

1 Thursday, 12 September 2019

2 (10.00 am)

3 LADY SMITH: Good morning. We have just one witness today,
4 is that right, Mr MacAulay?

5 MR MacAULAY: That's correct.

6 LADY SMITH: Is he ready?

7 MR MacAULAY: Indeed, and it's a witness who has been here
8 before and that's Christopher David Yeo, known as
9 Dom Richard.

10 LADY SMITH: Thank you very much.

11 MR MacAULAY: My Lady, can I say that Mr Gavin Anderson
12 appears on behalf of Dom Richard.

13 LADY SMITH: Yes, I think I knew that. Welcome,
14 Mr Anderson.

15 DOM RICHARD YEO (sworn)

16 LADY SMITH: I think you know where to sit, so please make
17 yourself comfortable.

18 If you're ready, I'll hand over to Mr MacAulay and
19 he'll explain what happens next; is that all right?

20 A. Thank you.

21 Questions from Mr MacAULAY

22 MR MacAULAY: Good morning, Dom Richard. Welcome back to
23 the inquiry.

24 You gave evidence previously on Friday,
25 23 June 2017. At that time, you were giving evidence

1 really in the role of the Abbot President of the English
2 Benedictine Congregation; is that right?

3 A. Correct, yes.

4 Q. I think you had been in that capacity at that time since
5 about 2001.

6 A. Correct, yes.

7 Q. But since you gave your evidence to the inquiry, you've
8 relinquished that position?

9 A. Yes.

10 Q. When did that happen?

11 A. 1 August 2017.

12 Q. Perhaps you could give us some indication as to what
13 your role now is within the congregation.

14 A. I asked shortly after coming off whether I might be able
15 to go and work in one of our monasteries in the
16 developing world. About a year and a half ago the
17 Superior at Downside agreed that I could go to the
18 monastery in Peru, which is a dependant house of
19 Belmont Abbey, so I've been there for a year and a bit
20 now.

21 Q. What position do you hold at that monastery?

22 A. My principal responsibility is novice master, that is to
23 say looking after and training the young men who
24 we have. I also help with giving spiritual
25 accompaniment and talks and retreats in our guest house.

1 Q. Can I develop some understanding as to what sort of
2 monastery it is. Is it a large establishment?

3 A. No, we are eight of us in all.

4 Q. Eight monks?

5 A. Including me. I'm the only non-Peruvian there.

6 Q. I take it the abbot is a Peruvian?

7 A. It's not an independent monastery, it's a dependant
8 house of Belmont Abbey, so it doesn't have an abbot, it
9 has a prior, but he is a Peruvian, yes.

10 Q. As it happened, Dom Richard, you were the
11 Abbot President when allegations emerged in connection
12 with Fort Augustus and Carlekemp.

13 A. Yes.

14 Q. And that really is why you were called to give evidence
15 before and indeed why you've been called back, because
16 you were involved in a number of aspects of the
17 investigations into these allegations.

18 A. Yes.

19 Q. But when you were here before, you did provide us with
20 information about the Benedictine Congregation generally
21 and in particular its role worldwide.

22 A. Yes. Do you mean the English Benedictine Congregation?

23 Q. Yes, I do.

24 A. Fine.

25 Q. A particular point that you were anxious to stress,

1 I think -- and correct me if I'm wrong -- is that within
2 the English Benedictine Congregation each monastery
3 enjoys autonomy --

4 A. Yes.

5 Q. -- and although Fort Augustus Abbey was a member of the
6 Congregation, it had an autonomous existence.

7 A. Yes.

8 Q. But it was subject to a degree of supervision by the
9 Abbot Principal, particularly through the visitation
10 procedure?

11 A. By the Abbot President, yes.

12 Q. Very recently, and I think you've seen this, the
13 solicitors acting on behalf of the Congregation obtained
14 a canon law opinion from a Sister Nancy Baeur, focusing
15 on in particular this issue of autonomy.

16 A. Yes.

17 Q. And have you seen that opinion?

18 A. I have seen it in draft.

19 Q. Do you know the author?

20 A. I know of her, I have not met her.

21 Q. Is she known as a canon lawyer?

22 A. Oh, she's a professor of canon law at the
23 Catholic University in Washington, I believe.

24 Q. I don't propose to take you to the detail of it, but she
25 does look at the issue of autonomy and in particular

1 indicates how a monastery such as Fort Augustus would
2 have an autonomous status.

3 A. Yes.

4 Q. I understand you have just looked at a draft, but do you
5 agree generally with her analysis?

6 A. I do, yes.

7 Q. Does it essentially chime with your own analysis as you
8 presented it to the inquiry when you were last here?

9 A. I believe it does, yes.

10 Q. I can perhaps put it on the screen, although
11 I understand you've only seen the draft; it's at
12 BEN.001.003.7201.

13 I was looking for a date, but I don't think it is
14 dated. Can I just take you to page 7209.

15 (Pause)

16 While we're waiting for that to come up, she does
17 emphasise, as you did yourself, that a diocesan bishop
18 has no jurisdiction over the monasteries within its
19 diocese.

20 A. I think I would say very limited jurisdiction. "No
21 jurisdiction" is a bit of an exaggeration, and she does
22 mention the areas where the bishop does have
23 jurisdiction.

24 Q. Yes.

25 LADY SMITH: Are we going to look at that in due course so

1 "Thus the diocesan bishop not only has no
2 jurisdiction regarding the internal life of a member
3 monastery of the EBC, he is obligated to safeguard that
4 internal autonomy."

5 Would you agree with that?

6 A. Yes, it's what's stated in the code, yes.

7 Q. The minor qualification I think you sought to suggest
8 in relation to a bishop's jurisdiction, we can perhaps
9 look to the next page, 7204.

10 At 16 -- if we move down to 16 -- we're told there:

11 "If a diocesan bishop is concerned that a monk is
12 causing scandal or other problems within the diocese, he
13 brings the matter to the abbot. A diocesan bishop can
14 prohibit a religious from residing in his diocese but
15 only for a most grave cause and only if the major
16 superior fails to address the problem. In such cases,
17 the bishop refers the matter immediately to the
18 Holy See."

19 So that's one area where the bishop can have an
20 involvement?

21 A. Yes. That is a very exceptional area.

22 Q. What other areas then did you have in mind when you
23 sought to qualify the absolute statement?

24 A. There are two areas which Sister Nancy mentions. One is
25 the bishop has oversight of public worship and I think

1 she mentions that a little higher on the page. Also,
2 apostolic works which are not within the community. The
3 bishop has jurisdiction over apostolic works done by the
4 monastery outside the monastery.

5 Q. Within the diocese?

6 A. Yes. If I can just add, those areas were added to the
7 canon law in the 1983 code. You won't find those in the
8 1917 code.

9 Q. Then I was going to take you to page 7209. Looking to
10 the bottom, to section 3, she poses the question:

11 "To whom is the abbot of an individual monastery
12 answerable?"

13 She addresses that first point:

14 "The abbot is answerable first of all to members of
15 the monastery."

16 And that is the case?

17 A. Yes.

18 Q. Then she says at paragraph 38:

19 "If an abbot fails to fulfil his responsibilities to
20 his own monks or becomes unable to do so, the monks may
21 refer the matter to the Abbot President and request an
22 extraordinary visitation."

23 A. Correct.

24 Q. So that's another route that's open to the monks at the
25 monastery?

1 A. Yes.

2 Q. Then at paragraph 41 on 7210 -- perhaps I could take you
3 to the top of the page first of all, paragraph 39:

4 "An abbot is answerable to the General Chapter of
5 the Congregation in those matters required of him by the
6 constitutions."

7 So that's a situation where an abbot, such as the
8 abbot at Fort Augustus, would be answerable to the
9 General Chapter of the Congregation?

10 A. Yes. And certain matters would be submitted to the
11 General Chapter. For example, let us suppose the
12 finances are causing problems, that would be submitted
13 to General Chapter and he would be expected to explain.

14 LADY SMITH: Sorry, let us suppose what was causing
15 problems?

16 A. Suppose there were financial problems and suppose they
17 were being -- they would be submitted to the
18 General Chapter and the abbot would be expected to give
19 an explanation.

20 LADY SMITH: What other type of problem might be submitted
21 to the General Chapter?

22 A. On a routine basis, I can't think of anything else which
23 would be regularly submitted to the General Chapter. If
24 there was a special problem which had emerged during
25 a visitation, it's possible that the Abbot President

1 might mention this at General Chapter if he felt that
2 that was the right thing to do.

3 LADY SMITH: And how would it be that that would be brought
4 to the notice of the Abbot President?

5 A. Because if when he had done his visitation of the
6 monastery he had found something out and if he found
7 that it wasn't being addressed, I can see that he might
8 bring it to General Chapter. That might be a way of
9 taking the issue forward.

10 LADY SMITH: And of course, as stated in this opinion, the
11 ability to take something to General Chapter isn't
12 restricted to financial matters.

13 A. No. What I meant is that that -- financial matters
14 would be taken to General Chapter in the normal course
15 of events. Other matters wouldn't be taken to
16 General Chapter unless they were brought specifically by
17 either the monastery itself or by the Abbot President.

18 LADY SMITH: Right. Mr MacAulay.

19 MR MacAULAY: Then moving on to 41, we read:

20 "An abbot is answerable to the Holy See and in
21 particular through the Congregation for institutes of
22 consecrated life and societies of apostolic life."

23 So that's to Rome effectively?

24 A. Yes.

25 Q. And ultimately we can read that the abbot is answerable

1 to God?

2 A. Yes.

3 Q. So although there isn't a hierarchical structure as one
4 might find in other situations, there is a degree of
5 hierarchy in the sense that the abbot is answerable at
6 least to the Holy See for the monastery?

7 A. Yes.

8 Q. She also provides some insight into the movement of
9 monks from one monastery to another. Can you summarise
10 what the position is on that? That's at section 4.

11 A. It is abnormal for a monk to be moved from one
12 independent monastery to another. It is quite normal
13 for a monk to be moved from his monastery to a house
14 which is dependant on that monastery. In the case of
15 Fort Augustus, that would mean moving from, say,
16 Fort Augustus to Carlekemp or back again. That would be
17 normal.

18 Again, if there were parishes entrusted to the
19 monastery, it would be normal for an abbot to send
20 a monk from the monastery to a parish or vice versa.

21 What would be abnormal would be for a monk to be
22 sent from one independent monastery to another
23 independent monastery.

24 Q. So your position at the moment is that you've been sent
25 from your monastery to somewhere that is a dependant?

1 A. Yes.

2 Q. And therefore that's a normal --

3 A. No, sorry. The house which I'm living in is dependant
4 on another monastery, so it's not my own monastery.

5 Q. I see.

6 A. This is an abnormal situation that I'm in.

7 Q. The reason I raise this aspect with you is that we will
8 be looking at cases of monks and priests from
9 Fort Augustus leaving Fort Augustus and going to other
10 countries, Australia and Canada in particular, and not
11 to monasteries.

12 A. Indeed.

13 Q. Just in general terms, without looking at the details at
14 the moment, would that be normal or abnormal?

15 A. Abnormal.

16 Q. So what would justify -- put it this way, would there be
17 required to be some real justification for such an
18 abnormal course of action?

19 A. I think it represents the fact that there were problems
20 at Fort Augustus from very early days and you find,
21 looking at lists of monks at Fort Augustus,
22 a surprisingly large number of monks, as you say, were
23 in ... not living in monasteries or not living in their
24 own monastery, and as I say, I think this represents --
25 this is a reflection of the difficulties that they had

1 at Fort Augustus.

2 Q. Was it dysfunctional?

3 A. That's a rather strong word. I have used that word
4 myself.

5 Q. You have.

6 A. And I have sometimes wondered whether I should have used
7 that word, but I think it probably was dysfunctional.

8 Q. You will have seen from correspondence that's, I think,
9 been sent to you and that we'll look at later on that,
10 for example, Father **MEV** not only went to Australia
11 but he had also served a period on a child migration
12 ship as a chaplain. I think he had done that without
13 the consent of his abbot, on the face of it. Is that
14 what you take from the correspondence?

15 A. It looks like it, yes, I agree.

16 Q. What's your reaction to that?

17 A. That it's a bad situation. It shouldn't have happened.

18 Q. And there's an inference, it's not spelled out, that
19 Father **MEY** may have also done the same thing --

20 A. The cruise ship?

21 Q. -- or something similar.

22 A. Yes.

23 Q. But in any event, be that as it may, you say it's a bad
24 thing, it should not have happened?

25 A. In 1967, the Abbot President of the time asked the

1 Holy See to appoint an administrator because he reckoned
2 that Fort Augustus was in a bad way and needed someone
3 to take the monastery in hand.

4 Q. Did anything happen?

5 A. Several monks who were at Fort Augustus were then moved
6 away, which in a sense looks as though the problem was
7 worse, but the aim of the administrator was to get
8 a better state of affairs within Fort Augustus.

9 Q. And of course we have to be clear here that the focus
10 would be on the monastery, not the school.

11 A. Yes, the focus would be.

12 Q. To what extent can one divorce a dysfunctional monastery
13 from the school in that -- would it not be likely if the
14 monastery's dysfunctional that there would be an impact
15 on the school itself?

16 A. I think that's a good way of putting it. It would have
17 an impact.

18 LADY SMITH: Just going back to your earlier evidence, a few
19 minutes ago, you said that the Abbot President asked the
20 Holy See in 1967 to appoint an administrator. That was
21 to the monastery?

22 A. Yes.

23 LADY SMITH: On what grounds was that administrator
24 appointed? You've summarised it as being in a bad way,
25 but that doesn't tell me anything about the nature of

1 the grounds. Do you know?

2 A. I have seen the letter, not in the Fort Augustus
3 archives, in Rome. I have seen the letter in which the
4 Abbot President set out his position, a long time ago,
5 so I can't remember the details. But what he said was:
6 the present abbot was coming to the end of his term and
7 he could not see that he, the Abbot President, could in
8 good conscience confirm in office any member of
9 Fort Augustus community, including the outgoing abbot,
10 as abbot for the following eight years. In other
11 words --

12 LADY SMITH: So what does that tell me?

13 A. What it tells you is that the Abbot President reckoned
14 that there was nobody in Fort Augustus who was capable
15 of looking after the situation.

16 LADY SMITH: Right.

17 A. It needed someone from outside.

18 LADY SMITH: It needed a new leader?

19 A. Yes.

20 MR MacAULAY: Was there a new leader put in to deal with the
21 situation?

22 A. Yes.

23 Q. Notwithstanding that, as we move the clock onwards, we
24 see that there are still difficulties --

25 A. Yes.

1 Q. -- within the monastery. We can leave the opinion aside
2 and I think the author is due to give evidence, I think
3 next week.

4 Can I just go back to your own position? Because
5 after you gave your evidence to the inquiry
6 in June 2017, you submitted a supplementary statement;
7 is that correct?

8 A. Correct.

9 Q. I think it may be in the red folder, but I'll put it on
10 the screen for you. It's at BEN.001.001.0299.

11 You narrate at the beginning that you had given your
12 evidence and you wanted to provide some further
13 information on three issues. The first issue was to do
14 with a visitation. What was the point you wanted to
15 clarify in relation to visitations?

16 A. I think the most important point was that I made
17 a complete mess of answering Lady Smith's question --
18 sorry, it was your question -- about what would happen
19 if a monk was thought to be abusing children and
20 I needed to give a proper answer to that question.

21 Q. And what is the answer?

22 A. What I wrote under number 6.

23 Q. Perhaps you could read out what you've said.

24 A. I ought to have replied that:

25 "If this was England, the matter should be reported

1 as soon as possible to the police, if a child is in
2 immediate risk of harm, or to the safeguarding
3 authorities in other cases."

4 But I also added that:

5 "A monk is under that obligation at any time, so
6 it's pretty unlikely that it would come up in the course
7 of a visitation."

8 LADY SMITH: Is that because you would expect a monk in the
9 school to have already reported it?

10 A. You would hope so, yes.

11 MR MacAULAY: We will be looking again at reports made to
12 the school and the monastery about abuse when it seemed
13 to have been accepted that the child involved was
14 abused -- this is involving Father MEV -- but the
15 police were not involved.

16 A. True.

17 Q. Do you have any comment? We'll look at the detail at
18 the moment, but do you have any comment on that in
19 advance of looking at the material?

20 A. My understanding is that the parents said they did not
21 want police involvement. I think -- and I've heard this
22 from other people -- that in those days, before the
23 Children Act, which I think came in in 1991 in Scotland,
24 the general view, while there was nothing laid down in
25 law, was that schoolteachers were acting in loco

1 parentis and therefore they should do what parents
2 wanted. In other words, given that the parents had said
3 that they didn't want police involvement, it was not
4 surprising that the abbot acceded to their wish.

5 Q. Again, I will look then at the detail of that and the
6 evidence in relation to that shortly. But the second
7 point -- can I just pick you up on the second point
8 where I think you focus on the trustees of the
9 St Benedict's Abbey Trust. You wanted to provide some
10 clarification in connection with that. What was the
11 clarification that you wanted to provide us with?

12 A. Again, I made a mess of remembering the amount of money
13 involved. I think my Lady asked me about the amount of
14 money and I got confused between the value of the fund
15 and the value of the land --

16 LADY SMITH: Ah.

17 A. -- so I had to correct myself.

18 MR MacAULAY: I think what you tell is, at least at that
19 time -- and of course we'll be looking at this to get
20 a more up-to-date feeling for this, but at the point in
21 time when you wrote this supplementary statement,
22 I think the fund was valued at £1,366,000; is that the
23 conclusion you arrive at?

24 A. It was valued at that figure on 31 May 2016. I got that
25 figure from the Congregational bursar when I was

1 preparing this.

2 Q. The final point then, the third point, focussing on the
3 English Benedictine Congregation's responsibility,
4 I think there what you wanted to put forward is that you
5 should have stated that it was the Abbot of
6 Fort Augustus, not the Abbot President, who would
7 conduct the visitation of Carlekemp.

8 A. Indeed, yes.

9 Q. Why would that be?

10 A. It's provided in the constitutions that the visitation
11 of a dependant house is done by the abbot of the
12 monastery.

13 Q. And the other points you make then in this part of the
14 statement, what message are you seeking to convey?

15 A. I felt that we needed to communicate to the inquiry that
16 we recognised that because we held money which had come
17 originally from Fort Augustus, that since we had been
18 unable to get the insurers of Fort Augustus to pay
19 compensation to victims of abuse, we ought to do that.

20 Q. Just looking at the position of the insurers, was that
21 simply because the insurers would not accept liability?

22 A. Indeed, because we were not the insurers, it was
23 Fort Augustus who were the insurers.

24 Q. As I understand it, Fort Augustus, they had their own
25 insurers; is that right?

1 A. Oh, every monastery -- yes.

2 Q. So their insurers would not accept liability on behalf
3 of their insured, Fort Augustus Abbey?

4 A. The problem was that people were suing the English
5 Benedictine Congregation and the English Benedictine
6 Congregation did not have insurance for Fort Augustus
7 because it was Fort Augustus which had insurance and
8 efforts to get the insurers to admit liability failed.

9 Q. Yes. So I misunderstood, you're focusing on the English
10 Benedictine Congregation insurers, who are quite
11 separate to the Fort Augustus insurers?

12 A. Yes.

13 Q. And it was they who would not accept liability?

14 A. Sorry, no, it was the ... Fort Augustus had insurance
15 for Fort Augustus School. But if people were suing the
16 English Benedictine Congregation, the English
17 Benedictine Congregation could not get an indemnity from
18 the insurers of Fort Augustus School.

19 Q. Because Fort Augustus wasn't covered by the insurers?

20 A. No, Fort Augustus was covered, but we had no standing to
21 apply for the indemnity.

22 Q. I think I understand what you're saying. I think we're
23 talking about two sets of insurers --

24 A. The English Benedictine Congregation basically didn't
25 have insurance.

1 LADY SMITH: Are you saying the terms of the English
2 Benedictine Congregation's insurance policy were such
3 that they did not cover liability for Fort Augustus;
4 is that it?

5 A. They certainly didn't cover liability for Fort Augustus.

6 LADY SMITH: It sounds as though that's what you're seeking
7 to explain. Whether that should have been thought about
8 I suppose is another matter, but they didn't and so the
9 English Benedictine Congregation's insurers were saying
10 they didn't want to know about the Fort Augustus claims;
11 is that it?

