

MONSIGNOR MICHAEL LEDWITH

The Inquiry has received information about concerns expressed in relation to Monsignor Michael Ledwith in 1983/84 by a group of seminarians in St Patrick's College Maynooth. The Inquiry has also received information about allegations of sexual abuse made against Monsignor Ledwith in 1994 and 2000 (4.6.1, 4.6.2 and 4.6.3).

St Patrick's College Maynooth is a body corporate in civil and Canon law. It was founded in 1795 as a seminary for the education of Catholic priests. It is also a pontifical university and was from 1910 until 1997 a recognised college of the National University of Ireland. The University Act 1997 established the college as an autonomous institution under civil law entitled, "The National University of Ireland, Maynooth."

During the period relevant to this Inquiry, Maynooth was governed by the Statutes of St Patrick's College which were adopted in October 1962. The College was led by a President and two Vice Presidents. In 1980, Monsignor Michael Ledwith was appointed as Vice President. He had been on the staff of Maynooth from 1971.

The details of the concerns that were expressed against Monsignor Michael Ledwith in 1983/84 were discussed with a group of six former seminarians who attended the Inquiry, three of whom are now ordained priests.

These seminarians had come to Maynooth as mature students. Within a number of years they each had concerns about the running of Maynooth and the training they were receiving for their priesthood. Their concerns had different aspects: they felt that inadequate emphasis was placed on spiritual values; they were shocked by what they saw or believed to be the lavish and worldly lifestyle of Monsignor Ledwith and they were concerned about the information or rumours that might have suggested that the Monsignor had a homosexual orientation.

The seminarians felt that they had a responsibility to share their concerns about Maynooth with those in authority. They sought the advice of Bishop Brendan Comiskey, then Auxiliary Bishop of Dublin. He suggested that they approach seven "*key Bishops*" in order that their concerns would be adequately heard. It is believed that the following Bishops were contacted by one or more seminarians from the group: Cardinal Tomás O Fiaich RIP, Bishop Cahal B. Daly (as he then was), Bishop Edward Daly, Bishop J Lennon RIP, Bishop J Cassidy, Bishop C O'Reilly, Bishop Eamonn Casey and Bishop J Aherne RIP.

One seminarian in particular said that, although he was in no doubt that he expressed to the Bishops he met his concern over Monsignor Ledwith's sexual behaviour, this concern was definitely more of an anxiety with regard to orientation and propensity rather than with specific sexual activity. Contrary to media reports, no specific allegations were made against Monsignor Ledwith but rather a concern was expressed in the general sense. The other five seminarians who attended the Ferns Inquiry confirmed this version of events.

Cardinal Cahal Daly said that there were grave worries about Maynooth in 1982 and that Monsignor Michael Ledwith formed part of those worries. However these concerns were about Monsignor Ledwith's allegedly extravagant lifestyle and his lack of prayer life. He decided to initiate a thorough investigation at this time and asked Bishop Kevin McNamara to conduct this. Bishop McNamara made inquiries about Monsignor Ledwith's allegedly extravagant lifestyle and his spiritual life. Bishop McNamara said that he was satisfied that there was no basis for concern. He said Monsignor Ledwith's lifestyle was not extravagant and he conducted his spiritual life in private which gave rise to the impression that it was not adequate. Cardinal Daly said that there was no investigation into Monsignor Ledwith's sexuality at that time because there was no suggestion of sexual impropriety or sexual harassment in connection with him.

The Conference of Bishops, at its meeting in November 1983, appointed a group of Bishops to institute a thorough investigation of the whole seminary situation in Maynooth and to make appropriate recommendations. This investigation had already begun four months before the approach to selected Bishops by seminarians in March 1984.

Cardinal Daly said in his statement to the Inquiry that it was entirely untrue that any seminarian had mentioned homosexuality in relation to Monsignor Ledwith to him. The Cardinal said that it was not credible that he would have ignored allegations of homosexuality when he was already investigating the situation in Maynooth. He said that it was possible that the seminarians had a misplaced memory of what occurred. He said that Monsignor Ledwith would never have been appointed President of Maynooth in March 1985 if he had been aware of allegations of homosexuality against him. Bishop Casey has also stated to the Inquiry that no allegation relating to Monsignor Ledwith's sexuality came to his attention at that time. The recollection of the seminarians of the concerns expressed by them was at variance with that of the Bishops. The Bishops fully accepted that concerns about a worldly lifestyle and expensive hobbies were mentioned but they disputed the recollection of the seminarians that any concern in relation to sexual propensity was mentioned.

The Inquiry is presented with two opposing views of what occurred in 1983 when the group of seminarians originally spoke with individual Bishops. The six seminarians who spoke to the Inquiry were quite clear that they raised the issue of homosexuality with the Bishops they spoke to. The Bishops in their statements to Mr George Birmingham, which they have commended to the Ferns Inquiry, were quite clear that no issue of sexual impropriety was raised in 1983. The Ferns Inquiry cannot resolve this issue.

The seminarians described to the Inquiry how the reaction of the Bishops they spoke to left them feeling uneasy. They felt vulnerable and fearful for their own position in the seminary and therefore they confided in the senior dean at the time, Fr Gerard McGinnity.

Fr McGinnity attended the Ferns Inquiry for an oral hearing. He said that he was approached in April 1984 by the group of seminarians who told him they were worried that Monsignor Ledwith was making improper approaches to junior students and that these students were being selected on a certain observable basis of

appearance. However, no specific allegations were made by these students either in respect of themselves or anybody else. He said that Monsignor Ledwith would not have had any academic reason to communicate with these students and that, in the ethos of Maynooth at the time; it would have been unheard of for a member of staff to cultivate such particular friendships. The Trustees of St Patrick's College Maynooth have pointed out to the Inquiry that as Vice President, Monsignor Ledwith would have had a duty to know all seminarians as it would have been his responsibility to take part in making a judgment on the suitability of students for the priesthood. Monsignor Ledwith has also stated that although he had particular friendships with two or three students at that time no question of any improper relationship arose.

Fr McGinnity told the Inquiry that he took what these students said very seriously and although it would be virtually unheard of to report another member of staff, he felt, in conscience, that the welfare of the students demanded it. The three Bishops to whom Fr McGinnity spoke were Cardinal Tomás O Fiaich, Archbishop of Armagh, Archbishop Dermot Ryan of Dublin and Bishop Kevin McNamara of Kerry, all of whom are now deceased.

Fr McGinnity said that apart from speaking with the three Bishops, he had received a confidential communication from the Apostolic Nuncio, Archbishop Alibrandi, about the suitability of Monsignor Ledwith to be appointed as a Bishop, which is a normal procedure in the process leading to the appointment of all Bishops. He said that he completed this form conscientiously and availed of the opportunity to express the concerns that had been communicated to him about Monsignor Ledwith's sexual propensities and tendencies and also about his attitude toward prayer and devotion. Although this was "*sub pontificio secreto*", meaning "beneath the pontifical secret", and as such, highly confidential, the details of what Fr McGinnity had written in connection with Monsignor Ledwith were made known to other Bishops.

Cardinal Daly has stated emphatically that in 1983/1984 he had no knowledge of any "alleged propensities and tendencies" of Monsignor Ledwith. He further stated that colleagues who were in active ministry at the time to whom he spoke have no recollection of any such references and that if they had had such information it would have been properly investigated at the time.

Bishop Eamonn Casey has stated that Bishop Comiskey arranged to meet him to tell him that Fr McGinnity had spoken to Cardinal Tomás O Fiaich and Archbishop McNamara suggesting that there was some sexual impropriety in Monsignor Ledwith's relationship with certain students. Bishop Casey was so concerned when he heard this that he immediately drove to Armagh to visit Cardinal Tomás O Fiaich and from there to Kerry to meet Archbishop McNamara on the same day. Bishop Comiskey could not recall who had told him that allegations had been made by Fr McGinnity, although he was fairly certain that he had heard about it from another Bishop rather than from Monsignor Ledwith himself.

It is difficult to reconcile the accounts given by Bishop Casey and Bishop Comiskey with the almost complete lack of knowledge of these events on the part of the other Bishops involved. It was also extremely difficult to reconcile Bishop Comiskey's position at the time with his subsequent support for Monsignor Ledwith as President of Maynooth College in 1985.

Bishop Comiskey said in November 2002 that he was prepared to swear that he did not know of any sexual impropriety on the part of Monsignor Ledwith reported to him by seminarians, before reading about it in newspaper reports in 1993. He told the Inquiry that when making that statement he had forgotten entirely about the allegations which he had raised with Bishop Casey. These allegations, as far as he was concerned, did not emanate from seminarians and therefore were not in his consciousness at the time of making his statement.

Fr Gerard McGinnity told the Inquiry that a meeting of a group described as the "Board of Visitors" to Maynooth College took place in May 1984, some weeks after Bishop Casey's visit to Armagh and Kerry. The "Visitors" were a group of Bishops who dealt with problems that might arise in the day to day running of the College. One member of this Board was Bishop Eamonn Casey who attended the May meeting.

