Chapter 10:

Module 6 – Father Brendan Smyth

Introduction

1 John Gerard Smyth joined the Norbertine Order as a novice in 1945, and took the name Brendan, and so he was known as Fr Brendan Smyth for the remainder of his life. He was ordained a priest in 1951 and remained a priest until his death in 1997 while in prison in the Republic of Ireland. Until he was arrested and sentenced in Northern Ireland in 1994 he committed acts of sexual abuse against an unknown number of children in Northern Ireland, in the Republic of Ireland and elsewhere. Although he was convicted of 43 separate offences against 21 children in Northern Ireland for offences committed between 1964 and 1984, and a further 74 separate offences committed against another twenty children in the Republic of Ireland for offences committed there between 1967 and 1993, he admitted on a number of occasions that he did not know how many children he had abused, saying that it could be hundreds.

2 Although granted bail when he was charged in 1991, he was able to leave the jurisdiction and remain at large until he returned to Northern Ireland for trial in 1994 when he pleaded guilty and was sentenced. The Inquiry has not examined why he was able to leave Northern Ireland as that is not within our Terms of Reference. Amongst the 43 offences in Northern Ireland to which he pleaded guilty in 1994 and 1995 for which he was sentenced to a total of four years imprisonment, three related to children who were in Nazareth House in Belfast, and five related to children in Nazareth Lodge, also in Belfast, both of which were children's homes run by the Sisters of Nazareth. However we accept that he also committed offences against other children, some of whom he also abused in either Nazareth House or Nazareth Lodge. He is also alleged to have abused children in two other children's homes in Northern Ireland. One was the home for boys at Rubane, Kircubbin, Co. Down, run by the De La Salle Order, and the other was the home for girls run by the Sisters of St Louis at Middletown, Co. Armagh.

3 It will be evident from the events we describe later in this chapter that Fr Smyth committed offences against many more children, and in many other places, as well as against children who were in those four children's homes in Northern Ireland. Because our Terms of Reference require us to examine whether there were systemic failings on the part of those responsible for children in residential homes in Northern Ireland, our focus has to be on how he was able to commit offences against children in those homes.

4 As Fr Smyth was able to move around and abuse children for so many years, and because the failings of several organisations and individuals contributed to his ability to abuse children over many years in different places, it is necessary for us to consider whether that abuse could have been stopped in those homes in Northern Ireland. The events surrounding his abuse of children in different places over many years are so inextricably interlinked that it is impossible to isolate what happened in the four homes in Northern Ireland within our Terms of Reference from the wider picture of his offending outside those homes, and the failures to protect children from him.

5 For that reason it is necessary to refer in some detail to allegations of abuse of children by Fr Smyth elsewhere, and to consider the response of various organisations and individuals to those allegations. We are aware that Fr Smyth is alleged to have abused children in schools, in the homes of their parents, on visits to Dublin, and in places as far apart as Wales, Scotland and the United States of America. We have to refer to those allegations in order to see when those organisations and individuals were aware of the threat he posed to boys and girls with whom he came in contact as a priest, and to examine what those organisations or individuals did, or did not do, as a result of this knowledge. It may seem to some of those who were abused by him on those occasions that we should have devoted more attention to those allegations, but were we to examine those other allegations in detail that would exceed our Terms of Reference. Nevertheless, by confining our investigation into his activities in this way it should not be thought that we do not appreciate the effect of his activities on those children who do not come within our Terms of Reference, or the implications for organisations or individuals in other countries outside our Terms of Reference.

6 Because Fr Smyth's activities extended over more than four decades it is convenient to consider events in a broadly chronological way before turning to consider the implications of these matters as they relate to the institution or individual concerned. However, because of the unusual structure of the Norbertine Order, and the relevance of that structure to matters which we consider, it is convenient first to examine the structures and processes of the Norbertine Order.

The Norbertine Order

7 The Canons Regular of Premontre are a group of Roman Catholic priests, brothers and sisters who are also known as the Premonstratensians, or White Canons, or as Norbertines after their founder St Norbert. They commonly refer to themselves as Norbertines and were so referred to in the evidence in this module, and we shall therefore refer to them as the Norbertine Order. Norbertines lead communal lives in priories and abbeys under the Rule of St Augustine. Each abbey is a separate community of priests, brothers or sisters, and the Order has a presence in many countries throughout Europe. It also is present in Russia, the United States of America, Canada, South Africa, the Democratic Republic of the Congo, Brazil, Peru, India and Australia. Whilst all members of the Norbertine Order follow a common rule, and are governed by a common code known as the Constitutions of the Premonstratensian Order, nevertheless the individual abbeys or canonries had been described to us by Fr William Fitzgerald of the Norbertine Order as having a semi-autonomous relationship with other canonries so that they resemble a confederation of semi-autonomous communities. Whilst this may be how they regard themselves, it appears to us that in many ways each community was virtually autonomous from the others. This may be contrasted with those orders which have a more centralised and centrally controlled structure such as the Society of Jesus (Jesuits).

8 As it was described in the statement of Fr William Fitzgerald, who is the Prelate Administrator of Holy Trinity Abbey, Kilnacrott, Ballyjamesduff, Co. Cavan in the Republic of Ireland, each abbey or independent priory is a self-standing unit; the term "Order", referring simply to the fraternal union of all of the independent houses of the Order.[1] The Order is presided over by an Abbot General elected by the General Chapter of the Order. We do not propose to refer in detail to the Constitutions of the Order which are to be found in the evidence bundle for this module at FBS 1032 and following. However, a number of observations about the governance and structure of the Order are relevant to the issues that we have to consider. We are grateful to Fr Fitzgerald for his clear exposition of the constitutional and organisational structures of the Order, and in his capacity as Prelate Administrator of Holy Trinity Abbey, Kilnacroft, for his frank and forthright evidence to the Inquiry.

1 FBS 821.

9 Although the Abbot General is described in the Constitutions as the person who "governs the entire Order as the supreme moderator",[2] and is the immediate superior of the governing prelates of the Order, it appears that he has relatively little direct power or authority over the governing prelates, because the Constitutions provide that:

> "He has the right of precept only in the case of visitation, recourse and appeal or as often as the matter concerned comes under his competence."[3]

The central authority of the Order is the General Chapter which meets every six years. It elects four Definitors of the Order who serve as councillors of the Abbot General.

10 Each independent house or community is a self-governing unit, presided over by a prelate usually referred to as the abbot. Within each abbey the abbot, although the head of the community, acts in conjunction with an elected council. It appears to have been the position in the Kilnacrott Abbey at any rate that the collective view of the community of priests could override the view of the abbot.

11 The Constitutions of the Order make provision for the elections of officers known as visitators, whose function it is to carry out visitations or inspections of each house of the Order. Amongst the obligations of the visitators is to carefully examine the meetings of the prelate's council and to accurately report the general condition of the visited house. By reason of his office, the Abbot General is also entitled to undertake a regular visitation in any canonry or house of the Order.[4]

12 Norbertines are bound by vows of stability within their own canonry, and the usual vows of poverty, celibacy and obedience, and are dedicated to the dignified and public celebration of the Eucharist and the Liturgy of the Divine Office each day. In addition, they serve the needs of their Abbey or Priory in varying ways. It appears that may be one of the reasons the Kilnacrott Abbey, of which Fr Smyth was a member, was invited by the then bishop to come to the diocese. The evidence before us suggested that priests from the Abbey were regularly available to assist in the local diocese of Kilmore, or elsewhere, by helping in a supply capacity, such as covering for absences of local priests on holiday, or because of illness, or who

2 FBS 1093.
3 FBS 1093.
4 FBS 1098.

were unavailable for some other reason. This could be done in a number of ways, such as acting as a hospital chaplain for a period, or by simply making informal and personal arrangements between a Norbertine priest and another priest who asked him to help in some capacity. However, this could only take place if the bishop of the diocese gave his permission to a Norbertine priest to preach and administer the sacraments in the diocese, a procedure known as conferring faculties on the priest concerned. We refer to the significance of this procedure for Fr Smyth later. It was also common for priests from the abbey to be sent to serve as parish priests in various parts of the world. Thus at various times Fr Smyth served as a parish priest in Wales, in Scotland, in Rhode Island and in North Dakota, both in the United States of America. Throughout the Order generally, Norbertines have also served as teachers.

Fr Brendan Smyth's Education and Studies for the Priesthood

13 John Gerard Smyth was born in Belfast on 8 June 1927. He was brought up in West Belfast and completed his secondary education in 1945 when he passed his Senior Certificate. It would seem from his results that he was an able pupil, obtaining credits in four of the six subjects, and distinctions in his two remaining subjects, English and Modern History. He joined the Norbertine Order as a novice in Kilnacrott Abbey, Co. Cavan later that summer. His intellectual ability appears to have marked him out as a particularly promising student because he was the first student from Kilnacrott Abbey to be sent to study in Rome. A letter written in September 1949 described him as having a "brilliant mind. Studies well and understands." However, it is abundantly clear that very soon afterwards serious doubts were expressed by responsible members of the Norbertine Order as to his suitability to be ordained to the priesthood. At this time Kilnacrott was not an independent abbey, but was a Priory dependent upon, and subject to, the abbey of Tongerlo, until Kilnacrott became a fully independent canonry and abbey in its own right in 1954.

14 Fr Hermans, the novice master responsible for Brendan Smyth in Kilnacrott at the time, wrote to his superior, the Abbot of Tongerlo in Belgium, conveying the view of Mgr. De Generaal, the Abbot General that:

> "Brendan is very independent and goes his own roads, which is also the case when he goes out. He and [another member of the Order] are the two elements who don't fit in the Communiuteit".

In the letter dated 27 April 1951 Fr Hermans asked:

> "now we are faced with the serious question: can he be ordained in this state?"[5]

15 The correspondence appears to suggest that the concern about Brendan Smyth's suitability to be ordained to the priesthood related to his inability to subordinate his character to the level of obedience required from priests of the Order. On 20 May 1951 Brendan Smyth wrote to the abbot of Tongerlo stating that:

> "at the same time I will pray that I may never fail to profess that sincere filial loyalty and obedience which we all owe to you as our Father and our Abbot."[6]

Despite the strongly-worded advice of the Abbot General that Brendan Smyth was unsuitable for ordination, as the Abbot of Tongerlo was independent he was free to, and did, ignore that advice. He put him forward for ordination to the priesthood, and it would appear that Brendan Smyth was ordained priest by the Archbishop of Dublin, Archbishop John Charles McQuaid, on 31 July 1951.[7]

16 It is clear that there remained significant doubts about his willingness to submit to the requirements of his Order notwithstanding his ordination in July, because on 4 October 1951 Abbot Stalmans of Tonglero wrote a letter to the prior at Kilnacrott instructing him that "if Brendan doesn't commit completely, he isn't allowed to return to Rome",[8] and Fr Smyth was required to make a written promise to that effect. A letter to Fr Smyth from Abbot Stalmans at that time pulled no punches, saying that it seemed he could not accept the views of his superiors and "it seems also that you will take more freedom in relations with the people". Fr Smyth was told that "it is lost money and time to send you back to Rome" unless he was prepared to sign a written promise "that you are prepared to obey completely every Superior in the future."[9] Fr Smyth duly gave the required undertaking, writing on 9 October 1951 that he promised:

> "To live peacefully in the Kilnacrott community, in complete submission to its present Superior and to his successors; I also promise to keep all the Rules and Regulations proper to the Order and to the House as

5 FBS 1012.
6 FBS 1013-1014.
7 FBS 888.
8 FBS 1017.
9 FBS 1019.

> determined and explained by the Superior; finally I promise to accept whatever duties should be given to me to fulfil and I pledge myself to carry them out to the best of my abilities."

17 Pausing at this point, it is clear from the events leading up to and following his ordination that at the very least there were severe doubts as to the suitability of Fr Smyth to be ordained to the priesthood. It would seem, on the basis of the material so far referred to, that these concerns rested on his unwillingness to accept direction and subordinate his views to the requests and requirements of his superiors and the Order. That in itself was highly significant, and we shall see that in later years on many occasions he defied directions and instructions given to him by his superiors, or manipulated them in such a way as to behave as he pleased. We are satisfied that he was a powerful and headstrong character, as well as being intellectually able. He was also a forceful personality who did not hesitate to raise his voice to his fellow priests to intimidate them. Fr William Fitzgerald described how he was a difficult man to handle:

> "...they used to joke down there saying he was the Ian Paisley of Catholic Ireland. You know he had a huge, loud, roaring voice, you know, and all he had to do was yell at someone and they would nearly jump out of their skin."

