

of vows to live according to the Gospel and the Constitutions of the Order of Canons Regular of Prémontré (the "**Constitutions**").¹ Each abbey, or independent priory, is a self-standing unit; the term "Order" referring simply to the fraternal union of all of the independent houses of the Order.

6. A member wishing to become part of the Norbertine Order applies to an individual canonry and undergoes one or two years of formation in a novitiate. After this initial period, he may apply for profession of simple or temporary vows, the latter lasting for a minimum of three years. During that period, formation continues and the man begins formal studies for ordination to the priesthood, or in the case of those who prefer to live as brothers, they receive special training to enable them to work in and for the community. After four or five years, the individual asks to be received in solemn profession. The Abbot of the relevant canonry consults with his council in relation to the individual and, if accepted, the individual takes his vows before the local community.
7. The governance of an individual canonry rests with the Abbot or Prior de Regimine (i.e. Prior of an independent house) and his council, who is elected by all the solemnly professed members of a canonry gathered in Chapter (i.e. a meeting of the solemnly professed membership that occurs at least once a year). The Abbot himself also appoints certain members to council, though parity has to be maintained in the constitution of the council between the two methods of appointment.
8. On an even more local level, there is a 'house' or community chapter comprised of all members who actually live in a certain community (monastery, dependent house etc) or in some other group of confreres. The responsibilities of the house chapter include the duty to promote communion among the members, to examine the ways in which the life of prayer and the work of the apostolate are to be ordered and to establish local customs.
9. Globally, there is an Abbot General, elected for life at a General Chapter after the death or resignation of the former Abbot General. The Abbot General has a council (known as the "definitory") of four members available to him to assist in the ordinary and extraordinary administration of the Order.
10. The Abbot General presides by right in the General Chapter and to it alone is he subject in the Order. He governs the entire Order as the supreme moderator. He exercises his office and has that authority over the members and canonries of the Order which is compatible with the office of Abbot General of the Order, as specified by the Constitutions.
11. Between General Chapters, the Abbot General is the executive of the Chapter in his own person and with the definitory. He presides over the Order with his own proper authority, and he governs the Order according to the norms of law.
12. The Abbot General is the immediate superior of the governing prelates of the Order. As regards those members subject to their own prelates, he has the right of precept only in the case of visitation, recourse and appeals, or as often as the matter concerned comes under his competence.
13. The supreme authority in the Order is the General Chapter which meets every six years. The primary purpose of the General Chapter is fraternal and discussions at General Chapter cover topics such as visitation reports and papers concerning the life and spirituality of the Order. As a fraternal and canonical entity, the General Chapter has the

¹ A copy of the Constitutions is included at Appendix 5.

The Abbot General

194. The abbot general will be the principal agent of unity among the abbeys, priories and houses of the Order and the principal agent of peace within and outside. He will be the first pattern of a charity that serves, an exemplar for prelates and confreres. He will be the pursuer of the spiritual life and vitality of the whole Norbertine community. He presides in the General Chapter with the definity of the Chapter. Between General Chapters, he is the executive of the Chapter in his own person and with the definitors of the Order. He presides over the Order with his own proper authority, and he governs the Order according to the norms of law. To him must be given that cooperation on the part of prelates and all members which will provide for the welfare and the achievement of a perfect union of the entire Order.

195. The abbot general presides by right in the General Chapter and to it alone is he subject in the Order. He governs the entire Order as the supreme moderator. He exercises his office and has that authority over the members, canonries and circaries of the Order which is compatible with the office of abbot general of the Order.

196. He is the immediate superior of the governing prelates of the Order. As regards those members subject to their own prelates, he has the right of precept only in the case of visitation, recourse and appeal or as often as the matter concerned comes under his competence. In these last instances he may not take away an appointment imposed by virtue of the vow of obedience, unless the religious' own prelate, having been asked to do so, refuses.

197. He may call religious to offices directly connected with the government of the Order. In these cases, and as far as the office is concerned, that religious is subject to the abbot general. The religious, nonetheless, retains his incorporation in his own canonry. If he must call other religious to responsibilities not directly connected with Order government, prelates who have been asked to provide a religious in this fashion should provide them willingly and quickly.

198. At the time of his election, the abbot general must be a priest and at least five years solemnly professed in our Order. The abbot general remains in office for life. When, however, he has reached seventy years of age, and when the General Chapter is in session, he should of his own accord or when properly requested, resign. He should do the same whenever failing health or some other grave reason shall in his judgment render him unequal any longer to carry the burden of government.

199. The abbot general shall reside in Rome and he ought not be absent from the Generalate for a notable length of time without entrusting to the procurator general or an official of the Order tasks of his office which must be carried out.

233. The visitators shall examine carefully the minutes of the meetings of the prelate's council, sign their names to them and ought not to omit rightful praise or words of prudent correction. Visitators shall also maintain strict secrecy concerning matters which they have heard or learned during the course of the visitation.

234. Once the visitation is completed, the visitators should accurately report the general condition of the visited house not only in the protocol but also in the other reports to be given to the prelate of the canony, to the abbot general, and to the General Chapter. In this last report they are also to give an account for the proper execution of their responsibility.

235. It is the right and duty of the abbot general, either by himself or through others, to see that the visitation reports are put into effect.

236. By reason of his office:

1. The abbot general at any time has the right of undertaking a regular visitation in any canony or house of the Order.
2. The prelate has the same right in houses dependent upon his canony. However, this right should not be used in those years in which the ordinary visitations are to be conducted in view of the General Chapter, except for serious reasons.

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Indicative translation by staff member of Mason Hayes & Curran

Confidential

Kilnacrott Priory
Mountnugent-Cocavan

27 April 1951

Honourable Lord,

It is my duty to provide you with further details in respect of the physical condition of Brother Brendan. I am doing this at the request of Mr. D'Hoine too.

Please find attached a photo copy of the letter which I sent to Brendan after I returned home and a photo copy of the letter with Brendan's response. The core problem for Brendan is the fact that Brother █████ usurps all authority and (according to Brendan) the fact he constantly spied on Brendan during his stay in Rome. Brother Brendan has difficulties with dealing with these circumstances, he fights against it and thinks that in his case he is not being bound by the elementary principles of brotherly love. Now we are faced with the serious question: can he be ordained in this state? You already know that he received the sub diaconate (October Averbode). How are we going to deal with him? What will be his reaction at his return in Kilnacrott and above all: what will be his reaction later when he will be a professor?

Mgr. De Generaal sticks with his standpoint. He made that very clear again earlier this week. This is what Mgr. wrote: "You need to live here in order to be able to understand the circumstances. Certainly, Brother █████ did wrong – because of his eagerness to do good – and I told him that. He has a right view on Brendan, because of his two years' experience... Brendan is very independent and goes his own roads, which is also the case when he goes out. He and █████ are the two elements who don't fit in the Communiuteit"...

It might be useful to know that in his last letter to the Junibres, Brendan was quite banal. It was around that time that he wrote Mgr. A novice showed me that letter, commenting that this was not in order.

It would be a shame to see our first student failing in Rome.

Can I ask for your opinion?

Respectfully yours,

B. Hermans

Ans. hanc!



CAN. ORDO PRAEMONSTRATENSIS
CURIA ROMANA

Priest of the most Holy Trinity.
ROMA, LI 20th May '51.
VIA URBANA, 158

Right Reverend and Dear Father Abbot,

These are just a few, hurried, inadequate lines to wish you God's blessing, and that of His Blessed Mother, on the happy occasion of your feast day. I will not neglect to offer my Mass and Holy Communion on that morning, that you may ever receive abundantly all the special graces necessary for the worthy fulfillment of your high and archaic office. At the same time I will pray that I may never fail to profess that sincere filial loyalty and devotion which

we all owe to you as our father and an Abbot.

Trusting that you are keeping in the best of health and
looking forward to seeing you soon again,
I remain,

Yours devotedly in Christ, Our Lady, &
St. Robert,

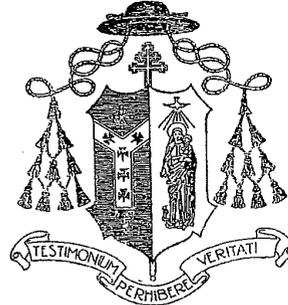
Bro Brendan.

Fides Onlinum.

Joannes Carolus,

12.

Dei et
Sedis
Archiepiscopus
Hiberniae



Apostolicae
Gratia,
Dublinensis,
Primas,

Etc., Etc.

Fidem facimus et testamur, Nos die.....31a.....Julii, 1951.....Sacram Ordinationem
celebrantes in.....Milltown Park, Dublin.....dilectum Nobis
in Christo.....R.D. Brexlamum Smyth, C.R.P.....
ad ordinem.....Presbyteratus.....rite et canonice iuxta S. Romanae Ecclesiae
ritum promovisse.

Datum Dublini, die.....31a.....mensis.....Julii.....anni.....1951.

+ Joannes Carolus,
Archiepiscopus Dublinensis,
etc., etc.

De mandato Eacni ac Rvni Dni Archiepiscopi.

Secretarius.

3.

Indicative translation by staff member of Mason Hayes & Curran

Tongerloo, 4 October 1951

Dear Father Prior,

If Brendan doesn't commit completely, he isn't allowed to return to Rome. I hereby ask you to make him to send me a written promise.

Please find attached a letter to him. I received your letter yesterday and I fear that my response will reach you too late.

It is daring to take such measurements. However, Fr. Brendan has to commit completely or return. [illegible]

I might go to Dublin, begin November. I will write you about that.

With kind regards,

Emiel Stalmans

5

come here to the Abbey.

My letter is hard. I hope my fears are exaggerated. But any case, you will send me through the hands of the Prior a subscribed promise that you are prepared to obey completely to every superior in the future.

In the meanwhile I pray for you.

Dear Fr. Brendan, how is it possible that so soon after your ordination to the Priesthood I have to send you such a letter. I hope you will see "Kister's Liberator" don't see the cause of the trouble in the Prior. It is in yourself my dear Capra. As long as you don't see it, there is no hope for improving. Go to Fr. St. Sebastian and ask him what he thinks about the matter. I hope you will see then. Accept with my blessing my kindest but worrying greetings S. St.

1 -- I said, "Brendan, you are the only person who can be
2 heard. You know, you've just dominated this entire
3 meeting. Why don't you just shut up and give somebody
4 else a chance to speak?" He went quiet again, and at
5 the end of the Chapter the abbot said to me, "Oh, that
6 was wonderful". He said, "You know, you should have
7 been here for years to pull Brendan into place".

8 I said, "Why didn't you do it?"

9 Q. This is Kevin Smith you are talking about?

10 A. Yes. He said, "I couldn't do it", he said. "He'd roar
11 me out the door".

12 Q. So it is accurate to say that the man -- he had presence
13 that other adults found difficult to handle.

14 A. Yes. It was like almost a kind of -- the way the
15 newspaper keeps presenting that photograph, like a kind
16 of diabolical power, you know. He was a scary
17 individual.

18 Q. You explain then in paragraph 25 the incident with the
19 choir. You were going to shut the choir down.

20 A. Yes. They were hopeless. I mean, they were not good
21 singers. There were adults who did sing in the choir
22 who were being put off tune by these kids, and he was
23 bringing a car load of little girls and they could be
24 from 6 to -- 6 to 11 maybe, and they sang like cats, you
25 know. There's no musicality about them at all, and

- 3 -

REV BRENDAN (JOHN GERARD) SMYTH

Brendan then explained that this incident took place before the allegations regarding FBS 16 surfaced. Referring to the allegations, Brendan stated "the thing broke through FBS 16 when he was about to be confirmed. In 1989 when FBS 16 was 11, I visited his house and FBS 16 hid behind the door. Later he explained to family members that Fr Brendan was 'a dirty old man' and that he was afraid of me".

Brendan explained further that when FBS 14 was celebrating her fourteenth birthday, which occurred on a Saturday or a Sunday night, he was asked to say Mass for her and her friends so they wouldn't have to go to church later. Brendan stated that when he visited the house he had no Mass kit with him and that when he left FBS 14 threw her arms around his neck. Brendan stated that he then "put my hand down her pyjamas and touched her butt. She didn't laugh or anything".

Brendan was charged on January 21st, 1994 with nine counts of sexual assault against children. He stated that since then three additional charges from three other girls have also been lodged; but he has not been told who these girls are.

He then stated that in the '70's he used to take groups of three to four boys and girls on four - five day holidays in Southern Ireland. He stated that he is only guessing, but he thinks that the girls who made the complaints may have been from then.

Brendan then explained "I am not coming here to try to get off, I want to try and serve my complete prison sentence, so there is no further claim on me". Then I'll go to any therapy that my Superior's suggest. This sentence could be for ten/twelve years, I could have said no to coming here. The Superiors are doing this to show that they are doing something".

"I first began molesting children shortly after my ordination in the mid-50's. In the beginning it was casual and external, then it developed. The most it developed to was them masturbating me to orgasm. They were too young for orgasm I think, except for two incidents, neither of them the [redacted] boys. I'm not very knowledgeable about this. I really wanted them to masturbate me; to pay them back I wanted to give them sexual pleasure. I've told you all about the nature of the sexual activity; what I've told you about the number of people and incidents of sex is about 20% - 25% of my entire history. This has gone on a long time".

"I actually couldn't have intercourse because I can't have a full erection. I can get excited but I have premature ejaculation and then I don't have the power to penetrate. This has always been the case".

Brendan then commented on the case concerning FBS 16 in 1989. He stated "I wanted to go to the Confirmation so Mrs [redacted] wouldn't be disappointed. When I called the house that morning I was confronted by FBS 9 the cousin of FBS 16 about my past with him. cont..4..

Confidential.
CASE SUMMARY.

22nd February 1974

NAME: Rev. Brendan G. Smyth
ADDRESS: Kilnacrott Abbey, Ballyjamesduff, Co. Cavan
ADMITTED: 19th November 1973 DISCHARGED: ~~25.11.1973~~ 25/12/73
AGE: 46 OCCUPATION: Catholic Priest. MARITAL STATUS: Single

FINAL DIAGNOSIS: Paedophilia I.C.D. 302.2

FAMILY HISTORY: No family history of psychiatric instability. One of a family of two boys. Mother tended to be over-protective. Patient has been an asthmatic since the age of nine years. Primary and secondary education. Above average at school. Then joined the Norbertine Order. Studied theology in Rome; ordained 1951. Taught theology in a seminary for four years in Scotland. Did not get on well. Did Parish work in Wales, also in Ireland. Since 1968 has been in Ireland, running a charity office and conducting retreats.

MEDICAL HISTORY:

Asthmatic since childhood. [REDACTED]

PERSONALITY:

Moody; never able to form close relationships. No history of drugs or alcohol abuse.

PSYCHIATRIC HISTORY:

Psychosexual difficulties for many years. First developed in the Novitiate. A recurring problem, no matter where he has been stationed his paedophilia brought him into contact with the police. This led him to seek medical attention.

CONDITION ON ADMISSION:

[REDACTED]

COURSE IN HOSPITAL:

He was treated with [REDACTED]

32. In a letter to B. Smyth dated 5 April, 1951, Fr. Hermans³ expressed his regret that he did not talk to B. Smyth about "the difficulties" while he was visiting Rome. The letter illustrates that B. Smyth was "not getting on well with [REDACTED]",⁴ and states that B. Smyth had not reacted "according to supernatural principles" in his handling of the matter. B. Smyth was told, in the letter, to "be intent on improving [his] submission to the house discipline" and to "serve God by doing much good around him, not in [his] own way but rather in the way of [his] Superiors". B. Smyth responded to Fr. Hermans by way of letter dated 9 April, 1951.⁵ In the letter, B. Smyth noted that his "clash" with Bro. [REDACTED] had not arisen "as the result of a moment's loss of temper but [was] the fruit of two and a half years subtle persecution". According to B. Smyth, Brother [REDACTED] had spied on him and was, for all intents and purposes, the Abbot General's pet. B. Smyth also noted that his issues with Brother [REDACTED] arose "within the first fortnight of [his] arrival" in Rome and B. Smyth went on to describe Brother [REDACTED] as "an exaggerated combination of Circator, Rector, Abbot General and pure and simple Dictatorial, interfering busybody". From B. Smyth's account of Brother [REDACTED] one could not be criticised for forming the view that Brother [REDACTED] was an annoyance to the students in Rome. I am told, however, that this is not a fair reflection on Brother [REDACTED] personality. A fellow member of the Kilnacrott Canonry recalls Brother [REDACTED] as "exacting, but a good character" and has stated that he never had any difficulties with him.
33. The next letter on record is one from Fr. Hermans to "Honourable Lord" on 27 April, 1951. I believe the recipient to be Abbot Emiel Stalmans of Tongerlo. In the letter, Fr. Hermans asked if B. Smyth could be ordained "in this state" and he wondered about how they were "going to deal with him" and what B. Smyth's reaction would be to "his return in Kilnacrott". According to the letter, Monsignor de Generaal (i.e. the Abbot General) was of the opinion that B. Smyth did not "fit" in the Norbertine Community. He acknowledged that Brother [REDACTED] "did wrong" but only "because of his eagerness to do good" and, in the Abbot General's view, Brother [REDACTED] had "a right view on Brendan, because of his two years' experience". As stated, B. Smyth was ordained to the priesthood on 31 July, 1951.
34. On 4 October, 1951, Abbot Stalmans wrote a letter to the Prior at Kilnacrott and instructed him that "if Brendan doesn't commit completely, he isn't allowed to return to Rome". The Prior at that time was a confrere by the name of Fr. Paul D'Hoine. The Abbot requested that Brendan send him a "written promise" in this regard. The Abbot's letter to B. Smyth of the same date was enclosed with this letter. The letter to B. Smyth was scathing and, in it, the Abbot told B. Smyth that it seemed to him that B. Smyth couldn't "promise ... that [he] [was] prepared to accept in Kilnacrott the life determined by the Superiors". The Abbot also told B. Smyth that he was "inclined to believe that the opinion of the Abbot General about [his] spirit [was] the truth" and he informed B. Smyth that it was "lost money and time to send [him] back to Rome". The Abbot warned B. Smyth that if he was "not prepared to obey complete insubordination", it was, in his view, best if B. Smyth was returned to the lay state. B. Smyth provided Abbot Stalmans with the requested written promise on 9 October, 1951. In it, he promised to "live peacefully in the Kilnacrott community, in complete submission to its present Superior and to his successors". He also promised "to keep all the Rules and Regulations proper to the Order and to the House as determined and explained by the Superior" and he concluded by promising "to accept whatever duties ... given to [him] to fulfil" and to carry those out "to the best of [his] abilities".

