

Introduction

- 1.1 The Dublin Archdiocese Commission of Investigation was established to report on the handling by Church and State authorities of a representative sample of allegations and suspicions of child sexual abuse against clerics operating under the aegis of the Archdiocese of Dublin over the period 1975 to 2004. The report of the Commission is in two parts.
- 1.2 In Part 1, the report outlines the organisational structures of the Archdiocese and the relevant State authorities, that is, the Gardaí, the Director of Public Prosecutions (DPP) and the health authorities. This part also covers the general background to the handling of complaints and includes information on the arrangements made for insurance cover and for financing the costs involved in clerical child sexual abuse. It covers the canon law and the procedures set out by the Roman Catholic Church for dealing with complaints of what Church law describes as the “*worst crime*”, that is, sexual interference with a minor.
- 1.3 Part 2 reports on the cases of the 46 priests who form the representative sample. Below, the Commission gives an overview of what these cases show.
- 1.4 It is important to realise that it was not the function of the Commission to establish whether or not child sexual abuse actually took place but rather to record the manner in which complaints were dealt with by Church and State authorities.

The Ryan Report

- 1.5 The Dublin Archdiocese Commission of Investigation report was completed shortly after the publication of the *Report of the Commission to Inquire into Child Abuse*, generally known as the *Ryan Report*. Because of this, and because the abuse of children by clerics and religious was the underlying reason for both reports, there has been a tendency to assimilate the two reports in public and journalistic commentary. They are, in fact, quite different in subject, scale and nature.

1.6 The Commission to Inquire into Child Abuse was primarily an investigation of the treatment of many thousands of children, over many decades, in residential institutions, including industrial schools, run by various religious orders and congregations. This report is much more restricted in scale and is concerned only with the response of Church and State authorities to a representative sample of complaints and suspicions of child sexual abuse by priests in the Archdiocese of Dublin between the years 1975 and 2004.

1.7 The *Ryan Report* was concerned with establishing whether or not abuse occurred and the nature and scale of that abuse. It was not confined to sexual abuse. This Commission had no remit to establish whether or not abuse occurred although it is abundantly clear, from the Commission's investigation as revealed in the cases of the 46 priests in the representative sample (see Chapters 11 to 57), that child sexual abuse by clerics was widespread throughout the period under review. This Commission's investigation is concerned only with the institutional response to complaints, suspicions and knowledge of child sexual abuse. The Ryan Commission was required to make recommendations. The Dublin Commission has no specific remit to make recommendations but the Commission has given its views on a range of matters which it considers significant at various stages in the report.

Number of Complaints

1.8 The Commission received information about complaints, suspicions or knowledge of child sexual abuse in respect of 172 named priests and 11 unnamed priests. (Some or all of the 11 unnamed priests may, of course, be included in the 172 named priests.) After a preliminary examination, the Commission concluded that 102 of these priests were within remit.

1.9 It is important in the Commission's view not to equate the number of complaints with the actual instances of child sexual abuse. While a significant number of the priests against whom allegations were made admitted child sexual abuse, some denied it. Of those investigated by the Commission, one priest admitted to sexually abusing over 100 children, while another accepted that he had abused on a fortnightly basis during the currency of his ministry which lasted for over 25 years. The total number of documented complaints recorded against those two priests is just over 70. In another case, there is

only one complaint but the priest has admitted to abusing at least six other children.

1.10 The Commission examined complaints in respect of over 320 children against the 46 priests in the representative sample. Substantially more of the complaints relate to boys – the ratio is 2.3 boys to 1 girl.

1.11 Of the 46 priests examined, 11 pleaded guilty to or were convicted in the criminal courts of sexual assaults on children.

1.12 There is one clear case of a false accusation of child sexual abuse – Fr Ricardus*¹ (see Chapter 55). There are two cases where there were suspicions or concerns but no actual complaint of child sexual abuse – Fr Guido* (see Chapter 51) and Fr Magnus* (see Chapter 49).

The priests – where they are now

1.13 Of the 46 priests in the representative sample, 11 are or were members of religious orders. Four of these are dead; four are living within their orders with restrictions on their ministry and activities; two are living within their orders without restrictions and one has become estranged from his order and is living without restriction in another diocese. One priest belongs to a UK diocese and his whereabouts are unknown. Of the 34 priests from the Dublin Archdiocese, ten are dead, 20 are out of ministry and four are in ministry. Of the 20 who are out of ministry, 11 are being financially supported by the Archdiocese and are living under restrictions imposed by Archbishop Martin; nine are laicised.

The Archdiocese and Church authorities

1.14 The volume of revelations of child sexual abuse by clergy over the past 35 years or so has been described by a Church source as a “*tsunami*” of sexual abuse.² He went on to describe the “*tsunami*” as “*an earthquake deep beneath the surface hidden from view*”. The clear implication of that statement is that the Church, in common with the general public, was somehow taken by surprise by the volume of the revelations. Officials of the

¹ * Names marked with an asterisk are pseudonyms.

² Mc Grady, A., Registrar of the Mater Dei Institute Dublin, “Brokenness of the Irish Church” in Liam Bergin (ed) *According to Your Word*, (Dublin: Four Courts Press, 2007).

Archdiocese of Dublin and other Church authorities have repeatedly claimed to have been, prior to the late 1990s, on 'a learning curve' in relation to the matter. Having completed its investigation, the Commission does not accept the truth of such claims and assertions.

1.15 The Dublin Archdiocese's pre-occupations in dealing with cases of child sexual abuse, at least until the mid 1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities. The Archdiocese did not implement its own canon law rules and did its best to avoid any application of the law of the State.