Fr McGinnity's evidence to the Inquiry was: *"He asked to see me and.... he very directly, trenchantly, confronted me and he said, 'You have reported to the Nuncio a member of staff. You have gone to Bishops about this member of staff and you have made serious allegations about him in the sexual domain.' The word 'sexual' was used, and there was no doubt in his mind and there was no doubt in mine that the matter under discussion was the sexual dimension to what had been reported. I said to the Bishop, 'I have not reported Monsignor Ledwith to the Nuncio. Rather I received from the Nuncio a confidential consultation about which you now clearly know"*.

Fr McGinnity told the Inquiry that Bishop Eamonn Casey said to him, *"These are very serious allegations about a man and about his reputation."* Fr McGinnity replied, *"Yes they are Bishop, but I can't do anything about that. It's my duty to relay them to you who is responsible."*

Bishop Casey then asked Fr McGinnity, *"Well, can you bring me here and now, a student who had been the victim of sexual approach by this member of staff?"*

Fr McGinnity told Bishop Casey that he could not there and then bring such a student to him. He said, *"There had not been an accusation of assault or approach of that kind. What I have conveyed and what the students are exercised about is the practise of this man in cultivating same sex friendships with people who have a certain appearance, and trying to bring them off on their own. I have not received any such accusations directly."* Fr McGinnity told the Inquiry that in the circumstances, it struck him that the Bishop's demand was impossible and unreasonable. Bishop Casey does not recall the clarification outlined in the above paragraph and does not recall the Papal Nuncio being mentioned and cannot recall using the word "sexual" but he does agree that his conversation with Fr McGinnity was less than two minutes.

Immediately following this meeting, Bishop Casey reported to the Board of Visitors and it was agreed that a person who made such a serious allegation against the Vice-President, without being able to produce evidence of any inappropriate relationship could not continue as Senior Dean. Fr McGinnity's Archbishop, who was a member of the Board of Visitors, agreed to withdraw him from the College and he suggested to Fr McGinnity that he should take a year's sabbatical from the college. Fr

McGinnity agreed to this and he spent the year in Rome and the US. Apart from Bishop Casey, no member of the then Board of Visitors of Maynooth is now alive.

Fr McGinnity told the Inquiry that whilst he was on his sabbatical year, his Bishop asked him whether he had any thoughts for the future. Fr McGinnity said he had presumed he would be returning to Maynooth but Archbishop O Fiaich told him that that would not be possible and that he had been asked to request Fr McGinnity to offer his resignation from Maynooth.

Fr McGinnity told the Inquiry that he was stunned at being told this and it was both humiliating and punitive for him to be so suddenly removed from Maynooth and so obviously demoted from his position in a situation which stripped him of his reputation.

The only investigation carried out in relation to the concerns originally communicated by the seminarians and undoubtedly expressed by Fr McGinnity, consisted of the interview between Bishop Casey and Fr McGinnity described above. In the view of the Inquiry, that truncated interview did not, by any standards, constitute an adequate inquiry into what were serious concerns.

Not only was the inquiry inadequate but it seems clear that Bishop Casey or his informants misunderstood the nature of the concerns. Clearly Bishop Casey conducted the interview in the belief that an allegation of sexual misconduct by Monsignor Ledwith had been made by a particular student. This was never the case.

Fr McGinnity was convinced that his removal from Maynooth and the subsequent refusal of his request for a return to his position after his sabbatical year was because he had communicated the seminarians' complaint to the church authorities. The Inquiry believes it is entirely understandable that Fr McGinnity should feel so victimised in the circumstances.

Monsignor Michael Ledwith attended the Ferns Inquiry and said that Bishop Comiskey had approached him about allegations of undue favouritism and even possible homosexuality which had been made against him by Fr McGinnity. Monsignor Ledwith said he spoke to Fr McGinnity about the allegations but he denied having made a specific allegation as was alleged. He also said he spoke with Cardinal O'Fiaich, who was Fr McGinnity's Bishop, but nothing further was done. Monsignor Ledwith was quite clear that in his view the dismissal of Fr McGinnity from Maynooth was because of a grave disquiet about his whole policy in regard to discipline. He said that Fr McGinnity's attempt to undermine him was not a cause for dismissal or certainly not the only or main reason for it. Fr McGinnity has stated that any such disquiet only arose after his reporting of the seminarians' complaints.

The Inquiry has been informed by individual Bishops that had the seminarians made a complaint of improper sexual propensities or orientation on the part of Monsignor Ledwith, it would have been taken seriously and thoroughly investigated. However, a definite if non-specific allegation was made by Fr Gerard McGinnity in 1984 and the "investigation" which took place was inadequate. Fr McGinnity left Maynooth in May 1984 and ten months later, Monsignor Ledwith was appointed as President of St Patrick's College Maynooth. Bishop Comiskey made a forceful speech of support

when nominating him for this position. Bishop Comiskey said that he would never have done this if he had had any grounds for concern over Monsignor Ledwith's sexuality.

Bishop Comiskey told the Inquiry that he was 100% behind Monsignor Ledwith's candidacy for Presidency of Maynooth because he believed that the information available to him was also available to three senior Bishops and that they would have looked into the matter. He said that nobody raised any questions over Monsignor Ledwith's promotion to President. Bishop Comiskey also told the Inquiry that the allegations by Fr McGinnity as communicated by him to Bishop Casey had simply gone out of his head when he recommended Monsignor Ledwith for promotion.

Monsignor Ledwith served as President of Maynooth from 1985 until his retirement in 1995. From 1980 until 1997, he served three full terms on the International Theological Commission, a group of 30 theologians from around the world charged with advising the Holy See on theological matters. He was also Secretary of three Synods of World Bishops in Rome and was appointed a member of the Congregation for Catholic Education.

In 1994, an allegation was made that Monsignor Ledwith had sexually abused a thirteen year old boy in 1981 (Raymond 4.6.2). The abuse allegedly continued until after Raymond's 15th birthday. Monsignor Ledwith disputes the abuse and denies particularly that he met Raymond before Raymond's 15th birthday.

Raymond first made his allegation to Bishop Newman in 1994. Bishop Newman dealt so abruptly with the matter that his secretary advised Raymond to report the allegation to Cardinal Daly, which he did. Cardinal Daly travelled to meet Raymond and then referred the matter to Bishop Comiskey, as Monsignor Ledwith was a priest under the aegis of the Diocese of Ferns.

Bishop Comiskey informed the Health Board in December 1994 of the allegation and he informed the Gardai some weeks later. He did not then or subsequently disclose the name of the complainant which had been given to him in confidence. This method of maintaining confidentiality was adopted by all three authorities. Bishop Comiskey did furnish to the Gardai the name of the solicitor acting on behalf of Raymond and through him they were then able to communicate with Raymond.

Fr Walter Forde investigated the allegations on Bishop Comiskey's behalf and reported that he found them capable of being true. This investigation was done without informing Monsignor Ledwith or without interviewing him.

Raymond consulted lawyers with a view to instituting a civil action for damages against Monsignor Ledwith but the matter was settled by the Monsignor after taking legal advice with a payment of a sum of money and no admission of liability.

As a result of Fr Forde's recommendation, Bishop Comiskey requested Monsignor Ledwith to attend for an assessment at a treatment centre run by Fr Stephen Rosetti in Maryland in the United States. At first Monsignor Ledwith had been willing to attend for assessment but became more concerned when he found himself being treated in an unjust manner by the Diocese. Monsignor Ledwith told the Inquiry that when he

telephoned the treatment centre and discovered that the assessment would involve a residency of one week, during which electrical and chemical tests would be conducted as well as the administration of drugs, he was concerned about these procedures but agreed to attend upon certain safeguards being put in place as indicated by his legal advisors. In fact, this was never done.

Bishop Comiskey was not in a position to meet the requirements of Monsignor Ledwith, which were a precondition to attending for assessment, and within a few weeks of communicating this decision relating to his attendance for assessment, Monsignor Ledwith was handed a letter dated 16 December 1994, which stated that the Bishop had set up an inquiry under Canon 1717. Monsignor Richard Breen was appointed to conduct the inquiry into the allegations. In spite of continued and sustained attempts by Monsignor Ledwith to speak with Bishop Comiskey or Monsignor Breen after receipt of this letter and numerous letters to the Diocese, Monsignor Ledwith did not receive details of the allegations, the subject matter of the Inquiry until 5 February 1995.

Monsignor Ledwith was adamant that he had at all times co-operated with Bishop Comiskey's attempts to bring this matter to a conclusion notwithstanding his grave reservations about the fairness of the procedure adopted by the Bishop.

In January 1995, Bishop Comiskey wrote to the Archbishop of Seattle to inform him that an allegation had been made against Monsignor Michael Ledwith who was at that time on sabbatical from St Patrick's College Maynooth and was resident in his Diocese.