12 A. No, I'm sorry, my Lady --

13 LADY SMITH: Sorry, I thought that's what you were
14 explaining in an answer two minutes ago. Tell me.

15 A. The English Benedictine Congregation I don't think has
16 had any insurance --

17 LADY SMITH: No insurance for anything at all?

18 A. Because it didn't have any -- all it did was supervise
19 monasteries.

20 LADY SMITH: Exactly. No insurance for that responsibility?

21 A. It acquired insurance about the 1980s but each monastery
22 would insure its own monastery and its own school.

23 LADY SMITH: Ah.

24 A. And when we, the English Benedictine Congregation, went
25 to the insurers of Fort Augustus, they refused to talk

1 to us.

2 LADY SMITH: Right. I see.

3 MR MacAULAY: I think against that background, you're
4 focusing on this particular fund as a possible fund for
5 survivors?

6 A. Yes.

7 Q. You indicate in paragraph 13 that at this point in time,
8 you had received notice of 11 civil claims for damages
9 in England and one in Scotland. Did these all relate to
10 either Fort Augustus or Carlekemp?

11 A. Yes.

12 Q. So they were Scottish cases, albeit 11 had been raised
13 in England?

14 A. Correct.

15 Q. Your comments about civil litigation in the final
16 paragraph, Dom Richard, can you just elaborate upon
17 these.

18 A. I felt that the work I had done up to and including
19 July 2013 in making contact with, talking to, listening
20 to people who alleged that they were abused had been
21 valuable and I think the people who came to see me
22 benefited from being able to talk to somebody in
23 authority within the English Benedictine Congregation.

24 Once letters of claim were issued, I was told that
25 it was contrary to procedure for me to be in touch

1 immediately with those who'd issued claims, that all
2 contacts should be through solicitors, and I think
3 that is sad and I think it's bad. I think it should be
4 possible for there to be pastoral contact between
5 a person who is making a claim and the people who they
6 are making the claim against.

7 Q. Was that advice you got from solicitors?

8 A. From English solicitors, yes. It's been confirmed
9 several times by English solicitors.

10 Q. You end your statement, your supplementary statement, by
11 saying this:

12 "It is my hope that the inquiry will consider
13 formulating an alternative system that functions to
14 promote the best interests of those who have suffered
15 abuse."

16 And I just wondered what you envisaged in that.

17 A. I think Scotland and England are unusual in having many
18 of these claims -- within the European context they're
19 unusual in having many of these claims litigated in the
20 courts. Proscription usually prevents it and I know
21 that proscription prevented them in this country until
22 fairly recently.

23 I have been impressed talking to colleagues in
24 Belgium that -- they have a system of arbitration,
25 effectively, which doesn't set up the claimant and the

1 institution, if I can put it like that, as adversaries,
2 because no one wants to be beastly to claimants, we want
3 to help claimants, and the legal system turns us into
4 adversaries, and I think that is unhelpful.

5 LADY SMITH: Are you aware of all the work that has been
6 done and is still being done in the modern world,
7 certainly in this country, to look at alternatives to
8 litigation, such as mediation? Arbitration doesn't
9 necessarily avoid the feeling of being in an adversarial
10 position, I have to tell you. Mediation may work for
11 some people, it won't work for everybody, but there is
12 ongoing work to look at alternative dispute resolution.
13 There has been for years.

14 A. Well, I hope, my Lady, that the inquiry will encourage
15 that.

16 LADY SMITH: I'm not sure I need to. Those in other places
17 are already active, but I hear what you say,
18 Dom Richard, and I'll certainly bear it in mind,
19 thank you.

20 MR MacAULAY: In any event, the figures you have given us
21 for the fund that you have mentioned are as at May 2016?

22 A. Yes.

23 Q. To get an update, we have to go to the Congregation?

24 A. Yes.

25 Q. You are aware, Dom Richard, that a number of former

1 pupils of Fort Augustus and Carlekemp have made
2 allegations of abuse against several monks.

3 A. Yes.

4 Q. Indeed, as you just pointed out a moment ago, you
5 yourself had direct contact with a number of former
6 pupils.

7 A. Yes.

8 Q. You'll be aware that included in those allegations that
9 have been made are Father Aidan Duggan, Father
10 [REDACTED] MEY, Father [REDACTED] MEV and
11 Father [REDACTED] MFC

12 A. Yes.

13 Q. I have focused on these because these four monks at
14 a point in time left Scotland to go either to Australia
15 or to Canada.

16 I want to begin then by looking at the position of
17 Father [REDACTED] MEV, with whom you had some, not direct
18 involvement, but involvement in his case, if I could put
19 it that way. By that I mean, you never spoke to
20 Father [REDACTED] MEV.

21 A. No.

22 Q. The inquiry has prepared a timeline to try and pull
23 together what Father [REDACTED] MEV movements may have been
24 over a period of time, and I think this timeline has
25 been made available to you.

1 A. I saw it, yes.

2 Q. Can I say, it's based on primarily materials provided to
3 the inquiry by the Benedictines. I think the material
4 has been provided to the inquiry with the caveat that it
5 may not be absolutely accurate, so this is the best
6 we can do.

7 So if we look at the timeline, which I'll put on the
8 screen at INQ.001.004.2699. Father [REDACTED] MEV [REDACTED] name has
9 been blanked out, but it's at the top and his date of
10 birth is [REDACTED] 1935.

11 It just gives us a bird's eye view of a period of
12 time, but can we see that we begin this analysis in
13 Australia at the New Norcia Abbey.

14 A. Yes.

15 Q. Was that a Benedictine abbey?

16 A. Yes.

17 Q. A separate Congregation to your Congregation?

18 A. Yes. At that time it was a member of the Subiaco
19 Congregation; now it's got a different name.

20 Q. We move along to 1955, where there's evidence that he
21 went to Australia, and then to November 1956, where
22 there's evidence that he came to Fort Augustus Abbey in
23 1956.

24 A. Yes, from the United States.

25 Q. We think from the United States.

1 A. No, he did.

2 Q. He did?

3 A. I've seen documentation to that effect too.

4 Q. So far as Fort Augustus is concerned, we're looking at
5 a time frame that begins in November 1956, although
6 I think it is the case that he had been in
7 correspondence with Fort Augustus prior to that date.

8 Perhaps I can put this document on the screen if
9 it's available: BEN.001.003.5920. This is a letter from
10 Father [REDACTED] MEV or [REDACTED] MEV as he then was,
11 dated 25 March 1954. Does he begin by saying:

12 "Dear Father Abbot, I am writing this letter with
13 the purpose of enquiring into the possibility of
14 becoming a member of your monastic community."

15 Do you see that?

16 A. Yes.

17 Q. And is this addressed, although we can't make it out
18 from the letter, to the abbot at Fort Augustus?

19 A. Yes.

20 Q. If we turn to the second page -- perhaps just stay where
21 we are. Can we see he mentions the Holy Trinity Abbey
22 in New Norcia in the next paragraph and then he goes on
23 to say:

24 "I was under the immediate guidance of
25 Dom Aidan Duggan, who was master of novices and prefect

1 of students."

2 So can we see there was a connection even then
3 between Dom Duggan and Father [REDACTED] MEV

4 A. Yes.

5 Q. If we move over to the following page at 5921, in the
6 second paragraph does he say:

7 "I am able to obtain references from my parish
8 priest and Dom Aidan."

9 And he goes on to mention other matters. In the
10 previous paragraph he says:

11 "In doing so I am not influenced in any way by the
12 fact that Father Aidan has also applied for entry to
13 Fort Augustus."

14 So can we see that there's at least some degree of
15 conversation between Father [REDACTED] MEV and Father Aidan
16 in connection with Fort Augustus, even at this point in
17 time.

18 A. Yes.

19 Q. I think in terms of age, of course, there was a gap of
20 some 15 years or so in age between Aidan Duggan and
21 Father [REDACTED] MEV .

22 A. Indeed, and the timeline for Father Aidan Duggan does
23 not have the correct date of birth.

24 Q. I understand that. I think the brothers' date of births
25 have been transposed.

1 A. They have, yes.

2 LADY SMITH: And at that stage Father MEV would have
3 been about 20 years of age; is that right?

4 A. 1954/1955, yes.

5 LADY SMITH: He is born in 1934, I think. Is it?

6 A. I thought it was 1935. He must have entered New Norcia
7 very young.

8 LADY SMITH: 1935, yes. I think we were told earlier he was
9 thought to be 15 years old when he went to New Norcia.
10 But the point that's raised with you is that Duggan was
11 15 years older than him?

12 A. Yes.

13 MR MacAULAY: There's further correspondence which I needn't
14 take you to, I think, from the United States. As you've
15 said, he then went from the United States to
16 Fort Augustus in 1956. Can we then just look along the
17 timeline back on the screen at INQ.001.004.2699.

18 What we've tried to do is just put together his
19 movements. We see, for example, that from 1956 to about
20 1965, in the next two boxes, he's at Fort Augustus.
21 He was ordained a priest in 1960, I think. Then we have
22 the sailings to Australia, the migrant ship. Then he is
23 returned from Australia to 1965. Do we see that he goes
24 to Carlekemp for a period of about four years, 1965 to
25 1968?

1 A. Yes.

2 Q. Then he is back in Fort Augustus, 1969 to 1972. And
3 if we move over to the next page, page 2700, do we see
4 that for a period of three months or so he's back in
5 Australia in 1972. He's then back in Fort Augustus from
6 1973 to 1975. Then in November 1975 to February 1976
7 he is in Australia, and then he's back to Fort Augustus
8 from February 1976 until he leaves in April 1977.

9 A. Yes. I thought he left Fort Augustus in 1976, but I may
10 have got that wrong.

11 LADY SMITH: Dom Richard, you'll see that in that period,
12 November 1975 to February 1976, that he is away from
13 Fort Augustus. According to this, he's described as
14 "visiting parents" and that's for about four months.

15 A. Yes.

16 LADY SMITH: Would it be normal to see that occurring in
17 a chronology of a monk's timeline, four months away, not
18 apparently attached to any monastery at all?

19 A. It might be if the parents were seriously ill and
20 needing help at home. That would be the ...

21 LADY SMITH: A sort of leave of absence?

22 A. In order to care for sick parents. That would be
23 a possibility.

24 LADY SMITH: But there's no indication of that at all, is
25 there? On the documents, I don't think we have any

1 indication.

2 A. As I say, I was not aware of a visit in 1975 followed by
3 going back to Australia in 1977. It may just be that
4 I hadn't read the documents carefully enough, but
5 I thought he was at Fort Augustus until 1976 when he
6 went to Australia.

7 LADY SMITH: Mr MacAulay will no doubt be coming to this,
8 but that absence of four months fits with other evidence
9 we have heard from people who were at the school at the
10 time.

11 MR MacAULAY: Just on the point when he finally left
12 Fort Augustus, can I take you to the chronicle for this
13 period, and just to remind ourselves, because I think
14 you spoke about it last time, the chronicle is a record
15 of the comings and goings of the abbey; is that right?
16 It's an ongoing record of what is happening on a regular
17 basis?

18 A. I'm sorry, I don't recall that.

19 Q. Is that what it is?

20 A. Um ...

21 LADY SMITH: Do you remember something called the chronicle,
22 a document?

23 A. I am sorry, I don't.

24 LADY SMITH: Let's go back to basics then, Mr MacAulay.

25 MR MacAULAY: Yes. The chronicle is a thick volume, three

1 or four inches thick, covering a period of time, and I'm
2 going to take you to this page from the chronicle, which
3 is the record kept at Fort Augustus. It's at
4 BEN.001.001.4454.

5 We don't unfortunately get the date on the page, but
6 this is an extract taken from the year 1977.

7 If we scroll down to towards the bottom, there's an
8 entry there. Underneath April 1977, as I said, there's
9 reference to:

10 "Father Andrew and Father MFC have returned from
11 Carlekemp."

12 I take it that will be MFC. Then for
13 the 3rd:

14 "Father MEV has gone to Australia. In his
15 place, Brother MER organised the Palm Sunday
16 ceremony."

17 And that tells us that this is the week before
18 Easter. So that is a clear record of the fact that he
19 left Fort Augustus, on the face of it quite abruptly,
20 in that his place in organising the Palm Sunday ceremony
21 had to be taken over by somebody else.

22 A. Yes. I don't think I've ever seen this before.

23 Q. I'm not suggesting you have.

24 A. Right.

25 Q. But it helps us in putting the time frame into

1 perspective.

2 A. Fine. And this is 1977, is it?

3 Q. This is 1977.

4 A. Fine.

5 Q. That's why we've constructed the timeline in this
6 particular way. Going back to the timeline then,
7 Dom Richard, at INQ.001.004.2700, do we see that in
8 October 1980, there's evidence that the Fort Augustus
9 abbot advised Father [REDACTED] MEV that he thinks it is time
10 for him to consider returning from Australia. Have you
11 seen correspondence to that effect?

12 A. I don't recall it. I remember seeing that -- there was
13 something saying that the abbot thought he should
14 return, but I don't recall seeing that particular
15 letter.

16 Q. But he never did return, as it turned out?

17 A. No, he didn't.

18 Q. Then we have some information about his movements in
19 Australia as best we can make out from the documents.
20 The reference in 1992 to the indult of exclaustation,
21 can you help me with that and what that is?

22 A. When Father [REDACTED] MFF became [REDACTED] SNR of Fort Augustus
23 in 1991, he took the initiative of getting in contact
24 with Father [REDACTED] MEV really to find out what he was
25 doing, to find out how he was, to make contact. He

1 mentioned this to the Abbot President and I think the
2 Abbot President said, "Look, we ought to regularise his
3 position by asking for official permission to be away",
4 and that was what the indult of exclaustation was.

5 Q. Is that from the Abbot President?

6 A. From the Abbot President using the faculties given by
7 the law.

8 Q. Why not the abbot himself?

9 A. Because the abbot doesn't have the faculty to grant an
10 exclaustation; that is only given to the
11 Abbot President.

12 Q. Do I take it from what you've just been saying that the
13 Congregation of the monastery really knew very little
14 about what Father **MEV** was doing in Australia?

15 A. Father **MFF** certainly knew very little of what
16 he was doing in Australia. Whether the abbot ... The
17 abbot -- I think I have seen Father **MEV**
18 personal file, and I expect you have, and there are
19 letters periodically.

20 Q. Just running through the timeline to July 1999, we have
21 a reference to incardination; can you explain that to
22 us?

23 A. Can I just add on exclaustation, that indult of
24 exclaustation will have been time limited, it will have
25 been for three years, and so in 1995 it will have

1 expired. He should have done something about that. He
2 should have said, "Please can I have another indult",
3 but he didn't.

4 1999 -- the monastery at Fort Augustus had closed in
5 early January in 1998. The monks who were at
6 Fort Augustus were given an option: either they can
7 apply to join another monastery or, in the case of
8 priests, they would have to apply to join a diocese.
9 And Father [REDACTED] MEV had the same options.

10 Can I go back to the beginning of 1998?

11 Q. Yes.

12 A. In April 1998, I think it was, Father [REDACTED] MMF
13 became [REDACTED] SNR of Fort Augustus, and one of the first
14 things he did was write a letter to [REDACTED] MEV saying,
15 "Look, I'm [REDACTED] SNR now, what are you doing, how are
16 you, what's your situation?" And the reply from
17 [REDACTED] MEV was more or less, "I've retired, I'm in poor
18 health, can't do very much work".

19 In 1999 the monastery closed down, so what's going
20 to happen to [REDACTED] MEV He needs to find a diocese
21 which is prepared to accept him. The Abbot President,
22 I think, suggested asking Sydney if they'd accept him.
23 Father [REDACTED] MMF wrote a letter to the Archbishop of
24 Sydney, Cardinal Clancy, putting the situation. I don't
25 think he directly said, "Please could you incardinate

1 him", but that was one of the possibilities.

2 Cardinal Clancy replied, saying, "We'll incardinate
3 him".

4 Q. That's the background?

5 A. That's the background.

6 LADY SMITH: What does it mean that he was incardinated?

7 A. Incardination means that hence forward he would be
8 a priest of the Sydney Archdiocese. He would have to
9 get an indult from Rome giving him a dispensation from
10 his vows, so he would cease to be a Benedictine monk.

11 LADY SMITH: So it's a dispensation from his monastic vows?

12 A. Yes, and then the Archbishop of Sydney would incardinate
13 him as a priest of the Sydney Archdiocese.

14 LADY SMITH: And that was in circumstances where he had
15 retired at the age of 60, I think, according to this, in
16 1996?

17 A. Yes.

18 LADY SMITH: And the message then was he was retiring on
19 ill-health grounds, and two years later he was writing
20 back to Scotland, saying, "I'm in poor health, I can't
21 work"?

22 A. More or less.

23 LADY SMITH: So how could it be that he would be
24 incardinated as a priest to work in the Diocese of
25 Sydney?

1 A. I think if you look at Father [REDACTED] MMF [REDACTED] letter,
2 he's saying more or less -- and I think you've got this
3 letter -- he's saying that it would be a charity to take
4 him on, there's not much he can do, but we've got to
5 find some sort of home for him.

6 MR MacAULAY: Although, in fact, he was able to assist -- as
7 I think we see from records, he helped with regular
8 weekly Masses, confessions and also some supply work.

9 A. He seems to have made a recovery.

10 Q. Yes.

11 LADY SMITH: You just said, "We've got to find a home for
12 him"; do you literally mean that without this, he would
13 have had nowhere to live?

14 A. No, I don't mean that.

15 LADY SMITH: What do you mean?

16 A. He would not have had a diocese which was looking after
17 him. Every priest has to be under the jurisdiction
18 either of a bishop or of a religious superior.

19 LADY SMITH: Throughout their life?

20 A. Yes.

21 LADY SMITH: Right.

22 A. So [REDACTED] MEV [REDACTED] was faced with losing his religious
23 superior because Fort Augustus has closed down and in
24 a short time the monastery will be suppressed, so there
25 will be no superior in Fort Augustus, so he's got to

1 find someone who's going to be his superior.

2 MR MacAULAY: But until incardination occurs in this sort of
3 situation, someone in Father [REDACTED] MEV [REDACTED] position
4 remains the responsibility of the monastery?

5 A. Yes. And that's why the Abbot President in 1991 was
6 saying he ought to have an indult of exclaustation.
7 The indult of exclaustation would only be given if the
8 bishop of the diocese where he is living is prepared to
9 accept that and the person then comes under the
10 cumulative jurisdiction, both of his own abbot and also
11 of the bishop of the diocese.

12 LADY SMITH: Does that mean that between 1977 when he
13 arrived in Australia and the date of incardination in
14 1999, the Fort Augustus monastery remained responsible
15 for Father [REDACTED] MEV [REDACTED]

16 A. Yes.

17 LADY SMITH: Thank you.

18 MR MacAULAY: And in a sense, in one sense, until the indult
19 of exclaustation in 1992, his position within the
20 diocese he was in was not in any way legitimised?

21 A. No, it wasn't.

22 Q. I indicated earlier to you that there is some
23 correspondence about Father [REDACTED] MEV [REDACTED] working as
24 a chaplain on a child migration ship. If I just take
25 you to that material. The first letter I want to look

1 at is at BEN.001.003.5974.

2 This is a letter dated 15 May 1965 to
3 a Canon Harvey. We'll see shortly that Canon Harvey was
4 based in London and attached to the National Council of
5 Migration. The letter begins by saying:

6 "I am sorry to bother you, but I wonder if you can
7 give me any information regarding the movements of the
8 Reverend [REDACTED] MEV [REDACTED] who went as chaplain to Australia
9 in the Orcades at the beginning of April."

10 He goes on to say:

11 "This may sound odd coming from Father [REDACTED] MEV [REDACTED]
12 superior."

13 And he goes on to say he was away.

14 I think you agree it's odd in that it should not
15 have happened without the consent of the abbot?

16 A. Bad practice.

17 Q. He goes on to say in the next paragraph:

18 "May I also ask you, should you receive any further
19 enquiries about ship's chaplains from anyone at the
20 abbey, to refer back the matter to me."