1.16 The situation improved from the start of the implementation of the *Framework Document*³ in 1996. However, it took some time for the structures and procedures outlined in that document to be fully implemented. In particular, its provisions on support services for complainants were not fully implemented until the establishment of the Child Protection Service within the Archdiocese in 2003. This failure caused added distress to complainants. The Commission is satisfied that there are effective structures and procedures currently in operation. In particular, the Commission is satisfied that all complaints of clerical child sexual abuse made to the Archdiocese and other Church authorities are now reported to the Gardaí. There is no legal requirement for such reporting but the Commission considers that the Gardaí are the appropriate people to deal with complaints. While acknowledging that the current archdiocesan structures and procedures are working well, the Commission is concerned that those structures and procedures are heavily dependent on the commitment and effectiveness of two people – the Archbishop and the Director of the Child Protection Service. The current Archbishop and Director are clearly committed and effective but institutional structures need to be sufficiently embedded to ensure that they survive uncommitted or ineffective personnel.

³ Irish Catholic Bishops' Advisory Committee on Child Sexual Abuse: *Child Sexual Abuse: Framework for a Church Response*, (Dublin: Veritas Publications, 1996).

Knowledge of clerical child sexual abuse

- 1.17 The authorities in the Archdiocese of Dublin and the religious orders who were dealing with complaints of child sexual abuse were all very well educated people. Many had qualifications in canon law and quite a few also had qualifications in civil law. This makes their claims of ignorance very difficult to accept. Child sexual abuse did not start in the 20th century. Since time immemorial it has been a “*delict*” under canon law, a sin in ordinary religious terms and a crime in the law of the State. Ignorance of the law is not a defence under the law of the State. It is difficult for the Commission to accept that ignorance of either the canon law or the civil law can be a defence for officials of the Church.
- 1.18 There is a two thousand year history of Biblical, Papal and Holy See statements showing awareness of clerical child sex abuse. Over the centuries, strong denunciation of clerical child sexual abuse came from Popes, Church councils and other Church sources. A list covering the period 153 AD to 2001 is included in an article by the Promoter of Justice in the Congregation for the Doctrine of the Faith.⁴ These denunciations are particularly strong on ‘offences against nature’ and offences committed with or against juveniles. The 1917 code of canon law decreed deprivation of office and/or benefice, or expulsion from the clerical state for such offences. In the 20th century two separate documents on dealing with child sexual abuse were promulgated by Vatican authorities (see Chapter 4) but little observed in Dublin.
- 1.19 The controversy and drama surrounding the Fr Brendan Smyth case in 1994 (see Chapter 7) 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. The claim that bishops and senior church officials were on ‘a learning curve’ about child sexual abuse rings hollow when it is clear that cases were dealt with by Archbishop McQuaid in the 1950s and 1960s and that, although the majority of complaints emerged from 1995 onwards, many of the complaints described

⁴ Scicluna, Charles J., “Sexual Abuse of Children and Young People by Catholic Priests and religious: Description of the Problem from a Church perspective” in Hanson, Pfäfflin and Lütz (eds) *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives* (Rome: Libreria Editrice Vaticana 2003).

in this report first came to the attention of the Archdiocese in the 1970s and 1980s. The Commission examined complaints in respect of approximately 320 complainants against the 46 priests in the representative sample. Of the complaints examined by the Commission,

- three were made in the 1960s;
- 11 were made in the 1970s and there were two suspicions/concerns;
- 64 were made in the 1980s and there were 24 suspicions/concerns;
- 135 were made in the 1990s and there were 23 suspicions/concerns;
- 112 were made in the 2000s (mainly between January 2000 and 1 May 2004) and there were 10 suspicions/concerns.

1.20 In 1981, Archbishop Ryan showed a clear understanding of both the recidivist nature of child sexual abusers and the effects of such abuse on children when he was referring Fr [redacted] to Stroud (a therapeutic facility in the UK – see Chapter 11). The Archdiocese first made inquiries about insurance cover for compensation claims in the mid 1980s and such cover was put in place in 1987 (see Chapter 9).

1.21 All the Archbishops of Dublin in the period covered by the Commission were aware of some complaints. This is true of many of the auxiliary bishops also. At the time the Archdiocese took out insurance in 1987, Archbishop Kevin McNamara, Archbishop Dermot Ryan and Archbishop John Charles McQuaid had had, between them, available information on complaints against at least 17 priests operating under the aegis of the Dublin Archdiocese. The taking out of insurance was an act proving knowledge of child sexual abuse as a potential major cost to the Archdiocese and is inconsistent with the view that Archdiocesan officials were still ‘on a learning curve’ at a much later date, or were lacking in an appreciation of the phenomenon of clerical child sex abuse.

1.22 Many of the auxiliary bishops also knew of the fact of abuse as did officials such as Monsignor Gerard Sheehy and Monsignor Alex Stenson who worked in the Chancellery. Bishop James Kavanagh, Bishop Dermot O’Mahony, Bishop Laurence Forristal, Bishop Donal Murray and Bishop Brendan Comiskey were aware for many years of complaints and/or suspicions of clerical child sexual abuse in the Archdiocese. Religious orders

were also aware. For example, the Columban order had clear knowledge of complaints against Fr Patrick Maguire in the early 1970s.

1.23 In addition to their clerical education, many of those in authority in the Archdiocese had civil law degrees or occupied prestigious appointments in third level education. Monsignor Sheehy, Bishop O'Mahony and Bishop Raymond Field were qualified barristers. Bishop Kavanagh was Professor of Social Science in University College Dublin where both Archbishop Ryan and Archbishop Connell held high ranking academic posts. Despite their participation in civil society, it was not until late 1995 that officials of the Archdiocese first began to notify the civil authorities of complaints of clerical child sexual abuse. In this context it is significant, in the Commission's view, that every bishop's primary loyalty is to the Church itself. At his consecration every bishop, as well as making a profession of faith, must take an oath of fidelity to the Apostolic See.

1.24 Some priests were aware that particular instances of abuse had occurred. A few were courageous and brought complaints to the attention of their superiors. The vast majority simply chose to turn a blind eye. The cases show that several instances of suspicion were never acted upon until inquiries were made. Some priest witnesses admitted to the Commission that they had heard various reports 'on the grapevine'.

