

Introduction

- 12.1 *“We would always be hovering around the late James McNamee when he arrived at the school because he had this very charismatic presence. I would say he was like St. Francis of Assisi, you know, the kids would come around him like pigeons used to come around”.*
- 12.2 This is how a young man described Fr James McNamee to the Commission.
- 12.3 Fr McNamee was born in 1917, was ordained in 1942, retired to become a convent chaplain in 1979 and died in 2002.
- 12.4 At least 21 people have made complaints of sexual abuse against Fr McNamee. These complaints date back to his period as a curate in Rolestown between 1950 and 1952, as a curate in Halston Street and Arran Quay between 1952 and 1960, as a curate in Harrington Street from 1960 to 1968 and in Crumlin, both as a curate between 1968 and 1973 and as parish priest between 1973 and 1979.

Stella Maris Football Club

- 12.5 The first allegation about Fr McNamee arose in January 1960, when a former altar boy, on the advice of a priest in Rathfarnham, spoke to a priest in relation to Fr McNamee’s behaviour. The former altar boy informed the priest that he had heard from two former members of a football club with which Fr McNamee was associated, Stella Maris, that Fr McNamee had acted in an inappropriate manner when the boys had showered after returning from a trip to the seaside. The former altar boy also stated that he had witnessed Fr McNamee bathing with naked adolescent boys and placing the boys on his shoulders.
- 12.6 These matters were investigated by the auxiliary bishop, Bishop Dunne. Fr McNamee denied the allegations and stated that he had merely permitted the boys to use the showers after returning from the seaside. Bishop Dunne believed Fr McNamee’s version of events, as did Archbishop

McQuaid when it was reported to him. The Archbishop noted that “*as he is a worthy priest I agree that we could not refuse to accept his word*”.

12.7 Fr McNamee informed the Archbishop that he would like to withdraw from the Stella Maris club, the football club from where the allegations emanated, as he was tired, having worked there for a number of years. The Archbishop was willing to let him withdraw but not at once “*lest he be defamed*”.

12.8 On meeting Fr McNamee, Archbishop McQuaid told him to forget about it. Archbishop McQuaid noted that he himself was convinced that the man was quite without blame.

12.9 Subsequently, there were a number of complaints from members of the Stella Maris football club who recalled Fr McNamee swimming nude with other team members.

Swimming pool complaint, 1978

12.10 The first specific recorded complaint about Fr McNamee and his activities in his home built swimming pool in Crumlin was made in March 1978. However, it is clear that the Archdiocese was aware of suspicions and concerns about his activities before this. A file note of an interview conducted with Bishop Forristal in February 2006 indicated that he remembered a meeting of vicars general in or around the autumn of 1977, at which Archbishop Ryan noted that there had been a lot of incidents involving a swimming pool and Fr McNamee and that consequently Archbishop Ryan expressed the view: “*This fellow has to go. He can’t work in parish work anymore*”. Bishop Forristal told the Commission in 2009 that he accepts that he did say this in 2006 but he is now unsure when Archbishop Ryan made that remark. It may have been sometime after the autumn of 1977. The Commission notes that there was a meeting of the vicars general in the winter of 1977.

12.11 In March 1978, a parishioner complained to a nun that her eldest son had reported that Fr McNamee and a number of boys were swimming and exercising in the nude in a swimming pool in the garden of the priest’s house. It was also alleged that a nude boy sat on the priest’s knee for a chat.

12.12 The nun told the complainant to get in touch with the Archbishop and not to mention it to anybody else. Archbishop Ryan directed Monsignor O'Regan, the parish priest of Sandymount and a former chancellor, to conduct an inquiry.

