

Introduction

- 34.1 In August 1992, Monsignor Alex Stenson, the then Chancellor of the Archdiocese, received a call from a mother alleging that her daughter, who was now in her late twenties, had been abused by Fr Marius when she was 12 years old in the 1970s. Fr Marius was then based in a parish on the north side of Dublin. A preliminary investigation was ordered by Archbishop Connell and Monsignor Stenson was appointed the delegate for the purpose of the investigation.
- 34.2 The very next day Monsignor Stenson met the mother and daughter and recorded their complaints. The abuse was alleged to have taken place in the complainant's own home. She told Monsignor Stenson that when her mother would make tea she would be left alone with Fr Marius and he would put his hand down her top and feel her. She said that it was common for him to hold girls' faces in his hands and to kiss their faces and lips. She named another girl who she said was subjected to this.
- 34.3 She recounted an evening where Fr Marius called to her home on the pretext of taking her to a group meeting in the presbytery. When they got to the presbytery, no one else was there. She said that he shut the door and began to kiss her and removed her top and he then opened his trousers and masturbated on her. After that evening she tried to avoid him and also avoided any parish activities in which he was involved. Later she married and, like many abused people, her marriage broke down because she developed a repugnance to the sexual side of marriage. She was now anxious to ensure that this priest no longer had the opportunity to abuse.
- 34.4 Two days after meeting the complainant, Monsignor Stenson met the priest and put the allegations to him. He "*accepted the apparent truthfulness*" of the account but said he had no recollection of the girl. He wondered how it would affect his future as a priest and if he would be ruined. He then recalled the girl and he wrote to Archbishop Connell to deny the allegations.

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This is a pseudonym.

The priest's background

34.5 Fr Marius was ordained in the 1950s. While a student in Clonliffe, he was charged with indecently assaulting a 15-year-old girl in a cinema. He was acquitted and the District Court Judge at the time made it clear that it was not to affect his future in the college.

34.6 His first appointment was as chaplain to a geriatric hospital. Allegations were made while he was there that he was too close to a trainee nun. Archbishop McQuaid had the matter discreetly investigated and it seems to have been decided that it was totally out of character for the priest. Documentation about this complaint was discovered in the Clonliffe College archive in 2004.

34.7 Fr Marius subsequently held appointments in a number of parishes. He was a parish priest when the complaint was made in 1992.

Assessments and Church investigation

34.8 Following Monsignor Stenson's preliminary investigation, both the complainant and Fr Marius were sent for a psychological assessment and the consensus was that the complainant's account was more than likely to be true. In September 1992, Monsignor Stenson informed Archbishop Connell that the medical professional considered the matter *"to be very serious"* and *"would suggest we act immediately"* and *"that others are probably at risk"*. Sometime between 1992 and 1995, Archbishop Connell carried out a search of the secret archives to ascertain if there were any previous complaints about this priest. At that stage he would have discovered the records of the 1950s charge and acquittal. Monsignor Stenson was not aware of any archival material when he received the 1992 complaint. Further inquiries by Monsignor Stenson revealed that many women felt uncomfortable in Fr Marius's company. They stated that he was inclined to encroach on their personal space and was overly tactile. There were rumours emanating from his period as parish priest that he had fathered a child who was placed in foster care. Fr Marius denied this allegation. It was not followed up by the Archdiocese. A priest colleague noted what he referred to as a *'hint of a pattern'*. He stated *"I took no direct action on the matter, other than always watchful, ready to take evasive action"*.

34.9 A further medical report was obtained and the view of the second medical practitioner was that the priest was in denial. It was also noted that he expressed a worrying preference for working with children.

34.10 Around this time Fr Marius developed a heart complaint and had to be admitted to hospital.

34.11 Eventually Monsignor Stenson thought that the best option for Fr Marius would be to resign on health grounds. He would be given a number of weeks to tidy up parish matters and leave with “*dignity*”.