Fr Fitzgerald also described how on one occasion:

> "...at the end of the Chapter [Abbot Kevin Smith] said to me, 'Oh, that was wonderful'. He said, 'You know, you should have been here for years to pull Brendan into place'. I said, 'Why didn't you do it?' He said, 'I couldn't do it', he said. 'He'd roar me out the door'".[10]

18 However, there is some reason to believe that it may have been known to his superiors at the time that he was wholly unsuitable for the priesthood because of the sexual proclivities which were to become apparent in later years. Fr William Fitzgerald informed the Inquiry that in 1973 he was told by a confrere (brother priest) that a complaint had been made that Fr Smyth had abused a child in the vicinity of the college of the Order in Rome, and that photographs of boys had been found in Smyth's room. It was suggested in 1973 that was the reason why the Abbot General advised against Fr Smyth's ordination. In 1994 Fr Smyth underwent a comprehensive assessment carried out by Fr David Fitzgerald, the programme director of Our Lady of Victory, an institution in Stroud in

10 Day 132, 24 June 2015, p.45.

Gloucestershire run by the Servants of the Paraclete, a Roman Catholic religious order. Although Fr Smyth told him that he first began molesting children shortly after his ordination in the mid-50s,[11] elsewhere in the report there were indications that he was engaging in inappropriate behaviour with a likely sexual origin whilst he was a young religious, saying he disciplined altar boys by spanking them across his knee and sometimes taking down their pants, something that would suggest that he was engaging in this behaviour prior to his ordination. Twenty years earlier on 22 February 1974 during a period of assessment at St Patrick's Hospital in Dublin it was recorded under the heading psychiatric history:

> "Psychosexual difficulties for many years. First developed in the Novitiate."[12]

The reference to his paedophilia first developing in the Novitiate, ie before he was ordained in 1951, lends considerable support to the rumour which Fr Fitzgerald heard in 1973 about Fr Smyth's abuse of a boy in Rome before he was ordained. It is therefore possible that the concerns we have already quoted about his suitability for ordination may have been due, at least in part, to known sexual misconduct, as well as to his unwillingness to obey the rules of the Order.

19 In this context we have taken into account that a minute of an abbot's council at Kilnacrott of 12 April 1994 contained an entry that "Fr Cross, Manchester, had voiced his opinion that B. G. S. was unsuitable for the priesthood". Fr Cross was a member of the Norbertine Order and for many years served as parish priest and house superior of the Order's priory in Manchester. Fr Fitzgerald told us that Fr Cross was a highly respected member of the Norbertine Order, and whilst it is not possible to establish whether Fr Cross's opinion that Fr Smyth was unsuitable for the priesthood was expressed before or after Fr Smyth's ordination, nonetheless it is of some significance. This is because both Manchester and Kilnacrott were subordinate to the abbey at Tongerlo until Kilnacrott became an independent canonry in 1954. There was likely to be a much wider knowledge amongst some senior members of the Norbertine Order because of their common connection with Tongerlo that even then Smyth was thought to have sexually interfered with children, although the lack of more detailed information makes it difficult for us to be satisfied of this.

11 FBS 911.
12 FBS 10653.

20 **In view of the matters we have so far referred to, we are satisfied that the Norbertine Order was guilty of a systemic failing in putting Fr Smyth forward for ordination as a priest despite a clear warning from the Abbot General to the abbot at Tongerlo (who was responsible for putting forward Fr Smyth for ordination) that he was unsuitable.** Whether his unsuitability was due to personality clashes on his part, indicating persistent and significant insubordination to his superiors, or because he had been involved sexually with a younger person in Rome, or both, he was completely unsuited to being trusted with the privileges of a priest. Either he would not obey the rules (including obedience) he had undertaken to observe, or there was already evidence that he was prone to sexual misconduct, or both.

21 That Abbot Stalmans of Tongerlo wrote to Fr Smyth in such scathing terms on 4 October 1951, and felt compelled to extract a written promise from him of future obedience to his superiors such a short time after Fr Smyth's ordination, might suggest that Abbot Stalmans regretted disregarding the opposition of the Abbot General to Fr Smyth's ordination. The Abbot remarked "that [the abbot] was inclined to believe that opinion of the Abbot General about [Fr Smyth's] spirit [was] the truth", and that it was "lost money and time to send [Fr Smyth] back to Rome",[13] remarks which we consider strongly suggested that Abbot Stalmans now recognised that Fr Smyth's insubordination was a significant problem for the Norbertine Order.

22 It may also be significant that Fr Fitzgerald told us[14] that an unidentified confrere (fellow priest) of the Kilnacrott Canonry and Fr Smyth were about to commence their journey to Rome when the prior of Kilnacrott, Fr D'Hoine, arrived and told Fr Smyth that he needed to speak to him, whereupon Fr Smyth disembarked and left his confrere to travel to Rome without him. At that time the prior was the effective head of Kilnacrott, and that he appears to have gone to Dun Laoghaire and removed Fr Smyth from the boat, thereby delaying Fr Smyth's journey to Rome for a few days, was hardly coincidental in view of the correspondence between Abbot Stalmans and Fr Smyth referred to earlier. However, as nothing more is known of that event we do not feel that we can attach any further significance to it.

13 FBS 825, 1017-1019.
14 FBS 826.

1951 to 1965

23 The only information given to the Inquiry about Fr Smyth's conduct during the period immediately following his ordination in 1951 is that we were informed by Mason Hayes & Curran, solicitors for the Norbertine Order, that they were aware of a complaint made by a father and his son to Kilnaleck Garda station in Co. Cavan as far back as about 1952.

24 When Kilnacrott Priory became an independent canonry in 1954, Fr Felim Colwell was appointed abbot and held that position until his death in 1968. Fr Smyth appears to have continued his ministry at Kilnacrott Abbey until 1957 when Abbot Colwell sent him to Annan in Dumfries, in Scotland. Information provided to the Inquiry by the Bishop of Galloway indicates that Fr Smyth served as an assistant priest in Annan for a short period between August 1957 and January 1958, and then returned to Kilnacrott.[15] [16] Neither the Norbertine Order nor the Diocese of Galloway has any other documentary information relating to his period there.

25 However, Fr Fitzgerald told the Inquiry that a confrere who had worked in Scotland between 1969 and 1987 recalled rumours that Fr Smyth had been deprived of his ecclesiastical faculties when he was in Scotland. If his priestly functions were restricted at that time, that would suggest that Fr Smyth transgressed in a substantial way during his time in Scotland. Fr Fitzgerald said that there was a suggestion of interference with children at that time. That accords with the statement of Fr Bruno Mulvihill[17] to which we refer later. It also is consistent with the admission by Fr Smyth to Fr David Fitzgerald in Stroud in 1994 that "I first began molesting children shortly after my ordination in the mid-1950s",[18] and therefore it is entirely possible that he abused a child or children in Scotland in 1957 or 1958 as was rumoured, although it is not possible to put the matter any more definitely than that.

26 Whatever may have led to his recall from Scotland, almost immediately Fr Smyth was sent to North Wales, which at that time was part of the Diocese of Menevia, but with the creation of a new Diocese of Wrexham in 1987 is now part of the Diocese of Wrexham.[19] He served in that diocese from

15 This information was requested by the Inquiry, and provided by the Bishop of Galloway, after the public hearings in Module 6.
16 FBS 1287.
17 FBS 32124.
18 FBS 911.
19 (www.dioceseofmenevia.org/home/the-history accessed 8 July 2015).

late February 1958 until June 1963, and from June 1958 until June 1963 he served in Flint.[20] [21] Documents provided to the Inquiry by the Bishop of Wrexham suggest that in January 1962 Fr Smyth was the subject of allegations that he struck a boy, put his hand up the boy's shirt, took the boy on his knee and detained the boy on his own. A brief handwritten note records that Fr Smyth denied the allegations. Presumably his denials were accepted because he continued his ministry in Flint until June 1963.[22]

27 The Bishop of Wrexham also provided the Inquiry with a letter from FBS 55, and a clipping from a newspaper interview in which he described how, as a small boy, he was taken on a trip to Kilnacrott by Fr Smyth during which they stayed in the Gresham Hotel in Dublin. In the letter FBS 55 described how devout his parents were, and in the article he described how Fr Smyth wheedled his way into the affections of children in a manner that echoed the testimony of several victims examined by the Inquiry. Having described how Fr Smyth was friendly with the altar boys:

> "He would tweak our ears and while he was hugging you he would pass you a tube of sweets. As a child of that age brought up in a very Catholic environment I was in awe of him."[23]

28 The documents provided by the Bishop of Wrexham reveal that in 1963 Fr Smyth was sent back to Ireland from Wales because he had sexually abused an altar boy there (probably FBS 55). The Bishop of Menevia wrote to Abbot Colwell at Kilnacrott on 7 June 1963 to say that Fr Smyth had admitted allegations by a boy of ten that Smyth had encouraged the boy "to commit indecent actions", and that in those circumstances he was being sent back to Kilnacrott. Ironically the bishop commented:

> "…evidently this is a weakness in his character which I feel sure must have been completely unknown to you."[24]

Rhode Island 1965 to 1968

29 Whatever denials Fr Smyth may have put forward in the past if he were challenged about the rumours the Inquiry has been told were current before 1963, the letter from the Bishop of Menevia to Abbot Colwell

20 This information was requested by the Inquiry, and provided by the Bishop of Wrexham, after the public hearings in Module 6.
21 FBS 1245.
22 FBS 1257.
23 FBS 1268.
24 FBS 1259.

stated that Fr Smyth had admitted contact with a child in circumstances that displayed an unmistakably sexual motivation on his part. Clearly Fr Smyth had been sent back to Kilnacrott in disgrace. However, subject to the evidence about the decree or rescript from the Vatican described by the late Fr Bruno Mulvihill to which we shall refer later, there is nothing to suggest that Abbot Colwell took any steps at that time to restrict Fr Smyth's activities, or to ensure that he would not be in a position where he could exploit his position as a priest to engage in such behaviour again. In particular, nothing appears to have been done to prevent him from having unsupervised access to children, such as hearing confessions, or stopping him being alone with altar boys or children in the Abbey choir. It would also appear that he was able to move around freely inside and away from the Abbey. **We consider that the failure of Abbot Colwell to take such steps represents a systemic failing on the part of the Norbertine Order.**

30 Given that Bishop Petit of Menevia had referred to the "weakness in his character" it is astonishing that Abbot Colwell felt able to send Fr Smyth to another diocese when Fr Smyth was assigned by Kilnacrott Abbey to the Diocese of Providence, Rhode Island in the United States of America in 1965. There is nothing to suggest that Abbot Colwell gave any warning to the bishop of that diocese about Fr Smyth's behaviour in Flint. Indeed it seems that the bishop was not told. When Abbot Kevin Smith, (no relation to Fr Brendan Smyth), wrote to a journalist[25] on 26 September 1994, he said of both occasions when Fr Smyth was sent on temporary assignment to the USA "on neither occasion was the Bishop of the Diocese to which he was sent notified of his propensity to molest children".[26]

The first such occasion was when Fr Smyth was sent to the Diocese of Providence and, as we shall see, he was sent later to the Diocese of Fargo in North Dakota.

31 By February 1965 at the latest, Abbot Colwell knew enough about Fr Smyth's behaviour for it to be imperative for the abbot:

(1) to warn the Bishop of Providence that Fr Smyth was a danger to children, and not send him to Rhode Island;

(2) to confine him within the Abbey premises at Kilnacrott;

25 Chris Moore, whose book *Betrayal of Trust: The Fr Brendan Smyth Affair and the Catholic Church* contains much valuable information on Fr Smyth's actions.

26 FBS 976.

(3) to prevent him from having any unsupervised contact with children in Kilnacrott itself;

(4) to report his sexual behaviour to the police and to social services; and

(5) to institute the necessary steps to have him removed from the priesthood.

The failure to warn the bishop of the diocese to which Fr Smyth was being sent of Fr Smyth's behaviour in Flint can only be explained as a deliberate policy on the part of Abbot Colwell to keep this information back from the Bishop of Providence. By doing so he undoubtedly exposed the children of that diocese to the risk of sexual abuse by Fr Smyth. On 15 February 1968 Bishop McVinney wrote to Abbot Colwell, explaining that whilst Fr Smyth's "rapport with the adult parishioners", was not good, "he seemed dedicated to the young people, and in some cases too much".[27] Fr Fitzgerald informed us that the Kilnacrott canonry has since been informed of five cases of child sexual abuse allegedly perpetrated by Fr Smyth during his time in Providence, and that strongly suggests the comment that Fr Smyth was sometimes too dedicated to young people was a careful way of saying that he had transgressed in some way.