21 This is the sentence I had in mind before:

22 "The four priests who have already been to Australia
23 had Australian connections but I am not anxious to grant
24 any further permissions."

25 If one just considers who the priests at

1 Fort Augustus were who had Australian connections, we
2 certainly know it's Father [REDACTED] MEV but there's also
3 Father Aidan and [REDACTED] MEY I can't think of
4 another one, but there were at least those three.

5 A. Yes, and I can't think of another one.

6 Q. But there's an inference here at least that perhaps [REDACTED]
7 [REDACTED] had also had some involvement in this sort of
8 process.

9 A. Yes. I only saw this, I think yesterday, but I agree
10 with you.

11 Q. The response to that is at BEN .001.003.5976. This is
12 the letter on behalf Canon Harvey, dated 19 May 1965.
13 I think he's not able to provide any contact address for
14 Father [REDACTED] MEV I think is the short point, isn't it?

15 A. Yes.

16 Q. He goes on to say at the very end:

17 "I am interested in your request about future
18 appointments because the last man but one seemed very
19 vague about his faculties and we had some frantic
20 telephoning at the last minute. I was sorry for his
21 unworldly unpreparedness. It never occurred to me that
22 he might not have your permission."

23 So that's his position.

24 A. Yes.

25 Q. I now want to look at a particular case with you. The

1 person concerned wishes to remain anonymous. In your
2 folder you'll find a document headed "Pseudonym list".
3 On one side of the list you will see there is a name and
4 on the other the pseudonym that the individual has
5 chosen.

6 If you look against the pseudonym "Peter", do you
7 find a name there you recognise?

8 A. Yes.

9 Q. Peter has given evidence to the inquiry. He was
10 admitted to Fort Augustus in about [REDACTED] 1976 and
11 he was sexually abused by Father [REDACTED] MEV [REDACTED]. Can I say,
12 I put it in that way because it's not an allegation
13 in that it's clear that Father [REDACTED] MEV [REDACTED]
14 is that your understanding?

15 A. That is my understanding.

16 Q. His evidence was that he told his parents during
17 a holiday period that he had been abused and the
18 evidence has been that the father of the boy telephoned
19 Father [REDACTED] MMF [REDACTED] and spoke to him on the telephone about
20 this issue and arranged essentially a meeting with
21 Father [REDACTED] MMF [REDACTED] Were you aware of that aspect of it?

22 A. I was aware that there were different recollections of
23 this.

24 Q. I understand that and we'll look at the documents as to
25 what -- your state of knowledge could only come from

1 Father MMF is that right, what his position was?

2 A. Either Father MMF or documents which I have seen.

3 Q. Yes. But were you aware there may have been a telephone
4 call to Father MMF --

5 A. No, I've never been told that.

6 Q.

7

8

9 A. Can I qualify what I just said?

10 Q. Yes.

11 A. Father MMF said something about having had
12 a meeting with Peter's father or parents --

13 Q. Parents, yes.


14 A. -- about some other matter.

15 Q. Not to do with abuse?

16 A. That's what I heard.

17 Q. From whom?

18 A. Father MMF. That's the way I heard it.

19 Q. We'll look at the documentation in a moment. 

20

21

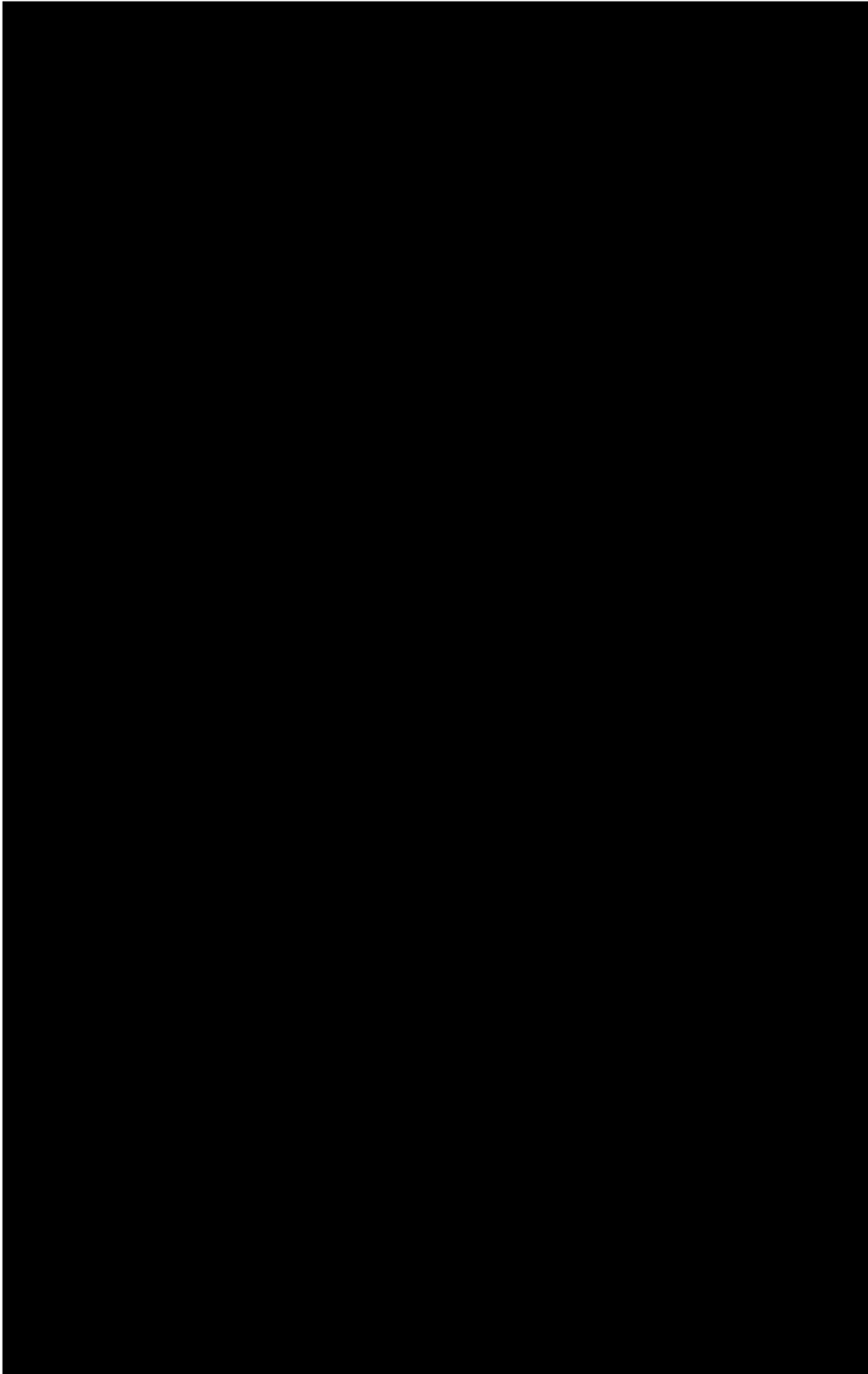
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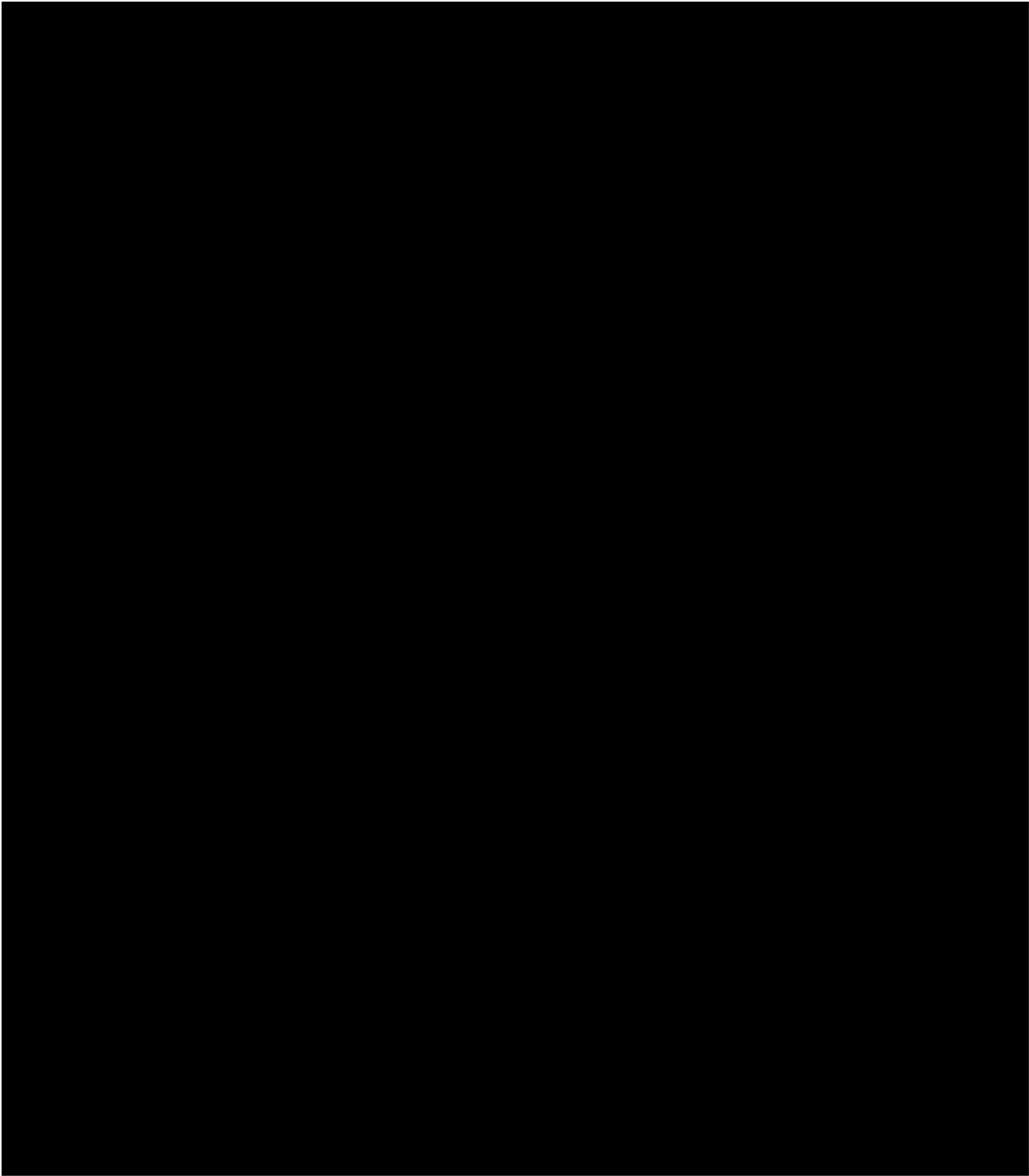
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22 A. No. Can I just comment?

23 Q. Yes.

24 A. I had taken the view that it really didn't matter whose
25 recollection was correct, because nobody doubted that

1 Father [MMF] knew about the abuse. Father [MMF]
2 thought that he had heard it from the abbot, and when
3 I challenged him on this, saying that Peter's father
4 thought that he, Father [MMF] had been present at
5 the meeting, Father [MMF] reaction was just to
6 think for a moment and say, "No, but it was a surprise
7 to me when the abbot told me about it"; it wouldn't have
8 been a surprise if he'd been at the meeting.

9 So I still think that it is not very important whose
10 recollection is correct inasmuch as it is agreed that
11 Father [MMF] knew about the abuse back in 1977.

12 Q. Yes, but would you accept, Dom Richard, particularly
13 against a background of a phone call, this
14 correspondence we've been looking at and the suggestion
15 that there was a stormy meeting, that it would be very
16 unlikely for someone in Father [MMF] position to
17 have forgotten that?

18 A. I think we ... remembering exact sequences of events of
19 things that took place 40 years ago is difficult. If
20 you're saying, "Do I think that Father [MMF]
21 lied to me", I don't think he intended to lie, but
22 I fully accept that he may well have been mistaken.

23 Q. We'll go on to look at other documentation. You also
24 had some correspondence --

25 LADY SMITH: Mr MacAulay, will you also be referring to

1 Peter's sister's recollection of the parents going to
2 the meeting?

3 MR MacAULAY: I'm just about to.

4 Again, if you go back to the pseudonym list, you
5 will see the name at the bottom and the pseudonym
6 "Jane". Jane was Peter's sister. You had some
7 correspondence with Jane --

8 A. Yes.

9 Q. -- as well in connection with Peter.

10 A. Yes.

11 Q. I think in relation to her, what position did you take
12 in respect of Father MMF as to whether or not he
13 was present at any meeting?

14 A. Well, he had just told me -- when I wrote to her, he had
15 just told me that he wasn't actually present, that he
16 heard it from the abbot, and so I reported this to her
17 without thinking that it was going to be in any way
18 controversial.

19 Q. But was she insisting to you that he had been present at
20 the meeting?

21 A. Yes.

22 Q. Can I take you to this document: WIT.003.002.0616.

23 This is an email, I think, it's dated 13 June 2013,
24 and it's one of a number of emails between yourself and
25 Jane. Does she say in the second paragraph:

1 "Also when we spoke on the phone, you denied that
2 Father **MMF** was present at a meeting with my parents
3 and Peter. I have spoken to my parents and they tell me
4 he was present."

5 Then she goes on to say:

6 "As you told me, there is a record of the meeting
7 in the archives. Could you please tell me the date on
8 which the meeting took place and who was all present as
9 my mother and father are aghast that you said
10 Father **MMF** was not present?"

11 Do you recollect receiving this email from Jane?

12 A. Yes.

13 Q. Had there been a previous phone call?

14 A. What date are we?

15 Q. This is June 2013.

16 A. I can't remember the exact sequence of events, but

17 I think there was a phone call fairly early on, yes --

18 sorry, I can't remember the date of the phone call, but

19 yes, I accept this was ...

20 Q. After the phone call?

21 A. Subsequent to the phone call.

22 Q. One of the points she makes is that you had told her on

23 the phone that there was a record in the archives in

24 connection with the meeting. Certainly in the materials

25 supplied to the inquiry we have not seen any such

1 record. First of all, did you say to Jane that there
2 was a record in the archives about the meeting?

3 A. I can't remember exactly what I said. What I have seen
4 is an interview of one of the monks of Fort Augustus by
5 someone from the Diocese of Aberdeen, I think, in which
6 that monk of Fort Augustus, who I'll identify if you
7 want, it was Father [REDACTED] MRQ gave his account of
8 what had happened. That's what I'd seen in -- and I had
9 been sent that by the Scottish Catholic Safeguarding
10 Service because that document was submitted to the
11 national office in Glasgow.

12 Q. Do you think you mentioned that particular document to
13 Jane?

14 A. Well, if I said that I had seen a document talking about
15 the meeting, it would have been that one, because
16 I can't recall ever seeing any other document.

17 LADY SMITH: So this would have been Father [REDACTED] MRQ
18 when being interviewed by somebody from the Diocese of
19 Aberdeen in connection with safeguarding procedures,
20 saying his recollection was that there was a meeting
21 between Father [REDACTED] MMF and Peter's parents? Have I got
22 that right?

23 A. He was giving an account of the whole [REDACTED] MEV --

24 LADY SMITH: Yes, I can understand that.

25 A. -- episode and mentioned that there had been a meeting.

1 Whether he said that Father [MMF] was present at the
2 meeting or not, I cannot now remember.

3 LADY SMITH: Right.

4 MR MacAULAY: Again, I think Father [MRQ] is due to give
5 evidence to the inquiry.

6 A. The person who was doing the interviewing I think was
7 the parish priest of Aberdeen -- sorry, the parish
8 priest of the main parish in Inverness, whose name
9 I can't remember, but if it was given to me I might
10 remember who it was, I think, interviewing Father [MRQ]
11 at the request -- whether it was at the request of the
12 diocese or the request of the safeguarding authorities,
13 I cannot remember.

14 Q. But putting it shortly, there is no record as such of
15 the meeting in the archives?

16 A. I have never seen one.

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Q. You've mentioned the BBC programme, that's the programme "Sins of Our Fathers"?

A. Yes.

Q. And that was broadcast on 29 June 2013?

A. July, I think.

Q. You're right, July 2013.

Were you interviewed by Mr Mark Daly, who was the person making the broadcast?

A. Yes.

Q. I think you were questioned by him in particular about the role played by Father MMF in connection with Peter.

A. Yes. Um ... I can't offhand remember whether ... if you continue.

Q. In any event, after the interview, you, I think, had some contact with Father MMF?

A. Yes, I did.

Q. What was the purpose behind that?

A. To warn him that he was going to be attacked.

Q. Perhaps I can take you to this document at

1 BEN.001.002.0106.

2 (Pause)

3 This is covering a number of aspects of the BBC
4 programme. It begins by saying for example that:

5 "The BBC alleges that Father Aidan was a serial
6 sexual abuser of boys ..."

7 And it goes on to talk about Father **MEV**

8 If we look to the second page at 0107, do we see
9 at the bottom that this bears to be a note by you, dated
10 2 August 2013?

11 A. May I give a clarification about this?

12 Q. Of course.

13 A. This was a first draft and there's a second draft, which
14 is dated, I think, 20 August, which disagrees with this
15 in quite a lot of things, because by 20 August I'd
16 worked out rather more than I had on 2 August. So
17 I know this is inaccurate.

18 Q. Perhaps we can just look at it before we look at any
19 other documents. Just below halfway, we can read:

20 "It is also alleged that Father **MEV**
21 abused a boy at Fort Augustus. The boy spoke to his
22 parents and they complained and Father then left
23 Fort Augustus."

24 You then go on to talk about the position
25 in relation to Father **MMF** :

1 "The BBC alleges that the boy's parents told the
2 SNR Father MMF about the abuse and
3 that Father MEV was sent away because of this.
4 I have seen another report of a statement by a monk,
5 which supports this."

6 Is that the reference to Father MRQ

7 A. Yes, but can I ... No, sorry, this is the paragraph
8 starting:

9 "Peter alleges that the boy's parents told the
10 SNR ?

11 Q. No, I'm sorry, unfortunately there's a redaction.

12 A. "Jane alleges that the boy's parents"?

13 Q. No, unfortunately, "the BBC" have been redacted, but you
14 see:

15 "[Redaction] alleges that the boy's parents ..."

16 It's the BBC that alleges. Do you see that?

17 A. Yes.

18 Q. It is confusing:

19 "... told the SNR, Father MMF,
20 about the abuse, and that Father MEV was sent
21 away because of this. I have seen another report of
22 a statement by a monk which supports this. In 2011,
23 I had asked Father MMF if there were any outstanding
24 cases of sexual abuse at Fort Augustus that he knew of."

25 And you go on to detail that.

1 Before we look at the detail, what was the purpose
2 of this note, albeit in its revised form?

3 A. In the revised form, I needed to send something to the
4 Australians to say what had happened, because obviously
5 something had gone badly wrong if the Archdiocese of
6 Sydney had incardinated Father **MEV** without
7 realising that he was an abuser.

8 Q. So that was the purpose --

9 A. It was also to help me work out what had happened.
10 I work things out best by writing them out.

11 Q. In the following paragraph, when you're talking about
12 Father **MMF**

13 "When I recently warned Father **MMF** that he was
14 likely to be criticised by the BBC, he replied that it
15 was 'inaccurate' to say that he was present at the
16 meeting at which the boy's parents made the complaint of
17 sexual abuse. They were probably confusing it with
18 another meeting at which he was present, at which
19 another complaint (unspecified) was made about
20 Father **MEV** "

21 A. And that's what I was referring to a couple of minutes
22 ago.

23 Q. But it seems to be Father **MMF** position that
24 he was not at the meeting with Peter and his parents.

25 A. That was certainly what he said, yes. But he never

1 denied knowing that [REDACTED] MEV had admitted abuse.

2 Q. You mentioned a few moments ago there are some
3 inaccuracies in this particular note. Can you highlight
4 these for me?

5 A. I think it's on the second page.

6 Q. If we turn over then to page 0107.

7 A. Could we go further down?

8 (Pause)

9 Yes, at the bottom:

10 "As I indicate above ..."

11 Q. "As I indicate above, it is not clear to me at this
12 stage whether Father [REDACTED] MMF knew anything
13 about Father [REDACTED] MEV offences or not."