12.13 Monsignor O'Regan met the mother promptly and took an account of what she had to say. He found her to be a credible witness. He also made inquiries about her two sons and was told that they were truthful boys. His conclusion was that "*a possibly explosive situation exists locally, which could be very scandalous indeed*". He also stated that "*even now, many innocent boys may be safeguarded, and the whole adult Catholic population spared the hurt of a real scandal in Crumlin*". There is no evidence as to whether or not Monsignor O'Regan was aware of the 1960 complaint but the Commission considers that he is unlikely to have been told about it. He may, however, have been told of the suspicions and concerns of which the vicars general were aware but this cannot be established.

12.14 Monsignor O'Regan consulted with the local curate and other priests who knew Fr McNamee. The local curate was full of praise for Fr McNamee, stating that he was a good priest and had a real interest in the boys of the parish. One priest, however, accepted the allegations against Fr McNamee and indicated that they confirmed an unproven suspicion he had in the past. He recommended that Fr McNamee should be made to retire and that the pool should be handed over to a parish organisation.

12.15 Monsignor O'Regan elicited further disturbing information from the priests he interviewed about Fr McNamee's activities. He was told that Fr McNamee had built an outdoor swimming pool himself in 1969 and later built an indoor pool. Adults in general were excluded from using the pool and only a small group of boys were selected to use it. The fact that only selected boys were allowed use the pool was resented locally. Fr McNamee spent school break time holding the hands of young boys in the playground and he took young boys for spins in his car. It had also been noted that he had a total aversion and hostility towards all women.

12.16 Some five weeks after the mother's complaint, Monsignor O'Regan and Monsignor Curtin met Fr McNamee concerning the complaints. Fr

McNamee confirmed that he had built the swimming pool himself and acknowledged that adults were excluded from using the pool. He stated that, owing to space constraints, only six boys were permitted in the pool at any one time. He also indicated that, although not common practise, nude bathing did occasionally occur and he did not see anything morally wrong with this.

12.17 Fr McNamee communicated to Monsignor O'Regan his desire to retire from active ministry but the Monsignor encouraged him to stay for a further six months in order to avoid any damage to his reputation.

12.18 Fr McNamee was allowed to remain in his job as parish priest until May 1979. This was despite the fact that the Archdiocese was aware of complaints made in 1960 and of similar types of complaints made in the 1970s. When Archbishop Ryan went to Crumlin for the confirmation ceremonies in May 1979, a former parish priest spoke to the Archbishop of the increasing rumours and gossip about Fr McNamee, but the Archbishop indicated to him that he should leave the matter rest and gave no indication of what he planned to do.

12.19 A complainant gave evidence to the Commission which shows that, as well as abusing boys in the swimming pool, Fr McNamee also abused in his car. This complainant's evidence also illustrates the level of local knowledge and rumours in Crumlin in the 1970s. This complainant told the Commission that between the years 1972 and 1975, Fr McNamee would pick him up from outside the local school. The witness was between the ages of seven and ten at that time. The witness stated that whenever the older boys in the area saw Fr McNamee, they either ran away or started throwing things and shouting insults at Fr McNamee. Apparently he was known as "*Father smack my gee*"⁵³. The older boys, some of whom later told the witness that they had been abused by Fr McNamee, did not tell their parents or the younger boys what was going on at the time. As a result, Fr McNamee who, as the witness recalled, drove a green Lancia Delta, picked up boys regularly in the car and abused them.

⁵³

Gee is Dublin slang for female genitalia.

12.20 The existence of a swimming pool in a garden in Crumlin in the 1960s and 1970s must, inevitably, have been the subject of much local discussion.

Delgany, 1979

12.21 In June 1979, Fr McNamee's resignation from Crumlin was accepted and in July 1979 he was appointed chaplain to the Carmelite monastery in Delgany, Co Wicklow. The Carmelites were told that he was appointed there for health reasons. Part of his duties in that job was to say mass every morning. While saying mass, he was assisted by various local altar boys. The evidence of a mother of one of the altar boys was that, in fine weather, Fr McNamee would regularly bring a number of the boys to swim at Brittas Bay. When she found out about Fr McNamee and his proclivities, she questioned her son but he said the priest had behaved properly towards them. There was no monitoring of his activities by the Archdiocese and, since the nuns were not told anything of his background, they could not have been expected to take on a monitoring role. The first the nuns knew about concerns relating to Fr McNamee was in 2002, when they were approached by a reporter from RTE who explained that they were investigating Fr McNamee's activities while he was in Crumlin and requesting the nuns' state of knowledge when he came to stay with them.