The Events of 1968

32 We are satisfied that at the time of Fr Smyth's return to Northern Ireland in 1968 his behaviour in Rhode Island was known by Abbot Colwell. In 1994 Fr Smyth told Fr David Fitzgerald that while he was in East Greenwich in Rhode Island, "there were immodest touches, not real sexual abuse", and that he had been reported to the bishop "for touching an eleven year old altar boy". Fr Smyth went on to say that he: "told my Superior about these incidents in East Greenwich between 1965 and 1968 because I thought the Bishop there would have told my Superior".[28]

33 In addition, there is evidence that Abbot Colwell was not surprised by the news from Rhode Island. In 1995 Fr Mulvihill made a statement to the RUC in which he said that he received a phone call from the Bishop of Providence saying that Fr Smyth had been dismissed because of a sexual misdemeanour and was on his way back to Ireland.[29]

27 FBS 938.
28 FBS 912.
29 FBS 32124.

Fr Mulvihill alleged that when he went to see Abbot Colwell in hospital, accompanied by Prior Nash, the Abbot was:

> "Obviously disappointed but not altogether surprised told us that this had been the third time Fr Brendan had been involved in sexual deviant activities. The first time was in Annan, the Diocese of Galloway, Scotland, the second time being in North Wales in the Diocese of Menevia in the County of Gwynedd".

Although some members of the Norbertine Order take issue with much of what Fr Mulvihill, who died in a car crash in Germany in 2004 aged 59, has to say about events relating to Fr Smyth at Kilnacrott, the account he gives is supported by the account given by Fr Smyth to Fr David Fitzgerald already referred to.

Fr Mulvihill's Allegations

34 In the statement he made to the RUC on 14 March 1995, Fr Mulvihill described how in 1968 he was cleaning a vacant room in Kilnacrott, which had been formerly occupied by Fr Smyth, when he found a copy of a decree (or rescript as it has been described elsewhere)[30] issued by the Congregation of Religious and for Secular Institutes relating to Fr Smyth. As Abbot Colwell died on 24 September 1968 and his successor Abbot Kevin Smith was not elected abbot until 12 June 1969, the senior cleric at Kilnacrott Abbey at the time was the prior. As the prior was out that day Fr Mulvihill said he handed the copy to the sub-prior, who assured him that he had placed the copy on Fr Smyth's file. According to Fr Mulvihill the decree was dated after Fr Smyth's return from Providence Rhode Island, i.e. after January 1968. The decree stipulated that Fr Smyth was only to leave the precincts of Kilnacrott Abbey with permission, and never alone, and that his faculties for confession (that is his authority to hear confessions) were withdrawn for the rest of his life. Fr Mulvihill went on to allege that sometime later when he was serving in Germany but returned to Kilnacrott for visits he saw Fr Smyth behaving as if the decree did not exist; he was hearing confessions and leaving the Abbey in his own car. Fr Mulvihill claimed that he approached Abbot Smith about this:

> "Only to be told that in his opinion Fr Brendan had been penalised sufficiently that there was no possibility of further misdemeanour and in any case the stipulations of the Decree were far too stringent".[31]

30 FBS 987.
31 FBS 32125.

35 These allegations by Fr Mulvihill are significant for at least two reasons. The first is that in 1968 the Congregation of Religious and for Secular Institutes in Rome, (since renamed the Congregation for the Institutes of the Consecrated Life and for Societies of Apostolic Life) was the Vatican body responsible for the discipline of those such as Smyth who were members of Roman Catholic religious orders.[32] If a decree such as that described by Fr Mulvihill was issued concerning Fr Smyth then that implies formal ecclesiastical disciplinary proceedings were instituted against Fr Smyth, and as a result he was placed under strict limitations designed to prevent him being in unsupervised contact with children. As Fr Smyth apparently admitted to his superior, that is Abbot Colwell, what he had done in Rhode Island, and given that the abbot had been told by the Bishop of Menevia of Fr Smyth's admissions to the complaint by the parents of the altar boy in Flint, then it would seem that the obvious person to institute such ecclesiastical proceedings against Fr Smyth would have been Abbot Colwell as Fr Smyth's superior. Not only that, but Fr Mulvihill asserted that such a decree would have been transmitted to Kilnacrott via the Abbot General, meaning that the Norbertine Order as well as the Abbey at Kilnacrott were well aware of the existence and terms of the decree. Fr Mulvihill believed that the decree was issued because of the complaint in America, by which he presumably meant the allegation about Fr Smyth's behaviour in the Diocese of Providence, Rhode Island, that resulted in his being sent back to Ireland at the beginning of 1968.

36 The second reason why the decree would be significant is because the freedom of movement exercised for many years thereafter by Fr Smyth, and his hearing confessions for many years, could only have happened because both he and his superiors in Kilnacrott chose to ignore the decree, or the decree expired, or had been modified or revoked. Fr Mulvihill alleged that when he raised his concerns with Abbot Kevin Smith, the abbot told him, "that in [Abbot Smith's] opinion Fr Brendan had been penalised sufficiently". If Abbot Kevin Smith reacted as Fr Mulvihill described, then the failure of the Norbertine Order and Abbot Kevin Smith to ensure that Smyth was not allowed to leave Kilnacrott Abbey unsupervised, and was allowed to hear confessions, would amount to systemic failings by the Order and Abbot Kevin Smith. Fr Kevin Smith is no longer abbot and was invited to assist the Inquiry. Although he initially declined to do so, he later

32 See: www.vatican.va/romancuria/congregations/cccscrlife/documents/rc con cccsr life profile, accessed 14 July 2015.

informed the Inquiry by letter that he had no knowledge of the existence of such a decree, nor did he make such a comment as related above.

37 Efforts have been made by the Norbertine Order to establish whether a decree such as that described by Fr Mulvihill ever existed. Fr William Fitzgerald said that there is no record of such a decree in the files of the Abbot General, and that in 1995 no one in Kilnacrott had any recollection of such a document.[33] In 1995,[34] and again in 2007,[35] the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life confirmed that there was no trace of such a document in its archives, nor had the Bishop of Kilmore any record of such a document.[36]

38 Fr Mulvihill also alleged to the RUC that he expressed his concerns about what he termed Fr Smyth's "irregularities" to both Bishop McKiernan of Kilmore and to Archbishop Alibrandi, then the papal nuncio (the Vatican ambassador to the Republic of Ireland and liaison between the Irish Bishops Conference and the Vatican) in 1974, but received no satisfaction from either.

39 There is some further evidence that tends to support Fr Mulvihill's recollection of there being a decree or rescript, because Fr William Fitzgerald related an incident recounted to him by a confrere that occurred in 1968. Abbot Colwell died in 1968 after Fr Smyth was sent back from the Diocese of Providence earlier in the year, and the confrere recounted to Fr Fitzgerald how Abbot Colwell said to him:

> "He [Fr Smyth] can't hear confession. He can't say mass. He can't preach. He can't leave the abbey grounds except in the company of another priest and that's because he fiddled about with children in Rome".[37]

Although this is hearsay, and the reference to Rome possibly a mistake for Rhode Island, nevertheless Fr Fitzgerald impressed us as a conscientious and forthright witness. If the confrere's recollection was correct then that would suggest that either Abbot Colwell imposed such sanctions on Fr Smyth on his own authority, or in response to a decision from the Vatican, which may have taken the form of a decree as described by Fr Mulvihill. Another possibility is that Abbot Colwell imposed the sanctions, which were then confirmed by a decree from the Vatican.

33 FBS 978.
34 FBS 979.
35 FBS 989.
36 FBS 981.
37 Day 132, 24 June 2015, p.35.

40 As the Vatican authorities have stated that no trace of such a document can be found in their archives, and as Fr Mulvihill died in 2004 and Archbishop Alibrandi and Bishop McKiernan have also died, we are unable to reach a firm conclusion on the conflict between the accounts of Fr Mulvihill on the one side and the absence of any documentary evidence, or evidence from any of those to whom Fr Mulvihill referred, other than the evidence of Fr Kevin Smith referred to above.

Treatment at Purdysburn Hospital 1968 to 1969

41 It would appear that after Fr Smyth was sent back to Kilnacrott in January 1968 Abbot Colwell arranged for him to have some form of treatment. In his letter of 26 September 1994 to the Ulster Television journalist Chris Moore, Abbot Kevin Smith said, "In 1968 we sought treatment for Fr Smyth in Purdysburn Hospital in Belfast". It appears that this took the form of outpatient appointments with Dr J. W. Patten, a principal clinical psychologist at Purdysburn Hospital on the outskirts of Belfast. Unfortunately the hospital file relating to Fr Smyth does not contain any summary, reports or notes of the consultation, only some appointment correspondence and three psychometric tests which appear to have been performed in April 1968. The appointment correspondence would suggest that the appointments started in April 1968 and continued on an outpatient basis until at least 29 May 1969. In his letter to Chris Moore Abbot Smith said "aversion techniques were used", but other than a later reference by Fr Smyth to his receiving electric shock treatment,[38] there is no other material that casts any light upon the nature of the treatment.

42 This was the first of several unsuccessful attempts by the Norbertine Order to secure some form of psychological or psychiatric treatment for Fr Smyth. On this occasion there is no record of the Order requiring Fr Smyth to produce a written report to them from Dr Patten on the treatment, or giving his opinion on the success or otherwise of the treatment, and, most importantly of all, what if any precautions should be taken in the future to ensure that Fr Smyth did not continue to pose a danger to children. Notwithstanding the absence of any such information, and despite the by now considerable amount of evidence that Fr Smyth did pose a real danger to children with whom he was able to come in contact, and even though it was the Norbertine Order that had arranged for him to undergo

38 FBS 913.

this treatment, it would seem that the Order allowed him to continue to perform his clerical duties throughout the period of his treatment without subjecting him to any restraint or supervision. That would appear to be the case to judge by a request made by Fr Smyth in a letter to Dr Patten of 27 April 1969 to rearrange the date of an appointment because Fr Smyth was going to conduct a school retreat in Co. Longford in early May 1969 lasting from Monday to Friday. **We regard the failure of the Order to impose any restraints on Fr Smyth during the time he was receiving treatment, together with the apparent failure of the Order to insist on receiving a diagnosis from Dr Patten as to the safety of permitting Fr Smyth to have any contact with children in the future, as systemic failings on the part of the Order.**

Events of 1969 to 1975

43 In the years following the end of Fr Brendan Smyth's attendance with Dr Patten in 1969 we are satisfied that the Norbertine Order at Kilnacrott was aware from further complaints drawn to their attention that Smyth was continuing to sexually abuse children while he was living in Kilnacrott Abbey. Fr William Fitzgerald stated that Abbot Smith received a complaint (which Fr Fitzgerald places around 1971 or 1972) from a mother that Fr Smyth had sexually abused her son. Fr Fitzgerald's evidence was that although Fr Smyth denied the offence Abbot Smith suspended Fr Smyth from the public performance of his priestly duties for two weeks. Fr Fitzgerald described this penalty as "just baffling" saying that "it should have been for life".[39] It is noteworthy that Abbot Smith disbelieved Fr Smyth's denial of the offence. It is not known whether the offence was committed in the Republic of Ireland or in Northern Ireland, yet Abbot Smith failed to report the allegation to the police and to the social services in whichever jurisdiction the offence had occurred. Nor were any steps taken to confine Fr Smyth to Kilnacrott Abbey, or to prevent him having any contact with children while he was living in the Abbey.

