and effective.**

FR GAMMA

In May 2002, Julie (4.9.1) informed the Diocese that she had been abused by Fr Gamma in the early 1970s when she was a young girl. In response to the allegation Fr Dennis Brennan, the Diocesan Delegate communicated with Fr Gamma who denied any improper conduct and sought more information as to the time and circumstances of the alleged wrongdoing. Fr Brennan notified Bishop Eamonn Walsh on 16 May 2002 and further notified Joc Smyth, senior social worker of the South Eastern Health Board and Chief Superintendent Murphy of Wexford Garda station.

On 3 July 2002 Bishop Walsh met with Fr Gamma in the presence of the diocesan delegate. Fr Gamma expressed his upset over what he had been through to date. It was explained to him that An Garda Síochána had been notified of complaints made and he agreed to go for assessment.

On the recommendation of the Advisory Panel, Bishop Walsh issued a precept on 8 September 2002 requesting Fr Gamma to step aside from his duties in the parish, pending the outcome of the investigations being conducted by the Diocese and the Gardai. He was to present himself for a full professional assessment in order to assist the diocesan investigation. Fr Gamma met with Mr Joseph Sullivan, principal therapist of the Lucy Faithful Foundation at Wolvercote in September 2002.

Bishop Walsh requested Fr Gamma not to make himself available for the public celebration of Mass and the sacraments or engage in any form of healing ministry. He was further required to have no unsupervised contact with young people. The Bishop said that this would be reviewed following the completion of the investigation, and in the meantime Fr Gamma was entitled to celebrate Mass in private. He also requested that Fr Gamma attend on a regular basis with Sr Colette Stevenson, who was the supervisor/monitor of the Diocese.

The Vicar Forane of the area visited Fr Gamma's parish and explained that Fr Gamma was stepping aside pending a full investigation of the complaints made against him. It was explained that stepping aside did not imply guilt. Bishop Walsh, as Apostolic Administrator, also visited the parish and met with parishioners which he described as helpful and important. Fr Gamma subsequently telephoned Bishop Walsh to request that the complainant be interviewed and give evidence under oath.

Fr Gamma was again assessed on 23 September 2002. These assessments were preliminary in nature and Fr Gamma has refused to attend any further assessments.

Bishop Walsh advised Fr Gamma on 3 October 2002 that the formal diocesan investigation in relation to the complaint made against him would take place on 16 October 2002 at Holy Cross College, Clonliffe. Bishop Walsh again urged Fr Gamma to contact Sr Colette Stevenson. He mentioned that it had come to his attention that Fr Gamma might still be living in the parochial house and requested that he move to Wexford to live in one of the town presbyteries.

Towards the end of October 2002, Bishop Walsh was informed that Fr Gamma had been attending a local swimming pool in the afternoons when children were present. The Bishop directed he should not be there prior to 7 o'clock after which hour

children were not allowed attend the pool. Notwithstanding this direction from Bishop Walsh, Fr Gamma was seen at the swimming pool at 5.30 in the afternoon in early January 2003 and this was again raised with Fr Gamma.

In November 2002, the diocesan delegate, Fr Denis Brennan met with Grace (4.9.2) who had approached a local priest in relation to allegations of child sexual abuse by Fr Gamma for a period of 3 years from 10 years of age which occurred in the early 1970s. Fr Brennan notified Gardai although he did not reveal the identity of the complainant at her request.

Another local priest reported complaints made by Orla and Susan (4.9.4) regarding sexual impropriety on Fr Gamma's part in the early 1980s, to Fr John Carroll in December 2002. The complainants were contacted by the Diocese but did not respond and instead pursued their complaint with An Garda Síochána.

On 30 April 2003, Bishop Eamonn Walsh wrote to Fr Gamma formally requesting him to resign as a parish priest of the Diocese. He reminded him that in September 2002, Fr Gamma had agreed to step aside as parish priest and to the appointment of an administrator pending the investigation of complaints made against him. The Bishop stated that since that time, additional complaints had been received which had considerably delayed the final determination of the investigations. He explained that the pastoral and spiritual needs of the parishioners required the regular service of a parish priest and advised Fr Gamma that retiring as parish priest would not affect his present standing and would ensure that he could receive an income from the St Aidan's retirement fund. Fr Gamma agreed to retire at this request.