The Church's failure to implement its own rules

1.25 The Church authorities failed to implement most of their own canon law rules on dealing with clerical child sexual abuse. This was in spite of the fact that a number of them were qualified canon and civil lawyers. As is shown in Chapter 4, canon law appears to have fallen into disuse and disrespect during the mid 20th century. In particular, there was little or no experience of operating the penal (that is, the criminal) provisions of that law. The collapse of respect for the canon law in Archdiocesan circles is covered in some detail in Chapter 4. For many years offenders were neither prosecuted nor made accountable within the Church. Archbishop McQuaid was well aware of the canon law requirements and even set the processes in motion but did not complete them. Archbishops Ryan and McNamara do not seem to have ever applied the canon law.

1.26 Only two canonical trials took place over the 30-year period. Both were at the instigation of Archbishop Connell and the Commission gives him credit for initiating the two penal processes which led to the dismissal of Fr Bill Carney in 1990 . The Commission recognises that he did this in the face of strong opposition from one of the most powerful canonists in the Archdiocese, Monsignor Sheehy. Monsignor Sheehy, who had very extensive knowledge of canon and civil law and argued strongly that canon law was capable of dealing with all cases involving allegations of child sexual abuse, actually considered that the penal aspects of that law should rarely be invoked.

Secrecy in canon law

1.27 Most officials in the Archdiocese were, however, greatly exercised by the provisions of canon law which deal with secrecy. It was often spoken of as a reason for not informing the Gardaí about known criminal offences.

1.28 A similar ‘culture of secrecy’ was identified by the Attorney General for Massachusetts in his report on child sexual abuse in the Boston Archdiocese.⁵ In the case of that diocese, as in the case of Dublin, secrecy “*protected the institution at the expense of children.*”

1.29 One aspect of this was the refusal to acknowledge or recognise an allegation of child sexual abuse unless it was made in strong and explicit terms. There were some anonymous reports which were ignored. A number of bishops heard suspicions and concerns but they did not take the obvious steps of asking precisely what was involved or challenging the priest concerned. A mother who contacted the Archdiocese to report that her daughter had been abused as a child was told that the daughter would have to make the complaint. When the mother made it clear that the daughter was unlikely to be able to make such a complaint, she was not even asked for the name of the priest.

1.30 The Commission is satisfied that Church law demanded serious penalties for clerics who abused children. In Dublin from the 1970s onwards

⁵ Office of the Attorney General Commonwealth of Massachusetts: *The Sexual Abuse of Children in the Roman Catholic Archdiocese of Boston* (Boston: Office of the Attorney General Commonwealth of Massachusetts, 2003).

this was ignored; the highest priority was the protection of the reputation of the institution and the reputation of priests. The moving around of offending clerics with little or no disclosure of their past is illustrative of this.

1.31 The American phrase, 'don't ask, don't tell' is appropriate to describe the attitude of the Dublin Archdiocese to clerical sex abuse for most of the period covered by the report. The problem as a whole never seems to have been discussed openly by the Archbishop and his auxiliaries, at least until the 1990s. Complainants were told as little as possible. The note 'Gain his knowledge, tell him nothing' for dealing with complainants and witnesses, discussed in Chapter 4, typifies the attitudes of the Archdiocese.

1.32 Another consequence of the obsessive concern with secrecy and the avoidance of scandal was the failure of successive Archbishops and bishops to report complaints to the Gardaí prior to 1996. The Archbishops, bishops and other officials cannot claim that they did not know that child sexual abuse was a crime. As citizens of the State, they have the same obligations as all other citizens to uphold the law and report serious crimes to the authorities.

1.33 Complainants, too, were required by canon law to observe secrecy in their dealings with the Church. In late 1995, the Archdiocese gave the Gardaí the names of 17 priests against whom complaints had been made. The *Framework Document* provided for the reporting of all complaints. It is clear that Archbishop Connell remained troubled by the requirement of secrecy. In 2002, he allowed the Gardaí access to the archdiocesan files. The decision to do that, he told the Commission, "*created the greatest crisis in my position as Archbishop*" because he considered it conflicted with his duty as a bishop, to his priests. When asked why, he explained:

"Was I betraying my consecration oath in rendering the files accessible to the guards? I think you've got to remember, and this is something that you may not have reflected on, you've got to remember that confidentiality is absolutely essential to the working of the bishop because if people cannot have confidence that he will keep information that they give him confidential, they won't come to him. And the same is true of priests".

Responsibility for clerical child sexual abuse

1.34 Priests who abuse children are directly responsible for their actions. That responsibility cannot be transferred to their bishops or the heads of their orders or societies. However their superiors are responsible for ensuring that they are not protected by their status and that they do not get special treatment. Their superiors are also responsible for ensuring that offending priests are not protected from the normal processes of the civil law nor facilitated in their privileged access to children and that they are not facilitated in re-offending.

Cover-up

1.35 As can be seen clearly from the case histories, there is no doubt that the reaction of Church authorities to reports of clerical child sexual abuse in the early years of the Commission's remit was to ensure that as few people as possible knew of the individual priest's problem. There was little or no concern for the welfare of the abused child or for the welfare of other children who might come into contact with the priest. Complainants were often met with denial, arrogance and cover-up and with incompetence and incomprehension in some cases. Suspicions were rarely acted on. Typically complainants were not told that other instances of child sexual abuse by their abuser had been proved or admitted. The attitude to individual complainants was overbearing and in some cases underhand (see Chapter 58).

Individual Archbishops and bishops

1.36 All the Archbishops and many of the auxiliary bishops in the period covered by the Commission handled child sexual abuse complaints badly. During the period under review, there were four Archbishops – Archbishops McQuaid, Ryan, McNamara and Connell. Not one of them reported his knowledge of child sexual abuse to the Gardaí throughout the 1960s, 1970s, or 1980s. It was not until November 1995 that Archbishop Connell allowed the names of 17 priests about whom the Archdiocese had received complaints to be given to the Gardaí. This figure was not complete. At that time there was knowledge within the Archdiocese of at least 28 priests against whom there had been complaints.