34.12 A medical report in December 1992 noted that Fr Marius was not a compulsive paedophile but there were concerns about his inappropriate behaviour towards women. His treating psychologist concluded that he was unlikely to abuse again in the future. The psychologist proposed that continued counselling and adequate supervision would be sufficient safeguards. The psychologist made it clear that he believed the complainant unreservedly.

34.13 The Archdiocese paid for counselling for the complainant and offered counselling to her mother.

Resignation

34.14 Fr Marius accepted the proposal regarding his resignation. There were restrictions put in place on his activities. In March 1993, a house which he was to share with his brother was bought for him. Bishop Murray, who was the area bishop, told the Commission that he was aware of the background when Fr Marius moved into his area. Fr Marius was allowed to say mass once a week, to help with Sunday mass and hospital mass but he was not allowed any involvement in any sermons or activities where young people were concerned. These restrictions were to be put in the form of a behavioural contract.

34.15 By May 1993, the behavioural contract had not been put in place and Monsignor Stenson noted that he was not being properly monitored at this time. Eventually, towards the end of June 1993, a behavioural contract was drawn up and signed. Under the contract:

- He was to be in regular contact with a clinical expert, an unnamed church representative and the local parish priest in connection with his

personal situation and pastoral involvement with the nursing home in the area.

- He was to keep in regular contact with his spiritual director.
- He was to be willing to attend any qualified counsellor on the understanding that the information would not be shared with a third party
- He was restricted from taking part in any apostolate involving children.
- He was restricted from taking part in any pastoral work other than in the nursing home.
- He was restricted from physical contact with children beyond a handshake.
- Under no circumstances was he to allow himself to be alone with a child whether inside or outside his place of residence.
- He was not allowed to become familiar with the families and children of the residents he came into contact with through his work in the nursing home.
- The parish priest of the parish where he lived was to be made aware of the situation and he was to be allowed to discuss with him any areas of concern about the manner in which he conducted his relationships with children.
- Failure to comply with any of the conditions could result in termination of his employment as well as having to share accommodation with another priest.

34.16 Despite the fact that this contract was signed in June 1993, it was late 1994 before the parish priest in the area where Fr Marius lived was told of his situation by Bishop Murray. Bishop Murray told the Commission that the parish priest in the area where Fr Marius did some ministry in nursing homes had reservations about his ministering in those homes. These reservations were based on his manner which was “*hard to take*”. Bishop Murray said that he met Fr Marius on several occasions between 1993 and 1995 to “*ask him whether he was abiding by his contract, that he was having no contact with children in the locality and to enquire about his general wellbeing*”. Bishop Murray told the Commission that he was not responsible for the monitoring of Fr Marius.

34.17 In March 1995, concerns were expressed about the monitoring system as Fr Marius had not returned to the Granada Institute where he was receiving

treatment. In November 1995, he was told by Bishop Murray to cease all work in the diocese.

34.18 Bishop Murray had received reports from the nursing home where he was ministering stating that he was unsatisfactory to work with as he would invite young nurses back to his home and attempt to kiss them.

Notification to the Gardaí

34.19 The Gardaí were notified about the 1992 allegation in July 1995, but as the complainant did not wish to make a statement to the Gardaí, the matter went no further.

Monitoring system, 1997

34.20 In December 1997 Monsignor Stenson spoke to a local priest about the monitoring system that was supposed to be in place. The priest recalled a vague conversation with Bishop Murray but said that nothing was mentioned about a monitoring system. It would appear that the only system that was in place at that stage was one where Bishop Murray inquired from Fr Marius if he was behaving himself.

Further complaints

34.21 In October 1998, another complaint was made to the Archdiocese about Fr Marius. This complaint was made to the parish priest of the area where the abuse had taken place. The complainant's doctor felt she was not physically or emotionally ready to make a formal complaint to the diocese at that time. The Archdiocese did not pursue the matter with the priest. It did make clear to the complainant that it would assist with counselling.

34.22 In July 1999 the Archdiocese received reports that Fr Marius was offering his services to the priests of an English parish.