Fr Gamma is currently subject to the above mentioned precept and is monitored and supervised by Sr Colette Stevenson. He is supported and maintained by the diocesan retirement fund. A file is currently being prepared for the Congregation for the Doctrine of the Faith in Rome on the steps to be taken regarding the complaints and their decision is awaited.

Bishop Walsh did engage a barrister and social worker to investigate the allegations made against Fr Gamma with a view to preparing a report which would facilitate proceeding to the canonical process. Because of a lack of cooperation from complainants, this investigation did not in fact assist the Bishop. Bishop Walsh is of the view that a model mechanism in relation to an investigation would be that at an appropriate time, and with the consent of the complainants, evidence which has been gathered by the Garda or Health Board investigation could be made available and admitted in a Church investigation.

A decision has been made by the DPP not to initiate criminal proceedings in respect of these complaints to date.

Bishop Eamonn Walsh has informed the Inquiry that a file has been sent to the Congregation for the Doctrine of the Faith in Rome and their decision is awaited.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR GAMMA CASE:

- **The Inquiry is aware of 11 complaints against Fr Gamma all of which are alleged to have occurred over a period of twenty years during the 1970s and 1980s. The Diocese has been notified of five of these complaints. Some of these complaints indicate an increased vigilance on the part of parishioners and priests to the dangers of child sexual abuse and their willingness to voice their suspicions at an early stage. It is a measure of how conscious society has become to this issue that priests and parishioners loyal to the Church no longer feel it is their duty to hide or cover up for a priest whose behaviour crosses acceptable boundaries, but rather the loyal parishioner is now aware that that priest must be removed lest any avoidable harm is caused.**
- **Bishop Walsh accepted that the delay of some four months between the complaint being notified to the Diocese and the priest being required to step aside was inappropriate although he did say that Fr Gamma did not function in the parish from July 2002.**
- **This case highlights that where a priest is required to step aside following an allegation of child sexual abuse, it appears that he will not be reinstated without a full psychological assessment taking place. Failure to attend for such an assessment precludes the possibility of that priest being restored to ministry. The Inquiry believes that where there is a reasonable doubt as to the sexual propensity of any person whose position brings them into unsupervised contact with children such persons should not be returned to such positions until their ability to interact safely with children has been established by medical and/or psychological assessment.**
- **The Inquiry is pleased to note in this case, the willingness of individual priests in the Diocese to report suspicion and rumour of child sexual abuse to the diocesan authorities and their willingness to ensure that an appropriate response is forthcoming.**
- **The handling of this complaint is ongoing, and is guided by the Framework Document and in accordance with Canon law.**

FR DELTA

The Inquiry has only recently become aware of the identity of this priest as a second priest who left St Peter's in 1966 as a result of inappropriate behaviour with boys in the boarding school. Fr Delta described to the Inquiry how he had been struggling for some time with spiritual problems arising out of his behaviour with boys and in January 1966, having reconciled himself through Confession, he realised that the important thing was to remove himself from the school.

In February 1966, Fr Delta approached Bishop Herlihy and asked to be removed from his teaching position. He said Bishop Herlihy did not ask the reason for this request but agreed to appoint him to a half-parish in the Diocese which was done.

From the point of view of this Inquiry, the important issue was whether Bishop Herlihy knew the reason for Fr Delta's request for a transfer. Fr Delta has told the Inquiry that Fr Patrick Curtis, who was a member of the seminary staff at the time and is now deceased, approached him in April or May 1966 to inform him that there were rumours circulating about his inappropriate involvement with some boys in the boarding school. Fr Delta told the Inquiry that he had already requested a transfer when Fr Curtis approached him. The Inquiry does not know whether Fr Curtis informed Bishop Herlihy of these rumours although it has heard from one complainant that Bishop Herlihy was aware of at least one allegation against this priest by 1968.

The three complainants who have made allegations in respect of this priest have only recently come forward. In June 2002, it was brought to the attention of Bishop Walsh that Fr Delta had made a private settlement with Bill (4.10.1) who claimed to have been sexually abused by him whilst a student at St Peter's College. It appears that Fr Delta made several payments to Bill in the mid 1990s but it was a private arrangement between the two men and no complaint was made to the Diocese. The complainant was approached by the Delegate in June 2002 and invited to make a formal complaint. He declined and was annoyed that he should have been approached by the Diocese stating that his financial affairs were of no concern to them. The Delegate then approached Fr Delta who readily admitted the settlement.