Archbishop McQuaid

1.37 Archbishop Mc Quaid was familiar with the requirements of canon law but did not apply them fully. It is clear that his dealings with Fr Edmondus* in 1960 were aimed at the avoidance of scandal and showed no concern for the welfare of children.

Archbishop Ryan

1.38 Archbishop Ryan failed to properly investigate complaints, among others, against Fr McNamee, Fr Maguire, Fr Ioannes*, , Fr Septimus* and Fr Carney. He also ignored the advice given by a psychiatrist in the case of Fr Moore that he should not be placed in a parish setting. Fr Moore was subsequently convicted of a serious sexual assault on a young teenager while working as a parish curate.

1.39 As problems emerged, Archbishop Ryan got different people to deal with them. This seems to have been a deliberate policy to ensure that knowledge of the problems was as restricted as possible. This resulted in a disastrous lack of co-ordination in responding to problems.

1.40

Archbishop McNamara

1.41 Archbishop McNamara was seriously ill when he was appointed Archbishop of Dublin in 1984. He restored priestly faculties to Fr Carney despite his having pleaded guilty to charges of child sexual abuse in 1983 and despite the fact that there were suspicions about him in relation to numerous other children. He failed to ensure that Fr Carney obeyed instructions and allowed him, in effect, to flout the wishes of his superiors. He also promoted Fr Payne to the position of Vice-Officialis of the Marriage Tribunal despite the previous refusal of Archbishop Ryan to do so. He saw the need for insurance cover and started the process of getting it.

Archbishop Connell

- 1.42 The appointment of Archbishop Connell in 1988 was a surprise. He was an academic with virtually no experience of parish work or of management of an organisation. He was aware that Fr [redacted] had a problem before he became Archbishop. He was immediately faced with the problems of Fr Carney and [redacted]. The Commission has no doubt that he was stunned not by the fact but by the extent of the clerical child sexual abuse with which he had to deal. Bishop O'Mahony told the Commission that, of the three Archbishops he served as an auxiliary bishop, it seemed to him that Archbishop Connell was *"the most deeply affected by the harm of clerical sex abuse. He was also the most proactive in seeking improvement in the church management of the issue"*.
- 1.43 The Commission considers that Archbishop Connell was slow to recognise the seriousness of the situation when he took over in 1988. He was over-reliant on advice from other people, including his auxiliary bishops and legal and medical experts. He was clearly personally appalled by the abuse but it took him some time to realise that it could not be dealt with by keeping it secret and protecting priests from the normal civil processes.
- 1.44 It is the responsibility of the Archbishop to make decisions. It is entirely appropriate to take account of professional advice but the weight to be given to that advice is a matter for the Archbishop to decide. In spite of his knowledge of the recidivist nature of abusers such as Fr [redacted], [redacted] and Fr Carney, Archbishop Connell still allowed Fr Payne to continue in ministry when the complaint against him became known in 1991.
- 1.45 The Commission recognises that the current structures and procedures were put in place by Archbishop Connell.
- 1.46 On the evidence Archbishop Connell personally saw very few complainants. (His predecessors do not appear to have seen any). Of those he did see, some found him sympathetic and kind but with little understanding of the overall plight of victims. Others found him to be remote and aloof. On the other hand he did take an active interest in their civil litigation against the Archdiocese and personally approved the defences which were filed by the Archdiocese. Archdiocesan liability for injury and damage caused was never

admitted. The Archbishop's strategies in the civil cases, while legally acceptable, often added to the hurt and grief of many complainants.

Auxiliary bishops

1.47 A number of auxiliary bishops were made aware of complaints of child sexual abuse by priests in their geographical areas. Others found out about such priests through the regular monthly meetings involving the Archbishop and the auxiliaries. One of the principal tasks of the auxiliary bishops was the assignment of priests to parishes, subject to final approval by the Archbishop. In the Dublin Archdiocese priests were reassigned approximately every five years. The evidence shows that these appointments were often made without any reference to child sexual abuse issues. The auxiliary bishops who dealt particularly badly with complaints were Bishops O'Mahony and Kavanagh. Bishop Murray also dealt badly with a number of complaints. (A full list of auxiliary bishops is given in Chapter 11.)

Bishop O'Mahony

1.48 Bishop O'Mahony told the Commission that Archbishop Ryan had given him pastoral responsibility for priests, especially the younger priests. This appointment was not in writing. Bishop Comiskey told the Commission that Bishop O' Mahony because of his "*nature and intelligence and kindness, he was often given a mandate to speak to a priest in trouble*".

1.49 Bishop O'Mahony's handling of complaints and suspicions of child sexual abuse was particularly bad. He is one of the longest serving auxiliary bishops of Dublin (from 1975 to 1996). The Commission has established that he was aware of 13 priests from within the representative sample (and a number of others) against whom there had been allegations/suspicions by 1995. The full details of his involvement are detailed in the chapters on individual priests. As chancellor (he was a bishop while he was the chancellor), he dealt with one complaint and he did not inform the Archbishop about it. When he ceased to be chancellor, he failed to tell Archbishop Ryan about a number of complaints, for example, the complaint relating to Fr Vidal* on whose behalf he gave a reference to the diocese of Sacramento in California without giving details of his past history (see Chapter 15).

1.50 In the case of Fr Payne he allowed a psychiatric report which was clearly based on inaccurate information to be relied on by Archbishop Ryan and subsequently by Archbishop Connell (see Chapter 24).

1.51 He failed to tell either the National Rehabilitation Hospital, Archdiocesan authorities or the Gardaí that Fr Reynolds, who was chaplain to the hospital at the time, might have a problem with child sexual abuse (see Chapter 35).