Bishop Comiskey consulted a Canon lawyer and sought advice on what Canon law procedure was available in circumstances where the accused priest was no longer in active ministry in the Diocese. The Canon lawyer felt that Monsignor Ledwith fell into a category of persons envisaged by Canon 1395. s. 2, namely a cleric "*liable to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants*". Bishop Comiskey however, discovered that he was unable to pursue this remedy as the procedure was barred by lapse of time and the proceedings issued against Monsignor Ledwith had to be withdrawn. Bishop Comiskey did not pursue any further Canon law options available to him.

In the meantime, the Trustees of St Patrick's College, Maynooth instituted their own procedure for reviewing Monsignor Ledwith's position in the college. The lawyers for Monsignor Ledwith indicated that they could not permit their client to appear before any tribunal of inquiry which had no basis in law and that such an inquiry was not authorised by the statutes of Maynooth College. The lawyers for the Trustees defended their right to hold an inquiry and informed Monsignor Ledwith's solicitors that a resolution for his dismissal from the college would be brought before a meeting to be held in the college. In response, Monsignor Ledwith prepared a lengthy document outlining his position with regard to all of the allegations made against him, which he totally denied. He challenged the right of the Trustees to dismiss him from his position in Maynooth College in the manner suggested.

The terms of the settlement between Monsignor Ledwith and Raymond included an obligation of absolute confidentiality, which proved an impediment in pursuing the

Maynooth Investigation. The issue of waiver of this confidentiality clause by Monsignor Ledwith was raised by lawyers for the Trustees but he did not agree to do this because he was unhappy with the procedures being adopted by the sub-committee of Trustees who were conducting the Inquiry. Correspondence indicates that Raymond was willing to waive this clause in the agreement although he was determined to otherwise respect the confidentiality of what had occurred in order to avoid stress and embarrassment to his family.

This hearing was conducted at the Archbishop's house in Drumcondra and Monsignor Ledwith attended with two senior counsel and two solicitors. One of the more serious reservations expressed by both him and his legal team was the fact that Cardinal Daly, who had investigated the complaint initially and had reported the matter to the Congregation for Catholic Education in Rome, acted as chairman to the body of Trustees who were investigating the matter objectively. He said that although the procedure adopted by the subcommittee in Drumcondra was deeply flawed both from a civil law and a Canon law perspective, in the end, he felt he had no choice but to retire from his position on the staff of the college.

Bishop Comiskey said that Monsignor Ledwith, as with many other priests accused of child abuse, attacked the process rather than facing up to the charges. He expressed the view that this could have gone on indefinitely and indeed, the legal debate in relation to the Maynooth inquiry took place over an 18-month period. Monsignor Ledwith had in fact already indicated his desire to retire from the Presidency of Maynooth some months before the allegation was made by Raymond, and he did retire from the Presidency and retired from his Professorship in September 1996. Monsignor Ledwith does not agree with Bishop Comiskey's assessment of his co-operation with a process which he believed to be deeply flawed.

The Inquiry asked Bishop Comiskey whether the events of 1994 and '95 caused him to reflect on his assessment of Monsignor Ledwith back in 1983 and '84. Bishop Comiskey said that he did not believe Fr McGinnity back in 1984 and he still did not believe him but that obviously he had to consider that there might have been something more to what the seminarians were alleging in 1983. Bishop Comiskey was quite adamant that he did not feel the allegations that emerged in 1994 reflected in any way on the handling of the allegations made in 1983/ 1984.

In July 2000, a further allegation was made against Monsignor Ledwith (Shane 4.6.3). This allegation arose when the complainant, who was suffering from depression, was admitted to St Patrick's Hospital for help with a severe drinking problem. In the course of his treatment he told his doctor that he had been sexually abused by Monsignor Ledwith whilst he was a seminarian in Maynooth in November 1994 and that this had caused the deterioration in both his mental and physical health. A report was forwarded to the Gardai who then investigated the allegation.

The Gardai informed the President of Maynooth College, Monsignor Dermot Farrell, who in turn informed Bishop Comiskey. At this stage, Monsignor Ledwith was already out of the jurisdiction and a full Garda investigation was under way. In fact, this criminal investigation did not proceed because the complainant admitted that the allegations were false. Bishop Comiskey had already written to the Archbishop of

Seattle, where Monsignor Ledwith was resident, to inform him of the allegations but did not later inform the Archbishop when the allegations were shown to be false.

Although Monsignor Ledwith's position as a professor and President of Maynooth College was resolved by his retirement in 1996, his position as a priest of the Diocese of Ferns was not resolved until September 2005.

The Inquiry would like to acknowledge Monsignor Ledwith's co-operation with this Inquiry and the personal efforts made by him to attend for an oral hearing. An issue with which he was particularly concerned was his contention that the way in which the provisions of the Canon law were being interpreted and the Maynooth Inquiry did not afford him natural justice in a number of respects. In addition, Monsignor Ledwith did not feel free to comment on the allegations raised by Raymond because of the confidentiality clause entered into by him. Monsignor Ledwith has at all times asserted his innocence of all allegations made against him.

BISHOP EAMONN WALSH

When Bishop Walsh became Apostolic Administrator for the Diocese of Ferns, he reviewed Monsignor Ledwith's file and presented it to the Ad-hoc Advisory Panel and later to the Ferns Advisory Panel. Both agreed that Monsignor Ledwith should be subject to a Precept and be invited to seek voluntary laicisation. Through the Precept a number of obligations were imposed upon Monsignor Ledwith, including: no unsupervised involvement with minors; no celebration of mass and the sacraments in public; avoidance of all direct contact with anyone who made allegations against him and their families; no wearing of clerical dress and, the revocation of the faculties of the Diocese of Ferns.

Attempts to contact Monsignor Ledwith to invite him to seek voluntary laicisation were not successful. Bishop Walsh communicated with the Papal Nuncio for advice on how to deal with this matter. In a letter dated 4 February 2003, the Papal Nuncio advised Bishop Walsh to "*avail of wise Canonical advice regarding the procedures at your disposal. Such Canonists are readily available in Ireland, as ecclesiastical tribunals are established and functioning here*".

The Apostolic Administrator has forwarded Monsignor Ledwith's case to the Congregation for the Doctrine of the Faith in Rome recommending that Monsignor Ledwith be dismissed from the clerical state and this has now been granted.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE MONSIGNOR LEDWITH CASE:

- A number of contentious issues have arisen in relation to the conduct of Monsignor Ledwith when he was Vice President of Maynooth College. Amongst the issues with which this Inquiry is concerned is the apparent victimisation of Fr McGinnity as a result of concerns which he

undoubtedly expressed to three members of the hierarchy in relation to the Monsignor. A group of seminarians had, prior to Fr McGinnity's disclosure, expressed certain concerns they had had of an allegedly extravagant life style and expensive hobbies on the part of Monsignor Ledwith: this is common case. Whether the complaint by the group extended as they allege, to the expression of concerns about sexual orientation is a matter in dispute with the Bishops concerned. It is not practicable for this Inquiry to attempt resolution of that dispute.

- By any standard the concerns as communicated by the seminarians and expressed by Fr McGinnity were inadequately investigated. They also appear to have been wholly misunderstood. He made no specific allegations of particular abuse and accordingly the demand to produce a victim was unrealistic. As Fr McGinnity was invited to take a sabbatical on the same date that Bishop Casey reported the results of his "investigation" to his fellow Bishops on the Board of Visitors of Maynooth, the Inquiry views as entirely understandable Fr McGinnity feeling that he was victimised as a result of the concerns of the seminarians which he expressed. Punitive actions of that nature could only deter bone fide complaints to church authorities which should be valued as providing information for the control of those having access to young people.
- The Inquiry is satisfied that Cardinal Daly, Bishop Comiskey and Bishop Walsh acted promptly and effectively in extending support to Raymond and his family. The failure of Bishop Comiskey to report the complaint to the Gardai prior to January 1996 was of little practical significance. The duty of confidentiality imposed upon him precluded him in his view from disclosing the name of the complainant to the Gardai and without that information the Gardai could not conduct any meaningful investigation. Bishop Comiskey properly advised the Gardai of the name and address of the solicitor acting on behalf of the complainant to enable them to apply to that source for assistance in identifying him.

CANON MARTIN CLANCY (Deceased)

When the Ferns Inquiry commenced its work, the only allegation against Canon Clancy on the diocesan file was that of Clare (4.7.4). Clare wrote to Bishop Comiskey in April 1991 describing in detail the abuse she alleged was perpetrated on her by Canon Clancy.

Bishop Comiskey told the Inquiry that he was very shocked to receive that letter. He said that he had absolutely no information about Canon Clancy on his files when he

came into the Diocese and had very little contact with him as a priest of the Diocese up until that date. Bishop Comiskey told the Inquiry that the first thing he wanted to do when he got the letter was to meet Clare and establish whether she was a credible witness. He said that he offered to meet her either in Wexford or wherever she was resident at the time.