Fr Delta offered his retirement to Bishop Walsh by letter dated 29 August 2002. This was accepted by Bishop Walsh on 18 September 2002 with immediate effect. On that date, Bishop Walsh wrote to Fr Delta removing him from priestly ministry forthwith and obliging him to comply with a precept, which forbade him from any contact with minors. Bishop Walsh also mentioned in this letter that he had spoken with the principal therapist of the Lucy Faithful Foundation and arranged for Fr Delta to attend for assessment and treatment. He further assigned a support person for Fr Delta and obliged him to meet regularly with Sr Colette Stevenson.

In speaking with Fr Delta's parishioners upon Fr Delta's retirement, Bishop Walsh stated "*Vague and unclear information was received which raised concerns of child sexual abuse by your former parish priest. He has taken early retirement from his parish and he no longer ministers as a priest*". Bishop Walsh urged anybody who may have had a concern or been aware of a concern in this regard to come forward

with reassurances that help would be available. He also urged anybody who may have been abused to report the matter to the statutory authorities.

Fr Delta was given appropriate accommodation and all the residents there were informed of his circumstances. Fr Delta has now returned from a programme in Stroud, under the direction of the former Wolvercote team, having successfully completed the treatment which commenced in September 2002. Bishop Walsh is currently implementing the final report and recommendations from Stroud. His case is also being processed by the Congregation for the Doctrine of the Faith in Rome.

Fr Delta had already been removed from ministry when the Diocese heard of a further two complaints against him. One of those complaints (Terry, 4.10.2) related to abuse at St Peter's College. As with other post-1996 complaints made known to the Diocese, An Garda Síochána was notified.

Another complaint related to alleged sexual assault by Fr Delta in the late 1960s when Des (4.10.3) attended at Fr Delta's house to make arrangements for his wedding. He was a very young and inexperienced man and was deeply upset when Fr Delta allegedly made sexual advances towards him. This complaint was not communicated to any authority until after Des had spoken with this Inquiry.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR DELTA CASE:

- **From the evidence of at least one complainant, Bishop Herlihy was aware that Fr Delta had abused boys in the boarding school in St Peter's in the mid 1960s. Therefore, it was not an appropriate or adequate response to appoint him to a half-parish where he would receive no supervision or monitoring.**
- **The Church's response in this case which arose in 2002, which was to stand the priest aside pending a determination of his suitability for ministry, was clearly made far easier because the alleged offending priest voluntarily retired from ministry and accepted the various conditions being imposed upon him by way of precept. He further accepted his required attendance for assessment and treatment. The Inquiry is encouraged by the co-operation provided by Fr Delta.**
- **Fr Delta appears to have understood the danger he presented to young people when he asked for his removal from St Peter's in 1966. Had help been available to him at that time, further abuse of children might have been avoided. It is important in the interests of child protection that such help should be available to men who are facing up to their propensities.**

FR EPSILON (Deceased)

Allegations were made to the Inquiry of abuse concerning Fr Epsilon. It appears to the Inquiry, that only the complaint of Andrew (4.11.1) which involved an allegation of sexual abuse in St Peter's College in the early 1960s, was made known to the Diocese and that was communicated in 2002. The Inquiry notes the efforts made on the part of the Diocese to trace the identity of the clerical student who it is alleged arranged for Andrew to attend with Fr Epsilon. The Inquiry is also aware that the Diocese has investigated the matter with a priest who, it is alleged, was made aware of the complaint some time ago. This priest was unable to recall the complaint when asked by the Diocese. The Diocese was requested by this complainant to remove a particular reference to this priest in the College that was disturbing to the complainant and this was done. The Health Board was informed of this complaint.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR EPSILON CASE:

- **Where a complaint is received by the Diocese after a priest is deceased, which the Diocese believes to be credible as was the situation in this case, the Diocese can offer support and counselling to the complainant and can also ensure that any other victims who may have attempted to contact the Diocese in previous years without receiving an appropriate response are sensitively and confidentially contacted. However, in such cases no question of child protection arises.**
- **Where an allegation of child sexual abuse is made against a priest who is living, prompt action is necessary for the protection of children. The Inquiry appreciates that different priorities must apply depending upon whether the accused abuser is living or deceased.**