Bishop Kavanagh

1.52 Bishop Kavanagh was the longest serving auxiliary bishop (from 1972 to 1998). He failed to deal properly with Fr Carney even when he had pleaded guilty to child sexual abuse. He tried to influence the Garda handling of the criminal complaints against Fr Carney. He persuaded a family to drop a complaint they had made to the Gardaí in relation to Fr

Bishop Murray

1.53 Bishop Murray was another long serving auxiliary bishop (from 1982 to 1996). He handled a number of complaints and suspicions badly. For example, he did not deal properly with the suspicions and concerns that were expressed to him in relation to Fr Naughton (see Chapter 29). When, a short time later, factual evidence of Fr Naughton's abusing emerged in another parish Bishop Murray's failure to reinvestigate the earlier suspicions was inexcusable. Bishop Murray did, however, accept in 2002 that he had not dealt well with the situation.

Bishop Forristal

1.54 Bishop Forristal was the only bishop to unequivocally admit in evidence to the Commission that he may not have handled matters satisfactorily. He cited the Fr Cicero* case as an example and also the Fr Hugo* case.

Management of the Archdiocese

1.55 The Church is not only a religious organisation but also a human/civil instrument of control and power. The Church is a significant secular power with major involvement in education and health and is a major property

owner. As an organisation operating within society, it seems to the Commission that the Church ought to have some regard to secular requirements in its choice of leader. The Archbishop is the manager of the Archdiocese as well, of course, as being its spiritual leader. The Church is not a democracy and does not have transparent selection procedures so it is not known what criteria are used when Archbishops are being chosen. Appointments to positions as Archbishops and bishops seem to have been made primarily on the basis of doctrinal orthodoxy. Management ability does not seem to have been a relevant criterion.

1.56 For most of the time covered by the Commission's remit, there was nothing resembling a management structure in the Archdiocese. Auxiliary bishops were appointed – initially there was one auxiliary for most of Archbishop McQuaid's time. The numbers of auxiliary bishops was increased substantially by Archbishop Ryan. However, there was no clear job description for the auxiliary bishops. They were required to deputise for the Archbishop at ceremonies such as confirmation but they had no clear delegated authority to deal with specific problems as they arose. They had designated geographical areas of responsibility but no delegated power to make decisions. They were involved in decisions about the appointments of priests but might not be aware of the full background of each priest. Bishop Comiskey told the Commission that the auxiliary bishops had a significant involvement in appointments of priests to parishes: "*those appointments were made by the auxiliaries and the Archbishop sometimes sitting in*"; "*It was the only little bit of power that we had if you could call it that*".

1.57 The auxiliary bishops appeared to have had a role akin to that of deputy chief executives but they did not have the clarity of responsibility or power that such a position would normally entail.

1.58 Each auxiliary bishop seems to have interpreted his role in his own way. He did not always report significant information to the Archbishop. When asked by the Commission, Bishop Murray agreed that the management of the diocese was not well organised. Most of the auxiliary bishops regarded the Archbishop as the only person who had knowledge of everything. Bishop Murray said: "*But I think we would have seen the Archbishop as a person who was the repository of the overall perspective*". However, as some bishops did

not report all complaints, or gave inaccurate accounts of complaints, it was the case that the Archbishop sometimes had the responsibility without the necessary information.

- 1.59 The Commission noted that, apart from Bishop Forristal, there was a disturbing failure to accept responsibility on the part of some of the bishops who gave evidence. There was also a tendency to blame the Archbishop and/or the chancellor and, in the case of Archbishop Connell, to regard auxiliary bishops and the chancellor as having more delegated authority than they actually had.

Chancellor

- 1.60 Considerable reliance was placed on the chancellor to deal with issues of child sexual abuse. It must be pointed out that the chancellor has no decision making powers in this area. He was often the person who met the complainants, who arranged for assessment and/or treatment of priests and who delivered the decisions of the Archbishop to the priests against whom complaints were made. He was also frequently involved in warning priests about their behaviour. He was often the only official of the Archdiocese who met the complainants and they, not unreasonably, often assumed that he had greater powers than was actually the case. Monsignor Alex Stenson was the chancellor from the early 1980s to 1997.

Monsignor Stenson

- 1.61 It is the Commission's view that Monsignor Stenson carried out the investigation of complaints superbly but was less successful in dealing with the complainants. It is clear that he did generally believe the complainants but, unfortunately, he did not tell them that. The Commission is critical of his failure to validate complainants by not telling them that there were other complaints about the priest in question. The Commission also criticises certain of his actions in specific cases. Many complainants found Monsignor Stenson to be personally kind while a number were severely critical of his approach to them. It is notable that some of the priests about whom the complaints were made clearly considered that Monsignor Stenson was their scourge. He was conscious of the need for monitoring but was not himself in a position to require or enforce such monitoring unless given specific authority. When he was given the authority to do so, he did try to ensure that

the priest abided by the restrictions placed on him. Overall, the Commission considers that Monsignor Stenson performed his task better than other office holders in the Archdiocese.

Monsignor Sheehy

1.62 Monsignor Sheehy was one of the leading canon lawyers of the Archdiocese. According to the evidence, Monsignor Sheehy exercised a good deal of influence in relation to how child abuse cases should be handled even though he had no specific role in handling them. He rejected the view that the Archdiocese had any responsibility to report child sexual abuse to the state authorities. He thought the Church's internal processes should be used but, in fact, he was totally opposed to the use of the Church penal process. He interfered, and was allowed to interfere, in the management of a number of the cases, notably Fr Payne and Fr Cicero*.

Communications between Church authorities

1.63 The cases examined by the Commission are littered with examples of poor or non-existent communication both internally in the Archdiocese and between it and other church authorities.

Internal communications

1.64 As already described, the overriding requirement of secrecy meant that the Archbishop communicated with a very small number of people. Sometimes the priest or bishop to whom the alleged abuse was reported did not then report to the Archbishop. When complaints were made to the Archbishop, he frequently told only one other person. This meant that the auxiliary bishop for the area might not know. When another complaint was made, a different person might be asked to investigate. People who needed to know were frequently not told. For example, the Marist Fathers were not told why Fr Carney was staying with them even though they asked. Archbishop Ryan did tell a number of relevant people about Fr Horatio* but this was highly unusual for him.