Bishop Comiskey said that he sent Clare's letter to Canon Clancy and asked him to meet with him to discuss it. The Canon prepared a full memorandum in reply to the letter, of which the following is an excerpt:

"At the time, she was a good looking, red headed youngster, provocative etc., and I clearly remember the last occasion she visited my house when I momentarily touched her on the upper thigh and immediately realised I was very wrong and immediately cancelled all further visits without giving any explanation. To suggest that I fondled her breasts, rubbed her vagina or interfered with her clothing is absolutely without foundation. The bad example I did give on this occasion troubled me greatly and I have referred the matter on many occasions to many confessors and retreat masters who have told me to forget about the incident. The recent clerical conference on child sexual abuse revived the issue for me but I have coped well until this present letter arrived."

"I must be honest with myself, my Bishop and my conscience and admit my failure on this one occasion. I find the last page of the letter very upsetting, as I think this girl is psychiatrically upset or is seeking to get experience in the legal/sexual field at the expense of me and my vocation as a priest. She may be satisfied knowing that I have already told you, my Bishop, confidentially, that I intend to retire as parish priest of Ballindaggin at an early date, but not for the reasons and allegations made in her letter."

"Having read over this letter, I hope it will help you to assess the real merit of the allegations, and I am deeply grieved that I am the cause of such concern to you. I would be very glad to have an early interview before your visit to Lourdes."

At the meeting between Canon Clancy and Bishop Comiskey, Canon Clancy conveyed his intention to retire as parish priest of Ballindaggin and also swore to Bishop Comiskey that he had never interfered with any boys at any time. Bishop Comiskey told the Inquiry that he was convinced of Canon Clancy's genuineness.

Bishop Comiskey said that whilst he thought the word "provocative" could mean many things, he was very concerned about the admission that Canon Clancy had touched Clare. He said that it was the beginning of a case against Canon Clancy but that he would then have wanted to meet with Clare. Bishop Comiskey said that Canon Clancy was very emotional at the meeting. Clare did not contact Bishop Comiskey after writing the letter at which he expressed some astonishment. He said he felt his offer to go anywhere to meet her was adequate at least and that he was quite "at sea" as to why she didn't reply.

Bishop Comiskey agreed that for someone to have come forward in 1991 to accuse a senior priest such as Canon Clancy of child sexual abuse in a rural environment would have been very daunting indeed. He said that his ability to respond to such a

complaint was severely hampered by his complete lack of support or backup. Bishop Comiskey said that now there is a Delegate and a sub Delegate as well as a full time resource person dealing with these problems in the Diocese. In 1991 Bishop Comiskey dealt with them by himself and he said that he was overwhelmed

On 2 June 1991, Clare's father wrote to Canon Clancy saying that he had been shocked and horrified to hear that his daughter had been sexually abused by the Canon on several occasions. He threatened to expose Canon Clancy to the Sunday World unless he paid £20,000 to him. He also said that his daughter would be taking criminal proceedings. The Inquiry knows that the Gardai approached Clare's father and warned him against threatening Canon Clancy and suggested that Clare should make a formal complaint of sexual abuse. The Garda response to the allegation is dealt with in Chapter Seven of this Report.

Some weeks after Bishop Comiskey received the letter of complaint from Clare, Canon Clancy was removed as parish priest in Ballindaggin and took up a curacy in Killealy, the neighbouring parish. Fr Sinnott, who had been curate in Killealy, was transferred to Ballindaggin as parish priest. This was a move of no more than three miles.

Bishop Comiskey said that although it looked suspicious that Canon Clancy had been moved within weeks of the allegation being received, he would have been moved anyway and that he had suspended judgment on Canon Clancy until he had looked into the matter further. Bishop Comiskey confirmed to the Inquiry that there were no restrictions whatsoever placed on Canon Clancy or any form of monitoring of him when he was moved from Ballindaggin to Killealy. Bishop Comiskey said that he was not going to judge Canon Clancy at that stage, nor did he intend to make any decisions about monitoring until he had met the complainant and found her credible. He said that he would have dealt with the matter differently today, but that in 1991 the idea of "child protection" was not in circulation. He said that knowledge of paedophilia and child abuse by priests was very limited. Nevertheless, Bishop Comiskey had been dealing with allegations of child sexual abuse for seven years prior to this allegation and had, in 1989 developed a clear child protection statement as outlined at p138 above.

Fr Sinnott said that in June 1992, he was approached by Clare's mother, Mary, who said that she did not want Canon Clancy at the Confirmation ceremony for her son because Clare had been abused by Canon Clancy. Fr Sinnott said that he spoke to Bishop Comiskey about it at the time. However, Bishop Comiskey told the Inquiry that he had no recollection of Fr Sinnott approaching him about that subject or any recollection that Canon Clancy had attended a barrister in Dublin in 1992, which Fr Sinnott said he also reported to him.

Despite the information available to him and the admission made by Canon Clancy, Bishop Comiskey explained to the Inquiry that he could take no step against Canon Clancy until he had spoken to Clare. No such meeting ever took place and no action was taken against Canon Clancy prior to his death in May 1993.

In February 1996, Fr William Cosgrave, the diocesan delegate, wrote to Bishop Comiskey confirming a meeting he had with Clare's mother during which she had

appeared to be upset with the attitude of the priests and the Bishops in not taking her daughter's abuse seriously. Bishop Comiskey did not respond to this letter from Fr Cosgrave and did not contact the complainant or her family. In October 1996, Fr Cosgrave reported that the family were satisfied to let the matter rest after meetings with him.

Shortly after Canon Clancy's death in 1993, Kate (4.7.5), who was in her first year of a local secondary school, told her teacher that she had been abused by Canon Clancy. The Principal of the school, informed Bishop Comiskey. She recommended that Kate receive counselling and asked whether the Diocese would pay for it. Bishop Comiskey told the Inquiry that the agreement to pay for counselling did not mean that the Diocese accepted the complaint as valid. Bishop Comiskey never met with Kate or sought an update following her attendance at counselling.

The other allegations of abuse which were made against Canon Clancy were not communicated to Bishop Comiskey and do not appear to have come to the attention of the diocesan authority until after Bishop Comiskey's retirement in April 2002.

Maeve (4.7.1) described being sexually abused by Canon Clancy from the age of 12 to 15. She told the Inquiry that she spoke to two priests of the Diocese about the abuse. One of these priests did confirm that he had such a conversation with a woman who had been sexually abused by a priest in the early 1990s and he did not report the matter to the diocesan authorities. Bishop Walsh only became aware of the complaint in April 2003.

A similar story was told by Judy (4.7.2) who reported abuse to a priest who was a former school friend of hers and who has now left the priesthood. She made her complaint to him circa 1990. She said she got the impression from this former priest that other priests knew about Canon Clancy's activities but no report was forwarded to the diocesan office.

Ciara (4.7.3) told the Inquiry of being raped by Canon Clancy from the age of 12. She said that she gave birth to Canon Clancy's daughter when she was 15 years of age but did not disclose the identity of the father to anybody. She said that Canon Clancy eventually acknowledged his daughter but threatened to have her taken away from her if she ever told anybody that the child was his. Fr Sinnott, who succeeded Canon Clancy in Ballindaggin and who was executor of his will, advised her that Canon Clancy had left a £3,000 donation for her daughter to continue her musical education and this money was duly forwarded to her by Fr Sinnott after Canon Clancy's death.

One priest told the Inquiry that he knew of rumours surrounding Canon Clancy although he did not speak to diocesan authorities about them.

Bishop Comiskey confirmed to the Inquiry that he had absolutely no idea of these other allegations against Canon Clancy until he was informed about them by the Inquiry. It was in that context that he made the point, a point that is made repeatedly by this Inquiry, that individual priests who received allegations of abuse did not report them to the diocesan authorities.

BISHOP EAMONN WALSH

Bishop Walsh visited the parishes of Ballindaggin, Killealy and Caim on 13 April 2003. He spoke at all Masses on the question of abuse, encouraging people who may have suffered sexual abuse of any kind to come forward to the statutory authorities and in the case of diocesan clergy, to come forward to the Diocese with their complaint in addition to informing the civil authorities.

At Ballindaggin in particular, Bishop Walsh told the Inquiry that he stated; *"In addition to asking people to come forward who were abused by priests in the past I also stated that if anybody was ever abused by the late former parish priest, the late Canon Clancy, that I would ask them to come forward and that I would be more than willing to meet with them personally or to put them in touch with the relevant people who handle complaints. I also stated that if anyone has made a complaint regarding Fr Clancy in the past and was not happy with the way in which it was dealt with, to please come forward personally to me as I would like to meet with them."*

These visits resulted in three of the complainants cited above coming forward and meeting with diocesan officials. These complainants also met with the Inquiry. Bishop Walsh ensured that the diocesan victim support person, Sr Helen O'Riordan, met with these complainants. Bishop Walsh also met with the family of the late Canon Clancy.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE CANON CLANCY CASE:

- **The Inquiry was shocked at the duration and extent of the abuse allegedly perpetrated by this priest which in some instances appeared to involve the rape of very young girls. He appeared to use his position as Manager of the local national school to access freely children as young as nine years of age.**
- **The fact that the abuse by Canon Clancy allegedly continued for a period of almost thirty years from at least 1965 to 1992 emphasises the need for proper management, monitoring and supervision of any persons having unsupervised contact with and authority over children.**
- **This case illustrates that priests must be made aware of their responsibility to report properly to church authorities all allegations, suspicions or rumours of child sexual abuse which come to their attention. They are further required to ensure that a proper response is forthcoming from the Diocese which reflects the priority which must be given to child protection as required from the Framework Document.**
- **Canon Clancy appeared to confine his activities to girls between the age of 9 and 15. The abuse as alleged occurred over a 30 year period and one of the disturbing elements of the stories as the complaints emerged was that at various points in time during that period, members of the Gardai, the teaching profession, the medical profession and the Church were aware of**

rumours and suspicions concerning Canon Clancy but no action was ever taken against him.