FR IOTA

Pamela (4.12.1) made a complaint of child sexual abuse against this priest to Fr John Carroll, acting diocesan delegate, in May 2005. She subsequently attended with One-in-Four who advised her to make contact with this Inquiry. By letter dated July 14 2005, One-in-Four requested that all further communication should be through their office. At the end of July 2005, the Inquiry received records relating to this priest and more particularly relating to Pamela's original complaint. The Diocese identified from

these records that a complaint against this priest had been known by the Diocese since the early 1970s as evidenced by correspondence from Bishop Herlihy at that time.

At the time that the alleged abuse by Fr Iota was occurring, Pamela reported it to Fr Kappa, then a local curate. She also reported the abuse to her General Practitioner at that time. After the abusive relationship ended, Pamela attempted suicide. The Inquiry has been informed that Pamela's General Practitioner reported Pamela's complaint to the Bishop after her attempted suicide and in response to that report Fr Iota was removed to the Diocese of Westminster.

Bishop Herlihy wrote to Cardinal Heenan of the Diocese of Westminster, as follows;

"My dear Lord Cardinal,

I am asking you for a favour, namely, to take a young priest into Westminster for a year or two.

He is the Reverend Iota ordained in 19XX ...

Father Iota had some involvement with a girl, which is now happily terminated. As a result, he is anxious and has been advised to spend some time away from this diocese. He is a gentle refined young man, but has always demanded understanding and sympathy..."

Fr Iota was assigned to a parish in England for a number of years.

The only other record of Bishop Herlihy's handling of this matter is a letter wherein the Bishop states to the Irish Emigrant Chaplaincy Scheme:

"In the case of Father Iota I would like you to know that his transfer here to Westminster for two years arose in very special circumstances."

The Inquiry understands that Fr Iota subsequently returned to serve as a curate and national school chaplain, manager and teacher in the Diocese of Ferns throughout the 1980s. Fr Iota worked for a number of years abroad until being recalled by Bishop Walsh as a result of Pamela's complaint. Following this complaint, he was removed from active ministry and subjected to a standard form precept issued by Bishop Walsh.

Bishop Walsh has also notified the Bishop in the Diocese where Fr Iota had served for the past twenty years as to the reasons for his recall. He has also advised the Bishop where Fr Iota has now taken up residence.

Fr Iota has agreed to attend for assessment and the canonical case against Fr Iota is in process. Bishop Walsh has also undertaken to ascertain whether or not any concerns arose in relation to this priest during his time abroad.

The complainant has said that she felt pressurised into making a written statement of her allegation when she was not ready to do so. Such a statement was required by the Diocese in order to deal with the child protection implications of what had been

reported against this priest and also in order to make a full disclosure to the Inquiry which had almost completed its work when this allegation was communicated.

Fr Iota has admitted a sexual relationship with Pamela when she was 17 years of age although he admits a friendship with her from 13 years.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR IOTA CASE:

- **The Inquiry was concerned that the details of this case were not communicated to the Inquiry until its work had reached an advanced stage notwithstanding a letter on the diocesan files that should have alerted the diocese to the existence of a potential child protection issue.**
- **The letter from Bishop Herlihy informing the Bishop of Westminster as to the nature of the problem leading to Fr Iota's departure from the Diocese of Ferns is the only written record the Inquiry has seen of such a communication during Bishop Herlihy's episcopacy. This letter makes no reference to the traumatic circumstances surrounding his transfer from the Diocese.**
- **In the context of today, transferring a priest against whom a suspicion of child sexual abuse arose to another diocese, would not be appropriate. However, at the time when these events occurred, the mid-1970s, such an action was not unusual. The Report has already discussed the developing awareness of the problem of child sexual abuse in the Catholic Church and society generally, and the letter informing the Archbishop of Westminster of the reason for Fr Iota's transfer can be regarded as an appropriate response. The Inquiry is not aware of any precautionary measures which may have been taken by the Diocese of Westminster on foot of the information contained in Bishop Herlihy's letter but clearly some degree of supervision and monitoring would have been appropriate.**
- **Fr Iota's recall to parish duties in the Diocese of Ferns by Bishop Herlihy after a period of "penance" in Westminster without any apparent supervision or control indicates a failure on the part of Bishop Herlihy to properly appreciate the danger this man may have posed to children in the Diocese. Notwithstanding the moral dimension in which this problem was viewed at the time, Bishop Herlihy's responsibility for the children of the Diocese ought to have prompted him to ensure that this priest had minimum contact with children. Instead he was appointed to teaching and chaplaincy roles in national schools within the Diocese.**