1.65 The extent of the lack of internal communication is clear from the fact that it was only when they were preparing to give evidence to the Commission that a number of bishops saw documentation in relation to priests with whom they had dealt. For example, Bishop Murray saw medical reports about Fr

Moore with whom he had extensive dealings for the first time when he gave evidence to the Commission. Bishop Field found out about various decisions in relation to Fr Benito* when he received the first draft of this report.

1.66 One of the greatest failures of communication was the information that was conveyed to fellow priests when a known abuser was being transferred to a new parish. For example, priests in Sutton were not told of Fr Payne's past. The priest occupying the house to which Fr Naughton moved after abusing in Donnycarney was not told of his past. Archbishop Connell failed to inform personnel at the National Rehabilitation Hospital about suspicions relating to Fr Reynolds. Despite having issued a preliminary investigation into an alleged child sexual abuse case against Fr McNamee and being aware of his past he did not inform the nuns in Delgany, to whom he was appointed as chaplain, about him.

1.67 Again, there was a lack of clarity about who was supposed to tell the other priests. Bishop O'Mahony regarded it as the Archbishop's job to tell parish priests about the priests who were being sent to the parish. This may have been the case but it did not preclude the auxiliary bishops from using their initiative. Bishop O'Mahony accepted that the policy of giving little or no information to the parish priest was probably there in order to protect the reputation of the priest and that it was a "*wrong policy*".

Communications with other dioceses

1.68 In some cases, known abusers were sent to other dioceses with untrue or misleading information about them. It seems likely that bishops communicated problems orally but gave written references which did not refer to these problems.

Communications between the Archdiocese and religious orders

1.69 Another major gap in communication identified by the Commission is that between the Archbishop of Dublin and the heads of religious orders and societies. There are several cases - especially those of Fr Maguire, Fr Boland and Fr Gallagher - which illustrate this. It is clearly the case that the major fault here lies with the religious orders.

Psychiatric and psychological treatment

1.70 In the 1960s and 1970s, priests were sent for assessment to a number of psychiatrists and psychologists. In the 1980s the Archdiocese began to realise that priests who had committed child sexual abuse needed lengthy treatment and therapy. Of the 46 priests in the representative sample, 12 received no form of treatment (five of these had already died when the complaint was made). Twenty five of the priests were assessed or treated by the Granada Institute (see Chapter 11) and eight attended Stroud (see Chapter 11). Some attended both facilities. A small number attended other assessment and/or treatment facilities. Some priests attended more than two therapeutic facilities.

1.71 The Commission is very concerned at the fact that, in some cases, full information was not given to the professionals or the treatment facility about the priest's history. This inevitably resulted in useless reports. Nevertheless, these reports were sometimes used as an excuse to allow priests back to unsupervised ministry.

1.72 Sometimes psychiatric and/or psychological reports were used to justify decisions and sometimes they were just ignored. Ultimately it was a matter for the Archbishop in office to decide the weight he gave to such reports. The Commission accepts that the therapy available to perpetrators may well have been of assistance to them. The question of returning a priest to pastoral ministry following treatment is a judgement which ultimately falls on the Archbishop.

Allowing alleged abusers back to ministry

1.73 The evidence of the Granada Institute was that there is no treatment which will guarantee that a child sex abuser will not re-offend. However, they state that the recidivism rate for those who have received treatment is between 1% and 8% for low risk offenders and up to 25% for high risk offenders. For untreated offenders the Institute says that the risk of recidivism is between 15% and 50%. The Commission does not have the expertise to either question or endorse this assessment.

1.74 The Institute has pointed out that in all the cases where they recommended a limited form of ministry their clinical judgment was that the

priest in question was low risk. He had not abused for many years and/or the circumstances in which he had abused had changed. They stated that a priest's status as a cleric in no way influenced their recommendation as to whether he remained in his professional role. However, in most cases, they considered that such a solution would be helpful in continuing rehabilitation of the priest.

- 1.75 While the Commission recognises that some form of work may indeed be of help in rehabilitating sexual offenders, it is concerned that any form of pastoral work will almost inevitably include contact with children. Equally, pastoral work by a child abuser, no matter how many years ago the offences occurred, is impossible if the offender's proclivities are widely known. If however the proclivities are not widely known, supervision of the offender becomes almost impossible. There is also the fact that a priest is still a priest and by his very status, if he wishes to commit child sexual abuse, he will find it easier to do so than if he were a layman. The Commission recognises that these are conflicting problems which do not easily admit of a solution.

Contact between the abusers

- 1.76 The Commission could find no direct evidence to show that a paedophile ring existed among priests in the Dublin Archdiocese. However, as can be seen from the chapters on the 46 priests, there were some worrying connections.
- 1.77 Fr Carney and Fr McCarthy abused children during their visits to children's homes. They also brought children on holidays and shared accommodation with two separate complainants. A boy who was initially abused by Fr McCarthy was subsequently abused by Fr Carney. Fr Carney abused children at swimming pools and was sometimes accompanied to swimming pools by Fr Maguire.

- 1.78 When Fr Ioannes* was being investigated for the abuse of a young boy, Fr Boland, who was not a priest in the diocese at the time, turned up at

the young boy's home offering comfort and took the opportunity to abuse the young boy himself. There is nothing in the evidence available to the Commission to show how Fr Boland became aware of this young boy. A witness told the Commission that Fr Ioannes used to recruit altar boys for the Pro-Cathedral in the parish of North William Street and its surrounding area.

1.79 Another connection of relevance was the fact that Fr Horatio* was given the key to a holiday cottage by Fr Sean Fortune, the notorious child sex abuser from the diocese of Ferns. It is alleged that abuse of a young girl took place at that cottage. Fr Horatio claims that the only link between them was that they lived in the same area.

1.80 The Commission is aware that Archbishop Martin has referred some of these matters to the Gardaí in recent times.

Dealing with offending priests

1.81 One of the aims of the Archdiocese and the religious orders was not to punish the priest but to help him towards recovery or rehabilitation. The Commission considers this to be reasonable provided he is not at liberty to commit other abuses.