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

⁴ As stated earlier, Brother [REDACTED] was a lay Norbertine brother attached to the Canonry of Tongerlo. He was based in Rome during B. Smyth's time there as a student.

⁵ I have been provided with an extract only from this letter.

3.

Indicative translation by staff member of Mason Hayes & Curran

Tongerloo, 4 October 1951

Dear Father Prior,

If Brendan doesn't commit completely, he isn't allowed to return to Rome. I hereby ask you to make him to send me a written promise.

Please find attached a letter to him. I received your letter yesterday and I fear that my response will reach you too late.

It is daring to take such measurements. However, Fr. Brendan has to commit completely or return. [illegible]

I might go to Dublin, begin November. I will write you about that.

With kind regards,

Emiel Stalmans

4.

Mr Young, 4-10-51

Dear Fr Bro de.

Fr Bro wrote me a letter about the difficulties he had with you.

It seems you cannot promise him that you are prepared to accept in Kil. the help determined by the Superior and the circumstances.

It seems also that you will take more freedom in relation with the people.

The time is too short to inquire about your spirit. But I am inclined to believe that the opinion of the Abbot Gen. about your spirit is the truth.

Maybe I think it is not money and time to send you back to home. There is no question of it that you will go your own way afterwards. If you are not prepared to obey completely unconditionally I think the best for you should be to ask an "indultum calculacionis".

But I warn you, you will not remain in Kil. and not go to Imphamb you will

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come here to the Abbey.

My letter is hard. I hope my fears are exaggerated. But any case, you will send me through the hands of the Prior a subscribed promise that you are prepared to obey completely to every superior in the future.

In the meanwhile I pray for you.

Dear Fr. Brendan, how is it possible that so soon after your ordination to the Priesthood I have to send you such a letter. I hope you will see "Kister's Liberté" don't see the cause of the trouble in the Prior. It is in yourself my dear Capuchin. As long as you don't see it, there is no hope for improving. Go to Fr. St. Saccamont and ask him what he thinks about the matter. I hope you will see then. Accept with my blessing my kindest but worrying greetings S. St.

35. The letters of early October 1951 were written about the time that B. Smyth would have been due to return to Rome for his studies. A confrere of the Kilnacrott Canonry has stated that when he and B. Smyth were boarding the boat in Dun Laoghaire in order to commence their journey to Rome, Fr. D'Hoine showed up and told B. Smyth that he needed to speak with him. B. Smyth disembarked from the boat and did not return, leaving the other confrere to travel to Rome alone. B. Smyth subsequently turned up in Rome a few days later. He did not offer the confrere any explanation as to what had happened and the confrere did not ask.
36. These early reservations regarding B. Smyth's suitability for the priesthood are reflected in the minutes of an Abbot's Council meeting from 12 April, 1994, which contain a sentence that, as far as I can discern, reads "Abbot General ... had advised against ordination of Brendan Smyth". It is further noted in the same minute that "Father Cross, Manchester, had voiced his opinion that B.G.S. was unsuitable for priesthood". Fr. Anselm Cross was Parish Priest and House Superior at Corpus Christi Priory and Basilica, Milesplating, Manchester. This was another dependent house of Tongerlo.
37. When the priory at Kilnacrott became an independent canonry in 1954, Fr. Felim Colwell was appointed Abbot. There are no records of the council, house chapter, or canonry chapter meetings from that time. Anecdotal evidence suggests, however, that allegations of child sexual abuse by B. Smyth were known by Abbot Colwell when he appointed Smyth to a mission in Scotland in or around 1957. B. Smyth was recalled to Kilnacrott in 1958, apparently following a request from a Bishop in Scotland, and a suggestion of interference with children arose again. A confrere that worked in Scotland from 1969 to 1987 has previously recalled that he heard rumours of B. Smyth being deprived of his faculties when he was in Scotland.
38. B. Smyth was appointed to parish ministry in Flint, Wales in 1959. There is no record of a complaint being made to the Kilnacrott Canonry during B. Smyth's time in Flint, though a person abused by B. Smyth during his tenure there has come forward in more recent years. This victim was brought to the attention of the Kilnacrott Canonry through the Safeguarding Co-ordinator of the Diocese of Wrexham. The Gardaí and the HSE were notified. B. Smyth was recalled from his ministry in Flint sometime around 1963/1964.
39. B. Smyth was assigned to the Diocese of Providence, Rhode Island in 1965 under Bishop McVinney. He was sent back to Ireland in 1968 when issues arose in relation to him. According to a letter,⁶ dated 15 February 1968, from Bishop McVinney to Abbot Colwell explaining his decision to send him home, B. Smyth's "rapport with the adult parishoners" was not good and it is further noted that he "seemed dedicated to the young people, and in some cases too much". In the years since the extent of B. Smyth's offending has come to light, the Kilnacrott Canonry has been informed of five cases of child sexual abuse perpetrated by Smyth while he was in Providence.
40. When he returned to Ireland, B. Smyth was sent to the Purdysburn Hospital in Belfast for treatment. He was a patient at the Graham Clinic, a psychiatric unit attached to the Hospital, under the care of a clinical psychologist by the name of Dr Patten. It has been stated that certain aversion techniques were used on B. Smyth during his time in Purdysburn e.g. electric shock behavioural correction therapy. There is no report from Dr

⁶ This letter was not originally contained in the records of Holy Trinity Abbey. A copy of the letter was sent to Fr. Gerard Cusack in 2002 following his request to the Diocese of Providence for any records it held pertaining to Smyth's time there.



DIOCESE OF GALLOWAY, CANDIDA CASA, 8 CORSEHILL ROAD, AYR KA7 2ST

Telephone: 01292 266750 Fax: 01292 289888 Email: bishop@gallowaydiocese.org.uk

Mr. Patrick Butler
HIA Inquiry
PO Box 2080
Belfast BT1 9QA

27th July 2015

Dear Mr Butler,

Module 6 - Father Brendan Smyth

May I respond to your enquiry regarding Fr. Brendan Smyth's time in Galloway Diocese.

a) Service in Galloway Diocese

The Baptismal and Marriage Registers in St. Columba's, Annan, indicate that Fr Smyth was active there from 31st August 1957, when he is recorded as celebrating the first of 6 baptisms, till 19th January 1958, when the sixth and final baptism is recorded. The Registers have no record of him either before or after these dates.

b) Place of Service

The 1958 Catholic Directory for Scotland lists Fr Smyth as an Assistant Priest in St. Columba's, Annan. At that time the parish in Annan also served the churches in Gretna, Lockerbie and Moffat.

Fr Smyth is not listed in the 1957 nor 1959 editions of the Catholic Directory, which would indicate he was not in Scotland before or after his stay in Annan.

c) Documents

I have been unable to find any reference at all to Fr Brendan Smyth in the Diocesan archives, and so I am unable to give you any information regarding when he came to the Diocese or when/why he left.

d) Correspondence

I have not found any correspondence with Kilnacroft Abbey or any other body relating to Fr Smyth.

I hope this information, though sparse, is useful to you and to the Inquiry.

Yours sincerely,

+ William Nolan
Bishop of Galloway

STATEMENT CONTINUATION PAGE PAGE NUMBER 2

STATEMENT OF FATHER BRUNO ENDA MULVIHILL

Sacristy. I have indicated this room on the sketch I have drawn.

Prompted by ignorance I asked Michael McKeown why the children should be crying. He explained this was due to sexual abuse by Father Brendan. In due course we both complained to the Abbot (Colwell), who ignored our honest complaint. From 1965 until 1968 (early January or February) Fr Brendan was in a posting in Providence, Rhode Island, USA. Early one morning in 1968 after Morning Community Office I took a phone call from Diocesan Bishop Russell McViney of Providence, Rhode Island asking for Abbot Colwell. As the Abbot was in hospital he asked me to convey the news that Father Brendan had been dismissed from his posting in East Greenwich, and was at that particular time on his way back to Ireland. He explained this was a result of Fr Smyth's sexual misdemeanour. Accompanied by the then Prior, Phillip Nash (now deceased), I passed on this information in the afternoon to Abbot Colwell who 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. In the summer of 1968 while I was preparing for autumn examinations at one stage I was asked to prepare some vacant rooms for visitors. In the course of cleaning one room in which up to this time Fr Brendan had resided, I found a copy of a Decree of the Congregation of Religious which had been handed out to Fr Brendan which stipulated that he was only to leave the Abbey precincts with permission and never alone. His faculties for confession were withdrawn for the rest of his life. The Prior being

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REV BRENDAN (JOHN GERARD) SMYTH

Brendan then explained that this incident took place before the allegations regarding FBS 16 surfaced. Referring to the allegations, Brendan stated "the thing broke through FBS 16 when he was about to be confirmed. In 1989 when FBS 16 was 11, I visited his house and FBS 16 hid behind the door. Later he explained to family members that Fr Brendan was 'a dirty old man' and that he was afraid of me".

Brendan explained further that when FBS 14 was celebrating her fourteenth birthday, which occurred on a Saturday or a Sunday night, he was asked to say Mass for her and her friends so they wouldn't have to go to church later. Brendan stated that when he visited the house he had no Mass kit with him and that when he left FBS 14 threw her arms around his neck. Brendan stated that he then "put my hand down her pyjamas and touched her butt. She didn't laugh or anything".

Brendan was charged on January 21st, 1994 with nine counts of sexual assault against children. He stated that since then three additional charges from three other girls have also been lodged; but he has not been told who these girls are.

He then stated that in the '70's he used to take groups of three to four boys and girls on four - five day holidays in Southern Ireland. He stated that he is only guessing, but he thinks that the girls who made the complaints may have been from then.

Brendan then explained "I am not coming here to try to get off, I want to try and serve my complete prison sentence, so there is no further claim on me". Then I'll go to any therapy that my Superior's suggest. This sentence could be for ten/twelve years, I could have said no to coming here. The Superiors are doing this to show that they are doing something".

"I first began molesting children shortly after my ordination in the mid-50's. In the beginning it was casual and external, then it developed. The most it developed to was them masturbating me to orgasm. They were too young for orgasm I think, except for two incidents, neither of them the [redacted] boys. I'm not very knowledgeable about this. I really wanted them to masturbate me; to pay them back I wanted to give them sexual pleasure. I've told you all about the nature of the sexual activity; what I've told you about the number of people and incidents of sex is about 20% - 25% of my entire history. This has gone on a long time".

"I actually couldn't have intercourse because I can't have a full erection. I can get excited but I have premature ejaculation and then I don't have the power to penetrate. This has always been the case".

Brendan then commented on the case concerning FBS 16 in 1989. He stated "I wanted to go to the Confirmation so Mrs [redacted] wouldn't be disappointed. When I called the house that morning I was confronted by FBS 9 the cousin of FBS 16 about my past with him.

cont..4..



Esgobaeth Wrecsam + Diocese of Wrexham

Registered Charity No.700426

Ty'r Esgob Bishop's House
Ffordd Sonlli Sontley Road
Wrecsam LL13 7EW

+44 (0)1978 262726
curia@wrexhamdiocese.org.uk

20th July 2015

Mr Patrick Butler,
HIA INQUIRY
PO Box 2080,
Belfast BT1 9QA
Northern Ireland

27 JUL 2015

Dear Mr Butler,

**The Inquiry into Historical Institutional Abuse 1922 to 1995
Module 6 – Father Brendan Smyth**

In response to your request I can confirm to the Inquiry that :

- a) Father Brendan Smyth served in the Diocese of Menevia (now Wrexham) from late February (26th /27th) 1958 to June 1963
- b) Firstly at the Cathedral (Wrexham) from his arrival in February to July the same year; from sometime in July to the following June in Prestatyn; from the first Sunday of June 1958 to his departure in June 1963 in Flint.
- c) & d) Contemporaneous correspondence with and personal notes of Bishop Petit to Abbot Colwell, Father Smyth, parish priests. (copies of all of which are enclosed.)

A letter (Novemehr 1994) and a Newspaper article (December 1994) relating to **FBS 55** late of the Cathedral parish Wrexham.

An anonymous 'My Testimony'

Pack relating to the allegation by **[REDACTED]** referred to in your letter.

I trust this information assists the work of the Inquiry.

Yours sincerely,

The Rt Rev'd Peter M. Brignall
Bishop of Wrexham

22 Jan 1962

Smyth

Denies all the allegations completely.

1) Did not strike the boy

2) Did not put his hand up his shirt or take him on his knee.

Cannot account for these accusations being made now.

Was asked by the boy's mother to excuse the boy from the homework because it was too hard.

adhes Latin.

R.I.

Did not detain the boy on his own.

'I was exploited through sheer ignorance and blind faith' Smyth victim tells of abuse on boat

By Alison O'Connor

FBS 55 was 11 years old and he wanted to be a priest. Brendan Smyth had arrived in the diocese in Wales where he lived a few months earlier and befriended the young [redacted]. An offer from Smyth of a holiday in Ireland, which included a trip to Kilnacrott Abbey, was eagerly accepted. But, by the time they reached the Norbertine Abbey in Co Cavan, FBS 55 was putting his pyjama bottoms on back to front and dreading night-time when he knew Smyth would insist they share a bed.

He remembers their arrival at the abbey and meeting a balding man with horn-rimmed glasses. Father Felim Colwell, who died in 1968, was abbot at the time.

"It was around 1958. I wanted to be a priest so I was delighted with the chance to visit the abbey. We arrived late at night and had supper in a big hall. I remember we sat at the table and there was just one other person there. Somebody brought us a meal. After that we went into a room

and met someone who I think was the abbot and then went to bed. That was the one night of the holiday where I had my own room," said FBS 55, who is from [redacted].

The boy had not even arrived in Ireland before he was regretting his decision to accompany Smyth. The sexual abuse began on the ferry from Holyhead to Dun Laoghaire.

"I remember on the first night we got undressed and he started playing with me. I was standing up and he was sitting on the bottom bunk. I can remember him asking 'Does that hurt?' and I said it didn't but that I didn't like it so he stopped. It was tragic really. I survived it but a lot of other kids wouldn't have done."

They stayed in various hotels including the Gresham in Dublin and spent a few nights with Smyth's father in Belfast. Mr FBS 55 can remember walking around Dublin with Smyth, "walking down the Liffey and standing on the bridges and going to see *Ben Hur* in a cinema on the

top of O'Connell Street".

The abuse would begin each night after they got into bed together. "I was too young to understand what was going on but I started to put my pyjamas on back to front in a vain attempt to stop him. He tried to get me to touch him and I did kind of for a few minutes.

"I was totally ignorant of things sexual but I knew that I didn't like it at all. I always started crying. On reflection I guess he knew I wanted to be a priest and would be going to a junior seminary and would be too frightened and too in awe to say anything about a priest doing this to me.

"The night we stayed in the Gresham Hotel was particularly bad. I think it was the last night of the holiday. The following day we were walking around town and I was upset about what he had done to me so I guess I must have really been sulking and very quiet.

"He knew that I was a football fanatic so he brought me into a shop and bought me a very expensive football, a pair of socks, a jersey and a pair of shorts. I al-

ready had boots so he didn't buy me those. Money never seemed to be a problem."

After returning to his home in [redacted] FBS 55 who now [redacted] boarding school and when he came home at Christmas Smyth had moved on.

FBS 55 is a "very Catholic family with strong Irish connections. He was [redacted]

[redacted], which is how he met Smyth who was staying at the presbytery. Smyth was very friendly with the [redacted]. "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."

One day Smyth took a group of them to Chester to the cinema. "We went on the bus and that was a big deal in those days. We all wore short trousers and at that stage nobody minded sitting next to him because he always had sweets.

"But then once we got to the

cinema he put his hand on the knee of the person who sat next to him. He would move the hand up as we watched the picture and grab hold of your penis and start playing with it. After a while none of us would want to sit next to him when we went to the cinema because we knew what would happen. There were a few comments made but we didn't really know what was going on."

He never spoke about it to his friends and they tried to forget the Norbertine priest. For a few years afterwards Smyth sent a Christmas card to the [redacted] family. "It was one of those printed cards but he always wrote a little message at the bottom which said 'Please pray for me'."

FBS 55 said he repressed the memories of what Smyth had done to him and did not discuss it with anyone. In recent years though he has remembered, particularly physical details.

He now feels a great anger towards the priest. "If I'd know he was still alive and where he was I would have confronted him. He abused me a long time ago and I

FBS-1268

7th June 1963.

Confidential.

Dear Fr Abbot,

I am afraid this letter brings you sad news. Fr Brendan Smyth has been accused by a boy of 10, an Altar server, of encouraging him on several occasions to commit indecent actions and Fr Smyth has admitted the charges.

He is deeply remorseful and full of contrition for what has happened. Nor did I need to press the charges in any way - he admitted them almost before I made them.

Under the circumstances Fr Smyth cannot stay in Flint or for that in the diocese. Although I do not think there will be any legal charge made against him - the family I am told is an excellent Catholic family - nevertheless one can never be sure that matters like these do not leak out. Therefore I think he would be better out of the country.

He leaves Flint, therefore, on Sunday evening next en route for Kilmacrott.

Fr Smyth has worked hard in the diocese since he came to it which makes the case still sadder, but, evidently there is a weakness in his character which I feel sure must have been completely unknown to you.

With every kind wish,
Yours sincerely,

The Right Rev. Fr Abbot,
Holy Trinity Abbey,
Kilmacrott, Ballyjamesduff.
Co. Cavan. Ireland.