FR KAPPA

The Inquiry has received a complaint by Pamela (4.13.1) in relation to this priest. The Inquiry understands that this complaint has only recently been made known to the Diocese and that at the time of the alleged events no member of the Church Authority in Ferns was aware of Fr Kappa's involvement with Pamela. Fr Kappa is now a retired priest.

FR LAMDA (Deceased)

The Inquiry became aware of a letter from Jonathon to Bishop Comiskey dated 5 November 1996 (4.14.1) in which Jonathon made a complaint of child sexual abuse by a deceased priest whom he did not identify. The Inquiry received a copy of this letter in the context of another complaint. Jonathon told the Inquiry that he had merely wished to share information that had been troubling him with Bishop Comiskey in making this complaint and the Bishop had responded adequately to him. The Bishop replied to him in writing acknowledging his abuse as a young boy " *I'm very, very sorry to learn of your desperate pain and suffering as a young boy. Nothing could be more cruel or destructive, we have all learnt to our eternal regret as a Church*".

Jonathon nominated his counsellor to liaise with the Bishop. The Bishop asked this advisor to explore any counselling requirements that Jonathon may have although this was not availed of.

He confirmed to the Inquiry that the accused priest was deceased at the time of making the complaint and therefore, no child protection issues arose.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR LAMDA CASE:

- **The Inquiry was concerned that the letter written by Jonathon to Bishop Comiskey in which he clearly stated that he was abused by a priest of the Diocese as an altar boy was not produced to the Inquiry until the Inquiry had almost completed its work.**
- **Bishop Comiskey has stated that he had not adverted to this allegation until reminded of it by the Inquiry subsequent to his attendance for oral**

hearing. Fr Lamda had been deceased for some time prior to the complaint being made by Jonathon and eight years before Bishop Comiskey's attendance at this Inquiry. The Inquiry is satisfied that these factors explain Bishop Comiskey's omission and do not reflect on his cooperation with the Inquiry.

- The Inquiry believes that as the accused priest was deceased at the time that the allegation was communicated to the Diocese the appropriate response by the Diocese was to support the victim and offer counselling, which was done.
- The Inquiry notes the empathy expressed by Bishop Comiskey to the complainant in this case. It illustrates that by 1996 Bishop Comiskey had an awareness of the impact of this problem.

FR ZETA (Deceased)

In March 1996, the Diocese received an anonymous letter alleging that "*a priest in (a parish in the Diocese) committed sexual offences against school boys at (the local school) during the 1980s.*" The letter did not identify the priest but the diocesan delegate at the time stated that he believed that a person reading the anonymous letter, would see it as pointing to Fr Zeta. Fr Zeta had been a priest in the parish mentioned since the early 1980s and had been Confessor to the school in question for many years. He was still ministering in the Diocese at the time of the complaint.

The Diocesan Delegate confirmed to this Inquiry that he had never heard of any previous accusation or rumour against Fr Zeta and no further communication was received from this complainant. No investigation was carried out by the Diocese on foot of this anonymous complaint.

A complaint (4.15.2) of sexual abuse was made by a staff member relating to the hearing of Confessions by Fr Zeta in the staff room to the Chairman of the Board of Management of the school in question in the early 1980s. This complaint was not communicated to the Diocese although the particular alleged activity complained of ceased.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR ZETA CASE:

- The Inquiry is concerned about the fact that no diocesan investigation was carried out into the first complaint above and that the complaint was not reported to An Garda Síochána in accordance with the obligations

assumed by the Diocese under the Framework Document. In the course of evidence given to the Inquiry, it was alleged that Fr Zeta's conduct was, on occasions, inappropriate. Proper investigations should have established the credibility of these allegations and the extent of any alleged abuse particularly in the context of the child protection issues raised by the fact that Fr Zeta was still alive at the time of making this complaint.