1.82 Until the mid to late 1990s, there was generally very poor monitoring of priests against whom allegations were made even when those allegations were admitted. No one was appointed to be in charge of monitoring. Sometimes, the treating psychologist or psychiatrist was regarded by the Archdiocese as having some limited monitoring role, a role which that person could not reasonably fulfil.

1.83 Since the late 1990s, the level of monitoring of clerical offenders, while it may not be considered satisfactory, is generally far greater than the limited or non-existent monitoring that is provided for non clerical offenders. Sex offenders who have served their sentences are generally released into the community without supervision although some may be under the supervision of the Probation and Welfare Service. The requirements of the *Sex Offenders Act 2001* (see Appendix 2) do not mean that there is any real supervision.

1.84 Religious orders and societies can and do provide a supervised setting for their members who have abused children. This could be seen as a form of house arrest and, indeed, some of the priests being supervised have so described it. However, they are free to leave if they are prepared to leave the order or society. A number of priests in the representative sample are living with their religious orders under supervised conditions. The Commission acknowledges that this provides much greater supervision than applies to non clerical sex offenders.

1.85 Diocesan priests cannot be kept in the same conditions. The Archdiocese does not have the facilities which are available to religious orders. The Archdiocese has recently appointed a person to look after offenders but there are limits to the supervision that can be exercised.

1.86 Clerical sex abusers receive far more counselling and care than sex offenders generally. The Archdiocese and religious orders spent a great deal of money on treatment for offending priests. The same level of treatment is rarely available to other sex offenders.

Co-operation by the Archdiocese and religious orders

1.87 The Commission would like to acknowledge the co-operation given by Archbishop Martin and by the relevant religious orders. Without this co-operation it would have been impossible for the Commission to give a comprehensive picture of the handling of clerical child sexual abuse cases.

1.88 The documentation provided by the Archdiocese and religious orders was generally of a very high quality. It included a significant amount of contemporaneous documentation. The Commission regards the contemporaneous documentation as being inherently more reliable than later recollections. This is because these documents were originally compiled exclusively for internal purposes and with no expectation that they would ever be read by any non Church personnel, let alone the members of a State investigation.

1.89 Since the implementation of the *Framework Document*, starting in 1996, complaints, suspicions and actions taken as a result of them are all

comprehensively recorded. Prior to that, inevitably, there is some variation in the quality of documentation compiled by different individuals. Monsignor Stenson, who recorded and investigated many of the complaints/suspensions, consistently produced very high quality, comprehensive accounts. He seems to have made a detailed written record of virtually every discussion, whether held in person or on the telephone, which was related to the complaint or suspicion. Canon McMahon, who was involved in investigating a small number of the cases in the report, also produced comprehensive reports. Archbishop McQuaid made a comprehensive handwritten record of his dealings with Fr Edmondus* in 1960. Unfortunately, a number of other Archdiocesan personnel compiled virtually no contemporaneous written reports. For example, the Commission has seen only one contemporaneous written report by Bishop Kavanagh (in the Fr _____ case) even though Bishop Kavanagh played a major role in the handling of several cases. It is clear that he was the recipient of subsequent complaints against Fr _____ but there is no evidence that he made a written record. There are no notes of his dealings with Fr Carney even though he had a significant involvement in that case. Bishop Murray told the Commission that he did make contemporaneous written notes of the concerns expressed to him by Valleymount parishioners in respect of Fr Naughton. However, there is no contemporaneous record of these notes on the Archdiocesan files. There is no evidence that Monsignor Glennon compiled a written record of the complaint against Fr Ioannes* in 1973.

The role of the Church in Irish life

1.90 The Commission recognises that the Archdiocese of Dublin and the many religious orders that operate within it have made and continue to make a major contribution to the lives of the citizens of Ireland by providing various social services including schools, hospitals and services to socially excluded people. The majority of the priests of the Archdiocese and religious orders carry out their spiritual and moral role within the Church properly. Unfortunately, it may be that the very prominent role which the Church has played in Irish life is the very reason why abuses by a minority of its members were allowed to go unchecked.

1.91 Institutions and individuals, no matter how august, should never be considered to be immune from criticism or from external oversight of their

actions. In particular, no institution or individual should be allowed such a pre-eminent status that the State, in effect, is stymied in taking action against it or them should there be breaches of the State's laws.

State authorities

The Gardaí

1.92 There were a number of inappropriate contacts between the Gardaí and the Archdiocese. Clearly the handing over of the Fr Edmondus* case to Archbishop McQuaid by Commissioner Costigan was totally inappropriate. The relationship between some senior Gardaí and some priests and bishops was also inappropriate – in particular, in the Fr Carney and Fr cases.

1.93 A number of very senior members of the Gardaí, including the Commissioner in 1960, clearly regarded priests as being outside their remit. There are some examples of Gardaí actually reporting complaints to the Archdiocese instead of investigating them. It is fortunate that some junior members of the force did not take the same view.

1.94 The Commission was impressed with those directly involved in the prosecution of Fr Carney in the early 1980s. The Commission was not impressed by the delay that occurred (over 20 years) in reaching a decision to bring charges against Fr .

1.95 The Garda investigation into the various complaints was sometimes very comprehensive and, in other cases, was cursory. Many of the complainants who gave evidence to the Commission praised the professionalism and courtesy which they encountered when making complaints to the Gardaí operating within the specialist child sex abuse unit at Harcourt Square, Dublin. The Commission notes that investigations carried out by this unit are generally very well conducted. The Commission was minded to suggest that, because of the expertise which it has developed, this unit should have responsibility for investigating all child abuse complaints. However, the Garda Commissioner has pointed out that a number of initiatives have been put in place in recent years in order to bring the garda practices into line with international best practice and in order to implement

the recommendations in the *Ferns Report*.⁶ The Commission will look again at this issue when it is conducting its investigation into the diocese of Cloyne.