-2-

Patrick's psychiatric Hospital in Dublin. In 1974 Fr. Smyth was institutionalised for a time at Stroud in Gloucestershire. In 1989 he was referred by the community for further treatment by a Consultant Psychologist in Dublin. Fr. Smyth attended him on a regular basis until late last year. From his history you see that we sought expert intervention and treatment for Fr. Smyth.

Fr. Smyth's behaviour has perplexed and troubled our community over many years. 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.

Fr. Brendan Smyth was born and reared in West Belfast and had many friends there. We are aware of one occasion only on which he was there in a pastoral capacity. To the best of our knowledge, he was not on any pastoral ministry or on business connected with the community on any occasion when wrongdoing occurred.

On two occasions Fr. Smyth was sent on temporary assignment to do parish work in America. On neither occasion was the Bishop of the Diocese to which he was sent notified of his propensity to molest children. On both occasions Fr. Smyth offended against young parishioners. I acknowledge that I, as his religious superior, committed a grave error in sending Fr. Smyth abroad without warning the Bishop to whom I sent him.

I have recently learned that between 1992 and 1993 Fr. Smyth paid substantial sums of money in response to a complaint made directly to him by the family of a young person in America. The community had no knowledge of this complaint until recently and did not make or authorise the payments or know anything about them.

The community has paid no money to any person arising out of Fr. Smyth's offending.

In 1989 I received complaints from a family about Fr. Smyth's conduct with their children. Twice thereafter, Cardinal Daly, then Bishop of Down and Connor, communicated with me and requested that I, as Fr. Smyth's religious superior, take appropriate steps to deal with Fr. Smyth's misconduct. Dr. Patrick Walsh, the present Bishop of Down and Connor, also contacted me regarding the same issue. After the 1989 complaint I had arranged for Fr. Smyth to attend a Clinical Psychologist in Dublin regularly and so

08/05/2002 14:30

4012784548

BISHOP OF PROVIDENCE

PAGE 02

February 15, 1968

Rt. Rev. Abbot Felim C. Colwell, C.R.P.
Holy Trinity Abbey
Kilincroft, Ballyjamesduff
County Cavan, Ireland

Dear Abbot Colwell:

I regret to have to inform you that I have sent Father Brendan Smyth home. I was under the impression that he was doing very well in the parish to which he was assigned. To my amazement it is now reported to me that he doesn't measure up on several counts. His rapport with the adult parishioners has not been happy. He seemed dedicated enough to the young people, and in some cases too much. So, we feel that for the good of the parish and the souls and for his own sake he should return to his Monastery.

He had already planned to go back to Ireland within a couple of weeks. I told him to remain at his post until he had made definite arrangements to depart and once in Ireland not to plan to return.

I am sorry to have to share this disappointment with you, but I hope that you are getting on well.

With assurance of my continuing esteem, I am

Sincerely yours in Christ,

Bishop of Providence

- 4 -

REV BRENDAN (JOHN GERARD) SMYTH

██████████ marriage was breaking up at the time: I wasn't surprised because ██████████ was hyper as a boy and always wanted to be the best at everything. He had talent but not the application to be tops. When ██████████ confronted me he asked me to go to Counselling. I suggested I could go to the same counsellor ██████████ was seeing. After speaking with the family, they decided to contact my Abbot. From then on I had no contact with the family. Any communication that took place was between the family and the Abbot.

I began immediately to see Dr Michael Del Monte of St Patrick's Hospital in Dublin as a private patient. I saw him every few weeks at first, then once a month for a short hour (45 mins). While I saw him I abused one other girl: I didn't tell this to Dr Del Monte. I attended therapy monthly after that, except during June to September when either he or I were away. I was in the States doing Mission Appeals".

From 1991 to the present the average visits to Dr Del Monte were approximately 8/9 times a year.

3. MEDICAL HISTORY:

Brendan reported:

1. ██████████
2. ██████████
3. ██████████
4. ██████████

Except for ██████████

██████████ Brendan reported no other significant medical history.

4. PSYCHOLOGICAL HISTORY:

Brendan stated that in 1968 he was a patient at the Graham Clinic in Belfast which was part of a psychiatric hospital. He was under the care of a Dr Patten for "his problems". Brendan then stated "I was working in a parish in Rhode Island where there were immodest touches, not real sexual abuse which took place. I told my Superior about these incidents in East Greenwich between 1965 and in 1968 because I thought the Bishop there would have told my Superior. Someone there reported me to the Bishop for touching an eleven year old altar boy".

"I was in the Clinic about three months or so: I don't remember". Brendan then stated angrily, "No-one ever told me what the charges were".

cont..5..

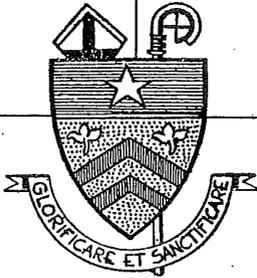
STATEMENT CONTINUATION PAGE PAGE NUMBER 2

STATEMENT OF FATHER BRUNO ENDA MULVIHILL

Sacristy. I have indicated this room on the sketch I have drawn.

Prompted by ignorance I asked Michael McKeown why the children should be crying. He explained this was due to sexual abuse by Father Brendan. In due course we both complained to the Abbot (Colwell), who ignored our honest complaint. From 1965 until 1968 (early January or February) Fr Brendan was in a posting in Providence, Rhode Island, USA. Early one morning in 1968 after Morning Community Office I took a phone call from Diocesan Bishop Russell McViney of Providence, Rhode Island asking for Abbot Colwell. As the Abbot was in hospital he asked me to convey the news that Father Brendan had been dismissed from his posting in East Greenwich, and was at that particular time on his way back to Ireland. He explained this was a result of Fr Smyth's sexual misdemeanour. Accompanied by the then Prior, Phillip Nash (now deceased), I passed on this information in the afternoon to Abbot Colwell who 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. In the summer of 1968 while I was preparing for autumn examinations at one stage I was asked to prepare some vacant rooms for visitors. In the course of cleaning one room in which up to this time Fr Brendan had resided, I found a copy of a Decree of the Congregation of Religious which had been handed out to Fr Brendan which stipulated that he was only to leave the Abbey precincts with permission and never alone. His faculties for confession were withdrawn for the rest of his life. The Prior being

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HOLY TRINITY ABBEY

Kilnacrott, Ballyjamesduff, Co. Cavan.

12th June 2007.

Tel: (049) 8544416
 Fax: (049) 8544909

URGENT

**Att: Sr. Enrica, Congregation for the Institutes of Consecrated Life and
 For Societies of Apostolic Life.**

Dear Sr. Enrica, Shalom & Good Health,

I am the elected Prior de Regimine of the Norbertine Order in Ireland. Fr. Brendan Smyth, O.Praem, a deceased confrere, was convicted of child abuse crimes in the Irish Republic jurisdiction. Currently we are dealing with an alleged victim of child abuse in the High Court, Dublin, Ireland. I have been requested by our legal representatives in Ireland to write to you again about an allegation that a Decree was issued from your Congregation regarding the late Fr. Brendan Smyth, O.Praem. I enclose a copy of a reply from your office responding to an enquiry, your document Prof. n. 23399/94.

The Judge dealing with this case in the High Court, Dublin has directed that I write to your office again enquiring as to whether such a Decree was in fact entered and seeking any documentation surrounding or relating to such a Decree.

The allegation that a Decree issued was made by the late Fr. Bruno Mulvihill, O.Praem in a television programme and also in a book published about the abuses of Fr. Brendan Smyth. He alleged that a Rescript was issued in 1967 from your Congregation by which Fr. Brendan Smyth was forbidden to leave the grounds of Kilnacrott Abbey except in the company of another priest and which forbade him to hear confessions for life.

I hope this letter is helpful to you. This case will be dealt with again in the High Court, Dublin on 16 July 2007. It is important that I have a reply as soon as possible. Our legal team has to prepare an appropriate Affidavit in advance of 16 July.

Respectfully yours in Christ,

Rt. Rev. Gerard P. Cusack

Rt. Rev. Gerard P. Cusack O.Praem,
 PRIOR

NB. Fr. Gerard Cusack will contact by phone re: this urgent request.

*This letter + reply +
 orig. request to
 Fr. Geo.*

*Seal/paste
 on 14/06/07*

e.mail: kilnacrottabbeytrust@tinet.ie

St. Norbert of Xanten, 1080 - 1134

STATEMENT CONTINUATION PAGE PAGE NUMBER 3

STATEMENT OF FATHER BRUNO ENDA MULVIHILL

out I gave this copy of the Sup-Prior, Father Kilian Mitchell who assured me later on that same day he had put this document on Father Brendan's file in the Abbot's office. I presume on good grounds that this Decree dated after Fr Brendan's expulsion from the Diocese of Providence ie sometime after January 1968 and the election of Abbot Kevin Smith on 12 June 1969. Abbot Colwell died on 24 September 1968 and there was no Abbot until Kevin Smith's election thus the reason for seeking the Prior when I found the Decree. I know as a fact that a document of this nature is handed out to the Abbot General who then passes it on to the Abbot in question. I believe the Decree emanated as a result of the complaint in America. My studies took me to Germany in late 1970, this meant I spent long periods of two and three months twice yearly in Kilnacrott. During one of these prolonged visits I noticed to my amazement that Father Brendan Smyth was driving a car with a Northern Ireland registration. That he was quite often away on his own from the Abbey and that he was hearing confessions again as if the Decree did not exist. I approached Abbot Smith concerning the matter 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 but there the matter did not end. Sometime later, I cannot say exactly when, I visited a Bingo Session in the Abbey Auditorium; at that time Fr Brendan was running the refreshment shop. I noticed Fr Brendan leave a small store room with a sobbing female juvenile. Because I suspected abuse I reported this to Abbot Smith who saw no harm in the matter. He said he did not want me

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Copy



NORBERTINE CANNONS
 CANNONS REGULAR OF PREMONTRE.
 WHITE CANNONS OF ST. NORBERT

Holy Trinity Abbey
 Kilnacrott,
 Ballyjamesduff
 Co. Cavan.
 Ireland.
 Tel. (049) 44416
 Fax (049) 44909

27th February 1995

Rev. Richard Yeo, O.S.B.,
 Congregation for Institutes of Consecrated Life & Societies
 of Apostolic Life.,
 Piazza Pio XII, 3,
 00193 Roma,
 ITALY

My Dear Richard,

Laudetur Jesus Christus! Our Community sadly has a priest in prison for Child Abuse offences. A confrere, Bruno Mulvihill, has alleged on a T.V. programme that:- a "stiff decree" had been issued by the Congregation for Religious in Rome in the late 1960's, saying that Fr. Brendan Smyth was not to leave the Abbey premises without permission and without being accompanied by a trustworthy person for the rest of his life. He said the Decree also stated that his Faculties for Confession were to be rescinded for all time.

Richard, we understand that such a Decree was never issued. No one here has any recollection of the existence of any such document. I understand that you know our Norbertine confrere, Eugene Hayes, in Rome. He is familiar with this sad case. I know that our Abbot General has no record in his files of any such Roman Decree.

Richard, could you please put in writing a statement declaring that there is no record in the office of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life of any such Decree ever been issued re: Fr. Brendan Smyth sent to our Abbey superiors in the late 1960's or at any time.

Our Abbot, Kevin Smith, resigned in October 1994, resulting from the Child Abuse case. I was appointed Administrator. I enclose copy of document of appointment.

A statement from your office, in English, please, would greatly help us at this present time.

I hope I have made my request clear. Oremus pro invicem.

I remain,

In the Lord & St. Norbert,



CONGREGATIO
PRO INSTITUTIS VITAE CONSECRATAE
ET SOCIETATIBUS VITAE APOSTOLICAE

Rome, 23 March 1995

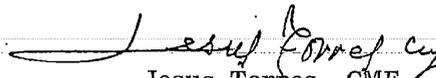
Prot. n. 23399/94

Dear Reverend Father,

This Congregation has received your letter of 27 February 1995, in which you ask if it is true that a decree was issued by this Congregation in the late 1960's concerning Father Brendan Smyth, O.Praem.

A thorough search has been made in the archives of this Congregation, and we have to inform you that we can find no record of any such document.

Yours sincerely in Christ,


Jesus Torres, CMF
Subsecretary

Reverend Father Gerard P. Cusack, O.Praem.
Holy Trinity Abbey
Kilnacrott, Ballyjamesduff
Co. Cavan

IRELAND



CONGREGAZIONE
PER GLI ISTITUTI DI VITA CONSACRATA
E LE SOCIETÀ DI VITA APOSTOLICA

Vatican, 2 July 2007

Prot. N. 23399/94

Very Reverend Father Prior,

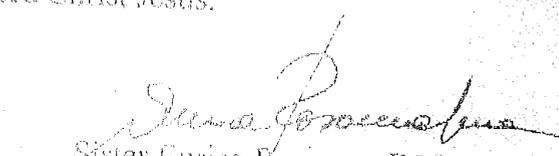
With your letter of 12 June 2007 you asked for information about the Decree with which the Holy See during the 1960s would have taken measures pertaining to the Reverend Father Brendan Smyth, O. Praem.

Given the importance of such a document for the forthcoming judicial proceedings, this Dicastery carefully searched our Archives, especially for the period of 1967 in which this Rescript would have been issued.

In our Archives there is no mention or trace, direct or indirect, concerning the Smyth case before 1994 when this Dicastery was first asked for a copy of the Decree in question.

This reply is a bit delayed owing to the time spent searching the Archives.

I greet you in Our Blessed Lord Christ Jesus.


Sister Enrica Rosanna, F.M.A.
Undersecretary

Right Reverend Father
Gerard P. Cusack, O. Praem.
Prior de Regimine
Holy Trinity Abbey
Kilnacroti, Ballyjamesduff
County Cavan
IRELAND

DIOCESE OF KILMORE

Tel: 049 4331496
Fax: 049 4361796
Email: bishop@kilmorediocese.ie
Website: www.kilmorediocese.ie

Bishop's House
Cullies
Cavan
Co. Cavan

10 March 2007

Very Rev. Gerard Cusack, O. Praem, Prior
Holy Trinity Abbey
Kilnacrott
Ballyjamesduff
Co. Cavan.

Dear Fr. Gerard,

Please excuse the delay in replying to your letter of 26 February 2007. You will understand that I had to take advice on the matter.

In reply to your queries:

- (a) I have in the diocesan archive a record of a meeting which took place in the Dominican Friary, Dundalk in the early 1970s. However, it does not concern the plaintiff named in the copy of the solicitor's letter you enclosed.
- (b) I have no record of any decree of the Congregation of Religious in Rome (or any related documentation) relating to Fr. Brendan Smyth. Specifically, I have no record of a decree prohibiting him from leaving the precincts of the Abbey unsupervised or removing his faculties to hear Confession;
- (c) I have no record relating to the transfers of Fr. Brendan Smyth, whether those covered by Can 190 or otherwise.

With every good wish,
Yours sincerely,



Leo O'Reilly
Bishop of Kilmore.

1 time to hear my confession?" Brendan walked straight
2 past him and ignored him.

3 Then within the month -- the old abbot used to call
4 the Brothers in and ask, "How are things going?" He
5 said, "Well, good, Father Abbot, except", he said, "one
6 day I asked Father Brendan to go to confession and he
7 just ignored me like I was a piece of dirt". He said,
8 "It's because he can't. He can't hear confession. He
9 can't say mass. He can't preach. He can't leave the
10 abbey grounds except in the company of another priest
11 and that's because he fiddled about with children in
12 Rome".

13 Q. And this is -- the old Abbot you're talking about is
14 Abbot Colwell?

15 A. Colwell, yes.

16 Q. So one of the difficulties -- and you've explained this
17 in the statement -- is that there are not records from
18 Abbot Colwell's time as abbot in Kilnacrott.

19 A. No, he didn't keep, or when he died, maybe his
20 council minutes were burnt or something. That was
21 fairly common.

22 Q. But what you are clear about is that you were being told
23 that during Abbot Colwell's lifetime he had -- having
24 become aware of Brendan Smyth molesting children in
25 Rome, he had placed sanctions on his movements and his

- 5 -

REV BRENDAN (JOHN GERARD) SMYTH

Brendan stated that there was one additional hospitalisation at St Patrick's hospital in Dublin. He said he couldn't remember his Doctor's name but that he was there three to four weeks.

He stated that he asked to go because a complaint had been made to him about his touching two or three boys. He said that by that time he knew that this was habitual. At the Graham Clinic Brendan had electric shock therapy, and in St Patrick's Hospital received a heavy dosage of drugs and sedatives. He said he doesn't remember much after that. Brendan then indicated that he was in OLV about 20 years ago by mistake. He said that when he arrived the priest in charge here told him that there was no programme here for people with his type of problem. He said he remembers being here about two/three weeks and that he was told to make it a retreat.

5. FAMILY HISTORY:

Brendan stated that in growing up there were two boys in his family and no girls. He said his family were poor but that they were secretive about their poverty. His father worked as an auctioneer for a firm selling different things. Brendan then stated that at the age of 9 he had pneumonia and because of the asthma which developed afterwards, he was not athletic as his brother was.

Brendan stated that his father and mother squabbled from time to time but that neither of them used alcohol. He said occasionally when his mother was ill, she would have a drink. His father's family was not close to the family, except occasionally there would be a visit from Aunt Mary. Brendan reported no other significant family history.

6. DEVELOPMENTAL HISTORY:

Brendan stated that, as a child, he was "happy enough". He said he would have liked to have had a bit more money in his family when growing up and a bit more athletic ability. He stated that he was good in school and that he got a scholarship to secondary school with the Christian Brothers. He said he received no sex instruction from his parents and that he learned about sex from gossip in school. Brendan also stated that Dr Del Monte implied that his acting out was simply a matter of sexual curiosity and pleasure seeking. He said that he always avoided sex with girls because he was told by his mother that it could be serious. Also he stated that as a young priest he was good at working with kids and training and teaching them.