- The Inquiry regrets that no record was kept of this allegation by the Chairman of the Board of Management of the school, even in circumstances where he believed there was no substance to the complaint. Where such allegation, rumour or innuendo relates to a member of the diocesan clergy, it should be communicated to the Diocesan Delegate in the Diocese.

FR SIGMA (Deceased)

This priest has been identified to the Inquiry as a result of a complaint by Breda (4.16.1) which related to an incident of child sexual abuse that occurred in the 1960s. In September 1996, Fr Tommy Brennan, the Diocesan Secretary, wrote to Bishop Comiskey to say that he had been contacted by a complainant who said that she had been abused many years before by Fr Sigma. Bishop Comiskey told the Inquiry that when he became Bishop, Fr Sigma had been a very elderly retired priest in the parish.

This complaint, coming as it did in September, 1996, was dealt with in accordance with the Framework Document. Bishop Comiskey told the Inquiry that he recalled meeting Breda and that a lot of her problems were financial, due to the cost of counselling which she needed because of the sexual abuse she alleged had been committed by Fr Sigma. Bishop Comiskey said he was satisfied that Breda was telling the truth and directed that her counselling fees be paid. He said that the decision to make such a payment would be made in principle by the Bishop. The Delegate would then ask the Finance Committee to write the cheque, which would come out of ordinary diocesan funds.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR SIGMA CASE:

The Inquiry is satisfied that Bishop Comiskey dealt promptly and fairly with Breda. The Inquiry notes the use of diocesan funds to pay for counselling for victims.

FR UPSILON

In 1998, a complaint was made to a Health Board by Denis (4.17.1), of abuse which happened over a period of three years in the late 1970s and early 1980s. An Garda Síochána and the South Eastern Health Board were notified of this complaint. However, the Diocese was not so notified and did not become aware of this complaint until 2004 when informed by this Inquiry.

Bishop Walsh arranged to meet with a Health Board official and was advised that the Health Board had received a complaint against Fr Upsilon in 1998, but that no details of the complaint were provided to the Diocese at that time, as the allegation was withdrawn within five weeks of it being made. The Health Board made contact with Denis after meeting Bishop Walsh but he did not wish to meet with the Bishop.

Bishop Walsh, as Apostolic Administrator of the Diocese, met with Fr Upsilon, who subsequently met with the Delegate. Fr Upsilon agreed to stand aside from his position as parish priest pending the outcome of any investigation and to undergo assessment. The Vicar Forane for the area visited the parish and explained the situation to the parishioners by stating:

“When the Diocese becomes aware of a complaint of child sexual abuse against a priest, the priest is asked to agree to step aside from his priestly ministry pending the outcome of the complaints procedure. Stepping aside does not necessarily imply guilt or innocence.”

Bishop Walsh told the Inquiry that the Advisory Panel had been presented with the facts of this case on 26 October 2004 and they noted that Fr Upsilon had stood aside from his ministry and was undergoing assessment.

Fr John Carroll, Diocesan Secretary, subsequently received a telephone call from Denis who stated categorically that he had withdrawn his complaint against Fr Upsilon.

The Diocese was therefore presented with a retracted complaint. Bishop Walsh has stated to the Inquiry however, that the outcome of this priest's current assessment and treatment programme would be critical to his future. Moreover, he pointed out, at this stage he would be obliged to send a report to the Congregation for the Doctrine of the Faith.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR UPSILON CASE.

- **The Inquiry regards it as appropriate that allegations of child sexual abuse which are subsequently retracted should still be investigated with a view to assessing a priest's suitability to minister. Social pressures may cause complainants to withdraw allegations and in the interests of child protection such withdrawals should not be regarded as decisive.**

FR THETA (Deceased)

On 5 July 2003, Don (4.18.1) informed the Diocese that he had been sexually abused by Fr Theta in Dublin in 1973. At the date of the complaint, Fr Theta was deceased. The Diocese has provided support for Don who meets regularly with Sr Helen O’Riordan, the diocesan victim support person.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR THETA CASE:

- **The Inquiry regards the response of the Diocese in this case where the accused is deceased at the time of making the complaint as entirely appropriate.**

FR OMIKRON (Deceased)