44 Abbot Smith's explanation for these failures in the letter to the UTV Journalist Chris Moore, to which we have already referred, was that:

> "In those years frequent reassignment was often the way church authorities handled priest paedophiles and other problem priests. Fr Smyth was reassigned every few years or so in an effort to keep him

39 Day 132, 24 June 2015, p.55.

from forming attachments to families and their children. We now see how inadequate this approach actually was."[40]

"We always hoped that a combination of treatment, Fr Smyth's intelligence and the grace of God would enable Fr Smyth to overcome his disorder. We did not adequately understand the compulsive nature of his disorder or the serious and enduring damage which his behaviour could cause."[41]

45 That approach was not one that commended itself to other members of the Order at the time, at least to judge by Fr William Fitzgerald's reference to the refusal in 1973 or thereabouts of the headmaster of the school associated with their priory in Australia to contemplate inviting Fr Smyth to come to teach there because a teacher at the school had been dismissed for interfering with a child. As Fr Fitzgerald put it, "(the headmaster) knew about Brendan's proclivities in 1973".[42]

The 1973 Complaint

46 There is a reference in the Kilnacrott Abbey council minutes for May 1973 to another complaint being made.[43] Whilst no other details are given, it is highly likely that this is a reference to a complaint made to FBS 49 of Kilmore Diocese by a mother from the Co. Cavan area. She told them that Fr Smyth had slept with her fourteen-year-old daughter and had sexual intercourse with her during an overnight trip to Dublin. She and her daughter had recently been bereaved, and we believe that she and her daughter would have been grateful for the concern shown by Fr Smyth in taking her daughter away like this. FBS 49 asked her whether she wanted to report the matter to the Garda Siochana (the Irish police) but the mother did not want to do so. However, he reported the matter to Bishop McKiernan[44] who undertook to him to deal with it. There is no record of what action the bishop took, but from the conjunction of events, it seems highly probable that Bishop McKiernan informed Abbot Smith of the allegation, hence the reference in the council minutes. There is no record of the Norbertine Order taking any action on this complaint to

40 FBS 975.
41 FBS 976.
42 Day 132, 24 June 2015, p.32. The priory in Perth, Western Australia was at that time dependent upon Kilnacrott. All the residents, except for Fr Fitzgerald, were Irish.
43 FBS 837.
44 Bishop McKiernan appears to have spelt his name McKiernan or MacKiernan at different times. To avoid confusion we refer to him as Bishop McKiernan throughout.

inform the police or social services of this very serious allegation. Nor did Bishop McKiernan do so, a step which we consider that he should have taken, notwithstanding the views of the mother relayed to him by FBS 49, in view of the gravity of the allegations. **We consider these failures of the Norbertine Order in the form of Abbot Kevin Smith and of Bishop McKiernan to be systemic failings on their part.**

Medical Treatment in 1973 and 1974, and the Finglas Episode

47 During the public hearings of this module, the Inquiry was provided with information and documents by Mason, Hayes and Curran, solicitors for the Norbertine Order. This revealed that Fr Smyth underwent psychiatric evaluation and treatment in St Patrick's Hospital, Dublin, under the care of the late Professor JNP Moore, the medical director of the hospital. It would appear that his attendances at St Patrick's Hospital were arranged by the Norbertine Order because Abbot Smith saw Prof Moore on 25 May 1973, although without Fr Smyth's knowledge.[45] Abbot Smith told Prof Moore that Fr Smyth had seduced a twelve year old girl and had sexual intercourse with her. Prof Moore recorded that:

> "Order are now very concerned and anxious to know if anything can be done to help this man and avoid such incidents in the future".

48 Coming as it did very soon after the complaint to FBS 49, and in view of the reference by Prof Moore in his interview of 25 May 1973 with Fr Smyth that Fr Smyth had become attracted to a little girl of eleven when "some fairly elaborate sexual interference short of intercourse took place repeatedly", we are satisfied that the reaction of Abbot Smith to the allegations conveyed by FBS 49 was to arrange for Fr Smyth to undergo a course of treatment. Although the ages of the child referred to vary in these references, we consider it unlikely that different children were being referred to, and consider it more likely that there was some confusion as to the age of the girl when the ages were recorded by different people.

49 From the documents provided to the Inquiry by the Norbertine Order it appears that Fr Smyth's engagement with Prof Moore lasted until at least late February 1974. During that time Fr Smyth was living in Kilnacrott, and attending appointments with Prof Moore, although at some stage he appears to have undergone a period of inpatient treatment. Fr William

45 FBS 10639.

Fitzgerald told the Inquiry that Fr Smyth was an inpatient for approximately three weeks.[46] Prof Moore wrote to Abbot Smith on 28 May 1973 and made several highly significant comments. The first was that Prof Moore did not think there was "any specific treatment likely to enable [Fr Smyth] to achieve a more adult heterosexual orientation". The second was that it should be possible for Fr Smyth "to continue with his work and to give valuable and reliable service to the community", with more insight and understanding and perhaps some chemotherapy. However, these were subject to a third, extremely important, caveat, namely that "wherever he is stationed his Superior should be aware of his difficulties".

50 When Fr Smyth saw Prof Moore again on 15 June 1973 Fr Smyth told Prof Moore that he "has had homosexual relations with a boy of sixteen years on two occasions since", (that is since he had seen Prof Moore on 28 May 1973).[47] Notwithstanding this, and despite Prof Moore's warning to Abbot Smith that wherever Fr Smyth was stationed, "his superior should be aware of his difficulties", by 4 July 1973 Fr Smyth was directing a retreat at Our Lady's Retreat House at Finglas in Dublin.[48] If Fr Smyth were conducting this retreat with the knowledge, and presumably therefore the approval, of Abbot Smith, were the organisers of the retreat made aware of Fr Smyth's predatory and sexual attitude towards children as recommended by Prof Moore? If Fr Smyth were able to conduct this retreat without the approval of Abbot Smith, why did the Abbot not insist on knowing at all times where Fr Smyth was and what he was doing? After all, by now there had been a significant number of allegations against Fr Smyth from many different quarters over several years, at least some of which Fr Smyth had admitted to his superiors, and the Order had arranged for a previous, and obviously unsuccessful, course of treatment for him at Purdysburn Hospital in Belfast less than four years earlier.

51 The Finglas retreat in July 1973 is also relevant because it would seem likely that at some point during his stay in Dublin Fr Smyth committed another sexual offence involving a child. In his letter to Prof Moore of 30 November 1973 Fr Smyth referred to, "the Garda complication". The information available to the Inquiry did not reveal exactly what occurred, but as An Garda Síochána were involved that suggests to us that a complaint of a criminal offence by Fr Smyth had been made to the local

46 FBS 827.
47 FBS 10641.
48 FBS 10642.

Gardaí in Finglas. This conclusion is strengthened because Prof Moore wrote to Abbot Smith on 1 November 1973 referring to Fr Smyth having, "some further difficulties", and recommending that "a period in hospital for further evaluation and treatment" would be appropriate.[49] That this suggestion that a period of inpatient treatment was related to "the Gardaí complication" may be inferred from a letter sent by Prof Moore on 1 November 1973 to a detective at Finglas Garda Station saying that he had been asked to write to the Garda concerned by Smyth. Prof Moore continued:

> "He has been a patient under my care for some months and I am familiar with the nature of his problems. I am writing to his superior suggesting that he should have a period of inpatient care in St Patrick's Hospital or St Edmondsbury convalescent home, as soon as I have a suitable vacancy. I hope this arrangement will be satisfactory to you and your superiors."[50]

52 In his letter to Prof Moore on 30 November 1973 Fr Smyth made it clear that he had not disclosed "the particular Finglas facts" to his superiors, nor did he intend to do so. He says, "They", made a request to which he agreed:

> "Now [w]hen the Garda complication arose only I myself knew about it and the authorities were very insistent that they would not in any way be responsible for anyone even where I lived learning about the problem. They simply made the request you know of and I agreed without any hesitation whatsoever. I was able, in the circumstances, quite truthfully to approach my superiors [to] say that I was unhappy with the way I was getting along with my problem and that I was going to ask you to arrange for me to spend some time in a suitable hospital or nursing home so that I might be able to gain a bit of confidence in dealing with the situation in the future. My superiors were quite happy with my decision and assured me that I had a completely free hand as far as they were concerned. This being so I fail to see how any disclosure of the particular Finglas facts would make it possible for you to deal with the matter more effectively."[51]

53 While Fr Smyth did not identify who "They" were, the tenor of the passage quoted above infers that it may have been members of An Garda Síochána

49 FBS 10645.
50 FBS 10644.
51 FBS 10648.

who made the suggestion that he receive a period of inpatient treatment. If that inference is correct, then that would account for the terms of the letter written by Prof Moore to the Gardaí at Finglas station already referred to. Furthermore, Fr Smyth's account makes clear that he did not reveal to Abbot Smith why it was necessary for him to undergo a period of inpatient treatment. Finally it is clear that Fr Smyth was determined to ensure that the facts relating to whatever the allegation was against him in Finglas would not be disclosed to his superiors. Prof Moore suggested on two occasions to Abbot Smith that they meet in order to discuss the nature of Fr Smyth's condition, but in 1975 Abbot Smith told Bishop McKiernan of Kilmore that when he, Abbot Smith, went to speak to Prof Moore, Prof Moore refused to discuss Fr Smyth's case with him, citing patient confidentiality.[52]

54 As already quoted from an earlier part of the letter, Fr Smyth had decided that he would not permit Prof Moore to disclose these matters to Abbot Smith, pointing out that he was the patient and was paying for the treatment himself.[53] We regard that as significant because it shows that Fr Smyth was able to manipulate the doctor/patient relationship between himself and Prof Moore to his own advantage, and did so to prevent the Order from getting any prognosis about Fr Smyth's future behaviour from Prof Moore. It is noteworthy that on this occasion, as on many other occasions, Fr Smyth had access to funds which enabled him to pay bills, whether for medical care, hotels or other purposes. Given his vow of poverty, we are surprised that his ready access to such funds appears not to have raised any concerns at Kilnacrott. This may not be unconnected with the criticism by Fr Fitzgerald when he described how other Norbertines were surprised at the way in which priests at Kilnacrott had cheque books and cars, things that were not usual for Norbertine Fathers to have.[54]

55 As the letter is addressed from Ward 1, that suggests Fr Smyth appears to have been admitted to St Patrick's Hospital for some weeks for a course of treatment. During that time he underwent psychological testing. He was also treated with Largactil and the final diagnosis made in February 1974 was one of paedophilia,[55] accompanied by the conclusion: "Prognosis: this must remain guarded".[56]

52 FBS 780.
53 FBS 10648.
54 Day 132, 24 June 2015, pp. 76 and 77.
55 FBS 10653.
56 FBS 10654.

56 The account given two years later by Abbot Smith to Bishop McKiernan suggests that Fr Smyth was able to manipulate the process and keep to himself the nature of the diagnosis and prognosis given to him. Given that Fr Smyth wrote to Prof Moore from Ward 1 of St Patrick's Hospital on 30 November saying that he (Fr Smyth) had decided definitely not to accept Prof Moore's suggestion that he explain the full situation to his superior, we accept that Abbot Smith was deliberately kept in the dark by Fr Smyth about the nature of the diagnosis and treatment that the hospital contemplated at that time.

57 We consider that there are a number of steps that the Norbertine Order should have taken once Bishop McKiernan informed them of the allegation made by the mother of the child early in 1973.

(1) This was a serious allegation, and in view of the previous allegations known to the Order, we consider that there was no justification whatever for the Order, and for Abbot Smith as his religious superior, not reporting the allegation against Fr Smyth to An Garda Síochána and to the social services in the Republic of Ireland.

(2) Fr Smyth had been sent for treatment, which the Order appears to have organised, and the Order should have insisted that Fr Smyth waived the doctor/patient confidentiality in his case and authorised Prof Moore to fully disclose to Abbot Smith the nature of Fr Smyth's treatment and the prognosis for the future. Fr Smyth's failure to do so, conveyed to Abbot Smith in the abortive meeting with Prof Moore, ought to have set alarm bells ringing with the Order, and it should have insisted that Fr Smyth reveal the full medical position to them, and if he failed to do so the inevitable conclusion ought to have been that he was hiding something. In that case we consider that in view of the various offences he had admitted the necessary canonical steps should have been put in train by Abbot Kevin Smith, as Fr Smyth's superior, to seek to have Fr Smyth removed from the priesthood.

(3) Given Fr Smyth's by now well-known propensity to commit sexual offences with children he should have been confined to Kilnacrott Abbey and prevented from having any form of unsupervised contact whatever with children in the future, in particular being left alone in a room with them, as for example when hearing confession. He should also have been deprived of the use of his car and the means that gave him to travel about at will. If it was necessary for him to

leave the Abbey at that time for any reason, for example to go to St Patrick's Hospital, he should only have been allowed to do so under the supervision of another member of the Order. **We consider that by failing to take these steps the Norbertine Order was guilty of systemic failings in each of these respects.**

Diocese of Kilmore

58 **We consider that the Diocese of Kilmore was also guilty of systemic failings in the way it dealt with the allegations made to it at that time.**

(1) In view of the gravity of the allegations it should have reported the matter to An Garda Síochána and to the social services in the Republic of Ireland, irrespective of the wishes of the mother of the child.

(2) The diocese should not have left the matter in the hands of the abbot and the Norbertine Order, but should itself have instituted canonical proceedings by notifying the congregation of the Doctrine of the Faith (then known as the Holy Office) as it had jurisdiction to do.[57]

59 We should also record that in his written statement to the Inquiry on behalf of the Diocese Fr Donal Kilduff, Chancellor and Diocesan Secretary to the Diocese of Kilmore, said in relation to the events in 1975 that the Diocese:

> "Would accept that the failure of Bishop McKiernan to report the matter to the civil authorities or to ensure that the matter was reported by Abbot Smith to the civil authorities was a failing on the part of the Bishop."