7. SEXUAL HISTORY:

Brendan explained that he became aware of the difference between the sexes at aged 7.

cont..6..

1 Q. You can't find any other material that backs up the
2 suggestion that there's been a discussion?

3 A. No. I have contacted the Abbot General, the current
4 Abbot General, this week. I haven't been able to get
5 him, but I know from him that there are no -- there are
6 no records in the generalate about correspondence
7 regarding Brendan Smyth or any recommendations given.
8 So I really doubt that that is accurate.

9 Q. There appears to have been -- and maybe you have
10 answered this -- at various times some suggestion of
11 reprimanding him in some way, taking some sort of step
12 to curtail him, thinking about taking his car off him,
13 thinking about laicisation, but really -- and I think
14 you accept this yourself in the statement, and we will
15 come to the things that you accept -- there wasn't
16 really a determined effort to properly deal with this
17 man.

18 A. Not at all, no. It was pathetic really. In fact, one
19 time it is laughable where it says that he -- he was
20 accused and accepted that he was guilty of sexually
21 interfering with a boy, and his faculties, his public
22 functioning as a priest, was taken off him for two
23 weeks. Two weeks? It should have been the rest of his
24 life, you know. Two weeks. It's just baffling.

25 Q. What I want to ask you, if we can look at 860, this was



Holy Trinity Abbey
 Kilnacrott,
 Ballyjamesduff
 Co. Cavan.
 Ireland.
 Tel. (049) 44416
 Fax (049) 44909

26th September 1994

Chris Moore, Esq.,

Dear Mr. Moore, (UTV journalist)

I refer to your letters, visits and telephone calls to the monastery over the past four months. I have given much thought to your letter of May 20th. In an effort to respond to your questions I have reviewed Fr. Smyth's history, conferred with the members of our community and sought the advice of professional people who have studied paedophilia.

As Fr. Smyth's religious superior at Holy Trinity Abbey since 1969, I acknowledge that I have made many errors in dealing with his wrongdoing. As a community we have also erred and failed in our pastoral response to those who have suffered. At the time of Fr. Smyth's conviction we publicly apologised for the hurt caused to so many people. I now again say to those who have suffered that we are deeply sorry.

It is now clear that Fr. Smyth should never have had access to children. When he comes out of jail, we as a community are determined to ensure that Fr. Smyth has available to him such treatment as is advised. In addition, we are especially alert to the need to do all in our power to ensure that he has no further access to children.

Fr. Smyth has been a member of the Norbertine Community since 1945. Notwithstanding the absence of records I believe that his problem with children surfaced early in his religious life. 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 from forming attachments to families and their children. We now see how inadequate this approach actually was.

In 1968 we sought treatment for Fr. Smyth at Purdysburn Hospital in Belfast where aversion techniques were used. At that time psychiatrists believed that this was the appropriate treatment for his disorder. In time it became apparent that it was not effective in this case. In 1973 Fr. Smyth was again sent for treatment, this time at St.

-2-

Patrick's psychiatric Hospital in Dublin. In 1974 Fr. Smyth was institutionalised for a time at Stroud in Gloucestershire. In 1989 he was referred by the community for further treatment by a Consultant Psychologist in Dublin. Fr. Smyth attended him on a regular basis until late last year. From his history you see that we sought expert intervention and treatment for Fr. Smyth.

Fr. Smyth's behaviour has perplexed and troubled our community over many years. 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.

Fr. Brendan Smyth was born and reared in West Belfast and had many friends there. We are aware of one occasion only on which he was there in a pastoral capacity. To the best of our knowledge, he was not on any pastoral ministry or on business connected with the community on any occasion when wrongdoing occurred.

On two occasions Fr. Smyth was sent on temporary assignment to do parish work in America. On neither occasion was the Bishop of the Diocese to which he was sent notified of his propensity to molest children. On both occasions Fr. Smyth offended against young parishioners. I acknowledge that I, as his religious superior, committed a grave error in sending Fr. Smyth abroad without warning the Bishop to whom I sent him.

I have recently learned that between 1992 and 1993 Fr. Smyth paid substantial sums of money in response to a complaint made directly to him by the family of a young person in America. The community had no knowledge of this complaint until recently and did not make or authorise the payments or know anything about them.

The community has paid no money to any person arising out of Fr. Smyth's offending.

In 1989 I received complaints from a family about Fr. Smyth's conduct with their children. Twice thereafter, Cardinal Daly, then Bishop of Down and Connor, communicated with me and requested that I, as Fr. Smyth's religious superior, take appropriate steps to deal with Fr. Smyth's misconduct. Dr. Patrick Walsh, the present Bishop of Down and Connor, also contacted me regarding the same issue. After the 1989 complaint I had arranged for Fr. Smyth to attend a Clinical Psychologist in Dublin regularly and so

1 a stipend, which was considerably less than what you had
2 to pay a lay teacher, regardless of qualifications.

3 So one of the Fathers said, "Well, you know, why
4 don't we get someone from Kilnacrott?" The headmaster
5 said, "Great. Who?" He said, "Brendan Smyth", and he
6 said, "Absolutely not", and he said, "You know, we have
7 had to dismiss a teacher here for interference with one
8 of the boys". He said, "I'm not having that fellow in
9 this place". So he knew about Brendan's proclivities in
10 1973.

11 Q. That's what I am coming to, because what that anecdotal
12 -- your memory of this conversation reveals is that,
13 while this priory was a house connected to Kilnacrott,
14 Smyth's activity was well-known within the Order --

15 A. Oh, yes.

16 Q. -- by this time.

17 A. As you see elsewhere, he was even commented about by the
18 parish priest of Corpus Christi in Manchester in
19 England, Father Cross, who said he should never have
20 been ordained.

21 Q. Are you able to date when the -- that particular --

22 A. There is a reference to Father Cross in here.

23 Q. Maybe it is something we can come back to. I am not
24 sure I have been able to find a date for when Father
25 Cross --

**APPENDIX 1: EXTRACTS FROM MINUTES OF MEETINGS OF THE ABBOT'S
COUNCIL/HOUSE CHAPTER/CANONRY CHAPTER**

Legally privileged information has been redacted.

MINUTES OF HOUSE CHAPTER

3 OCTOBER 1970

Present: Father Abbot, Father Prior, Sub Prior, Michael, Brendan, Malachy, [REDACTED] Gerard, Brother Eugene, Father Brendan.

On matters of any other business, Fr Brendan raised the matter of keys for the front door being provided for confreres. Fr Brendan said that each confrere should have a front door key, just as he should have a key for his room. Fr. Tony agreed with Fr. Brendan's suggestion.

MINUTES OF PREVIOUS ABBOT'S COUNCIL MEETING

MAY 1973

Present: Fathers Abbot, Prior, Tony, [REDACTED]

Item 3 - The Council was now asked by Abbot to enter into consultation for the personal and private case of a particular Confrere against whom a complaint had been received from outside the Abbey and for the remedies that could be taken.

MINUTES OF PREVIOUS ABBOT'S COUNCIL MEETING

5 MAY 1975

Present: Fr. Prior, Rev. Killian Mitchell, Rev. Augustine Heron (Australia) and [REDACTED]

FBS 52

Private item - provision for Fr. Brendan's future service in the Order. Suggested doctors in Stillorgan - seek assistance from Paraclete Fathers.

Works undertaken by Fr. Brendan in the past:

- ACA Secretary
- Retreats to nuns
- Teaching Theology
- Parish work in Scotland, Wales, US

It is submitted presently Fr. Brendan has permission to offer Mass, but not to dispense the Sacraments publicly, this work to be of service, this work to have reasonable safeguards.

Value of transferring Fr Brendan from House to House – One Order has followed this practice.

MINUTES OF PREVIOUS ABBOT'S COUNCIL MEETING

MAY 1976
SIGNED 10 MAY 1976

Present: Fathers Abbot, Prior, Tony, **FBS 52** O'Reilly.

1

MHC-11600126-2

25-5-73

at 4.00

Father Brendan Smith.

His Superior came to talk about him. Said that he was advised to come by Dr. Fay.

Father Brendan Smith has apparently had a homosexual problem for some years and had treatment in Belfast and also in America. A clever man always regarded as a "bit crazy" with a "screw loose" recently apparently he has seduced a girl of twelve and had intercourse with her. Her father discovered the facts and complained. The 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. The patient does not know his Superior is coming first.

Advised it would be better to see the patient without any foreknowledge. Send appointment to Father Brendan Smith on behalf of Dr. Fay.

25/5/73.

A man of pyknic build who gives a free and frank account of himself. Has been aware of homosexuall tendencies with small boys for some years. Had some inversion treatment in Belfast in 1968 and things were better after this.

Over the past year he has become attracted to a little girl of eleven with whom he was thrown in contact. Some fairly elaborate sexual interference short of intercourse took place repeatedly until this girl apparently told her mother. On the whole there is no evidence of remorse or shame or any deep-seated appreciation of the gravity of this relationship from the point of view of the girl. Strikes one as an intelligent but rather egocentric and narcissistic man who is interested in his sexual experiences in a somewhat detached and objective way. As he says himself, he has no real concern with the other person merely in his own reactions.

Some clear evidence of mood-swings. Says he is more likely to look for something to arouse him sexually when depressed.

Prescription given for Insidon and Valium in the hope that it will have a dampening effect on libido. Advice, explanation. Worth seeing a few times. See letter to Superior.

Patten on file, however, and the duration of B. Smyth's stay in Purdysburn is not clear.⁷ Letters on file illustrate that B. Smyth attended Dr Patten as an outpatient from approximately September 1968 to May 1969. It can also be seen from the letters that B. Smyth rearranged his appointments with Dr Patten on a regular basis. On one particular occasion, B. Smyth requested an alternative appointment, informing Dr Patten that he had to give a school retreat.

41. Following B. Smyth's return from Rhode Island and his subsequent treatment, he appears to have resided at Holy Trinity Abbey for a number of years. I am told that sometime around 1971/1972, a woman informed Abbot Kevin Smith that B. Smyth had sexually abused her son. It is stated that the Abbot put the allegation to B. Smyth who denied it. Abbot Kevin Smith suspended B. Smyth for two weeks as a punishment, which meant that he was not permitted to function publicly as a priest during that time.
42. The next recorded knowledge of concerns surrounding B. Smyth is set out in the minutes of an Abbot's council meeting from May 1973. According to the minute, Abbot Kevin Smith asked the council to "enter into consultation for the personal and private case of a particular confrere against whom a complaint had been received from outside the Abbey and for the remedies that could be taken". Although the confrere is not named, and no detail of the complaint is given, it is presumed that B. Smyth was the person the council was discussing. No record of the subsequent discussion, or any remedies to be imposed, is recorded.
43. It was around this time in 1973 that, I have been informed, B. Smyth was admitted to St. Patrick's Hospital in Dublin for a period of approximately 3 weeks. He was under the care of a Dr Moore between May 1973 and June 1974, but no report from Dr Moore is available. I am aware that Abbot Kevin Smith went to see Dr Moore around the time of B. Smyth's treatment in order to determine how the treatment was progressing. Dr Moore was not forthcoming with any information, however, on the basis of doctor/patient confidentiality and asked Abbot Kevin Smith to leave. Subsequent requests, by Fr. Gerard Cusack, to obtain records regarding B. Smyth's treatment at St. Patrick's Hospital, in the context of litigation, were refused by the hospital. A further request has been made to St. Patrick's Hospital in the context of this Inquiry.
44. In or around 1974, I am told that the Prior of the Kilnacrott Canonry received a complaint of sexual abuse by B. Smyth from a family in Belfast. He received this complaint in the absence of Abbot Smith, who was working overseas at the time and he travelled to meet with the family to discuss their concerns. I am told that the Prior confronted B. Smyth and he did not deny the allegation. The Prior also reported the incident to Abbot Smith upon his return to Holy Trinity Abbey.
45. In March/April 1975, Bishop Francis McKiernan, then Bishop of the Diocese of Kilmore, carried out a canonical inquiry into allegations of sexual abuse by B. Smyth against two children in his diocese. On 18 April, 1975, Bishop McKiernan wrote to Abbot Smith and informed him that he had withdrawn the faculties (i.e. the right to function publicly as a priest) of the diocese from B. Smyth for the reasons which, he states, he explained to the Abbot during their meeting on 12 April 1975. No record of this meeting between Abbot Smith and Bishop McKiernan can be located. According to the minutes of a council meeting from 5 May 1975, however, one of the items of discussion was the "provision for Fr. Brendan's future service in the Order" and the assistance of the Paraclete Fathers was suggested. The meeting was informed that B. Smyth had permission to offer Mass,

⁷ A letter from South & East Belfast Trust dated 27 January, 2003, confirms that "no summary reports or notes on the contents of appointments" between B. Smyth and Dr Patten were contained in B. Smyth's file from his time at Purdysburn Hospital.

15.6.73

feels lighter and more interested and alert as if had come out of a depression.

Tablets made him v. happy - took them only at bed time regularly - sleep heavy.

Has had homosexual relations to a boy of 16 yrs on two occasions since.

Idle at present. Due to take 2 retreats next week - some preparation.

Says he feels well now relaxed

? D: O' Sullivan clinic.
hms. 5082 / 5011.
Walter

9.9.73

in good spirit
No Gps since

Try to 50X1 very
2 sessions

Describe increased degree of side effects & lack of control & desire
Says - explanation given

Phone:
Ballyjamesduff 16

~~*Norbertine Fathers,
Kilnacrott Abbey,
Ballyjamesduff,
Co. Cavan,
Ireland.*~~

Our Lady's Retreat House,
Finglas,
Dublin 11.

4th July 1973.

Dear Dr. Moore,

I am sorry to have to trouble you with this note, but I have mislaid the prescription for the pink pills which you gave me initially and I need to renew the supply if I am to continue taking them until I see you again at the end of August. Would you please send a copy of the prescription to me at the above address where I am directing a Retreat at the moment.

Thanking you in anticipation of your kindness and once again offering my apologies for putting you to so much trouble,

Your sincerely,

Brendan G. Smyth, O.F.M.

Brendan G. Smyth O.F.M.

Sent 5/7/73

CONFIDENTIAL

1st November, 1973.

Rt. Rev. Kevin A Smith,
Holy Trinity Abbey,
Kilnacott,
Ballyjamesduff,
Co. Cavan.

Dear Abbot Smith.

I am writing to you again about Father Brendan Smyth who came to see me yesterday afternoon. He is having some further difficulties and, in the circumstances, if you are agreeable I think it would be advisable for him to have a period in hospital for further evaluation and treatment. I have told him that I think he should talk matters over with you and explain some of his recent difficulties. Perhaps some time later I might have the opportunity of talking to you about the whole problem he presents.

With kind regards,

Yours sincerely,

P.S. With your permission I can arrange accommodation for him in St. Patrick's Hospital next week.

STRICTLY PRIVATE AND
CONFIDENTIAL

1st November, 1973.

Detective Noel Conroy,
Finglas Garda Station,
Finglas,
Dublin, 11.

Dear Mr. Conroy,

I have been asked to write to you by Father Drendan G. Smyth, Holy Trinity Abbey, Kilnacrott, Ballyjamesduff, Co. Cavan, who came to see me yesterday afternoon by appointment.

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 in-patient 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.

Yours sincerely,

2.

then I 'earn my daily bread' or, if you prefer, am entitled to my basic living wage income. So discussion of what type of work I should be doing is not something which necessarily requires discussion between my superior and yourself but rather between me and you. When I first came to you, I did so because my superior asked me if I was prepared to have treatment and I said I was. Then I asked him to arrange it through our doctor, Dr. Fay to save me having to do this myself. So I am your patient as you emphasised to me more than once, and quite naturally your secretary sent your 1st account to me and I paid it, not my superior i.e. it was paid with monies we own jointly. Now when 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 say that I was unhappy with the way I was getting along with my problem and that I was going to ask you to give arrange for me to spend sometime 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.

Now, when I ~~entered the hospital~~ was arranging with you to enter hospital I mentioned that I had entered into a personal commitment to supply for a Birmingham crippled priest immediately after Christmas and that that and our annual Canonry Chapter would tie me up effectively until January 14th. Apart from that I said I hoped it would be possible to arrange to have the treatment in such a way that I could be away for one day a week and this for personal financial reasons. These reasons

29

'Phone (049) 31496



Schedule
No. 3

Bishop's House,
Cullies,
Cavan.

Rt Rev. K.A. Smith, O.Praem.,
Holy Trinity Abbey,
Kilnacrott,
Co. Cavan

18 April 1975

My Dear Lord Abbot,

I heroby withdraw the faculties of the diocese from Rev. B.G. Smith, a priest in your community, for the reasons which I explained to you in course of my visit on Saturday, 12 April 1975. He is therefore no longer approved to hear confessions. I ask you formally to communicate my decision to him.

With best wishes,
Yours sincerely,

+Francis McKiernan
Bishop of Kilmore

'Phone (049) 31496



Bishop's House,
Cullies,
Cavan.

On 12 April 1975 I reprted the findings on Rev. B.G. Smith, O.Praem to Rt Rev. K.A. Smith, O.Praem. Abbot of Kilnacrott. He indicated knowledge of former lapses and psychiatric treatment under Dr Moore of St Patrick's Hospital. Dr Moore refused to discuss the case with the abbot. I suggested consulting the St John Of God Brothers. The abbot did this and they suggested a rest period with the Paraclete Fathers in Glouster under a Dr McGrath. Father Smith has agreed to go there. I have withdrawn his faculties to hear confessions.

20 April 1975

Francis McKiernan
Bishop of Kilmore

2.

then I 'earn my daily bread' or, if you prefer, am entitled to my basic living wage income. So discussion of what type of work I should be doing is not something which necessarily requires discussion between my superior and yourself but rather between me and you. When I first came to you, I did so because my superior asked me if I was prepared to have treatment and I said I was. Then I asked him to arrange it through our doctor, Dr. Fay to save me having to do this myself. So I am your patient as you emphasised to me more than once, and quite naturally your secretary sent your 1st account to me and I paid it, not my superior i.e. it was paid with monies we own jointly. Now when 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 say that I was unhappy with the way I was getting along with my problem and that I was going to ask you to give arrange for me to spend sometime 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.