- **The Inquiry believes that Bishop Comiskey was seriously mistaken in believing that he could take no action against Canon Clancy on the basis of the information available to him without first meeting the complainant. He had a credible complaint and an admission of inappropriate behaviour from Canon Clancy which should have allowed him to require the priest to stand aside immediately.**
- **The Inquiry is concerned that Bishop Comiskey's response to the allegation of Clare does not take account of the requirement for child protection in the Diocese.**
- **Although counselling was provided by the Diocese in response to the allegation by Kate, no attempt was made by or on behalf of Bishop Comiskey to ensure that Kate was adequately supported thereafter or to meet with Kate or her parents. Kate was a child at the time of making her complaint although Canon Clancy was deceased at the time.**
- **The Inquiry was pleased to note the appeal for people to come forward made by Bishop Walsh to the community in Ballindaggin and more particularly, the courageous response of the complainants who came forward in response to that appeal.**

FR BETA

In March 2002, Trevor (4.8.1), through his therapist, alleged that he had been abused at 16 years of age by Fr Beta whilst attending a "Choice" weekend retreat. The allegation was made to Fr John Carroll, Diocesan Secretary who immediately informed the diocesan delegate, Fr Denis Brennan and Bishop Comiskey. Fr Brennan notified the state authorities and met with Trevor. Trevor said that he wanted Fr Beta to apologise for what he had done to him and exonerate Trevor from any blame in the incident. This Fr Beta was willing to do.

BISHOP EAMONN WALSH

Trevor attended a meeting at the on 14 April 2002 in the company of his therapist. Fr Beta was accompanied by a supporting priest. Fr Beta fully and comprehensively

apologised for the incident and accepted full responsibility for it. A further meeting took place on 22 April with Trevor and his therapist at which Bishop Eamonn Walsh apologised on behalf of the Church.

Trevor's therapist was telephoned by Fr Beta's support priest after the meeting to ascertain Trevor's age when the assault took place. Trevor, and indeed his therapist, felt that this call was intrusive and upsetting. Trevor believed that Fr Beta was renegeing on the admission which he had made previously. Records of attendees at "Choice" weekends indicated that Trevor was at one such weekend in 1986 as was Fr Beta. There is no record of an attendance in 1984 when Trevor would have been 16. However, Trevor has indicated to this Inquiry that it is his firm belief that he was 16 at the time of the incident.

Trevor instituted civil proceedings against Fr Beta and the Diocese in May 2002. At the request of Trevor, meetings were held between lawyers on behalf of the parties, and as a result of those negotiations, proceedings were settled in December 2002 whereby Fr Beta agreed to discharge over one half of the settlement amount and the balance was borne by the Diocese. Trevor expressed great concern as to the manner in which the proceedings had been contested by the defendants. He expressed the view that a less adversarial approach would have been appropriate particularly as Fr Beta had admitted the assault on which Trevor's claim was premised.

Trevor met with Bishop Walsh in September 2002 who explained the canonical procedures that would be followed, and said that he would be meeting with Fr Beta the following day. An advisory panel would hear the case without knowing the identity of anybody concerned and would then make a recommendation to Bishop Walsh. Bishop Walsh told Trevor that Fr Beta would be asked to step aside from his ministry and to go for assessment and treatment and this is what in fact occurred.

On 5 September 2002, Bishop Walsh issued a precept obliging Fr Beta to the following:

- (i) To have no unsupervised involvement with minors or young adults and no direct ministry to minors, including all informal contact with them; for example, being along with them in their homes or in other settings.*
- (ii) Not to make himself available for the celebration of Mass in public or the celebration of the sacraments. He is permitted to celebrate Mass in private within the family home.*
- (iii) To avoid all direct contact with anyone who has made allegations against him and their immediate families.*
- (iv) Not to wear clerical garb.*
- (v) To meet with the diocesan delegate or the designated supervisor or monitor and his priest advisor from the Diocese at their discretion.*
- (vi) Not to enjoy the faculties of a priest of the Diocese of Ferns.*

As is the norm, it was noted that any intentional or culpable violation of this precept would result in the automatic suspension of Fr Beta and any violation of the restriction relating to minors would result in a penal process, which had as its ultimate penalty, dismissal from the clerical state. Fr Beta signed the precept and was paid a stipend per month, conditional upon his observance of the conditions of it.

Bishop Walsh has met with Trevor on several occasions and has also arranged for Trevor to meet with a diocesan victim support person.

Fr Beta's parish was visited by the parish priest who explained to the parishioners that Fr Beta was stepping aside following a complaint. Bishop Walsh then addressed the issue in the parish during the following week and met with parishioners in the local hall afterwards.

In July 2002, Neasa (4.8.2) informed a priest of the Diocese that Fr Beta had abused her son Ben, when he was 6 years of age. Fr Dennis Brennan, the diocesan delegate was advised of this allegation by this priest. The Health Board and the Gardai were informed of this allegation by the Diocese.

In June 2003, Fr Beta agreed, at the request of Bishop Walsh, to attend for intensive therapeutic treatment and support at Southdown in Canada. He completed his course there in July 2004.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF FR BETA CASE:

- **Although Fr Beta was not ministering in the Diocese from June 2002, there was a delay of some five months between the notification of this allegation and the issuing of the precept against Fr Beta requiring him to stand aside from active ministry.**
- **The Inquiry has noted in this case Trevor's desire to hold a meeting with the alleged offender at an early stage in his therapy. He believed, as other victims believed, that it would help him to recover from the trauma. The Expert Group who attended the Inquiry advised against encouraging such an approach. It advised that a meeting between an abuser and a victim should be postponed to a later stage in a victim's recovery.**
- **Trevor, who stated that he engaged reluctantly in litigation, felt that the litigation process was unfair, unnecessary and a cause of additional trauma to him. The Inquiry feels that the solicitors and barristers who act on behalf of complainants of child sexual abuse should explain and reassure them as to the usual practice of defendants in the conduct of such proceedings so as to avoid as far as possible a feeling of further hurt and victimisation. Litigation of its nature involves each party presenting its optimum position. Outcomes whether settlement or otherwise will rarely represent any party's optimum position.**
- **The Inquiry believes that the actions taken in this case were appropriate and effective.**

FR GAMMA

In May 2002, Julie (4.9.1) informed the Diocese that she had been abused by Fr Gamma in the early 1970s when she was a young girl. In response to the allegation Fr Dennis Brennan, the Diocesan Delegate communicated with Fr Gamma who denied any improper conduct and sought more information as to the time and circumstances of the alleged wrongdoing. Fr Brennan notified Bishop Eamonn Walsh on 16 May 2002 and further notified Joc Smyth, senior social worker of the South Eastern Health Board and Chief Superintendent Murphy of Wexford Garda station.

On 3 July 2002 Bishop Walsh met with Fr Gamma in the presence of the diocesan delegate. Fr Gamma expressed his upset over what he had been through to date. It was explained to him that An Garda Síochána had been notified of complaints made and he agreed to go for assessment.

On the recommendation of the Advisory Panel, Bishop Walsh issued a precept on 8 September 2002 requesting Fr Gamma to step aside from his duties in the parish, pending the outcome of the investigations being conducted by the Diocese and the Gardai. He was to present himself for a full professional assessment in order to assist the diocesan investigation. Fr Gamma met with Mr Joseph Sullivan, principal therapist of the Lucy Faithful Foundation at Wolvercote in September 2002.

Bishop Walsh requested Fr Gamma not to make himself available for the public celebration of Mass and the sacraments or engage in any form of healing ministry. He was further required to have no unsupervised contact with young people. The Bishop said that this would be reviewed following the completion of the investigation, and in the meantime Fr Gamma was entitled to celebrate Mass in private. He also requested that Fr Gamma attend on a regular basis with Sr Colette Stevenson, who was the supervisor/monitor of the Diocese.

The Vicar Forane of the area visited Fr Gamma's parish and explained that Fr Gamma was stepping aside pending a full investigation of the complaints made against him. It was explained that stepping aside did not imply guilt. Bishop Walsh, as Apostolic Administrator, also visited the parish and met with parishioners which he described as helpful and important. Fr Gamma subsequently telephoned Bishop Walsh to request that the complainant be interviewed and give evidence under oath.

Fr Gamma was again assessed on 23 September 2002. These assessments were preliminary in nature and Fr Gamma has refused to attend any further assessments.