60 Although this concession was made in relation to the events of 1975, we consider that it applies with equal force to the events of 1973, although it is right to record that when Fr Kilduff was asked why things were not taken to the Gardaí at the time he replied:

> "I think that not only in the 70s. I think throughout for a long time the authorities perhaps weren't – weren't trusted and they were – maybe the process would take too long and some people took things into their own hands, but I think there was that culture of not going to the authorities and maybe it would get lost, you know."

57 FBS 50027.

61 We recognise that there may be issues relating to the way Finglas Garda Station dealt with the allegations made against Fr Smyth in 1973. Whether there was some form of collusive action, either instigated or approved by a member or members of An Garda Síochána stationed at Finglas Garda Station, that resulted in a decision not to prosecute Fr Smyth if he sought medical treatment we are unable to say on the limited evidence available to us. Nevertheless there are clearly matters of a criminal or disciplinary nature relating to what occurred that may require to be investigated. Had these matters occurred in Northern Ireland then we would have followed our usual practice of reporting them to the PSNI. As these matters relate to events in the Republic of Ireland we have drawn them to the attention of the Commissioner of An Garda Síochána for whatever action may be necessary.

The Kilmore Investigation of March and April 1975

62 On or shortly before 29 March 1975 Brendan Boland, a fourteen-year-old boy from Dundalk, Co. Louth in the Republic of Ireland, alleged to FBS 48 that he had been subjected to sexual abuse by Fr Smyth. FBS 48, although a Dominican priest, was acting as a parish priest in Dundalk, and whilst the allegations related to events within that part of the Archdiocese of Armagh that is in Co. Louth, FBS 48 alerted Bishop McKieran of Kilmore, because he was the bishop within whose diocese Fr Smyth lived at Kilnacrott Abbey. Bishop McKiernan immediately instigated an ecclesiastical investigation, which involved three priests. One was FBS 50 who was a curate in Dundalk at the time. Although he was a priest of the Armagh Archdiocese, he was a canon lawyer (that is someone trained in church law) and appears to have been asked to take part in his personal capacity rather than as an official representative of the Archdiocese. The second priest was FBS 48 to whom the allegation had been made. The third was the then Fr John Brady, who at that time was a language teacher at St Patrick's College, Cavan, Co. Cavan. He also had a doctorate in canon law, and from time to time acted as secretary to the bishop. Fr Brady is now Cardinal Brady, Archbishop Emeritus of Armagh, following his retirement as Archbishop of Armagh and Primate of All Ireland in September 2014. Fr Brady was appointed coadjutor Archbishop in 1995.[58] From Cardinal Brady's account it appears that the investigation

58 A coadjutor is a person appointed as a co-holder of a post such as a bishopric to act as assistant to the existing bishop or archbishop, with a view to succeeding to the post of bishop or archbishop when the incumbent retires.

was carried out on an ad hoc basis following a procedure loosely based on that used at the time in Roman Catholic marriage tribunals. FBS 50 asked the questions, and the questions and answers were recorded by Fr Brady. FBS 48 appears to have been present as an observer.

63 The 30 questions and answers can be found at FBS 10009 and so it is unnecessary to set them out in this part of the report. Three aspects of what occurred during that meeting merit criticism.

(1) Although Brendan Boland's father brought him to the interview, his father remained outside the room while his son was being questioned. Brendan Boland was a fourteen-year-old boy left alone in a room with three priests. This should not have happened, and his father should have been in the room with him throughout. In the book which Brendan Boland has since published about his experiences he said:

> "In my mind's eye they were old men in black and, if they made any effort to be non-threatening they failed."

In his evidence to the Inquiry Cardinal Brady accepted that the boy's father should have been present and that he could see now that the situation was intimidating for a fourteen-year-old.[59]

(2) Some of the questions the child was asked were unnecessary and completely inappropriate. For example, having asked the boy to describe what Smyth had done he was then asked "you never got to like it", to which he replied, "no". Brendan Boland said:

> "So now they had established that I masturbated, alone. Again, I felt it put blame back on me; the blame and the shame. Because if I was masturbating, well, that was because I enjoyed it. And if I enjoyed that, well then I must have enjoyed being assaulted by Fr Smyth. Follow the logic."[60] [61]

Cardinal Brady agreed that some of the questions now made him cringe in horror.[62]

(3) At the end of the process Brendan Boland was asked to swear that he had told the truth, and "that I will talk to no one about this interview except authorised priests." We consider that an oath of secrecy should not have been imposed on this fourteen-year-old boy without the consent of his father.

59 Day 133, 25 June 2015, p.24.
60 *Sworn to Silence*, Brendan Boland, p.83.
61 FBS 70156.
62 Day 133, 25 June 2015, p.28.

64 In his witness statement[63] at paragraph 8 Cardinal Brady explained that:

> "In accordance with canonical procedure, and to protect the integrity of the evidence, an oath of confidentiality was administered to the witness, Brendan Boland, at the end of the hearing of evidence. This oath also protected the person giving the evidence as it allowed them to refuse to speak to the person they complained about and stop them from coming under pressure to change or withdraw their evidence. It also gave solemnity to the proceedings and formalised the evidence. This was important to ensure the evidence was clear and strong".

This may well be so, but it also ensured that this child was effectively silenced at the time, rendering him unable to discuss the events with his parents. As a result he could not receive, and his parents were prevented from giving him, the support that he could have received from them to enable him to try to cope with the abuse he had suffered and the response he received to his disclosure of it.

65 During the questioning, two further significant matters came to light. The first was that three other children, one boy and two girls, had gone on the same trip with Fr Smyth to Cork as Brendan Boland, and he was able to give the Belfast address of the boy, and to say in general terms where the girls came from in Co. Cavan. The second matter was that on another occasion Fr Smyth had taken Brendan Boland and another boy from Co. Cavan on a trip to Dublin where that boy was also abused by Fr Smyth.

66 Fr Brady reported back to Bishop McKiernan that he believed Brendan Boland's account. The bishop decided that to add weight to the evidence, and to corroborate Brendan Boland's account, the other boy from Co. Cavan should also be interviewed. He was interviewed on 4 April 1975, and this second interview took a broadly similar course to the first involving Brendan Boland, although there were some differences. On this occasion there were only two priests present, Fr Brady who asked the questions and the boy's curate Fr Duffy. FBS 39 was fifteen and seven months old at the time, and he was brought to where the interview took place in Co. Cavan by Fr Duffy. His parents were not told either before or afterwards of this interview and consequently were never asked for their consent to his being questioned in this fashion. Whilst several of the more objectionable questions asked in the first interview were not asked by Fr Brady on this occasion, at the end the child was asked to swear that his evidence

63 FBS 808.

was true, and that "I will not discuss this interview with anyone except priests who have permission to discuss it." Again Fr Brady recorded both the questions and the answers and afterwards reported back to Bishop McKiernan that he accepted the evidence of this boy as well, and as far as Fr Brady was concerned it was then for the bishop to take the matter forward thereafter.

67 As in the case of the first interview with Brendan Boland there are aspects of the interview of FBS 39 that merit criticism.

(1) The boy's parents were never told what was taking place, nor does it seem that they were ever informed by any clerical authority that their son had been abused by Fr Smyth.

(2) The boy was only accompanied by another priest during interview.

(3) He was also required to sign an oath saying he would not discuss the matter with anyone except priests who had permission to discuss it, and therefore was effectively silenced from telling anyone, and in particular his parents, what had happened to him. As in the case of Brendan Boland, this meant he could not receive, and his parents were prevented from giving him, the support that he could have received from them to enable him to try to cope with the abuse he had suffered and the interview he underwent in relation to it.

68 When asked to explain why oaths of secrecy of this sort were imposed on both children Cardinal Brady explained that this was to ensure that the witness would not be suborned, thereby weakening the effectiveness of the process. Whilst we accept that may have been part of the reason, we are in no doubt that the predominant reason for these oaths was to ensure that the good name of the Catholic Church would be protected by keeping the matters discussed secret. In his evidence to the Inquiry Cardinal Brady recognised that these interviews should never have been conducted in this way. He said:

> "There was a shroud of secrecy and confidentiality with a view to... about not destroying the good name of the church. The scandal that somebody who was ordained to serve people should so abuse the trust as for their own pleasure was appalling and it was...and to offset that scandal it was kept very secret, very, very secret, and everybody involved in it...I mean... were bound to secrecy."[64]

64 Day 133, 25 June 2015, pp.33 and 34.

69 Although we are critical of the manner in which they were conducted we do not consider that the conduct of the two interviews could be said to be relevant to the abuse committed by Fr Smyth, and therefore we do not consider it appropriate to make findings of systemic failings in relation to the conduct of the two interviews. **However, as we explain later, we consider that the use to which this information was put amounts to systemic failings on the part of those concerned.**

The Reaction of the Bishop of Kilmore

70 By 12 April 1975 Bishop McKiernan had received the results of both interviews, and on that day he went to Kilnacrott and discussed the situation with Abbot Smith.[65] The bishop suggested that the St John of God Brothers should be consulted and they suggested that Fr Smyth should go to Our Lady of Victory in Stroud run by the Paraclete Fathers to which we have already referred. Although Fr Smyth agreed to go to Stroud, he did not go until 13 November 1975.

71 As a priest in the Norbertine Order residing in Kilnacrott, Fr Smyth was outside the jurisdiction of the bishop of the diocese within which the Abbey was physically located. However, in order to exercise his priestly functions outside the confines of the Abbey, for example when hearing confessions or acting as a substitute for a priest in the diocese, Fr Smyth required the bishop's permission, a process known as the faculty to hear confession when that was the sacrament he was exercising. It appears to be the case from a memorandum compiled of an interview with Bishop McKiernan in 1994[66] that he believed the only course open to him was to withdraw the power to hear confessions from Fr Smyth, although in some circumstances – which he considered did not arise in this case – he could withdraw Fr Smyth's power to celebrate the Eucharist. The bishop also observed that if he felt the abbot was not acting responsibly towards a priest such as Fr Smyth, then he as bishop could refer the matter to the Abbot General of the Order, but again that was something that he considered did not arise in these circumstances.

65 FBS 998.
66 FBS 40626.

72 We are satisfied that Bishop McKiernan was wrong to believe that his responsibilities were limited in this way. In the written submission on behalf of the Diocese of Kilmore and Cardinal Brady to the Inquiry after the public hearings in module 6[67] it was accepted that:

> "it is clear that the necessary and appropriate steps were not taken to stop Brendan Smyth from reoffending and the removing of faculties was a wholly ineffectual way to do this."

73 In his statement on behalf of the Diocese of Kilmore, Fr Kilduff stated at paragraph 19:[68]

> "The diocese would accept that the failure of Bishop McKiernan to report the matter to the civil authorities or to ensure that the matter was reported by Abbot Smith to the civil authorities was a failing on his part. In the light of what is now known about Brendan Smyth and about the compulsive nature of paedophilia, it is clear that the diocese should also have informed the civil authorities in the jurisdictions where those children lived. These children were named in the reports as having also taken part in excursions with Brendan Smyth."

74 By the end of the two interviews Bishop McKiernan was aware that children from his diocese, and from the Diocese of Down and Connor, had been, or very likely had been, sexually abused by Fr Smyth, and that this was the second such serious allegation against Fr Smyth to come to the bishop's attention in two years. The bishop appears to have taken no steps to consult the parents of either boy who was interviewed, nor did he take any steps to contact the parents of the girl from his diocese identified in the interviews to see whether she might have been abused. Nor did the bishop report the matter to An Garda Síochána or to social services in the Republic of Ireland, nor did he report the matter to the police and social services in Northern Ireland in respect of the allegations made relating to the named children who lived in Northern Ireland. There is no evidence that he contacted Bishop Philbin, the Bishop of Down and Connor, in whose diocese one of the boys who was alleged to have been abused lived, and where the other girl on that holiday also lived. Had Bishop McKiernan informed the authorities in the Republic of Ireland and in Northern Ireland then it is possible that steps might have been taken that would have led

67 FBS 50014.
68 FBS 748.

to the conviction and imprisonment of Fr Smyth at that time, thereby preventing other children who we now know were subsequently abused by him from being abused. Had Bishop McKiernan notified Bishop Philbin then appropriate steps could have been taken by him if he was so inclined. Although, given that no such steps were apparently taken by Bishop Philbin in later years when similar allegations were brought to his attention, we consider it probable that if he had been informed about this matter at the time he too would have failed to alert the authorities in Northern Ireland.