Now, when I ~~entered hospital~~ was arranging with you to enter hospital I mentioned that I had entered into a personal commitment to supply for a Birmingham crippled priest immediately after Christmas and that that and our annual Canonry Chapter would tie me up effectively until January 14th. Apart from that I said I hoped it would be possible to arrange to have the treatment in such a way that I could be away for one day a week and this for personal financial reasons. These reasons

29

1 Q. Yes, and we understood from what you said that, in fact,
2 it was Abbot Colwell who had arranged for Brendan Smyth
3 to go to the Purdysburn Hospital --

4 A. Uh-huh.

5 Q. -- in Belfast to receive some form of treatment.

6 A. That's correct.

7 Q. We know that was the late 1960s.

8 Can I ask you now a different question? We have
9 heard quite a lot, and indeed you referred to it
10 yourself when you told us about the practice he had of
11 having lots and lots of sweets in the car. He was
12 permitted to have his own car, was he?

13 A. That I don't understand. He must have, because it was
14 never brought up as a complaint against him having a
15 car, but Kilnacrott always had a bit of a reputation in
16 the Order. There was one abbot who would conduct a
17 canonical visitation. So every six years the General
18 Chapter appoints priests who inspect each abbey and
19 report back to the General Chapter whether they are
20 living the life.

21 Q. Yes.

22 A. This Abbot said to me, "Of course, you know, at
23 Kilnacrott when you are ordained, you get a car and
24 a cheque book" and I said, "What?" and he said, "Well,
25 they all seem to have a car and they are not all

1 community cars", and he said, "They have a solemn vow of
2 poverty, which means that every penny they earn is
3 handed in, and they would keep maybe £50 or something to
4 not be embarrassed if they had to take someone out for
5 dinner or something, but they have no right to bank
6 accounts" --

7 Q. Yes.

8 A. -- and he said, "You know, I have seen them here", he
9 said, "when they're visited. You know, they are signing
10 cheques".

11 Q. Well, that's exactly what I was going to ask you,
12 because one of the vows he would be taken was one of
13 poverty. Isn't that right?

14 A. **Poverty. Exactly.**

15 Q. Other than having essentially some form of pocket money
16 I take it from what you say the general rule of the
17 Order is he should have not have had access to private
18 funds of that nature.

19 A. **Exactly. Exactly. So he violated the vows of poverty
20 and chastity and obedience.**

21 Q. Yes. He does refer in one of the documents we were
22 looking at just before lunch to having the car
23 registered in his own name in Northern Ireland. So
24 whether it was, as it were, a car he had been given by
25 the abbey or one that he'd bought from his own

Confidential.
CASE SUMMARY.

22nd February 1974

NAME: Rev. Brendan G. Smyth
ADDRESS: Kilnacrott Abbey, Ballyjamesduff, Co. Cavan
ADMITTED: 19th November 1973 DISCHARGED: ~~25.12.1973~~ 25/12/73
AGE: 46 OCCUPATION: Catholic Priest. MARITAL STATUS: Single

FINAL DIAGNOSIS: Paedophilia I.C.D. 302.2

FAMILY HISTORY: No family history of psychiatric instability. One of a family of two boys. Mother tended to be over-protective. Patient has been an asthmatic since the age of nine years. Primary and secondary education. Above average at school. Then joined the Norbertine Order. Studied theology in Rome; ordained 1951. Taught theology in a seminary for four years in Scotland. Did not get on well. Did Parish work in Wales, also in Ireland. Since 1968 has been in Ireland, running a charity office and conducting retreats.

MEDICAL HISTORY:

Asthmatic since childhood. [REDACTED]

PERSONALITY:

Moody; never able to form close relationships. No history of drugs or alcohol abuse.

PSYCHIATRIC HISTORY:

Psychosexual difficulties for many years. First developed in the Novitiate. A recurring problem, no matter where he has been stationed his paedophilia brought him into contact with the police. This led him to seek medical attention.

CONDITION ON ADMISSION:

[REDACTED]

COURSE IN HOSPITAL:

He was treated with [REDACTED]

Confidential.
CASE SUMMARY.

22nd February 1974

REV. BRINDAN G. SMYTH
Continued.

2.

demanding and had not a good relationship with the nursing staff.

PROGNOSIS:

This must remain guarded.

SIGNED:

D.J.DOORLY, MB., MRCPsych., DPM.

6

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995
SUBMISSION FROM THE ARCHDIOCESE OF ARMAGH

1. At the conclusion of module six, the Archdiocese of Armagh wishes to take this opportunity to reiterate the words of Fr Michael Toner, Chancellor of the Archdiocese of Armagh, in his statement of the 18 June 2015: "The Church today can only look back on all of this with shame and in disgrace" (cf. Fr Michael Toner's statement paragraph 18). It is to be hoped that the outline of the sequence of events, as presented in Fr Michael Toner's statement of the 18 June 2015, paragraphs 7 – 17, has been helpful to the Inquiry in its work.
2. The Chairman has indicated a desire to seek "an authoritative statement ... from a suitably qualified canon lawyer" re the powers of a bishop over an exempt religious and the ability of a bishop in whose diocese the defendant had a domicile to investigate and impose sanctions on the defendant. It is my understanding that *Crimen Sollicitationis* (1962) paragraphs 2 and 73 gave both the then Bishop of Kilmore, Bishop Francis McKiernan, as the local ordinary, and the Abbot of Holy Trinity Abbey, Kilnacrott, as Brendan Smyth's Superior, equal canonical jurisdiction to bring the crimes committed by Brendan Smyth to trial in the canonical forum. Such crimes could be tried by a locally constituted Ecclesiastical Tribunal, provided the Holy Office (later the Congregation for the Doctrine of the Faith) had been notified, as outlined by Fr John McKeever in oral evidence (cf. page 115 line 5 – page 116 line 24). (The Archdiocese of Armagh is willing, if requested, to assist the Inquiry with identifying a suitably qualified canon lawyer in the area of ecclesiastical penal law). In any event, under canon law of the time, responsibility for dealing with these allegations and informing the Holy Office (later the Congregation for the Doctrine of the Faith) lay with both the then Bishop of the Diocese of Kilmore and/or the then Abbot of Holy Trinity Abbey, Kilnacrott. It is a matter of deep regret to the Archdiocese of Armagh that these matters were not adequately dealt with in accordance with canon law.
3. The Archdiocese of Armagh shares the shock and dismay of many observers at the revelations during the course of this module re the full extent of Brendan Smyth's crimes, the pusillanimity of those responsible in the Church for disciplining him and the failure of medical professionals and law-enforcement agencies in the Republic of Ireland to take appropriate action in the early 1970s. Like many others in society, we are grateful to this Inquiry for being instrumental in shedding further light into the dark shadows of this period.
4. It is tragic and deeply regrettable that it took the investigation and prosecution of Brendan Smyth to trigger the long overdue and fundamental changes both of mindset and protocol within the Church and across society as a whole. Sadly, this

1 Panel again it runs from 70152 to 70161 in the bundle.
2 In it he describes being frightened, that it felt like
3 an inquisition, that some of the questions were
4 inappropriate in his view as an adult reflecting back.
5 He felt it was all about him and what was his fault,
6 that the blame and the shame was being put back on him.

7 I was discussing with you this morning that that
8 wasn't the purpose for which you went to talk to him,
9 but you now, looking back, can appreciate, although you
10 went for the purpose of gathering evidence to be able to
11 assist with dealing with Smyth, you could recognise how
12 what was done may have had that impact on a 14-year-old.

13 **A. Yes, I can. Looking back -- at the time I was dealing**
14 **with 14-year-olds. I wouldn't -- I don't think I would**
15 **be intimidating them, but I can see that the situation**
16 **was intimidating for a 14-year-old, and his father**
17 **should have been present, but we were following probably**
18 **too closely the marriage tribunal procedures loosely.**

19 **Q.** That would have been -- just to give that context, the
20 marriage tribunals, you would have taken the evidence
21 from the person --

22 **A. On their own.**

23 **Q.** -- on their own.

24 **A. Yes.**

25 **Q.** They would have confirmed confidentiality --

SWORN TO SILENCE

Q: If not, why not?

A: I did not like doing this.

Q: Why did you do it with Fr Smith [sic]?

A: Because he was a priest, probably, and I did not like to refuse him.

Q: Had you any worry that it was wrong?

A: I thought it was all right when it was with a priest.

Q: You did not go to Confession for some time after that. Why?

A: It would have been embarrassing and if I had not told it, I would have thought that I made a bad Confession. I kind of wasn't sure if it was wrong.

I was no fool. Maybe naive. Maybe innocent. But I knew that the quizzing about Confession was all about me and my fault. Then I was just terrified and scared. Today I am angry, furious. Even as I am recounting this, I want to smash my fist against the bloody wall beside me.

It got worse. The very last questions come back to this theme.

BRENDAN BOLAND

Q: Did this happen between you and any other person - another boy and yourself for instance?

A: No. Just between me and Fr Smith [sic].

Q: Has this led to any actions with yourself?

A: Yes.

Q: Would seed come from your body as a result?

A: Yes.

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.

* * *

1 **other fellow and the two girls were abused. I thought**
2 **he was just filling out the context.**

3 Q. Yes. I think that on reflection you probably can see
4 that he was telling a bit more than that in the record.

5 A. **Uh-huh. Yes.**

6 Q. I am not going to -- I don't think there is any merit in
7 us parsing that today --

8 A. **Yes.**

9 Q. -- but he certainly seems to be signalling another boy.
10 Regardless of whether the other boy was abused or not,
11 it doesn't or didn't at the time engage anyone's thought
12 process that they should find out about these children,
13 get in touch with them, check them?

14 A. **Unfortunately, no.**

15 Q. On reflection that's something that should have
16 happened?

17 A. **Yes, certainly.**

18 Q. When we look at the next page, 10012, please, top of the
19 page, he is asked what Brendan Smyth did to him and he
20 describes what he did in terms of having him open his
21 zip and vice versa. Then he is asked this question:

22 "Did you like this?"

23 Now I presume today, looking back, you look at that
24 question and cringe in horror --

25 A. **Absolutely.**

6. In March 1975 Bishop McKiernan summoned me to a meeting. He informed me that the Archdiocese of Armagh was going to investigate allegations about a priest abusing a boy. The priest in question was a member of Norbertine Order, based in Kilnacrott Abbey in County Cavan in the diocese of Kilmore, but who had faculties to allow him to carry out priestly duties in the diocese of Armagh. Bishop McKiernan asked me to attend the investigation, take detailed notes for him so that he could take appropriate action.
7. The investigation was carried by **FBS 50** priest of the Archdiocese of Armagh. It was essentially an evidence gathering exercise loosely based on the procedures used in Marriage Tribunals since this particular investigation did not come under any Canon Law procedure.
8. **FBS 50** asked questions and I wrote down the questions and recorded the answers accurately. 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.
9. It also gave solemnity to the proceedings and formalised the evidence. This was important to ensure the evidence was clear and strong.
10. I presented the written record of the meeting with Brendan Boland to Bishop McKiernan. I believed Brendan Boland from the start, and I advised Bishop McKiernan of that. He decided that we should add weight to the evidence and corroborate the evidence of Brendan Boland by interviewing the other boy who Brendan Boland said had been abused. This boy lived in County Cavan. With the help of the local curate a meeting was set up to talk to the boy. At the interview the local curate attended, to both give support to the boy, and also to give formality to the proceedings. I took a statement from the boy asking some of the questions used by **FBS 50** in the first interview. I also administered a similar oath of confidentiality to him for the same reason. I

1 existed in the church at the time, and we talked about
2 the crimen of 1962, which wouldn't necessarily have been
3 something you'd received --

4 **A. Uh-huh.**

5 Q. -- but the ethos behind it of things being secret, done
6 in quiet, kept under wraps, that ethos existed, never
7 mind what was in the '62 document. Is that fair?

8 **A. Absolutely, yes. I mean, the church calls this --**
9 **speaks about "the unspeakable crime". We don't speak**
10 **about these crimes, and that impacted very much on**
11 **people conducting these kind of investigations. They**
12 **were warned not to speak of them, not -- there was**
13 **a confidentiality resting upon us too, and -- what was**
14 **the question?**

15 Q. The nature of --

16 **A. Yes, the nature of the thing.**

17 Q. -- being in secret.

18 **A. In fact, that document, crimen sollicitationis, catches**
19 **the atmosphere well, even though we might not be**
20 **specifically aware of it, but it was the question at the**
21 **time. There was a shroud of secrecy and confidentiality**
22 **with a view to -- about not destroying the good name of**
23 **the church. The scandal that somebody who was ordained**
24 **to serve people should so abuse the trust as for their**
25 **own pleasure was appalling and it was -- and to offset**

1 **that scandal it was kept very secret, very, very secret,**
2 **and everybody involved in it -- I mean-- were bound to**
3 **secrecy too.**

4 Q. I suppose -- I was asking you earlier in the specific
5 context of the questions that were asked that they
6 created the impression of and achieved the opposite of
7 what they were meant to achieve.

8 **A. Yes.**

9 Q. In a way what you are describing now in a broader
10 context that's the same, that the purpose of the secrecy
11 to protect the good name of the church --

12 **A. That's correct.**

13 Q. -- the consequence of it has had the exact opposite
14 effect --

15 **A. Uh-huh. Yes.**

16 Q. -- which is why here we are in 2015 --

17 **A. Yes.**

18 Q. -- dealing with these types of things, with new material
19 still becoming available --

20 **A. Yes, yes.**

21 Q. -- as to what exactly occurred.

22 But going back to -- you bring this report, whether
23 you brought him the handwritten report by then or the
24 typed version, which we will come to see, but if we look
25 at the bottom of this document just for now, we can see

Phone (049) 31496

Bishop's House, (6)
Cullies,
Cavan.

On 12 April 1975 I reported the findings on Rev. B.G. Smith, O.Praem to Rt Rev. K.A. Smith, O.Praem. Abbot of Kilnacrott. He indicated knowledge of former lapses and psychiatric treatment under Dr Moore of St Patrick's Hospital. Dr Moore refused to discuss the case with the abbot. I suggested consulting the St John Of God Brothers. The abbot did this and they suggested a rest period with the Paraclete Fathers in Glouster under a Dr McGrath. Father Smith has agreed to go there. I have withdrawn his faculties to hear confessions.

20 April 1975

Francis McKiernan
Bishop of Kilmore

Phone (049) 31496

Bishop's House, (5)
Cullies,
Cavan.

Rt Rev. K.A. Smith, O.Praem.,
Holy Trinity Abbey,
Kilnacrott,
Co. Cavan

18 April 1975

My Dear Lord Abbot,

I hereby withdraw the faculties of the diocese from Rev. B.G. Smith, a priest in your community, for the reasons which I explained to you in course of my visit on Saturday, 12 April 1975. He is therefore no longer approved to hear confessions. I ask you formally to communicate my decision to him.

With best wishes,
Yours sincerely,

Francis McKiernan
Bishop of Kilmore

-3-

I asked Bishop McKiernan if he had identified the names of the complainants to Fr. Abbot. He thought that he had not done so as the Abbot was already aware of this propensity on Fr. Smyth's part. I asked him if any further contact was made with the two boys thereafter. He could not recall any such contact having been made, save that of course both would have been involved with the priests in their locality.

I asked Bishop McKiernan if he would now take further steps in a situation such as this. His immediate response was that he would now inform the Gardai if youngsters made complaints of this kind.

By letter of 20th August 1984 Fr. Brendan Smyth wrote seeking a return of diocesan faculties. Bishop McKiernan consulted with the Abbot and was satisfied that there did not appear to have been any further occurrences similar to those previously complained of and in the circumstances Bishop McKiernan returned faculties to Fr. Smyth, initially for a period of six months. Periodic renewal of faculties were granted until final withdrawal was made on 18th December 1993.

I asked Bishop McKiernan whether he had any jurisdiction over Fr. Brendan Smyth other than the power to grant or remove faculties. He said that, as he understood it, his sole responsibility was granting him faculties to hear confession. He thought that there may be circumstances in which he could also withdraw faculties for the celebration of the Eucharist. Such did not arise here. He suggested again that we clarify the position with a Canon Lawyer. Responsibility for Fr. Smyth's behaviour rests with the Major Superior.

I asked what steps, if any, the Bishop would take if he felt that the Abbot was not acting responsibly in relation to an offending priest. He said that in such circumstances he might refer the matter to the Abbot General. Such circumstances had not, however, come to his attention here.

.....Contd/

24. In the memo of the meeting of 12 April, Bishop MacKiernan states that the Abbot indicated knowledge of previous 'lapses' and that Brendan Smyth had received psychiatric treatment under a Dr Moore of St Patrick's Hospital. The Abbot said that Dr Moore refused to discuss the case with him which, as has transpires in the documentation provided by St Patrick's hospital Dublin was untrue. Bishop McKiernan's "solution"(which was wholly inadequate) in recommending consulting he be sent to the Paraclete Fathers, in Gloucester displayed an ignorance of the recidivist nature of paedophiles and a mistaken belief that they could be "cured".

25. Fr Smyth was repeatedly placed in the care of psychiatrists during the period of 1968 to 1994 and as early as February 1974 Smyth received a firm diagnosis from Dr Moore of paedophilia. That said report also highlighted awareness of "recurring problems no matter where he has been stationed" and the existence of psychosexual difficulties for many years and concluded with a guarded prognosis. Unfortunately no evidence has been adduced to identify what, if any, steps were considered or taken by the medical professionals in minimising the risk of Fr Smyth or safeguarding children. In fact it appears that Fr Smyth may have been admitted as an inpatient by his psychiatrist to satisfy the Garda Siochana in Finglas in October 1973.