Bishop Walsh advised Fr Gamma on 3 October 2002 that the formal diocesan investigation in relation to the complaint made against him would take place on 16 October 2002 at Holy Cross College, Clonliffe. Bishop Walsh again urged Fr Gamma to contact Sr Colette Stevenson. He mentioned that it had come to his attention that Fr Gamma might still be living in the parochial house and requested that he move to Wexford to live in one of the town presbyteries.

Towards the end of October 2002, Bishop Walsh was informed that Fr Gamma had been attending a local swimming pool in the afternoons when children were present. The Bishop directed he should not be there prior to 7 o'clock after which hour

children were not allowed attend the pool. Notwithstanding this direction from Bishop Walsh, Fr Gamma was seen at the swimming pool at 5.30 in the afternoon in early January 2003 and this was again raised with Fr Gamma.

In November 2002, the diocesan delegate, Fr Denis Brennan met with Grace (4.9.2) who had approached a local priest in relation to allegations of child sexual abuse by Fr Gamma for a period of 3 years from 10 years of age which occurred in the early 1970s. Fr Brennan notified Gardai although he did not reveal the identity of the complainant at her request.

Another local priest reported complaints made by Orla and Susan (4.9.4) regarding sexual impropriety on Fr Gamma's part in the early 1980s, to Fr John Carroll in December 2002. The complainants were contacted by the Diocese but did not respond and instead pursued their complaint with An Garda Síochána.

On 30 April 2003, Bishop Eamonn Walsh wrote to Fr Gamma formally requesting him to resign as a parish priest of the Diocese. He reminded him that in September 2002, Fr Gamma had agreed to step aside as parish priest and to the appointment of an administrator pending the investigation of complaints made against him. The Bishop stated that since that time, additional complaints had been received which had considerably delayed the final determination of the investigations. He explained that the pastoral and spiritual needs of the parishioners required the regular service of a parish priest and advised Fr Gamma that retiring as parish priest would not affect his present standing and would ensure that he could receive an income from the St Aidan's retirement fund. Fr Gamma agreed to retire at this request.

Fr Gamma is currently subject to the above mentioned precept and is monitored and supervised by Sr Colette Stevenson. He is supported and maintained by the diocesan retirement fund. A file is currently being prepared for the Congregation for the Doctrine of the Faith in Rome on the steps to be taken regarding the complaints and their decision is awaited.

Bishop Walsh did engage a barrister and social worker to investigate the allegations made against Fr Gamma with a view to preparing a report which would facilitate proceeding to the canonical process. Because of a lack of cooperation from complainants, this investigation did not in fact assist the Bishop. Bishop Walsh is of the view that a model mechanism in relation to an investigation would be that at an appropriate time, and with the consent of the complainants, evidence which has been gathered by the Garda or Health Board investigation could be made available and admitted in a Church investigation.

A decision has been made by the DPP not to initiate criminal proceedings in respect of these complaints to date.

Bishop Eamonn Walsh has informed the Inquiry that a file has been sent to the Congregation for the Doctrine of the Faith in Rome and their decision is awaited.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR GAMMA CASE:

- **The Inquiry is aware of 11 complaints against Fr Gamma all of which are alleged to have occurred over a period of twenty years during the 1970s and 1980s. The Diocese has been notified of five of these complaints. Some of these complaints indicate an increased vigilance on the part of parishioners and priests to the dangers of child sexual abuse and their willingness to voice their suspicions at an early stage. It is a measure of how conscious society has become to this issue that priests and parishioners loyal to the Church no longer feel it is their duty to hide or cover up for a priest whose behaviour crosses acceptable boundaries, but rather the loyal parishioner is now aware that that priest must be removed lest any avoidable harm is caused.**
- **Bishop Walsh accepted that the delay of some four months between the complaint being notified to the Diocese and the priest being required to step aside was inappropriate although he did say that Fr Gamma did not function in the parish from July 2002.**
- **This case highlights that where a priest is required to step aside following an allegation of child sexual abuse, it appears that he will not be reinstated without a full psychological assessment taking place. Failure to attend for such an assessment precludes the possibility of that priest being restored to ministry. The Inquiry believes that where there is a reasonable doubt as to the sexual propensity of any person whose position brings them into unsupervised contact with children such persons should not be returned to such positions until their ability to interact safely with children has been established by medical and/or psychological assessment.**
- **The Inquiry is pleased to note in this case, the willingness of individual priests in the Diocese to report suspicion and rumour of child sexual abuse to the diocesan authorities and their willingness to ensure that an appropriate response is forthcoming.**
- **The handling of this complaint is ongoing, and is guided by the Framework Document and in accordance with Canon law.**

FR DELTA

The Inquiry has only recently become aware of the identity of this priest as a second priest who left St Peter's in 1966 as a result of inappropriate behaviour with boys in the boarding school. Fr Delta described to the Inquiry how he had been struggling for some time with spiritual problems arising out of his behaviour with boys and in January 1966, having reconciled himself through Confession, he realised that the important thing was to remove himself from the school.

In February 1966, Fr Delta approached Bishop Herlihy and asked to be removed from his teaching position. He said Bishop Herlihy did not ask the reason for this request but agreed to appoint him to a half-parish in the Diocese which was done.

From the point of view of this Inquiry, the important issue was whether Bishop Herlihy knew the reason for Fr Delta's request for a transfer. Fr Delta has told the Inquiry that Fr Patrick Curtis, who was a member of the seminary staff at the time and is now deceased, approached him in April or May 1966 to inform him that there were rumours circulating about his inappropriate involvement with some boys in the boarding school. Fr Delta told the Inquiry that he had already requested a transfer when Fr Curtis approached him. The Inquiry does not know whether Fr Curtis informed Bishop Herlihy of these rumours although it has heard from one complainant that Bishop Herlihy was aware of at least one allegation against this priest by 1968.

The three complainants who have made allegations in respect of this priest have only recently come forward. In June 2002, it was brought to the attention of Bishop Walsh that Fr Delta had made a private settlement with Bill (4.10.1) who claimed to have been sexually abused by him whilst a student at St Peter's College. It appears that Fr Delta made several payments to Bill in the mid 1990s but it was a private arrangement between the two men and no complaint was made to the Diocese. The complainant was approached by the Delegate in June 2002 and invited to make a formal complaint. He declined and was annoyed that he should have been approached by the Diocese stating that his financial affairs were of no concern to them. The Delegate then approached Fr Delta who readily admitted the settlement.

Fr Delta offered his retirement to Bishop Walsh by letter dated 29 August 2002. This was accepted by Bishop Walsh on 18 September 2002 with immediate effect. On that date, Bishop Walsh wrote to Fr Delta removing him from priestly ministry forthwith and obliging him to comply with a precept, which forbade him from any contact with minors. Bishop Walsh also mentioned in this letter that he had spoken with the principal therapist of the Lucy Faithful Foundation and arranged for Fr Delta to attend for assessment and treatment. He further assigned a support person for Fr Delta and obliged him to meet regularly with Sr Colette Stevenson.

In speaking with Fr Delta's parishioners upon Fr Delta's retirement, Bishop Walsh stated "*Vague and unclear information was received which raised concerns of child sexual abuse by your former parish priest. He has taken early retirement from his parish and he no longer ministers as a priest*". Bishop Walsh urged anybody who may have had a concern or been aware of a concern in this regard to come forward

with reassurances that help would be available. He also urged anybody who may have been abused to report the matter to the statutory authorities.

Fr Delta was given appropriate accommodation and all the residents there were informed of his circumstances. Fr Delta has now returned from a programme in Stroud, under the direction of the former Wolvercote team, having successfully completed the treatment which commenced in September 2002. Bishop Walsh is currently implementing the final report and recommendations from Stroud. His case is also being processed by the Congregation for the Doctrine of the Faith in Rome.

Fr Delta had already been removed from ministry when the Diocese heard of a further two complaints against him. One of those complaints (Terry, 4.10.2) related to abuse at St Peter's College. As with other post-1996 complaints made known to the Diocese, An Garda Síochána was notified.