- 1.96 As already stated, the Church did not start to report complaints of child sexual abuse to the Gardaí until late 1995. The Commission notes that the Gardaí were happy with the co-operation they received from Archbishop Connell in 2002. For many complainants it was a gesture that came too late.

The health authorities

- 1.97 As is described in Chapter 6, the health authorities have a very minor role in dealing with child sexual abuse by non family members. The Commission is concerned that the legislation governing the role of the HSE is inadequate even for that limited role. There is a need to clarify exactly what the role of the HSE is in relation to non family abusers and to set out clearly the powers it has to implement that role. The HSE and the health boards have given the impression to Church authorities and the Gardaí that they can do more in the area than they actually have the power to do.

- 1.98 The health boards and the HSE do not properly record cases of clerical child sexual abuse.

State responsibility for child protection

- 1.99 The Commission notes that there was an extraordinary delay in introducing child protection legislation. The need for new legislation was clearly recognised in the early 1970s but it was not actually passed until 1991 and not fully implemented until 1996. That new legislation, the *Child Care Act 1991*, does not sufficiently clarify the powers and duties of the health authorities.

- 1.100 The primary responsibility for child protection must rest with the State. In enforcing child protection rules and practices, organisations such as the Church cannot be equal partners with the state institutions such as the Gardaí and health authorities. The Church can certainly work in co-operation with the State authorities in promoting child welfare and protection as, for example,

⁶ The report of the inquiry into the handling of clerical child sexual abuse allegations in the diocese of Ferns was published in October 2005.

the sports bodies do, but it must be remembered that it is not an agency with equal standing.

Communications between Church and State authorities

1.101 Such communications as took place between the Archdiocese and the Gardaí prior to 1995 were largely inappropriate. Since the implementation of the *Framework Document*, the Archdiocese and other Church authorities report complaints of clerical child sexual abuse to the Gardaí – this is appropriate communication.

The complainants

1.102 The Commission would like to pay special tribute to the complainants who gave evidence before the Commission. Reliving their experiences was extremely painful, and the Commission was left in no doubt about the devastating effect child sexual abuse can have not just on victims but also on their families of origin and the families they create subsequently. Their evidence was also instrumental in helping the Commission to properly examine the catalogue of secrecy, cover-up and inaction which the Church authorities indulged in during the vast majority of the period covered by this investigation.

1.103 The vast majority of those who were abused as children complained when they were adults. In almost all cases they said that they did not complain as children because they did not think they would be believed or because the abuser had told them not to tell anyone. It is striking that, of the relatively small number who complained at the time, the majority were in fact believed. They were believed by their parents and they were believed by the authorities to whom the abuse was reported. This makes the failure by the authorities all the more egregious.

1.104 It is also striking that the main concern of complainants when they report abuse is the protection of other children. When dealing with Church authorities, the complainants almost invariably inquire about the whereabouts of the abuser and whether or not he has access to other children. In a number of cases, this was the only concern of the complainants.

1.105 The Commission has been impressed by the extraordinary charity shown by complainants and their families towards offenders. It is very clear to the Commission that complainants and their families frequently behaved in a much more Christian and charitable way than the Church authorities did. Many indeed expressed concern for the welfare of the priest concerned.

1.106 A relatively small number of complainants actually sought compensation and, as is outlined in Chapter 58, they were often driven to do so because of the failure of the Church authorities to engage with them.

Archdiocese of Dublin compared to other dioceses

1.107 This report deals only with the Archdiocese of Dublin but reports are also available from other comparable dioceses. The *Ferns Report* identified approximately 100 allegations or complaints of child sexual abuse that were made between 1966 - 2005 against 21 priests operating under the aegis of the diocese of Ferns.

1.108 The Attorney General of Massachusetts report into the Boston Archdiocese, which had a Catholic population of just over 2 million, identified 250 priests and other Archdiocesan workers who were alleged to have sexually abused at least 789 children since 1940.

1.109 Of the 46 priests (which, of course, is a representative sample of 102 within remit) examined for this report, the Commission has identified approximately 320 people who complained of child sexual abuse during the period 1975 - 2004. A further 130 complaints against priests operating under the aegis of the Dublin Archdiocese have been made since May 2004 (the end date of the Commission's remit).

1.110 The conclusion reached by the Attorney General in Massachusetts was that:

“The widespread sexual abuse of children in the Archdiocese of Boston was due to an institutional acceptance of abuse and a massive and pervasive failure of leadership. For at least six decades, three successive Archbishops, Bishops and others in positions of authority within the Archdiocese operated with tragically misguided priorities. They chose to protect the image

*and reputation of their institution rather than the safety and well being of the children entrusted to their care. They acted with misguided devotion to secrecy”.*⁷

1.111 Unfortunately the same conclusion could be reached about the Archdiocese of Dublin up until the adoption of the *Framework Document* in 1996. While proper support structures were not put in place for victims until much later the Archdiocese began to report complaints received after January 1996 to the Garda authorities.

1.112 Since Archbishop Martin took over in 2004 he has published full details annually of all settlements made by the Archdiocese.

Conclusion

1.113 The Commission has no doubt that clerical child sexual abuse was covered up by the Archdiocese of Dublin and other Church authorities over much of the period covered by the Commission’s remit. The structures and rules of the Catholic Church facilitated that cover-up. The State authorities facilitated the cover up by not fulfilling their responsibilities to ensure that the law was applied equally to all and allowing the Church institutions to be beyond the reach of the normal law enforcement processes. The welfare of children, which should have been the first priority, was not even a factor to be considered in the early stages. Instead the focus was on the avoidance of scandal and the preservation of the good name, status and assets of the institution and of what the institution regarded as its most important members – the priests. In the mid 1990s, a light began to be shone on the scandal and the cover up. Gradually, the story has unfolded. It is the responsibility of the State to ensure that no similar institutional immunity is ever allowed to occur again. This can be ensured only if all institutions are open to scrutiny and not accorded an exempted status by any organs of the State.

⁷ Office of the Attorney General Commonwealth of Massachusetts *Ibid* at page 5.