26. On 20 August 1984 Fr Smyth wrote to Bishop MacKiernan asking that his faculties be restored. Bishop MacKiernan appears to restore Fr Smyth's faculties for a period of six months on confirming with Abbot Smith there had been no further occurrences of Smyth's behaviours. In response to subsequent requests, faculties were extended for further six months periods and later for one-year periods, until the final withdrawal of faculties was made on 18 December 1993. The limited nature of the return of faculties is unusual and may suggest that Bishop McKiernan wished to monitor Fr Smyth in some way. It is also submitted that the renewal of the faculties until 1993 suggests that Bishop McKiernan may have been unaware of any further offending and the police investigations in Northern Ireland.

27. When we consider the steps taken in 1975 against the knowledge that we have now, it is clear that the necessary and appropriate steps were not taken to stop Brendan Smyth from reoffending and the removal of faculties was a wholly ineffectual way to do this.

19. The Diocese would accept that the failure of Bishop MacKiernan 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. There is nothing in the files which throws any further light on the question of why the names of the other children were included in the reports of the investigations.
20. The diocese of Kilmore now has a comprehensive safeguarding children policy and procedures in place. The diocese has signed a Memorandum of Understanding with the National Board for Safeguarding Children in the Catholic Church in Ireland, committing it to adopting and following the "Standards and Guidance" protocols of 2009 and updated regularly since then to take account of new legislation and new developments in safeguarding policy and practice. The diocese of Kilmore employs a full-time Co-ordinator of Safeguarding who reports to the Kilmore Diocesan Safeguarding Committee. She is assisted in her role of training and monitoring by a trained volunteer.

Each parish has at least one Safeguarding Representative, who oversees safeguarding policy and practice in the various parish activities. These representatives receive regular training and they in turn train the leaders of youth activities in the parishes. There are strict recruitment procedures in place for all those involved in any way with ministry to children. There is close liaison between the safeguarding representatives and the parish pastoral council. There is an annual audit of the implementation of policy and procedures in parishes.

In regard to responding to allegations of abuse, the Co-ordinator of Safeguarding in the diocese acts as the Designated Liaison person who receives reports and allegations of abuse and responds to them. She is assisted by a priest who is Assistant Designated Person. The diocese has for many years joined with the neighbouring dioceses of Ardagh and Clonmacnois and Clogher to establish a joint Advisory Panel. This Panel provides advice and guidance in relation to all complaints received and it is made up of people with expertise in childcare, civil and canon law, and other relevant disciplines.

The diocese also consults the National Office for Safeguarding Children for advice as the need arises. It subscribes to the services of the National Case Management Reference Group

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995
SUBMISSION FROM THE ARCHDIOCESE OF ARMAGH

1. At the conclusion of module six, the Archdiocese of Armagh wishes to take this opportunity to reiterate the words of Fr Michael Toner, Chancellor of the Archdiocese of Armagh, in his statement of the 18 June 2015: "The Church today can only look back on all of this with shame and in disgrace" (cf. Fr Michael Toner's statement paragraph 18). It is to be hoped that the outline of the sequence of events, as presented in Fr Michael Toner's statement of the 18 June 2015, paragraphs 7 – 17, has been helpful to the Inquiry in its work.
2. The Chairman has indicated a desire to seek "an authoritative statement ... from a suitably qualified canon lawyer" re the powers of a bishop over an exempt religious and the ability of a bishop in whose diocese the defendant had a domicile to investigate and impose sanctions on the defendant. It is my understanding that *Crimen Sollicitationis* (1962) paragraphs 2 and 73 gave both the then Bishop of Kilmore, Bishop Francis McKiernan, as the local ordinary, and the Abbot of Holy Trinity Abbey, Kilnacrott, as Brendan Smyth's Superior, equal canonical jurisdiction to bring the crimes committed by Brendan Smyth to trial in the canonical forum. Such crimes could be tried by a locally constituted Ecclesiastical Tribunal, provided the Holy Office (later the Congregation for the Doctrine of the Faith) had been notified, as outlined by Fr John McKeever in oral evidence (cf. page 115 line 5 – page 116 line 24). (The Archdiocese of Armagh is willing, if requested, to assist the Inquiry with identifying a suitably qualified canon lawyer in the area of ecclesiastical penal law). In any event, under canon law of the time, responsibility for dealing with these allegations and informing the Holy Office (later the Congregation for the Doctrine of the Faith) lay with both the then Bishop of the Diocese of Kilmore and/or the then Abbot of Holy Trinity Abbey, Kilnacrott. It is a matter of deep regret to the Archdiocese of Armagh that these matters were not adequately dealt with in accordance with canon law.
3. The Archdiocese of Armagh shares the shock and dismay of many observers at the revelations during the course of this module re the full extent of Brendan Smyth's crimes, the pusillanimity of those responsible in the Church for disciplining him and the failure of medical professionals and law-enforcement agencies in the Republic of Ireland to take appropriate action in the early 1970s. Like many others in society, we are grateful to this Inquiry for being instrumental in shedding further light into the dark shadows of this period.
4. It is tragic and deeply regrettable that it took the investigation and prosecution of Brendan Smyth to trigger the long overdue and fundamental changes both of mindset and protocol within the Church and across society as a whole. Sadly, this

28. Cardinal Brady recounted that he did not recall hearing of Fr Smyth during the remainder of his time in Cavan or during his subsequent period in Rome from 1980-1993. He has taken pains to outline his distinct roles in this module as in 1975 he was a priest of Kilmore as distinct from position from 2007 as Cardinal.

29. The Diocese and Fr Brady accept that the failure of Bishop MacKiernan to report the matter to the civil authorities or to ensure that the matter was reported by Abbot Smith to the civil authorities was contrary to the standards employed as a matter of course today and was a failing. The diocese should also have informed the civil authorities in the jurisdictions where the children named as taking part in excursions with Fr Smyth lived. These children were named in the reports as having also taken part in excursions with Brendan Smyth.

30. The Diocese of Kilmore now has a comprehensive safeguarding children policy and procedures in place and has set out full details of these in their statement to the Inquiry. The National Board for Safeguarding Children in the Catholic Church in 2010 highly commended the Diocese for its safeguarding practice. Cardinal Brady in his statement of 11 June highlights the evolution of the Church's safeguarding policies

31. The controversy and drama surrounding the public emergence of the Fr Brendan Smyth case in 1994 brought clerical child sexual abuse to public attention. It is probable that this was the first time that many members of the public became aware of the possibility of clerical child sexual abuse. It appears that this notion of "clericalism" as first espoused during this module by Fr Fitzgerald of the Norbertine Order may have resonated in the actions (or inactions) of the medical profession and the civil authorities, as exemplified by Superintendent Timoney's reluctance, in May 1991 to effect a prosecution against Smyth.

32. **The Huston Report 1992** made recommendations that the state completely overhaul its procedures, protocols and safeguarding strategies to counteract the predatory behaviour of paedophiles. It highlighted the "*paramountcy of child*

but was not allowed to dispense the Sacraments publicly, such work noted as requiring "reasonable safeguards". It is also clear from the minutes that the "value of transferring Fr Brendan from House to House" was considered, and it is recorded that "One Order has followed this practice".

46. In November 1975, B. Smyth was sent to Stroud in Gloucestershire for treatment at Our Lady of Victory, a centre run by the Servants of the Paraclete. No records from B. Smyth's stay in Stroud in 1975 are available.⁸ A subsequent report from Stroud in 1994, however, illustrates that when B. Smyth first presented in Stroud in 1975, he was informed that there was no treatment programme available for his problems. It appears that he stayed at Stroud, in any event, for approximately 4 weeks, treating his time there as a retreat.
47. I am told that, about the same time, further concerns regarding B. Smyth's behaviour around children were brought to the attention of a confrere at Kilnacrott by a priest. The exact nature of these concerns is not clear. Another allegation was also made around that time by another woman. B. Smyth was already in Stroud for treatment when these concerns were raised.
48. In May 1976, the "personal case of Brendan Smyth" was discussed at a council meeting. It was noted at that meeting that B. Smyth had a "personal problem that had consequences for the Community" and it was asked "if the Community should take a firmer stand" in relation to him. Abbot Smith informed those in attendance that he could not "recommend Father Brendan to a Bishop for ministry" at that time and it was agreed that the "Council could take up the matter at a further meeting".
49. There is a record of an extraordinary meeting of the council from May 1978 where the first item discussed was the "personal case of Fr. Brendan Smyth". The minutes noted that Smyth was to be "deprived", by way of penalty, "of active and passive vote for Community Offices and Services", and he was also "required to seek permission for the use of a car for journeys". The circumstances leading up to the imposition of these penalties is not clear. It can be presumed, however, that the council considered whatever he had done to be quite serious, as it was suggested that "he might consider laicisation".
50. The minutes of a council meeting held in November 1978 illustrate that Abbot Smith "reported the recommendations of Fr. Abbot General" regarding B. Smyth. According to the minutes, it was recommended that "after a trial period 12 months priestly work should be sought for Fr. Brendan".
51. In October 1979, Abbot Smith informed council that a ministry was available for B. Smyth in the Diocese of Fargo in North Dakota and he asked the council for its support for that pastoral mission to be entrusted to him. According to the minutes, it was asked whether the Kilnacrott Canonry was obliged to inform the Bishop of Fargo of B. Smyth's personal history. One confrere stated that "it was his recollection from a message received from the Abbot General that Kilnacrott was not so obligated". Abbot Smith told the meeting that he would like B. Smyth to go from Kilnacrott with "nothing against him from the past". B. Smyth was then officially assigned to the Diocese of Fargo and he remained there until approximately April 1983.

⁸ In a letter dated 17 July 2002, Stroud confirmed that B. Smyth was there for a period of 4 weeks from 13 November, 1975 until 11 December, 1975. According to the letter, the centre's policy at that time was to destroy records after five years. As a result, no correspondence or other documentation about B. Smyth's time at Stroud in 1975 was available.

1 **good things and to correct the bad things that happen**
2 **according to the constitutions.**

3 Q. They would report back then to the --

4 **A. Their written report is available at the General**
5 **Chapter.**

6 Q. If they were to find an abbey that they were concerned
7 about in terms of things like having cars or money, or
8 indeed how they were dealing with somebody who was
9 abusing children, would that be discussed at the
10 Chapter?

11 **A. Yes, it would.**

12 Q. You talked about the Abbot General only being able to
13 intervene in extreme circumstances.

14 **A. Yes.**

15 Q. Would that not be sufficient to be considered extreme if
16 there was a view --

17 **A. If there was wholesale violation of the vows and**
18 **wholesale violation of the constitutions, certainly,**
19 **yes.**

20 Q. Has that ever happened to you?

21 **A. Oh, yes. I was at a -- I was at a General Chapter where**
22 **an abbot was denounced at the Chapter because he had**
23 **a mistress living on a yacht in the Bay of Nice --**

24 Q. Right.

25 **A. -- and he was sailing around the Mediterranean with her.**

1 **Someone asked him at the Chapter. He said, "What**
2 **business is it of yours?", he said.**

3 Q. But there was the potential to deal with him and he was
4 dealt with?

5 **A. Oh, he was dealt with. He was removed at that Chapter.**

6 Q. So do you think that in relation to the Chapter their
7 awareness of Brendan Smyth and how he was being dealt
8 with, that wasn't felt sufficiently --

9 **A. Never -- it was never on the radar screen.**

10 Q. You don't think that was ever on the --

11 **A. At a General Chapter, no. I was at two General**
12 **Chapters, 1988 and another one since, and there was no**
13 **mention.**

14 Q. So it would be fair to say there was no mention, but not
15 that it wasn't on the radar, because --

16 **A. Oh, there would be people there who knew.**

17 Q. -- there were people who would have known, but didn't
18 actually feel it was necessary to bring it up to be
19 discussed?

20 **A. Yes, yes.**

21 Q. Can I just -- I mean, I understand the issue about
22 priests having days off and it is their own day off, but
23 in relation to Brendan Smyth it was clear that he was
24 going off to do retreats in Finglas and for the Nazareth
25 Sisters in Belfast. So he was representing the Order

MINUTES OF ABBOT'S COUNCIL MEETING

23 APRIL 1979

Present: Fathers Abbot, Killian, Joe, **FBS 52**

Item I of Business. Personal Case of Father Brendan Smyth

The Meeting reviewed the situation as to how Fr. Brendan Smyth stood vis-à-vis the Community and vis-à-vis the Abbot's Council. Submissions were made that further requirements be made of Fr. Brendan. It was agreed, however, that some progress had been reported.

MINUTES OF ABBOT'S COUNCIL MEETING

29 OCTOBER 1979

Present: Full quorum, names not listed.

Item I. Ministry abroad for Father Brendan Smyth

Father Abbot communicated the Meeting on his interviewing Father Brendan Smyth in October. Fr. Abbot submitted it was his mind that an initiative must now be taken to secure ministry to apostolate for this confrere. Fr. Abbot reported that he had accordingly presented Fr. Brendan with the option of two apostolates, missionary work in Ghana, Africa or pastoral work in North Dakota.

Fr. Brendan had expressed interest in the second option, and had indicated he was willing to take up this work if his doctor thought it feasible for him.

Fr. Brendan had within an interval of days consulted his doctor and obtained medical approval for the undertaking.

Father Abbot now outlined to the Meeting the nature of the ministry in North Dakota that was being offered to Kilnacrott priests. The offer came from the Bishop of Fargo, North Dakota, in North Central United States, adjoining the State of Montana where American Norbertines had a mission. In the Diocese of Fargo there were 100,000 Catholics. It was a region for which great population expansion was likely because of rich mineral resources (coal). Apart from the existing parishes, there was missionary opportunity with North American Indians. Priests were urgently needed for parishes, hospital chaplaincies, etc. The Bishop of Fargo had extended a welcome in writing to Father Abbot for Kilnacrott priests to undertake ministry in his Diocese. One Religious Order presently serving in the Diocese was the Benedictines.

Father Abbot now asked the Meeting if it would give its support for this pastoral mission being entrusted to Fr. Brendan Smyth. It was accordingly asked whether Kilnacrott would be obliged to send a personal dossier on the confrere being seconded to the Bishop in question. **FBS 52** said it was his recollection from a message received from the Abbot General that Kilnacrott was not so obligated.

It was submitted then that the provision of work and responsibility was important for each confrere. It was generally felt at the Meeting that Father Brendan should be accorded this.

Father Abbot submitted he would like the confrere going out from the House to have nothing against him from the past. Father Killian suggested the Council should offer the confrere a commitment of trust. In this way, a confrere could face his new work as a challenge. Fr.

4

MHC-11600126-2

THE INQUIRY INTO HISTORICAL INSTITUTIONAL ABUSE 1922 TO 1995
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2. The Chairman has indicated a desire to seek "an authoritative statement ... from a suitably qualified canon lawyer" re the powers of a bishop over an exempt religious and the ability of a bishop in whose diocese the defendant had a domicile to investigate and impose sanctions on the defendant. It is my understanding that *Crimen Sollicitationis* (1962) paragraphs 2 and 73 gave both the then Bishop of Kilmore, Bishop Francis McKiernan, as the local ordinary, and the Abbot of Holy Trinity Abbey, Kilnacrott, as Brendan Smyth's Superior, equal canonical jurisdiction to bring the crimes committed by Brendan Smyth to trial in the canonical forum. Such crimes could be tried by a locally constituted Ecclesiastical Tribunal, provided the Holy Office (later the Congregation for the Doctrine of the Faith) had been notified, as outlined by Fr John McKeever in oral evidence (cf. page 115 line 5 – page 116 line 24). (The Archdiocese of Armagh is willing, if requested, to assist the Inquiry with identifying a suitably qualified canon lawyer in the area of ecclesiastical penal law). In any event, under canon law of the time, responsibility for dealing with these allegations and informing the Holy Office (later the Congregation for the Doctrine of the Faith) lay with both the then Bishop of the Diocese of Kilmore and/or the then Abbot of Holy Trinity Abbey, Kilnacrott. It is a matter of deep regret to the Archdiocese of Armagh that these matters were not adequately dealt with in accordance with canon law.
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4. It is tragic and deeply regrettable that it took the investigation and prosecution of Brendan Smyth to trigger the long overdue and fundamental changes both of mindset and protocol within the Church and across society as a whole. Sadly, this

1 I just said, "This is appalling". You know, I said,
2 "This is distracting. So there'll be no more children's
3 choir". "You're making a big mistake", and I said,
4 "Well, leave the mistake to me".

5 Q. So it would be fair to say you and him didn't have
6 a warm relationship between you.

7 A. Not a warm relationship, though when he used to go to
8 Belfast frequently, he'd say, "Can I get you anything?"
9 and I liked -- I liked beef sausages, which I couldn't
10 get in -- round Cavan. So he'd always bring me back
11 beef sausages from Belfast, but that's the extent of the
12 good relationship.

13 Q. You were explaining to me on the subject of food that it
14 -- and, of course, this is difficult, and we are going
15 to come to how it ended up being that this group of men
16 thought as they did, and we talked about that earlier,
17 but you were saying to me there was a joke about -- by
18 some that if you ever wanted a sweet, you only had to go
19 to his car.

20 A. Yes, yes. He -- the boot of his car was -- literally
21 the whole area was full of sweets, candy, you know.
22 I mean, you couldn't have put a suitcase in there if you
23 had to take someone to the airport. It was full of
24 candy and that was his tool in dealing with children,
25 and the seminarians of the abbey, the juniors in

1 formation, used to joke and just say, "Hey, if you --
2 you don't have to go to town to buy sweets. Just go out
3 and pop the boot of Brendan's car. It is full of them".

4 Q. Was it known amongst you why he had the sweets in the
5 car?

6 A. They knew that he -- they knew that he had this thing
7 for kids. Now how much -- I don't think the young men
8 in formation were brought into the full realisation of
9 what was going on, but they just said, you know, "Like
10 he is so nice to kids and so terrible to everybody
11 else", you know.

12 Q. Father, we were talking earlier, and I want to try and
13 help you explain this for the Panel, because we were
14 agreeing that from biblical times molesting children was
15 known to be heinously wrong.