14 A. That's inaccurate. I think that is the principal thing
15 where I needed to correct it.

16 Q. You go on to say:

17 "I think the truth will probably come out, but it
18 may take some time to do so."

19 But the truth was, at least in relation to
20 knowledge, that Father [REDACTED] MMF did know?

21 A. Yes. He never denied it when asked. I cannot think why
22 I wrote that (indicating) because I knew from 2011 that
23 Father [REDACTED] MMF had known about it.

24 MR MacAULAY: Yes, very well.

25 My Lady, that's 11.30. We tend to have a short

1 break --

2 LADY SMITH: Yes. We'll take a break now for about
3 15 minutes, please.

4 (11.30 am)

5 (A short break)

6 (11.53 am)

7 LADY SMITH: Dom Richard, are you ready for us to resume?

8 A. Yes.

9 LADY SMITH: Thank you. Mr MacAulay.

10 MR MacAULAY: My Lady.

11 If we can go back to the document we had on the
12 screen before the break, that's BEN.001.002.0106.
13 Perhaps we can scroll down to the bottom. I understand
14 your point that this was an initial draft that contains
15 inaccuracies.

16 At the bottom what you have written is this, where
17 you're talking about Father **MMF** who was
18 the administrator of the abbey immediately after its
19 closure and his negotiation with Cardinal Clancy about
20 the incardination of Father **MEV** into the diocese.

21 You go on to say:

22 "He made no reference to any issue of sexual abuse
23 at all."

24 I think that is correct as a matter of fact.

25 A. Correct.

1 Q. You go on to say:

2 "I think he would say that the first he knew about
3 it was when the police came to interview him (I think
4 about four years ago) and told him that there was an
5 allegation against Father [REDACTED] MEV

6 That was not correct?

7 A. That's not correct.

8 Q. On the next page, can I just take you to this section,
9 that's 0107. I don't think this has changed in your
10 revised note. In the second paragraph what you set out
11 is this:

12 "In 1987 there is a letter from a religious sister
13 to the abbot, saying there is some mystery about him
14 [and that's Father [REDACTED] MEV]. He is helping the
15 priests of Campsie in New South Wales but he isn't
16 in the official directory of priests. She quotes him
17 [and that is a quote from Father [REDACTED] MEV]:

18 "'Apart from the duties connected with the church,
19 I also take the occasional pupil for [REDACTED] lessons,
20 teach it at Scots College on one afternoon a week, run
21 a seminar on one evening a month here at St Mel's
22 School, and function as the editor of newsletter of [REDACTED]
23 [REDACTED].'"

24 So there, this religious sister has provided some
25 insight as to what Father [REDACTED] MEV was doing, at least

1 at this time in 1987, and it would appear that he would
2 have contact with what he referred to as pupils in
3 particular.

4 I think it is a fact that Australia, putting it
5 generally, was not told of Father [REDACTED] MEV abuse when
6 he went to Australia.

7 A. Correct -- um, we have no evidence that they were told.
8 There's no documentation either way.

9 Q. And similarly, when Father [REDACTED] MMF was negotiating with
10 Cardinal Clancy for his incardination, there was no
11 information provided to Cardinal Clancy about
12 Father [REDACTED] MEV abuse?

13 A. That's correct; Father [REDACTED] MMF accepted that.

14 Q. Just looking to Father [REDACTED] MMF position -- and I'll
15 look at your final note in a moment.

16 If we turn to BEN.001.004.0976. This again is
17 heavily redacted, which makes it difficult to read, but
18 I think you have seen this in preparation for coming to
19 give your evidence. If we scroll down, can we see it's
20 dated 2 August 2013, and it's a note by Father
21 [REDACTED] MMF is that correct?

22 A. Correct. It was sent to me -- it was written for the
23 Abbot of Ampleforth and sent on to me by him.

24 Q. This all happens after the TV programme?

25 A. Yes.

1 Q. Because you can't read the first line, but I can read it
2 to you and it says:

3 "Since the TV programme 'Sins of the Fathers' was
4 broadcast on Monday 29 July 2013, I have realised that
5 it could be useful to set down what my involvement in
6 the case of Father [REDACTED] MEV [REDACTED] was. I am told
7 that the allegation was made in 1976."

8 I don't think that's accurate:

9 "Father [REDACTED] MEV [REDACTED] was housemaster in the school,
10 I was the [REDACTED] SNR [REDACTED] of the school."

11 He goes on to say in the next paragraph that the
12 allegation was made to the abbot, who was Father
13 Nicholas Holman:

14 "I first learned of it when the abbot spoke to me
15 and told me that he had received the allegation that
16 Father [REDACTED] MEV [REDACTED] had sexually abused a boy and that
17 he had spoken to Father [REDACTED] MEV [REDACTED] and he had [REDACTED]
18 [REDACTED] and that he was being withdrawn
19 from work."

20 Again, we've looked at this, but that seems to be
21 Father [REDACTED] MMF [REDACTED] position, that really his knowledge of
22 this came via the abbot and not from the parents.

23 A. Correct.

24 LADY SMITH: Well, that's what he was saying.

25 MR MacAULAY: Yes.

1 Father [MMF] goes on to say at the end there:

2 "I then spoke to Father [MEV] myself. He did
3 [REDACTED]. I understood at the
4 time that it was a single incident of abuse."

5 So that was the position, that presumably

6 Father [MEV] was taking with Father [MMF]

7 A. Presumably.

8 Q. Then you mentioned your revised note, Dom Richard.

9 If we look at BEN.001.002.0313.

10 If we turn to page 0315 --

11 A. Mr MacAulay, I think my revised note starts with
12 a headline saying, "Father Aidan Duggan and Father

13 [MEY] and Father [MEV]". So

14 I don't know if we are dealing with --

15 Q. Perhaps we can see if this helps at all and see what
16 this is then, shall we.

17 If we scroll down to the bottom, can we see --

18 A. Yes, it is, but, sorry, the heading has disappeared.

19 Q. This is dated 23 August 2013.

20 A. And that looks like my revised note, yes.

21 LADY SMITH: Dated the 20th, not the 23rd?

22 MR MacAULAY: Sorry, 20 August.

23 If we go back to the beginning, page 0313, we
24 needn't go over the first paragraph again because it
25 repeats essentially what you took from Father [MMF]

1 about his knowledge of the meeting.

2 In the second paragraph I'll read out to you:

3 "The BBC alleges that the boy's parents told the
4 SNR, Father MMF about the abuse and
5 that Father MEV was sent away because of this."

6 And then we read:

7 "Father MMF thinks that there were two stages."

8 I take it this is then you narrating what you had
9 been told by Father MMF?

10 A. Correct.

11 Q. "First, he was removed from the school. Next, he left
12 the monastery to go back to Australia and the reason for
13 his departure was to look after his aged parents."

14 Just on that, are there records to indicate that the
15 reason for his departure was to look after his aged
16 parents?

17 A. I can't remember seeing any record. I think I got that
18 from -- I think my only source for that is
19 Father MMF I think.

20 Q. You mentioned:

21 "However, I have seen another report of a statement
22 by a monk which suggests that leaving the monastery was
23 directly consequent on the accusation of abuse."

24 Again, is that a reference to Father MRQ?

25 A. I'm pretty certain it is, yes.

1 Q. If we turn to the second page at 0314, towards the
2 bottom, where you draw a number of conclusions from the
3 investigations that you've carried out. You begin by
4 saying at 1:

5 "When Father [REDACTED] MEV returned to Australia, he
6 did not go in order to get involved in pastoral
7 ministry. Ostensibly he went to care for his parents
8 [and you give the address] and I imagine the abbot was
9 probably glad to see him go."

10 When you say ostensibly, what message are you
11 seeking to convey there?

12 A. That was the reason which was given publicly.

13 Q. But --

14 A. The real reason probably being because he had abused.

15 Q. You go on to say:

16 "It would have been good if he had done [and that's
17 giving a warning] but as Father [REDACTED] MEV had no
18 intention of doing pastoral work it was not, by the
19 standards of the day, unreasonable that the abbot did
20 not get in touch with the bishop of the diocese. It was
21 certainly not the responsibility of Father [REDACTED] MMF to
22 give any warning."

23 A. Yes.

24 Q. I just want to explore that with you, Dom Richard. Is
25 this all on the premise that Father [REDACTED] MEV

1 Father [REDACTED] MEV was not going to be involved in
2 pastoral work?

3 A. Yes.

4 Q. How would the abbot know that?

5 A. He had never ... He, the abbot, had not written to the
6 bishop to ask if Father [REDACTED] MEV could come and do
7 pastoral work. If the bishop wanted Father [REDACTED] MEV
8 to do pastoral work, he would have expected him to be in
9 touch with the abbot to ask if it was acceptable or not.

10 It would be very odd to have what we seem to have in
11 this case, namely that a priest sort of gradually --
12 I don't want to use too emotive language, but worms his
13 way into pastoral work without being appointed.

14 LADY SMITH: If one goes back to the recorded reason for his
15 departure from Australia, and we see that in the records
16 that have been provided to us, I recall you said this
17 morning that that could be regarded as a -- I think my
18 words were leave of absence -- but it was being
19 recognised that they would be relieved of their duties
20 whilst perhaps caring for an elderly or infirm parent.
21 So if that was how formally it was being addressed by
22 the order, I suppose that could be used as a reason why
23 the diocese at the other end might not need to be
24 warned. But this was in circumstances where, from what
25 you say, it was being used as a front. This wasn't an

1 absence to go and look after elderly parents, it was an
2 absence to remove him from Fort Augustus.

3 A. Yes, indeed. I'll come to the defence of the abbot to
4 a certain extent, that he was right to think MEV
5 has got to be taken away from Fort Augustus.

6 LADY SMITH: Oh, I don't think anybody would try to gainsay
7 that in these circumstances.

8 A. And I think, as I said, by the standards of the day, not
9 to have alerted a bishop if a monk was just going to
10 live in his diocese without doing any pastoral work in
11 1975, probably not particularly unacceptable.

12 LADY SMITH: Even without having had any assurance or
13 undertaking from the monk that they would not be
14 engaging in pastoral work at all?

15 A. Well, we've no evidence of what the abbot said to
16 MEV

17 LADY SMITH: Wouldn't one expect in these circumstances,
18 even by the standards of that day, to see it being
19 recorded that, "This monk is departing in circumstances
20 where he has undertaken to me that he will not be doing
21 pastoral work, otherwise I would need to speak to the
22 diocese"?

23 A. My Lady, I entirely agree that that's the way we would
24 see it today and the way they should have seen it in
25 1975. But I think what I'm saying is that he probably

1 wouldn't be judged quite so harshly back in 1975.

2 The other point, my Lady, is that [REDACTED] MEV
3 personal file is interesting because there is a gap
4 between -- I can't remember the exact time, but it's
5 something like 1974 and 1978, where there is nothing,
6 which suggests to me that something's been taken out.

7 LADY SMITH: I see.

8 Mr MacAulay.

9 MR MacAULAY: I just wonder whether the emphasis on pastoral
10 work is something of a distraction because what the
11 abbot -- and we'll come to Father [REDACTED] MMF in
12 a moment -- was faced with was someone who was
13 a [REDACTED] child abuser.

14 A. Correct.

15 Q. And he was sending him away to another location, another
16 diocese, and the date is 1977, not 1975. Would that
17 itself not have imposed a duty on him under the
18 standards of the time to warn the recipient of this
19 individual that he may be a danger to children?

20 A. Again, we would say so, but I just wonder whether people
21 said that in 1975.

22 I remember a conversation with one superior who was
23 talking about a person who was being sent for a time to
24 another place and he was expressing amazement that the
25 bishop had not asked for an opinion about him.

1 Q. I can understand if, for example, Father [REDACTED] MEV was
2 being sent to another monastery where there was no risk
3 of being exposed to children, but if he's being sent
4 away to a diocese in Australia without any health
5 warning, that at least created the risk that he would be
6 in contact with children.

7 A. I entirely agree.

8 LADY SMITH: And that was in circumstances, given what you
9 explained to me earlier, that supervisory responsibility
10 for this monk remained in Fort Augustus; is that not
11 correct?

12 A. Correct.

13 LADY SMITH: In a person who had no contact, ongoing
14 contact, with the man who'd gone to Australia, nor any
15 idea of what he was doing on a daily basis?

16 A. And this is why, for example, in the 1990s, the
17 Abbot President was saying, "This man must be
18 (inaudible) in exclaustation", because having him
19 simply there without any authorisation is profoundly
20 unsatisfactory.

21 LADY SMITH: He was let loose, in effect, wasn't he?

22 A. Yes.

23 LADY SMITH: And he would have known that the person who
24 could call him to account was on the other side of the
25 world?

1 A. Correct.

2 MR MacAULAY: Can we look at Father [REDACTED] MMF [REDACTED] position.

3 There are two aspects to that. There's the position
4 that he himself adopts, that he did not know, he knew
5 about the abuse but he wasn't present at the meeting
6 where the abuse was discussed. Was there a duty on him
7 to contact the Australian diocese to warn that one of
8 his teachers had sexually abused a child?

9 A. No, because that would be the responsibility of the
10 abbot.

11 Q. Are you saying there was no responsibility at all on
12 Father [REDACTED] MMF [REDACTED] to do that?

13 A. He was entitled to assume that the abbot was accepting
14 responsibility for Father -- the abbot had withdrawn
15 [REDACTED] MEV [REDACTED] from the school, so Father [REDACTED] MMF [REDACTED] was
16 entitled to assume that the abbot would do whatever had
17 to be done.

18 Q. Can we just go back a little bit to the issue of police
19 involvement here and we touched upon this earlier. We
20 know that the police were not involved and I think you
21 suggested that in certain circumstances, if parents did
22 not want the police to be involved, then that would
23 influence what would happen.

24 A. Yes.

25 Q. What was your understanding of the position in relation

1 to Peter? What were you told by Father [MMF] insofar
2 as involving the police was concerned, if anything?

3 A. I don't recall hearing anything.

4 Q. Did you ask him whether or not consideration was given
5 to involving the police?

6 A. Sorry, do you mean was Peter asked for his opinion?

7 Q. No, no, I'm asking you if you asked Father [MMF] when
8 the Peter incident came to a head in 1977 whether
9 consideration was given to involving the police.

10 A. I think my information about that came from the
11 interview with Father [MRQ] I don't think
12 that is in my -- you've got my memorandum of my
13 interview with Father [MMF] and I don't think
14 there's any mention there of him talking about police
15 involvement. That memorandum was written very soon
16 after the interview.

17 Q. Does that suggest then that you would not have raised
18 with Father [MMF] whether or not consideration was
19 given to involving the police?

20 A. That wasn't part of my remit. My remit was to ask for
21 Father [MMF] if he knew of any abuse cases at
22 Fort Augustus.

23 Q. And do I take from that answer then that it is likely
24 that you did not ask --

25 A. I'm fairly sure I didn't go into details like that, no.

1 Q. What would you say to a proposition that Peter would
2 only be allowed to carry on at the school if the police
3 were not involved?

4 A. You mean that the abbot would have said, "I will let
5 Peter continue if you don't insist on involving the
6 police"?

7 Q. The abbot or Father MMF the school.

8 A. Mr MacAulay, may I answer that in writing to you and you
9 can then decide how I should answer it in public?

10 Q. Do you want time to consider it?

11 A. I know what I want to say, but I think I ought to write
12 it down and you ought to decide what should be said.

13 Q. We have a public hearing here where it's important that
14 the public hear evidence directly. You can back it up
15 by writing, but I think it would be appropriate for you
16 to answer the question if you can.

17 A. It's going to hurt some people --

18 LADY SMITH: Dom Richard, are you saying that you'd like
19 a little time now to reflect on how you would explain
20 your answer to that question? I can rise for 10 or
21 15 minutes if you want to put your thoughts together and
22 make some notes, but I really want an answer to this
23 question today.

24 A. And I will willingly give an answer, my Lady, but it's
25 just that, as I say, I think the answer may be

1 hurtful --

2 MR MacAULAY: Can we just explore that and so we can see
3 where we can go with it: hurtful to whom?

4 A. To Peter and his family.

5 Q. Right.

6 LADY SMITH: Well, let me rise for 10 minutes, if you would
7 like to think about what your answer would be, and
8 we can take it from there.

9 Mr MacAulay, would you like to articulate again what
10 it is you want Dom Richard to tell us.

11 MR MacAULAY: I think your Ladyship will probably understand
12 that I'm putting to Dom Richard evidence that we've
13 heard in this inquiry.

14 LADY SMITH: Well, I do, yes, and that's the evidence to the
15 effect that, as they saw it, they had a choice and the
16 choice was that if they wanted Peter to go back to the
17 school, they had to agree the police wouldn't be told.
18 That's the issue that needs to be addressed. It may be
19 you don't know anything about that and if that, on
20 reflection, is your answer, so be it. But if you do
21 know something about it, I'm sure I don't need to remind
22 you, Dom Richard, you have taken an oath to tell the
23 truth and the whole truth.

24 A. My Lady, if you wish, as I see it, I can give the answer
25 now.

1 MR MacAULAY: Can I just make it clear I'm putting
2 a hypothesis to you for your view on that hypothesis
3 alone. I don't want any diversions into other issues
4 that you think might be hurtful to the family. I just
5 want your view on that as a proposition: is that an
6 appropriate stance to take or is it not? It's as simple
7 as that.

8 LADY SMITH: Well, is it? I mean, let me reassure you,
9 Dom Richard, that after the evidential hearings, I go
10 away and I think and reflect on all the evidence.
11 I have made no decisions as yet as to what the facts are
12 that I will take from the evidence I heard.

13 This is evidence we heard earlier this week. If you
14 would proceed on the basis of this hypothesis, as put to
15 you -- let's divorce it for a moment from the
16 particularities of this case and hypothesise a child has
17 alleged being sexually abused and it is accepted that
18 the child was sexually abused. There is a question as
19 to whether the child should return to the school or not,
20 and the parents are told he can return to the school but
21 only on the basis that no report goes to the police.
22 Should that have happened, if it happened?

23 A. Had that been the case, it would have been totally
24 unacceptable.

25 LADY SMITH: Why?

1 A. Because effectively the school would be protecting
2 a teacher against the consequences of his crime.

3 MR MacAULAY: And protecting its reputation?

4 A. Indeed.

5 Q. I'm quite happy with that answer, thank you for that.

6 A. Mr MacAulay, may I add, if you see the note which I've
7 been talking about, which obviously the inquiry hasn't
8 received, about the interview with Father **MRQ**
9 there you will see the issue which I've been reluctant
10 to speak about in public without ...

11 Q. Well, it's interesting you mention that because we have
12 been looking for the note during the interval and we
13 certainly don't seem to have it in our papers, but we'll
14 certainly make further efforts to see if we can either
15 recover it or find it, so thank you for that.

16 A. I'm sorry to be awkward.

17 Q. If we go back then to the document that we had on the
18 screen before and go on to page BEN.001.002.0315.

19 This is the third, I think, page of your note of
20 August. In the last paragraph, you say:

21 "I have written to Cardinal Pell to apologise for
22 the failure to warn the archdiocese about
23 Father **MEV** but added that it was not clear to me
24 who was to blame."

25 Is this in connection with when Father **MEV** was

1 Dom Richard, of 25 July 2013 to Cardinal Pell. And you
2 narrate in the first paragraph that the Archdiocese of
3 Sydney had never been told that Father [REDACTED] MEV
4 [REDACTED] MEV was accused of sexual abuse of minors when he
5 was received into the diocese.

6 You used the plural there, "minors": by this time,
7 had you received further information?

8 A. No, I hadn't.

9 Q. You go on to say:

10 "I am writing to apologise that this was the case."

11 And you set out your own position, but you're
12 apologising on behalf of the English Benedictine
13 Congregation.

14 If we go on to BEN.001.003.6560. This is the
15 response from -- I think I may have said Cardinal Pell,
16 at this time it's Archbishop Pell -- dated
17 10 September 2013. He says in the second paragraph:

18 "I am grateful for the apology you offer in your
19 letter concerning Father [REDACTED] MEV. It is unfortunate
20 that my predecessors were not informed of the
21 allegations against Father [REDACTED] MEV arising from his
22 time at Fort Augustus. As far as we can tell from
23 searches of our own files, there have been no
24 allegations made against him while he has been in
25 Sydney."