75 A further example of the unwillingness of bishops and others to take decisive action can be seen from the approach taken by Bishop Daly when Bishop of Down and Connor. Bishop Daly wrote to Abbot Smith on 11 February 1991 saying he had received more complaints that Fr Smyth was using visits to Belfast to "continue the practices about which we spoke some years ago". He went on to say:

> "It is not for me to say what action should be taken; but I hope that you will forgive me for saying that experience seems to show that therapy is not being effective and that more drastic steps seem imperative if further harm is not to be done and if the risk of very grave scandal – and indeed, almost certainly, of court proceedings – is to be averted."

Abbot Smith responded on 21 February with a placatory letter stating that Fr Smyth has assured him that there has been no incident of that nature for a couple of years now. It seems that Bishop Daly accepted this, because we have seen nothing to indicate that he pursued the matter any further at that time, despite his saying that he had received more complaints about Fr Smyth's conduct. We consider that Bishop Daly should have pursued this with Abbot Smith in a much more determined fashion.

76 We are also satisfied that it was open to Bishop McKiernan to institute ecclesiastical proceedings in order to have Fr Smyth laicised, that is, removed from the priesthood. The submission on 6 July 2015 from the Archdiocese of Armagh[69] accepted that both Abbot Smith and the bishop could have instituted such proceedings.

77 We are satisfied that the steps taken by Bishop McKiernan in response to the information he received were wholly inadequate. In its submission, the Diocese of Kilmore accepted that Bishop McKiernan's failure to report the matter to the civil authorities was a failing, and the diocese also accepted

69 FBS 50027.

that the civil authorities in both the Republic of Ireland and Northern Ireland should have been informed.[70] **We agree, and are satisfied that the failures of Bishop McKiernan to:**

(1) inform the parents of the children from both his diocese and the Archdiocese of Armagh (i.e. Dundalk) named in the two interviews of what had or may have happened to their children;

(2) inform the Diocese of Down and Connor of what had, or may have, happened to the two children from Belfast;

(3) inform the police and social services in both the Republic of Ireland and Northern Ireland of the names of the children whom Fr Smyth was believed to have abused;

(4) invoke the appropriate canonical (that is ecclesiastical) procedures against Fr Smyth to have him laicised, together with his suggestion that Fr Smyth should seek further medical treatment when the bishop had reason to believe from what Abbot Smith had told him that earlier treatment of Fr Smyth had been unsuccessful, all amount to systemic failings on his part.

The Response of Abbot Smith, the Kilnacrott Norbertine Community and the Norbertine Order

78 There are few details available about Fr Smyth's stay in Stroud in 1975 because at the time it was policy to destroy records after five years. It appears that when Fr Smyth went to Stroud in November 1975 he stayed there for four weeks, but was told that there was no treatment programme available for his problem. He therefore appears to have treated the four weeks he spent there as a retreat.[71] Apart from the four weeks he spent in Stroud in November and December 1975 Fr Smyth appears to have been based in Kilnacrott Abbey until 1980 or 1981 when he was assigned to the Diocese of Fargo in North Dakota in the USA. He went there to serve as a parish priest and remained there in that capacity until April 1983. During the five years or thereabouts between the events of March – April 1975, which we have considered, and his going to Fargo, extracts from minutes of meetings at Kilnacrott produced to the Inquiry show that Fr Smyth's situation was discussed by Abbot Smith and his council on ten occasions.

70 FBS 50015.
71 FBS 828, paragraph 46.

It is noteworthy that there is no reference on any of these occasions to any consideration of the interests of those children who Fr Smyth had already abused, or whom he might abuse in the future, nor to the possibility of reporting him to the police or social services. It is significant that in May 1976 Abbot Smith is recorded as saying that Fr Smyth's case had been going on for "a number of years". In May and June 1978 there were discussions about limiting his use of a car. In May 1978 there was a suggestion made that Fr Smyth might consider laicisation, and in June 1978 it was agreed that the Abbot General and the Prosecutor General of the Order be informed about Fr Smyth. Whatever the Abbot General and other high ranking office holders in the Norbertine Order may or may not have known about Fr Smyth prior to then, it appears that he had now been officially reported to the highest authorities in the Order. In any event, the Constitutions of the Order provided for the regular visitations of each abbey or canonry to be carried out by visitators. We are satisfied that in all probability the highest levels of the Norbertine Order knew of Fr Smyth's behaviour by the late 1970s and probably did so some years before then. Because of this report, or because the visitators inspected the council minutes in Kilnacrott, they must have been aware of the entries in those minutes relating to him. We are satisfied that the highest authorities in the Norbertine Order were aware of Fr Smyth's conduct by this time.

79 **We consider that the failure of the Abbot General to take any action to prevent Fr Smyth continuing to abuse children, for example by instituting proceedings to have him laicised, represents a systemic failing by the Order.** That failure stands in stark contrast to the expulsion described to us by Fr William Fitzgerald[72] of an abbot by the General Chapter.

80 None of the steps to inhibit his movements that were discussed at any of these meetings appear to have been taken, because, as we shall see, Fr Smyth was able to continue to travel wherever he wished to go, and to do so completely unsupervised. Because of this lack of action Fr Smyth was free to abuse children for almost a further twenty years. By October 1979 the Abbot's Council discussed sending him to the Diocese of Fargo in North Dakota in response to the urgent need for priests in that diocese. Despite all that was known of Fr Smyth's abuse of many children, and the advice of Prof Moore in 1973 that wherever Fr Smyth was stationed his superior should be alerted to his proclivities, it was decided by the Abbot,

72 Day 132, 24 June 2015 at pp.79 and 80.

advised by his council at Kilnacrott, that the Bishop of Fargo should not be told of Fr Smyth's past. Abbot Smith is recorded as saying that he would like Fr Smyth's "going out from the House to have nothing against him", no doubt fortified in this approach by the recollection of one of the council that the Abbot General had sent a message "that Kilnacrott was not so obligated".[73]

81 **We are satisfied that the failure of the Order, Abbot Smith and his colleagues at Kilnacrott to take any effective steps to restrain Smyth from contact with children, to report him to the police and social services in the Republic of Ireland, and to ensure that he was laicised, constitute systemic failings on their part.** Fr Michael Toner, the chancellor of the Archdiocese of Armagh, referred to the "pusillanimity of those responsible in the Church for disciplining" Fr Smyth in the early 1970s.[74] But we consider that the conduct of the Norbertine Order in respect of Fr Smyth by the late 1970s was more than mere pusillanimity. The Order completely ignored the safety of the children with whom they must have known that Fr Smyth was in frequent contact when he was outside the abbey. For example, when Fr William Fitzgerald served as Rector of the Abbey Church at Kilnacrott for two years from 1987 he described how it was notorious at that time that the boot of Fr Smyth's car was filled with sweets.[75] Not only that, but the Order actively placed him in positions of trust, as when he was sent for a period as a hospital chaplain in Cork. The persistent refusal of the Order to take any effective steps whatever to control Fr Smyth was compounded by the decision to send him back into parish ministry in the USA. At all times their behaviour demonstrated they were only concerned with Fr Smyth's interests, and ignored the risk he posed to children. **Their failure to take any effective action in relation to Fr Smyth's known and repeated abuse of children represents a systemic failing on the part of the Order.**

82 We have examined Fr Smyth's activities and the responses of his colleagues in the Order in Kilnacrott Abbey and elsewhere by the mid to late 1970s in detail because they demonstrate many systemic failings on the part of those concerned. Despite the overwhelming evidence they had that Fr Smyth persistently sexually abused children, the Order allowed him to continue in his privileged position as a priest, a position which he betrayed

73 FBS 840.
74 FBS 50027.
75 Day 132, 24 June 2015, pp.46 and 47.

again and again in Northern Ireland and elsewhere for almost another two decades.

Fr Smyth's Activities in Residential Homes in Northern Ireland

83 It is against this background that we now turn to examine his behaviour in Nazareth House and Nazareth Lodge in Belfast, Rubane near Kircubbin in Co. Down, and St Joseph's Home for Girls in Middletown, Co. Armagh, four of the residential homes in Northern Ireland within our Terms of Reference.

St Joseph's Training School, Middletown, Co Armagh

84 NHB 8 was in St Joseph's Home in Middletown between May 1973, when she was fourteen, and April 1975, when she left the training school aged sixteen. Her younger sister HIA 195 was also there from September 1977, when she was fifteen, until she left in February 1979 aged sixteen. In 1994 NHB 8 told the police that she had been introduced to Fr Smyth when she was in Nazareth House. She alleged that he sexually abused her there and elsewhere before she was sent to Middletown. She alleges that when she was in Middletown she was visited by Fr Smyth who took her out in his car on trips, including one to a local hotel. She alleged that he had full sexual intercourse with her on at least six occasions. She also alleged that she told her house mother in St Joseph's that Fr Smyth was "doing" things to her, and she wanted someone to accompany her when she went out with him in future. She also alleged that Fr Smyth sent her a Valentine card in extremely coarse terms which she showed to SJM 11 of the Sisters of St Louis, who was director of the training school at Middletown.

85 SJM 11 told the police that diary records kept by the school recorded visits by Fr Smyth on 2 October 1973, 13 November 1973 and 21 March 1974. The entry for the last date read "Smyth called to see [NHB 8] today. He is really very good to her and comes so often to see her – never empty handed". SJM 11 told the police that NHB 8 would not have been allowed to leave the training school with Fr Smyth or anyone else. She did recall one occasion when she was told by a staff member that Fr Smyth had called to see NHB 8, but she did not wish to see him. SJM 11 relayed this to Fr Smyth who left, and, as far as she knew, that was the last time he came to Middletown. She denied that she had ever seen a Valentine card, or that NHB 8 had brought any allegation of sexual abuse to her attention.

86 There is no doubt that Fr Smyth did visit Middletown in 1973 and 1974 to see NHB 8, but in view of the conflict between the accounts given by NHB 8 and SJM 11 to the police in 1995, and in the absence of further evidence, we do not feel able to reach a conclusion as to whether or not NHB 8 was sexually abused by Fr Smyth whilst she was in the care of Sisters of St Louis at St Joseph's Training School in Middletown. Therefore we do not make any finding as to whether or not there were any systemic failings on the part of the Sisters of St Louis in relation to any sexual abuse to which NHB 8 may have been subjected by Fr Smyth whilst she was resident in St Joseph's Training School.

Fr Smyth and the Sisters of Nazareth

87 It is unclear when Fr Smyth first started to abuse children in Nazareth Lodge and Nazareth House, the homes run by the Sisters of Nazareth in Belfast which we consider elsewhere in this Report. In December 1994 Fr Smyth told police that he knew one of the sisters before she became a nun, and when she was sent to Nazareth Lodge he renewed their acquaintance by visiting her there occasionally. The sister concerned was FBS 53 who was in Nazareth Lodge between October 1973 and June 1974. He said that his visits to Nazareth Lodge were only to see her, and that it was not until sometime after he conducted a retreat for the Sisters in Nazareth Lodge that he became a regular visitor. There is a record of Fr Smyth conducting such a retreat for a week at the beginning of January 1976.[76] He described to the police how he lived in Nazareth House during the week of that retreat and that that was when he got to know people there.[77]

88 We are satisfied that from January 1976 Fr Smyth's familiarity to the nuns, and the respect in which he was clearly held by them as a result of the favourable impression he made on them by his conduct of the retreat in January 1976, enabled him to establish himself as a regular visitor to Nazareth Lodge, and to a lesser extent to Nazareth House. His position as a priest, his powerful personality, and the interest he showed in children meant that he was very well regarded by the sisters, and so was able to build up acquaintanceships he made with children whom he befriended in the homes, or whom he already knew or knew of through their families before they entered these homes.

76 FBS 10612.
77 FBS 30275.

89 As a result of a series of extensive and thorough investigations carried out by the RUC in the early 1990s following the publications in newspapers of allegations of sexual abuse by Fr Smyth, a large number of individuals were interviewed by the police. Many of these alleged that they were abused by him in their homes, at school, or on trips and excursions with him, all of which are matters outside the Terms of Reference of this Inquiry. Fifteen of those interviewed at that time were in either Nazareth Lodge or Nazareth House as children. Twelve of those who had been in Nazareth Lodge, and three of those who had been in Nazareth House, made allegations of sexual abuse by Fr Smyth. In due course he pleaded guilty to charges of indecent assault relating to eight children, boys and girls, in both homes. These were part of the larger total of 43 charges relating to offences against 21 children in Northern Ireland.