16 A. Yes, absolutely.

17 Q. You were talking about how in the canon law it's
18 heinously wrong.

19 A. Yes, yes. I mean, the 6th Commandment, you know,
20 forbids serious sins of the flesh as mortal sins that
21 are damning to hell, you know, and unrepented --
22 unrepented carnal sins like that -- you know, what
23 I found puzzling was that something that could send
24 a person's soul to hell for eternity, they could be left
25 in a position where they are allowed to perpetrate that

STATEMENT CONTINUATION PAGE

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STATEMENT OF [REDACTED]

Q Okay.

A [REDACTED] were Nazareth House but all these others were Nazareth Lodge..

Q Right okay.

A ..But I was invited to give a Retreat to the nuns not to the children or anything like that and it was while I was giving the Retreat, it was a full week's Retreat, 7 days or something like that you know we used to have Mass and all the rest of it and they had their own altar boys there from among the boys and that actually was where I first met [REDACTED] DL 41 cause he happened to be one of those altar boys..

Q Yes.

A ..And I was intrigued by his name, well with everything else.

Q Did this girl [REDACTED] give you access then to..

A Well the point of calling her..

Q Giving you the introduction.

A Was the introduction that caused me to meet her and I didn't meet the children normally up to that point you know.

Q But after that, after that when..

A I think she was gone by then from there by the time, after I'd given the Retreat, I don't think she was even on that Retreat you know.

Q But after that did you just go along and speak to whoever was in charge or what was..

A Yes that was what I would do. I would go along and I said..

Q And did you know the people in charge over the years.

207 [REDACTED]

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encouraged the family to report the allegation directly to the RUC. The statement records that the Social Worker also reported the matter to Fr Joseph Glover, the then Director of the Catholic Family Welfare Society who in turn contacted the Bishop's Secretary, Fr Edward O'Donnell. I have spoken to both Fr Glover and Fr O'Donnell about these events and they have both confirmed that when Fr O'Donnell received the call from Fr Glover to inform the Bishop of the allegation, Fr O'Donnell immediately instructed Fr Glover that the matter be reported by the Social Worker to the RUC. Fr O'Donnell has also confirmed what is recorded in the published statements, that when he informed Bishop Daly of the allegations the Bishop immediately approved of the course of action whereby the Social Worker of the Diocesan Catholic Welfare Society had reported the matter to the RUC. It is also worthy of note that Fr O'Donnell, the then Diocesan Secretary, had been a former chaplain to Nazareth Lodge (from June 1976 to December 1977). Fr O'Donnell has informed me that on receiving the call from Fr Glover with the allegation of abuse against Brendan Smyth, in addition to informing the Bishop he phoned **SR 2** at Nazareth Lodge to instruct her that Brendan Smyth was not to be admitted to say Mass for the Sisters. He told me that he did this because he was aware as a former chaplain that Brendan Smyth occasionally said Mass for the Sisters in Nazareth Lodge and on one occasion concelebrated such a Mass with him. Fr O'Donnell is absolutely clear, however, that until receiving the allegation on 19th February 1990, he had not been aware of any allegations or suspicions of child abuse against Smyth.

8. The published statements indicate that, as advised by the Social Worker working for the Diocesan Family Welfare Society, the family who brought the allegations made a formal statement of complaint against Brendan Smyth to the RUC on 7th March 1990, less than two weeks after first bringing the allegations to the attention of the Diocesan Society.
9. In the statement published by the then Bishop Cahal Daly on 5 December 1994 he explains that as soon as he was informed of the complaints against Brendan Smyth, and aware that the RUC had already been made aware of the allegations, he telephoned Smyth's religious superior, Abbot Kevin Smith of Kilnacrott Abbey, arranging to meet the Abbot on 12th March 1990. He states that at this meeting: 'I informed the abbot about the complaints. I told him that a social worker had seen the client and that the allegations of abuse had been reported to the RUC. The abbot accepted full responsibility for Fr Smyth and undertook to take prompt and appropriate steps to deal with the matter.'

STATEMENT OF WITNESS

STATEMENT OF [REDACTED] HIA 41

AGE OF WITNESS [If over 21 enter 'over 21'] : OVER 21 12031964

OCCUPATION OF WITNESS:

ADDRESS:

I declare that this statement consisting of pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this 16 day of January 1995

PAUL MCCRUMMLISH
SIGNATURE OF MEMBER

by whom statement was recorded or received

[REDACTED] HIA 41

SIGNATURE OF WITNESS

My earliest memory was when I was a very young child living on [REDACTED] Belfast with my grandmother and mother. My next memory was I was living in Nazareth Lodge Children's Home on the Ravenhill Rd. I remained there until I was about 11 or 12 years old I recall I was very happy and very well looked after, [REDACTED] SR 30 was head of my group, I would have looked upon her as a mother figure. I was getting on well and seemed to build up a rapport with [REDACTED] SR 30 because of this friendship I would be given the responsibility of minding the main hall. This would entail opening the main door, feeding any beggars and cleaning up generally. I remember one day a Father Brendan Smyth came to the home. He was extremely friendly towards me. I would have described him at the time as a Santa Clause type man. He gave me sweets and money. I seen him on several occasions while I was in Nazareth Lodge. On each occasion he gave me sweets and money. Father Smyth had no role in the home. I didn't know what he was doing there at all. On one occasion while I was in

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STATEMENT CONTINUATION PAGE PAGE NUMBER 2

STATEMENT OF [REDACTED] DL 40

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 or father and I thought he was just being kind to me. He did this to me on a number of occasions whenever he was at Nazareth Lodge saying

Mass. He was very crafty and this happened whenever we were on a one to one basis. He would always kiss me on the lips and felt my ass.

He never touched me anywhere other than my ass. He never asked me to

touch him or anything like that. Thinking back I am convinced that Father Smyth stayed at Nazareth Lodge for a period, not very long but for a period. I stayed at Nazareth Lodge and did one year at

secondary school which was not normal at the time. I went to St Augustine's Secondary School which was just next door. When I was

about 12/13 years old I was sent down to De La Salle Boy's Home in Kircubbin, Co Down. I was placed in a chalet along with [REDACTED]

DL 100 [REDACTED] DL 173 [REDACTED] and [REDACTED] DL 254 [REDACTED] Brother BR 42 [REDACTED] was the Housemaster and Mrs DL 115 [REDACTED] was the Housemother. We had to call her 'Mum'. Brother BR 1 [REDACTED] was the head of the home. I attended

school and did all right. On the 24th April 1980 I made a statement

to Police regarding what Brother BR 1 [REDACTED] and a Brother BR 77 [REDACTED] did to me in the home. I have read this statement over and I have nothing

further to add to it. Everything in it is true. To go back to my time in De La Salle. I was in the home for a period when one day

Brother BR 1 [REDACTED] sent for me. When I got to his office he told me

that Father Brendan Smyth had come to the home to see me. I was taken

to a reception room by Brother BR 1 [REDACTED] and Father Smyth was in the

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- Q:** This would be approximately 1975, do you know what time of the year this would have been,
- A:** December
- Q:** Approximately December of 75
- A:** December of probably 74
- Q:** December of 74, okay, did you remember your next contact with Father Smyth
- A:** Uhum, I moved out of my sister's, ah, {off [REDACTED]}
- Q:** When did you move from your sister's house
- A:** Uhum, approximately, early 75, {don't know}
- Q:** So you moved to your sister's house, September, October, September October of 73
- A:** Yeah
- Q:** [REDACTED] and then you moved into your own place, early 1975
- A:** Yeah
- Q:** Did you move into your own place, before or after this incident when you went to the opera with Father Smyth
- A:** {after}
- Q:** Did any incidents occur between the incident at the opera and the time, the time you moved into your own place
- A:** Uhum, I was only {in the bed-sit} for a couple of weeks, and in the first week or two
- Q:** Where was this located
- A:** {don't know} uhum, {don't know} [REDACTED]
uhum, {don't know}
I remember {don't know}
I can't remember how we got undressed or what {don't know} was {don't know} he tried to that night too, probably to get me into bed, {don't know} uhum, but you know {don't know} [He tried but nothing happened]

Q: Asking under the circumstances, and knowing what had happened in the past, now you're twenty years old, ah, do you think that he may have gotten the impression this particular night you wanted him to come in, to

A: No

Q: to initiate, did you in any way initiate any sexual contact

A: no, no

Q: Okay, do you remember what time of the day this was then

A: It was at night time,

Q: So he came inside and then what happened

A: Ah, I went to make tea, and we probably chit chatted, uhuh,

Q: What did you talk about, what type of things

A: When ever, when ever we had, we never got deep into conversation, uhuh,

Q: Okay, that's fine, after you made tea what happened, chit chatted and then what happened

A: Chit chatted, ah, he held my hand, {can't remember} hand, uhuh, he kissed me, and

Q: where did he kiss you

A: on the lips

Q: what kind of kiss was it

A: Uhuh, {can't remember}

Q: Was it like a little peck on the lips or was it like ah, deeper kiss,

A: probably a deeper kiss

Q: Okay, and then what happened,

A: Ah, I pushed him away, uhuh, I remember that night just {saying} no, and getting defensive, {don't know} and, nothing did happen that night

Q: How long did he stay

A: I can't say, I don't remember, after that, I was probably only in the apartment two, two years, {two weeks} {don't know} uhum

Q: You went

A: sick

Q: Sick

A: Uhum

Q: What type of sickness

A: {don't know - didn't specify}

Q: Were you hospitalised,

A: No, no

Q: Where did you stay during your sickness

A: [REDACTED] mom and dad's

Q: Did you give up your apartment

A: Not at that time

Q: So, you were sick for four weeks

A: But when I came back, I gave up my apartment

Q: Okay, and where did you live then

A: I went to [REDACTED] ah, {don't know}

Q: Do you recall the name

A: {don't know, could be [REDACTED]}

Tape two, side one ended

Q: Okay the time right now is 22:13, just switched the tape over, in about five seconds, okay, you mentioned [REDACTED]

A: Right

Q: {Is that} a person that you work with

A: Yeah

STATEMENT CONTINUATION PAGE PAGE NUMBER 8

STATEMENT OF [REDACTED] DL 59

the school. At the start he would kiss me and then he started to touch my penis from outside my clothes. As time went on he would take my penis out from my trousers and masturbate me until I ejaculated. He never performed oral sex on me and I never masturbated him or performed anal sex on me. I also remember a member of staff called [REDACTED] DL 509 [REDACTED] he was in charge of chalet 4. He had a camper van and he used to take some of the boys out in it. I remember he used to take us all over the country, North and South and he would have 6 to 8 boys in the camper. He would watch some of the boys, including myself, having full anal sex in the back of this van. The boy I had sex with was [REDACTED] [REDACTED] who was the same age as me. To my knowledge he never took part in any of these sex acts. I can also say that I mentioned this abuse on me by Father Smyth to Brother [REDACTED] BR 1 but after he started on me I said nothing more. When I left the De La Salle school I went to live in [REDACTED] with legal guardians. Because I had been passed about from one person to the next when I came to [REDACTED] I never really got to talk to anyone about what had happened. I only realised at the age of 24 that what had happened to me was wrong and since then I have been too embarrassed to tell anyone until now and following my recent awareness of Father Smyth when I heard a very recent radio broadcast about him only now can I make this statement.

SIGNATURE OF WITNESS

[REDACTED] DL 59

CHECKED AND CERTIFIED A TRUE COPY OF THE ORIGINAL SIGNED :

Jan Foster Mc.

STATEMENT CONTINUATION PAGE

PAGE NUMBER 2

STATEMENT OF [REDACTED] HIA 41

the main hall, Father Smyth gave me sweets and money and put his hands down the back of my trousers and felt my bum, his hand was down my trousers but I don't remember if it was against my skin or over my underpants. This happened on each occasion I seen Father Smyth. He would always give me sweets and money, a few pounds. On a number of times he would put his hand down my trousers and fondle me on the buttocks and penis. He never took my penis out or never took his penis out. This happened over a period of time but I can't remember the details of every incident. He always behaved in a nice manner. At some time between 11-12 years I transferred to De La Salle in Kircubbin and was housed in chalet 1. Brother [REDACTED] was in charge of this chalet. Some time after I arrived Brother [REDACTED] BR 1 came to me and said I had a visitor and sent me over to the front parlour of the main house, the visitors' room. When I arrived I saw it was Father Smyth who was there to visit me. There was no one else in the room. He again gave me money and sweets and sat me on his knee, proceeded to touch me on the bum and penis down my trousers. I only seen him on a few occasions and on each time he would touch me on the penis and bum. I realised that this activity wasn't right and on the last occasion I sat away from him and he eventually got me onto his knee again and I was pulling away. He knew I wasn't pleased and only got his hand down my trousers after this. I never had another visit from him or did I see him again. I remained in chalet 1 for some time then I got a job on the farm and was moved to live in the main house. I don't remember the dates but during my stay in De La Salle I was assaulted on a lot of occasions. I remember once we were down at the swimming pool,

which recorded the arrival of visitors does not appear to have survived the closure of Rubane and the Order has been unable to locate it. [REDACTED] BR 2 is confident that, apart from the two visits detailed above, Fr Smyth never visited Rubane during [REDACTED] BR 2's term as Officer in Charge which ended on the 31st August 1977.

9. The Order accepts that Fr Smyth did visit Rubane again after September 1977. No surviving Brothers have any recollection of these visits but former residents recount that Smyth did visit and indeed Smyth himself admitted that he did. The Order believes that these visits occurred during [REDACTED] BR 1's time in charge, namely, between September 1977 and February 1980. DL 40's evidence suggests that Smyth stopped visiting him in 1978. The Order believes that Smyth moved to the USA at some point in 1979.
10. The Order acknowledges that Smyth himself during an interview with the RUC on the 24th February 1995 admitted visiting Rubane House. Smyth confirmed to the Police that he had no official reason to visit Rubane but that he simply called to see children that he knew. The Order is aware that Smyth visited children in Nazareth Lodge and it appears that after those children moved from Nazareth Lodge to Rubane he continued to visit them. The impression one gains is that Smyth turned up at Rubane unannounced. It is accepted that Brothers and staff are likely to have facilitated visits by a visiting Priest if that Priest called and asked to speak to a boy by name.
11. During the course of the 24th February 1995 interview and in the context of Rubane Smyth admitted abusing [REDACTED] DL 41 and the [REDACTED] that 'he had been convicted of'. It is believed that this is a reference to [REDACTED] DL 59 [REDACTED] DL 41 [REDACTED] was resident in Rubane between 28th May 1976 and 2nd July 1981. [REDACTED] DL 59 was resident between 28th August 1974 and 22nd June 1979. Smyth subsequently admitted during interview of 11th August 1995 to abusing [REDACTED] DL 40 resident from 19th September 1977 to 26th May 1981 in Rubane. [REDACTED] DL 59 was the only one of these boys resident in February 1976 when Smyth first visited the Home.
12. The Order is conscious that DL 40, both in 1995, and during the course of Module 3 [FBS 093-094 & 60010 – 60031] reports that he 'reported' Smyth to [REDACTED] BR 1. DL 40 recounted that he believed the abuse stopped after this 'report' and about a ¼ of the way into his residency. DL 40 was in the Home from September 1977 until May 1981 and if his recollection is accurate DL 40's account suggests that Smyth stopped visiting him in or about the end of 1978. The Order has not been able to locate any record of DL 40's 'report'. I have previously accepted in my statement of the 5th December 2014 that [REDACTED] BR 1 did not act appropriately in respect of this complaint. DL 40 associates [REDACTED] BR 1's response to his complaint with both the cessation of Fr Smyth's visits to see him and the cessation of the correspondence between Smyth and DL 40. However, the Order cannot locate any records to suggest that the complaint was reported to anyone else, to include DL 40's Social Worker, the Police, higher authority within the Order or anyone within the Diocese of Down and Connor. There are some confounding aspects of this issue which make interpretation of the known facts difficult. It is understood the Smyth left Ireland in or about 1979 and went to the USA. This could account for

Patten on file, however, and the duration of B. Smyth's stay in Purdysburn is not clear.⁷ Letters on file illustrate that B. Smyth attended Dr Patten as an outpatient from approximately September 1968 to May 1969. It can also be seen from the letters that B. Smyth rearranged his appointments with Dr Patten on a regular basis. On one particular occasion, B. Smyth requested an alternative appointment, informing Dr Patten that he had to give a school retreat.

41. Following B. Smyth's return from Rhode Island and his subsequent treatment, he appears to have resided at Holy Trinity Abbey for a number of years. I am told that sometime around 1971/1972, a woman informed Abbot Kevin Smith that B. Smyth had sexually abused her son. It is stated that the Abbot put the allegation to B. Smyth who denied it. Abbot Kevin Smith suspended B. Smyth for two weeks as a punishment, which meant that he was not permitted to function publicly as a priest during that time.
42. The next recorded knowledge of concerns surrounding B. Smyth is set out in the minutes of an Abbot's council meeting from May 1973. According to the minute, Abbot Kevin Smith asked the council to "enter into consultation for the personal and private case of a particular confrere against whom a complaint had been received from outside the Abbey and for the remedies that could be taken". Although the confrere is not named, and no detail of the complaint is given, it is presumed that B. Smyth was the person the council was discussing. No record of the subsequent discussion, or any remedies to be imposed, is recorded.
43. It was around this time in 1973 that, I have been informed, B. Smyth was admitted to St. Patrick's Hospital in Dublin for a period of approximately 3 weeks. He was under the care of a Dr Moore between May 1973 and June 1974, but no report from Dr Moore is available. I am aware that Abbot Kevin Smith went to see Dr Moore around the time of B. Smyth's treatment in order to determine how the treatment was progressing. Dr Moore was not forthcoming with any information, however, on the basis of doctor/patient confidentiality and asked Abbot Kevin Smith to leave. Subsequent requests, by Fr. Gerard Cusack, to obtain records regarding B. Smyth's treatment at St. Patrick's Hospital, in the context of litigation, were refused by the hospital. A further request has been made to St. Patrick's Hospital in the context of this Inquiry.
44. In or around 1974, I am told that the Prior of the Kilnacrott Canonry received a complaint of sexual abuse by B. Smyth from a family in Belfast. He received this complaint in the absence of Abbot Smith, who was working overseas at the time and he travelled to meet with the family to discuss their concerns. I am told that the Prior confronted B. Smyth and he did not deny the allegation. The Prior also reported the incident to Abbot Smith upon his return to Holy Trinity Abbey.
45. In March/April 1975, Bishop Francis McKiernan, then Bishop of the Diocese of Kilmore, carried out a canonical inquiry into allegations of sexual abuse by B. Smyth against two children in his diocese. On 18 April, 1975, Bishop McKiernan wrote to Abbot Smith and informed him that he had withdrawn the faculties (i.e. the right to function publicly as a priest) of the diocese from B. Smyth for the reasons which, he states, he explained to the Abbot during their meeting on 12 April 1975. No record of this meeting between Abbot Smith and Bishop McKiernan can be located. According to the minutes of a council meeting from 5 May 1975, however, one of the items of discussion was the "provision for Fr. Brendan's future service in the Order" and the assistance of the Paraclete Fathers was suggested. The meeting was informed that B. Smyth had permission to offer Mass,

⁷ A letter from South & East Belfast Trust dated 27 January, 2003, confirms that "no summary reports or notes on the contents of appointments" between B. Smyth and Dr Patten were contained in B. Smyth's file from his time at Purdysburn Hospital.