Another complaint related to alleged sexual assault by Fr Delta in the late 1960s when Des (4.10.3) attended at Fr Delta's house to make arrangements for his wedding. He was a very young and inexperienced man and was deeply upset when Fr Delta allegedly made sexual advances towards him. This complaint was not communicated to any authority until after Des had spoken with this Inquiry.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR DELTA CASE:

- **From the evidence of at least one complainant, Bishop Herlihy was aware that Fr Delta had abused boys in the boarding school in St Peter's in the mid 1960s. Therefore, it was not an appropriate or adequate response to appoint him to a half-parish where he would receive no supervision or monitoring.**
- **The Church's response in this case which arose in 2002, which was to stand the priest aside pending a determination of his suitability for ministry, was clearly made far easier because the alleged offending priest voluntarily retired from ministry and accepted the various conditions being imposed upon him by way of precept. He further accepted his required attendance for assessment and treatment. The Inquiry is encouraged by the co-operation provided by Fr Delta.**
- **Fr Delta appears to have understood the danger he presented to young people when he asked for his removal from St Peter's in 1966. Had help been available to him at that time, further abuse of children might have been avoided. It is important in the interests of child protection that such help should be available to men who are facing up to their propensities.**

FR EPSILON (Deceased)

Allegations were made to the Inquiry of abuse concerning Fr Epsilon. It appears to the Inquiry, that only the complaint of Andrew (4.11.1) which involved an allegation of sexual abuse in St Peter's College in the early 1960s, was made known to the Diocese and that was communicated in 2002. The Inquiry notes the efforts made on the part of the Diocese to trace the identity of the clerical student who it is alleged arranged for Andrew to attend with Fr Epsilon. The Inquiry is also aware that the Diocese has investigated the matter with a priest who, it is alleged, was made aware of the complaint some time ago. This priest was unable to recall the complaint when asked by the Diocese. The Diocese was requested by this complainant to remove a particular reference to this priest in the College that was disturbing to the complainant and this was done. The Health Board was informed of this complaint.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR EPSILON CASE:

- **Where a complaint is received by the Diocese after a priest is deceased, which the Diocese believes to be credible as was the situation in this case, the Diocese can offer support and counselling to the complainant and can also ensure that any other victims who may have attempted to contact the Diocese in previous years without receiving an appropriate response are sensitively and confidentially contacted. However, in such cases no question of child protection arises.**
- **Where an allegation of child sexual abuse is made against a priest who is living, prompt action is necessary for the protection of children. The Inquiry appreciates that different priorities must apply depending upon whether the accused abuser is living or deceased.**

FR IOTA

Pamela (4.12.1) made a complaint of child sexual abuse against this priest to Fr John Carroll, acting diocesan delegate, in May 2005. She subsequently attended with One-in-Four who advised her to make contact with this Inquiry. By letter dated July 14 2005, One-in-Four requested that all further communication should be through their office. At the end of July 2005, the Inquiry received records relating to this priest and more particularly relating to Pamela's original complaint. The Diocese identified from

these records that a complaint against this priest had been known by the Diocese since the early 1970s as evidenced by correspondence from Bishop Herlihy at that time.

At the time that the alleged abuse by Fr Iota was occurring, Pamela reported it to Fr Kappa, then a local curate. She also reported the abuse to her General Practitioner at that time. After the abusive relationship ended, Pamela attempted suicide. The Inquiry has been informed that Pamela's General Practitioner reported Pamela's complaint to the Bishop after her attempted suicide and in response to that report Fr Iota was removed to the Diocese of Westminster.

Bishop Herlihy wrote to Cardinal Heenan of the Diocese of Westminster, as follows;

"My dear Lord Cardinal,

I am asking you for a favour, namely, to take a young priest into Westminster for a year or two.

He is the Reverend Iota ordained in 19XX ...

Father Iota had some involvement with a girl, which is now happily terminated. As a result, he is anxious and has been advised to spend some time away from this diocese. He is a gentle refined young man, but has always demanded understanding and sympathy..."

Fr Iota was assigned to a parish in England for a number of years.

The only other record of Bishop Herlihy's handling of this matter is a letter wherein the Bishop states to the Irish Emigrant Chaplaincy Scheme:

"In the case of Father Iota I would like you to know that his transfer here to Westminster for two years arose in very special circumstances."

The Inquiry understands that Fr Iota subsequently returned to serve as a curate and national school chaplain, manager and teacher in the Diocese of Ferns throughout the 1980s. Fr Iota worked for a number of years abroad until being recalled by Bishop Walsh as a result of Pamela's complaint. Following this complaint, he was removed from active ministry and subjected to a standard form precept issued by Bishop Walsh.

Bishop Walsh has also notified the Bishop in the Diocese where Fr Iota had served for the past twenty years as to the reasons for his recall. He has also advised the Bishop where Fr Iota has now taken up residence.

Fr Iota has agreed to attend for assessment and the canonical case against Fr Iota is in process. Bishop Walsh has also undertaken to ascertain whether or not any concerns arose in relation to this priest during his time abroad.

The complainant has said that she felt pressurised into making a written statement of her allegation when she was not ready to do so. Such a statement was required by the Diocese in order to deal with the child protection implications of what had been

reported against this priest and also in order to make a full disclosure to the Inquiry which had almost completed its work when this allegation was communicated.

Fr Iota has admitted a sexual relationship with Pamela when she was 17 years of age although he admits a friendship with her from 13 years.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR IOTA CASE:

- **The Inquiry was concerned that the details of this case were not communicated to the Inquiry until its work had reached an advanced stage notwithstanding a letter on the diocesan files that should have alerted the diocese to the existence of a potential child protection issue.**
- **The letter from Bishop Herlihy informing the Bishop of Westminster as to the nature of the problem leading to Fr Iota's departure from the Diocese of Ferns is the only written record the Inquiry has seen of such a communication during Bishop Herlihy's episcopacy. This letter makes no reference to the traumatic circumstances surrounding his transfer from the Diocese.**
- **In the context of today, transferring a priest against whom a suspicion of child sexual abuse arose to another diocese, would not be appropriate. However, at the time when these events occurred, the mid-1970s, such an action was not unusual. The Report has already discussed the developing awareness of the problem of child sexual abuse in the Catholic Church and society generally, and the letter informing the Archbishop of Westminster of the reason for Fr Iota's transfer can be regarded as an appropriate response. The Inquiry is not aware of any precautionary measures which may have been taken by the Diocese of Westminster on foot of the information contained in Bishop Herlihy's letter but clearly some degree of supervision and monitoring would have been appropriate.**
- **Fr Iota's recall to parish duties in the Diocese of Ferns by Bishop Herlihy after a period of "penance" in Westminster without any apparent supervision or control indicates a failure on the part of Bishop Herlihy to properly appreciate the danger this man may have posed to children in the Diocese. Notwithstanding the moral dimension in which this problem was viewed at the time, Bishop Herlihy's responsibility for the children of the Diocese ought to have prompted him to ensure that this priest had minimum contact with children. Instead he was appointed to teaching and chaplaincy roles in national schools within the Diocese.**

FR KAPPA

The Inquiry has received a complaint by Pamela (4.13.1) in relation to this priest. The Inquiry understands that this complaint has only recently been made known to the Diocese and that at the time of the alleged events no member of the Church Authority in Ferns was aware of Fr Kappa's involvement with Pamela. Fr Kappa is now a retired priest.

FR LAMDA (Deceased)

The Inquiry became aware of a letter from Jonathon to Bishop Comiskey dated 5 November 1996 (4.14.1) in which Jonathon made a complaint of child sexual abuse by a deceased priest whom he did not identify. The Inquiry received a copy of this letter in the context of another complaint. Jonathon told the Inquiry that he had merely wished to share information that had been troubling him with Bishop Comiskey in making this complaint and the Bishop had responded adequately to him. The Bishop replied to him in writing acknowledging his abuse as a young boy " *I'm very, very sorry to learn of your desperate pain and suffering as a young boy. Nothing could be more cruel or destructive, we have all learnt to our eternal regret as a Church*".

Jonathon nominated his counsellor to liaise with the Bishop. The Bishop asked this advisor to explore any counselling requirements that Jonathon may have although this was not availed of.

He confirmed to the Inquiry that the accused priest was deceased at the time of making the complaint and therefore, no child protection issues arose.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR LAMDA CASE:

- **The Inquiry was concerned that the letter written by Jonathon to Bishop Comiskey in which he clearly stated that he was abused by a priest of the Diocese as an altar boy was not produced to the Inquiry until the Inquiry had almost completed its work.**
- **Bishop Comiskey has stated that he had not adverted to this allegation until reminded of it by the Inquiry subsequent to his attendance for oral**

hearing. Fr Lamda had been deceased for some time prior to the complaint being made by Jonathon and eight years before Bishop Comiskey's attendance at this Inquiry. The Inquiry is satisfied that these factors explain Bishop Comiskey's omission and do not reflect on his cooperation with the Inquiry.

- The Inquiry believes that as the accused priest was deceased at the time that the allegation was communicated to the Diocese the appropriate response by the Diocese was to support the victim and offer counselling, which was done.
- The Inquiry notes the empathy expressed by Bishop Comiskey to the complainant in this case. It illustrates that by 1996 Bishop Comiskey had an awareness of the impact of this problem.

FR ZETA (Deceased)

In March 1996, the Diocese received an anonymous letter alleging that "*a priest in (a parish in the Diocese) committed sexual offences against school boys at (the local school) during the 1980s.*" The letter did not identify the priest but the diocesan delegate at the time stated that he believed that a person reading the anonymous letter, would see it as pointing to Fr Zeta. Fr Zeta had been a priest in the parish mentioned since the early 1980s and had been Confessor to the school in question for many years. He was still ministering in the Diocese at the time of the complaint.

The Diocesan Delegate confirmed to this Inquiry that he had never heard of any previous accusation or rumour against Fr Zeta and no further communication was received from this complainant. No investigation was carried out by the Diocese on foot of this anonymous complaint.