90 There can be no doubt that children in Nazareth Lodge and Nazareth House were abused by Fr Smyth. Given that the details of these offences have been ventilated in the criminal proceedings at Belfast Crown Court in 1994 and 1995, and during the hearings conducted by the Inquiry into Nazareth Lodge, Nazareth House and Rubane, it is unnecessary to set out the details of each offence in this report. We therefore concentrate on those features of Fr Smyth's activities that are relevant to our Terms of Reference. The first question to determine is when the abuse in Nazareth Lodge and Nazareth House by Fr Smyth started. A number of those who described being abused by him in Nazareth Lodge said that this happened before 1976, in some cases as early as 1973 or even earlier. Whilst we cannot exclude the possibility that Fr Smyth did abuse children in Nazareth Lodge before 1976, we consider that many of those who were abused by him, and who said to the police or to the Inquiry that he abused them in Nazareth Lodge before January 1976, may be genuinely mistaken about the time when the abuse occurred. We consider that as the nun who was acquainted with Fr Smyth was in Nazareth Lodge between October 1973 and June 1974, and as he admitted that he visited her, we consider it is more likely that the abuse commenced after he conducted the retreat in January 1976, because that appears to have been the start of his frequent visits to Nazareth Lodge. We consider it unlikely that he had the opportunity to show an interest in individual children on any visits he made solely to see the nun with whom he was acquainted. This has to be contrasted with the greater frequency of his visits, and the sisters therefore being more familiar with him, after he conducted the January

1976 retreat. In addition to his visits to see children, he occasionally said Mass for the sisters in Nazareth Lodge.[78]

91 It is clear from the evidence given by witnesses to the Inquiry, and from the many police statements gathered by the RUC during their investigations that led to his convictions in Northern Ireland in 1994 and 1995, that Fr Smyth would strike up an acquaintance with a young child. He would begin by showing an interest in the child, often taking the child in his car for treats. In particular he gave sweets and money to them as inducements to come to him when he called again. He had the ability to display an interest in young children which flattered them. This, together with his position as a priest, meant that he was able to entice them into his company. Two examples will suffice. HIA 41 said of Fr Smyth in his 1995 police statement:

> "he was extremely friendly towards me. I would have described him as a Santa Claus type man, he gave me sweets and money. I saw him on several occasions while I was in Nazareth Lodge. On each occasion he gave me sweets and money."[79]

In his 1995 statement DL 40 described how, when he was an altar boy, he was walking along a dark corridor in Nazareth Lodge with Fr Smyth when:

> "He stopped and started to kiss me right on the lips. He got down and pulled me towards him and he felt my backside on the outside of my trousers. He would have done this for approximately ten minutes. I was young with no mother and father and I thought he was just being kind to me. He did this on a number of occasions whenever he was in Nazareth Lodge saying mass. He was very crafty and this happened on a one to one basis."[80]

Fr Smyth attracted young, vulnerable children because of the interest he showed in them, and the sweets and money he lavishly distributed. He was clearly an alluring figure to many of the children in the home who were initially flattered by the interest of this apparently kindly and generous priest towards them, and then were dominated by him and by his priestly status when he abused them.

92 The next question is whether the Sisters in Nazareth Lodge and Nazareth House were at fault in not preventing Fr Smyth from having access to the

78 FBS 713.
79 FBS 30777.
80 FBS 30069.

children in their care. Central to any consideration of Fr Smyth's ability to abuse children, whether in their own homes, in schools, on holiday trips, or in children's homes such as Nazareth Lodge and Nazareth House, was his status as a priest. We are satisfied that unless an individual, or those responsible for children in any such situation, had reason to suspect that Fr Smyth was a serial child abuser, they would never have imagined that a priest could be capable of such behaviour. These events occurred long before the revelations in Northern Ireland, in the Republic of Ireland and elsewhere across the world, notably since Fr Smyth's own conviction in the 1990s, that, tragically, priests and clerics of all Christian denominations have taken advantage of their privileged position to engage in sexual and other forms of abuse of children.

93 The great respect in which Roman Catholic priests and other religious were held by their flocks in Ireland meant that for many clergy, brothers or nuns, and lay people, it was instinctive to place absolute trust and confidence in priests such as Fr Smyth. That trust, and the deference shown to clergy and religious that was in part a consequence of that trust, meant that fellow clergy, religious such as brothers and nuns, and parents of children, welcomed the interest Fr Smyth showed in children, and had no reason to suspect that his interest was a cloak for his perverted sexual desires. In this instance, unless the Sisters of Nazareth had reason to be concerned about Fr Smyth, it is not surprising that he was welcomed to Nazareth Lodge when he came to say Mass, or when he came to enquire after children whom he knew, or had got to know, in Nazareth Lodge or Nazareth House. In those circumstances, unless there was some reason to be concerned, we do not consider that the Sisters of Nazareth would otherwise be guilty of any systemic failing on their part by allowing Fr Smyth contact with the children in their care.

94 The next question is whether the Sisters of Nazareth in either of these homes had any reason to be concerned about Fr Smyth. Although the Norbertine Order may not have known exactly where he was going, nevertheless it was known to members of the Order that Fr Smyth visited Belfast from time to time. The Order did not inform anyone else, including the Diocese of Down and Connor where these homes were located, about Fr Smyth's behaviour. The Diocese of Kilmore did not alert any other diocese about Fr Smyth, nor, as we shall see, did the Diocese of Down and Connor alert any other diocese when it became aware of allegations regarding Fr Smyth. However, there have been allegations that individual

sisters in Nazareth Lodge had reason to be concerned about Fr Smyth's behaviour towards the children in their care. HIA 50, alleged that SR 2 unexpectedly came into a room and surprised Fr Smyth in the act of anal intercourse with him. This was denied by her when she was questioned by the police. We are not persuaded that such an episode occurred, or that SR 2 would have failed to take immediate action in relation to Fr Smyth had she witnessed one of the children in her care being abused in this fashion.

95 HIA 195, one of the children whom Fr Smyth admitted abusing, told the police that she told SR 31 what Fr Smyth had done after the first occasion he abused her, but was not believed and was hit on the head with a bunch of keys. SR 31 denied to the police that she had been told, but we see no reason not to accept HIA 195's account. **We consider that SR 31's failure to report the matter to the mother superior was a systemic failing on the part of the Sisters of Nazareth.**

96 In any event, SR 46 admitted to police in 1995 that NL 88 did tell her that she did not like Fr Smyth, and that he had rubbed against her breasts. SR 46 said her response to NL 88 was "I said well in future when you see him stay out of his way".[81] She went on to say that she did not doubt NL 88, that Fr Smyth "gave her the creeps", and she wondered why he was writing to NL 88's siblings. Because she was not happy with Fr Smyth being around she said that she kept "extra observation",[82] but did not tell her colleagues what she had been told. We accept that whilst she may have been naive, nevertheless in the light of her own suspicions and what she had been told and did not doubt, we consider that she should have reported this episode to the mother superior. Had she done so then the matter should have been investigated. At the very least, it could have led to Fr Smyth being barred from the premises and further acts of abuse thereby being prevented. **We consider that the failures of SR 31 and SR 46 to report the complaints made to them about Fr Smyth to the mother superior were systemic failings on the part of the Sisters of Nazareth.**

81 FBS 32708/9.
82 FBS 32710.

Fr Smyth's Visits to the Boys Home at Rubane, Kircubbin, Co Down

97 As explained elsewhere in our Report, for many years when boys from Nazareth Lodge reached the age of eleven they moved to the home run by the De La Salle Brothers at Rubane near Kircubbin, Co. Down. As we have seen in respect of NHB 8 at Middletown, Fr Smyth often kept in touch with children he had abused after they moved elsewhere, something he also did with children he had abused in their own homes or elsewhere. In the 1990s DL 59 said to police that he knew Fr Smyth in Nazareth Lodge. Fr Smyth did not abuse him there, but did abuse him when he came to visit DL 59 in Rubane. Masturbation and kissing occurred on a number of occasions, after which Fr Smyth gave him sweets or money. He says he told BR 1 but said nothing more because BR1 also abused him.[83] Another child who was abused by Fr Smyth in Nazareth Lodge, and who was visited by Fr Smyth when he was in Rubane, was HIA 41. In 1995 he described how Fr Smyth visited him in Rubane on a few occasions. During these visits Fr Smyth touched him on his bottom and on his penis inside his trousers. Fr Smyth gave him sweets.[84] The accounts of both describe how they were told that Fr Smyth wanted to see them, and they were then taken to a room in Rubane where they were left alone with him. We are satisfied that Fr Smyth probably visited other boys at Rubane who had been in Nazareth Lodge. Br Francis Manning's statement to the Inquiry of 5 June 2015 records a number of enquiries by Fr Smyth about children in the home, and Br Manning accepted that Fr Smyth visited Rubane on occasions after September 1977.[85] We are satisfied that Fr Smyth did abuse former Nazareth Lodge children in Rubane in the late 1970s before he left Ireland in the middle of 1980 to go to a parish in the Diocese of Fargo in North Dakota, USA, where he served until April 1983.

98 HIA 41 did not allege that he told the brothers at Rubane what Fr Smyth was doing to him, but DL 59 said he told BR 1 who also abused him. DL 40 says he told BR 1 that he had been abused by Fr Smyth, and that letters and visits from Fr Smyth then stopped. We accept that BR 1 was told what Fr Smyth was doing on these visits. Whilst BR 1 may have told Fr Smyth not to visit DL 40 again, nevertheless BR 1 should have reported what he had been told to the police and social services and to

83 FBS 30776.
84 FBS 30778.
85 FBS 645.

the Norbertine Order. As we explain in that part of our Report dealing with Rubane, we are satisfied that BR 1 himself abused children in Rubane. We are satisfied that whilst BR 1 may have prevented Fr Smyth from returning to Rubane to see DL 40, BR 1 did nothing else to prevent further abuse by Fr Smyth of children in the care of the De La Salle Order. We are satisfied BR 1 failed to report the allegations about Fr Smyth to his superiors in the De La Salle Order, and to the police and social services. **We consider that these failures constitute systemic failings on the part of the De La Salle Order.**

The Diocese of Down and Connor and the Whitehead events of 1976

99 In its researches into the materials obtained by the Inquiry, material was found by the Inquiry indicating that in 1976 FBS 51, a priest of the Diocese of Down and Connor, became aware that Fr Smyth had sexually abused children in the parish in Whitehead where FBS 51 served as a curate at the time. The priest was approached by FBS 40 who told him his sister had been sexually abused by Fr Smyth. Whilst the exact sequence of events thereafter is somewhat confused, it is clear that FBS 51 took FBS 40 with him to a meeting with the Prior of Kilnacrott. FBS 51 said the meeting was in the Ballymascanlon Hotel near Dundalk, whereas FBS 40 said the meeting was at a hotel outside Dublin. Be that as it may, we believe that this meeting in 1976 is probably the meeting referred to by Fr William Fitzgerald at paragraph 43[86] of his statement to the Inquiry, a meeting which he understood happened in or around 1974. As Abbot Smith was abroad at the time, it was the Prior of Kilnacrott who met the family. FBS 40 told the prior what had happened to his sister, as well as his suspicions about another member of his family, and members of another family, who he thought might also have been abused by Fr Smyth.

100 Although there is no contemporary record in Kilnacrott of this meeting in 1976, in his statement to the Inquiry FBS 51 confirmed that such a meeting took place. In 1995 he told the police:

> "I felt that bringing Abbot Smith's attention to Fr Brendan Smyth's alleged behaviour was the appropriate course of action open to me. It never entered my mind to go to the police in those days it was always

86 FBS 827.

open to the children's parents to go to the police if they felt it was necessary." [87]

FBS 51 did not report this meeting to his bishop at the time. Some years later he heard that Fr Smyth was trying to get work in the Diocese of Down and Connor so he wrote to Bishop Philbin who was the bishop at the time. FBS 51 cannot recall when he wrote to the bishop, but it must have been before 1981 when Bishop Philbin retired. In 1995 FBS 51 said that the bishop acknowledged the letter, and said that he, the bishop, had also heard rumours about Fr Smyth. Given that Fr Smyth went to North Dakota in June 1980[88] this exchange of letters may well have been in 1978 or 1979 because that was the time when the Kilnacrott council minutes record that the Norbertine Order at Kilnacrott were discussing the possibility of priestly work for Fr Smyth.[89]

101 We accept that Bishop Philbin was notified of these allegations, probably in the late 1970s. We consider that he should have reported the matter to the police and to social services at that time, and **we consider his failure to do so, and the failure of FBS 51 to do so, were systemic failings on the part of the Diocese of Down and Connor.**

102 As the abuse perpetrated by Fr Smyth in the residential homes in Northern Ireland within our Terms of Reference appears to have been committed in the 1970s before Fr Smyth went to the Diocese of Fargo between 1980 and 1983, we can therefore deal with the events of the 1980s that are relevant to our Terms of Reference relatively briefly. It is a telling indication of the effect of Fr Smyth's personality on so many people that a petition was signed by many of the parishioners of his parish in the Diocese of Fargo protesting at his removal less than three years after his arrival. On his return to Ireland Fr Smyth continued to live in Kilnacrott, where it appears he performed his ministry without any apparent concern on the part of his colleagues in Kilnacrott for the safety of the children with whom he might come in contact. Upon Fr William Fitzgerald's arrival at Kilnacrott as rector of the Abbey Church in 1987 he found Fr Smyth in charge of the altar servers and the children's choir.[90] It is to Fr Fitzgerald's credit that he stopped Fr Smyth having any further contact with either group of children.