1994 – 1995 Complaints

12.22 In 1994, a report was received from a young man that he had been abused by Fr McNamee while in Crumlin parish. This young man did not name Fr McNamee but Monsignor Stenson immediately deduced that it was likely to be Fr McNamee. Archbishop Connell instituted a preliminary investigation in November 1994. In the same year, Monsignor Stenson received reports that Fr McNamee was driving around with young children in his car in the Wicklow area, a fact that was independently confirmed by the mother of an altar boy. Having consulted with Dr Patrick Walsh of the Granada Institute, who had seen the files on Fr McNamee, it was decided that Bishop Donal Murray would speak to Fr McNamee about his behavioural difficulties relating to children in order to assess how he had been dealing with these problems. Bishop Murray's purpose would be to inform Fr McNamee that the Archdiocese wished to ensure that there was no "*unfinished business*", particularly at this time. (The Fr Brendan Smyth controversy was raging at the time – see Chapter 7). Bishop Murray told the

Commission that he was unaware of the 1994 complaint to Monsignor Stenson.

12.23 At this stage Fr McNamee was 77 years of age. Bishop Murray called to see him shortly before Christmas 1994. He inquired with the superior as to Fr McNamee's health and general well-being. He failed to mention to the superior the real purpose of his visit and the concerns which the Archdiocese had in regard to Fr McNamee and his behaviour with young people.

12.24 Bishop Murray then saw Fr McNamee and, in the course of a general conversation, asked whether he had any concerns about the recent scandals relating to child sexual abuse. Fr McNamee claimed that he was not personally affected. The bishop said that there had been some things suggested about him in this area in the past but Fr McNamee replied that this was: *"just talk, talk, talk. There is a kind of conspiracy going on: people seeing evil where there is none. A lot of what is been [sic] said is evil and mischievous. The people who make false allegations are themselves evil"*.

12.25 Bishop Murray accepted Fr McNamee's denials that he had young people in the car. This was the extent of his inquiries. The bishop did think that there was some unresolved anger and some denial about the earlier situation, of which Bishop Murray said he had no detailed knowledge. According to Bishop Murray, Archbishop Connell also visited Fr McNamee in December 1994. Archbishop Connell did not inform the nuns about the child sexual abuse concerns even though he had initiated a preliminary investigation into a recent complaint.

12.26 In March 1995, another complainant made an allegation to the Gardaí. This related to the years 1973 – 1975 and concerned nude bathing in the Crumlin swimming pool and handling of the genitalia while drying the young boy off after swimming.

Garda investigation, 1995

12.27 The garda who took the man's statement at the central detective unit on 1 March prepared a letter on 21 March requesting that the matter be investigated by "G" division, that is, Crumlin, where the offences had occurred. Unfortunately, Crumlin did not receive the file until 7 July, nearly

four months after the complaint was made. There is no explanation on the file for this delay. Once Crumlin received the file, matters were moved along swiftly. On 10 July 1995, the Gardaí contacted Archbishop's House and Monsignor Stenson gave them Fr McNamee's address. Monsignor Stenson immediately contacted Fr McNamee to advise him that a garda investigation was under way and that he should get legal representation. Fr McNamee was interviewed on 14 July in the presence of his solicitor. He made no response to the allegations at that time but in a subsequent statement delivered on 15 August he categorically denied them.

12.28 The file was then sent to the Director of Public Prosecutions (DPP), who because of the delay between the abuse and the complaint, declined to prosecute. The abuse had occurred between 1973 and 1975 and the complaint was made in 1995.