STATEMENT CONTINUATION PAGE

PAGE NUMBER 2

STATEMENT OF **FBS 51**

the matter on the way home, but I remember feeling that **FBS 40** was happy at what Abbot Smith had assured him. I felt at that time I had done my job at this stage. I vaguely remember **FBS 35** talking to me in or around the same time about Father Smyth allegedly abusing her daughter. I felt that bringing Abbot Smyth's attention to Father 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 open to the childrens parents to go to the police, if they felt it necessary. Some years later I heard that Father Smyth was trying to get work within this Diocese of Down and Connor. From my knowledge of him in Whitehead I felt it my duty to inform the Bishop that he was not a suitable candidate for a position here. I wrote a letter to Bishop Philbin who acknowledged it and thanked me for drawing his attention to this. He said he had also heard rumours and Father Smyth was not appointed.

SIGNATURE OF WITNESS

FBS 51

CHECKED AND CERTIFIED A TRUE COPY OF THE ORIGINAL SIGNED :

Page 42

THE DIOCESE OF FARGO
1310 BROADWAY
BOX 1750
FARGO, NORTH DAKOTA 58107

March 20, 1980

CHANCERY

Reverend Gerard John Smyth, O'Praem.
Kilnacrott Abbey
Ballyjamesduff
Co. Cavan.
IRELAND

Dear Father Gerard:

This letter is long overdue but it is no less sincere. I write to extend a very warm welcome to you, to assume the Pastorate of St. Alphonsus Parish, Langdon, North Dakota on June 15, 1980.

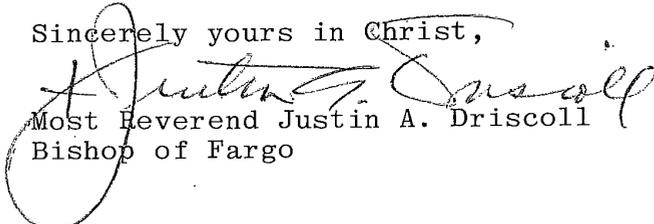
Recently I visited St. Alphonsus Parish and I told them the good news about the Norbertine Fathers taking over St. Alphonsus Parish this summer and the people are very, very pleased with this good news.

I write to extend to you a very warm welcome to this Diocese and I know you will enjoy working in the Diocese of Fargo and especially with the good people of St. Alphonsus Parish, Langdon.

I enclose this modest honorarium for my best wishes for a joyous and blessed Eastertide, I only wish it could be much, much larger but I send it with my good wishes and remembrance at the Altar of the Lord.

With every best wish, I remain

Sincerely yours in Christ,


Most Reverend Justin A. Driscoll
Bishop of Fargo

First Item of Business. Personal case of Father Brendan Smyth.

Fr. Abbot reported on the way the case of Fr. Brendan Smyth was proceeding. It was agreed that the policy accepted at a previous meeting be pursued; in particular, the provision that a personal availing of a car be denied Fr. Brendan.

It was suggested that the right approach was to undertake the important steps of penalising, but to take these in an even, not an abrupt way. It was agreed that the Abbot General and the Prosecutor General be informed of this case at Kilnacrott.

MINUTES OF ABBOT'S COUNCIL MEETING

13 NOVEMBER 1978

Present: Fathers Abbot, Killian, Joe, Terry and **FBS 52**

Item 1. of Business. Personal Case of Fr. Brendan Smyth:

Fr. Abbot reported the recommendations of Fr. Abbot General. Fr. Brendan Smyth should be provided work of some kind. After a trial period of 12 months priestly work should be sought for Fr. Brendan.

MINUTES OF ABBOT'S COUNCIL MEETING

2 APRIL 1979

Present: Fathers Abbot, Killian, Joe and **FBS 52**

Item 4. Personal Case of Fr. Brendan Smyth

Father Prior reported that he had occasion to make representation to Father Brendan Smyth on two matters that affected the public forum. After this representation Father Brendan made request to discuss matters with Father Prior. Then Fr. Brendan expressed a desire to have his case treated with the Abbot's Council with himself present.

Father Abbot said this was agreeable. It was accordingly decided to have a special meeting of the Abbot's Council on April 9th afternoon to treat of the confrere's personal case.

MINUTES OF ABBOT'S COUNCIL MEETING

9 APRIL 1979

Present: Full quorum, names not listed.

Item 2. Personal Case of Fr. Brendan Smyth

Father Abbot reminded the Meeting that Fr. Brendan Smyth had expressed a desire to be heard by the Council for his personal case. Fr. Abbot submitted that the Council should take thought for its general approach to hearing and acting upon Fr. Brendan Smyth's case. The Meeting gave its attention to this. The Meeting took into account Fr. Brendan Smyth's actual situation vis a vis the Community, and vis a vis priestly ministry. The Council considered possible undertakings that could be sought from Fr. Brendan, then offers that could be made him. Some progress was reported in the Council's agreed policy in Fr. Brendan Smyth's case. It was decided that immediately after the hearing of Fr. Brendan, the Council would take up the matter to determine the developing situation.

21. It was around that time, in 1973, that I was told by a confrere that a complaint had been made about B. Smyth when he was a student at the Curia Generalizia – Collegio² in Rome in the late 1940s. According to the confrere, B. Smyth had been accused of abusing a child in the vicinity of the College, and when the time came for B. Smyth to be ordained in the early 1950s, the Abbot General advised against it and suggested that B. Smyth's formation for religious life be terminated. The Abbot of Tongerlo, B. Smyth's direct superior, however, ignored this advice. It is said that he did not want the Abbot General interfering in the business of the independent canonry of which he was the Prelate. As a result, he proceeded to permit B. Smyth's ordination in 1951.
22. In or around 1982, I remember that I was with a group of confreres looking through the book published by the Kilnacrott Canonry to celebrate its Golden Jubilee. The book contained a picture of B. Smyth in the company of children. It struck my fellow confreres and me as remarkable that such an image would be included in the book, given the rumours we had heard about B. Smyth's behaviour.
23. I was appointed Rector of the Church at Holy Trinity Abbey in 1987, a position I held for approximately two years. During this time, I encountered B. Smyth regularly. As Rector, my duties included taking charge of the altar servers and the children's choir, two tasks previously undertaken by B. Smyth as he was Rector immediately before me.
24. I recall one particular incident when I asked a regular worshipper if her son would like to be an altar server. She told me that he would, but only if B. Smyth had nothing to do with it. Following this conversation, I told B. Smyth that he was to stay away from the Church when the altar servers were practising. He did not heed that advice and he showed up unexpectedly, and uninvited, one day. I took him aside and asked him to leave but he told me that it was a "free country". I explained to him that in light of the accusations I had heard about him, and which I believed to be true, he could not be around the children. B. Smyth became quite aggressive and threatened to "knock my head off". I told him to go right ahead, but that I would do the same to him. He seemed to back off after that. He did not further involve himself with the altar servers during my time as Rector, as far as I am aware.
25. I had a further run-in with B. Smyth in relation to the children's choir. It was my opinion that the children's choir was not very good and I wanted to have an adult-only choir instead. I told B. Smyth that I was shutting the children's choir down and I recall him telling me that I was making a big mistake. Being in charge of the choir had been B. Smyth's pretext for going around in his car to collect children to bring them to the church to sing.
26. My final distinct recollection of the issues surrounding B. Smyth, and the first official confirmation of the rumours I had heard, is something Abbot Kevin Smith said in 1989. It was Holy Saturday and I recall that the priests were gathered in the recreation room in the Abbey. Abbot Kevin spoke to us and warned us that if we were contacted by the media with questions about B. Smyth, we were not to answer. He told us that B. Smyth had been accused of sexual interference with children and that there may be weight to the accusations. He asked that we leave any commentary from the Kilnacrott Canonry to him.
27. I did not become aware of the identity of any person who had complained against B. Smyth and nor did I receive any complaint about him, or learn of the detail of any complaint, during these years.

² The Curia Generalizia is the international study house of the Norbertines. It is used for international meetings of the Order and is the place of residence of the Abbot General.

52. Few records are available to me about B. Smyth's time in North Dakota. The minutes of council meetings from 1981 note that the Bishop of Fargo "had commended" B. Smyth's "labours in the diocese". A council meeting in April 1982 heard that Abbot Smith had received a letter which advised that the Langdon Parish School Committee in North Dakota "had a serious disagreement" with B. Smyth, who was referred to in the letter as their "parish priest". The nature of the disagreement is not obvious from the minutes of the meeting and I have not seen the letter itself, which, I believe, is no longer available. The only letter on record from 1982 is one from a group of parishioners to Bishop Driscoll, who held office at that time, asking that B. Smyth not be removed from the parish. In 1994, the Kilnacrott Canonry learned, from the Bishop of Fargo, that a person had come forward in recent times and had corresponded directly with B. Smyth and had received money from him. At that time, it was also stated that Bishop Driscoll, had received some allegations about B. Smyth and he was, thus, allowed to leave. It was not known to the Bishop of Fargo that B. Smyth had a history of child sexual abuse when he was permitted to serve there. Smyth returned to Kilnacrott in April 1983.
53. From 1983 onwards, I am told B. Smyth held no formal ministry or office, apart from the regular duty hearing confessions and offering Mass at the Abbey, parish supplies, hospital visits and mission appeals on three occasions in the USA. B. Smyth was permitted to carry out these limited ministries, having had his faculties restored by Bishop McKiernan in 1984.
54. On 14 March 1989, Abbot Kevin Smith informed a council meeting that B. Smyth had been involved in certain improper and wrong behaviour in regard to a boy in Northern Ireland. The Abbot told those in attendance that he had met with the family and they had outlined their concerns to him. According to Abbot Smith, the family had told him that they wanted B. Smyth to be sent for treatment. This treatment was arranged and B. Smyth was sent to a psychiatrist in Dublin by the name of Dr Michael Delmonte in April that year. I am told that B. Smyth attended Dr Delmonte on a regular basis, initially weekly and then monthly. I am not certain of when he stopped attending Dr Delmonte, although in a report from Dr Delmonte, dated 9 February, 1994, it is stated that B. Smyth's therapy with Dr Delmonte was "still on-going up to the recent past".
55. In March 1990, Abbot Smith reported to the council on a meeting he had had with Bishop Cathal Daly, then of the Diocese of Down and Connor, in relation to B. Smyth. According to the minutes of the council meeting, Bishop Daly had telephoned Kilnacrott to request the meeting, which had taken place on 12 March.
56. At the meeting on 12 March, Bishop Daly told Abbot Smith that "three of his priests had brought him word that Fr. Brendan Smyth had been involved in apparent unlawful behaviour with young persons". He also told the Abbot of the complaint that had been made by a young girl to the Catholic Family Welfare Society, which he understood had been communicated to the police in Northern Ireland.
57. It is stated in the minutes that Abbot Smith confronted B. Smyth with Bishop Daly's information, but he "was not prepared to accept the truth" of them. The minutes go on to state that B. Smyth told the Abbot that he did not envisage "any personal danger for himself in returning to Belfast" and that the Abbot did not pursue the matter further.
58. In a letter dated 11 February, 1991, Archbishop Cathal Daly, then Archbishop of Armagh, wrote to Abbot Smith and informed him that he had received further complaints about B. Smyth. According to the letter, B. Smyth was using his visits to Belfast for therapy to continue the practices which the Archbishop had informed Abbot Smith of in 1990. Abbot Smith responded on 21 February, 1991, and told the Archbishop that he had spoken to B. Smyth who had assured him that there had "been no incident of that nature for a

MacKiernan sent a letter to him, for the lady, telling her that the Abbot of Kilnacrott had told him that Fr Smyth had been treated by a psychiatrist and that she could be assured that this would not happen again. He said he passed the letter on to the lady. We can find no record of that letter in our records and the priest did not keep a copy. As he cannot recall this lady's name we cannot trace this matter any further at present.

15. Another complainant, **FBS 44** (cf 7 c above) who first made an allegation to the diocese on 25 May 2012, has stated that he was abused by Brendan Smyth when he was 11 or 12 around 1955. He says that when he was a student of St Patrick's College, Cavan a couple of years later, he told a priest on the staff of the college, Fr Francis MacKiernan (who was later Bishop MacKiernan) about the abuse. That would have been 1957.
16. After the 1975 investigations of Brendan Smyth and the actions taken by Bishop MacKiernan there is no further record relating to Brendan Smyth in our archive until 1984. The Abbot had assured the Bishop that the appropriate steps were being taken. The lack of any further reports in the files of the diocese suggests that the diocese believed that the appropriate steps had been taken.
17. On 20 August 1984 Brendan Smyth wrote to Bishop MacKiernan asking that his faculties be restored and saying that his Superior (the Abbot) had proposed this. There is no record of communications between the Abbot and Bishop MacKiernan in the archives, but Bishop MacKiernan later confirmed that he had consulted with the Abbot and that he was satisfied that there did not appear to have been any further occurrences similar to those previously complained of and, in the circumstances, Bishop MacKiernan restored his faculties for a period of six months. In response to subsequent requests, faculties were extended for further six months periods and later for one year periods, until the final withdrawal of faculties was made on 18 December 1993. The limited nature of the return of faculties suggests that Bishop MacKiernan 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 had worked.
18. When we consider the steps taken in 1975 against the knowledge that we have now, it is clear that the necessary and appropriate steps were not taken to stop Brendan Smyth from reoffending.

52. Few records are available to me about B. Smyth's time in North Dakota. The minutes of council meetings from 1981 note that the Bishop of Fargo "had commended" B. Smyth's "labours in the diocese". A council meeting in April 1982 heard that Abbot Smith had received a letter which advised that the Langdon Parish School Committee in North Dakota "had a serious disagreement" with B. Smyth, who was referred to in the letter as their "parish priest". The nature of the disagreement is not obvious from the minutes of the meeting and I have not seen the letter itself, which, I believe, is no longer available. The only letter on record from 1982 is one from a group of parishioners to Bishop Driscoll, who held office at that time, asking that B. Smyth not be removed from the parish. In 1994, the Kilnacrott Canonry learned, from the Bishop of Fargo, that a person had come forward in recent times and had corresponded directly with B. Smyth and had received money from him. At that time, it was also stated that Bishop Driscoll, had received some allegations about B. Smyth and he was, thus, allowed to leave. It was not known to the Bishop of Fargo that B. Smyth had a history of child sexual abuse when he was permitted to serve there. Smyth returned to Kilnacrott in April 1983.
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Count No. 52

For that you the said accused on a date unknown between 1st July 1990 and the 17th January, 1991 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to common law and as provided for in Section 10 Criminal Law (Rape) Act 1981.

Count No. 53

For that you the said accused on a date unknown between 18th January 1991 and the 30th June 1991 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

Count No. 54

For that you the said accused on a date unknown between 1st July 1991 and the 31st December 1991 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

Count No. 55

For that you the said accused on a date unknown between 1st January 1992 and the 30th June 1992 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

Count No. 56

For that you the said accused on a date unknown between 1st July 1992 and the 31st December 1992 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

Count No. 57

For that you the said accused on a date unknown between 1st January 1993 and the 30th June 1993 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

Count No. 58

For that you the said accused on a date unknown between 1st July 1988 and the 31st December 1988 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to common law and as provided for in Section 10 Criminal Law (Rape) Act 1981.

Count No. 59

For that you the said accused on a date unknown between 1st January 1989 and the 30th June 1989 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to common law and as provided for in Section 10 Criminal Law (Rape) Act 1981.

Count No. 60

For that you the said accused on a date unknown between 1st July 1989 and the 31st December 1989 both dates inclusive, at ██████████ County Longford, within the District Court Area of Granard, District Court Number 9, did indecently assault one BLANK, a female.

Contrary to common law and as provided for in Section 10 Criminal Law (Rape) Act 1981.

1 harmed and who continue to suffer."

2 So you are making your position very clear and
3 saying "Sorry" for the failings of those who went before
4 you.

5 **A.** Indeed, you know, and it's -- I mean, it's the sort of
6 thing that -- it gives a lot of us sleepless nights, you
7 know, at times, just to think of -- it is more thinking
8 of the suffering of the people who are still here.

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

17 **Q.** Father, I am not going to ask you any more questions.
18 If you'll do me the courtesy of remaining where you are
19 just for a short time, the Panel Members may want to ask
20 you something. So just bear with us --

21 **A.** Sure.

22 **Q.** -- for a short period of time. Thank you.

23 Questions from THE PANEL

24 **CHAIRMAN:** Father Fitzgerald, you have been very frank with
25 us as to the failings of the Norbertine Order. I should