1 So that was the response.

2 A. Yes.

3 Q. Similarly, if we look at the letter by Father [REDACTED] MMF
4 BEN.001.004.0959. This will be the file copy of the
5 letter. It's dated 17 August 2013. Just looking to
6 these dates, these are letters -- this is correspondence
7 that all post-dates the July broadcast "Sins of Our
8 Fathers".

9 A. No, actually, my letter to Cardinal Pell pre-dated the
10 broadcast. It was after I'd been interviewed and the
11 interviewer had said to me that he, talking with the
12 Australian church authorities, had been told that they'd
13 never heard anything about [REDACTED] MEV being an abuser.
14 Because all this was going round, I thought I need to
15 get something off to Cardinal Pell pretty quickly and
16 because I had got rather a lot of other engagements
17 going on, I knew it was going to be some time before
18 I was able to see Father [REDACTED] MMF

19 Q. You're right. It was after the interview you had on
20 19 July --

21 A. Yes.

22 Q. -- with Mr Daly, but before the broadcast on 29 July.
23 Your letter is dated 25 July.

24 A. Yes.

25 Q. But Father [REDACTED] MMF letter is dated 17 August, as

1 we can see from the screen.

2 A. Because, as I say, I'd got a lot of engagements on and
3 it was only mid-August, I forget which date, that
4 I actually saw Father [REDACTED] MMF

5 Q. He begins his letter in this way:

6 "I am writing to offer you a sincere apology for the
7 consequences of misinformation which I gave to your
8 predecessor, Cardinal Clancy, some 14 years ago. At
9 that time I was the Prior Administrator of the monastery
10 at Fort Augustus in Scotland. I was trying to
11 regularise the situation of Father [REDACTED] MEV "

12 And he goes on to explain that.

13 This reference to misinformation that we see there,
14 is that really to convey the message that he had not
15 told Cardinal Clancy that Father [REDACTED] MEV was a sex
16 abuser of children or of a child?

17 A. I take it, yes. I saw this letter for the first time
18 a week ago when I was sent the bundle. I thought it was
19 a slightly odd word to use, but I thought that the tone
20 of the letter as a whole was one of apology, which was
21 good.

22 LADY SMITH: Would that have been in response to, I suppose,
23 what might have been a standard enquiry as to any
24 relevant information about this person who is about to
25 undergo incardination or what?

1 A. What would have been more normal would have been
2 something like that --

3 LADY SMITH: Yes.

4 A. -- namely that the cardinal would have asked
5 Father [MMF] to give information about [MEV] It
6 was complicated by the fact that Cardinal Clancy wrote
7 back saying, "We'll incardinate him", rather than asking
8 for information.

9 LADY SMITH: The terms of the letter seem to suggest that
10 Father [MMF] recognised that in some way he was being
11 called on to give relevant information to the cardinal,
12 which needed to include what he knew about
13 Father [MEV] background and his abuse of
14 children.

15 A. Absolutely, yes.

16 LADY SMITH: He refers to 14 years ago, but of course the
17 reality is 36 years had passed since he first knew of it
18 and the monk was departing to Australia; isn't that
19 right?

20 A. Yes, but as I said before, I think he was entitled to
21 assume that the abbot would have done anything that
22 needed to be done in 1976.

23 LADY SMITH: Whether it was him or the abbot, the
24 information was known in Scotland, sat upon, not
25 conveyed, and 36 or so years passed before Australia

1 were told about it. During most of that time, this monk
2 had been in Australia; isn't that right?

3 A. Correct.

4 MR MacAULAY: The third paragraph down, some lines into
5 that, he goes on to say:

6 "I failed to mention in my letter the reason why
7 MEV was living in Sydney. I cannot remember why
8 I failed to mention this important matter."

9 And he goes on to make the apologies. He is not
10 able really to recall why he didn't mention that
11 background, is what he's saying.

12 A. Yes. As I say, I only saw this letter a few days ago.

13 Q. But that too is a fairly strange comment to make,
14 standing the fact that he almost certainly hadn't
15 forgotten why Father MEV had been sent to
16 Australia.

17 A. Yes.

18 Q. And there's a response then to that from
19 Archbishop Pell. That's at BEN.001.004.0961.

20 This is a letter dated 6 September and it's
21 addressed to Father MMF He's simply thanking him
22 for the letter and it's in similar terms to the one to
23 you.

24 If we go back to the timeline at INQ.001.004.2701 --
25 I have given you the wrong reference.

1 (Pause)

2 INQ .001.004.2700. If we look at the last entry
3 under the heading "31 May 2013", that's under reference
4 to materials the inquiry has seen, suggesting that at
5 that time Cardinal Pell formally withdrew **MEV**
6 faculties to practise as a priest in the archdiocese;
7 do you see that?

8 A. Yes.

9 Q. So that appears to have been prior to the
10 correspondence.

11 A. I think you will find that the Scottish Catholic
12 Safeguarding Office notified the professional standards
13 body, I forget its exact title, in Australia about
14 **MEV** earlier on.

15 Q. And this effectively would mean that Father **MEV**
16 would not be able to work as a priest?

17 A. Correct.

18 Q. Can we just go back briefly then to the time when the
19 affairs of Fort Augustus were being wound up.

20 A. Yes.

21 Q. We touched upon that in your previous visit and you
22 mentioned it earlier today. I think, as we understand
23 it, it was necessary for both the affairs to be wound up
24 and for the different monks to be found places to go to.

25 A. Yes.

1 Q. Was it Father [REDACTED] MMF who bore the brunt of that?

2 A. Yes.

3 Q. Can I take you to this letter: PSS.001.003.4213.

4 (Pause)

5 If we scroll back up, I just want to give the number
6 for the transcript. BEN.001.003.6056. Can you see this
7 is a letter from Father [REDACTED] MMF it's from Ampleforth,
8 and it's addressed to Father [REDACTED] MEV Do you see
9 that? It's dated 17 November 2000. Have you seen this
10 before?

11 A. Last week.

12 Q. It begins:

13 "Dear [REDACTED] MEV "

14 And he explains that the process of winding up the
15 affairs of Fort Augustus is coming to an end and he
16 explains how the canonical suppression of the monastic
17 community had been applied for.

18 In the second paragraph he says:

19 "Although you have been out of touch with the
20 community for a long time, you were a member of the
21 community at the time it voted to seek closure. So I am
22 sending you herewith a cheque for £50,000, which is the
23 per capita grant made to each member of the community
24 from the assets. Please acknowledge receipt."

25 We needn't look at the response, but there is

1 a response from Father MEV shortly after that on
2 24 November 2000, simply thanking him for the cheque,
3 and also saying that he is still involved with weekend
4 Masses in a local parish. It also says that.

5 If we look at BEN.001.003.6060. Do we see there
6 a copy of the £50,000 cheque? (Pause). We need
7 a response for the transcript. I think you're agreeing
8 with me that's a copy of the cheque?

9 A. I imagine so, yes.

10 LADY SMITH: And just for completeness, the cheque is dated
11 17 November 2000. Is that note on another sheet,
12 Mr MacAulay, at the bottom, the received with thanks
13 note?

14 MR MacAULAY: I wonder if it's on the back of the cheque.

15 LADY SMITH: It may be on the back of the cheque, "Received
16 with thanks". So he appears to have accepted the money.

17 A. Yes.

18 MR MacAULAY: I just want to look at this sort of process
19 and how appropriate it is as a process, namely sending
20 this sum, which is a large sum of money, particularly in
21 2000, to someone who had not been involved for many
22 years with the monastery and indeed had left under
23 a cloud. Do you have any comment to make, Dom Richard?

24 A. Can I give a rather long answer?

25 Q. Yes, please.

1 A. If a person leaves the religious life, the institute
2 which he leaves has to make sure that the person is able
3 to live decently. If it's a young man or woman leaving
4 the religious life, you've got to set them up in
5 a sufficient way that they can then earn their living.
6 If it's an old person, it's actually quite complicated
7 because that person's probably not going to be able to
8 earn their living, and so will need financial support.

9 If, as in the case of Fort Augustus, you've got,
10 I think it was, five monks leaving to join dioceses,
11 some of them were younger, some were older. The younger
12 ones would not have needed so much support because they
13 were going to be able to earn their own living and they
14 just needed to be tided over. The older ones would
15 probably need quite a lot of support.

16 Q. Is that then the explanation?

17 A. No, that's the prelude.

18 What Father MMF did was send £50,000 to
19 the superior of each monastery which received a monk,
20 and £50,000 to the individuals who had been incardinated
21 into dioceses, because having been incardinated into
22 a diocese, they had been dispensed from their vow of
23 poverty, so they not only could own money but they were
24 responsible for their own upkeep, whereas those who'd
25 been received into monasteries, it was the abbot who

1 received the cheque and it was the abbot who was
2 responsible for their upkeep.

3 I received a cheque for £50,000 because I'd taken in
4 a monk of Fort Augustus and I thought this was a very
5 peculiar way of proceeding. I think he would have done
6 far better to have investigated the circumstances of
7 each one and found out what was needed, what was
8 appropriate. He was absolutely right that the money
9 which had been realised on the sale of assets of
10 Fort Augustus needed to be used in the first place for
11 the support of the monks because it was totally unfair
12 that older monks who had joined a diocese should then be
13 dependant on that diocese for their support, because
14 that diocese had never received any benefit from their
15 services in their younger days.

16 So I think, as I say, Father MMF was right to
17 believe that the Fort Augustus money should be used for
18 supporting MEV and others, but I think wrong to
19 have given a blanket sum on behalf of each of them.

20 Q. Just looking at the points you've just made, it doesn't
21 appear that Father MMF carried out any
22 investigation at all into the financial circumstances,
23 particularly of Father MEV does it?

24 A. As I say, I was surprised when I received one of his
25 cheques.

- 1 Q. I think insofar as Father [REDACTED] MEV was concerned, this
2 came out of the blue.
- 3 A. Yes.
- 4 Q. Just looking at the position of incardination into the
5 diocese, perhaps I'd misunderstood before, but
6 Father [REDACTED] MEV was under the jurisdiction of the
7 monastery when he was a monk. When he is dispensed from
8 his vows and he is incardinated into a diocese, does the
9 responsibility not then pass on to the diocese?
- 10 A. It does, and for that reason, given that
11 Father [REDACTED] MEV was beyond the age where he could earn
12 enough to keep him for the rest of his life, it was
13 quite right that Fort Augustus should contribute.
- 14 Q. When you say contribute, should that have been done
15 through some sort of negotiation with the diocese?
- 16 A. Yes, yes.
- 17 Q. The diocese might have said, "We don't need such
18 a contribution"?
- 19 A. I would have said not only negotiation with the diocese
20 but also with [REDACTED] MEV himself. They should have
21 found out how much money he'd got.
- 22 Q. And needed?
- 23 A. Indeed, and was likely to need in the future because
24 he was 65 to 70, not in good health, could well have
25 a lot of medical needs coming up, so he could have been

1 quite an expensive person to have.

2 Q. But would the responsibility of that not rest with the
3 diocese of which he was now a member, having been
4 incardinated?

5 A. Yes. But as I said before, the diocese was really very
6 generous in agreeing to incardinate [REDACTED] MEV without
7 questions, and Fort Augustus needed to contribute to the
8 diocese -- sorry, to ensure that [REDACTED] MEV was not an
9 unnecessary financial burden on the diocese.

10 LADY SMITH: I'm sorry, Dom Richard, how is giving him
11 £50,000 going to ensure that he wouldn't become a burden
12 on the diocese? He might have blown it within a week.
13 Conceivably that could have happened.

14 A. Yes. Father [REDACTED] MMF also wrote -- I think I'm right in
15 saying he wrote to Cardinal Clancy to inform him that he
16 had got this money.

17 LADY SMITH: That makes no difference, with respect,
18 Dom Richard, to my point, which is it gave
19 Father [REDACTED] MEV sole exclusive control of a very
20 substantial sum of money, and he didn't have to give any
21 undertaking how it was going to be used or that he was
22 going to reimburse the diocese or anything like that.
23 This wasn't helping the diocese.

24 A. I'm not defending the way it was done, but what I am
25 saying is that it meant -- because Father [REDACTED] MMF

1 informed Cardinal Clancy, it meant that the diocese knew
2 that [REDACTED] MEV had got enough funds to support himself,
3 so they needn't worry about his financial situation.

4 LADY SMITH: So long as he had the money.

5 A. Indeed.

6 MR MacAULAY: Would you agree, Dom Richard, that from the
7 perspective of those who may have been abused by
8 Father [REDACTED] MEV and have sought to make claims that
9 this is not a happy picture?

10 A. I don't seek to defend what Father [REDACTED] MFF did. I think
11 his motives were right, but the way he did it was wrong.

12 Q. Earlier we touched upon the fact that it was the case
13 that Father [REDACTED] MEV was asked to return to
14 Fort Augustus after a period of time. Can we perhaps
15 just look at the letter that deals with that and that's
16 at BEN.001.003.5999.

17 (Pause)

18 That is not it. BEN.001.003.5999.

19 (Pause)

20 Can I just read this to you since we don't seem to
21 be able to identify it. It's a letter dated
22 31 October 1980 and if we assume that Father [REDACTED] MEV
23 left in April 1977, it's some three years or so down the
24 line. It begins by saying:

25 "As you know, I put a proposition through

1 Father Aidan in the hope that it might offer a solution
2 both for you and [REDACTED] and that came to
3 nothing."

4 The letter goes on to say:

5 "You will appreciate that I cannot leave your
6 canonical position in the air, as it were, indefinitely,
7 so I am writing to let you know that I think it is time
8 for you to consider returning."

9 Is that the letter you had in mind earlier when
10 I think you indicated that there was a question of him
11 returning to Scotland?

12 A. I don't recall referring to that earlier in my evidence.

13 Q. Perhaps it was me who referred to it then. But the
14 letter goes on to say:

15 "You will appreciate that it would not be desirable
16 to invite you to return and take up residence here ..."

17 And I think that's at Fort Augustus:

18 "... for the present. I will, however, seek
19 a vacancy for you on one of the parishes of the other
20 EBC monasteries as soon as you let me know when to
21 expect you."

22 So I think there was some expectation or hope that
23 Father [REDACTED] MEV would respond to that and return, but
24 that never happened?

25 A. Yes. I don't recall reading that letter. If it's in

1 his personal file I will have read it but I've just
2 forgotten about it, I'm sorry.

3 Q. We've been focusing on Father [REDACTED] MEV but two other
4 monks against whom allegations of sexual abuse have been
5 made are Father Aidan Duggan and [REDACTED] MEY Again,
6 if we can perhaps begin considering their respective
7 positions by looking at the timelines that you've been
8 provided with.

9 If we look at INQ.001.004.2702. We have that on the
10 screen. As you pointed out, the year of birth is
11 incorrect, it should be 1920, not 1930. Can we see
12 that, as we saw from other correspondence, that he was
13 also at New Norcia in the 1950s? Do we see that from
14 about 1954 onwards, he is in Scotland, beginning at
15 Fort Augustus? And then between 1957 to 1959 he is at
16 Carlekemp. Then he is back again to Fort Augustus, up
17 until 1965, when he spends a period at Stanbrook Abbey,
18 1966 to 1970. Do you see that?

19 I think you refer to that period in some of your
20 correspondence, in that you made contact with the abbey
21 when you were asked whether or not there were
22 allegations about Father Duggan. You had some
23 correspondence in 2004?

24 A. Yes.

25 Q. Can we see that he is back in Fort Augustus in 1970 to

1 1971. He spends time in Australia thereafter and then
2 he is back in Fort Augustus, according to the records,
3 from 1973 to 1974. And he leaves and is in Australia in
4 1974 and there he remains. Is that your understanding
5 of his timeline?

6 A. I'm interested that you identify him as being novice
7 master in 1970 to 1971.

8 Q. Is that at Fort Augustus?

9 A. Yes. Because I investigated that some time ago and
10 couldn't find any evidence that he'd ever been novice
11 master.

12 Q. We can double-check that, but the important thing
13 I think I'm trying to establish is his presence.

14 A. Yes. I'm afraid I haven't done a timeline myself, but
15 it's compatible with the sort of knowledge I have, yes.

16 Q. It would appear, with some gaps, that from 1954 up to
17 1974, he is either at Fort Augustus School or Carlekemp,
18 insofar as Scotland is concerned.

19 A. Yes.

20 Q. Perhaps we can look at [REDACTED] MEY [REDACTED] INQ.001.004.2703.

21 As you alluded to earlier, the date of birth is
22 wrong. This should be 1930. So he is 10 years younger,
23 essentially, [REDACTED] He, according to the
24 timeline, is at Fort Augustus Abbey in 1957. He's there
25 until about 1961, when he goes to Carlekemp, according

1 to the timeline, from 1961 to 1971.

2 In 1972 there's no information as to where he was.

3 I don't know if you can help on that or not.

4 A. I find MEY a very difficult person to trace.

5 Q. Yes.

6 A. There's much less information in the archives about him

7 than there is about He seems to have sort

8 of shadowed to a certain extent. I find it

9 very difficult to get any clear indication about him.

10 Q. There's some suggestion in the records that he was in

11 Fort Augustus in 1973 for a short period of time.

12 A. Could be.

13 Q. But thereafter, from 1973 onwards, he's in Australia.

14 And of course, and Father MEV they

15 were Australians.

16 A. Yes.

17 Q. Whereas Father MFC who we'll come to, was

18 Scottish.

19 A. Yes.

20 Q. There were also allegations in particular being made

21 against Father Aidan Duggan and also MEY by

22 the BBC in their programme.

23 A. Yes. Very specific ones against Aidan Duggan. I don't

24 recall specific -- I mean, they said that he was an

25 offender, but I don't recall whether they gave any

1 details about [REDACTED] MEY [REDACTED] offending. I don't recall any
2 details.

3 Q. If we look to one of your notes -- and it may be the
4 problem I have with it is it doesn't have a date, but
5 you'll help me with it: BEN.001.002.0312.

6 It's blanked out, but it's headed "Father
7 Aidan Duggan, Father [REDACTED] MEY [REDACTED] and Father [REDACTED] MEV [REDACTED]
8 [REDACTED] MEV [REDACTED]

9 A. And this is the note which I made on 20 August, which
10 you showed me half of before, yes.

11 Q. It begins by saying:

12 "The BBC alleges that Father Aidan was a serial
13 sexual abuser of boys."

14 Would this note -- yes, this note would obviously
15 post-date the programme?

16 A. Yes. As I say, it's written at the same time as the
17 note on Father [REDACTED] MEV [REDACTED], which is dated 20 August. It
18 was after I'd done a bit of research.

19 Q. Can I just take you to the third main paragraph. It
20 reads -- perhaps before that, the first main paragraph.
21 You say:

22 "Nobody seems very clear about the circumstances of
23 [REDACTED] leaving Fort Augustus and coming to
24 Australia."

25 So you have carried out investigations and spoken to

1 others to find out what had happened?

2 A. I think it was me.

3 Q. Just yourself?

4 A. I think so.

5 Q. Under reference to records?

6 A. Yes.

7 Q. And the records didn't give any real indication as to
8 why they left Fort Augustus?

9 A. No, and as I've said, as I think I say here, both those
10 two had no personal file -- sorry, neither of those two
11 had a personal files. The personal files, we think, had
12 been destroyed.

13 Q. That's what you say:

14 "I am pretty sure that there is no personal file for
15 [REDACTED]. The Abbot President's files
16 indicate that [REDACTED] left Scotland to go back to
17 Australia in about 1973 at a time when [REDACTED] mother was
18 seriously ill."

19 And I think that's what we've got in the timeline.

20 A. Yes.

21 Q. You go on to say that:

22 "Various periods of exclaustration followed."

23 So there was a legitimising process?

24 A. Sporadically. Not, I think, done very systematically.

25 Q. Just looking at this in a broad sense, they, along with

1 prepared of 20 August 2013 and we can perhaps go back to
2 that at BEN.001.002.0312. Here, I'm focussing in
3 particular on [REDACTED] and in particular, I think,
4 Aidan Duggan.