87 FBS 32151.
88 FBS 899.
89 FBS 839.
90 FBS 823.

103 Fr Fitzgerald explained to the Inquiry[91] that during the period from Fr Smyth's return from North Dakota in 1983 and March 1989 Fr Smyth held no formal ministry or office in the abbey. However, in 1984 the abbey requested Bishop McKiernan to restore Fr Smyth's faculties and this was done. Instead of the normal practice of granting faculties indefinitely they were renewed from time to time. According to the statement of Fr Donal Kilduff of Kilmore Diocese to the Inquiry, Bishop McKiernan consulted Abbot Smith and "was satisfied that there did not appear to have been any further occurrences similar to those previously complained of."[92] If that is correct, we can only assume that Abbot Smith deliberately concealed from Bishop McKiernan that Fr Smyth had been returned from the Diocese of Fargo in disgrace when Bishop McKiernan was requested to renew Fr Smyth's faculties. Fr Kilduff suggested that:

> "The limited nature of the return of the faculties suggested that Bishop McKiernan wanted to monitor Brendan Smyth to ensure he did not come up in any further complaints but that he believed that the treatment discussed had taken place and that it worked."[93]

104 The Norbertine Order continued to request, and were granted, renewals of Fr Smyth's faculties by Bishop McKiernan until October 1993. This was done despite Abbot Smith telling his council that Fr Smyth "had been involved in certain improper and wrong behaviour in regard to a boy in Northern Ireland", and that as a result Fr Smyth then saw Dr Del Monte, a clinical psychologist in Dublin, for several years thereafter. In addition in March 1990, Bishop (later Cardinal) Cahal Daly of Down and Connor had gone to Kilnacrott and discussed Fr Smyth's actions with Abbot Smith. Bishop Daly told the abbot that Fr Smyth had been reported to the police, and that three of his priests had told Bishop Daly that Fr Smyth had been involved "in apparent unlawful behaviour with young persons".[94]

105 We can only conclude that at that time Abbot Smith did not tell Bishop McKiernan of these vital matters because Abbot Smith continued the longstanding policy of doing everything possible to conceal Fr Smyth's activities from any ecclesiastical or civil authority to enable Fr Smyth to continue to exercise his priestly duties wherever possible, despite the overwhelming evidence that Fr Smyth was, and continued to be, a

91 FBS 829.
92 FBS 747.
93 FBS 747.
94 FBS 829.

danger to children. **We are satisfied that Abbot Smith's failure to tell Bishop McKiernan that Fr Smyth was the subject of continuing complaints of child sexual abuse represents a further systemic failing on the part of the Norbertine Order.** This failure resulted in Fr Smyth's faculties being continued and gave him the opportunity to abuse more children. Fr Smyth took advantage of this opportunity and continued to abuse children in the Republic of Ireland until 1993, offences for which he was later sentenced at Dublin Circuit Court on 22 April 1997.[95]

The Diocese of Down and Connor

106 We have already referred to Bishop Philbin being told about the Whitehead allegations, and to the meeting between Bishop Daly and Abbot Smith in 1990. It is noteworthy that just as Bishop McKiernan of Kilmore failed to inform the Diocese of Down and Connor of allegations relating to children living in that diocese, so both Bishop Philbin and Bishop Daly failed to inform Bishop McKiernan of Kilmore Diocese that a priest living in an abbey located in his diocese had been the subject of allegations of sexual abuse. Had the respective bishops so informed their fellow bishops then there would have been at least some prospect that all concerned would have been spurred into action to take more vigorous steps to ensure that Fr Smyth was unable to travel across the island of Ireland, both North and South, and elsewhere, and so unable to abuse a large number of children. **We regard their failures to take any steps to disseminate this information to their fellow bishops as systemic failings on the part of the Dioceses of Kilmore and of Down and Connor.**

Conclusions

107 During their evidence to the Inquiry the Diocese of Kilmore, the Diocese of Down and Connor, and the Norbertine Order, have expressed their sorrow and regret to the victims of many of the systemic failings they have accepted and those which we have identified. Perhaps the most eloquent of these apologies are the words of Fr Timothy Bartlett in his statement to the Inquiry of 5 June 2015 on behalf of the Diocese of Down and Connor:

> "No apology can ever make up for the appalling abuse that the victims of Brendan Smyth, and their families, have endured through the repeated failure to deal effectively with his criminal behaviour over a long period of

95 FBS 32670.

time. On behalf of the Diocese, therefore, I conclude by expressing deep sorrow and the most profound regret that so many people, many of them in positions of trust and responsibility in the Church, failed so many times to respond to the cries of the 'little ones', those whom our fundamental, human and Christian instincts alone should have compelled us to protect and reach out to as a first priority."

The Nature of Fr Smyth's Abuse of Children

108 In the evidence available to us differing accounts have been given of the nature and extent of the manner in which Fr Smyth sexually abused children. Other than in those few instances where we have already commented upon specific allegations we do not consider it necessary to explore what may appear to be inconsistencies in some of these accounts. This is because we are entirely satisfied that, as he admitted, Fr Smyth sexually abused a great many children, some of whom were abused by him when they were resident in those residential homes in Northern Ireland which fall within our Terms of Reference.

The Effect of Fr Smyth's Abuse on his Victims

109 Fr Smyth abused a great many children in different ways. Irrespective of what he may have done to each individual child, the effect on each of them will undoubtedly have been significant in later years. Perhaps the remarks of Fr William Fitzgerald to the Inquiry[96] apply to all those whose lives Fr Smyth blighted by his actions, and who have to live with the effects of their experiences at his hands for many years, if not for the rest of their lives.

> "...the youngest victim of Brendan Smyth that I know of is 28-years-of-age. She is going to be around for another 60 years maybe or longer, and every day of her life the horrible spectre of that man will be in her mind and what he did. How can -- how can anyone return anything to – I mean, like give her €100 million. It would do nothing to repair any damage that has been done to her. It's unspeakable, unspeakable."

110 The evidence which we have reviewed leaves us in no doubt that over many years the Norbertine Order, and others within the Roman Catholic Church, failed to take determined and vigorous steps to ensure that Fr Smyth would never abuse more children. We regard it as particularly significant

96 Day 132, 24 June 2015 at p.72.

that the existing Canon Law procedures that could have been invoked to bring his crimes to an end were resorted to on only one occasion, namely during the Kilmore investigation of March and April 1975. Even in that instance steps to have Fr Smyth laicised were not taken. For the Norbertine Order, and for others outside the Order in positions of responsibility in the Church, their overriding priority throughout was to protect the good name of the Church, and at all times to prioritise Fr Smyth's interests, instead of doing what was best for the children abused by him. By doing so they were prepared to ignore their responsibilities under the Canon Law of the Church, and their obligations under the criminal law, as well as their moral responsibilities to the victims of his abuse, thereby allowing him to continue to abuse children far and wide for many decades.

Findings of Systemic Failings

111 In this Chapter we have stated on each occasion when we consider there were systemic failings. Rather than repeat each finding we have summarised those findings below. As these are summaries, it should be appreciated that some headings may encompass several distinct findings of systemic failings of the same type. The Summary is not meant to replace those findings, and the individual findings represent our definitive findings.

The Norbertine Order

(1) Permitting Fr Smyth's ordination despite a clear warning from the Abbot General that Fr Smyth should not be ordained.

(2) Failing to:

(a) properly assess the grave risk Fr Smyth posed to children; and and/or

(b) warn the bishops of the dioceses to which he was sent in later years, namely

- **Menevia in Wales**
- **Annan in the Diocese of Galloway**
- **Providence, Rhode Island, USA**
- **Fargo, North Dakota, USA.**

(3) Taking deliberate decisions to withhold information about Fr Smyth's background when he was sent to other dioceses.

(4) Giving advice from the Abbot General that it was not necessary to send that information to other dioceses.

(5) Failing to act on credible reports of Fr Smyth's sexual abuse of children.

(6) Allowing repeated efforts to be made to 'cure' Fr Smyth by sending him for various forms of medical treatment on several occasions, even though it was clear from continuing complaints that, despite earlier treatments, he was continuing to abuse children.

(7) Failing to insist that he provided adequate information as to the nature and extent of his treatment, and the prognosis, from the various doctors who treated him.

(8) Deciding not to withdraw his access to a car, thereby enabling Fr Smyth to travel freely and abuse children in many homes and locations in both Northern Ireland and the Republic, even after he had been charged by the police in 1991.

(9) Failing to confine Fr Smyth to the Abbey in Kilnacrott and thereby keep him away from children.

(10) Failing to report Fr Smyth to the police and social services in either Northern Ireland or the Republic of Ireland, thereby preventing him from being prosecuted and convicted, and so enabling him to continue his abuse.

(11) Failing to have in place adequate procedures

  (a) to prevent Fr Smyth being ordained;

  (b) to have Fr Smyth reported to higher authority in the Order, and to the Congregation of Religious and for Secular Institutes in Rome when the members of the Order received definite information that he was committing crimes against children.

(12) Failing to notify the bishops of the Diocese of Down and Connor and the Diocese of Kilmore of the dangers Fr Smyth posed to children in their dioceses when he was known, or suspected, to be going to these dioceses.

(13) Failing to vigorously pursue the existing procedures and to notify the Congregation of Religious and for Secular Institutes of Fr Smyth's crimes.

Diocese of Kilmore

(1) **Failing to notify the police and social services in the Republic of Ireland when the 1973 complaint was received, and failing to institute ecclesiastical proceedings against Fr Smyth at that time.**

(2) **Failing to have Brendan Boland's father in the room with the child whilst the child was being questioned; and in the case of FBS 39 failing to notify his parents of the alleged abuse, or to have his parents present during questioning. In both cases there was also a failure to follow up with the parents of each child how the child was reacting to the abuse afterwards.**

(3) **Failing to take all the steps open to the diocese to thoroughly investigate each allegation relating to Fr Smyth that came to its notice and to report the matter to the proper civil and ecclesiastical authorities on each occasion.**

(4) **Failing to inform the civil and ecclesiastical authorities in Belfast about what had, or may have happened, to the two named children from Belfast.**

(5) **Failing to report the allegations relating to Fr Smyth to the Congregation of Religious and for Secular Institutes.**

(6) **Failing to exercise sufficient pressure on Abbot Smith to take vigorous action against Fr Smyth, such as laicisation or restricting his freedom of movement.**

(7) **Failing to use the existing process properly by short-circuiting matters and proceeding directly to investigate Fr Smyth instead of referring the matter to the Archdiocese of Armagh.**

(8) **Failing to ensure that all Fr Smyth's ecclesiastical faculties were permanently withdrawn.**

(9) **When the faculties were renewed from year to year, failing to take proper steps to ensure that Fr Smyth was not still offending.**

(10) **Failing to warn other dioceses, and in particular the Diocese of Down and Connor, about the allegations so that they could take steps to protect the children in homes in their diocese from being abused by Fr Smyth.**

The Diocese of Down and Connor

(1) The failures of SR 31 and SR 46 to report the complaints made to them about Fr Smyth to the mother superior.

(2) Failing to report the allegations against Fr Smyth to the social services and the police in Northern Ireland when they were received by the Diocese.

(3) Failing to institute a penal investigation or process against Fr Smyth in the Diocese of Down and Connor on the basis of the allegations of his abuse in that Diocese.

(4) Failing to exert greater pressure upon Abbot Smith in 1971, by (1) asking for urgent and immediate information, and for that to be confirmed; (2) threatening to institute the church inquiry process in Down and Connor against Fr Smyth as had been done in Kilmore by Bishop McKiernan.

The Sisters of Nazareth

(1) The failures of SR 31 and SR 46 to report what they had been told to the mother superior.

The De La Salle Order

(1) Failing to notify the police and social services in Northern Ireland of the allegations against Fr Smyth made to BR 1.