Fr Omikron was a priest of the Diocese of Ferns who died in 1968. The only complaint against this priest first came to the attention of the Diocese when a lady called Jenny (4.19.1) wrote to Bishop Comiskey on 6 March 2000 and said that many years earlier she had been allegedly abused by Fr Omikron. The 1996 Framework Document was in place when this allegation was received by the Diocese and so Bishop Comiskey immediately forwarded the complaint to Fr William Cosgrave, diocesan delegate, and wrote to Jenny offering to contribute towards her counselling costs and to meet her. He also expressed regret for her suffering. The complainant regarded the Bishop’s response as inadequate. Bishop Comiskey said he was disappointed with the complainant’s reaction because he had accepted her allegation without the possibility of validating it. He said that he would have paid the full costs of Jenny’s counselling but she had only looked for help in paying them and he felt he had provided that. Bishop Comiskey also said that he had a difficulty when asked to apologise for the acts or omissions of other people. He said he could express regret but he could not apologise for something that was allegedly done by somebody else.

BISHOP EAMONN WALSH

Bishop Walsh adopted a different approach to this complaint. He received a letter from Jenny on 13 August 2002 regarding outstanding monies which she believed were owed to her by the Diocese. He replied on 15 September enclosing remittance

for the outstanding sum and apologising in his capacity as Apostolic Administrator of the Diocese of Ferns for the abuse she had suffered.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR OMIKRON CASE:

- **The Inquiry recognises the generosity of Bishop Comiskey in agreeing to provide the greater part of the cost of counselling for a person alleging abuse by a priest who had died many years earlier.**
- **The Inquiry can appreciate that the comprehensive apology given by Bishop Walsh may have assisted in bringing closure to a painful episode for Jenny. However, the offering of such apologies must be weighed against the perceived injustice to the memory of the deceased priest.**

FR TAU(Deceased)

The Inquiry received information about this priest in the context of an allegation against Fr Sean Fortune in 2005 (see Kieran 4.20.1). The priest was deceased at the time of making the complaint. The Inquiry communicated the complaint to the Diocese and is not aware of any response.

FR OMEGA

Bishop Walsh was notified about allegations against Fr Omega by this Inquiry in 2004. Bishop Walsh met with him and he confirmed to the Bishop that he had conducted sex education classes in a manner which was deemed inappropriate by the school authorities. As a result, he had left his teaching position to take up parish duties. Bishop Comiskey had arranged for him to attend a psychiatrist, although there is no record on file of this having occurred.

Fr Omega spoke about a young boy who used to visit his house which made him uneasy as it coincided with the time when Fr Brendan Smyth and Fr Sean Fortune were in the public domain. He had been attempting to teach this young boy English. He said he used to ensure that his daily housekeeper was around when the young boy visited and he said nothing untoward happened. At the time however, he realised it was something that he was not fully comfortable with. The boy himself and his mother are quite adamant that no inappropriate behaviour took place and therefore no allegation of child sexual abuse arises.

The only issue therefore, concerned Fr Omega's conduct of the sex education classes. The Advisory Panel was briefed on the case and recommended that Fr Omega attend for assessment.

Accordingly, Fr Omega has ceased all involvement in the parish pending the recommendations of the assessment and the views of the Advisory Panel. He has had a preliminary assessment with Mr Joseph Sullivan and attended Stroud for a one-month assessment. In relation to advising the Congregation for the Doctrine of the Faith, Bishop Walsh stated that he would have to receive canonical advice to ascertain if there is an issue in this case which should be referred to this body.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR OMEGA CASE:

- **Once an allegation is made known to the Diocese, the restrictions placed on the priest would not appear to be lifted until the Bishop is satisfied that the priest does not present any danger to children. Bishop Walsh has made it clear that neither he nor the Advisory Panel would be so satisfied without a favourable medical report, following assessment, from a medical practitioner or psychologist designated by the Bishop. The Inquiry endorses this prioritising of child protection which is operated currently in the Diocese.**
- **In the absence of information relating to the psychiatric assessment which may have been undertaken and acted upon by Bishop Comiskey, the Inquiry is unable to comment on the appropriateness of Bishop Comiskey's response in permitting this priest remain in active ministry. Bishop Comiskey does not recall receiving any psychiatric report at that time. However it must be noted that there have been no allegations against this priest since he resumed parish duties.**