5 Can I just clarify with you this point because
6 I certainly haven't seen it in the records: we've seen
7 that Father [REDACTED] MEV was sent a cheque for £50,000 when
8 the monastery was being wound up. There's no evidence
9 that similar sums or any sums were sent to either of the
10 [REDACTED]

11 A. No, the only evidence I had is the one which he sent to
12 me and the one which he sent to [REDACTED] MEV and I think
13 I only discovered that when I saw the documentation
14 which you've submitted -- sorry, when I said that he
15 sent cheques to all the monks who were incardinated into
16 dioceses, I presume that he did -- he should have
17 done -- and I think he said that he'd done so. Yes,
18 I think he did.

19 LADY SMITH: When you were referring to what was sent to
20 you, that is what you mentioned earlier about you
21 receiving money because you had taken on, was it, two
22 monks --

23 A. One monk.

24 LADY SMITH: -- sorry, from Fort Augustus.

25 A. Yes. But he never mentioned individuals to me, so

1 I don't know the answer to your question, either about
2 Father Aidan or Father MEY

3 MR MacAULAY: Certainly, there's nothing in the
4 documentation sent to the inquiry by the Congregation.

5 We needn't go back to the letter that was sent to
6 Father MEV, but it seems to have been premised on
7 the fact that he was still a member of the Congregation
8 when the decision was taken to wind it up. Could that
9 be the difference? Because the --

10 A. Sorry, of course it's the difference. Sorry, I wasn't
11 thinking straight. At the time when the monastery was
12 closed down, Father MEV was still a member of the
13 community, yes, so he should have received ... whereas
14 the [REDACTED] were incardinated into
15 Sydney Diocese in 1990, so any financial settlement
16 should have been done then. I beg your pardon.

17 Q. In relation to that, there is no evidence that any
18 financial settlement was effected insofar as they were
19 concerned?

20 A. I have never -- I don't recall seeing anything in the
21 Fort Augustus archives. There's not a huge amount --
22 this would be in the Fort Augustus archives -- of
23 records of correspondence between the abbot and the
24 monks. There's not a great deal about their process of
25 incardination.

1 Q. And nothing about money?

2 A. I don't recall seeing anything.

3 Q. If we look at the paragraph just below halfway, we can
4 read that you've recorded this:

5 "One of Father Aidan's victims ..."

6 It's been blanked out, but he doesn't want to be
7 anonymous:

8 "... Don MacLeod, who came to the school from
9 Sydney, says he told his parents about the abuse and
10 they complained to the SNR
11 Father MKT ..."

12 Before I move on, what was your source for making
13 that observation at this time?

14 A. It must have been the BBC film because I never met
15 Mr MacLeod.

16 Q. And we go on to read:

17 "... who was said to have told the boy that he
18 mustn't tell lies. It is said nothing was done."

19 You go on to say:

20 "This is a plausible interpretation of his actions."

21 Pausing there, just looking at that, why do you
22 think that would be a plausible explanation of
23 Father MKT actions?

24 A. Because Mr MacLeod had said that it was. The reason
25 I wrote that was because I had heard another version --

1 another possible interpretation given to me, which
2 I mention later on.

3 Q. I'd read that for you saying:

4 "It would be perfectly plausible for someone in
5 Father [REDACTED] MKT [REDACTED] position, an allegation having
6 been reported to him, simply to say to the boy that he's
7 telling lies."

8 But are you saying that's not what you are saying?

9 A. Sorry, let me start again. On the BBC programme, if
10 I remember rightly, Mr MacLeod said that when he
11 complained to the [REDACTED] SNR [REDACTED], the [REDACTED] SNR [REDACTED] said he
12 mustn't tell lies. And because -- this is now what
13 I think I was trying to write -- because he was assuming
14 that the boy was telling lies, therefore
15 Father [REDACTED] MKT [REDACTED] did nothing.

16 Q. So you're not saying that for Father [REDACTED] MKT [REDACTED] to
17 respond by saying, "You are telling lies", would be
18 a plausible thing for him to do?

19 A. No, I'm not, I'm trying to work out why it is that
20 nothing was done.

21 Q. And you go on to say:

22 "It is also possible that he was shocked by what
23 sounded like a wild and wicked story being spread by
24 a boy and told him to stop telling such tales."

25 Are you speculating here?

1 A. That's me speculating.

2 Q. You go on to say:

3 "Another monk who knew Father [REDACTED] MKT says that he
4 would have been quite incapable of coping with something
5 like child sexual abuse and could well have blocked out
6 all thought of it."

7 The source of that information?

8 A. Bishop Hugh Gilbert, who knew Father [REDACTED] MKT quite
9 well.

10 Q. Did you speak to Bishop Hugh Gilbert?

11 A. Yes.

12 Q. And he is also a Benedictine?

13 A. Yes, and he was living at Fort Augustus for a time
14 in the early 1970s, and he volunteered this to me.

15 Q. It's quite a strong statement in that he is suggesting
16 to you that his character was such that he just simply
17 would have been incapable of facing up to an allegation
18 of child sexual abuse. He was the [REDACTED] SNR of the
19 school.

20 A. Yes. That was what Bishop Gilbert thought was
21 a possibility.

22 LADY SMITH: If that's right, that would mean that a child
23 who had the guts to try and speak up just wouldn't have
24 a chance and they would be told they were lying; isn't
25 that right?

1 A. That is very possible.

2 MR MacAULAY: You go on to say that:

3 "Father [REDACTED] MMF [REDACTED], who was the [REDACTED] SNR [REDACTED]
4 from 1972 to 1985, is the only monk holding office at
5 that time who is still alive and he says he heard
6 nothing about Father Aidan being an abuser."

7 And you got that from him?

8 A. Because I'd interviewed Father [REDACTED] MMF [REDACTED] back in 2011, two
9 years before this happened, and that is what -- that is
10 what Father [REDACTED] MMF [REDACTED] actually told me in 2004 when I
11 consulted Father [REDACTED] MMF [REDACTED].

12 Q. I'm going to come to that shortly. That was in
13 connection with an enquiry from Australia?

14 A. Yes.

15 Q. You go on to talk about how the superior from 1967 to
16 1991 was Abbot Nicholas Holman, who was appointed
17 administrator of the monastery and then, in 1975,
18 elected abbot. You go on to say:

19 "It is extraordinary that the BBC never mentioned
20 him in their programme, even though, in my interview,
21 I stated that it would have been the abbot rather than
22 the headmaster who decided what work the monks should
23 engage in."

24 I think we're going back there to the different
25 roles played by the abbot and the headmaster.

1 A. Yes.

2 Q. You say at the bottom:

3 "If the abbot knew [and here we're talking about the
4 allegation by Donald MacLeod] he did not write anything
5 down in any files that survive. If he knew, he was
6 clearly at fault in not informing the Archdiocese of
7 Sydney at the time of their incardination."

8 Is that similar to the point you make about
9 Father **MEV** that at the time of incardination at
10 least, that sort of information, if it was known, should
11 have been passed on?

12 A. Yes, because Abbot Nicholas Holman was still abbot
13 at the time when Father **MEY** and Father Aidan were
14 incardinated in ...

15 Q. I think **MEY** was 1990.

16 A. Yes. I think they were both about the same time.

17 Q. You're correct, yes.

18 A. Because Nicholas Holman came off in -- I think it was
19 April 1991 -- and he had handled the incardination of

20

21 Q. Can I focus for a moment or two on Father Aidan Duggan
22 and just look to see how he came to go to Australia,
23 although there's very little information in the records
24 that we've recovered. If you could look at
25 BEN.001.003.5605.

1 We're looking here at a copy letter dated
2 28 July 1971. Can you see it begins:

3 "My Lord Archbishop ..."

4 And it appears to have come from the Abbot President
5 of the English Benedictine Congregation. The
6 Abbot President in 1971 ...?

7 A. Father Victor Farwell.

8 Q. And here we're looking at the Abbot President rather
9 than the abbot. It begins by saying:

10 "Father Aidan Duggan, a monk of Fort Augustus, has
11 informed me that he is applying to be received into your
12 diocese."

13 He goes on to say:

14 "Father Aidan is a zealous and conscientious priest
15 who was for some years chaplain to our largest monastery
16 of Benedictine nuns, where his ministry was much
17 appreciated, and he has since been parish priest at
18 Fort Augustus."

19 We've seen from the timeline that he was at
20 Stanbrook Abbey before he went back to Fort Augustus in
21 about 1970/1971.

22 What I want to ask you is this: why is this
23 reference, which it appears to be, being given by the
24 Abbot President and not the abbot?

25 A. It's unusual. I assume that either Father Aidan or

1 Abbot Nicholas, the abbot, had asked the Abbot President
2 to say something.

3 Q. It seems to be contrary to what you've been telling us
4 about autonomy.

5 A. Yes, but the other point is that Abbot Holman had been
6 appointed to administrator in 1967, so the monastery was
7 still to a certain extent under ... In practice, when
8 a monastery has an administrator, the Abbot President
9 plays a rather bigger role in helping the administrator.
10 It's still a rather odd letter.

11 Q. Let's leave it at that.

12 But I think we do know at least, so far as the
13 timeline based on the records we have is concerned, he
14 does go to Australia but not finally until about 1974.

15 A. That sounds right.

16 Q. So although this letter is 1971, it takes some time for
17 the situation to be set up?

18 A. Yes. Mr MacAulay, you realise that I haven't been
19 involved in this situation for two and a half years, so
20 my memory of dates may not be as good as it should be.

21 Q. I just take that date from our timeline, which is based
22 on records.

23 A. Yes.

24 Q. Can I take you to this letter, written in 1976:

25 BEN.001.003.5608.

1 It's not very clear, but I think we can -- the bits
2 I want to look at we can make out. We can see it has
3 been written from St Mel's Presbytery in Campsie, New
4 South Wales. The date -- is that 8 August or 6 August?
5 Anyway, it's August 1976 and it begins by saying:

6 "Dear Father Abbot ..."

7 Have you seen this letter?

8 A. Just the other day.

9 Q. When you looked at the recent papers?

10 A. Yes.

11 Q. It begins essentially by suggesting -- this is on behalf
12 of [REDACTED] -- that they set up some sort of
13 offshoot-type set-up of the English Benedictine
14 Congregation in Australia; is that the tenor of the
15 letter?

16 A. Yes.

17 Q. If we could go on to the final page, page 5609. You
18 can't see it, but I can tell you it has been signed by

19 [REDACTED]

20 If we move on to the response, which is at
21 BEN.001.003.5610. This is the response from
22 Father Nicholas Holman, the abbot; a fairly prompt
23 response, it's dated 18 August 1976. In the first part
24 of the letter he sets out quite firmly why the
25 proposition being advanced was really not at all

1 feasible; is that the essence of it?

2 A. Yes.

3 Q. He then goes on to look at their personal positions.

4 If we turn to the second page at 5611, first of all
5 if we scroll down, I think we can confirm, although you
6 probably won't see it, that it has been signed by
7 Nicholas Holman, the abbot of Fort Augustus; it's
8 blanked out.

9 If we move to the main paragraph in the middle, just
10 about halfway into that, can we read:

11 "I asked you the first time, through
12 Cardinal Freeman, to make up your mind to return or
13 proceed with a process of incardination. I ask you for
14 the second time to return to your monastery without
15 delay."

16 Can we take it from that that the abbot is, on the
17 face of it, becoming rather frustrated with [REDACTED]

18 A. That's what I deduced.

19 Q. He then goes on to say:

20 "In the meantime I must make it quite clear that
21 I will accept no responsibility for either of you, or
22 for your activities, while you are absent from the
23 monastery."

24 That perhaps raises a number of points. The first
25 point is this: could he, as the abbot, effectively wash

1 his hands of [REDACTED] in the way that is being
2 proposed in this particular sentence?

3 A. No, he couldn't. It's a rhetorical flourish. In order
4 to wash his hands of them, he would have to persuade
5 them to seek incardination into a diocese in Australia.

6 Q. What do you make of the -- perhaps it's the tone of
7 what's actually being said, and that is essentially
8 saying he:

9 "... accepts no responsibility for either of them or
10 for their activities"?

11 What do you take from that?

12 A. I don't take anything particularly seriously -- regard
13 that as particularly serious. I think he is exasperated
14 by them and just saying, "You're looking after
15 yourselves now".

16 Q. He goes on to say:

17 "Should you decide to return, I would expect
18 a letter from each of you stating that you have
19 withdrawn your application for incardination and to give
20 a firm undertaking that you wish to make a fresh start
21 to live a normal monastic life here in accordance with
22 your solemn vows."

23 LADY SMITH: So are we to take from that that the abbot has
24 the impression that whatever they're doing, they're not
25 living a normal, monastic life?

1 A. Indeed. It's one of the things which contributed to my
2 hunch before lunch that the abbot was pretty exasperated
3 with them.

4 MR MacAULAY: He's given them short shrift, if I can put it
5 bluntly, in relation to their proposal and he is saying
6 in the same letter: your duty essentially is to come
7 back to your monastery.

8 A. And to live in accordance with the rules.

9 Q. And they didn't do that?

10 A. No.

11 Q. We see that he took the trouble of sending a copy of the
12 letter to Cardinal Freeman, who had been mentioned
13 in the previous letter by [REDACTED] If we look then
14 to another letter by [REDACTED] this is
15 BEN.001.003.5612.

16 This is a letter, again from New South Wales, dated
17 26 August 1976. Can you see that it is addressed to the
18 "Right Reverend Abbot President"?

19 A. Yes.

20 Q. So the response, you can see it's a sort of response to
21 the previous letter, was not to the abbot himself but to
22 the Abbot President.

23 Can I ask you about the propriety of that? Should
24 [REDACTED] have, as it were, gone over the head of the
25 abbot to the Abbot President in this way?

1 A. Well, what they're trying to do is to get the
2 Abbot President to put pressure on the abbot to accord
3 with their wishes. And having known
4 Abbot Victor Farwell, he would not have played that sort
5 of game.

6 Q. In a sense, from what you've told us about autonomy and
7 who's responsible for whom, the Abbot President really
8 would have no jurisdiction to deal with that?

9 A. And I don't know how the Abbot President replied to that
10 letter.

11 Q. Yes, there isn't a response in the papers.

12 A. If he replied to it, it would have been along those
13 lines.

14 Q. If we turn to the next page, page 5613, in the second
15 paragraph they say -- when I say "they", they have
16 obviously both signed the letter:

17 "Obviously our petition to the Abbot of
18 Fort Augustus has been rejected. We understand the very
19 real difficulties facing the future of Fort Augustus and
20 we deeply feel and pray for their needs. However,
21 we are saddened by the tone of the abbot's letter and we
22 do strongly object to the personal innuendos and
23 character detraction suggested by the letter, which he
24 has seen fit to forward to the cardinal."

25 And they go on to talk about their status within the

1 diocese because of their pastoral and priestly work. So
2 they are responding in a way that they've taken umbrage
3 in a sense to what the abbot has said about them?

4 A. And I think probably what annoyed them most was that he
5 copied the letter to Cardinal Freeman.

6 Q. Can I then focus in particular on Aidan Duggan and
7 correspondence you had with him in 2004. Can we look at
8 this letter, this is at BEN.001.002.0309.

9 This is a letter from a firm of solicitors with
10 offices I think in various places but I think this
11 particular one emanated from Sydney. It has been
12 blacked out, unfortunately. It's dated
13 22 September 2004 and is addressed to you. Do you see
14 that?

15 A. Yes, I remember.

16 Q. If we move down, again I'll just read the bits that have
17 been blanked out. The heading is:

18 "Father Aidan Duggan OSB, born 1920."

19 They act for His Eminence Cardinal George Pell, who
20 at that time was the Archbishop of Sydney. They go on
21 to say:

22 "In civil proceedings commenced by a former
23 parishioner in Father Duggan's parish in Australia,
24 Father Duggan is also a defendant in this matter,
25 however he is now in the advanced stages of Alzheimer's

1 disease and is incapable of giving instructions. The
2 allegations directed against Father Duggan are of
3 a sexual nature, supposedly carried out during his
4 tenure as an assistant priest in Sydney. It is also
5 alleged that Father Duggan demonstrated violence towards
6 his students while he was a teacher at
7 Fort Augustus Abbey."

8 And I think what you were being asked in this letter
9 is whether or not there was any evidence of abuse,
10 sexual abuse in particular, on the part of
11 Father Aidan Duggan while he was at Fort Augustus.

12 A. Yes, or at Stanbrook.

13 Q. Or at Stanbrook. If we look then -- and we'll look
14 shortly at the background to what was happening in
15 Australia, but if we look to your response, it's at
16 BEN.001.003.7188.

17 Your response is dated 5 October 2004 and I think
18 you recognise this is the response you made.

19 A. Mm.

20 Q. You have addressed the response to Monsignor Rayner
21 rather than the solicitors and you explained why you did
22 that. The essence of this letter is that you've carried
23 out investigations and you set out in this letter what
24 your investigations have established?

25 A. Yes.

1 Q. If we turn to the second page then of the letter, 7189.
2 In the first paragraph you set out that you've consulted
3 with the Abbess of Stanbrook about Father Duggan and we
4 know that he spent some years there. You go on to say:

5 "She tells me that she had never heard anything like
6 this. He certainly had a temper, but he had a very good
7 way with children and did a lot for the handicapped
8 children of the area."

9 Did you speak to the abbess?

10 A. Oh yes.

11 Q. And that was her response?

12 A. It was a telephone conversation, so there's no written
13 record.

14 Q. Do you know if the abbess herself knew Father Duggan or
15 is this too far away?

16 A. No, she was present in the monastery at the time.

17 Q. You then go on to say:

18 "I have also consulted Father [REDACTED] MMF who
19 became [REDACTED] SNR of Fort Augustus School in 1972. He
20 said that he had never heard any allegations of this
21 sort."

22 Just pausing there, again was this a conversation
23 you had with Father [REDACTED] MMF ?

24 A. Again, it was on the phone.

25 Q. That's a broad statement because, of course, we know

1 that he had heard of sexual allegations involving
2 Father [REDACTED] MEV in the past, but not Father Duggan,
3 of course. Was your sole focus at this time on
4 Father Duggan?

5 A. Oh yes, that's what I had been asked. I first heard
6 about Father [REDACTED] MEV in 2011, I think.

7 Q. What I'm raising with you is that Father [REDACTED] MMF was
8 aware of there having been sexual allegations, not by
9 Father Duggan, but in the past in relation to
10 Fort Augustus. When you spoke to him in 2004, he must
11 have been aware of that.

12 A. Sorry, my question to Father [REDACTED] MMF was: have you heard
13 anything about Father Aidan suggesting these offences,
14 which the lawyers spoke about?

15 Q. So it was a narrow question along these lines?

16 A. It was, yes.

17 Q. You then go on to say that:

18 "He said that he had never heard any allegations of
19 this sort. He also pointed out that Father Duggan was
20 not resident at Fort Augustus for much of the time
21 indicated. He did not arrive until the 1950s and much
22 of the time he lived and worked at the preparatory
23 school near Edinburgh."

24 Just focusing on that and then I'll come back to the
25 preparatory school in a moment, was that accurate,

1 having regard to your understanding as to how much time
2 Father Duggan had spent at Fort Augustus?

3 If we look at the timeline --

4 A. Yes.

5 Q. -- which you have in front of you and I'll perhaps put
6 it back on the screen --

7 A. Sorry, are you saying that Father **MMF** memory is
8 incorrect or that my memory is incorrect?

9 Q. I'm assuming you're reporting simply what you were told.

10 A. I think I was.

11 Q. Because you wouldn't have the information yourself,
12 I wouldn't have thought, and you're relying on
13 Father **MMF** to give you this information.

14 When we look at the timeline, I think we see, if we
15 go to INQ.001.004.2702, that Father Aidan Duggan, over
16 the piece, spent around 10, possibly 12, years at
17 Fort Augustus.

18 A. Yes, but I think it's not ... "Father Aidan was not
19 resident for much of the time." That's pretty vague.

20 I don't see Father **MMF** as aiming to deceive me in
21 this.

22 Q. He may simply have got it wrong, but if it is the case
23 that Father Aidan Duggan spent something like 10 to
24 12 years, depending on when you begin and when you end,
25 at Fort Augustus, then that's quite a considerable

1 period of time.