34.23 In February 2002, a complaint was received from a woman who claimed that she had been abused by Fr Marius. She alleged that the abuse occurred when she was aged between 12 and 17 years old. The complainant later revealed that she was the same person who had reported the abuse to the parish priest in 1998. In April 2002, she requested answers to the following questions through her solicitor:

- How long did he serve in the parish where he abused her?
- What other parishes did he serve in?
- How many allegations were made against him?
- When did the complaints come to the notice of the Archdiocese and how were they dealt with?
- When was he removed from ministry?
- Did he have any contact with schools or institutions?

She also sought compensation for the trauma which she had suffered. She claimed that Fr Marius raped her once and sexually assaulted and attempted to penetrate her on other occasions. This abuse occurred while she was assisting with parish activities.

34.24 In May 2002, the Archdiocese notified both the Gardaí and the health board about this new complaint.

34.25 As the second complainant had not received a reply to her letter of April 2002 to Cardinal Connell by August 2002, she instructed her solicitors to take a civil action. Cardinal Connell told the Commission that the delay in replying to her letter was due to a delay in his Solicitor's office. She also expressed her annoyance that the Church had notified the Gardaí without her permission. Her civil case was settled in 2005.

The advisory panel

34.26 In June 1997, the advisory panel considered the case and recommended that Fr Marius be given an appointment as a chaplain to a community of nuns. In 2002 the panel recommended that he be made the subject of a canonical precept. This was done and, under the terms of the precept, he was:

- forbidden from celebrating mass publicly; he was allowed to celebrate mass privately but only with those who knew the reasons behind the precept;
- not permitted to celebrate the other sacraments with the exception of the sacrament of penance, in situations of danger of death;
- restricted from any kind of unsupervised contact with minors;
- not permitted to wear clerical garb;

- obliged to attend the Granada Institute for assessment;
- obliged to remain in regular contact with his priest advisor;
- told that any violation of the precept would result in suspension and reduction of income.

34.27 In November 2002, the advisory panel recommended that his faculties be formally withdrawn. The panel was unsure whether the terms of the canonical precept had been put in place.

The Gardaí

34.28 As the Gardaí had not received a direct complaint, they felt they could not investigate the matter.

The health board

34.29 In November 2003, a social worker from the health board requested an update on Fr Marius's situation.

34.30 She asked about monitoring and also whether the psychological assessment was a "*risk assessment*" and if so what the results were.

34.31 In September 2004 the Child Protection Service of the Archdiocese wrote to the social worker outlining the fact that Fr Marius lived with his brother, that he was visited by his support priest once a week and that the parish priest of the area where he was living had been informed of his past. The social worker expressed satisfaction with these arrangements.

The Commission's assessment

34.32 The Commission is concerned at the delays that occurred in this case, in particular, the failure to respond speedily to a complainant's correspondence, (even if it was a delay in the solicitor's office); the delay in putting the behavioural contract in place; and the delay in notifying the parish priest about his residence within the parish.

34.33 There was a major problem about the monitoring of this priest. Despite the fact that he was the area bishop and was in touch with the priest on a regular basis between March 1993 and the time of his appointment as bishop of Limerick in February 1996, Bishop Murray failed to put a proper system in

place. Bishop Murray has said that it was not his responsibility to put a monitoring system in place. He told the Commission that his involvement was “*solely at the request and direction of Archbishop Connell.*” Bishop Murray also said that there was “*no developed thinking*” within the Archdiocese at this time regarding how a known or suspected offender should be supervised. Once again, this case illustrates the weaknesses in the management of the Archdiocese, the lack of communication between the authorities in the Archdiocese and the failure to properly address the whole question of monitoring. In the Commission’s view, there was nobody responsible for monitoring.

34.34 The Commission is aware that further complaints have been received in relation to Fr Marius. These complaints emerged during the currency of the Commission’s remit and are the subject of an ongoing Garda investigation.