12.29 The complainant subsequently issued civil proceedings and three years later the priest personally made a substantial settlement with the young man in question.

12.30 Fr McNamee's name was one of the names given to the Gardaí by Monsignor Stenson in November 1995 when he handed over the names of 17 priests about whom the Archdiocese had received complaints. Also in November 1995, Archbishop Connell wrote to Fr McNamee relieving him of his duties as chaplain to the Carmelite Sisters.

1995 - 2001

12.31 Fr McNamee was accommodated in a nursing home in Co Meath. He was opposed to any assessment being done on him by any medical advisor and was also opposed to the nursing home being informed of any past allegations. He himself did inform the nursing home sometime in late 1995 of the allegations. Early the following year, the man who had complained to the Archdiocese in 1994 made a formal statement to Monsignor Stenson. The reporting procedures of the Archdiocese had changed in the previous year and accordingly Monsignor Stenson informed the Gardaí immediately. Some two months later, the Gardaí informed the Archdiocese that no formal complaint had been made by the man. No further action was taken in relation to this matter. It is perhaps surprising that the Gardaí did not consider it

necessary to make further inquiries, especially in view of the fact that they were aware of previous complaints.

12.32 In March 1997, the case of Fr McNamee was referred to the advisory panel (see Chapter 7). The panel was informed of all the allegations received to date.

12.33 In April and May 1997, two further allegations were made. One was made anonymously and the other was made by a man who at the time was suffering from a psychiatric illness.

12.34 Having examined the case, the view of the advisory panel was that there was enough substance in the allegations to create a strong suspicion that they might be true.

12.35 They recommended that a canonical precept (an order from the Archbishop restricting Fr McNamee's ministry) be put in place. In August 1997, the canonical precept was put in place restricting Fr McNamee to celebration of mass at the retirement home in Meath only, forbidding him from visiting his past parishes and forbidding him having any contact with children on his own.

12.36 In 2001, another civil legal action was initiated against Fr McNamee and the Archdiocese. Fr McNamee died in September 2002, just before a number of media reports surfaced regarding allegations of child sexual abuse against him.

Media reports

12.37 In October 2002, following the Prime Time programme *Cardinal Secrets*, the young man who had settled his case with Fr McNamee in 1998 went on the RTE radio programme *Liveline* and spoke about his abuse by Fr McNamee. By the end of October, at least eight men had made complaints of abuse using the garda hotline. The alleged abuses dated back to the 1950s. Many included allegations of requiring the boys to swim naked, under the guise of teaching them how to swim, and then touching them inappropriately. Other allegations related to him drying the boys off after swimming, placing them naked on his knee and once again touching their genitalia or digitally penetrating them.

12.38 It should be said that despite Fr McNamee carrying on the type of behaviour which had characterised his time in Crumlin, there are no allegations of child sexual abuse arising from the 16 years he spent in Delgany. When the Carmelite nuns were informed of the allegations against Fr McNamee by an RTE reporter in 2002, the superior made inquiries from a former altar boy as to whether he had any knowledge of impropriety on the part of Fr McNamee and was informed that he did not.

12.39 In addition to the complainants mentioned above, 21 men have come forward claiming abuse by Fr McNamee during his many appointments. The Commission is of the view that many more were abused. A significant number of complainants are claiming civil damages. To date, a number of cases have been settled and at the time of writing this report a further three are outstanding.

12.40 Those complainants who met archdiocesan officials in recent times, including Archbishop Martin, were satisfied with how the Archdiocese dealt with their complaints. Many were relieved to hear from the Archbishop that they were not alone in their complaints, and victims also expressed gratitude for counselling when it was arranged for them.

12.41 Some expressed sadness at the fact that they had not reported matters earlier to the Church, particularly when the priest was alive, as they thought that might have prevented abuse of others.