2 A. It is, yes, but according to the timeline he was away at
3 Carlekemp 1957 to 1959 and Stanbrook 1966 to 1970.

4 That is a significant proportion of the time, isn't it?

5 Q. Yes. If we look at the full timeline, he is in
6 Fort Augustus 1954 to 1956, he is then at Carlekemp, he
7 is back in Fort Augustus from 1960 to 1965, so about
8 five years, and he's back in Fort Augustus from 1970 to
9 1971, and he's again in Fort Augustus from 1973 to 1974.

10 A. Yes.

11 Q. So when you add it up, you're approaching double
12 figures.

13 A. Yes, I accept that.

14 LADY SMITH: It's about 15 years. I'm not asking you to say
15 this is absolutely accurate on the maths, but at first
16 glance, it looks about that amount. It's a long time.

17 A. What is true is that he wasn't there for something like
18 six or seven years.

19 MR MacAULAY: But he was there for --

20 LADY SMITH: More than twice that.

21 MR MacAULAY: He was there for a considerable period of
22 time.

23 A. Yes.

24 Q. But in any event, the response you got from
25 Father MMF is that he had not heard of any such

1 allegations?

2 A. No.

3 Q. Can I look at Carlekemp. Because you yourself have had
4 allegations reported to you directly in connection with
5 Carlekemp by David Walls and Christopher Walls, much
6 later than this, of course.

7 A. Yes.

8 Q. Did you carry out any investigation at all to see what
9 the position was with Carlekemp? Because I think, as
10 indeed Father **MMF** is suggesting here, he was
11 **SNR** at Fort Augustus and not involved with
12 Carlekemp, and he is saying in the same breath that
13 Father Aidan Duggan had been involved in Carlekemp.

14 A. The problem there is who do I go to? The reason I went
15 to Father **MMF** was he was the only living
16 **SNR** of Fort Augustus who had been around
17 during time.

18 Carlekemp had closed in 1977. I forget who the
19 **SNR** was at the end, but again, the previous
20 **SNR** were all dead. It was a problem. And by
21 2004, Father **MFF** was dead and
22 Father **MKT** was dead. It was a problem
23 getting first-hand information about Fort Augustus or
24 about Carlekemp.

25 Q. So do I take it that your thought process involved both

1 places --

2 A. Yes.

3 Q. -- but your difficulty was finding someone who could
4 actually give you information? And can I just look
5 quickly at the response to your letter then. It's at
6 BEN.001.002.0311.

7 This is the response from the Archdiocese of Sydney
8 from Monsignor Rayner. His name appears at the bottom,
9 although it's on his behalf. He's simply thanking you
10 for the letter, but he also reports that
11 Father Aidan Duggan had passed away on 5 October 2004,
12 after many years of ill health.

13 Did you carry out any investigations to see what the
14 nature of the allegations being made against Father
15 Aidan Duggan was at this time?

16 A. No, I didn't.

17 Q. Did you get any information as to what was involved?

18 A. No.

19 Q. So am I to take it that the sole source of your
20 information was the contents of the lawyer's letter that
21 you received, dated 22 September 2004?

22 A. Yes.

23 Q. Did it occur to you to make some enquiries to see
24 what was involved at that time?

25 A. I don't think it did, and if it had, I wouldn't have

1 known who to go to, I don't think.

2 Q. Well, I would imagine the Archdiocese of Sydney, if
3 you'd asked, would have provided you with some
4 information as to what the nature of the allegations
5 was.

6 A. Yes, they might have done.

7 Q. We now know that Father Aidan Duggan was accused of
8 abusing a boy or boys who had perhaps been altar boys
9 and there was litigation in connection with that in
10 a case involving someone by the name of John Ellis.
11 You're now aware of that, are you?

12 A. Yes. His name was mentioned by David Walls when he came
13 to see me.

14 Q. Well, can I move on then. Do I take it then that was
15 really the first time you became aware of that name?

16 A. Yes.

17 Q. Can I then look at your involvement with both
18 Christopher and David Walls. As you've just mentioned,
19 they came to see you and gave you certain information
20 in relation to their time at Carlekemp.

21 If you could look at BEN.001.002.0095. If we move
22 up to the top, it's a meeting between Christopher and
23 David Walls and yourself. This note of the meeting is
24 dated Thursday, 16 September at 2 o'clock. I think the
25 date is 2010.

1 A. It's 2010. That was the date of the meeting. My note
2 was written a few days later because I did some research
3 before writing the note.

4 Q. Your note is 22 September 2010.

5 Clearly, you'd had some communication with
6 David Walls and Christopher Walls before the meeting was
7 set up.

8 A. I had a telephone call from Christopher telling me
9 he had an allegation of sexual abuse and asking if they
10 could come and see me. I think we had email
11 correspondence to fix the date.

12 Q. You narrate in the -- and is this your note of the
13 meeting?

14 A. Yes, but as I say, I added to the note of the meeting,
15 the second paragraph which is visible now, about the
16 details of the monks who were at Carlekemp. I went and
17 did some research and added that. I think this was
18 prepared for Mrs McCaig, the director of the National
19 Office for the Prevention -- for Protection of Children
20 and Vulnerable Adults in Glasgow.

21 Q. You set out in the first paragraph that they are
22 brothers who attended Carlekemp Priory School between
23 1955 and 1958, and you note their ages. As you've set
24 out, you set out who the monks that might have been
25 involved might have been.

1 If we turn over to the next page at 0096, in the
2 second paragraph you have noted:

3 "The brothers say that the school was a brutal
4 place."

5 Was that the information conveyed to you by them
6 both?

7 A. Yes.

8 Q. The next paragraph, is that an impression you formed
9 from what they said?

10 A. No, because the last sentence certainly came from them.
11 The first sentence might have been my conclusion, but
12 the fact that the third sentence must have come from
13 them suggests that the whole thing came from them.

14 Q. The first sentence is:

15 "The general impression was of a school
16 incompetently run and the harshness was the only way the
17 teachers knew how to run it."

18 So you're not clear as to whether that was your
19 conclusion or that came from them?

20 A. That could well have been my conclusion, but it must
21 have -- as I say, those sound like my words, but --

22 Q. Is that based on the information given to you?

23 A. It was, yes.

24 Q. They both told you that they had both been sexually
25 abused by Father Aidan Duggan?

1 A. Yes. Neither gave details and I did not ask for
2 details.

3 Q. Did you find them credible?

4 A. Yes.

5 Q. If I could turn to BEN.001.002.0052. This bears to be
6 a memorandum. If we scroll down to the bottom, can we
7 see it bears the same date as the note, that's the
8 22 September 2010. Can you tell me what this is?

9 A. This again was for Mrs McCaig. I just thought that
10 I needed to keep the two things separate. It was really
11 asking her for guidance about what I should do now.

12 Sorry, can I have a look at all of it?

13 Q. Sorry?

14 LADY SMITH: Do you want to see the full page?

15 A. I do. Just having said that I prepared it for
16 Mrs McCaig, I'd like to check that up.

17 LADY SMITH: You now have memorandum at the top left, which
18 looks like the start of it; is that right?

19 A. It is.

20 LADY SMITH: Take a moment to read it.

21 (Pause)

22 A. Yes, I do remember this memorandum now. I'm not
23 certain, but I think it may have been written for myself
24 rather than Mrs McCaig.

25 MR MacAULAY: You don't actually mention the Walls brothers

1 in this document.

2 A. I prepared my document for Mrs McCaig and I think this
3 was written for me.

4 Q. And you narrate, for example, as we've seen in the
5 correspondence a few years ago you were approached by
6 the Archdiocese of Sydney in connection with
7 Father Aidan Duggan.

8 A. Yes.

9 Q. And now you've had this approach from the Walls brothers
10 also in connection with Father Duggan?

11 A. What really worried me -- do I mention here writing to
12 Birmingham Archdiocese?

13 Q. I don't think you do.

14 A. There is some note at least where I say that what the
15 Abbess of Stanbrook told me is that he was good with
16 children. Back in 2004, I thought that was in his
17 favour. Having heard from the Walls brothers that
18 he was capable of abusing children, I thought that
19 sounds very dangerous, therefore I ought to let
20 Birmingham know that there may come allegations from the
21 area where he'd been chaplain.

22 Q. I think you did that.

23 A. And I did that, but that may not be this document.

24 LADY SMITH: Can I just ask: paragraph 3, what is that
25 about? You say there:

1 "I would be open to contacting Father
2 MFC if necessary, to find out whether the
3 account of the [something] brothers could be considered
4 credible."

5 A. Yes. The previous document, my memorandum of the
6 meeting, said that the brothers had said that
7 Father MFC was the one person there who was
8 sane and if I wanted to contact him and find out more
9 about what was happening in Carlekemp, that was fine by
10 them.

11 MR MacAULAY: That's what I wanted to ask you.

12 A. That's why I wrote that paragraph 3.

13 Q. What I wanted to ask you on that paragraph is: did you?

14 A. I didn't. And I rather think -- I haven't got any
15 documentation, but I've got something in the back of my
16 mind telling me that Mrs McCaig sort of deflected from
17 that. Mrs McCaig knew, which I didn't know, that there
18 were allegations against Father MFC.

19 Q. At this time?

20 A. Yes.

21 Q. Then if we look at your letter to -- I think this is to
22 Mrs McCaig: BEN.001.002.0073. I think it's
23 a Ms Jane Jones, safeguarding coordinator for the
24 Archdiocese of Birmingham. It's dated 13 August 2011.
25 This pre-dates the memorandum we've just looked at,

1 which was September.

2 LADY SMITH: Was the memorandum the previous year?

3 MR MacAULAY: No, 2010. 2010.

4 A. This follows --

5 LADY SMITH: This is the next year, a year later?

6 MR MacAULAY: Yes, this is a year later.

7 A. This follows my meeting of 2011. I think you received

8 yesterday my memorandum following my meeting in 2011.

9 Q. Yes, we did. Can I look at the letter then. Here you
10 narrate what had happened in 2004 -- and towards the
11 bottom you say:

12 "A year ago I was approached by two men who had been
13 pupils at a school run by Fort Augustus Abbey in the
14 1950s."

15 And moving over to the next page, 0074:

16 "They made allegations of sexual abuse against
17 Father Duggan. My personal feeling was the allegations
18 were credible."

19 And I think you've already expressed that view.

20 A. Yes.

21 Q. And you're essentially writing to her to share this
22 information with her.

23 A. Yes. And I did the same to Cardinal Pell, I think.

24 Q. Let's look at that: BEN.001.002.0075.

25 This letter, I think, bears the same date,

1 13 August 2011. It's in relatively similar terms.
2 You're essentially informing him that you now have
3 information of allegations of abuse involving
4 Aidan Duggan.

5 A. Sorry, that I ...?

6 Q. You narrate that you had the correspondence and you're
7 telling him in the last paragraph of that page that you
8 were approached by two men --

9 A. Yes.

10 Q. -- and your personal feeling was that they were
11 credible.

12 A. Yes.

13 Q. Did you have any further dealings in connection with
14 either [REDACTED] after that time?

15 A. Either [REDACTED]?

16 Q. Yes. In correspondence, either -- sorry, either of the
17 Walls.

18 A. After the first meeting, I wrote several times to them,
19 basically because I felt that it was important to keep
20 in touch. They'd made allegations. There wasn't a huge
21 amount that I could do at the time, and the police
22 weren't investigating, but the least that I could do was
23 to keep in touch.

24 I forget whether it was I or they who took the
25 initiative about the second meeting, I think it was

1 they, and they came to see me a second time, a little
2 less than a year later. And again, as I say, you've
3 just had a note of that --

4 Q. Yes.

5 A. -- meeting. I think they wanted to talk about their
6 experiences.

7 Q. And the second meeting, we needn't look at the note, but
8 I think that was in August, again, 2011?

9 A. The beginning of August, yes.

10 Q. Have you seen the additional statement that David Walls
11 has sent to the inquiry?

12 A. Yes, I have.

13 Q. Again, if I can put that on the screen:

14 WIT.001.002.4595.

15 You'll see this is dated 11 March 2019. A number of
16 points are raised by David Walls, and one particular
17 point is as to when you knew when there might have been
18 allegations of abuse being made.

19 I think your position is that the first time you
20 knew in relation to specific allegations for
21 Fort Augustus or Carlekemp was in 2010.

22 A. Specific allegations?

23 Q. Yes.

24 A. I realise that I didn't mention the allegations in the
25 New South Wales lawyers' letters of violence at

1 Fort Augustus. To a certain extent, because sexual
2 abuse was dominant in my mind, I suppose I didn't think
3 about that.

4 Q. Do you see that as being the point that David Walls is
5 making, that --

6 A. Well, I am not -- sorry, go on.

7 Q. In that you did have a degree of knowledge as to there
8 having been some sexual allegations being made way back
9 in 2004.

10 A. Yes. There was no allegation of sexual abuse at
11 Fort Augustus in 2004. It was of violence, violent
12 behaviour, which of course is abusive, I agree.

13 Q. If we look at the second page of the statement at 4596
14 and if we move down towards the bottom of the page, it's
15 the paragraph beginning:

16 "From the correspondence referred to above, it is
17 clear that Dom Richard was aware as far back as 2004
18 that there had been allegations against monks at
19 Fort Augustus, since this formed a significant part of
20 the case presented by John Ellis, a victim of Father
21 Aidan Duggan."

22 I think that's the point they're trying to make:
23 that way back in 2004 you ought to have had some insight
24 into there being allegations, a potential for sexual
25 abuse.

1 He goes on to say that he would have thought you'd
2 have followed the litigation, which I don't think you
3 did, is what you've told us.

4 A. I wouldn't have known how to follow the litigation,
5 I don't think.

6 Q. I'm just putting to you what Mr Walls is putting
7 forward.

8 A. Yes. I accept that I was aware, although it was not
9 in the front of my mind, that there had been an
10 allegation that Father Aidan had displayed violent
11 behaviour. Yes, I accept that.

12 Q. I think the point he's seeking to make is that you ought
13 to have been aware that there was sexual abuse involving
14 the Benedictines before 2010, and I think your position
15 is that really the first direct allegations that you
16 obtained were from the Walls brothers themselves --

17 A. Yes.

18 Q. -- in 2010.

19 A. Yes.

20 Q. He also raises a point about the status of the
21 St Benedict's Abbey Fort Augustus Trust. Did you see
22 the point he seeks to make in connection with that?
23 I think you told us before that the trust was wound up
24 in 2011; is that correct or can you remember?

25 A. Well, we didn't do the winding-up, but Mr Walls has

1 evidence that it was actually 2012 by the time the trust
2 was removed from the register. At the General Chapter
3 of 2009 it was agreed that the trust should be wound up.
4 After that, it was in the hands of the trustees of the
5 Fort Augustus trust to do the winding-up. I asked our
6 Congregational bursar when this happened, when he
7 applied for it, and his reply was he didn't apply for
8 it, this was all done by the Fort Augustus trustees.

9 Q. Who were the trustees, can you tell me?

10 A. Father [REDACTED] MMF was one. The former Abbot of
11 Ampleforth and the current Abbot of Ampleforth.

12 Q. But in any event, the trust was wound up?

13 A. Yes.

14 Q. And that led to the transfer of the gift?

15 A. The gift had to be made before the trust was wound up,
16 yes. The gift was made in May 2011. Oh ... it was May
17 ... I'm ...

18 Q. We can get the dates --

19 A. Whether it was 2011 or 2010, I cannot remember.

20 Q. Can I then move on to look at the position of
21 Father [REDACTED] MFC briefly, with you. Again,
22 if we look at the timeline for him, this is at
23 INQ.001.002 --

24 LADY SMITH: Mr MacAulay, would it be sensible to have
25 a five-minute break now and then we can move to

1 Father [REDACTED] MFC ? I think we should do that.

2 MR MacAULAY: That makes sense.

3 LADY SMITH: Let's do that.

4 (3.00 pm)

5 (A short break)

6 (3.12 pm)

7 LADY SMITH: Dom Richard, are you ready for us to carry on?

8 A. Certainly, yes.

9 LADY SMITH: Thank you. Mr MacAulay.

10 MR MacAULAY: I was moving on to ask you some questions

11 about Father [REDACTED] MFC . I think I'm right in

12 saying that you had no direct communication at all with

13 Father [REDACTED] MFC is that correct?

14 A. No.

15 Q. I was going to look at the timeline. Before I do that,

16 can I just look put this document on the screen. This

17 is an extract from the chronicle and it is at

18 BEN.001.003.4987. You will see it's an article in the

19 [REDACTED] for 17 July 1956. Do you see that?

20 And if we can just expand that a little bit. I'll move

21 to the top and read it. We have the heading:

22 "Fort Augustus Abbey School. Ordination of three
23 old boys."

24 Do we read:

25 "There was a very large congregation in the abbey

1 church, Fort Augustus, on Sunday, when three old boys of
2 the abbey school were raised to the three major orders
3 in the church by the Right Reverend Francis Walsh,
4 Bishop of Aberdeen. They were: Father [REDACTED] MFC
5 Edinburgh, who was ordained to the priesthood;
6 Dom [REDACTED] MRQ, Duns, Berwickshire, who received the
7 diaconate; and Dom [REDACTED] MFG who received
8 the sub-diaconate."

9 Do we take from that that Father [REDACTED] MFC
10 was in fact a former pupil of Fort Augustus?

11 A. That's what I deduced when I read this, but I had no
12 other information about his education.

13 Q. As indeed were two others who have featured in the
14 evidence, that's [REDACTED] MRQ and [REDACTED] MFG.
15 They were all former pupils of the school?

16 LADY SMITH: Mr MacAulay, we can see that this was the
17 [REDACTED] on a Tuesday, but do we have a date
18 beyond that?

19 MR MacAULAY: Yes, we do: 17 July 1956. Can we move along
20 the screen?

21 LADY SMITH: Thank you.

22 MR MacAULAY: Can we then look at the timeline that has been
23 prepared for Father [REDACTED] MFC and that's
24 INQ.001.004.2701.

25 Do we see here, if we pick it up from the time of

1 his ordination, and the actual date given is
2 [REDACTED] 1956, I think the article was 17 July. But he
3 then is in Carlekemp thereafter from 1958 to 1961. He
4 then spent some time in Rome; do you see that?

5 A. Yes.

6 Q. And he's then in Fort Augustus for a considerable period
7 of time, from 1962 to 1969. He remained in
8 Fort Augustus in different positions until 1971 when he
9 goes to Carlekemp for about five years up to 1977.
10 I think you indicated that's when Carlekemp closed.

11 A. Yes.

12 Q. And he moved back to Fort Augustus between 1977 and
13 1988.

14 So he spends a considerable amount of time in
15 particular between the two schools. If we move on, can
16 we see that in 1992, he sought dispensation and
17 incardination into the Regina diocese in Canada?

18 A. Yes.

19 Q. And that was approved in 1993; do you see that?

20 A. Yes.

21 Q. So far as the period 1988 to 1992 was concerned, then,
22 he is in Canada, initially because he has taken one
23 year's sabbatical from Fort Augustus; that's what is
24 said there?

25 A. Yes.

1 Q. If I can take you back to the chronicle at
2 BEN.001.001.4654. This is an extract from the chronicle
3 from 1988, and if we scroll down towards the very
4 bottom, some four or five lines from the bottom, can we
5 see that for 6 May there's a council meeting. There's
6 a reference to a particular brother, and then:

7 "Father **MFC** : one-year sabbatical."

8 A. Yes.

9 Q. So that was the original reason why he went to Canada,
10 according to the records?

11 A. Yes.

12 Q. This notion of a sabbatical, is that something that from
13 time to time can occur?

14 A. It can. It's not ... it's not universal, but if
15 a person has been working in a school for a long time,
16 they can get exhausted with that sort of work, and
17 a sabbatical can with help.

18 **MFC** I never knew him. What I heard about him
19 was that he was quite a fine scripture scholar and,
20 I don't know, he might have gone to study scripture.

21 Q. But the one-year sabbatical turned into something quite
22 more extensive. Did you see anything in the records as
23 to how that came to happen?

24 A. No, I see very little in the records that I've seen.
25 Again, my informant in recent years has been

1 Father [REDACTED] MMF and he mentioned to me once that

2 Father [REDACTED] MFC seemed to get more and more disengaged
3 from Fort Augustus prior to his departure for Canada.

4 Q. Am I right in thinking that you met with a particular
5 individual who made allegations of abuse against
6 Fathe [REDACTED] MEV

7 A. I did, yes.

8 Q. And if you look at the pseudonym list, it's the top
9 name, and I think the pseudonym that's been allocated to
10 him is "John".