A complaint (4.15.2) of sexual abuse was made by a staff member relating to the hearing of Confessions by Fr Zeta in the staff room to the Chairman of the Board of Management of the school in question in the early 1980s. This complaint was not communicated to the Diocese although the particular alleged activity complained of ceased.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR ZETA CASE:

- The Inquiry is concerned about the fact that no diocesan investigation was carried out into the first complaint above and that the complaint was not reported to An Garda Síochána in accordance with the obligations

assumed by the Diocese under the Framework Document. In the course of evidence given to the Inquiry, it was alleged that Fr Zeta's conduct was, on occasions, inappropriate. Proper investigations should have established the credibility of these allegations and the extent of any alleged abuse particularly in the context of the child protection issues raised by the fact that Fr Zeta was still alive at the time of making this complaint.

- The Inquiry regrets that no record was kept of this allegation by the Chairman of the Board of Management of the school, even in circumstances where he believed there was no substance to the complaint. Where such allegation, rumour or innuendo relates to a member of the diocesan clergy, it should be communicated to the Diocesan Delegate in the Diocese.

FR SIGMA (Deceased)

This priest has been identified to the Inquiry as a result of a complaint by Breda (4.16.1) which related to an incident of child sexual abuse that occurred in the 1960s. In September 1996, Fr Tommy Brennan, the Diocesan Secretary, wrote to Bishop Comiskey to say that he had been contacted by a complainant who said that she had been abused many years before by Fr Sigma. Bishop Comiskey told the Inquiry that when he became Bishop, Fr Sigma had been a very elderly retired priest in the parish.

This complaint, coming as it did in September, 1996, was dealt with in accordance with the Framework Document. Bishop Comiskey told the Inquiry that he recalled meeting Breda and that a lot of her problems were financial, due to the cost of counselling which she needed because of the sexual abuse she alleged had been committed by Fr Sigma. Bishop Comiskey said he was satisfied that Breda was telling the truth and directed that her counselling fees be paid. He said that the decision to make such a payment would be made in principle by the Bishop. The Delegate would then ask the Finance Committee to write the cheque, which would come out of ordinary diocesan funds.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR SIGMA CASE:

The Inquiry is satisfied that Bishop Comiskey dealt promptly and fairly with Breda. The Inquiry notes the use of diocesan funds to pay for counselling for victims.

FR UPSILON

In 1998, a complaint was made to a Health Board by Denis (4.17.1), of abuse which happened over a period of three years in the late 1970s and early 1980s. An Garda Síochána and the South Eastern Health Board were notified of this complaint. However, the Diocese was not so notified and did not become aware of this complaint until 2004 when informed by this Inquiry.

Bishop Walsh arranged to meet with a Health Board official and was advised that the Health Board had received a complaint against Fr Upsilon in 1998, but that no details of the complaint were provided to the Diocese at that time, as the allegation was withdrawn within five weeks of it being made. The Health Board made contact with Denis after meeting Bishop Walsh but he did not wish to meet with the Bishop.

Bishop Walsh, as Apostolic Administrator of the Diocese, met with Fr Upsilon, who subsequently met with the Delegate. Fr Upsilon agreed to stand aside from his position as parish priest pending the outcome of any investigation and to undergo assessment. The Vicar Forane for the area visited the parish and explained the situation to the parishioners by stating:

“When the Diocese becomes aware of a complaint of child sexual abuse against a priest, the priest is asked to agree to step aside from his priestly ministry pending the outcome of the complaints procedure. Stepping aside does not necessarily imply guilt or innocence.”

Bishop Walsh told the Inquiry that the Advisory Panel had been presented with the facts of this case on 26 October 2004 and they noted that Fr Upsilon had stood aside from his ministry and was undergoing assessment.

Fr John Carroll, Diocesan Secretary, subsequently received a telephone call from Denis who stated categorically that he had withdrawn his complaint against Fr Upsilon.

The Diocese was therefore presented with a retracted complaint. Bishop Walsh has stated to the Inquiry however, that the outcome of this priest's current assessment and treatment programme would be critical to his future. Moreover, he pointed out, at this stage he would be obliged to send a report to the Congregation for the Doctrine of the Faith.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR UPSILON CASE.

- **The Inquiry regards it as appropriate that allegations of child sexual abuse which are subsequently retracted should still be investigated with a view to assessing a priest's suitability to minister. Social pressures may cause complainants to withdraw allegations and in the interests of child protection such withdrawals should not be regarded as decisive.**

FR THETA (Deceased)

On 5 July 2003, Don (4.18.1) informed the Diocese that he had been sexually abused by Fr Theta in Dublin in 1973. At the date of the complaint, Fr Theta was deceased. The Diocese has provided support for Don who meets regularly with Sr Helen O’Riordan, the diocesan victim support person.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR THETA CASE:

- **The Inquiry regards the response of the Diocese in this case where the accused is deceased at the time of making the complaint as entirely appropriate.**

FR OMIKRON (Deceased)

Fr Omikron was a priest of the Diocese of Ferns who died in 1968. The only complaint against this priest first came to the attention of the Diocese when a lady called Jenny (4.19.1) wrote to Bishop Comiskey on 6 March 2000 and said that many years earlier she had been allegedly abused by Fr Omikron. The 1996 Framework Document was in place when this allegation was received by the Diocese and so Bishop Comiskey immediately forwarded the complaint to Fr William Cosgrave, diocesan delegate, and wrote to Jenny offering to contribute towards her counselling costs and to meet her. He also expressed regret for her suffering. The complainant regarded the Bishop’s response as inadequate. Bishop Comiskey said he was disappointed with the complainant’s reaction because he had accepted her allegation without the possibility of validating it. He said that he would have paid the full costs of Jenny’s counselling but she had only looked for help in paying them and he felt he had provided that. Bishop Comiskey also said that he had a difficulty when asked to apologise for the acts or omissions of other people. He said he could express regret but he could not apologise for something that was allegedly done by somebody else.

BISHOP EAMONN WALSH

Bishop Walsh adopted a different approach to this complaint. He received a letter from Jenny on 13 August 2002 regarding outstanding monies which she believed were owed to her by the Diocese. He replied on 15 September enclosing remittance

for the outstanding sum and apologising in his capacity as Apostolic Administrator of the Diocese of Ferns for the abuse she had suffered.

THE INQUIRY VIEW OF THE DIOCESAN HANDLING OF THE FR OMIKRON CASE:

- **The Inquiry recognises the generosity of Bishop Comiskey in agreeing to provide the greater part of the cost of counselling for a person alleging abuse by a priest who had died many years earlier.**
- **The Inquiry can appreciate that the comprehensive apology given by Bishop Walsh may have assisted in bringing closure to a painful episode for Jenny. However, the offering of such apologies must be weighed against the perceived injustice to the memory of the deceased priest.**

FR TAU(Deceased)

The Inquiry received information about this priest in the context of an allegation against Fr Sean Fortune in 2005 (see Kieran 4.20.1). The priest was deceased at the time of making the complaint. The Inquiry communicated the complaint to the Diocese and is not aware of any response.

FR OMEGA

Bishop Walsh was notified about allegations against Fr Omega by this Inquiry in 2004. Bishop Walsh met with him and he confirmed to the Bishop that he had conducted sex education classes in a manner which was deemed inappropriate by the school authorities. As a result, he had left his teaching position to take up parish duties. Bishop Comiskey had arranged for him to attend a psychiatrist, although there is no record on file of this having occurred.

Fr Omega spoke about a young boy who used to visit his house which made him uneasy as it coincided with the time when Fr Brendan Smyth and Fr Sean Fortune were in the public domain. He had been attempting to teach this young boy English. He said he used to ensure that his daily housekeeper was around when the young boy visited and he said nothing untoward happened. At the time however, he realised it was something that he was not fully comfortable with. The boy himself and his mother are quite adamant that no inappropriate behaviour took place and therefore no allegation of child sexual abuse arises.

The only issue therefore, concerned Fr Omega's conduct of the sex education classes. The Advisory Panel was briefed on the case and recommended that Fr Omega attend for assessment.

Accordingly, Fr Omega has ceased all involvement in the parish pending the recommendations of the assessment and the views of the Advisory Panel. He has had a preliminary assessment with Mr Joseph Sullivan and attended Stroud for a one-month assessment. In relation to advising the Congregation for the Doctrine of the Faith, Bishop Walsh stated that he would have to receive canonical advice to ascertain if there is an issue in this case which should be referred to this body.

THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR OMEGA CASE:

- **Once an allegation is made known to the Diocese, the restrictions placed on the priest would not appear to be lifted until the Bishop is satisfied that the priest does not present any danger to children. Bishop Walsh has made it clear that neither he nor the Advisory Panel would be so satisfied without a favourable medical report, following assessment, from a medical practitioner or psychologist designated by the Bishop. The Inquiry endorses this prioritising of child protection which is operated currently in the Diocese.**
- **In the absence of information relating to the psychiatric assessment which may have been undertaken and acted upon by Bishop Comiskey, the Inquiry is unable to comment on the appropriateness of Bishop Comiskey's response in permitting this priest remain in active ministry. Bishop Comiskey does not recall receiving any psychiatric report at that time. However it must be noted that there have been no allegations against this priest since he resumed parish duties.**