The Commission's assessment

12.42 Overall, the case is an example of how, throughout the 1970s, the Church authorities were much more concerned with the scandal that would be created by revealing Fr McNamee's abuse rather than any concern for the abused.

12.43 Archbishop McQuaid's view, in the early 1960s, that he could not refuse to accept the denials of such a worthy priest was sadly misguided. If action had been taken then, the abuse of a large number of boys could have been prevented. It is quite clear from Bishop Forristal's recollections and from the interview that Monsignor O'Regan conducted with Fr McNamee's colleagues that, in the 1970s, there was significant knowledge of the type of

activities that Fr McNamee was up to with children in his own swimming pool and elsewhere. However, even though he knew there was a problem, the Archbishop did not take any action.

12.44 When a specific complaint was made in 1978, Monsignor O'Regan carried out a thorough investigation and came to the clear conclusion that Fr McNamee was a danger to children. Yet again, the emphasis was on the avoidance of scandal and the protection of the priest's reputation rather than the protection of children. It is particularly shocking that Fr McNamee was encouraged to stay on in the parish in order to avoid any damage to his reputation. The very idea that a priest should have a private swimming pool to which only young boys had access, even in the mid to late 1970s, coupled with his other actions should have caused the archdiocesan authorities to take action far earlier than they did.

12.45 While Monsignor O'Regan did state that perhaps further damage to innocent children might be avoided, not once did he or indeed any of the archdiocesan authorities consider the enormous damage that might already have been done to innocent children.

12.46 Archbishop Ryan, when he discovered that there had been many incidents in the swimming pool with Fr McNamee, should have taken immediate action. The fact that the archives contained a report about similar type activities relating to boys attending Stella Maris football club, albeit not believed at the time, should have given rise to the reopening of that investigation and to an investigation of his activities in the intervening years.

12.47 The fact that he allowed Fr McNamee to stay in Crumlin for a further 15 months was wrong. This wrong was compounded by his transfer to a convent where again he was given access to young altar boys.

12.48 The failure to inform the nuns that the reason for his transfer to their convent was because of concerns about his activities in Crumlin was inexplicable and left them in a very difficult situation when they were questioned by RTE many years later. No attempt was made to monitor his activities while he was associated with the convent and the nuns knew of no reason for monitoring.

12.49 Bishop Murray and Archbishop Connell must accept responsibility for not communicating fully with the nuns in Co Wicklow. When complaints surfaced in the 1990s about Fr McNamee, Bishop Murray visited the convent but did not explain fully the circumstances surrounding Fr McNamee's placement there. He claims he was not fully informed about the details. However it was clear from his memo of the meeting that he was aware that there was an allegation of child sexual abuse made against Fr McNamee in the late 1970s. It seems incredible to the Commission that, when he was asked in December 1994 to talk to Fr McNamee about behavioural difficulties with children, he was not informed that Archbishop Connell had issued a decree initiating a preliminary investigation into the 1994 allegation on 28 November. Once again this highlights the very poor communication that existed within the Archdiocese. Bishop Murray has pointed out to the Commission that Archbishop Connell visited Delgany on 11 December and did not inform the nuns about Fr McNamee's background. This was despite the fact that he had launched a preliminary investigation into a complaint of child sexual abuse against him less than two weeks previously. In the Commission's view neither the bishop nor the Archbishop seemed to have given any consideration to the risk Fr McNamee might have posed to the altar boys attending the convent. Both were aware of his abusive past and that no monitoring system had been put in place in relation to him.

12.50 Nearly all the complainants who reported to the Gardaí were happy with the way the Gardaí dealt with the complaints. As many of the complaints arose after the death of Fr McNamee there was no possibility of a prosecution. Nevertheless the complainants reported that the Gardaí had listened sympathetically to them. The Gardaí also took full and comprehensive statements from them.

12.51 The development of the DPP's approach to cases involving delay is outlined in Chapter 5.