11 A. Against Father [REDACTED] MFC

12 Q. I'm sorry, against Father [REDACTED] MFC

13 A. Yes.

14 Q. Did you prepare a note of the meeting that you had with
15 this person? If we look at BEN.001.004.3952, is this
16 your note of the meeting?

17 A. Yes.

18 Q. I'm looking -- yes, the date. You met John on
19 4 July 2013?

20 A. Yes.

21 Q. Was this against a background of contact having been
22 made, I think, by another priest?

23 A. Contact was made, I think, in April, not immediately to
24 me, to the national office. I think it was the national
25 office who got in contact with me. I wrote to the

1 priest concerned, saying would he like to tell John
2 in the first place that I was sorry to hear this
3 story -- sorry, that I was sorry to hear his account of
4 abuse and if John wanted to see me, I was willing to do
5 what I could to see him.

6 Q. And I think that's what you did, you went to see him?

7 A. I did.

8 Q. Did he give you an account then of having been abused by
9 Father [REDACTED] MFC ?

10 A. Yes, except that he gave an account of having been
11 abused by Father [REDACTED] MFC . In other words, he wasn't
12 quite certain about the name. It was I who put together
13 that it sounded as though it was probably
14 Father [REDACTED] MFC . That was the main concern that
15 I had.

16 Q. And do you set out in the fourth paragraph of the note
17 what the nature of the abuse was?

18 A. Starting, "[Redacted] said that he had been abused"?

19 Q. Yes.

20 A. Yes, that is correct.

21 Q. And I think he mentioned two occasions; is that right?

22 A. At least two -- sorry, two occasions.

23 Q. If I read it --

24 A. You're right, yes.

25 Q. -- it involved Father [REDACTED] MFC rubbing his stomach, it

1 went on to Father [MFC] handling John's genitals and
2 requiring John to handle his genitals. That's one of
3 the occasions, I think.

4 A. Yes.

5 Q. And then there's another occasion after showering that
6 Father [MFC] told him to come to his study so that he
7 could dress a cut that he had incurred playing, I think,
8 rugby. Father [MFC] put his hand first on his leg,
9 then on his stomach, then on his genitals. Finally,
10 Father [MFC] told him to kneel on the floor and
11 Father [MFC] was behind him. He felt something against
12 his behind and today his presumption is that
13 Father [MFC] was masturbating on him.

14 A. Correct.

15 Q. That was the essence of his account.

16 A. That was his account.

17 Q. Did you find him credible?

18 A. I had been told beforehand by people who knew John --
19 and I think I mentioned this -- that he was a difficult
20 person in some ways, and I was prepared to be sceptical.
21 I think I said to the other priest when we came out,
22 "I'm pretty certain that something happened", and he
23 agreed with me. So credible as to the fact of abuse,
24 yes. Details, I would be -- details, I don't know, and
25 the real issue there is the identity of the abuser.

1 Q. You also had a meeting with another person who's on the
2 list in front of you. It's the second name on the list.

3 A. Yes.

4 Q. And this person's pseudonym is "James". If I could take
5 you to your note of that meeting, it's at
6 BEN.001.002.0292.

7 This was a meeting with James, I think at his house,
8 on 23 November 2015; is that right?

9 A. Yes. If I could just clarify: this was my first meeting
10 with James. I've had a second meeting for which you may
11 well not have any documentation because it was after
12 I ceased to be Abbot President.

13 Q. So you've had a much more recent meeting?

14 A. Yes.

15 Q. Perhaps I'll ask you about that in a moment. But so far
16 as this meeting was concerned, was this following upon
17 some phone communication with James?

18 A. He had been in touch with me. I offered to come and see
19 him and he accepted. There were some problems in
20 getting a date, but eventually I went along there.

21 Q. I think the position with James was that he suffered at
22 this time from a number of ailments, which were both
23 physical and psychological.

24 A. Yes.

25 Q. And I think he told you that he'd been involved in a car

1 accident; is that correct?

2 A. Yes.

3 Q. Looking to what he told you about abuse, first of all
4 it is clear he was not a resident at either of the
5 schools that we're interested in.

6 A. Indeed.

7 Q. But he said that he had been taken by brothers to
8 Pluscarden in the first instance.

9 A. Yes.

10 Q. What did he say about his experience there?

11 A. While he was at Pluscarden, he was abused, and I didn't
12 enquire who was responsible.

13 Q. Did you know if it was a monk or monks?

14 A. I don't know whether he even said. As I indicate in my
15 note, he had health problems, which meant that I really
16 wasn't prepared to quiz him at all about anything.

17 Q. He also, I think, told you that he was taken to
18 Fort Augustus and he said that he was abused when he was
19 there; is that correct?

20 A. Yes.

21 Q. What did he say about that?

22 A. He didn't give details of the abuse and I didn't ask him
23 for details of the abuse, and I told him I wasn't asking
24 for details and he thanked me.

25 As regards the individual, he named Father

MEY

1 What I've written here beneath the redactions I think
2 is that it sounded to me like Father [REDACTED] MEY [REDACTED]. Why
3 it sounded liked Father [REDACTED] MEY [REDACTED] I cannot now
4 remember.

5 Q. Unfortunately, you are faced with redactions, but what
6 you have written is:

7 "It sounded like Father [REDACTED] MEY [REDACTED], the [REDACTED]
8 [REDACTED] and by Father [REDACTED] MEZ [REDACTED]. It
9 all sounded dangerously like a paedophile ring."

10 A. Yes.

11 Q. Do we infer from that that the abuse that was being
12 alluded to was sexual abuse?

13 A. I deduced that without it being ... I don't think he
14 stated that to me explicitly, though he might have done.
15 It was certainly what I deduced because he'd been
16 talking about sexual abuse earlier on.

17 Q. What impression did you make of James, and in
18 particular, whether or not he was telling you the truth?

19 A. I'm sure he was ... I felt convinced in myself that
20 he was telling me the truth. The only problem for me
21 was that, given that I wasn't prepared to ask him
22 searching questions, my knowledge at the end was limited
23 about quite what had happened.

24 Q. You mention that you've had a further meeting with him;
25 when was that?

1 A. It was in 2017 and I would say it was October/November.

2 Q. Where did that take place?

3 A. At his home.

4 Q. Did he say anything more to you about anything that may
5 have happened to him in particular at Fort Augustus?

6 A. No, and I didn't ask.

7 Q. Was there a particular purpose for this meeting?

8 A. He wanted to see me, he asked.

9 Q. I now want to look at a number of discrete points with
10 you. The first relates to evidence that was provided to
11 the inquiry by a witness by the name of Desmond Vincent
12 Austin. Have you seen the statement that he provided to
13 the inquiry?

14 A. I have, yes.

15 Q. That's at WIT.003.001.9977. This is a supplementary
16 statement provided by Desmond Austin. It's dated
17 23 July 2019. It's really in response to Mr Austin
18 having read the transcript of the evidence you provided
19 to the inquiry on 23 June of 2017. There's really two
20 points that one can particularly focus upon and that's
21 looking towards the bottom of the first page, because
22 the other points are very general points in relation to
23 the approach and attitude of the order. But just
24 focusing on the penultimate paragraph where he says:

25 "The lack of records from the two monasteries is

1 simply astonishing."

2 And it is the case, isn't it, that there is
3 a paucity of records from both -- when he says "two
4 monasteries", I think he means Fort Augustus and
5 Carlekemp.

6 A. Yes, and I think her Ladyship mentioned this at the
7 previous meeting, that it was unsatisfactory.

8 There's one point which I think I would mention.
9 You get big personal files on people when people are
10 living away. If people are living in the monastery,
11 communication with them is usually oral. When I was
12 doing visitations, I used to encourage people to go and
13 talk to each other rather than write notes to each
14 other. That does result in rather skimpier personal
15 files than you would otherwise have. That's the only
16 comment I would make on that one.

17 Q. The notion of destruction of records that I think he
18 alludes to and I think you yourself mention that it
19 appeared to be the case that the personal files of monks
20 seemed to be destroyed when they died or left.

21 A. That is the only conclusion that I could come to after
22 looking at the Fort Augustus files.

23 Q. You come to that conclusion because the files weren't
24 there?

25 A. Because of which files were there and which weren't,

1 that I think it must have been a policy that when they
2 either died or left, the files were destroyed.

3 Q. And yet there appears to have been, and I think the
4 inquiry has seen it, a file for Father [REDACTED] MEV

5 A. Because he was still a member of the community when the
6 community closed -- and Father [REDACTED] MMF, who was
7 given that file, obviously kept it.

8 Q. Perhaps just to pick up a point he makes at the bottom
9 of the page, and I think he's quoting from what you said
10 in evidence:

11 "He had received letters from former pupils,
12 referring to Carlekemp and Fort Augustus ..."

13 And I think that is the case, isn't it, you've
14 received letters?

15 A. Yes, I did.

16 Q. We may have touched upon this before. In his words:

17 "... implying that it was a fairly robust regime."

18 And I think Mr Austin's point is that that is an
19 understatement.

20 A. Well, I rather think I'm quoting a former pupil.

21 Q. I think so far as the Walls brothers were concerned,
22 they described Carlekemp at least as a brutal regime.

23 A. Indeed.

24 Q. Separately, I think it is the case that you provided at
25 least written evidence to the McLellan Commission in

1 connection with Fort Augustus.

2 A. Yes.

3 Q. If you could look at BEN.001.003.7107 --

4 A. Mr MacAulay, may I explain something about that?

5 Q. Yes.

6 A. I was contacted by the National Safeguarding Office,
7 asking me for a statement, because Dr McLellan was
8 surprised that the bishops had not seemed to be very
9 involved with the Fort Augustus cases. So I was asked
10 to produce a statement about what I'd done, which was
11 fine, except that the statement had to be ready in
12 a very short time and I was going to be away for nearly
13 all the time that I had to prepare that statement. So
14 that statement was prepared without having access to
15 archives, all I had was access to my computer, so you'll
16 find it's pretty light on details like dates and there
17 may well be errors on things like dates. Apart from
18 that, I feel that it's fairly accurate.

19 Q. Subject to that caveat, and I don't propose to look in
20 particular at dates, there are a couple of points
21 I really want to take from you from this document. The
22 first is on page 7108. It's the second page of the
23 document.

24 I think this is something that you've probably
25 covered, but I just want to take it from you from here.

1 It's about four paragraphs down, just about halfway:

2 "If in 1988 (sic) you had asked me then my
3 impression of Fort Augustus, I would have said that the
4 monastery was dysfunctional ..."

5 We've covered that, I think. You go on to say:

6 "... and that I assumed the school had been poor and
7 probably badly run."

8 And that was your conclusion, having looked at the
9 materials that were available to you at that time?

10 A. No, "In 1998 if you'd asked me that". I hadn't looked
11 at any materials, I'd visited Fort Augustus once. I had
12 heard people talking about Fort Augustus and, on the
13 basis of what I'd heard, what I'd seen, that would have
14 been what I assumed.

15 Q. And what you've seen and examined since confirms that?

16 A. That the school had been poor maybe needs qualification.
17 I don't think it ever claimed to be a great academic
18 school and I suspect it wasn't. I think some people had
19 very good experiences at Fort Augustus.

20 Q. Indeed --

21 LADY SMITH: I think some people have said that there was no
22 need to do common entrance to get into Fort Augustus;
23 is that right?

24 A. I hadn't heard that, but that doesn't hugely surprise me
25 because one of the problems was that the numbers were

1 extremely small and one of the things that I would have
2 assumed was that therefore the teaching standards
3 couldn't be high because they didn't have the numbers to
4 enable them to employ good qualified staff. But I'm
5 talking on the basis of my suppositions rather than
6 actual knowledge.

7 MR MacAULAY: The second point I want to take you to is at
8 page 7112. We're back to the TV programme by Mark Daly.
9 You're dealing in that paragraph with Father [REDACTED] MEV ,
10 who you say:

11 "... had left Scotland after his abuse of ... and
12 settled in Australia, his homeland."

13 You go on to say:

14 "In 1999, when Fort Augustus was closing, he became
15 a priest of the Archdiocese of Sydney."

16 And we've looked at that:

17 "Father [REDACTED] [and that's Father [REDACTED] MEV] featured in
18 the BBC programme. Mr Daly had tracked him down in
19 Australia and was claiming, not unreasonably at first
20 sight, but unfairly as I later worked out, that Father [REDACTED]
21 [that's Father [REDACTED] MMF] at the time of his sexual abuse
22 failed to warn the church authorities in Australia when
23 Father [REDACTED] MEV went there."

24 We've gone over this, but at first the suggestion
25 there that at first you thought it was a reasonable

1 criticism to make by Mr Daly, but then you change your
2 position, and is that for the reasons you've already
3 given that he wasn't the abbot --

4 A. Yes.

5 Q. -- and therefore, really, it was the duty of the abbot
6 rather than --

7 A. Yes.

8 Q. So it's nothing to do with knowledge?

9 A. No.

10 Q. It's nothing to do with the fact that Father
11 did know of the abuse?

MMF

12 A. It's a matter of responsibility.

13 Q. Finally, while you're here, Dom Richard, can I just ask
14 you a little bit about confession. Is it now known as
15 the sacrament of reconciliation?

16 A. Yes.

17 Q. While at Fort Augustus and/or Carlekemp, would monks be
18 expected to go to confession?

19 A. Yes.

20 Q. I just want to know how that would be worked out within
21 the order. Would there be a proven confessor? By that
22 I mean a particular monk who was identified to be the
23 confessor, or would it be different monks to different
24 monks?

25 A. The short answer is that I don't know what the situation

1 was specifically at Fort Augustus. In most of the
2 monasteries of the Congregation, there is no outside
3 confessor and monks will go to confession to another
4 monk within the community. When you have a very small
5 community, that is not very practical, and you will
6 often get an outside confessor.

7 My guess would therefore be that probably at
8 Fort Augustus, the monks went to confession to another
9 monk. At Carlekemp, they might well have gone to
10 confession to another priest, a priest who was not
11 a monk, but I don't know. Sorry.

12 Q. Let's take the first hypothesis at least for
13 Fort Augustus, that a confessor would be another monk,
14 but it need not be the same monk, it could be different
15 monks?

16 A. Indeed, yes.

17 Q. The sexual abuse of a child would be a grave sin?

18 A. Yes.

19 Q. Can a monk celebrate Mass if he has committed a grave
20 sin?

21 A. He shouldn't, unless it's going to cause scandal and
22 problems for other people. Suppose he is the only
23 priest in the area and Sunday morning Mass is due, he
24 should celebrate that Sunday morning Mass rather than
25 refuse to say Mass because of the trouble it is going to

1 cause the people.

2 Q. Within the confines of the monastery, I think we've
3 heard that there would be perhaps a Mass where the
4 school would attend but also individual monks would be
5 saying Mass on their own with one altar boy serving the
6 Mass, so they were having the opportunity of having
7 a daily Mass being said.

8 A. Well, that would have been the case before, let us say,
9 1965/1970. After that, you would probably have had
10 a single Mass with all the priests concelebrating, maybe
11 one or two saying an individual Mass at a different
12 time.

13 LADY SMITH: Dom Richard, why is it that a monk cannot
14 celebrate Mass if he has committed a grave sin?

15 A. Because he should seek absolution before doing something
16 as sacred as celebrating the Eucharist: you should not
17 receive the Eucharist if you are conscious of being in
18 a state of grave sin.

19 LADY SMITH: You said you should not receive it, but we're
20 talking about him celebrating it, administering it to
21 others?

22 A. True, but if you're celebrating, you're going to receive
23 it, and it is even more the case that you shouldn't
24 celebrate if you're in a state of grave sin.

25 LADY SMITH: You're not in a state of grace yourself, so how

1 are you in any state to administer the Mass to anyone
2 else?

3 A. Sorry, my Lady, could you say that again?

4 LADY SMITH: You're not in a state of grace yourself, so how
5 are you in any state for it to be appropriate for you to
6 administer Mass to anybody else?

7 A. Exactly.

8 LADY SMITH: You're not?

9 A. No, you're not, sorry.

10 LADY SMITH: I don't follow why it would then be all right
11 to do it because there's an administrative problem, for
12 example, in that there isn't another local priest.

13 A. Because the duty to serve other people would mean ...

14 Let me start again. If you are in a state of grave
15 sin, you should seek absolution as soon as possible. In
16 the case which I just mentioned, namely that you cannot
17 get absolution before you are due to celebrate Mass for
18 people and there is no alternative available, the right
19 thing to do in those circumstances would be to celebrate
20 the Mass and then seek absolution afterwards. It's not
21 ideal.

22 LADY SMITH: Isn't the Mass tainted by your sin?

23 A. You are tainted -- sorry, I am tainted by my sin. The
24 Mass remains valid because it is not my Mass, it's the
25 church's Mass --

1 LADY SMITH: I see.

2 A. -- and it's Jesus' Mass.

3 LADY SMITH: Mr MacAulay.

4 MR MacAULAY: Key to this discussion is absolution?

5 A. Yes.

6 Q. And key to absolution is going and confessing the grave
7 sin to the confessor?

8 A. Yes.

9 Q. So that in that situation, if you have a monk or monks
10 who were abusing children, then in order to celebrate
11 Mass and not be in grave sin, they would have to go to
12 confession and seek absolution; is that right?

13 A. Yes.

14 Q. In that situation, clearly the monk who's making the
15 confession would know, but also so would the confessor,
16 that a grave sin had been committed, a grave sin being
17 the sexual abuse of a child. So there would be a state
18 of knowledge if monks were abusing children and
19 confessing.

20 A. This isn't immediately the question you're asking,
21 I think, but my impression is that people who are
22 engaged in something as bad as that usually have twisted
23 reasons which convince them that they're not doing
24 anything wrong. So they might not confess anything or
25 they might confess something rather different to what

1 you and I would consider to be the sexual abuse of
2 children.

3 Q. We've heard about the sanctity of the confessional and
4 I think one understands that. Can I just understand how
5 extensive that is? Say, for example, a priest has been
6 hearing confessions over a period of time, and over that
7 period of time he's been hearing confessions that
8 involve child abuse, would it be a breach of the
9 sanctity of the confessional for that priest to draw
10 attention in a general way that there is sexual abuse
11 going on at a particular place?

12 A. Can I answer that in a different way, please? The
13 advice which the English safeguarding guidelines give
14 is that the priest who is hearing the confession should
15 insist that the penitent report the abuse which he has
16 committed before giving absolution because the priest
17 who is hearing the confession is obliged and remains
18 obliged to observe the Seal of the Confessional, but the
19 person who is making the confession is not so obliged
20 and ought to be compelled under penalty of not receiving
21 absolution.

22 Q. But looking to my general question, if over a period of
23 time of time a priest has heard confessions that
24 indicate there is sexual abuse in a particular location,
25 would it be in breach of the Seal of the Confessional

1 for that priest to draw attention in a general way that
2 there is sexual abuse occurring in this particular
3 place?

4 A. No, it wouldn't be, on condition that he does not link
5 any individual penitent with that crime. That's the
6 problem.

7 MR MacAULAY: Well, thank you for that, Dom Richard.

8 I understand there are a couple of points you yourself
9 would want to make, and before you make them, I think
10 I can confirm that no questions have been submitted to
11 me for Dom Richard.

12 LADY SMITH: Are there any outstanding applications for
13 questions of Dom Richard? No.

14 Dom Richard, Mr MacAulay has indicated there's
15 something you want to add. Would you like to tell me
16 what it is?

17 A. In the first place, my Lady, I would just like to
18 thank you and thank the inquiry for the work that you're
19 doing to safeguard children.

20 The second thing I would like to say is, obviously,
21 for me, all this has not been a pleasant experience. At
22 the same time I realise the experience that it has been
23 for me is nothing at all compared to the experience that
24 it has been for people who have been abused. I would
25 just like to say, on my own behalf, since I occupy no

1 LADY SMITH: Yes. Thank you very much. I will rise now
2 until 10 o'clock tomorrow morning.

3 (3.52 pm)

4 (The inquiry adjourned until
5 10.00 am on Friday, 13 September 2019)

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DOM RICHARD YEO (sworn)1

Questions from Mr MacAULAY1

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